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Florida's Courts System Funding After Article V Revision 7

Joseph Ernest Smith, Sr.
Walden University

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Walden University

College of Social and Behavioral Sciences

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Joseph Ernest Smith, Sr.

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Walden University
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Abstract

Florida's Courts System Funding After Article V Revision 7

by

Joseph Ernest Smith, Sr.

MPhil, Walden University, 2020

MA, The George Washington University, 2001

BA, University of Central Florida, 1999

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Public Policy and Administration

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February 2022

Abstract

The state of Florida approached the topic of funding for the courts system from a policy equilibrium position. The process used to fund Florida's courts system was changed in 2004 to promote an equitable system of funding. However, a gap in knowledge remains regarding whether this new funding scheme improved the financial health of the courts system. This quantitative study, which involved using the punctuated equilibrium theory (PET) as its theoretical framework, examined funding associated with counties before (1998–2003) and after (2005–2018) the 2004 implementation of Revision 7 to Article V of the Florida Constitution. Revision 7 was examined as to how it affected funding in fiscally constrained counties. Archival-based data provided by the Florida Department of Financial Management was used to create the quantitative pretest/posttest design. The regression analysis revealed Revision 7 had a statistically significant impact on courts system funding post Revision 7. The potential positive social change impact from this research is obtaining a broader understanding of how policies are created and implemented. Legislative leaders can determine what type of tools are more effective when funding judicial services and which tools deliver a reduced impact. Identifying impacts of policy decisions serve lawmakers and citizens well by providing insight and empirical data regarding short- and long-term effects of political decisions.

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Dedication

I am the son and grandson of Bahamian immigrants who came to the United States seeking a better life for themselves and the generations who would follow. My father, the late James Henry Smith, Jr. came to the small town of Fort Pierce, Florida on a farming contract during the 1950s. He met my mother, the late Carolyn Armentha Mackey and they were married for 59 years. They both entered eternal life while I wrote this dissertation. I was unsure that I would complete this work because of my grief. Above all, however, my parents taught me to persevere. That is exactly what I did here. All that is good in me is because of their encouraging nature and unconditional love. My greatest joy in life was being their son and I dedicate this dissertation to them, because they made countless sacrifices for me.

I also dedicate this dissertation to the Glory of Almighty God for his many blessings; for long life, for good health, for my family, friends, and neighbors; for those I love, and for those who love me.

“Now unto him that is able to do exceeding abundantly above all that we ask or think, according to the power that worketh in us, Unto him *be* glory in the church by Christ Jesus throughout all ages, world without end. Amen.” ~Ephesians 3:20 - 21 KJV

Acknowledgments

To my family, friends, work colleagues, political supporters, and mentors, thank you for your love and support. To all my teachers whether from the classroom or not, especially my kindergarten teacher, Susan, “Mrs. D.” Donaldson, I would not be where I am, or who I am without you, Dr. Judi Miller, Mrs. Gerri Smith, and Dr. Chris Taylor in the cheering section of my life. I was also grateful to have two political fathers in my life: the late Jeffrey Furst & the late Allen Miller. One a staunch Democrat and the other a staunch Republican. Together, they helped to shape my world view and mold me into the centrist I am today. I met them when I was a child and I never stopped looking up to them. I wish there were more amazing people like them in politics today.

To my two greatest gifts: David James Smith and Joseph Ernest Smith, Jr., work hard, say your prayers and you can achieve anything! Your family loves you very much. To my brothers of Omega Psi Phi Fraternity, Inc., and Triple 7, thank you for your friendship, which is essential to my soul.

I pray that this accomplishment, including the twists and turns that accompanied it, will inspire others to achieve greatness in their lives, especially when facing long odds.

Dr. Victoria Landu-Adams, thank you for your confidence in my research plan from the beginning. Thank you for your encouragement and support. Thanks also to my second committee member, Dr. Atkinson, and URR Dr. Ferreros. I appreciate your support and guidance throughout this process. I began this journey at the University of Central Florida in 2013 and met my first chair there. Dr. Lawrence Martin listened as I formulated the idea for this dissertation. Thank you for your help as well.

I am the first person in my family to achieve this educational milestone. It is said that it takes a village, so let me thank my siblings James, Michael, and Carolyn, and the Episcopal Church of St. Simon of Cyrene in Fort Pierce for their love and support. I'm also grateful for my bonus parents Angela and David Lueke. I'm also grateful for my sister, Cheryl. She helped babysit our boys during this journey and offered me space in her home for testing and rest after late-night classes. Achieving this dream also takes a team of people who support you around the clock. I'm grateful for all my friends, especially Chrisdon, Courtney, Gwendolyn, Julius, Kara, Kristen, Michelle, Sara, Sarah, Taylor, Tina, Tisha, and Tom. To my campaign manager turned dear friend, Rebecca, thanks for always believing in me even when I didn't necessarily believe in myself. I also couldn't have made it across the finish line without the support of the special people I was blessed to work with at the offices of Joseph E. Smith, Clerk of the Circuit Court, St. Lucie County, Florida between 2009 - 2021; Courtyard by Marriott Port St. Lucie/Tradition; and Performance Based Preparatory Academy.

I always dreamed of achieving this academic milestone, but there were some people who inspired me to meet this moment: Dr. Samuel Gaines, Dr. John C. Hitt, Dr. Edwin Massey, and Dr. Paula O'Neil. Each has served as a mentor and leader for me in my life. Dr. Gaines and I are fraternity brothers today, but I have always looked up to him and valued his mentorship. I had the privilege of serving the University of Central Florida on the President's Leadership Council and had my first personal interactions with a university president. They were always cordial, positive, and I knew then that I wanted to serve as a university president myself one day! Dr. Massey, and his wife Jo, encouraged

Heather and me to pursue this journey together despite the challenges we saw ahead. Dr. O'Neil and I served together as Clerks and Comptrollers and our conversation one night at a conference encouraged me to stop talking about getting a doctorate someday and to apply and work on earning one. You all changed my life and the trajectory of my family! Thank you so much for your encouragement and support. You have inspired me to do great things just like each of you.

Sometimes in life you make friends who stick with you. In my cohort, Jesseca, Tiara, and I became close immediately and I'm so grateful to have met them during this important stage in our lives.

Finally, I could not have completed this dissertation without my stunningly beautiful, amazingly smart, and ridiculously loving wife; the mother of our brilliant and loving children, and friend I chose to share my life's journey with: Heather Lueke Smith. I began this journey towards a dissertation when things were perfectly quiet in the house: we had an 11-month-old baby! There were late nights, early mornings, and campaign seasons. It was all very rough, but you gave me the freedom to pursue this American dream. I am grateful for you and will love you always. Thank you for everything!

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Chapter 1: Introduction to the Study

The objective of this quantitative pretest/posttest impact evaluation was to analyze the effect of Revision 7 of Article V of the Florida Constitution on fiscally constrained counties using the punctuated equilibrium theory (PET) to explain policy and budgetary changes within the Florida courts system. Before Revision 7 was implemented, urban counties had greater resources to fund their court system than their more rural counterparts (Hays, 1975; Samuel, 2015; Florida Office of State Courts Administrator, 2018). On some occasions, this disparity meant litigants with the same criminal charges would receive different sentences or were denied opportunities for timely justice based on the county in which they lived (Jennings & Calabro, 2006).

The stated goals of Revision 7 (Article V, Section 14(a) of the Florida Constitution) were to: create a uniform funding mechanism at the state appropriation level that would fund the state courts system, state attorneys, public defenders, and court-appointed counsel (Martinez, et. al, 1998). Another goal was to determine how judges at the trial court level are selected via direct election or merit selection and retention. It was also a goal of Revision 7 to change the term of office for county court judges from 4 to 6 years and to correct the number of years a member of the state's Judicial Qualifications Committee is allowed to serve.

I served as the Clerk of the Circuit Court and County Comptroller of St. Lucie County, Florida for 12 years. During that time, I observed numerous fluctuations in the amount of dollars available to fund the courts system. This research contributed to

advancing current knowledge in academic literature regarding this issue. Evaluating the courts system funding scheme in the state of Florida will help inform how state decisions are made regarding courts system funding.

Seventeen years have passed since Revision 7 was implemented. However, a dearth of academic research that examines funding for Florida's courts system or any other state courts system remains. One reason court systems funding is studied rarely is complexities of understanding the funding models of modern-day court systems (Greenberg & McGovern, 2012; Hartmus & Walters, 2016; Robinson, 2012).

In Chapter 1, I discuss the background of Article V Revision 7 and provide a history of Florida's courts system funding. I introduce the problem statement, purpose of the study, and an analysis of the goals I achieved through this study. I introduce the theoretical framework, the PET before an in-depth discussion of these policy ideas in Chapter 2.

In this chapter, I explain the quantitative research questions and hypotheses. The research questions involve whether Revision 7 is a successful policy that achieved its goal related to providing greater funding for fiscally-constrained counties. The independent predictor variable of the proposed study is the implementation of Revision 7 of Article V in 2004. The dependent variable is the funding allocation for each county court in Florida between 1998 and 2018. I propose to use a one group pretest/posttest design to compare actual budget numbers before the intervention of Revision 7 to those numbers after intervention had occurred. I explain general terms used in the study.

Afterward, I provide study assumptions and scope and delimitations. As I have identified my service in the courts system as a potential bias, I also provide an overview of any additional biases that had the potential to affect the study, along with attempts to ensure that these biases were addressed.

Chapter 1 concludes with my thoughts regarding additional research involving the implementation of Revision 7 and its outcomes. I provide recommendations on how best to work with data and answer research questions. I conclude Chapter 1 by summarizing what I have shared and provide a transition to Chapter 2.

Background of the Study

On November 3, 1998, 59.6% of Florida's voters approved the Florida Local Option for Selection of Judges and Funding of State Courts, Amendment 7. The amendment shifted most of the burden for funding the courts system from each of the 67 counties to the Florida State Legislature (Butterworth & Martinez, 1998). This change to the courts system was substantial. Counties would pay less to fund their portion of the judicial system. In the 1995-96 fiscal year, the state of Florida spent \$101 million less to fund the state courts system than counties did (Butterworth & Martinez, 1998). The cost savings because of the financial burden shift to the state legislature meant that counties would have additional revenue available to spend on other priorities. An additional priority of Revision 7 meant that rural and urban counties had financial parity in local courthouses.

