

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY,
FLORIDA VOICING OPPOSITION TO HOUSE BILL 1121**

WHEREAS, House Bill 1121 has been filed for the 2009 legislative session in Tallahassee; and

WHEREAS, this bill would eliminate a vital part of a system of checks and balances on the court system by eliminating the position of the elected clerk and transferring its duties and responsibilities to appointed bureaucrats in the Office of the State Courts Administrator in Tallahassee; and

WHEREAS, the office of the elected Clerk of the Court and Clerk to the Board of County Commissioners was created in the 1885 Constitution as a vital part of a system of checks and balances on both the court system and county government

WHEREAS, the Florida Legislature adopted Revision 7, Article V, to the state Constitution, making the clerks a self-sustaining entity, funded by the fees they collect, not by any state tax dollars, thereby creating an independent, sustainable funding source; and

WHEREAS, in FY 07-08, Clerks of Court statewide collected more than \$885.5 million in filing fees, fines, court costs and other statutory fees; and

WHEREAS, \$406.5 million of the collections went to support state and local governments; and

WHEREAS, the proposed legislation would transfer the court related services from the responsibility of clerks of court to a state courts system for up to five judicial circuits each year until all circuits have been assimilated into one state courts system; and

WHEREAS, the proposed state courts system would take over responsibility for case maintenance, records management, court preparation and attendance, processing assignments of cases, processing appeals, collecting the fines, fees, service charges and court costs, processing bond forfeiture payments, payment of jurors and witnesses, payment of expenses for meals & lodging of jurors, processing jurors, determining indigent status, disposal of evidence, keeping progress dockets, and pro se assistance; and

WHEREAS, the proposed legislation would create a new state-wide bureaucracy to supplant the existing operations of the existing 20 judicial circuits; and

WHEREAS, the proposed legislation would result in new levels of bureaucracy in which system failures are likely to occur and be much more difficult to resolve than when some part of the existing system has a set-back, for example the failure of the state-wide system to produce a jury pool for scheduled jury trials would be more difficult to resolve when several levels of bureaucracy have to address it as opposed to the current local clerk's office; and

WHEREAS, the proposed legislation will eliminate the role of the elected Clerk of the Courts and transfer hundreds of millions of dollars directly to the State Courts Trust Fund; and

WHEREAS, the proposed legislation will result in the judges who preside over cases and courtrooms being in charge of the court files where their actions in cases are documented and through which they are held accountable to the public, instead of the current process which provides for the preservation of case files and court records by an impartial, independent custodian who answers to the citizens of Florida; and

WHEREAS, the proposed legislation would essentially amend the constitution by legislative act by making the establishment of an elected Clerk of the Circuit Court as it appears in the constitution meaningless; and

WHEREAS, in expectation of the passage of the proposed legislation, a group of state judges have reportedly decided that the 6th Judicial Circuit (Pasco County) will be among the first five circuits and a letter has been sent to the court administrators of the selected circuits advising them to begin planning the transfer; and

WHEREAS, the threat that Pasco County will lose its elected Clerk of the Circuit Court in favor of appointed Tallahassee bureaucrats is real and imminent; and

WHEREAS, our court system is not just about judges, lawyers and administrators, but were created to serve the people, and the people are best served by officials that they elect; now therefore

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA THAT:

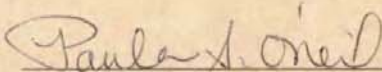
- Section 1. The Florida legislature is encouraged to vote against House Bill 1121 and to retain the current system which allows the voters to determine locally the person in charge of the court-related functions.
- Section 2. The State Constitution having established in Article V, Section 14 that the Clerk of Courts perform court related functions, any shift of those duties away from the clerk is an issue for constitutional revision, not the Florida Legislature.
- Section 3. A dedicated, stable, adequate funding source for the judicial branch of government, including Florida's state attorneys and public defenders, needs to be firmly established through collaborative measures of the existing Clerks of Court, Legislature, Judiciary and members of the Florida Bar, and approved through constitutional amendment if required to reconcile the resulting mechanism with the existing constitution.
- Section 4. The Clerk is directed to send a copy of this Resolution to Beth Allman, Director of Communications with The Florida Association of Court Clerks (FACC) for further handling via Allman@flclerks.com.

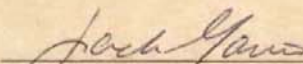
DONE AND RESOLVED this 24th day of March, 2009.

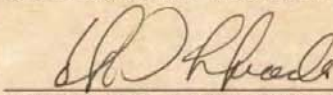


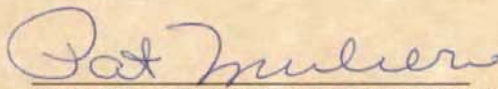
ATTEST:

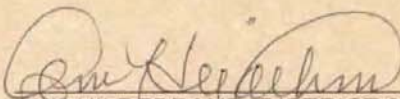
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