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ON THE MARK: Plain and simple reading of the law

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For the better part of the past decade, the Collier County Commission has been in a legal war with the Clerk of Courts. There have been high and low points for both sides over the years, but the persistently lowest point for the taxpayers of this county has been having to stand by and watch hundreds of thousands, if not millions, of dollars of our money being wasted on petty squabbles and power struggles. Elected officials are supposed to represent us, always with our best interests in mind. The taxpayers' interests are not being served in this fight with the Clerk of Courts. At a time when we need every dime we can find just to manage the most critical services of the county, leadership should not be flushing millions down the toilet on needless lawsuits.

The County Commission has filed several lawsuits against the Clerk for a variety of technical reasons, in an effort to control the Clerk's office and not allow his unfettered scrutiny of county records. Last week, a case the county thought they had won at a lower court was soundly overturned by an appeals court and the reading of that court's reversal stands as a testament to the silliness that has gotten us into this expensive legal war.

In a physical confrontation between individuals, strength or cunning may win out and results are realized quickly with limited costs incurred. Fighting in a courtroom has nothing to do with one's physical prowess and is, for the most part, based on who can financially afford to take the fight the farthest. Hiring attorneys skilled in courtroom theatrics and hiring the experts who will testify exactly as you want them is also costly. Without both, your chance of winning in a courtroom is severely reduced.

So what better way to win a modern-day fight than to cut your opponent off at the knees, by removing his ability to financially hire a counter-defense? Sadly, this is most likely the determining factor in the vast majority of judicial decisions, due to the fact that decisions must be based upon the evidence presented and the evidence and its presentation costs rise exponentially, depending on the complexity of the matter.

In the case recently appealed and won by the Clerk of Courts, his access to the funding needed to continue the defense of his department's right to review county expenditures was being challenged by the County Commission. Florida Statutes provide the Clerk the power to use interest earnings on the money he invests to, among other things, operate his department. The county was trying to convince the courts, contrary to Florida Statutes, that the interest income from invested monies earned by the Clerk came under the control of the County Commission, thereby removing access to the funds needed for the Clerk's defense.

It is sad that this matter had to even enter into the fray, as the cost to run the initial trial, and then the appeal, will end up being in the hundreds of thousands of taxpayers' dollars. This is especially harmful at a time when we hear our elected officials claiming they are running short of funds for more critical items.

As the courts simply stated in its findings for the Clerk: "...When the language of the statute is clear and unambiguous and conveys a definite meaning, there is no need to resort to the rules of statutory construction; the statute must be given its plain and obvious meaning...."

It might be a good time for the Commission to reflect on the other many legal challenges filed against the Clerk, and for the sake of taxpayers, end this nonsense and use our money for more needed endeavors.

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