Revision 7 was implemented in 2004. The Great Recession of 2008 was a barrier for counties to receive expected funding based on the approved 2004 model. The Florida courts system experienced major reductions in funding. Issues involving appropriate Article V Revision 7 funding were part of yearly state budgeting conversations. The focus of this study was an impact evaluation of budgets passed by the Florida legislature and 29 fiscally-constrained county governments. The goal of the research was to evaluate a gap in literature to determine whether the state increased funding for counties in general, and 29 fiscally-constrained counties specifically. The initial impact of Revision 7 on the state budget was projected to be experience an increase in funding of about 32% more than the previous year's budget, for a total of \$234.2 million, with the second-year increase in court funding being approximately 2.5% and 1.6% increased funding in years following Revision 7 implementation (Florida Senate Ways and Means Committee, 2005). It is important to know whether these projections were correct.

Each year, Florida's legislature commits less than 1% of the total state budget to fund the courts system. In the 2019/20 fiscal year, that amount was approximately \$554 million (Florida Office of State Courts Administrator, 2020). The legislature is not alone in this method of funding. According to Molvig (2016), many state and local governments attempted to reap money from fines and fees from state courts without allowing those courts to use those funds to operate. In Florida, the courts system generated nearly one billion dollars in revenue for the state. Much of the revenue flowed to programs and services that are not related to the courts. Since 2006, the courts

system of the state experienced an erratic budgeting process. Florida Tax Watch (2004) said funding for 2004-2005 would require “legislative fine-tuning—likely both increases and decreases” (p. 17) in addition to emergency funds until funding issues were resolved. Some departments within the courts system are running out of money to support operations. A lack of planning may be to blame.

The Great Recession made full implementation of Revision 7 difficult. Another challenge with full implementation of Revision 7 was the 4-year delay in writing implementation instructions on the part of the Florida Legislature. Revision 7 was approved by voters in 1998. The amendment mandated legislators to fund the state courts system, gradually culminating with full implementation of Revision 7 to Article V in 2004. The first House and Senate implementation plans began in 2002. Progress at implementing Revision 7 was made in 2003 when legislation setting up the new court structure was adopted. All implementing legislation, or bills to place Revision 7 into law, was completed in 2004 (Carlson et al., 2008).

Results of this evaluation will benefit policymakers as they identify the funding scheme used by Florida state courts. Term limits for Florida state legislators mean that elected officials do not know as much about legislation compared to lobbyists (Lemongello, 2019). This means few elected officials in the state capital understand the purpose and use of Revision 7. Five years after Revision 7 implementation, the Florida Bar commissioned a study to review the policy. Population growth and the Great

Recession created case backlogs that required courts to reduce or eliminate services as a result (Washington Economic Group, 2009).

Problem Statement

Equal justice under the law and access to justice are guiding principles of the US judicial system (Albiston et al., 2017; Edenfield, 2014; Jawando & Wright, 2015; Prescott, 2017; Robinson, 2012; Saufley, 2010). Judicial independence is considered a pillar of American jurisprudence (Darwall & Guggenheim, 2012; Nownes & Glennon, 2016; Robinson, 2012). The general problem is a lack of financial data on courts systems that persists throughout the US. The specific problem is reduced funding for courts systems impacts communities via job losses, financial impacts for business owners, and reduced access to justice.

Current research on judicial funding in the United States, including courts system funding in the state of Florida, revealed little information on funding models for modern day courts systems. If left uncorrected, the executive and legislative branches of government will lack appropriate information to identify and determine what is considered proper funding for the judicial branch of state governments (Samuel, 2015). The stated goals of Revision 7 as listed in Article V, Section 14(a) of the Florida Constitution that pertained to this evaluation were to create a uniform funding mechanism at the state appropriation level that would fund the following: the state courts system, state attorneys,

public defenders, and court-appointed counsel. This change was approved by 57% of Florida's voters.

As an issue of transparency, legislators and members of the public require greater knowledge of the funding process for Florida's courts system.

However, the creation of a stable source of funding remains elusive.

Purpose of the Study

The purpose of this quasi-experimental quantitative archival-based research study was to determine the impact of Revision 7 to Article V on the amount of funding received in Florida's fiscally-constrained counties. I compared county funding for judicial services in the 6 years between 1998 and 2004. Also, I reviewed financial data post-implementation between 2005 and 2018. A significant goal of Revision 7 was to end Board of County Commissioners funding of the state courts system and allowing the state government of Florida to fund the state courts system instead. (Butterworth & Martinez, 1998; Samuel, 2015).

I proposed using a quantitative research method involving archival data to examine the funding differences between fiscally and nonfiscally constrained counties in Florida by collecting data pre- and postintervention. The empirical study included all counties but focused on 29 counties determined to be fiscally constrained according to statute 218.67(1) of the Florida Legislature. It is important to focus on fiscally-constrained counties because their unique financial challenges were a significant reason

to support passage of Revision 7. I examined funding of Florida's courts system before and after implementation of Revision 7. Reviewing this policy intervention has the potential to inform legislative and executive branch policies related to the judicial system in Florida. The goal of my study was to add to academic literature while determining the impact Revision 7 had on court funding among nonfiscally-constrained and fiscally-constrained counties in Florida.

Research Questions and Hypotheses

RQ1: Did Revision 7 to Article V create a significant difference in the amount of court funding received pre and postimplementation?

H₀₁: Revision 7 to Article V did not create a significant difference in the amount of court funding received pre and postimplementation.

H_{a1}: Revision 7 to Article V created a significant difference in the amount of court funding received pre and postimplementation.

RQ2: Did Revision 7 have an impact on Article V in terms of court-related revenues pre and postimplementation?

H₀₂: Revision 7 did not have an impact on Article V in terms of court-related revenues pre and postimplementation.

H_{a2}: Revision 7 had an impact on Article V in terms of court-related revenues pre and postimplementation.

Theoretical Foundation

This research plan involved using the PET, as presented by Baumgartner and Jones, to review the impacts of Revision 7 to Article V on the Florida courts system. Funding for Florida's courts system after Revision 7 was a significant departure in terms of the incremental nature of the courts system before 2004 (Samuel, 2015; Butterworth & Martinez, 1998). The PET is an appropriate theory to use when focused on longitudinal studies related to decision-making and political institutions (Baumgartner & Jones, 1993; Weible & Sabatier, 2014). The PET is also beneficial when using budgetary information because it involves identifying the importance of government programming over time (Baumgartner & Jones, 1993).

Nature of the Study

Academic literature on state courts funding is scarce. This study was a quantitative archival-based impact evaluation and involved examining state and county funding of the Florida courts system pre and post Revision 7 implementation in fiscally-constrained counties. A quasi experimental one group pretest/posttest design indicated a median increase of about \$23.3 million for fiscally-constrained counties after Revision 7 implementation. The independent variable was the implementation of Revision 7 in that it serves as a marker of time pre intervention versus post intervention. The dependent variable was funding for each county before and after Revision 7 intervention. This study involved using a quasi-experimental design with archival data that were longitudinal and compiled between 1993 and 2018.

A one group pre-test/post-test design allowed me to infer whether Revision 7 had an impact on per capita spending for fiscally-constrained counties in the courts system. Results of the impact evaluation will be used to inform legislators and citizens regarding outcomes of this significant funding policy .

Definitions

Available funding: The amount of funding accessible for use to fund the courts system in each county.

Fiscally-constrained County: Fiscally-constrained counties are in rural areas of economic concern within Florida where the value of a mill, or unit of value equal to .10 of a penny, is less than \$3 million based on tax data and property valuations (Financial matters pertaining to political subdivisions, YEAR).

Funding: Resources to support the functioning of the judicial branch.

Mill: A money of account equal to 1/10 cent

Non-fiscally constrained county: All counties except for the 29 counties in Florida who generate more than \$3 million based on tax data and property valuations (Financial matters pertaining to political subdivisions, n.d.).

Policy Punctuation: A significant departure from a normally incremental process used to update public policy.

Revision 7: A series of voter-approved changes to the way the court system of the state was funded through Article V of the Florida Constitution.

State Courts System: Judicial actors –including the Supreme Court, District Courts of Appeal, circuit courts, county courts, and specialized divisions.

Bounded rationality: A believe that decision-makers have limits in making choices based upon the information they are given, attention span, long-term memory, emotional factors, age, amount of, and exposure to information.

Disproportionate attention: A believe that legislators have difficulty in processing all the information they receive. Therefore, information is reacted to either in an underwhelming fashion or as an overreaction.

Assumptions

There were some ontological assumptions to consider in this study. The issue of court funding rarely receives public attention. I begin my assumptions with the believe that the underpinning research is sound. I also assume that the data used for this study are accurate. It was assumed that larger counties would have a larger team of financial services professionals to audit and validate financial data when compared to their smaller county counterparts.

Scope and Delimitations

This study covers the effects of Revision 7 over a 20-year timeframe between 1988-2018 in Florida's 67 counties. I spent some time determining the impacts of Revision 7 on Florida's 29 fiscally-constrained counties as well. This study is delimited to the 20-year time frame because it answers the research questions regarding the financial impact of Revision 7. I chose not to go further back since there were changes in

policy prior to 1998. I chose the impact of Revision 7 because it changed the way that the state of Florida funded its courts system. I focused on the fiscally-constrained counties because they had fewer financial resources than counties that had greater populations.

Limitations

While there were benefits using archival data, there were also limitations. A potential challenge with archival data was that it could be unreliable. However, data were sourced from reliable government agencies. Another possible limitation is that the way data were collected in 1993 is different than the way data are collected today. Therefore, the way information was collected during one period may change as well. This limits the study's generalizability because the researcher does not know the data are reliable. Another limitation was related to the size of the counties. When Florida's counties submitted annual budget information to the Department of Financial Services, they did so for auditing purposes. An additional challenge of ex post facto research was the observational nature of the study.

