



NEWS

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CONTACT: Harvey Bennett
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Communications Director

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850-510-7185 (mobile)

IMPROVEMENTS RECOMMENDED FOR STATE COURTS

\$35 Million More Needed to Assure Equal Justice

TALLAHASSEE — Florida TaxWatch today recommended judicial management, accountability and funding improvement measures to the 2005 Legislature to fully implement two voter-approved constitutional amendments:

- ▶ A 1998 amendment to judicial article V to end more than 170 years of judicial fragmentation. Under this amendment, referred to as Revision 7, the state assumed funding responsibility for most operations of the state courts system, state attorneys, public defenders and Justice Administrative Commission that previously were funded -- often unevenly -- by the 67 counties.
- ▶ A 1992 amendment requiring implementation by general law of a quality management and accountability program to ensure productivity and efficiency throughout state government, including the judiciary.

In its report, ***Proper Management, Accountability and Funding of the State Courts System is Crucial to the Rule of Law, Taxpayer Confidence, and a Healthy Economy***, TaxWatch concludes additional funding of \$35 million to implement the following recommendations will help assure timely, equal and fair justice for all Floridians in furtherance of the rule of law:

a) More than 100 trial court judgeships, the first additions since 2002. The new positions were included in the Governor's Recommended Budget after their need was certified by the Supreme

Court under a legislatively approved methodology. Florida's trial courts judges reportedly handle nearly one-third more cases on average than other states.

b) Expansion of trial court judges' access to criminal databases and child/family case data in all judicial circuits statewide in furtherance of their decision-making responsibilities.

c) Increased use of mediation to help eliminate disparities between large and small counties, further reduce case backlogs like those besetting other states, and save the private sector many tens of millions of dollars by moving from conflict and litigation to mutual problem solving resolution.

d) Due process cost controls in cases involving court appointed counsel and self-representation by indigents.

e) Funding of cost saving digital court reporting.

f) Two-year phase-in of a resource management computer system to fully meet accountability requirements of the above cited 1992 constitutional amendment and 1994 implementing legislation. This is particularly important for funds appropriated for statutorily enumerated responsibilities that became part of the state courts system on July 1, 2004.

"Constitutional Revision 7 was passed by voters in 1998 to require the state to assume from counties much of the cost of running our courts system," said Dominic M. Calabro, President of Florida TaxWatch. "Initial implementation of Revision 7 during FY2004-2005 suggests that selected statutory and other elements of state courts operations need fine tuning, and in certain cases, some additional resources in order to provide optimal taxpayer services," said Calabro.

In addition to replacing fragmented spending with more uniform state funding and providing counties much needed budgetary relief, Revision 7 promotes more consistent administration of justice statewide. This means litigants, regardless of their location, can receive similar judicial services.

To help bridge the budget gap and ensure proper management and operation of the state courts system in the future, the TaxWatch report offers the legislature six well-researched sources of approximately \$180-million in non-tax revenue. Additional cost savings, innovations and productivity improvements could be worth as much as \$30 million when implemented over the next two years by the state courts system and justice administration.

The report notes that more than 30 years ago, the voters of Florida voiced their preference for a uniform state courts system. However, fiscal fragmentation continued and in 1998 voters passed a second judicial amendment to Florida's Constitution, Revision 7, in order to end that fragmentation by requiring state funding of most court functions. To implement the amendment, the 2003 and 2004 Legislatures passed bills that delineate state and county funding responsibilities beginning July 1, 2004.

"In this age of fiscal belt tightening and economic uncertainty, our state leaders must properly search for ways to keep checks on our state budget," said Calabro. "Florida TaxWatch underscores the need to act responsibly with taxpayer dollars while urging our leaders to ensure that the formal institution where our battles for justice are fought and won, our judiciary, is neither impeded nor disrupted as the state completes assumption of its new constitutional obligations. The taxpayers of Florida -- senior citizens, families, children, business customers, owners and employees -- deserve and should expect nothing less."

Today's research report is a follow-up to a Florida TaxWatch February 2004 study of Revision 7 funding needs, and to several TaxWatch publications from as early as February 1980.

The full report is at:

<http://www.floridataxwatch.org/resources/pdfs/researchreports/COURTSPart2.pdf>

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