

April 9, 2009

FROM: Joseph P. Farina, Chief Judge 11th Judicial Circuit of Florida

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, all revenues collected by the clerks are kept by the clerks 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 Corporation.

FACT: Recognizing the need to end the clerks’ inequitable budgeting and spending practices, the Senate Judiciary Committee and the Senate Policy and Steering Committee on Ways and Means voted in favor of SB 2108 which establishes legislative oversight of the clerks’ budgets to enhance accountability and efficiency in state funding of court-related functions.

FICTION: The clerks are constitutional officers and provide a “check and balance” on the judiciary.

FACT: The Florida Constitution lets the Legislature define the clerk’s duties. The only entities authorized under the Florida Constitution 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.