Significance

This proposed research was significant because it fills a gap by informing citizens how Revision 7 was used to allocate public funds within Florida's courts system. Judicial independence was identified as important for courts to thrive (De Muniz, 2014; Robinson, 2012). The erosion of judicial independence is a related concern (Berkson & Carbon, 1978; Edenfield, 2014; Robinson, 2012; Tobin, 1981). Reduced funding for the judiciary led to a lack of administrative resources to dispense justice (Payne, 2019). Court

funding has an impact on the lives of citizens, and results of my quantitative research will help inform citizens.

I gathered data that compared funding of Florida's fiscally-constrained counties to those that are not. Data were manipulated using paired samples t-tests and regression analysis to determine benefits of the intervention of changes to Revision implementation of Revision 7 on the budgets of fiscally-constrained counties. This one group pretest/posttest design was used to provide an estimate of the impact of Revision 7 on fiscally-constrained counties compared to the time period before the ratification of Revision 7. Understanding whether Revision 7 as a policy intervention was beneficial to Florida's fiscally-constrained counties was important because this project cost tens of millions of dollars and used state funds from Florida's taxpayers. It was in the public's interest to determine whether it was a successful use of resources. Kettl (2003) surmised, "All political issues sooner or later, become budgetary issues" (p. 1).

By its definition, an impact evaluation "provides timely, accurate, and focused information to effect social change" (Burkholder et al., 2016, p. 278). Harkness (2004) believed adding scholarly information regarding judiciary funding would have a positive social impact. My goal with this evaluation was to provide opportunities for strengthening Revision 7 if data supported it .

Summary

The role Revision 7 to Article V of the Florida Constitution has on the courts system is substantial. Revision 7 created substantial changes in terms of the way the

courts system is funded within the state. The success of Revision 7 remains in question. Since its implementation in 2004, the courts system has had different challenges involving funding, including the Great Recession and COVID-19 global pandemic. Since the courts system is funded by the state legislature, and funds allocated are based on fines and fees from users of the system, the funding mechanism is sensitive to significant economic impacts. These impacts would be felt in greater measure in areas that are already fiscally-constrained.

Existing research on Revision 7 has addressed questions regarding technical efficiency and governance. Determining the success of Revision 7 implementation has not been addressed. I reviewed archival data from prior to and after implementation and determined whether variances before and after implementation of Revision 7 had a greater impact on fiscally-constrained counties who had the greatest need for funding. Determining the impacts of Revision 7 will aid in in policymaking by providing data-driven information to verify how decisions made in legislatures impact policy.

Chapter 2: Literature Review

Introduction

Chapter 1 introduced the research study including the significance of conducting research and basic information. In this chapter, I introduce available academic literature related to my study of Article V Revision 7. I present a review of the literature search strategy, extant PET literature, Florida's courts system, and the history of Revision 7 to Article V as it informed my study. Available literature involved the need of the judicial branch to remain independent of the executive and legislative branches that funded it. Available literature neither provided successful models of this phenomenon nor contained exemplars of judicial systems that reviewed attempts to fund the judicial branch after implementation of a new funding model. Literature related to Revision 7 implementation was scarce, but literature related to the PET, policy creation, and judicial funding was identified. There was a need for additional research regarding this topic.

To begin this chapter, I examined the scholarly literature regarding the PET. I address court and governmental funding. I presented information that identified changes in judicial funding models in Florida. In Chapter 2, I focused on extant literature. The literature review began by reviewing funding challenges within judicial branches around the world, across the nation, and around the state of Florida. Then I focused on the unification of Florida's courts, funding of the judicial branch before implementation of Revision 7, and challenges involving insufficient funding for this branch. Last, I

discussed how Article V Revision 7 was operationalized and presented my summary and conclusions.

Literature Search Strategy

This literature review began in 2017. The keywords searched were as follows: *courts system*, *court funding*, *judicial funding*, *judicial independence*, *Article V*, *Revision 7*, *funding justice*, *financing courts*, *punctuated equilibrium*, *judicial finances*, and *fiscally constrained*. This literature review was completed using multiple databases. Among them were: Academic Search Complete, Military & Government Collection, Open Dissertations, Political Science Complete, Public Administration Abstracts, SocINDEX, Gale In Context, Google Scholar, and Thoreau. Since this study is a review of the passage of a law and changes that followed, other than historical academic writings, articles were selected that were published between 1998 and 2021. There was a limited amount of peer-related literature available regarding the topic of court funding. States choose various paths to fund state courts. Zambrano (2019) believed expansion of judicial rule at the federal level reduced political pressure on state legislatures to find adequate funding for state courts. This literature review also includes court decisions, law journals, government reports, nonpartisan nonprofit think tanks, and the Florida Constitution. The focus of my review was how court systems are funded generally and in the state of Florida specifically.

Theoretical Foundation

The PET is used to explain how and why issues are managed within institutions in the United States (O’Neal, 2011; Baumgartner & Jones, 1993). The PET involves concepts such as bounded rationality, disproportionate attention, power, agenda setting, framing, policy monopolies, and venue shopping (Cairney, 2013). Originally used in geological studies, PET focuses on incremental changes that lead to larger change based on attention and time (Baumgartner & Jones, 2010).

Elected officials must determine the best ways to inform themselves to make decisions. During the 2020 Florida Legislative Session, there were 3,578 bills filed. However, only 210 were passed (Florida Chamber of Commerce, 2020). Legislators must balance competing requests for budget allocations with a finite amount of money available for spending. Some social problems must wait while others receive immediate attention.

Policy venues for courts include courts, local government, state government, attorneys, court system users, and elected officials (Baumgartner & Jones, 2009). The PET involves how changes in policy results from a radical departure from agenda setting in governing. The result is an entirely different policy (Cairney, 2013; Moershell, 2009). An additional benefit of the PET is that it allows for “.an in-depth analysis across time that can provide rich information to test the PET model” (Menefee, 2017, p. 76).

The PET involves how and why court funding policies go through periods of stasis before periods of rapid change (Sanders, 2016). Political processes create changes

to policy equilibrium based on either negative or positive feedback. These changes effected explosive changes that created a new equilibrium. Without a crisis event, it is difficult for those in leadership to disrupt the status quo (Dickson & Mitchelson, 2007).

Judges set the agenda for judicial funding by presenting the public with information about their responsibilities. These responsibilities include providing adult education regarding the role of the judiciary, teaching children about the role of judges in modern life or reaching out to professional organizations to increase the level of public knowledge about the judiciary (Levi, 2015).

The agendas of the state judiciary, the Florida legislature, and Florida counties created a confluence of agendas and instability which determined the way the topic of court funding was presented, discussed, and changed through Article V Revision 7.

Challenges remained in the way justice is funded in Florida. The passage of Revision 7 was intended to be a solution for those challenges. Challenges to the law remain. Since passage in 1998, the effect of Revision 7 was not scrutinized through a lens of effectiveness in part because it was difficult for elected officials to want to review the effectiveness of policy interventions. Institutional friction and disproportionate information processing were identified in PET literature as the two reasons that policies are punctuated (Frick, 2017; Jones, Epp, & Baumgartner, 2019). Where there were punctuating events, it was believed that recent experiences are positively associated with the probability of punctuation (Cho & Jung, 2018).

Policy change can happen rapidly, but an incremental component was also present (Robinson et al., 2014). Their supposition was concordant with Revision 7 implementation. While the state courts system began preparations for the significant change after Revision 7 was passed in 1998, Florida's legislature had other plans (Carlson et al., 2008). Near the 2004 funding deadline for Revision 7, six years after its approval, an editorial in the St. Petersburg Times stated the goals of Revision 7 to create equity among judicial services funded by former governor Jeb Bush was inadequate (St. Petersburg Times, 2004). This is an example of disproportionate attention because the issue of court funding was a key 1998 constitutional amendment with a six-year implementation time frame. The issue of court funding received disproportionate attention across the United States during the 1990s (Zambrano, 2019). In Florida, government officials waited four years before focusing attention on the issue of courts funding (Carlson et al., 2008).

This study was a pretest-posttest quantitative study of the relationship between fiscally constrained counties in the state of Florida and the financial results of the implementation of Revision 7 to Article V of the Florida Constitution. Documents were readily available for review from trusted websites at the state level. While preparing this research, it became obvious that proper funding of the Third Branch of government throughout the country remained a significant issue (Hartley, 2013; Ostrom & Hanson, 2010). Some states were not impacted by the Great Recession of 2008/2009. However, court funding was reduced during the 2010—2011 legislative sessions in 80 percent of

the states, including Florida. This proposed dissertation evaluation and study builds upon the different studies that investigated this area of courts system funding but did not tackle this issue specifically. This study is different because it utilizes a PET framework to delve into 25 years of data that contains budgetary information to answer the research questions.

A former court administrator thought that the public would not believe the dire financial condition facing state courts until the pain being experienced by litigants was expressed in explicit terms (Grossi et al., 2012). A report went further to include a tale in Washington State where a suspect had to be released because of speedy-trial issues. While out, it was determined that the suspect raped a woman and then killed a pedestrian during the high-speed chase meant to capture him (Grossi et al., 2012). This is part and parcel of the objective conditions argument which posits that compelling issues require either a shift in attitudes or a focus on how the misfortune of a few obtains the attention of the masses and therefore, becomes an image worthy of governmental intervention (Majone, 1989; Aikman, 2012).

McGovern and Greenberg (2014) believed the advantage of state courts being funded by state dollars was the ability for all taxpayers to fund a constitutional right. Under the scenario posited by the American Bar Association (ABA) at the time, only court users would pay for the system and not all citizens. Baumgartner and Jones (2009) identified a similar issue in their research related to class. The PET is often associated with those who represent the masses of citizens who are not politically aware when

responding to policy changes initiated by political elites. In this way, the ABA comments did not stand the test of time. The courts system had to admit a difficult truth. During the 2013-14 fiscal year, mortgage foreclosure filings fees were shifted from the State Courts Revenue Trust Fund (SCRTF) to the state's General Revenue fund. Foreclosures had a precipitous drop in filings and as a result, the SCRTF was less reliable for revenue than initially anticipated (Florida Office of State Courts Administrator, 2018). The courts believed, “. . .the general revenue fund can better withstand the volatile nature of the foreclosure filing fees. General revenue was then used as a primary funding source for the courts” (Florida Office of State Courts Administrator, n.d.). During that time, 75% of courts system funding comes from general revenue. All court services in Florida utilize less than one percent of the state's budget (The Florida Bar, 2004). Nationwide, courts utilize between one-and-a-half and two-and-a-half-percent of total state budgets for funding (“USA Today's Debate: Public Spending”, 2011; Judicature, 1996).

