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1979 Report On The Florida Judiciary

Submitted By

Chief Justice Arthur J. England, Jr.

Tallahassee, Florida

April 1979

ARTHUR J. ENGLAND, JR.
CHIEF JUSTICE
SUPREME COURT

STATE OF FLORIDA
TALLAHASSEE 32304

April 2, 1979

Honorable Philip D. Lewis, President
and Members of the Senate

Honorable J. Hyatt Brown, Speaker
and Members of the House of Representatives

Ladies and Gentlemen:

Enclosed with this letter is the 1979 Report on the Florida Judiciary. The report provides an analysis of the current burdens and immediate needs of the trial and appellate courts of the state.

The recommendations reported for your consideration are based on extensive scholarly studies of the Florida court system by various committees and commissions, state and national. These studies have been evaluated with great care by the justices of the Florida Supreme Court. As chief justice, it is my responsibility to submit the Court's views on these important topics, and it is my duty to request that you act promptly to eliminate the factors which now interfere with the economical, expeditious and just disposition of cases in the courts of Florida.

Sincerely yours,

Arthur J. England, Jr.

AJEJr/am
Enclosure

Ladies and Gentlemen of the Florida Legislature:

For any branch of government to survive and function effectively in contemporary society, it must have the capacity to satisfy the demand which it has been created to meet, and it must perform its designated tasks in a way that will instill confidence in the people whose needs it serves. It is my duty to advise you that the courts of Florida are no longer capable of satisfying the demands placed on them by the people and the laws of this state, and that unless certain steps are taken now, the public's confidence in the judiciary will be seriously imperiled. Those steps include the creation of seventeen additional trial court judgeships, the establishment of a fifth district court of appeal, the creation of ten additional district court of appeal judgeships, and the adoption by Florida's citizens of a constitutional amendment which redefines the role of the Florida Supreme Court in relation to the function it performs in the judicial branch of government.

I

It is certainly not necessary for me to detail the factors that have produced the caseload pressures, and the attendant delays in case dispositions, which have plagued the Florida judiciary at all levels. These factors were explored for you last year and the year before in the annual reports presented by then Chief Justice Overton, and they are outlined more recently in the attached report of the Commission on the Florida Appellate Court Structure. I have attached as Appendix A of this report some caseload and population statistics which dramatize the growth in both categories in recent years.

One dominant need of the court system is the addition of judicial personnel. The judiciary article of our constitution--Article V as adopted in 1972--provides an ideal means by which necessary adjustments in personnel can be made at most levels of our judicial system. The benefits offered by Article V have been more than proved in the last seven years, for without the flexibility which it afforded, the majority of personnel problems that exist today would have been far more severe at an earlier date. It would be well to recount the range of growth accommodations which Article V has provided.

Article V has made possible the geographic transfer of judges throughout the state, the horizontal mobility of

judges within the structure of the court system, and the supplementation of full-time judicial positions with retired judicial personnel--all through simple assignment by the chief justice or by the chief judges of the judicial circuits. Article V has relieved judges of non-judicial administrative burdens, by providing centralized administration of the entire court system through the office of the state courts administrator and coordinate local administrators who now serve in most of the state's judicial circuits. Article V has also made possible adjustments in the number of county court, circuit court, and district court judgeships, based on a combined annual evaluation of need by the Supreme Court and the legislature.

Through these mechanisms, Article V has provided the administrative tools to accommodate growth in the state and to deal expeditiously with temporary emergencies which occur in various locales throughout the state. Once again this year the Court has turned to Article V, coupled with the legislative appropriations process, to meet the caseload needs of the trial courts and the district courts of appeal. Attached to this report as Appendix B are copies of the Court's certifications under Section 9 of Article V for seventeen new trial court judgeships, for ten new district court judgeships, and for the creation of a new judicial district from within the boundaries of the four presently

in existence. Full justification for the positions certified and for the realignment of the state's judicial districts is contained in those certifications and in the report of the Commission on the Florida Appellate Court Structure.

Supplementing these certification orders is a request for adequate funds, both for fiscal 1979-80 and 1980-81, to permit the employment of retired judges for temporary judicial assignments. As you know, it is inevitable in a state as large as ours that some judicial positions become vacant during the course of a year. Temporary absences and unanticipated attrition occur from retirements, illnesses, deaths, elevations to higher judicial posts within our state court system, departures for judicial service in the federal courts, and resignations for financial and a variety of other reasons. Fortunately, however, the assignment of retired judges enables us to recoup some of the bench-hours that would otherwise be lost. The need for this reserve of judicial manpower is evidenced by the fact that all funds allocated by the 1978 legislature for the assignment of retired judges during the current fiscal year were exhausted in the first nine months of the year.

The creation of the newly-certified circuit court, county court, and district court judgeships, the establishment of the proposed new judicial district, and the appropriation of adequate funds for the assignment of retired judges, are essential to the continued effectiveness of our judicial system.

II

Although Article V of the constitution establishes adequate means to provide the personnel necessary to service the needs of the trial courts and of the district courts of appeal, the framework of Article V is wholly inadequate to support the Florida Supreme Court's ability to discharge its many judicial functions. At first blush it may seem early in the history of Article V to consider revision, it having been adopted only seven years ago; but I submit to you that it is not too soon, and that constitutional change must be effected promptly if this state's highest court is to fulfill its appropriate constitutional role.

The district courts were created in 1957 to hear most appeals as a matter of right in the court system. The Supreme Court's annual caseload, which then consisted of approximately 1,400 appeals, was largely assigned to those new courts. To cope with these cases, three district courts were created, each having three judges. Inexorably, the growth in litigation in Florida led to an increase both in the number of district courts and in the number of judges sitting in panels of three on each. Today there are four district courts, each having seven judges. These courts heard more than 9,500 cases in 1978.

Creation of the district courts in 1957 did not,

however, remove all appellate responsibility from the Supreme Court. Anticipating a greatly reduced caseload, the Court retained a panoply of jurisdictional responsibilities. No aspect of the Court's 1957 jurisdiction has been relinquished; indeed, it has actually been augmented over the years.

Today, the Court's jurisdiction embraces (1) discretionary review of certain trial court orders and certain classes of district court decisions; (2) mandatory appellate review of trial court orders imposing the death penalty and validating bonds; (3) mandatory appellate review of all trial court orders and district court decisions passing on the validity of statutes or construing constitutional provisions; (4) mandatory appellate review of all administrative decisions rendered by the Public Service Commission and of all workmen's compensation orders entered by the Industrial Relations Commission; (5) original jurisdiction to issue the extraordinary writs of mandamus, prohibition, habeas corpus and quo warranto; (6) rulemaking responsibilities with respect to practice and procedure in all the state's courts; (7) supervisory responsibilities over the admission and the discipline of attorneys; (8) direct review of recommendations from the Judicial Qualifications Commission for the suspension or removal of judges; and (9) advisory opinions to the

governor. In addition, the Court answers unresolved questions of Florida law certified from federal appellate courts.

During the twenty-two years since the district courts were created, the number of trial court judges has necessarily expanded, just like district court judgeships, to meet population growth and increased caseloads. Yet despite this increase in the number of judicial tribunals from which review may be sought in the Supreme Court, the jurisdiction of the Court has remained virtually as it was in 1957. Plainly, the jurisdictional framework constructed for the Court in 1957 is too expansive today. Current caseload data illustrates the point. Last year the Court received 2,740 new cases and decided cases at the astonishing rate of over 200 dispositions each month. Nonetheless, the daily backlog remained roughly equal to the 1,400 cases filed annually with the Court when the district courts of appeal were first created.

III

Recognizing the growing inability of the appellate courts to discharge their diverse responsibilities expeditiously, despite administrative efficiencies made within the courts, I appointed an independent study commission of lawyers, judges, legislators, and laymen to evaluate the problem of mounting appellate caseloads in the Supreme Court and the other appellate courts of the state. The commission conducted hearings and met continuously for eight months in an effort to identify causes and to formulate solutions. The recommendations of this commission are contained in its final report, copies of which have already been made available to the legislature and to the public.

The Court has carefully analyzed the commission's recommendations and, as discussed in Part IV of this report, has essentially approved them as proposed. The only set of recommendations with which the Court could not agree were those directed to the jurisdiction of the Supreme Court. Several considerations convinced the justices that the commission's recommendations fall short of resolving the Court's caseload dilemma.

