

The Future of Our Courts

Very soon, our courts will confront a most difficult change – one that may seriously hinder their ability to fairly and efficiently administer justice. This change is a new funding structure for the courts system, which comes at a time when Florida's fiscal resources are already severely strained. Over the past several years, economic woes have forced repeated reductions in state budgets, including those of the judicial branch. Yet within the next year, our constitution requires state government to take on a much greater share of the funding responsibility for trial court operations. If the state fails to maintain the trial courts' funding, critical court functions will be gravely impaired.

In 1998, Florida voters amended Article V of the Florida Constitution to require the state to assume a greater portion of the costs of operating our trial courts. This amendment, known as Revision 7, requires the shift of primary funding responsibility for the State Courts System from county government to the state by July 1, 2004. Revision 7 was intended to reverse an ever-increasing burden on local government and to help ensure equity in court funding across all counties in Florida. Unfortunately, its implementation comes at a time of difficult fiscal needs for our state.

During the 2003 Special Session A, the Legislature enacted HB 113A, which establishes a framework for the Revision 7 transition. The framework provides that the state will be responsible for the essential elements of court operation including:

Judges; Jurors & Expenses; Court Reporting/Transcription; Foreign/Sign Language Interpreters; Court-ordered Expert Witnesses; Judicial Assistants, Law Clerks & Resource Materials; Masters & Hearing Officers; Court Administration; Case Management; Mediation & Arbitration; and Basic Legal Materials Accessible to the Public.

The counties will continue to pay for:

Facilities, Security, Communications, and Technology.

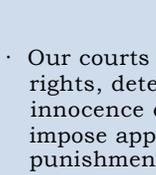
This year, the courts received less than 1% of the overall state budget. The implementation of Revision 7 will have a relatively small fiscal impact on the state; the total cost to the state for the operation of the courts system after implementation will be less than 2%. The courts are not asking for additional services and programs. They simply need the state to fully fund those court costs that are shifting from county budgets to the state when Revision 7 is implemented in the summer of 2004.

The Role of the Courts

Our courts are vital to the American way of life. We rely on our judicial system to preserve the Rule of Law. In doing so, our courts impact the lives of countless individual citizens every day – victims of crimes, criminal defendants, couples in the throes of divorce, parents and their children involved in custody disputes, abused and neglected children, vulnerable elders, violators of our traffic laws, business men and women, property owners, landlords and tenants, citizens with small claims, jurors, and witnesses. All of us look to the courts to resolve our disputes, protect our interests, and ensure our liberties, and we expect them to be accessible, efficient, fair, and accountable.



- Our courts safeguard democracy by upholding the law, protecting individual rights and liberties, enforcing public order, and providing for peaceful resolution of disputes.



- Our courts ensure victims' rights, determine guilt or innocence of the accused, and impose appropriate punishment.



- Our courts resolve personal, business, and property disputes.



- Our courts protect families, children, the elderly, and the infirm.

Without adequate funding, our courts cannot do their jobs; they cannot hear cases promptly, and they cannot avoid delays and backlogs.

Could Florida Justice Be in Jeopardy?

If the trial courts do not receive adequate funding for their essential elements during the Revision 7 implementation, the effective and efficient operation of the justice system could be in jeopardy. Inadequate funding will undermine the ability of courts to render justice in a fair, impartial, timely manner. Funding reductions will result in the elimination of court staff, programs, and services that are necessary to process court caseloads. Courts in other states have suffered devastating budget cuts in recent years, and their experiences suggest that inadequate funding can gravely impair court operations.

In New Hampshire, jury trials were suspended for two months in 2002 and for three months in 2003.

Thousands of jury trials were conducted in Florida last year. Suspension of jury trials for even a few weeks could result in significantly longer delays in the trials of important civil matters. The impact of cessation of jury trials on civil cases is compounded when the courts must shift resources from the civil courts to the criminal courts in order to comply with criminal speedy trial rules. Even when jury trials resume, the resolution of civil cases is further postponed while criminal case backlogs are cleared up.

In Colorado, courthouses were forced to close one week per month. Court proceedings in Oregon were suspended one day per week last year.

Our courts handle about one million criminal cases each year. The criminal justice system is particularly vulnerable because our courts must maintain a fragile balance between the management of large caseloads and the adequate protection of defendants' rights. Any disruption in court operations interrupts the timely processing of criminal cases and increases pressure on the courts to devote more resources to these cases to provide for public safety.

In Arizona, adoption cases take from five to six months to be heard. With inadequate funding adoption cases could take years.

Florida's family courts handle some of our most volatile cases and protect some of the state's most vulnerable citizens. Longer delays in the processing of family cases and reduction in services and programs that support them mean divorcing parents and their children must endure further turmoil and disruption until their disputes can be resolved. Backlog in our family courts also forces abused and neglected children, domestic violence victims, and the vulnerable elderly to wait longer to be placed in a safe environment.

You Can Help

As a citizen of Florida, you have a right to voice your opinion. In order for you to be certain that the courts will receive adequate funding, you must exercise your rights. Speak up for the courts system! Tell your legislators that sufficient funding must be provided in order for the courts to continue to function effectively and efficiently.

Florida trial courts are busy:

Last year, our criminal courts, which ensure our public safety while protecting the rights of defendants, handled 1.1 million criminal cases. Our family courts handled .5 million family cases – including marital disputes, custody matters, domestic violence, and cases involving dependent and delinquent children, people with disabilities, and vulnerable elders. 1.2 million civil cases, involving the protection of individual personal interests, property rights, and business interests, were handled in our civil courts.

Florida trial courts are efficient:

Our circuit courts function with 11% fewer judges per capita than the national average, yet each judge handles about 31% more case filings per year compared to judges in other states.

Florida courts need adequate resources:

In the last five years, the legislature has funded only 30% of the new judgeships that the courts need in order to keep up with increasing caseloads. The courts must have sufficient judicial manpower to meet workload demands, or Floridians will experience delays before their cases are heard.

The courts rely on court staff and programs in order to make the most of limited resources. Court support personnel provide research assistance, perform administrative functions, manage cases, assist unrepresented litigants, mediate cases, and serve as masters and hearing officers. These essential positions must receive continued funding in order to ensure that judges can devote their time to adjudication.

Each year the legislature passes new laws creating new causes of action. These new causes of action generate higher caseloads for the courts and impose additional administrative responsibilities on the judiciary. Under these circumstances, additional funding should be provided so that the courts can absorb increasing workloads.

Florida courts are a bargain:

Less than 170 million state dollars for the trial courts are needed in addition to the current budget to implement Revision 7. After implementation, the courts' portion of the state budget will be less than 2%. Can Florida really afford to shortchange its courts?



**For more information contact:
Office of the State Courts Administrator
(850) 922-5081
www.flcourts.org**

**Justice
for all
Floridians**

REVISION 7 - KEY MESSAGES

The Florida Bar Foundation,
with Interest on Trust Accounts
Program funding, provides
support to this program.