The commentary from legislators regarding equal branches and adequate funding is important. However, politicians often exult the concept of judicial independence without adequate information to define it (Tiede, 2006). A difficult challenge for the judiciary, it seems, is determining the difference between the soaring platitudes offered by the other branches towards the judicial branch versus their follow-through.

The use of evaluation as a tool in the government arena has increased in recent years due to legislative edict (Davies et al., 2005). Impact evaluations are popular in the

field of policy evaluation (Burkholder et al., 2016). This study was a pretest-posttest quantitative study of the relationship between fiscally constrained counties in the state of Florida and the financial results of the implementation of Revision 7 to Article V of the Florida Constitution. Documents were readily available for review from trusted websites at the state level. While preparing this research, it became obvious that proper funding of the Third Branch of government throughout the country remains a significant issue (Zambrano, 2019, Hartley, 2013; Ostrom & Hanson, 2010). As a result, the rationale for use of the PET became evident when change: both immediate and delayed was applied to the courts system. This dissertation built upon multiple studies that looked in this area of courts system funding but did not tackle this issue specifically. Earlier studies looked at the process of implementation of Revision 7, attempted to measure the impacts from an implementation period and forward aspect, monitored governance improvements because of Revision 7, determined technical efficiency, and reviewed the literature regarding the role of court systems funding on a nationwide scale. This study was different because it utilized the PET framework to delve into more than 25 years of data that contained budgetary information to answer the research questions.

Literature Review

The concept of a government stronger through its independence has served as a formula for modern democracies (Tiede, 2006). Government is most effective when no individual branch enjoys so much unrestrained power to make life difficult for either the

other branches or the wider community (Jackson, 1993; Rosenbloom, 1983; Madison, 1788). While co-equal branches were ideal, *The Federalist Papers* reminded the reader of the challenge of the independent judiciary; for decisions of the courts to be upheld, the Legislative and Executive branches were the only branches equipped to carry them out (Hamilton, 1788 ; Badas, 2019). The concept of checks and balances required a true separation of powers and a breakdown in that separation would destabilize our form of government (Jackson, 1993). A former president believed that the judiciary were the guardians of all rights in the United States and other presidents have spoken about an independent judiciary serving as a reason Jeffersonian democracy thrives.

The judicial branch is one of three independent and coequal branches that form our government (Schifino, 2017). The struggle to understand its funding is complex. While this issue has garnered scholarly attention for many years, the 20 years between 1989 and 2009 seem to be the height of academic research into this issue. The National Center for State Courts, a repository for courts systems related information, focused its attention to the issue of judicial funding and independence during that time (Zambrano, 2019).

As mentioned previously, scant literature exists regarding state courts and their funding schemes. As part of the study, the issue of adequate funding was identified as a challenge. A finding of the study was that a better understanding of the court system budget was necessary, as well as a keen understanding of the political and legislative processes.

Hays (1975) also studied court reform focused on innovation and challenges to reform. Both reviews looked at the aftereffects of a constitutional-based reorganization of Florida's judiciary. Samuel (2015) and Hays focused on the roles of the court administrators and the role funding plays within the judicial system. Hays also included perspectives from chief judges and court clerks. Samuel chose the administrative officers of court as a group to gather knowledge from, Hays and contemporaries at the time in legal and academia believed that managers within the administrative state were the impediment to court reform. Both found little academic information related to court administration.

Ferrandino (2010) focused on the technical efficiency and productivity of the Florida Courts System. Specifically, Ferrandino utilized resource dependency and institutional theory to determine that Florida Courts had not become more efficient since Revision 7 implementation. Of note for this study, Ferrandino indicated that productivity fell by nearly 3% in small and medium-sized circuits, which happen to encompass most of the fiscally constrained counties that form the population for this study. The determination of the study was that resource allocation decisions should include efficiency analysis as well as additional judges do not increase, but rather decrease efficiency.

Carlson et al. (2008) produced a study by the Justice Management Institute and funded by the National Institute of Justice that reviewed Revision 7 as part of a three-state review of court funding. The study was focused on the effectiveness of trial court

funding to include equity and accountability. Hamilton (2017) looked at revenues generated from traffic citations and their impact on the court clerks and comptrollers in Florida utilizing multiple linear regression analysis. I discovered that a large proportion of the budget for this element of the courts system came from traffic citations. This research attempted to inform future funding initiatives for Florida's courts system during challenging times. As we are entering into the third budget cycle while living with the Covid-19 virus, legislators may appreciate a review of policy decisions made during other difficult times.

The Carlson et al. review pointed to three issues that form the basis of my research: smaller courts have greater funding challenges than their larger court counterparts, it is difficult to determine stability and adequacy of court system funding from only a cursory look at financial data, and additional research is necessary to discern best practices and approaches.

Researchers observed that an unintended consequence of Revision 7 was reduced innovation within the courthouse and that state funding limited the creation of best practices.

Funding Around the World

Langbroek (2019) identified the way the judicial budget for the Netherlands worked related to workload. Rates are determined based on the amount of work produced by the different types of courts on an annual basis. If the case load is higher than the budgeted amount, a distribution equal to 70% of the amount spent per case is provided. If

the case load is less, then there is a 30% reduction. The judicial system is budgeted as another government agency and remains, “.subordinate to political considerations.” Viapiana (2019) discussed the limited pool of resources available for allocation. Across the European Union, similar challenges exist than in the Netherlands and in the United States: funding is delegated to the other two branches of state. Resources for the judiciary are funded with a goal to keep the judicial branch independent There is a focus on accountability and protecting the public purse. Budgets are focused on performance-based systems in countries like Finland, France, and the United Kingdom. Performance budgeting uses outputs and impacts of public policy to determine how much funding should be allocated to the judicial system’s budget (Viapiana, 2019). One item that is different in the budgeting process occurs in Finland. Each year, a kickoff meeting occurs between the courts staff and the Ministry of Justice occurs to provide a financial overview and increase transparency of judicial funding. Finland is allowed to roll-over budget savings into the next year’s budget.

Funding for Courts in the United States

The 1990s were the first time that there was significant documentation of the funding challenges that courts systems faced nationwide (Zambrano, 2019, *Judicature*, 1996). As a result, articles that identified increased user fees, reduced hours of operations, and lack of access within courts systems became prevalent (*Judicature*, 1996; DeBenedictis, 1992). The drug epidemic and subsequent war on drugs and increase in crime was identified as the beginning of the end for adequate funding for the civil

courts (Judicature, 1996; DeBenedictis, 1992). Another goal for court systems was to develop a solution to a growing problem: a lack of financial investment within the courts system. One way to do more with less was through unifying different types of courts under a single umbrella to increase efficiencies. Ninety-five percent of cases filed in the United States are heard in state courts (Graetz, 2014; McGovern & Greenberg, 2014). Sixty percent of all cases in the United States are heard through courts of limited jurisdiction, like county courts in Florida (Schauffler et al., 2011).

Judicial actors learned to use an outside third party to lobby and message for greater resources on their behalf. The National Center for State Courts has assisted with messaging throughout the United States as it relates to funding court systems (McGovern & Greenberg, 2014). It is a common believe within the judiciary at all levels that the inability of the legislative branch to fund the judicial branch at the level the judicial branch requests has caused numerous problems for citizens. The inability to receive appropriate and timely access to the courts has reduced the public's right to receive constitutionally protected and mandated services.

Therefore, talking points advised judicial leaders to speak of the harm to innocent users of the court system because of denials and delays of their constitutionally guaranteed access (Barron, 2012; Derocher, 2010; Florida Constitution, n.d.; Grossi et. al., 2012; Justice for all Floridians Key Messages, n.d; New Hampshire Bar Association, 2010; Quince, 2009). Utilizing the structures of PET, this idea is referred to as a policy image (Baumgartner & Jones, 2009). Notice that the talking points are related to

information but also an emotional hook. Policy images are always a mixture of these characteristics. The American Bar Association encouraged their judicial partners at the state and local level to pay attention to the impacts inadequate funding had within their communities. They were also encouraged to build coalitions of citizens who would comment to the legislature and request action (Graetz, 2014; Podgers, 2012). One of the important points legal leaders wanted to share with their elected officials was that funding courts was a constitutional responsibility and not just another budget appropriation (Samuel, 2015; Podgers, 2012; White, 2009). The belief is that making legislators, the public, and other decision makers aware of the needs of the court system; they will be better advocates touting the role of the courts (Grossi et al., 2012; Buenger, 2004). As recently as 2015, the two chief justices of California and Texas shared that their grand challenges for dispensing justice include a lack of stable and reliable funding to operate and a public that does not understand the courts (Levi, 2015).

Funding for Courts in Florida

Florida's courts system was funded in the following manner: state revenues are appropriated for state attorneys' offices, public defenders' offices, and court-appointed counsel. Certain costs were funding via filing fees and service charges. Counties and municipalities are not required to fund the offices previously mentioned, or the offices of the clerks of the circuit and county courts when they are performing court-related functions (Florida Legislature Constitution and Statutes, n.d.).

Elements of the Florida Courts System

During the implementation of Revision 7, Chapter 20.004 of Florida Statutes was created to define elements of the state courts system including judges either appointed or elected, juror compensation and expenses, court reporting costs, facilities costs including security, interpretation services, expert witnesses, judicial assistants, law clerks, and resource materials, expert witnesses, foreign language and sign language interpreters and translators, court management, court administrators, magistrates and hearing officers. Judicial event scheduling, mediation and arbitration, and drug court are also funded. Case management is also included. Case management may not include costs associated with the application of therapeutic jurisprudence principles by the courts. Case management also may not include case intake and records management conducted by the clerk of court. The final items funded by the state for purposes of justice in the courts system includes mediation and arbitration, basic legal materials but not a law library, the Judicial Qualification Commission, and appellate services.