First of all, the commission advised the Court that its members were reluctant to consider constitutional change,

not because it did not seem warranted, but rather because the voters of Florida resoundingly rejected constitutional revision on a range of other matters in November 1978. The Court believes that constitutional change is imperative, however, and we do not accept as a premise that the events of 1978 are indicative to any extent of what the people of Florida will do in 1979 or 1980 to resolve the crisis which now exists in their highest judicial tribunal.

The Court further believes that the nonconstitutional recommendations of the commission are themselves inadequate to stem the flood of filings which the justices must presently review. Those recommendations stem from the dual beliefs that the Court can exercise greater self-restraint in deciding which cases it will hear, and that the attorneys of Florida will exercise greater self-restraint in bringing matters to the Court if more definite standards of review are developed for their general guidance. A close analysis of these beliefs convinced the Court that they are not so compelling as to justify postponing inevitable constitutional change.

With respect to the Court's asserted lack of self-restraint, statistical data indicates that the Court has in reality exercised great restraint in accepting for review the cases over which it has any freedom of choice.

Consistently over the years, discretionary petitions have been granted in less than five percent of the cases brought to the Court. The annual increase in the number of requests for discretionary review has been the problem in this area, not the extent to which the Court has exercised its discretion. The consequence of the sheer increase in filings has been that attorneys, rather than the justices, have controlled the time and resources of the Court. The advent of a fifth district court of appeal will immediately aggravate this aspect of the Court's problems under the present constitution, not only because more cases will filter up to the Court, but as well because they will arrive at an accelerated rate.

With respect to the commission's second premise, it is purely conjectural that attorneys in Florida will exercise greater restraint if standards of review are articulated by the Court. For one thing, the standards proposed by the commission are in large part a codification of existing caselaw, which has long been available for those who would care to use it. For another, attorneys' self-restraint will always be limited, both by the demands of their clients to seek review in the highest court and by their ethical obligation to advise clients that alternate appellate forums may be selected quite legitimately under the present consti-

tution. Attorneys who prefer to bypass a district court as a matter of tactics may do so simply by raising in the trial court a constitutional issue, a ruling on which automatically activates a right of direct appeal to the Supreme Court. For another, the actual guidelines recommended by the commission for the Court's adoption are wholly precatory; rather than offering attorneys a clear statement of when the Court will accept or reject cases brought for review, the proposed guidelines merely provide another source of authority to support arguments that review should be afforded. Finally, the Court has serious reservations about attempting to stem the flow of direct appeals, as the commission suggests, by placing on the constitutional directive that we "shall" hear certain appeals a Court-created gloss which restricts appealable issues to those which are deemed "substantial."

The Court has unanimously resolved that its jurisdictional problems should not be ameliorated with tentative solutions, but that they should be confronted directly and dealt with definitively. To meet these problems, the justices of the Supreme Court recommend that the legislature adopt an amendment to article V, section 3 of the Florida Constitution, in the form which appears as Appendix C to this report, and that this amendment be submitted to the people of the State of Florida not later than the presidential

primary election to be held in March 1980.

The proposed amendment has four significant features. First, the Court's mandatory appellate jurisdiction would be limited to death penalty cases, bond validation cases, and decisions of the district courts which expressly rule on the validity of a statute or construe a constitutional provision. Second, the Court's discretionary jurisdiction would be redesigned to require a certification by a district court that its decision either passes on a question of great public interest or directly conflicts with another Florida appellate court decision. Third, the Court would be relieved of all initial review of the decisions of administrative agencies. Fourth, the Court would be granted discretionary authority to "reach down" to any level of the judicial system to afford expedited review of any case having urgent importance and statewide implications.

(1) Mandatory appeals. Obviously, cases in which the death penalty has been imposed must be reviewed by the Supreme Court. At the present time, there are exactly 100 of these cases pending in the Court, over half of which have not yet been submitted to the justices because the necessary briefs and records have not been filed. These are, of course, the most difficult and time-consuming cases which the Court considers. (In a later portion of this report, I have recommended that the legislature consider

a more efficient way to process these cases into and through the Court.) The constitutional amendment that we have proposed preserves our review of these cases and bond validations, but it deletes existing authority to add to our jurisdiction those cases in which a sentence of life imprisonment has been imposed.

Under the present constitution, we must also accept cases in which a trial court or district court has passed on the validity of a statute or has construed the state or federal constitution. The need for the Court's initial review of these cases is no longer justified. Many are resolved on alternate, nonconstitutional grounds, and most include a number of routine issues of limited significance which the district courts are well equipped to resolve expeditiously. By channeling all trial court orders through the district courts of appeal, numerous cases will be resolved at that appellate level, insubstantial constitutional challenges can be dealt with summarily, and significant issues will in all cases come to the Court not only with counsel's views, but with a fully-developed record and the benefit of written appellate analysis. In the event a district court fails to treat expressly a statutory or constitutional issue having urgent statewide implications, the Court's "reach down" authority will be available to bring the matter to the Court for resolution.

(2) Discretionary review. At the present time, the Court's discretionary jurisdiction extends to decisions that "conflict" with another Florida appellate decision, that present a question of great public interest, that affect a class of constitutional or state officers, or that involve an interlocutory order which would be directly appealable to the Court upon final judgment. The subjective debates as to the meaning of these "standards" of review, which have filled volumes of the Supreme Court's reported decisions since 1957, will be wholly eliminated by the Court's proposal. As a result, far more time will be available to analyze and resolve the merits of those critical legal issues which a state's high court can alone decide.

Equally significant, by requiring formal certification from the district courts (or an exercise of extraordinary "reach down" authority by the Court itself), the responsibility for determining the importance of each case to the general body of state law will be returned to the judiciary. The significant net effect of restoring this authority to the courts is to give meaning at long last to the characterization that was ascribed to the district courts at the time of their creation--namely, that they should be courts of last resort in which most matters litigated in the state should be finally resolved after one full appellate review.

(3) Administrative review. In accordance with the recommendations of the commission, we support the transfer of review jurisdiction over decisions of the Public Service Commission and in workmen's compensation proceedings from the Supreme Court to the district courts of appeal. The sophistication of the district courts in working with the Administrative Procedure Act amply demonstrates that those courts are well able to provide a thorough and fair review of administrative agency action.

(4) "Reach down." From time to time individual cases arise which require prompt and final resolution by the state's highest court because they have obvious statewide implications of an immediate nature. Obvious examples are the case which tested the constitutionality of bifurcated proceedings where insanity was pled as a defense, and the case which challenged the validity of the good drivers' incentive fund.

In these rare types of cases, the Court should have the authority to bring a case up for prompt review and resolution. The Court contemplates, however, that requests from counsel for the Court's exercise of this new authority would not be entertained (unless authorized by rules which the Court might later adopt), and that the proposed "reach down" authority would in practice be exercised very

sparingly, perhaps only a few times a year.

The proposed constitutional amendment which appears as Appendix C also effects another change which the Court believes should be approved by the voters of Florida as soon as possible--that is, removal of the geographical limitation on the selection of Supreme Court justices by the judicial nominating commission and the governor. An early change in this provision is particularly important in light of the recommended creation of a fifth judicial district.

Finally, the proposed amendment removes language in section 3(a) concerning the temporary assignment of judges to the Court, which is wholly unnecessary (if not confusing) in light of the general assignment power conferred by section 2(b) of article V.

It is difficult to understand why the jurisdiction of the Supreme Court has not been altered since the district courts were created in 1957. The demands placed on the Court cry out for constitutional adjustment. The proposal we have submitted is calculated to restore to the state's highest court the policy making, supervisory role which was envisioned when the general case review function was assigned to the district courts of appeal. The legislature should promptly approve this proposal and place it before the people of Florida not later than the next general election in March 1980. To

reject the proposal or to delay submission until November 1980, while creating a new district court of appeal, will aggravate a situation which is already out of hand.

IV

It is important that the legislature and the Court implement the other recommendations of the commission in order to round out and balance the appellate jurisdiction of the state's several courts. The Court has endorsed those recommendations of the commission, with minor modifications.

(1) Public Service Commission. The Court recommends that all jurisdiction to review orders of the Public Service Commission be removed from the Supreme Court and assigned to the First District Court of Appeal. The First District presently has the lowest caseload among the district courts, and it should realize a further decrease by virtue of the recommended severance of Marion County and the seventh judicial circuit from the district. Even with the assignment of some workmen's compensation appeals, the review of all Public Service Commission decisions will not unduly burden the seven judges of that court.

