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Protecting justice

Shield swamped courts from more budget cuts, and hands off trust fund

Brevard County residents want criminals off the streets.

When civil disputes take them to court, they want their cases settled fairly and in a timely matter.

Instead, the wheels of justice in Florida are near paralysis due to state budget cuts and a skyrocketing workload related to the recession, including 400,000 home foreclosure filings in 2009.

Divorce, child custody and domestic violence cases are soaring as well.

The court system has taken severe cuts in budget and personnel with 300 positions lost the past two years, Peggy Quince, chief justice of the Florida Supreme Court, told editors from Florida newspapers last week in Tallahassee.

At the Office of the State Attorney for the 18th Circuit — representing Brevard and Seminole counties — 43 positions have been axed since 2007, including 30 in Brevard County.

The Brevard judicial branch — whose budget is separate from the State Attorney's Office — lost eight positions in 2008. In 2009, 12 employees lost their jobs or had their hours reduced because of state cuts.

Meanwhile, 4.6 million cases were filed in trial courts statewide last year, up 13 percent from 2007, and judges, attorneys and staff are drowning in the deluge.

The clogged system is forcing citizens to wait longer for court action, particularly in civil matters.

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But worse lies ahead if state lawmakers, facing a \$3.2 billion budget hole, reduce dollars for the courts again.

“I can’t imagine they’d be blind butchers and just devastate courts,” says State Attorney Norm Wolfinger of 10 percent cuts lawmakers have asked all state agencies to plan for.

That would mean the loss of 27 more positions with catastrophic consequences for the justice system in Brevard, says Wolfinger.

Statewide, it would purge 674 more court positions, or 22 percent of court staff, including the administrators, mediators, interpreters and case managers who speed disposition of cases, a potentially deadly blow for victims of crime, due process and public safety.

That’s why the courts should be shielded from the one-size-fits-all reductions.

We doubt the optimistic budget request put in by the judiciary for 2010-11 — an extra \$149 million or 33 percent increase on this year’s \$450 million budget — can be fully funded with Florida in grim fiscal straits.

But lawmakers should protect the courts from another round of deep cuts, and resist the temptation to raid a new trust fund meant to stabilize court funding, built on increased court fees.

Set up by the Legislature in the January 2009 special session, it’s already flush from fees collected in the foreclosure tsunami, paying for \$315 million of the court costs this year and projected to bring in \$368 million next year.

Here’s the hitch: Court officials fear lawmakers will use the trust fund money to cover other spending needs.

That can’t be allowed. Florida residents pay the higher fees to have their legal cases handled. The dollars should be used as intended to support a stronger court system.

State leaders should remember the courts are not another agency, but an equal branch of government with a constitutional obligation to provide ready access to justice “without sale, denial or delay” for all.

They can’t do so without solid, stable funding, especially in harsh economic times when both crime and demand for legal services escalates.