After a thorough review of the Constitution and Statutes of the state of Florida, the term “court system” refers to the judicial actors listed in Sections 1 - 6: the Supreme Court, District Courts of Appeal, Circuit Courts, County Courts, and Specialized Divisions. As it relates to funding, “courts system” is distinguished from other organizations like the State Attorney, Public Defender, and Court-Appointed Counsel. This would suggest as well that the “courts system” refers only to the judicial actors. Whether it is described as the court system or the courts system, the singular organization

to which it refers is the Judicial Branch and the most necessary tools required to dispense justice.

The Florida Supreme Court and Florida District Court of Appeals have the ability to establish the rules for procedures in courts and the appropriate methods of practice including the appellate courts, supervision of courts in the state, case transfer authority for court cases filed incorrectly before the wrong court and a guarantee that cases may not be dismissed because a remedy is considered improper (Florida Constitution, Article V: Section 2) The Court consists of seven justices of which five constitute a quorum. For a decision to be made, at least four justices shall concur.

It also can review district court decisions of “great public importance” or in conflict with another district court of appeal (Florida Constitution, Article V: Section 3). The Supreme Court also heard appeals from final judgments, rates of service of public utilities, determined the validity of state statutes or determined a provision of constitutions, constitutional officers, or contravening decisions of courts of appeal. There are district courts of appeal that could hear appeals from “final judgments or orders of trial courts, including those entered on review of administrative action, not directly appealable to the supreme court or a circuit court” (Florida Constitution, Article V: Section 4b: 1). District courts also could direct review of administrative action. They consist of at least three judges with concurrence of two being necessary to render a decision.

Court Jurisdiction

In each judicial circuit there will be a circuit court and the jurisdiction for each circuit court will be different than in county courts. The authority of the circuit courts shall be for "... writs of mandamus, quo warranto, certiorari, prohibition and habeas corpus, and all writs necessary or proper to the complete exercise of their jurisdiction" (Florida Constitution, Article V: Section 5). In each county, there shall be a court with at least one judge and the jurisdiction should be uniform across the state.

It is appropriate to discuss jurisdiction of courts at this point. State courts are established in numerous ways throughout the United States. (courtstatistics.org). Single-tiered, or unified state courts process all legal cases within a single trial court. There are five states and territories that fall into this category. The other states provide a two-tiered structure. Florida's judiciary follows this model. There are two courts: courts of general jurisdiction and courts of limited jurisdiction. General jurisdiction courts, which are called Circuit Courts, have the authority to hear all types of cases within a geographic area (circuit, district, state, etc.). By comparison, limited jurisdiction courts, which are called County Courts in Florida, focus on cases that are more common like traffic citations, small claims, and misdemeanors (Samuel, 2015; Cornell, 2012). Under this system, Circuit courts can hear appeals from county court cases, meaning that the circuit courts serve as the lowest appellate court within Florida's Judiciary Branch. Circuit courts are where the following cases are adjudicated: felonies, juvenile, probate, land and tax disputes, civil cases involving an amount greater than \$15,000, declaratory judgments, and injunctions. There may be other types of courts within the circuit

(juvenile court, mental health court, veterans court, etc.). They are most often a circuit court doing business as these other courts. However, there are other actors who are part of the courtroom and have a vital role to play. They include roles that are familiar to citizens like the state attorney, public defender, court-appointed counsel, and clerks of the circuit and county courts. Below, a short description of each office is provided for context.

Florida is divided into 20 circuits for purposes of court management. Therefore, there are 20 state attorneys and 20 public defenders who serve the public of those circuits. A challenge for these offices was the lack of funding and the extreme number of cases (Moreau, 2019). There are also 20 chief judges and court administrators who function as chief operation officers on behalf of circuit chief judges. There is also the office of the State Courts Administrator, County Trial Court Administrators, the Justice Administrative Commission (JAC), Clerk of Courts Operations Corporation (CCOC), the Trial Court Budget Commission (TCBC), and the Boards of County Commissioners (BOCC) (more information on the BOCC later) throughout the state of Florida.

Article VIII Section 1 of the Florida Constitution states the selection of the Clerk of the Circuit Court and delineates how the responsibilities of the clerk of the circuit court can be divided between two officers: one serving as the clerk and the other as the clerk of the board of county commissioners, and custodian of county funds. Filing fees based on judicial proceedings and charges for court services (Florida Constitution, Article

5: Section 16). There are also costs and fees that may be funded through filing fees for proceedings of law and service charges and costs for court-related funding.

The Justice Administrative Commission (JAC) serves as an administrative arm to nearly 50 entities that are part of the courts system. The state attorneys and public defenders, Criminal Conflict and Civil Regional Counsel, Capital Collateral Regional Counsel, and the Guardian ad Litem program. Most of the administrative services are focused on finance, budget, and human resource services. It was created in 1965. The Clerks of Courts Operations Corporation (CCOC) was created by an act of the Florida Legislature as a public corporation. The CCOC supports clerks in all counties through review and certification of court-related clerk budget proposals. Comprised of all clerks of the circuit court and led by an executive council of eight clerks plus an ex-officio designee of the House Speaker, an ex-officio designee of the Senate President, and a designee of the Chief Justice of the Florida Supreme Court. The group is also responsible for “Recommending to the Legislature changes in the amounts of the various court-related fines, fees, service charges, and costs established by law to ensure reasonable and adequate funding of the clerks of the court in the performance of their court-related functions” in addition to “developing and certifying a uniform system of workload measures and applicable workload standards. . .” (Florida Legislature Constitution and Statutes, n.d.). Funds are provided to the Chief Financial Officer of the state for distribution to the corporation as appropriated by general law. The Trial Court Budget Commission (TCBC) has budget authority based on the goals of actors in the judicial

branch and their established policies. TCBC is a commission charged with advocacy for additional budgeted funds. They also recommend to the Court funding allocation formulas and establish funding and budgetary policies. Now that there is a baseline of understanding regarding the main characters and supporting actors within the Florida courts system, it is appropriate to discuss the push for unification of Florida's Courts.

Unification of Florida's Courts

Florida abolished multiple types of trial courts—more than any other state except New York in 1973 (Florida Office of State Courts Administrator, 2020). This move toward unification was based on a realization that court expenditures increased as courts began to develop unique characteristics from the communities they served (Hartmus & Walters, 2016). Unifying courts, as Florida did, was thought to provide numerous efficiencies over time and reduced the number of cases dismissed for lack of jurisdiction (Flango, 1994). As all state courts systems in the United States are funded differently, Florida was not alone in making this shift (Hartmus & Walters, 2016). Alaska, Colorado, Connecticut, Hawaii, and Nebraska moved toward court unification during a similar time frame as well (Hays, 1975). The goal of court unification was to give judicial actors the efficiency to promote dispensing justice (Hartmus & Walters, 2016; Grossi et al., 2012; Durham & Becker, 2010). Unfortunately, while the issue of court funding was initially dealt with as early as 1973, challenges remain. The longer that it takes to solve a problem, the greater the policy punctuation required to solve that problem (Jones, Sulkin, & Larsen, 2003; Jones & Baumgartner, 2005).

A two-tiered trial court system and a focus on unification were positive results in the modern development of the courts (Carlson et al., 2008; Durham & Becker, 2010; Graetz, 2014; Hartley, 2013; O’Conner, 2013). The move from local funding to state funding is often viewed within the context of centralizing the Judicial Branch while providing an additional layer of judicial independence from the Executive Branch (Berkson & Carbon; 1978; Tobin, 1981). State economic outcomes and borrowing capabilities are also improved by greater judicial independence (Dove, 2017). However, even after tools like unification and cost-shifts from local to state funding were implemented, there was no significance shift in the amount of dollars used to fund judicial systems (Hartley, 2013; Carlson et al., 2008). Graetz (2014) and Flango (1994) identified that court unification would provide a simple and effective model to move resources in an efficient manner while reducing the burden on local taxpayers. McGovern & Greenberg (2014) said the advantage of state courts being funded by state dollars is that all taxpayers are funding a constitutional right. However, state funding also involved risk. The independence of the judiciary was at risk because the courts were forced to suffer the whims of appropriators in the legislative branch (McGovern & McGovern, 2014). Unification led to more efficient use of retired judges, increased case management, staffing efficiencies, improvements to record systems, and automations because of administrative unification. As of 2010, there were 10 states that had a single trial court. Seven more had advanced to a two-tier system like Florida (Durham & Becker, 2010). Regardless of how many tiers a courts system has, all courts systems

require funding to operate. Next, I will review funding for the judicial system in Florida before Revision 7.

Judicial Branch Funding Prior to Revision 7

McGovern and McGovern (2012) recognized that information regarding some parts of the justice system were lacking, poor and of limited scope. It was also acknowledged that attempts to compare court funding across states could be problematic because reporting across states is inconsistent. States did not fund their court systems in the same way, states did not fund judicial activities at the state level in the same way, states used different budget organization methods for courts, and the budget process performed by the executive and legislative branch was unclear. There are often hidden agendas as part of policymaking since policymaking is a political process on its face (O'Neil, 2010).

During fiscal year 1995-1996, Florida counties spent nearly \$614 million on state courts while the state of Florida spent \$513 million (Butterworth & Martinez, 1998). When voters decided in 1972 to amend Article V, the amendment was presented to and approved by the public with the understanding that counties would be out of the funding business for a state entity (Carlson et al., 2008; Florida Tax Watch, 2006; Martinez & Butterworth, 1998). Just as civil rights issues moved from a localized venue to a federal venue for enforcement, so too has the issue of courts system funding moved from a local issue to a state issue (Baumgartner & Jones, 2009).

Challenges of Insufficient Judicial Branch Funding

The judicial branch has the responsibility to solve disputes between citizens. It has a greater responsibility to solve disputes between branches of government. Courts are at a disadvantage as a branch of government because, while considered equal, they do not have the same voice as the other two branches of government. However, they have a responsibility to marshal the full resources of the judiciary to defend itself from the legislative and executive branches that are meant to be separate but equal. Since the 1968 Constitutional Revision Commission, Floridians have made multiple changes to the way they fund the courts system. Today, the Three Branches of state government continue to debate the question of courts system funding—the most recent debate occurring during sessions of the Florida Legislature in 2020.

