

RESOLUTION NO. 2009-3-2-1

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA, RECOGNIZING THE IMPORTANCE OF THE DUTIES AND RESPONSIBILITIES OF THE LOCALLY ELECTED CLERK OF THE CIRCUIT COURT TO THE CITIZENS OF LAFAYETTE COUNTY, FLORIDA.

WHEREAS, Lafayette County (hereinafter the “County”) is a non-charter county as that term is used in Article VII, Section 1(f), Florida Constitution; and,

WHEREAS, the Board of County Commissioners of the County (hereinafter the “Board”) is the governing body of the County; and,

WHEREAS, the county is given its home rule powers by the Florida Constitution, Section 125.01, Florida Statutes, and other provisions of Florida law; and,

WHEREAS, Article II, Section 8, Florida Constitution states, “A public office is a public trust. The people have the right to secure and sustain that trust...”; and,

WHEREAS, Article V, Section 16, Florida Constitution states, “There shall be in each county a Clerk of the Circuit Court who shall be selected pursuant to the provisions of Article VII, Section 1”; and,

WHEREAS, since 1838, elected Clerks of Lafayette County’s county and circuit courts have answered first and foremost to the public and put the public’s interests ahead of all others; and,

WHEREAS, it has come to the attention of the Board that legislation proposed in the Florida Legislature during the 2009 session threatens the constitutional role of the Clerk in that it seeks to shift court-related duties of the Clerk to the judiciary; and,

WHEREAS, the Clerks of Circuit Court were intentionally created in the Florida Constitution to have a separate role and independent accountability from judges, and have often been recognized as the ligament between the judicial concept and the people; and,

NOW, THEREFORE, BE IT RESOLVED, by the Members of the Board of County Commissioners of Lafayette County, Florida, that we do unanimously:

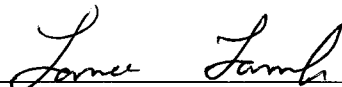
1. Oppose any legislation that would remove the constitutional funding and statutory court-related functions of the elected Clerk of the Circuit Court and possibly place it under the control of appointed court administrators in Lake City or Tallahassee;


2. Authorize and direct the Chair and Clerk to provide a copy of this resolution to the Governor of Florida, the President of the Senate, the Speaker of the House, and all members of Lafayette County's legislative delegation.
3. This resolution shall take effect immediately upon adoption.

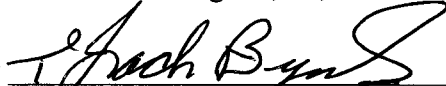
PASSED AND ADOPTED, on this 23 day of MARCH, 2009, in Regular Session at Mayo, Lafayette County, Florida.

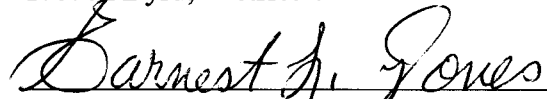
BOARD OF COUNTY COMMISSIONERS
OF LAFAYETTE COUNTY, FLORIDA


Curtis O. Hamlin, Chairman, District 3


Lance Lamb, District 1

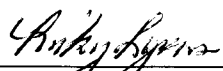

Thomas E. Pridgeon, Jr., District 2


T. Jack Byrd, District 4


Earnest L. Jones, District 5



ATTEST:


Ricky Lyons, Clerk