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Don't raid the courts

Last spring, before the Legislature convened, the state court system cried "help," with Chief Justice Peggy Quince at the time expressing dismay over a 300 percent increase in foreclosure cases in some areas of the state. A huge backlog was being created because "children's cases and criminal cases are a priority." These are matters of public safety, she said, and must be handled swiftly.

It isn't better this year in terms of foreclosures with Florida having the nation's second highest foreclosure rate in November. That's one in every 165 homes in Florida in some stage of foreclosure, translating to some 400,000 foreclosure cases in 2009, a deluge that threw the court system into near dysfunction.

And overburdened courts do indeed see the damages resulting from postponed foreclosure cases: families are put out of homes, banks can't sell the property, financial losses keep accruing and the business climate suffers.

Last session lawmakers did show the courts a little mercy, creating a dedicated court funding stream through the State Courts Revenue Trust Fund. It is fed by fines and filing fees and has helped make the courts far more self-sufficient, relying less on general revenue funds than ever before.

Somewhat ironically, perhaps, that is trust healthier than expected precisely because of those foreclosure filings that are piling up in courthouses far and wide. Here in Leon County, Circuit Court Chief Justice Charlie Frances said there about 2,500 foreclosure cases in this second circuit serving Leon and surrounding counties, and we are suffering far less than downstate counties.

Through this trust — and there are some concerns about so-called "cash-register justice" when filing fees get too high; another issue for another day — there is now a surplus of about \$138 million.

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Justice Quince is appealing to lawmakers to allow the court system to use that surplus, however, to help make up for the budget and personnel cuts that started in 2007 and has reduced the courts' work force by 300 people. These reductions, with another 10 percent cut expected this year, added to the backlog of cases because those jobs weren't the judges, who are elected, but the case managers and mediators who are on the front line of moving not only foreclosure cases but all cases in the judicial branch along.(2 of 2)

The courts need the flexibility, Ms. Quince said, but the fear is that because of the budget shortfall that could approach \$5 billion this year, lawmakers will be tempted to raid the trust fund of this third branch of government and use the money for general spending purposes unrelated to the court's mission. That is, to protect the rights and liberties of citizens and provide for the peaceful resolution of disputes.

The courts are the best bargain lawmakers have, being funded with less than 0.7 percent of the entire state budget of some \$67 billion. The trust fund has helped make the courts even more self-sufficient, less of a drain on general revenue, and all the while winning accolades as one of the best state court systems in the nation in terms of performance and accountability, fairness and openness, according to a report by Florida TaxWatch.

Lawmakers have seen the value of helping the court system, even in dire economic times, pay some of its own way. It would be a mistake to raid these funds and set back the judiciary even more.