Since implementation of Revision 7, the courts system spent the past 17 years lurching from one budget crisis to another due to factors both exogenous and self-inflicted. In 2009, the state courts system received what it believed would solve any additional funding problems; a dedicated source of funding through the State Courts Revenue Trust. A decade later, the Justice Administrative Commission, part of the state courts system, ran out of money and could not pay the fees on behalf of criminal defendants to court reporters, expert witnesses, and private investigators for more than two months (Orlando Sentinel, 2019). The friction, or levels of resistance between the Executive, Legislative, and Judicial Branches mean that reaching solutions that satisfy all three branches is more difficult the further into the legislative process the parties get

(Jones, Epp, & Baumgartner, 2019). As federal courts took more legal issues out of the purview of state courts, Zambrano (2019) posited businesses no longer needed to lobby for “competent and well-funded courts” (p. 2109). Holyoke & Brown (2019) took a deeper look at the issues surrounding what occurs post policy punctuation and whether the impact was sustainable.

Additional challenges to the courts system since 2004, including the Great Recession, have rendered the Revision 7 funding scheme, which utilized fines and fees for court services, unsustainable (Samuel, 2015). The goal of this dissertation was to provide detailed information about court funding in Florida, and determine from documentation, how the funding crisis and the positions of the actors involved created the moment for change. Citizens have a right to know if government funded programs are making a positive impact in the lives of their neighbors (Owens & Rogers, 1999). Revision 7 was created to solve a social dilemma. The location of a court could determine the type of justice a citizen would receive. The public reviewed the information and determined that action should be taken. As a result, the citizens voted to spend resources to effect a social change. Since implementation, no academic review of the impacts of Revision 7 on the goals of the policy were undertaken. It is appropriate to identify challenges with the current program and propose improvements and promote accountability to the voters (Burkholder, Cox, & Crawford, 2016).

Article V Revision 7

Article V of the Florida Constitution focused on the Judicial Branch and its funding. It also focused on key actors within the broader courts system. To understand the funding needs of the system, it was important to understand the structure of the Judicial Branch as delineated in the Constitution and state statutes.

Comprised of 20 sections, the first seven sections of Article V (1-7) focused on the type of courts (Supreme Court, District Courts of Appeal, Circuit Courts, County Courts, and Specialized divisions) and their respective formulation, processes, and general procedures throughout the state (Florida Legislature Constitution and Statutes, n.d.). The next five sections (8-12) focused on elections of judicial members, determination of need of judges, the process to handle vacancies of judicial office and discipline. Section 13 is related to prohibited activities of judges and Section 14 is the Funding section, as explained previously. Sections 15 through 18 focused on Clerks of the circuit courts, State attorneys, and Public defenders, respectively. Section 19 provides for judicial officers to be conservators of the peace and Section 20 provides the detailed schedule of Article V implementation from 1973 (Florida Legislature Constitution and Statutes, n.d.).

When the 1997 Constitutional Revision Commission was formed, the issue of funding Florida's court system funding was a priority (Labrador & Copelan, 1997). County funding for the courts system totaled more than the state's financial contribution. At the time, the courts system was in crisis mode, partly because 14 counties in the state

had reached the maximum allowable millage rate of 10 mills. The previous time the constitution was reviewed, Article V was implemented to create a state system that was uniform from Pensacola in the west to Key West in the south (Labrador & Copelan, 1997). A comprehensive state funding plan served as the cornerstone of the Article V revision.

Boards of County Commissioners across the state passed resolutions in support of Revision 7 (Article V Costs, 1998). In 1972, the revision to Article V “was presented as a measure that would provide tax relief to property taxpayers (Labrador & Copelan, 1997, p. 30).” At the time it was viewed as complete restructuring of a diffused court system into a complete whole (Hays, 1975). The previous type of courts, including many municipal and juvenile type courts were abolished and replaced by a two-tier court structure (Hays, 1975).

The counties attempted to have the state pay for the full cost of funding the courts system since Article V passage as part of the 1968 Constitution and then again with the 1972 revisions, but the state refused (Labrador & Copelan, 1997). When the opportunity came to push the issue politically, counties embraced the opportunity. Floridians for Fairness in Court Funding was the name of the political arm of the Florida Association of Counties that spend \$3.5 million to campaign to promote Revision 7 to shift funding to the state (Krueger, 1998). In the ad, the supporters use a gruesome murder case where after being tried, convicted, and sentenced to death; it was alleged that the murderer got life because there were limited funds to adequately cover the costs of the sentencing

hearing (Nitkin, 2008). While there was room for interpretation, the state attorney involved in the case at the time stated that the death sentence was not issued because the murderer was in poor health and would not survive another prosecution (Orlando Business Journal, 1998).

Article V Revision 7 intended to provide Justice for all Floridians; the catchphrase used by the Judiciary in hopes of securing passage of Revision 7 (Harkness, 2004). Judicial partners said and did what they could to pass Article V and Revision 7. A year before the 2004 funding shift in Florida took place, the director of the National Center for State Courts asserted that judiciaries were facing, a test not seen since World War II (Center Court, 2003). More interesting is that the crisis was especially devastating for courts systems that received most or all their court-related funding directly from the state government (Buenger, 2004). Hartley (2013) found no way to determine if states provided better funding than local municipalities and counties.

Florida's Budgeting Process

The state budget for Florida is created after an extensive process. The state is required to balance its budget each fiscal year (Fla. Const. Article VII, Section 1, n.d.). The budget has three main categories of funding streams: general revenue, state trust funds, and federal funds. Each fall, there is the long-range financial outlook that provides a model of potential funding for the state by matching expected revenues with estimated expenditures. Section 216.133-138, Florida Statutes provides the authority for this outlook to occur. Agencies of the state also play a role in submitting their potential budget needs to the executive and legislative branches. One month

before the annual 60-day session of the Florida Legislature convenes, the governor is required to submit the proposed budget from the Executive Branch to the House and the Senate. After submittal, the legislative branch begins its work separately in each house, and then together as a unified branch of government. Separately, the House and the Senate begin to draft a budget which consists of three types of funding bills in the Florida Legislature: appropriations, implementing, and conforming.

The Florida legislature has the power of the purse, which is like the federal courts system. All spending is controlled by the legislature. After the House and Senate pass their versions of the spending bill, the Speaker of the House and Senate President appoint members to jointly serve on the budget conference. This committee, consisting of members from the legislative bodies discuss areas where the two versions of legislation disagree and attempt to find agreement that each chamber can support. Appropriation authority is also provided in the form of budget allocations. The conference committee must determine which line items receive funding and at what level. If there are disagreements that are unable to be resolved at the lower level are forwarded to the main committee. If the main budget committee is unable to make final determinations, the issue is forwarded to the Senate President and Speaker of the House make the final decisions on the fiscal issue. A final conference report is submitted and voted upon before it is sent to the governor for review and signature. Florida's governor could veto parts of the budget before agreeing to it.

Revenue sources funded by income taxes and sales taxes are cyclical (Buenger, 2004; Tarr, 2012). When the economy is good, so are revenues and the interest in program funding. However, when the economy takes a tumble, revenues, and the interest in funding programs shifts to a focus on providing essential services (Buenger, 2004). For example, in 2005, \$112 million was approved to give poorer counties better funding as the voters had previously approved, because of Article V Revision 7. The poorer counties were still short-changed (White, 2009). July 2009 marked the greatest amount of foreclosure filings in U.S. history (Sommer & Li, 2011). After Revision 7 was implemented, and during the foreclosure crisis, things got so bad financially that the chief justice of the Florida Supreme Court had to request loans from the executive and legislative branches to fund the judicial operations as the branch was facing a \$72 million deficit of cash (Hawkins, 2011). The governor and legislature responded with \$65.1 million in temporary support. While more than \$1 billion is earned by the state's judicial branch each year in court fees, "two-thirds of it is dedicated to funding courts (\$228 million) and clerks (\$432 million). The other third of the \$1 billion goes into the state's general revenue fund and a wide variety of agency trust funds dedicated to other purposes" (Hawkins, 2011, p. 7).

At the start of 2009, the Florida Legislature went into special session to fix a \$2.3 billion deficit. To assist the courts, there were increases in some fines and fees to help fund court services (White, 2009). By 2010, the financial system was improving. SB 2108 created the Florida State Courts Revenue Trust Fund (SCRTF). As a result,

millions in filing fees were diverted to the courts based largely on foreclosure filing fees (Diner, 2010). The SCRTF was implemented to help the courts avoid additional cuts and to provide a dedicated funding source (Florida Office of State Courts Administrator, n.d.). This mechanism was created to “ensure ongoing stabilized funding” (Diner, 2010, p. 6). As a result of the trust fund, 90% of funding for state courts comes from for state courts comes from court fees.

Summary and Conclusions

There remains a lack of comprehensive data regarding court funding at the state level (Samuel, 2015). Citizens understand the important role courts have within our society, but the public does not understand how courts are funded (Graetz, 2014; Grossi et al., 2012). Compared to other government services, like schools, public safety and roads, the public does not consider it important to learn how the courts are funded (Buenger, 2004; Tarr, 2012). Users of the courts system do not create a natural constituency able to lobby for additional funding for the courts (Judicature, 1996; Samuel, 2015; Schauffler et al., 2010; “USA Today’s Debate: Public Spending”, 2011). If citizens are interested in learning more about courts system funding, it is unreasonably difficult to because the courts have difficulty explaining their fiscal condition in a way that can be understood (Carlson et al., 2008; McGovern et al., 2014).

There were negligible differences between the funding of courts systems from the state level compared to a local level (Hartley, 2013). Revision 7 warrants additional study. While an initial lookback of four years determined that equity of funding could be

achieved in Florida's courts system, an assessment is necessary to determine whether that trend has continued (Carlson et al., 2008). This chapter included a review of available literature related to Florida's courts system and Revision 7. The data necessary to determine the answer to the posed research questions are available in numerous forms. A review of academic literature and fiscal information from the previous budgets of Florida's counties and Florida's legislature will determine to what degree funding for the courts system was reduced at the county level and increased at the state level. Additionally, substantial information regarding lack of academic study on the topic of court system funding was presented.

Chapter 3: Research Method

Introduction

This chapter includes information regarding the type of research I conducted. This includes procedures, research design, methodology, setting, samples, and research questions that formed the basis of this study. I provided information about archival data used for this study as part of hermeneutical dialogue and explained the sampling method necessary for conducting the study. I researched challenges that existed in terms of funding judicial systems. This chapter also includes an outline of study variables and the methods used to determine how court funding data from fiscally and nonfiscally constrained counties were measured.

