

Resolution Of the West Pasco Bar Association

WHEREAS there are two bills, HB 1121 and SB 2108, pending before the Florida Legislature, which may radically change the duties and responsibilities of the locally elected County Clerk of Court, as well as a proposal by the Executive Council of The Florida Bar to dramatically increase court filing fees in order to gain additional funds for the court system; and

WHEREAS the Judicial branch of government is dependent upon the Florida Legislature to appropriate adequate funding for the proper functioning of the court system, and the current funding allocated to the Judicial branch, representing approximately .7 % (seven tenths of one percent) of the State budget, is inadequate to insure proper functioning of the court system of the State of Florida; and

WHEREAS at the request of the President and Board of Directors of the West Pasco Bar Association, a special meeting of the voting members of the West Pasco Bar Association was held on March 26, 2009 at New Port Richey, Florida to consider the questions of whether the membership wishes to take a position on these issues and if so, what would be that position; and

WHEREAS the Secretary of the West Pasco Bar Association confirmed there to be a quorum present, and following a discussion of the pending legislation and fee increase proposal, it was determined by a vote of Yea, without objection or opposition by those present, that the West Pasco Bar Association would take a public stand on this legislation. Therefore,

BE IT RESOLVED, by the West Pasco Bar Association that;

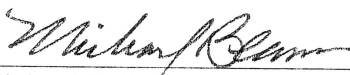
1. We urge the Florida State Legislature, which has up until now failed to meet its duty to adequately fund the courts of the State of Florida, to take immediate action to increase funding to the courts of this state.
2. We support the locally elected Constitutional Office of County Clerk of Court and vigorously oppose any transfer of the Clerk's duties to the statewide judiciary.
3. We adamantly oppose any increase in court filing fees, as it will chill the people's right of access to the courts.

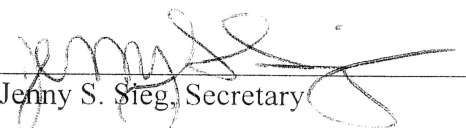
WHEREFORE, we respectfully request that our elected representatives oppose any legislation inconsistent with this Resolution and urge Governor Charlie Crist to veto any such legislation, should it pass the House and Senate.

March 26th, 2009

Attested

West Pasco Bar Association, Inc.

By: 
Michael E. Beam, President


Jenny S. Steg, Secretary

For Immediate Release – April 1st, 2009

West Pasco Bar Association

The West Pasco Bar Association held a Special Meeting of voting members on March 26th, to discuss recent proposals which have been, or are expected to be, considered by the Florida Legislature concerning funding of the statewide court system. The West Pasco Bar Association is a voluntary membership organization, and its voting members are attorneys who practice in the local area. Pasco County is part of the Sixth Judicial Circuit, which includes both Pinellas and Pasco Counties.

The Bar Association reviewed two recently filed Bills, HB 1121 and SB 2108, which in their initial forms proposed to divert certain court-related fees collected by the Clerks of Court to fund court-related activities, as well as transfer certain duties currently handled by the clerks to the judiciary.

The Judiciary, which is the third branch of government, serving the people of the State alongside the Executive and Legislative branches, currently receives only about seven tenths of one percent of the State's budget. The Judicial branch is responsible for interpreting the laws created by the Legislative branch, as well as presiding over all civil and criminal cases filed in the court system. The legislature appropriates the money necessary to fund the activities of the courts, in accordance with the State's budget.

The Association also discussed a recent proposal, not yet submitted to the legislature, which would significantly increase filing fees in civil, probate and family law cases by basing the filing fee on the contested value of the case being filed, thereby increasing the filing fee in certain cases from the current level of \$295 up to \$2000. A filing fee is paid by the party bringing the case to court at the time the case is filed.

After discussion, the Association passed a resolution urging the Florida Legislature to take immediate action to increase court funding, opposing transferring any duties from the Clerk of Court to the judiciary, and opposing any increase in filing fees, stating that such increases would "chill the people's right of access to the courts."

The resolution will be forwarded to Governor Charlie Crist, the House and Senate of the Florida Legislature, The Florida Bar and other interested parties.