

Florida's Supreme Court

Brief Description

Organization

The highest Court in Florida is the Supreme Court, which is composed of seven Justices. At least five Justices must participate in every case and at least four must agree for a decision to be reached. The Court's official headquarters is the Supreme Court Building in Tallahassee. To be eligible for the office of Justice, a person must be a registered voter who resides in Florida and must have been admitted to the practice of law in Florida for the preceding 10 years.

Jurisdiction

The jurisdiction of the Supreme Court is set out in the Constitution with some degree of flexibility by which the Legislature may add or take away certain categories of cases. The Court must review final orders imposing death sentences, district court decisions declaring a State statute or provision of the State Constitution invalid, bond validations, and certain orders of the Public Service Commission on utility rates and services.

In addition to these forms of mandatory review authority, if discretionary review is sought by a party, the Court at its discretion may review any decision of a district court of appeal that expressly declares valid a state statute, construes a provision of the state or federal constitution, affects a class of constitutional or state officers, or directly conflicts with a decision of another district court or of the Supreme Court on the same question of law.

The Supreme Court may review certain categories of judgments, decisions, and questions of law certified to it by the district courts of appeal and federal appellate courts.

The Supreme Court has the constitutional authority to issue the extraordinary writs of prohibition, mandamus, quo warranto, and habeas corpus and to issue all other writs necessary to the complete exercise of its jurisdiction. These writs, which bear names as ancient as their common-law origins, have been considered indispensable to our legal system, and the Constitution specifically authorizes their issuance in a proper case without the necessity of having to proceed initially to trial.

They are by nature "extraordinary," and for that reason are not available as an alternative to the usual trial and appeal. Both by their historical development and by current judicial decisions, the writs are made available only in a narrow class of exceptional cases.

Probably the best-known writ is habeas corpus, which may be invoked by any person who seeks release from custody or confinement which is asserted to be unlawful. Upon application to any Justice or judge, the persons may test the legality of their detention, not as to guilt or innocence, but solely as to whether the commitment to custody was lawful and the retention in custody is in accordance with the requirements of due process.

Two closely related writs are the writ of prohibition, by which a court may prevent a lower tribunal from acting upon matters that are not within its jurisdiction or from exceeding its lawful powers, and the writ of mandamus, by which a court may compel an official to perform a duty the law requires but that the official has failed or refused to perform.

The writ of quo warranto, although rarely sought, is available to challenge the right of public officials to hold the offices to which they claim entitlement.

The Supreme Court also renders advisory opinions to the Governor, upon request, on questions relating to the Governor's constitutional duties and powers. As the state's highest tribunal, the Supreme Court possesses distinctive powers that are essential to the exercise of the state's judicial power but that are not, strictly speaking, decision-making powers in contested cases.

The Court promulgates rules governing the practice and procedure in all Florida courts, subject to the power of the Legislature to repeal any rule by a two-thirds vote of its membership, and the Court has the authority to repeal (if five Justices concur) any rule adopted by the Judicial Qualifications Commission.

The Court has exclusive authority to regulate the admission and discipline of lawyers in Florida. To assist in the performance of those regulatory powers, the Court has adopted a code of professional conduct, established the [Florida Board of Bar Examiners](#) to administer the admissions process, and created [The Florida Bar](#) to superintend bar governance.

The Court has been assigned the responsibility to discipline and remove judicial officers. The Court has adopted a Code of Judicial Conduct, and upon the recommendation of the [Judicial Qualifications Commission](#), it may discipline or remove any Justice or judge who is found to have violated code standards.

No single aspect of the Court's jurisdiction receives more public notice than the death penalty cases. Most people are unaware that the Court is strictly required to follow a procedure dictated by the United States Supreme Court. Under this procedure, the Court must look at what are called "aggravating" and "mitigating" factors. Aggravating factors include the fact that a murder was "execution-style" or was very torturous. Mitigating factors can include mental illness, contributions to the community during life, or the fact the murderer was very young. The death sentence can never be imposed if there are no aggravating factors.

If at least one aggravating factor exists, the Court then must see how it weighs against the mitigating factors. If the aggravating factors outweigh the mitigating factors, then death is a legal penalty.

People sometimes ask where death chamber chair is housed. It is not located in Tallahassee, but is kept in a State prison in a rural area between Jacksonville and Gainesville. Florida has no permanent executioner, but allows residents of the State to qualify as a "volunteer" for this role. Each executioner is paid a small amount for the effort. Identities of the executioners are never revealed.

When the day of execution arrives, the Court also plays another role. By longstanding tradition, one Justice will be present at the Court at the time of execution. An open phone line is maintained between the Governor's office and the Court. Another open phone line is maintained between the Governor's office and the state prison.

