

# Orlando Sentinel

## **We think: Courts need more money, but gutting clerks' offices isn't the answer**

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There's nothing like a financial crisis to turn allies into enemies.

Florida's judges and court clerks are at each other's throats over a move to strip the clerks of their duties and turn them over to the state's court system.

Make no mistake, this is all about money. Courts are starved for it. They face crushing caseloads and a Legislature that, when it wasn't cutting the budget for courts, wasn't providing sufficient increases.

The proposed solution isn't much better.

Bills filed in the Legislature would gut the offices of the clerks of court elected in Florida's 67 counties and transfer many of their duties — and millions collected through fees — to the state court system.

Instead of elected clerks, the court administrators who oversee operations in Florida's 20 judicial circuits would take over myriad responsibilities that range from keeping and maintaining files to collecting fees and fines to gathering up jurors.

In Orange County, those duties now fall to Clerk of Courts Lydia Gardner, who was re-elected to office last fall with 56 percent of the vote. Under the proposed law, most of the duties performed by Ms. Gardner and her counterpart in Osceola County would become the responsibility of the Ninth Judicial Circuit's court administrator.

Question: Can you name the circuit court administrator? Probably not. The administrator is appointed by judges and answers to the circuit's chief judge, not the voters. (Read on to learn the Orange/Osceola court administrator's identity!)

We're not convinced these duties should fall to a handful of little-known bureaucrats whose job security depends on keeping judges happy.

That said, we're also not convinced that the clerks' operation is an ideal arrangement.

Unlike the judiciary, clerks don't have to beg the Legislature for money every year. They're funded with money collected through fines and fees. The state's clerks like to argue that their

budgets face intense scrutiny. Except that scrutiny comes partly through submitting their budgets to a special corporation that is overseen by — yes — fellow county clerks.

If the fox guarding the henhouse weren't such a cliché, we'd evoke it just about now.

Ms. Gardner, for example, hasn't exactly had to sweat it out in recent years. Her staff has grown from 497 four years ago to 588 this year, and her budget from \$24.4 million to \$36.7 million, though this year's budget is expected to shrink somewhat. Meanwhile, the surplus her office returns to the state dropped from \$2.6 million four years ago to an estimated \$560,000 this year.

We're not suggesting Ms. Gardner isn't a competent administrator. We endorsed her in the last election. But her office, like those of other clerks, enjoys a far greater degree of financial autonomy and certainty than does the judiciary.

Still, the proposals in the Legislature are not the answer to this problem. Our mystery man Matt Benefiel — the Orange/Osceola court administrator — isn't elected and isn't nearly as accountable to the public. And the suggested savings from this transfer of power — ranging from \$80 million to \$200 million — seem like something of a guess.

We're also concerned with the idea of all but doing away with the clerk of *circuit* courts, a constitutional post, without a vote of the public.

Everyone agrees the courts need to get enough money to do the job. This just isn't the right path to get there.