

What Are Florida's Various Courts?

Courts in Florida are divided into county courts, circuit courts, district courts of appeal, and the Florida Supreme Court. Trials are held in county courts and circuit courts. If a party believes a county court or circuit court decided a case in error, he/she may ask that the case be reviewed by a higher court. This is called an appeal. County court cases are appealed to the circuit court, circuit court cases are appealed to the district courts of appeal. For complaints affecting a person's license, registration or certification to practice a profession or trade, or for certain other decisions made by state regulatory agencies, there is an administrative hearing process through the Division of Administrative Hearings (DOAH) which must be completed before the agency decision is challenged in the courts (Chapter 120, Fla. Stat.). DOAH also houses the Office of Judges of Compensation Claims for those individuals who have a worker's compensation claim (Chapter 440, Fla. Stat.). In addition to state courts, a lawsuit may be brought in the federal court system in cases involving or arising under federal law or for large claims involving citizens of different states. Federal district courts are the trial courts in the federal system, and federal circuit courts, the courts of appeal. For more information, refer to Title V, Florida Statutes.

What Types Of Cases Are Considered By The County Courts? Some less serious criminal offenses (misdemeanors, punishable by fines and/or county jail up to one year), traffic offenses and civil cases where the amount claimed is under \$15,000 are handled in the county court. Disputes under \$5,000 are handled in small claims division of the county court (§ 34.01, Fla. Stat.).

QUICK FACTS ABOUT THE COUNTY COURT

A county court judge must be an attorney for five years (except if the population is less than 40,000 in that county) in good standing with The Florida Bar, an elector (resident) of the county where he/she is to serve, and is usually elected by the public to serve a six year term. A county court judge may be re-elected. Should a vacancy occur during a term, the Governor may appoint a replacement from a list of nominated qualified attorneys.

What Types Of Cases Are Heard By The Circuit Court? All serious criminal offenses (felonies, punishable by fines and/or prison of at least 1 year and 1 day), matters involving the property of a person who has died (probate), guardianships, juvenile matters for those under age 18, civil cases where the amount claimed is more than \$15,000, divorces and most actions involving real estate are heard by the circuit court (§ 26.012, Fla. Stat.).

Appeals from most county court decisions and from final orders of local government code enforcement boards are heard by the Circuit Courts.

QUICK FACTS ABOUT THE CIRCUIT COURT

A circuit court judge must be an attorney for five years, in good standing with The Florida Bar, an elector (resident) of the county where he/she is to serve, and is usually elected by the public to serve a six year term. A circuit court judge may be re-elected. Should a vacancy occur during the term, the governor may appoint a replacement from a list of nominated qualified attorneys.

What Types Of Cases Are Heard By The District Courts Of Appeal? Each court can hear appeals from final judgments of lower courts, it can review certain non-final orders, and by general law it has the power to review final actions taken by state agencies. Additionally each district court has the authority to issue extraordinary writs as necessary to perform its duties.

QUICK FACTS ABOUT THE DCA

There are five district courts of appeal throughout the state. District court judges are appointed by the governor from a list of nominated qualified attorneys; each must be an attorney for five years in good standing with The Florida Bar and an elector of the district where he/she is to serve. District judges are subject to retention election every six years. This means that regardless of when the judge is appointed, each judge's name appears on the next general election ballot, and the public may vote to retain or remove that judge from office.

What Types Of Cases Are Heard By The Florida Supreme Court? The Florida Supreme Court's jurisdiction is limited by the Florida Constitution. This means it can only decide certain kinds of cases. The court must review final orders imposing death sentences, decide cases involving the discipline of attorneys, review district court decisions declaring a Florida statute or provision of the Florida Constitution unconstitutional, bond validations, certain other state agency orders, and may review cases involving disagreements of district courts of appeal on the same issue of law. The court has discretionary review of most matters, and few cases referred to the court will be heard. The court may render advisory opinions to the governor when asked. All Florida attorneys are subject to the authority of the court should someone file a complaint with The Florida Bar regarding an attorney's conduct.

QUICK FACTS ABOUT THE FLORIDA SUPREME COURT

There are seven Supreme Court justices and each is appointed by the governor from a list of nominated qualified attorneys. Each justice must be an attorney for ten years in good standing with the Florida Bar, and two justices may be selected from a state wide pool of qualified applicants. A justice may serve until the mandatory retirement age of 70. The governor must appoint a justice from each of the five geographical areas that contain the district courts of appeal. Supreme Court justices are subject to

retention election. Regardless of when the justice is appointed, each justice's name appears on the next general election ballot, and the public may vote to retain or remove that justice from office.

Do I Need An Attorney To File A Civil Case In Court? An attorney is not required for an individual to file a case in court. If the claim is based on a written document, you should bring it with you when you file a claim. The court clerk's office has simple forms for you to complete if the amount involved is less than \$15,000. However, it is usually best to talk with an attorney before handling a case in court yourself.

How Long Do I Have To File A Lawsuit? The length of time you have to file a lawsuit varies by the type of case (Chapter 95, Fla. Stat.). If you have a possible claim or want to file a lawsuit, consult an attorney as soon as possible to protect your rights. The Florida Bar and local bar associations operate lawyer referral services to assist you in finding an attorney for your special needs. The service allows you to meet with an attorney for an initial consultation at costs ranging from \$25 to \$50.