Florida's District Court of Appeals

Brief Description

Organization

The bulk of trial court decisions that are appealed are never heard by the Supreme Court. Rather, they are reviewed by three-judge panels of the district courts of appeal. Florida did not have district courts of appeal until 1957.

Until that time, all appeals were heard solely by the Supreme Court. As Florida grew rapidly in the twentieth century, however, the Supreme Court's docket became badly congested. Justice Elwyn Thomas with help from other members of the Court perceived the problem and successfully lobbied for the creation of the district-court system to provide intermediate appellate courts.

The Constitution now provides that the Legislature shall divide the State into appellate court districts and that there shall be a district court of appeal (DCA) serving each district. There are five such districts that are headquartered in Tallahassee, Lakeland, Miami, West Palm Beach, and Daytona Beach.

DCA judges must meet the same eligibility requirements for appointment to office, and they are subject to the same procedures and conditions for discipline and removal from office, as Justices of the Supreme Court. Like Supreme Court Justices, district court judges also serve terms of six years and will be eligible for successive terms under a merit retention vote of the electors in their districts.

In each district court, a chief judge, who is selected by the district court judges within the district, is responsible for the administrative duties of the court.

Jurisdiction

The district courts of appeal can hear appeals from final judgments and can review certain non-final orders. By general law, the district courts have been granted the power to review final actions taken by state agencies in carrying out the duties of the executive branch of government.

Finally, the district courts have been granted constitutional authority to issue the extraordinary writs of certiorari, prohibition, mandamus, quo warranto, and habeas corpus, as well as all other writs necessary to the complete exercise of their jurisdiction.

As a general rule, decisions of the district courts of appeal represent the final appellate review of litigated cases. A person who is displeased with a district court's express decision may ask for review in the Florida Supreme Court and then in the United States Supreme Court, but neither tribunal is required to accept the case for further review. Most are denied.

Florida's Circuit Courts

Brief Description

Overview

Until 1973, Florida had more different kinds of trial courts than any state except New York. A movement developed in the late 1960s to reform this confusing system. As a result, Florida now has a simple two-tiered trial court system. A temporary exception was the municipal court, which was not abolished until January 1, 1977. Most of these courts in major population areas were abolished on January 1, 1973.

The majority of jury trials in Florida take place before one judge sitting as judge of the circuit court. The circuit courts are sometimes referred to as courts of general jurisdiction, in recognition of the fact that most criminal and civil cases originate at this level.

Organization

The Constitution provides that a circuit court shall be established to serve each judicial circuit established by the Legislature, of which there are twenty. Within each circuit, there may be any number of judges, depending upon the population and caseload of the particular area.

To be eligible for the office of circuit judge, a person must be an elector of a county within the circuit and must have been admitted to the practice of law in the state for the preceding five years.

Circuit court judges are elected by the voters of the circuits in nonpartisan, contested elections against other persons who choose to qualify as candidates for the position. Circuit court judges serve for six-year terms, and they are subject to the same disciplinary standards and procedures as Supreme Court Justices and district court judges.

A chief judge is chosen from among the circuit judges and county judges in each judicial circuit to carry out administrative responsibilities for all trial courts (both circuit and county courts) within the circuit.

Jurisdiction

Circuit courts have general trial jurisdiction over matters not assigned by statute to the county courts and also hear appeals from county court cases. Thus, circuit courts are simultaneously the highest trial courts and the lowest appellate courts in Florida's judicial system.

The trial jurisdiction of circuit courts includes, among other matters, original jurisdiction over civil disputes involving more than \$15,000; controversies involving the estates of decedents, minors, and persons adjudicated as incapacitated; cases relating to juveniles; criminal prosecutions for all felonies; tax disputes; actions to determine the title and boundaries of real property; suits for declaratory judgments that is, to determine the legal rights or responsibilities of parties under the terms of written instruments, laws, or regulations before a dispute arises and leads to litigation; and requests for injunctions to prevent persons or entities from acting in a manner that is asserted to be unlawful.

Lastly, circuit courts are also granted the power to issue the extraordinary writs of certiorari, prohibition, mandamus, quo warranto, and habeas corpus, and all other writs necessary to the complete exercise of their jurisdiction.

Florida's County Courts

Brief Description

Organization

The Constitution establishes a county court in each of Florida's 67 counties. The number of judges in each county court varies with the population and caseload of the county. To be eligible for the office of county judge, a person must be an elector of the county and must have been a member of The Florida Bar for five years; in counties with a population of 40,000 or less, a person must only be a member of The Florida Bar.

