

The Birth of OSCA

By: Patsy Palmer (with contribution from Debbie Howells)

This year, Florida marks half a century of a modern and well-managed court system.

Fifty years ago, the state’s third branch of government was arguably its weakest, with the court system still constitutionally identified as a “department” and a sprawling hodgepodge of state and local courts that lacked adequate administrative capacity or institutionalized central direction.¹ That would change dramatically in March 1972, when voters approved sweeping reforms of Article V of the Florida Constitution—the section that creates the judiciary.²

Those reforms not only streamlined and unified the state courts,³ but centralized administrative power in the Florida Supreme Court, with the chief justice designated as chief administrative officer of the entire state court system.⁴ The Florida Legislature quickly supported that authority by establishing the Office of

¹ NEIL SKENE, *THE SUPREME COURT OF FLORIDA: A JOURNEY TOWARD JUSTICE, 1972-1987* 57 (2017).

² The constitutional changes gave Florida “one of the most streamlined judicial structures in America.” Talbot D’Alemberte, *Florida’s Great Leap Forward*, 56 *JUDICATURE* 9, 380, 380 (Apr. 1973).

³ For a fuller description of Florida’s Court reorganization, see two articles, one written urging passage of Article V revisions and one describing those revisions. *Id.* at 380-83; Talbot D’Alemberte, *Judicial Reform – Now or Never*, 46 *FLA. BAR J.* 2, 68-71 (Feb. 1972).

⁴ Art. V, §2 (a), FLA. CONST.

State Court Administrator (OSCA) under the high court,⁵ something then-Chief Justice B.K. Roberts had long championed.⁶ The initial, five-person OSCA office opened on July 1, 1972, in the Court’s sub-basement.⁷

The initial legislation creating OSCA was just the beginning, and OSCA as we know it today was likely impossible to conceptualize at the time. but OSCA’s earliest work—developing a uniform case reporting system—helped transform Florida’s judiciary into a modern and accessible system. More precise case reporting also enabled the Court to develop systemwide operating budget proposals and pinpoint the need for new judges as caseloads grew.

The OSCA concept—centralized administration of the Florida judiciary, based in Tallahassee—was met with some initial resistance from court clerks and local administrators,⁸ but OSCA’s authority steadily expanded as judges at all levels realized it freed them “to concentrate on adjudicatory, rather than administrative, tasks.”⁹

⁵ § 25.382, FLA. STAT. (2021); Fla. R. Jud. Admin, 2.205(a)(2)(B); Fla. R. Jud. Admin. 2.205(e).

⁶ SKENE, *supra* note 1, at 60.

⁷ *Id.* at 60-61.

⁸ *Id.* at 60-62.

⁹ Debbie Howells, *Reflections on Changes in Court Administration Since 1972: In Celebration of OSCA’s 40th Birthday*, FLA. COURTS, <https://www.flcourts.org/Publications-Statistics/Publications/Short-History/Miscellany> (last modified Aug. 14, 2018).

It did not take long for OSCA to outgrow the sub-basement of the Supreme Court building. Though, keeping up with Florida's rapidly expanding court system was a challenge exacerbated by antiquated technology. Even in the mid-1980s, the approximately OSCA 60 employees shared just four phone lines.¹⁰ Today, OSCA has nearly 200 employees (almost all of whom have individual computers), whose responsibilities include serving as system liaison for the legislature and the executive branch, as well as for national organizations; developing and running judicial and staff training programs, providing research and technical assistance to courts throughout the system, and working in areas like alternative dispute resolution, to expand access to justice.¹¹ OSCA continues to produce the annual budget proposals and project the need for new judges and specialized court divisions.¹²

Additionally, turf wars over control have largely subsided, in part through bridge-building efforts by the late Chief Justice Ben F. Overton and former OSCA

¹⁰ Howells, *supra* note 9.

¹¹ *At the Mic with Mike – Legislative Update with State Courts Administrator Ali Sackett*, YOUTUBE (Apr. 4, 2022), https://www.youtube.com/watch?v=0IG-ZvvNFz8&t=4s&ab_channel=TheFloridaBar. See generally *Court Administration*, FLA. COURTS (Mar. 10, 2022), <https://www.flcourts.org/Administration-Funding/Court-Administration-About-Us>.

¹² See *OSCA Departments*, FLA. COURTS, <https://www.flcourts.org/Administration-Funding/Court-Administration-About-Us/OSCA-Departments>; *Court Administration*, *supra* note 11.

Administrator Jack Harkness.¹³ The Constitution, Florida Statutes, and rules allow some level of local control under OSCA's administrative umbrella. Each of the twenty circuit courts has its own trial court administrator working with the chief judge of the circuit, while individual clerks and marshals assist each chief judge of the five district courts of appeal with administrative matters. Local court administrators and clerks have worked jointly with OSCA on projects like e-filing and the e-portal.¹⁴

From its inception, OSCA has developed into a critical part of the administration of Florida's court system. Undoubtedly, OSCA's role will develop even further over the next 50 years.

For further perspective on OSCA over the years, see *Reflections on Changes in Court Administration Since 1972: In Celebration of OSCA's 40th Birthday*, which can be found at <https://www.flcourts.org/Publications-Statistics/Publications/Short-History/Miscellany>.

¹³ E-mail from court historian Neil Skene to Patsy Palmer (Apr. 1, 2022, 10:33 EST) (on file with author).

¹⁴ Howells, *supra* note 9.