I should note that the Court's recommendation here departs from that of the commission, which would have bifurcated the review of Public Service Commission matters based on the types of companies involved and dispersed the review of seemingly less important cases among the five district courts of appeal. The Court rejected bifurcation of review because the functions and scope of review are identical for all cases

emanating from this agency, because the division of cases by type of company does not assure that only major rate cases will come to the Supreme Court (as the commission apparently desired), and because in any event the district court is as fully able as is the Supreme Court to deal competently with the matters which are considered in major utility cases, such as rate design. The Court rejected the idea of spreading Public Service Commission cases among the five district courts of appeal due to the unnecessary potential for decisional conflict inherent in such a procedure.

(2) Workmen's compensation proceedings. The Court recommends that the Industrial Relations Commission be abolished, and that appeals from orders of the judges of industrial claims in workmen's compensation cases be taken to the district court of appeal in the district where the injury occurred. The Court further recommends that the resolution of a workmen's compensation claim should remain an expeditious, inexpensive, and informal administrative proceeding, rather than being brought fully into the judicial system. Accordingly, the Court does not support the commission's suggestion that the judges of industrial claims be abolished and that circuit court judgeships be created to process this class of cases.

The Court's certification of new district court judges has taken into account the abolition of the Industrial

Relations Commission and the direct review of all workmen's compensation proceedings in the various district courts. The creation of ten new district court judgeships requires, in reality, only the equivalent of financial resources for less than five new judicial positions, since the outlay for industrial relations commissioners and their administrative support will be wholly eliminated.

The Court's principal concern in this area is that review of workmen's compensation proceedings should be assigned to the district courts of appeal rather than to the Supreme Court. It appears logical to us in conjunction with this transfer to remove the intermediate administrative review now in existence, since decisions of the district courts in workmen's compensation proceedings will ultimately be reviewable by the Supreme Court, either through certification from the district courts or by exercise of the Court's "reach down" authority.

(3) County court jurisdiction. The Court supports the commission's recommendation that Section 34.01, Florida Statutes (1977), be amended to increase the jurisdiction of the county courts from $2,500 to $5,000, and to provide that all equitable defenses in cases properly before a county court may be tried in the same proceeding. These changes will return the jurisdiction of the county courts to its original, pre-inflation level, and will avoid wasteful and

frequently dilatory transfers from county to circuit courts whenever equitable defenses are asserted.

(4) En banc hearings in district courts; three judge circuit court panels. The Court has approved the commission's coordinate recommendations concerning appellate procedures in the circuit and district courts, and following favorable legislative action on the other proposals in this report the Court will initiate rulemaking proceedings to provide the district courts with en banc hearing authority (modified, however, to delete authorization for en banc hearings on matters other than intra-district conflicts) and to authorize circuit court judges to sit in panels of three to hear appeals from county courts. The justifications for these rule changes are adequately set forth in the commission's report.

(5) Expedited criminal appeals. Finally, the Court has delegated to the chief justice the authority to consider and implement the commission's final recommendation, for a pilot program to expedite criminal appeals.

V.

I am submitting for your consideration and adoption a number of other legislative changes which taken together have a great deal of significance to the judiciary. Their object is to allow the judicial branch of government, under our doctrine of separation of powers, to perform all of its responsibilities more effectively and efficiently.

(1) Judicial personnel classification. The American Bar Association's Standards for Judicial Administration suggest that any state court system should manage its own personnel. We have taken initial steps to manage personnel within the state's court system by adopting judicial personnel regulations. We cannot fully discharge our administrative mandate under the constitution, however, unless we also have the ability to make necessary adjustments in the classification of personnel.

Accordingly, I am recommending that the authority reposed in the department of administration with respect to the classification of judicial personnel be transferred to the judicial branch of government and assigned to the chief justice of the Supreme Court in his capacity as administrative head of the judicial branch. The functions now performed in the department of administration with respect to this matter can adequately be performed in the office of the state courts administrator, given the same personnel

as now perform these tasks in the department.

(2) Judicial budget preparation. The budget of the legislative branch of government is prepared by that branch and considered in the course of the general appropriations process. The budget of the executive branch of government is prepared by that branch and submitted by the governor to the legislature for its consideration in the appropriations process. Unlike either of these branches of government, however, the budget of the judicial branch of government, although prepared by that branch, is first submitted to the executive branch for evaluation and change before being transmitted to the legislature for consideration in the appropriations process. There is no reason for this unique treatment.

I request that the necessary statutes be amended to allow the Supreme Court to submit a budget for the judiciary directly to the legislature. Just as is the case with the legislative budget, of course, the governor should receive an informational copy so that he can evaluate the financial needs of the entire state in accordance with his fiscal responsibility.

(3) Judicial data processing system. One year ago, the legislature appropriated funds to the department of corrections and to the judiciary for the purchase of a

computer designated to create and operate a criminal justice management information system. The wisdom of the program envisioned by the legislature has been borne out by its progress even at this early stage, and we now want to use this same equipment not only to store data on criminal cases, but also to automate recordkeeping functions in the appellate courts, to provide word processing capability for the Supreme Court, and to share information with the Florida Department of Law Enforcement.

These goals cannot be accomplished so long as computer operations are managed by a non-criminal justice agency--the division of data processing of the department of general services. The positions presently authorized and funded through the budgets of the Court and the department of corrections should be transferred to the judicial branch of government, for the purpose of operating and maintaining the computer center for the justice management information system and for these other related purposes.

(4) Judicial compensation. With the creation of a fifth district court of appeal and the authorization of additional county court, circuit court, and district court of appeal judgeships, as recommended by the Court, the governor will have the responsibility of filling those positions with qualified personnel. Governor Graham has stated his desire for high quality judicial appointments,

and he has directed the state's judicial nominating commissions to seek out the highest caliber persons to occupy the benches of this state. Regrettably, the commissions have reported to the governor and to me their inability to find qualified persons willing to serve on the bench at the present levels of compensation.

I will not discuss what constitutes adequate judicial compensation, as that subject has been debated at length. I invite your attention, however, to the most recent survey of judicial salaries which was prepared by the National Center for State Courts in January 1979, a copy of which accompanies this report as Appendix D, and to the large number of state judicial officers who recently applied for appointment to the federal bench. I urge you to heed these clear signals that judicial salaries are currently inadequate to induce qualified persons to serve on the courts of this state.

(5) Sentencing disparities. A sentencing study committee, created by then Chief Justice Overton early in 1978, has just issued its interim report. A copy has been made available to each of you. I cannot emphasize too strongly the need for implementing the committee's recommendations as a major step toward reducing the disparity which exists among sentences imposed by trial judges throughout the state. The need is self-evident, the report is self-

explanatory, and the funding required to establish guidelines is indispensable both to the committee's continued performance and to the ultimate improvement of sentencing processes for the citizens of the state.

(6) Jury management. During the past year the Court has conducted a jury management study in various circuits throughout the state to experiment with methods designed to provide jurors for the courts at lower cost, and with less inconvenience for those called upon to serve. The program has been immensely successful in all respects and should be expanded to other areas of the state. Funds to continue the study have been requested in the judiciary's budget, and I urge your approval.

(7) Capital appeals defense coordinator. In consultation with the appellate public defenders of the state, I explored the feasibility of creating in Tallahassee an office for the coordination and management of all appeals by indigents in capital cases which are brought to the Supreme Court. An explanatory memorandum and draft statute have already been submitted to the appropriate committees in both chambers, and I recommend that hearings be conducted to evaluate the proposal and determine the necessary costs.

Summary of Recommendations

In summary, the recommendations of the Florida Supreme Court for legislative action in the 1979 regular session, in the order discussed in this report but not necessarily in the order of their importance, are these:

(1) Create seventeen trial court judgeships, effective July 1, 1979.

(2) Create ten district court of appeal judgeships, effective July 1, 1979.

(3) Create a Fifth District Court of Appeal as defined in Appendix B, effective July 1, 1979.

(4) Provide adequate funds in fiscal 1979-80 and 1980-81 for the temporary assignment of retired judges.

(5) Adopt a proposed constitutional amendment removing restrictions on the selection of Supreme Court justices and curtailing the Court's jurisdiction, to be submitted for voter approval in March 1980.

