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Impose legislative oversight of clerks' budgets

I want to clarify misconceptions being circulated by opponents of SB 2108 and HB 1121 -- two bills that deal with court funding and are before the state Legislature:

Fiction: These bills are a "money grab" by the courts.

Fact: All court-related revenues, which are assessed by judges, paid by the public and merely collected by the clerks, would be directed to legislative budget committees and thereafter appropriated to state trust funds -- under the control of the Legislature.

Fact: Currently, clerks keep revenues they collect to fund their budgets. These are managed without direction or control by the Legislature. Unused excess funds are returned to the state's general-revenue fund. Clerks are the only state-funded entity to manage public dollars without legislative oversight.

Fact: While all other entities receiving state funds have been forced to lay off employees and cut back on critical public services, the clerks have been hiring and handing out bonuses to their employees, as recently acknowledged by John Dew, executive director of the Clerks of Court Operating Corp.

Fact: Seeking to end clerks' inequitable budgeting and spending practices, the Senate Judiciary Committee on Wednesday voted in favor of SB 2108, which states that ``to enhance accountability and efficiency in state funding of court-related functions, it is necessary to provide for the appropriation of revenues from fines, fees, service charges and costs to the clerks of court through the appropriations act."''

Fiction: These bills would place all court records under the control of judges. The clerk's office would cease to exist, and hundreds of employees would lose their jobs.

Fact: Clerks provide ministerial functions related to record-keeping for the courts, which are already under the control of judges. Accordingly, *only* the clerks' court-related functions are under consideration for transfer to the courts. All other county-related duties and responsibilities would remain intact. Clerk employees who provide record-keeping functions in court would have the same job, only funded by the state.

Fiction: The clerks are constitutional officers and provide a "check and balance" on the judiciary.

Fact: The Florida Constitution lets the Legislature define clerks' duties. The only entities authorized to serve as a check and balance on Florida's judicial branch are the

legislative and executive branches.

SB 2108 and HB 1121 would bring public dollars merely collected by the clerks into the same legislative funding process that all other state entities participate in every year. All public dollars should be accounted for and distributed by the Legislature, the public's elected representatives.

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