Research Design and Rationale

A quantitative archival research pretest/posttest design was used to examine state and county funding of the courts system after Revision 7 implementation. It was a quasi-experimental design that involved using archival data that is longitudinal and compiled over 26 years. Archives of financial information formed the basis of this study. White and Sabarwal (2014) said quasi-experimental designs are appropriate for retrospective research. For this retrospective, I reviewed the initial amount of funding fiscally constrained counties used to fund their court system before Revision 7 was implemented. Burkholder et al. (2016) believed policy decisions were often tied to public programs, and impact analyses can be used to identify these policy decisions. Information regarding county expenditures in the courts system was taken from the Florida Local Government

Financial Reporting report generator, which is a website repository maintained by the Florida Department of Financial Services (DFS) that keeps detailed records about county finances. Detailed data about Florida's court structure came from the Florida Courts State Courts Administrator's office and Florida Constitution. Detailed financial data regarding Florida's fiscally-constrained counties came from the Florida Department of Financial Services. Data regarding the population of counties came from reputable organizations focused on population issues like the United States Census Bureau and Florida Bureau of Economic Research.

The purpose of this study was to advance understanding of the impact Revision 7 to Article V had on fiscally-constrained counties. In this study, I used a quantitative method with a one group pretest/posttest design. The quantitative approach was useful to determine the extent of the impact of Revision 7. The dependent variable was funding available to each county. The independent variable was the implementation of Revision 7 to Article V because there are data available before and after the implementation. The goal of this study was to address effects of Revision 7 on the funding of fiscally-constrained counties in Florida.

Methodology

Archival data were obtained from the website of the state of Florida's Chief Financial Officer. Data regarding annual county appropriations for county judicial operations was publicly accessible and available for the period between 1993 and 2018 for nearly every county within the state. Expenditures were coded in the following ways:

Circuit Court-Civil, Circuit Court-Criminal, Circuit Court-Family, Circuit Court-Juvenile, Circuit Court-Probate, County Court-Civil, County Court-Criminal, and County Court-Traffic.

Archival financial data were used that identified court-related revenues and expenditures for each of the fiscally constrained counties under review in dollars as a ratio variable. The outcome of the treatment (Revision 7) was based on the pretest/posttest design.

Setting and Sampling Procedure

Sampling Method

I reviewed total expenditures of each county in both circuit and county courts, general court administration, and general court operations. Data were collected in report form. There were no necessary permissions required to obtain the data for this study, which is an additional benefit of using archival data in addition to comprehensive data that are available.

Sampling Procedure

Archival data were obtained from the state of Florida Department of Financial Services. A strength of the internal validity of this research was my ability to observe results that were close to results that were observed in randomized experiments. The statistical processes I conducted on the data reduced possibilities for external validity challenges and helped eliminate external validity concerns.

Data Analysis Plan

The study involved using archival data from Florida's 67 counties. In 1998, Florida's population was 15,230,421, and low-end estimates for 2020 place the state's population near 21 million residents (Bureau of Economic and Business Research (BEBR), 2020). Using archival data reduced the need for data collection. In Florida, a county is a political subdivision that has elected county commissioners authorized to tax residents of communities for public services and debt (Florida Constitution, n.d.). In Florida, the circuit is the court structure within a geographical area determined by the Florida Legislature. Twenty judicial circuits exist based on geographical size, population of the area, and amount of court cases generated within that area. Circuits in Florida are either recognized as small, medium, or large (Ferrandino, 2010). Within each of the judicial circuits, at least one county exists. While five counties are big enough to exist as judicial circuits unto themselves, other judicial circuits include partnerships between two and seven counties (Ferrandino, 2010). The dataset included the following revenue

streams germane to this research: court-related revenues and judgments, fines, and forfeitures.

I employed a quasi-experimental one group pretest/posttest design. This design allowed me to provide a population study of all counties in Florida. The cutoff for what qualifies as fiscally-constrained was amount of total revenue received before treatment. The pre-test group was 66 counties prior to treatment. The post-test group was 66 counties posttreatment. Before analysis began, I reviewed data for outliers or data elements that were unavailable. Duval county did not have data available so that is why the post-test group is 66 counties. I used IBM Statistical Package for the Social Sciences (SPSS) version 26 and Microsoft Excel for analysis and review of descriptive statistics to measure the characteristics of my data set to determine whether data were distributed normally. I also prepared a summary table to report findings of the analysis. Then I presented a paired-samples *t*-test to determine whether the mean difference between two sets of observations is zero. Linear regression was also performed.

To determine the answer to RQ1, longitudinal budget data (1993–2004 and 2005—2018) from each Florida county was input into SPSS and analyzed using descriptive statistics. To determine the answer to test RQ2, court revenue data was measured between 1993 and 2004 and 2005 and 2018. Descriptive statistics measuring mean difference between two sets of observations were analyzed using SPSS. Data were downloaded to my private computer and retained for institutional review, if necessary,

via the Microsoft Cloud service. The following are the hypotheses and research questions that informed my study:

Research Questions and Hypotheses

RQ1: Did Revision 7 to Article V create a significant difference in court funding pre and postimplementation?

H₀₁: Revision 7 to Article V did not create a significant difference in court funding pre and postimplementation.

H_{a1}: Revision 7 to Article V created a significant difference in court funding pre and postimplementation.

RQ2: Did Revision 7 have an impact on Article V in terms of court-related revenues pre and postimplementation?

H₀₂: Revision 7 had an impact on Article V in terms of court-related revenues pre and postimplementation.

H_{a2}: Revision 7 had an impact on Article V in terms of court-related revenues pre and postimplementation.

Threats to Validity

Validity threats are either internal or external. This evaluation utilizes the entire population so generalization from population data is appropriate. It was also possible that findings of this study could be used to determine the effects of other studies related to courts system funding. The resulting hypotheses for this study tested the extent of funding for the state courts system by county and circuit. There are 67 counties in Florida

and 20 judicial circuits. Various aspects and characteristics of funding between counties and judicial circuits were evaluated based on the literature review in Chapter 2.

There were potential threats to internal validity. One was related to instrumentation. There was a possibility that the method used to collect and store financial information between 1998 and 2018 changed, which would create a change in the data's ability to be used longitudinally. History also served as a threat to internal validity. There was the possibility that other forces, like an increased tax base, population growth, or political realities would impact the dependent variable per capita funding.

Ethical Procedures

Ethical considerations related to data storage and conflict of interest were alleviated by using a quasi-experimental research design. All data were publicly available for research. There were no restrictions on its use and no permissions were required. Had data not been available for this research, I would have burdened participant counties with multiple requests for information. Since the data is aggregated, confidentiality regarding each county's financial situation was maintained. I was an elected official within Florida's courts system, but any potential conflicts on my part were limited using archival data. None of the fiscally constrained counties included the county where I served. Data files were stored according to protocol and Institutional Review Board approval was obtained to conduct this study.

Chapter Summary

This chapter presented details of the quantitative methodology I employed in examining the impacts of Revision 7 to Article V on funding for Florida's counties. I described the research design I employed as well as the basis of use for the design. My use of archival data was explained. The methodology of the study was described with additional attention provided to the proposed data collection for variables and the data analysis plan grounded my use of the statistical tests to determine whether I could reject the null hypothesis. Threats to validity, both internal and external were reviewed and addressed. Lastly, ethical procedures and the impact they may have on my proposed study were discussed. In Chapter 4, I explained the statistical analysis and research findings of this study.

Chapter 4: Results

Introduction

The issue of judicial system funding has had challenges for decades. The Florida legislature made changes to the structure of the judicial branch of government to make it more efficient and more trustworthy.

The purpose of this quantitative research study was to determine the impact of Revision 7 to Article V of the Florida Constitution on courts system funding in Florida in terms of its 29 fiscally-constrained counties and 38 nonfiscally-constrained counties. The impact of this policy intervention was analyzed and discussed. I examined secondary financial data gathered from 66 of Florida's 67 counties between 1998 and 2003 and compared it to financial data from those counties between 2005 and 2018. Additional attention was paid to the 29 counties determined to be fiscally-constrained by Florida Statute 218.67(1). It was important to focus on fiscally-constrained counties because their unique financial challenges were used as a significant reason to support passage of Revision 7. Funding of each county served as study variables and were analyzed via a paired-samples *t*-test to determine significant differences, if any, in courts system funding before and after Revision 7 implementation.

Through this research, I addressed the following research questions and hypotheses:

RQ1: Did Revision 7 to Article V create a significant difference in court funding pre and postimplementation?

H₀₁: Revision 7 to Article V did not create a significant difference in court funding pre and postimplementation.

H_{a1}: Revision 7 to Article V created a significant difference in court funding pre and postimplementation.

RQ2: Did Revision 7 have an impact on Article V in terms of court-related revenues pre and postimplementation?

H₀₂: Revision 7 had an impact on Article V in terms of court-related revenues pre and postimplementation.

H_{a2}: Revision 7 had an impact on Article V in terms of court-related revenues pre and postimplementation.

Research Tools and Analysis

The data analysis for this study was conducted using data available on the Florida Department of Financial Services (DFS) website. These data included courts system financial data for 66 counties between 1998 and 2018. Data were input into SPSS. Collected data between 2009 and 2018 remain available on the DFS website. For data between 1998 and 2008, data were available from government analysts with the Florida DFS Division of Accounting and Auditing.

Data Collection

The data collection process began after receiving approval from Walden University's Institutional Review Board (IRB) on October 30, 2020 (#10-30-20-0977266). To answer RQ1, a descriptive analysis of financial data before and after

Revision 7 was calculated and reported. This was accomplished by comparing the mean amount of funding (i.e., how much a county received for funding) between 1998 and 2003 to the mean amount of funding between 2005 and 2018.