(6) Transfer review of Public Service Commission decisions from the Supreme Court to the First District Court of Appeal, effective July 1, 1979.

(7) Abolish the Industrial Relations Commission and transfer the review of workmen's compensation orders from the Supreme Court to the district courts of appeal, effective July 1, 1979.

(8) Increase the jurisdiction of county courts from $2,500 to $5,000 and allow all equitable defenses to be tried in the original suit, effective July 1, 1979.

(9) Transfer the responsibility for classification of judicial personnel from the department of administration to the Court, effective July 1, 1979.

(10) Authorize submission of the budget of the judiciary directly to the legislature rather than through the executive branch, effective July 1, 1979.

(11) Transfer the authority and personnel necessary to operate and maintain the Justice Management Information Center from the department of general services to the Court, effective July 1, 1979.

(12) Provide adequate judicial compensation.

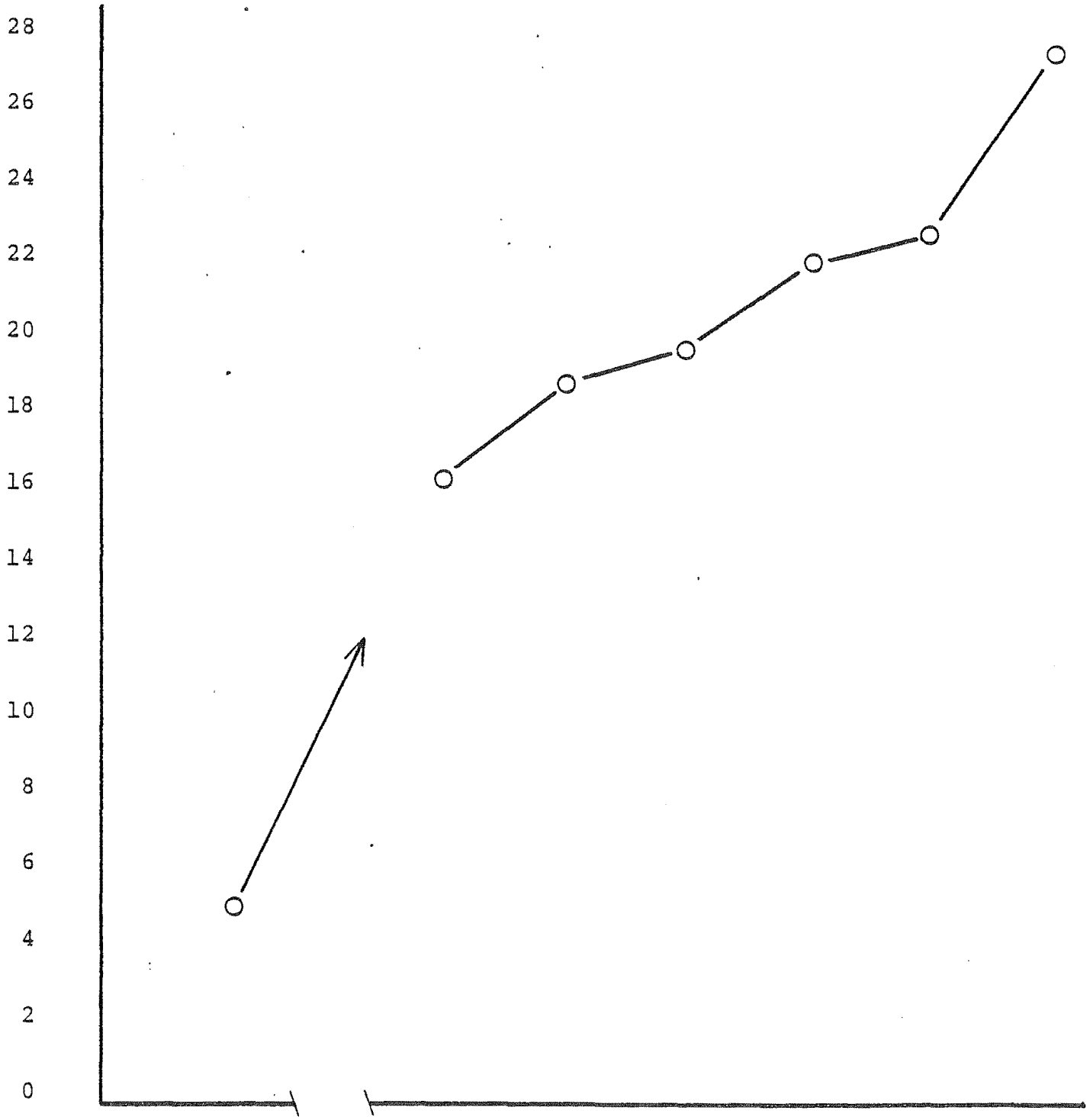
(13) Approve the funds requested by the sentencing study committee.

(14) Approve the funds requested for continuation of the jury management study.

(15) Explore the feasibility of establishing an office of capital appeals defense coordinator.

APPENDIX A

SUPREME COURT FILINGS



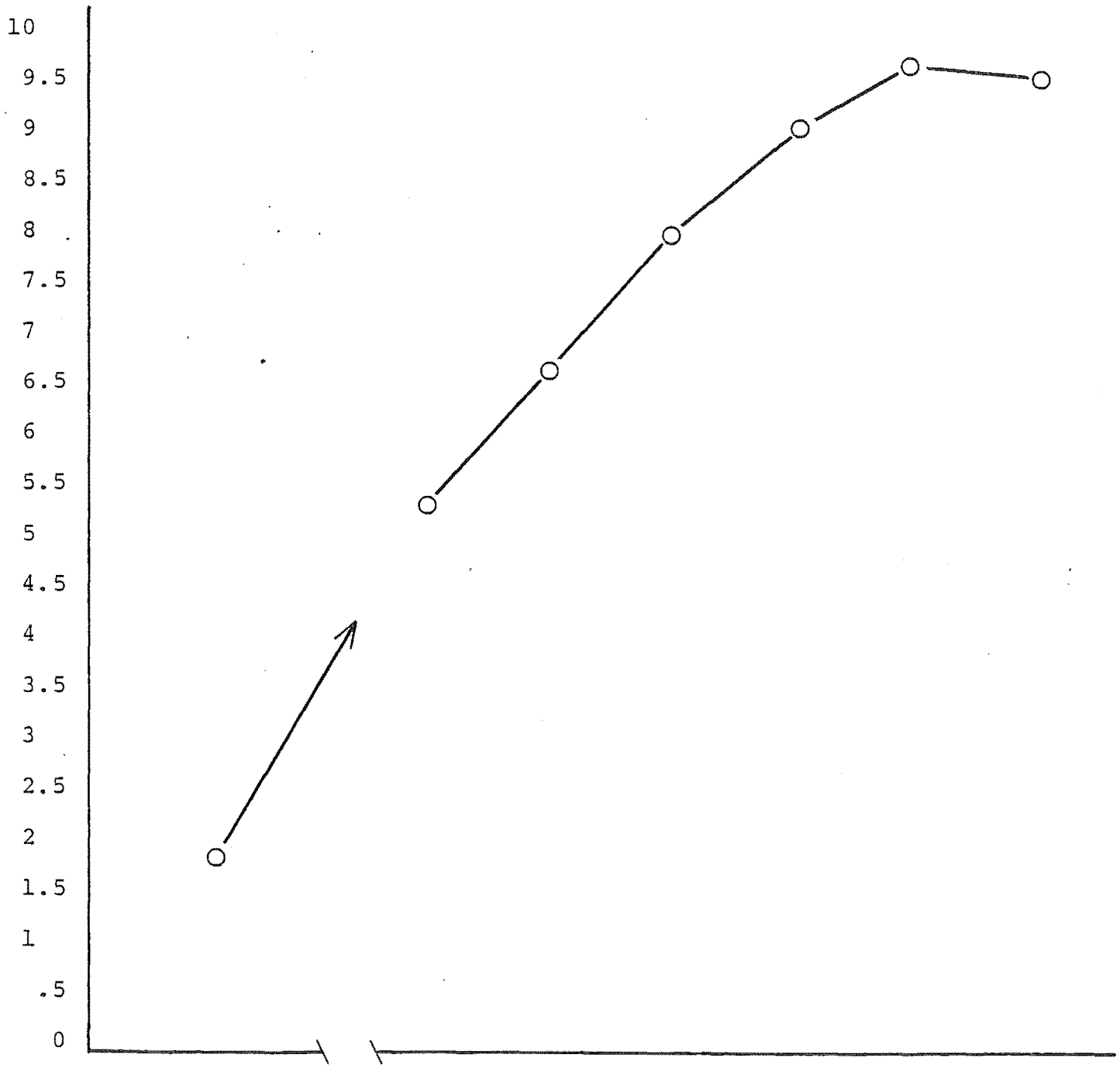
	1958	1973	1974	1975	1976	1977	1978
FILINGS*	482	1600	1883	1947	2214	2253	2740

* Figures do not include petitions for rehearing.

