

# TREASURE COAST NEWSPAPERS

The Stuart News\*Indian River Press Journal \*St. Lucie News Tribune

---

Published Feb. 19, 2010

www.tcpalm.com

## Adequate court funding essential to maintaining strong democracy in Florida

By Jesse H. Diner

The Florida Legislature will convene its regular session against myriad budget challenges March 2. Amid the whirlwind of negotiations, I cannot stress strongly enough: The legal profession, the business community and Floridians cannot feel comfortable that court funding for fiscal 2011 will be sufficient to keep the courts open and efficient. Great risk still looms.

Florida had the nation's second-highest foreclosure rate in November, surpassing California and behind Nevada. Even if the employment picture improves, many adjustable-rate mortgages are scheduled to reset by 2011, potentially pushing thousands more homeowners into foreclosure.

In the first 10 months of 2009, Florida already had 335,994 foreclosure filings, with a clearance rate of 60 percent — likely to top 400,000 cases for the year. Compare that with just three years ago, when foreclosure filings for all of 2006 were 73,878 and the clearance rate was 79 percent.

These numbers should serve as a wake-up call to how close our courts are to failing to keep up with the deluge of cases pouring in.

As we brace for another tough budgetary year, with at least a \$2 billion shortfall. Sen. Victor Crist, R-Tampa, chair of the Criminal and Civil Justice Appropriations Committee, recently painted an even bleaker picture: About \$13 billion in federal stimulus funds spread over two years are drying up. The biggest chunk was used last year, and there is \$4.6 billion left this year.

We must remain vigilant protecting court funding, because Florida has a growing unfunded liability in terms of having enough revenue to meet its obligations and services it hopes to render to its citizens.

(continued)

It means there's always the risk the courts will lose the gains we made last year by creating a dedicated court funding stream through the State Courts Revenue Trust Fund, and we simply can't allow that to happen.

In fiscal 2009, 92 percent of the court budget was general revenue-funded and 8 percent trust-funded. This year, only 30 percent of the court budget relies on general revenue funds; the other 70 percent comes from trust funds.

The good news is the trust fund is performing well; in November, the Article V Revenue Estimating Conference revised its forecast for fiscal 2011 by a substantial amount: from \$214 million to \$368 million. The down side is that most of that trust fund money is coming from foreclosure filings — and that is a temporary surplus.

Those gains also do not restore what was lost in 10 percent cuts that started in 2007 and eliminated about 300 positions statewide. If, heaven forbid, the courts were forced to suffer yet another 10 percent reduction — that would mean another \$42 million in cuts and somewhere between 600-700 positions, or 22 percent of the courts' work force.

Who would lose their jobs? Among them, even more mediators and case managers — the very positions needed to carry out the foreclosure task force's recommendations on how best to tackle the crisis.

When judges are struggling to deal with foreclosures, it takes precious judicial time away from other civil cases. Backlogged courts are simply bad for business and threaten access to courts for anyone waiting to solve disputes.

As the Legislature convenes, we must prepare for a new battle and a new difficult year. Please let your elected legislators know how crucial adequate court funding is for everyone.

Jesse H. Diner, of Fort Lauderdale, is President of the The Florida Bar

---