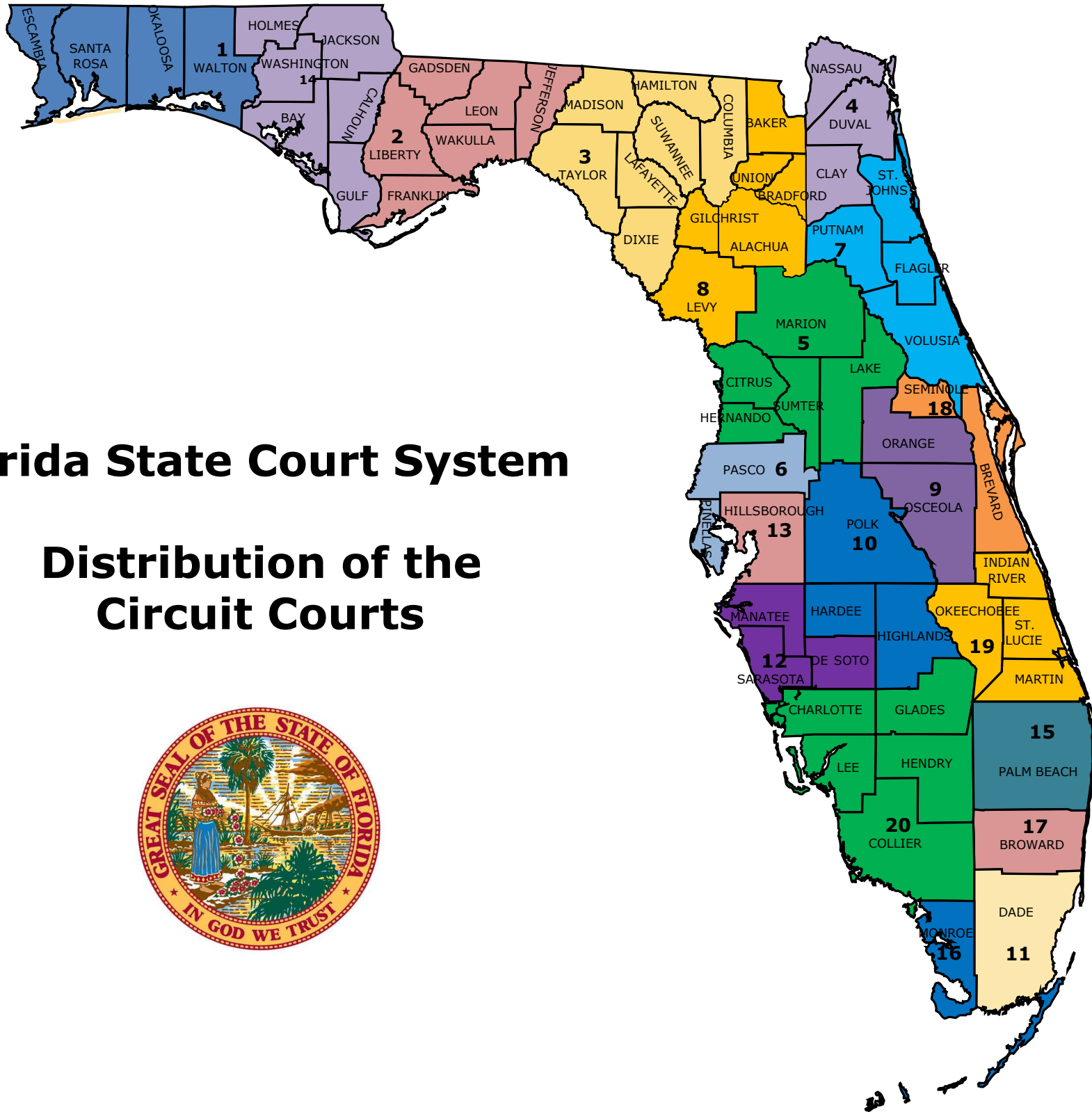
County judges are eligible for assignment to circuit court, and they are frequently assigned as such within the judicial circuit that embraces their counties.

County judges serve six-year terms, and they are subject to the same disciplinary standards, and to the jurisdiction of the Judicial Qualifications Commission, as all other judicial officers.

Jurisdiction

The trial jurisdiction of county courts is established by statute. The jurisdiction of county courts extends to civil disputes involving \$15,000 or less.

The majority of non-jury trials in Florida take place before one judge sitting as a judge of the county court. The county courts are sometimes referred to as "the people's courts," probably because a large part of the courts' work involves voluminous citizen disputes, such as traffic offenses, less serious criminal matters (misdemeanors), and relatively small monetary disputes.



Florida State Court System

Distribution of the Circuit Courts