FILINGS

DISTRICT COURTS OF APPEAL

(000s) 1958, 1973-1978



	1958	1973	1974	1975	1976	1977	1978
Filings*	1760	5300	6534	7897	9129	9647	9563

* Figures do not include petitions for rehearing.

Circuit Courts Filings

County Courts Filings

COURT FILINGS

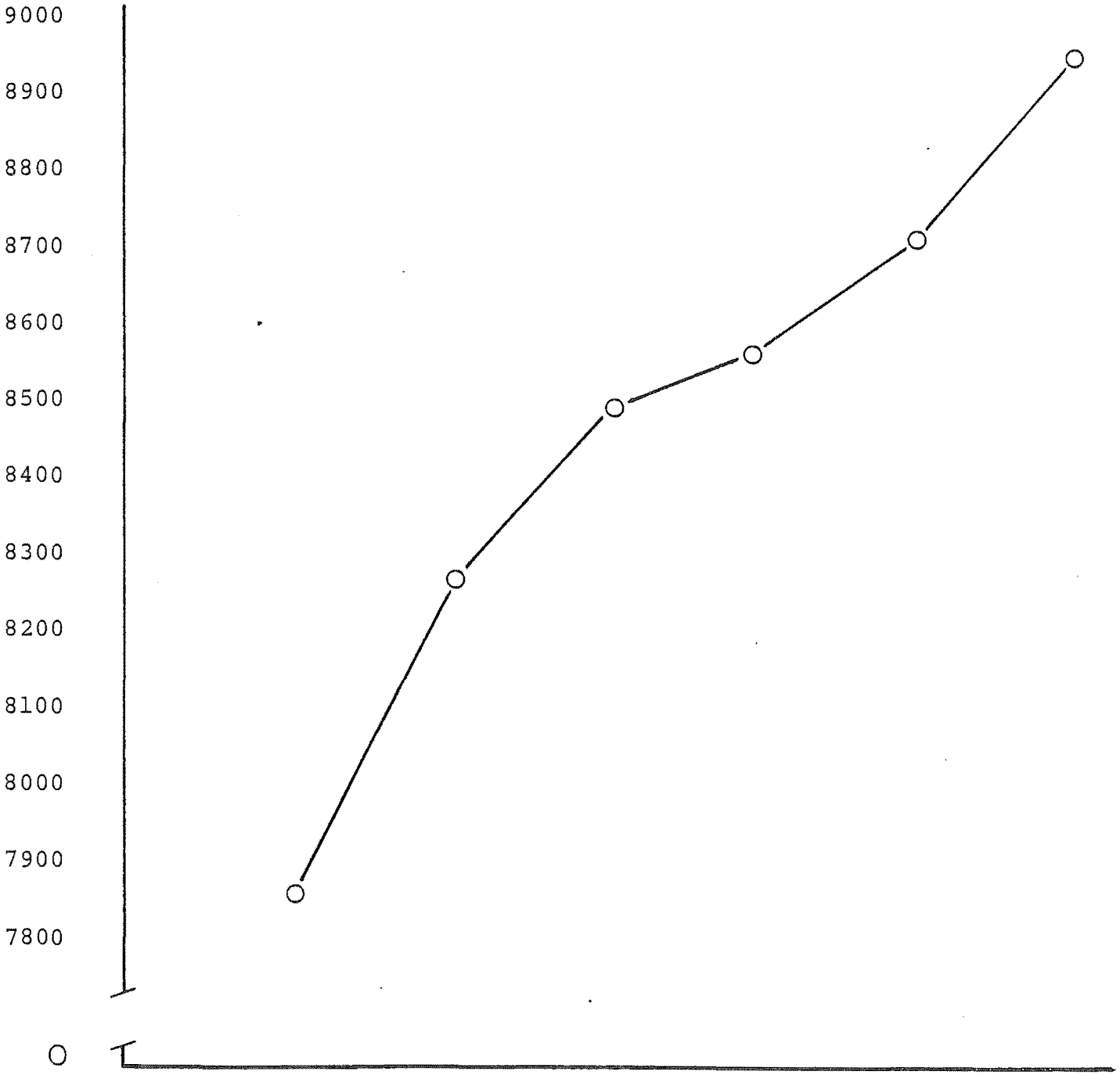
1973-1978

1956	1957	1958	1973	1974	1975	1976	1977	1978
			Supreme Court					
1303	1161	482	1600	1883	1947	2214	2253	2740
			District Courts of Appeal					
	*800	1760	5300	6534	7897	9129	9647	9563
			Circuit Courts					
	Criminal		54348	58418	74240	65799	91901	96216
	Civil		123774	195372	193043	195579	197158	205438
	Probate		33318	29933	45031	46717	52241	56122
	Juvenile		46328	53581	49520	64377	76271	131925
	TOTAL		257768	337304	361834	372472	417571	489701
			County Courts					
	Criminal		155739	143219	240814	213873	256308	229204
	Civil		117980	199895	237947	222233	222815	215115
	TOTAL		273719	343114	478761	436106	479123	444319

* Includes cases transferred from Supreme Court & new cases

FLORIDA POPULATION

(000s) 1973-1978



	1973	1974	1975	1976	1977	1978
TOTAL (000s)	7845	8248	8485	8551	8717	8958

POPULATION

CIR.	1973	1974	1975	1976	1977	1978
1	374942	387934	391844	397497	405349	412600
2	189626	198147	202331	202290	203504	208300
3	88863	92561	95030	95383	97804	99600
4	623400	642866	655202	659477	654565	663700
5	237124	256083	264574	271416	285700	297700
6	730155	773051	796785	808789	829468	858500
7	276579	293503	302765	304210	314449	323600
8	173096	182003	190436	191429	195284	200600
9	443466	460870	461224	458228	463205	474900
10	313715	327076	337271	334404	338094	346300
11	1373609	1413102	1437993	1449300	1468270	1493400
12	272122	293040	304868	309149	317907	328800
13	562462	588792	605597	600715	602667	616700
14	165036	175264	178668	178348	99578	101600
15	427983	459167	477751	488044	505605	525200
16	56431	53582	55706	53886	55124	55400
17	769419	828169	876296	884872	902543	937900
18	368813	383255	388433	387697	396649	407100
19	156994	173453	180009	183391	191826	200000
20	241257	266933	282446	292989	307027	322200
TOTAL	7845092	8248851	8485230	8551814	8717334	8958900

APPENDIX B

Supreme Court of Florida

No. 56,422

IN RE: CERTIFICATE OF JUDICIAL MANPOWER FOR CIRCUIT AND COUNTY COURTS, AS REQUIRED BY SECTION 9, ARTICLE V, FLORIDA CONSTITUTION.

[March 22, 1979]

PER CURIAM.

For the reasons set forth below, this Court has determined pursuant to article V, section 9 of the Florida Constitution, that the following seventeen new judicial positions are needed, effective July 1, 1979, for the continued, effective operation of the trial courts of this state.

Circuit	Circuit Court Judges	County Court Judges
Fifth Circuit	1	
Sixth Circuit	1	1 (Pinellas)
Eighth Circuit	1	
Ninth Circuit		2 (Orange)
Eleventh Circuit	1	2 (Dade)
Fifteenth Circuit	2	
Seventeenth Circuit	2	2 (Broward)
Eighteenth Circuit	1	
Nineteenth Circuit	1	
Totals	10	7

The Court also has determined from the requests received for new judgeships that at least the following new judicial positions, which are not now certified, may well be required not later than July 1, 1980, if current growth patterns in population and caseload continue:

Circuit	Circuit Court Judges
Ninth Circuit	1
Tenth Circuit	1
Seventeenth Circuit	2
Nineteenth Circuit	1

The process by which the Court determined the number of new trial judgeships to certify at this time began in late 1978 with the distribution of current caseload and population statistics to the chief judge in each of the state's twenty judicial circuits. Based on that data, and on the perceived needs within each circuit to meet the constitutional directive that all persons in Florida shall have access to the courts without delay, the chief judges of ten judicial circuits submitted to the Court their recommendations for new judicial positions.

Early this year, the chief justice and state courts administrator traveled to nine of the ten judicial circuits to evaluate the judgeship requests firsthand. In the interim, the office of the state courts administrator monitored current caseload data from the circuits for comparison with earlier caseload projections, and all statistical data was refined for more precise qualitative comparisons by analyzing the procedures and personnel policies within the circuits requestings judgeships.

Following the chief justice's visits and the state courts administrator's analyses, the Court considered the requests of the ten circuits and the views of the chief justice on their needs. The Court's recommendation for the creation of seventeen new judgeships certifies to the legislature ten less judicial positions than were requested from the ten judicial circuits.

The requests for five judgeships not being now certified were in large part based on projected population and caseload data, and on the reasonable belief of the requesting circuits that

judicial manpower should be available to meet the demand for services when it arises. The Court is not insensitive to that objective, and it is of course aware that the state's budget is now prepared on a biennial rather than annual basis. Nonetheless, the constitution appears to mandate an annual certification of new judgeships, so that new positions can be certified next year and created in the 1980 regular session of the legislature for implementation as of July 1, 1980. Consequently, the Court has withheld certification of these five positions based on the absence of an immediate need, but by this opinion deems it appropriate to notify the legislature that, it appears from available data, at least five new positions will be required next year. It is appropriate to note here, moreover, that none of the state's judicial circuits were told to project judgeship needs for 1980 or thereafter, so that, notwithstanding our reference to these five positions, nothing in this certification should be considered as a final evaluation by the circuits or this Court of the need for new judges beyond the commencement of fiscal year 1979-80.

The dominant factors considered by the Court in certifying the need for an additional circuit judge in the Fifth Judicial Circuit (Marion, Lake, Citrus, Sumter and Hernando Counties) are (i) the wide geographic dispersion of the area served (4,160 square miles), (ii) the constitutional limitations on the assignment of additional duties caused by the presence of four non-lawyer county court judges, (iii) the lack of available, assignable retired circuit court judges, and (iv) the highest current caseload per judge in the state.

The dominant factors considered by the Court in certifying the need for an additional circuit judge and an additional county judge in the Sixth Judicial Circuit (Pasco and Pinellas Counties) are (i) the continuing population increase in Pasco County, (ii) the opening of new, branch courthouses throughout the circuit, and (iii) the need for additional judges to handle burgeoning juvenile caseloads.

The dominant factors considered by the Court in certifying the need for an additional circuit judge in the Eighth Judicial Circuit (Alachua, Union, Bradford, Baker, Levy, and Gilchrist Counties) are (i) the presence of numerous correctional and mental health facilities within the circuit and an attendant demand for judicial manpower to service the matters generated within those institutions, (ii) an inability to use further assignable county court personnel to perform circuit court duties without exacerbating problems in the administration of the county courts, (iii) travel requirements within the circuit, and (iv) a very high current caseload per judge within the circuit, in part caused by the lack of any new judgeships since article V was adopted.

The dominant factor considered by the Court in certifying the need for two additional county court judges in the Ninth Judicial Circuit, for Orange County, is the inability to service existing county court caseloads with existing circuit personnel, based on a variety of local factors such as an increased level of prosecution for municipal offenses and for turnpike violations, and the presence of a large naval training center in the circuit.

The dominant factors considered by the Court in certifying the need for an additional circuit judge and two additional county court judges in the Eleventh Judicial Circuit (Dade County) are (i) rapidly expanding caseloads and growing backlogs in the juvenile and family court divisions, (ii) the judicial needs generated by the presence of ten regional courthouses, and (iii) the caseload pressure on all courts in the circuit which has been created by the increasing number of attorneys resident within the circuit.

The dominant factors considered by the Court in certifying the need for two additional circuit judges in the Fifteenth Judicial Circuit (Palm Beach County) are (i) ever-growing juvenile and criminal caseloads, (ii) the phenomenon of complex and time-consuming condominium litigation being added to the circuit's

current classes of litigation, and (iii) the presence (along with the Fifth Judicial Circuit) of the highest current caseload per judge.

The dominant factors considered by the Court in certifying the need for two additional circuit judges and two additional county court judges in the Seventeenth Judicial Circuit (Broward County) are (i) ever-increasing population and caseloads, (ii) special demands placed on courts within the circuit by the elderly and the influx of 500,000 tourists each year, (iii) the presence of twenty-nine municipalities, (iv) significant current delays in obtaining hearings and jury trial, and (v) a greatly expanded attorney population within the circuit in recent years.

The dominant factors considered by the Court in certifying the need for an additional circuit judge in the Eighteenth Judicial Circuit (Seminole and Brevard Counties) are (i) the extensive travel times required to service the wide geographical area covered by the circuit, (ii) the explosion of population and caseloads in lower Seminole County, and (iii) the increased judicial activity generated by law enforcement activities in Brevard County. As regards future travel required in this circuit, and the growth patterns being exhibited, the chief justice has asked the chief judges of the Eighteenth and Ninth Judicial Circuits to consider and report to the Court on the advisability of re-aligning the counties within their circuits to combine Orange and Seminole Counties into one circuit, and Osceola and Brevard into the other.

The dominant factors considered by the Court in certifying the need for an additional circuit judge in the Nineteenth Judicial Circuit (St. Lucie, Martin, Okeechobee, and Indian River Counties) are (i) travel times required to service the jurisdiction of the circuit, and (ii) an expansion in population, caseload, and complex litigation resulting from the permanent growth which has taken place in lower Martin County.

In addition to these identified peculiar circumstances within these circuits, each judgeship request is statistically justified in that the ability of judicial officers in these circuits to perform thoroughly, expeditiously, and fairly their total judicial duties is to some degree presently impaired by the volume of matters now commanding their attention.

CERTIFICATION

Therefore, in accordance with article V, section 9, Constitution of Florida, we certify the need for the additional circuit and county court judgeships indicated above, for a total of seventeen new judicial positions for the trial courts of the state. This Court certifies that these judicial officers are necessary, and we recommend that they be made permanent by law and funded by the state.

The Court has not, it should be noted, by this certification, recommended additional judicial positions for the district courts of appeal. The creation of new appellate judgeships has been recommended by the Commission on Florida's Appellate Court Structure, and that recommendation is presently under consideration by the Court. Any recommendation by the Court for new appellate court judgeships will be made in a separate certification order before the legislature convenes on April 3, 1979.

ENGLAND, C.J., ADKINS, BOYD, OVERTON, SUNDBERG, HATCHETT and ALDERMAN, JJ., Concur

Supreme Court of Florida

No. 56,422-A

IN RE: CERTIFICATION UNDER ARTICLE V, SECTION 9, FLORIDA CONSTITUTION, TO REDEFINE APPELLATE DISTRICTS AND TO INCREASE THE NUMBER OF JUDGES ON THE DISTRICT COURTS OF APPEAL

[April 2, 1979]

PER CURIAM.

For the reasons set forth in detail below, the Court has determined pursuant to article V, section 9 of the Florida Constitution, that a fifth judicial district should be created in Florida by redefining the boundaries of the existing districts, and that the following ten new judicial positions are needed for the continued, effective operation of the district courts of appeal of this state, all effective July 1, 1979.

Districts	Judges
Second District (Comprising the 6th, 12th, 13th and 20th judicial circuits)	3
Third District (Comprising the 11th and 16th judicial circuits)	2
Fourth District (Comprising the 15th, 17th, and 19th judicial circuits)	2
Fifth District (Comprising the 5th, 7th, 9th, 10th, and 18th judicial circuits)	3

In July 1978, the chief justice appointed a Commission on the Florida Appellate Court Structure composed of judges, lawyers, laymen, and legislators to determine the needs of the appellate courts of the state in light of current and prospective litigation patterns. Last month, the commission filed its final report with the Court, and copies have been distributed to each member of the legislature in conjunction with this certification. By this certification, the Court has formalized its approval of the commission's recommendations for a realignment of the state's appellate districts and for the creation of additional district court judgeships.

(1) Additional judges.

The Court concurs fully with the commission's conclusion that existing caseload levels in the district courts of appeal are unmanageable. Appellate judges cannot, by any standard, adequately bear the initial responsibility for review of more than 250 cases per judge, annually. The addition of jurisdiction to hear workmen's compensation appeals, also recommended by both the commission and the Court, will aggravate a situation which now, despite administrative innovations to expedite decisions, nonetheless causes intolerable delays and backlogs in the district courts of appeal.

The Court has pared the commission's recommendation for three additional judgeships in the Third District Court of Appeal to two new positions. That court generally has available the regular services of one retired judge, and the members of that court have in any event indicated a concern for the administrative difficulties of enlarging the court to ten.

The Court's request that ten positions be added to the district courts is integrated with recommendations elsewhere proposed, in particular the Court's recommendation for abolition of the five-person Industrial Relations Commission which now hears appeals from workmen's compensation proceedings. These combined proposals have the practical and fiscal effect

of adding only five additional judicial positions to the state's appellate structure.

The creation of the new judgeships we have certified will result in five district courts of appeal composed of the following judicial personnel:

First District	- 7 judges (all presently sitting)
Second District	- 8 judges (5 of 7 presently sitting and 3 to be added)
Third District	- 9 judges (7 presently sitting and 2 to be added)
Fourth District	- 8 judges (6 of 7 presently sitting and 2 to be added)
Fifth District	- 6 judges (1 presently sitting in Fourth District, 2 presently sitting in Second District, and 3 to be added)

(2) District realignment.

Full justification for the commission's recommendation concerning a new judicial district is contained in the commission's report, and the Court adopts by reference that justification as the basis for this certification. Contrary to the commission's recommendation, however, the Court recommends that the district which will encompass the lower gulf coast of Florida be denominated the Second District, and that the designation "Fifth District" be assigned to that district, stretching across the center of the state, which will be carved in part from the First, the present Second, and the Fourth districts. (Appended to this certification is a map showing the geographical areas to be encompassed within the recommended, realigned districts).

Principal among the reasons for the Court's departing from the designations assigned by the commission are (i) the fact that five of the seven judges of the present Second District Court of Appeal reside in the lower gulf coast district and will thus remain as members of the court which bears the same name, (ii) the historic pattern of designating as the higher-numbered districts and circuits those geographic areas which are created from within larger geographic areas, and (iii) the ease of identifying the newly aligned districts by

"reading" the state chronologically from its northwest corner down the west coast and then up the east coast.

The Court takes no position as to the location of a headquarters for either the realigned Second District or the Fifth District. The physical facility in Lakeland obviously commends itself as a headquarters for the Fifth District, but we consider the selection of a district headquarters to be a matter best suited for legislative determination.

CERTIFICATION

Therefore, in accordance with article V, section 9 of the Florida Constitution, we certify the need for ten additional district court of appeal judgeships, bringing to thirty-eight the total number of judges on the state's district courts of appeal, and we recommend that the state's judicial districts be realigned as follows:

First District: to contain all of the first, second, third, fourth, eighth, and fourteenth judicial circuits.

Second District: to contain all of the sixth, twelfth, thirteenth, and twentieth judicial circuits.

Third District: to contain all of the eleventh and sixteenth judicial circuits.

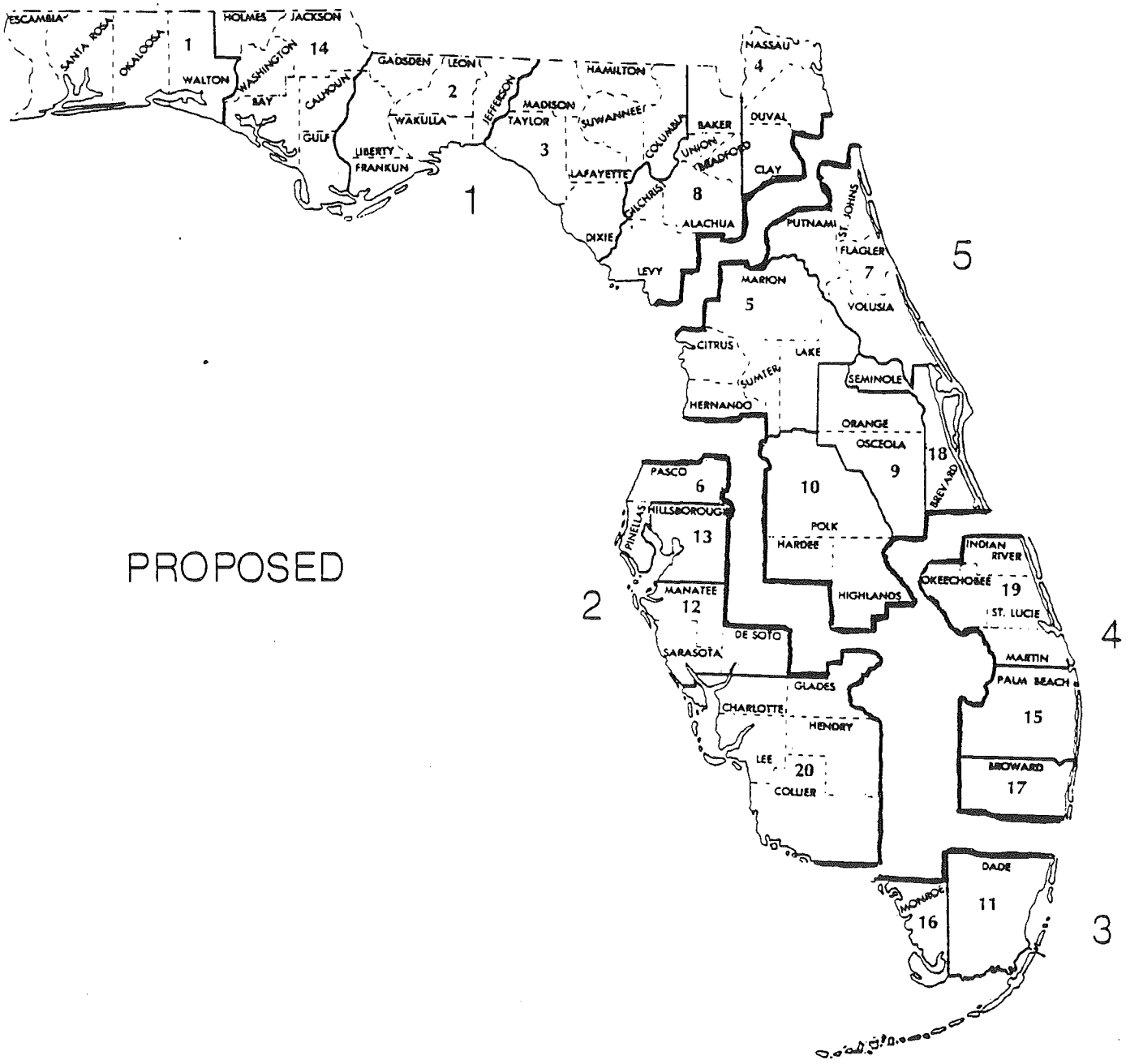
Fourth District: to contain all of the fifteenth, seventeenth, and nineteenth judicial circuits.

Fifth District: to contain all of the fifth, seventh, ninth, tenth, and eighteenth judicial circuits.

To implement these proposals, the Court certifies to the legislature the need to amend chapter 35, Florida Statutes (1977), to create a new district court of appeal by removing Marion County and the seventh circuit from the First District Court of Appeal, removing the ninth and eighteenth circuits from the Fourth District Court of Appeal, and placing those circuits in a new district. The newly created district should be designated the Fifth District; the remainder of the existing

Second District should continue to be designated the Second District. As to judges currently residing in the realigned districts, no vacancies in office shall be deemed to occur by reason of the realignment of districts. Consequently, the five Second District judges residing in Hillsborough County shall remain judges of the Second District (which will encompass Hillsborough County); the two Second District judges residing in Polk County shall be judges of the new Fifth District (which will encompass Polk County); and the one Fourth District judge residing in Orange County shall be a judge of the new Fifth District (which will encompass Orange County).

We further certify that these judicial officers and the accompanying realignment of the state's judicial districts are necessary, and we recommend that the appropriate laws be enacted and funds provided so that these adjustments can be made effective July 1, 1979.


ESCAMBIA
SANTA ROSA
OKALOOSA
WALTON
HOLMES
WASHINGTON
BAY
JACKSON
CALHOUN
GULF
GADSDEN
LEON
WAKULLA
LIBERTY
FRANKLIN
JEFFERSON
MADISON
TAYLOR
HAMILTON
SUWANNEE
LAFAYETTE
COLUMBIA
BAKER
UNION
BRADFORD
NASSAU
DUVAL
CLAY
DIXIE
GILCHRIST
ALACHUA
PUTNAM
ST. JOHNS
FLAGLER
VOLUSIA
LEVY
MARION
CITRUS
LAKE
SUMTER
SEMINOLE
HERNANDO
ORANGE
OSCEOLA
BREVARD
PASCO
HILLSBOROUGH
PINELLAS
POLK
HARDEE
INDIAN RIVER
OKEECHOBEE
ST. LUCIE
MANATEE
HIGHLANDS
DE SOTO
SARASOTA
MARTIN
PALM BEACH
GLADES
CHARLOTTE
HENDRY
LEE
COLLIER
BROWARD
DADE
MONROE
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PROPOSED

APPENDIX C

SECTION 3. Supreme Court.-
(a) ORGANIZATION.-The supreme court shall consist of seven justices. ~~Of the seven justices, each appellate district shall have at least one justice elected or appointed from the district to the supreme court who is a resident of the district at the time of his original appointment or election.~~ Five justices shall constitute a quorum. The concurrence of four justices shall be necessary to a decision. ~~When recusals for cause would prohibit the court from convening because of the requirements of this section, judges assigned to temporary duty may be substituted for justices.~~
(b) JURISDICTION.-The supreme court:
(1) Shall hear appeals from final judgments of trial courts imposing the death penalty and from ~~orders of trial courts and~~ decisions of district courts of appeal expressly ~~initially and directly~~ passing on the validity of a state statute or a federal statute or treaty, or expressly construing a provision of the state or federal constitution.
(2) When provided by general law, shall hear appeals from final judgments ~~and orders of trial courts imposing life imprisonment or final judgments~~ entered in proceedings for the validation of bonds or certificates of indebtedness.
(3) May review by certiorari any decision of a district court of appeal ~~that affects a class of constitutional or state officers,~~ that passes upon a question certified by a district court of appeal to be of great public interest, or certified to be ~~that is~~ in direct conflict with a decision of any district court of appeal or of the supreme court on the same question of law, ~~and any interlocutory order passing upon a matter which upon final judgment would be directly appealable to the supreme court, and may issue writs of certiorari to commissions established by general law having statewide jurisdiction.~~
(4) May issue writs of prohibition to courts ~~and commissions in causes within the jurisdiction of the supreme court to review~~, and all writs necessary to the complete exercise of its jurisdiction.
(5) May issue writs of mandamus and quo warranto to state officers and state agencies.
(6) May, or any justice may, issue writs of habeas corpus returnable before the supreme court or any justice, a district court of appeal or any judge thereof, or any circuit judge.

(7) ~~Shall have the power of direct review of administrative action prescribed by general law.~~ May, on its own initiative only, review any order, judgment or decision of any court of this state which substantially affects the general public interest or the proper administration of justice throughout the state.

(c) CLERK AND MARSHAL.-The supreme court shall appoint a clerk and a marshal who shall hold office during the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed by general law. The marshal shall have the power to execute the process of the court throughout the state, and in any county may deputize the sheriff or a deputy sheriff for such purpose.

Rank Order of Judicial Salaries, Income, and Population

Population and income figures are from the U.S. Department of Commerce and Bureau of Census, *Statistical Abstract of the United States 1978*. Where another state has the same rank, rank is shown in parentheses. The salaries reported for the highest appellate court refer to the salaries paid to associate justices. The general trial court salaries refer to standard state-paid salary for ranking purposes.

Rank	Highest Appellate Court and Salary		General Trial Court and Salary		Per Capita Personal Income	Population
1	California	66,082	California	51,624	Alaska	California
2	New York	60,575	Illinois	50,500	Connecticut	New York
3	Illinois	58,000	South Carolina	49,140	New Jersey	Texas
4	Michigan	56,500	New York	48,998	Nevada	Pennsylvania
5	New Jersey	56,000	Alaska[b]	48,576	California	Illinois
6	Pennsylvania	55,000	New Jersey	48,000	Illinois	Ohio
7	Louisiana	54,000	Louisiana[a]	45,900	Delaware	Michigan
8	Tennessee	53,667	Missouri (8)	45,000	Hawaii	Florida
9	Alaska[b]	52,992	Pennsylvania (8)	45,000	Michigan	New Jersey
10	Texas	51,400	Tennessee	44,722	Maryland	Massachusetts
11	Ohio	51,000	Virginia	44,500	Wyoming	North Carolina
12	Missouri (12)	50,000	Arizona	43,500	New York	Indiana
13	Virginia (12)	50,000	Nevada	43,000	Washington	Virginia
14	South Carolina	49,140	Hawaii (14)	42,500	Massachusetts	Georgia
15	Minnesota	49,000	Maryland (14)	42,500	Colorado	Missouri
16	Wisconsin	48,920	Wyoming (14)	42,500	Kansas	Wisconsin
17	Maryland	47,800	Massachusetts	42,053	Minnesota	Tennessee
18	Arizona	47,500	Minnesota	42,000	Ohio	Maryland
19	Nevada	47,250	Oregon	41,061	Pennsylvania	Minnesota
20	North Carolina	47,000	Mississippi	41,000	Oregon	Louisiana
21	Massachusetts	46,638	Florida	40,850	Indiana	Alabama
22	Georgia (22)	46,000	Iowa	40,000	Wisconsin	Washington
23	Mississippi (22)	46,000	New Hampshire	39,750	Iowa	Kentucky
24	Oregon	45,707	Nebraska[a] (24)	39,500	Virginia	Connecticut
25	Colorado	45,600	North Carolina (24)	39,500	Texas	Iowa
26	Florida	45,350	Rhode Island[b]	39,100	Rhode Island	South Carolina
27	Hawaii (27)	45,000	Delaware (27)	39,000	Nebraska	Oklahoma
28	Iowa (27)	45,000	Washington (27)	39,000	Florida	Colorado
29	Washington (27)	45,000	Connecticut (29)	38,500	Missouri	Mississippi
30	Wyoming (27)	45,000	Georgia[a] (29)	38,500	New Hampshire	Oregon
31	Nebraska	43,000	Colorado	38,350	Arizona	Kansas
32	Delaware	42,000	Wisconsin[a]	36,151	Oklahoma	Arizona
33	Rhode Island[b]	41,300	Texas[a]	35,700	Nebraska	Arkansas
34	New Hampshire	40,810	New Mexico	35,317	Montana	West Virginia
35	Connecticut	40,000	Idaho (35)	35,000	Georgia	Nebraska
36	Alabama	39,500	Kentucky (35)	35,000	West Virginia	Utah
37	Oklahoma	39,200	Montana (35)	35,000	Idaho	New Mexico
38	Kentucky	39,000	North Dakota	34,500	South Dakota	Maine
39	New Mexico	38,165	Arkansas	33,510	Kentucky	Rhode Island
40	Indiana	38,100	Utah	33,500	North Carolina	Hawaii
41	Idaho	38,000	Ohio[b] (41)	33,000	Utah	Idaho
42	North Dakota	36,800	South Dakota (41)	33,000	Louisiana	New Hampshire
43	Kansas	36,250	Kansas[a]	32,625	New Mexico	Montana
44	Arkansas	36,023	Vermont	31,800	Vermont	South Dakota
45	Montana	36,000	Maine (45)	31,500	Tennessee	North Dakota
46	Utah	35,500	West Virginia (45)	31,500	Maine	Nevada
47	South Dakota (47)	35,000	Michigan[a]	30,850	South Carolina	Delaware
48	West Virginia (47)	35,000	Alabama[a]	27,500	Alabama	Vermont
49	Vermont	33,655	Indiana[b]	26,500	Arkansas	Alaska
50	Maine	32,000	Oklahoma[b]	22,080	Mississippi	Wyoming

[a]Local Supplements may be added to state pay

[b]Rank is based on lower figure of salary range