Statistical Assumptions

Prior to conducting the analysis, data screening was conducted regarding the amount spent for courts funding. I sorted data regarding variables and scanned for inconsistencies. I discovered there were some counties that did not have data available for certain years. Duval County had no financial information available for manipulation. It was therefore excluded from the research. My point of contact with the Florida DFS Division of Accounting and Auditing Bureau of said information was not available for some counties during 1998, 1999, 2000, and 2011. Hardee County has no financial information available for the year 2011. Jefferson County and Lafayette County had no financial information available for 1999. Wakulla County had no financial information available for 1999 and 2000. Washington County had no financial information available for 1998, 1999, and 2000. A box and whiskers plot was used to detect outliers. There were some nonfiscally-constrained counties that received an amount of financial support that skewed the data set.

There are several requirements related to use of a paired-sample t -test. A continuous dependent variable should be available and there should be independence of observations. Independence of observations in inferential tests assumes that observations from the sample are independent of each other and not influenced by any other

measurement in the test. The continuous dependent variable is the amount spent for courts funding; the independent variable is categorical with two groups, one independent group of financial data related to county funding of the courts system before the implementation of Revision 7 and one independent group of financial data related to county funding of the courts system after the implementation of Revision 7. Normal distribution is a requirement of the paired-samples *t*-test, but the dependent variable was not normally distributed. This was not met. There should be no significant outliers because outliers have a large negative effect on results as they can exert a large influence on standard deviation and mean of dependent variables (Laerd Statistics, 2021).

Descriptive statistics to describe the characteristics of my data set including sample size, minimum, maximum, mean, and standard deviations were obtained involving the dependent variable. There was one outlier and six extreme points in data, as assessed via inspection of a boxplot for values greater than 1.5 and 3 box lengths from the edge of the box, respectively. In the budgets of Florida court system funding, the outlier during budget years 1998—2003 was Volusia County and the extreme points existed for Miami-Dade, Hillsborough, Broward, Osceola, and Pasco counties. All those counties were nonfinancially-constrained and removed. I ran the test again, and there were two additional outliers in Brevard and Pinellas counties. One outlier, Pinellas, was removed from the study. Afterwards, the population consisted of 58 counties.

For nonfiscally constrained-counties, I reviewed all values greater than 1.5 box lengths from the edge of the box. Those values are considered extreme outliers, as

assessed via inspection of a boxplot. There were two counties considered extreme outliers as their values were more than three box lengths away from the edge of their box.

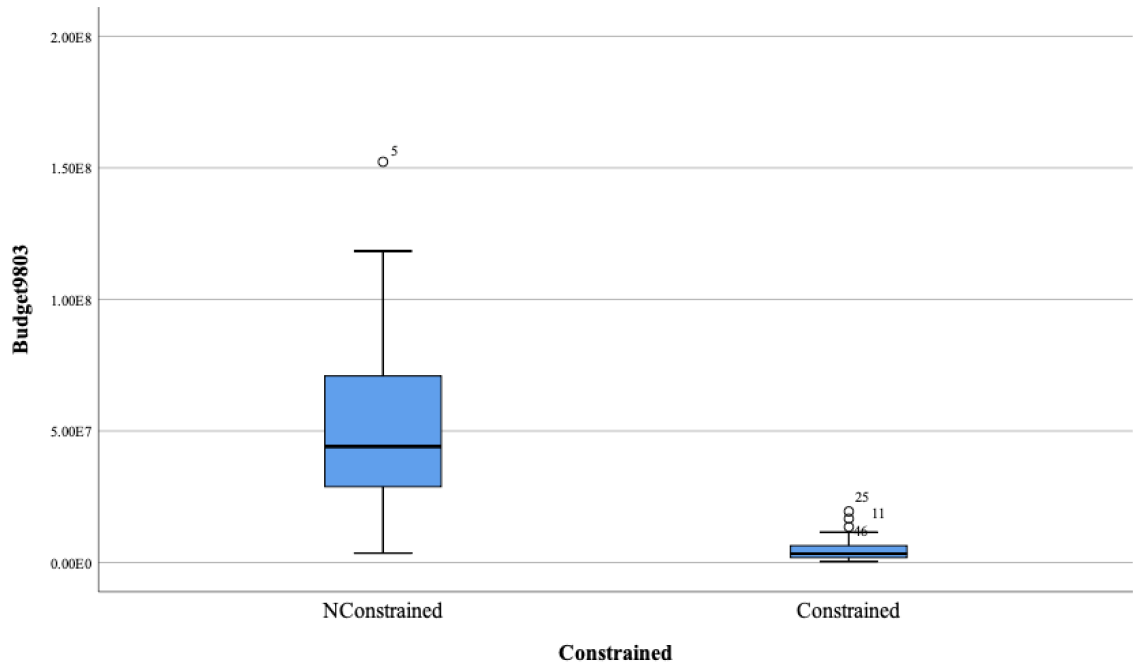
Inspection of a boxplot was necessary to determine outliers for fiscally constrained counties. There were three counties whose values were greater than 1.5 box lengths from the edge of the box and were considered outliers. Paired samples *t*-tests can handle violations of normality and still provide valuable results. Therefore, even though it did not meet the assumption for distribution between two related groups being approximately normally distributed, this population study has enough data to provide results that may be useful.

Descriptive Statistics

In this quasi-experimental research study, I used archival data to help identify impacts of Revision 7 on Article 5 of the Florida Constitution. The boxplot for budget years 1998–2003 is in Figure 1.

Figure 1

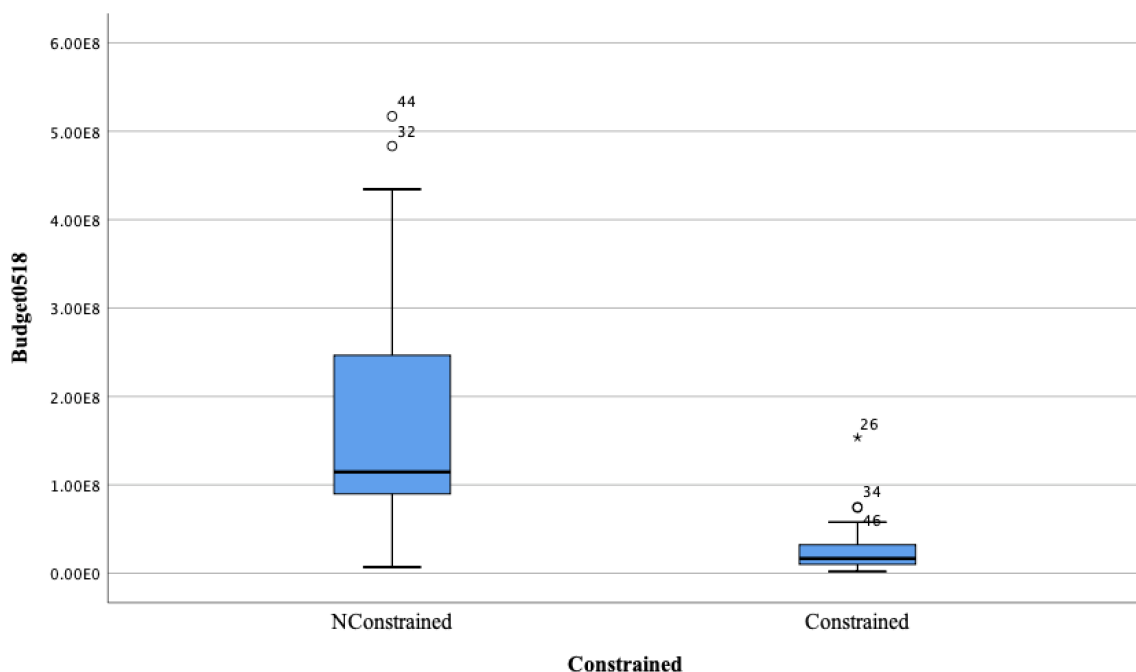
Box and Whisker Plot Identifying Outliers and Extreme Points Between 1998 and 2003



The data had outliers due to disparities in funding among counties prior to Revision 7. All outliers were nonfiscally-constrained counties. I ran descriptive statistics for budget years 2005–2018 as well. For ease of visuals on the figures, I converted counties to a numerical representation. Post Revision 7 Pasco (51) and Orange (47) counties were no longer considered extreme points but remained outliers instead. Volusia was no longer an outlier. As a result, the population sample of the study was reduced from 66 counties to 58 counties for budget years 1999–2003 and 56 counties for budget years 2005–2018 (see Figure 2).

Figure 2

Box and Whisker Plot Identifying Outliers and Extreme Points between 2005 and 2018



Descriptive statistics for budget years including sample size, minimum, maximum, mean, and standard deviations were presented as part of this study. After removing extreme points and outliers, the sample size for the study was 58 counties prior to Revision 7 implementation (1998 – 2003). Data were available for 56 counties post Revision 7 implementation (2005 – 2018). That information is available in Table 1.

Table 1

*Descriptive Statistics for Florida County Court System Budgets Before and After
Implementation of Revision 7*

	N	Minimum	Maximum	Mean	Std. Deviation
Budget9803	58	385338.00	152318685	28600948.8	34889079.4
Budget0518	56	2120195.00	516938268	102321076	121678603
Valid N (listwise)	56				

Another assumption is that the dependent variable should be approximately normally distributed for each group of the independent variable. In social science research, it is common that the dependent variable is not normally distributed for each group of the independent variable (Lared Statistics, 2021; Pallant, 2013). The Paired-Sample t -test requires that the assumption of normality be met. Normality was examined using Shapiro-Wilks. The assumption of normality was not met. The t -test, however, is robust to tolerate violations of this assumption. See Table 2 for Tests of Normality for Budget Years 1998 - 2003.

Table 2*Tests of Normality For Florida County Judicial System Funding*

	Kolmogorov-Smirnov ^a			Shapiro-Wilk		
	Statistic	df	Sig.	Statistic	df	Sig.
Budget9803	.209	58	.000	.782	58	.000

a. Lilliefors Significance Correction

After the implementation of Revision 7 (budget years 2005 – 2018) data were not found to be normally distributed as represented in Table 3.

Table 3*Tests of Normality for Florida Courts Judicial System Funding Post Revision 7*

	Kolmogorov-Smirnov ^a			Shapiro-Wilk		
	Statistic	df	Sig.	Statistic	df	Sig.
Budget0518	.205	56	.000	.758	56	.000

a. Lilliefors Significance Correction

Finally, the assumption was made that samples obtained had homogeneity of variances. The dependent variable, level of courts system funding was not normally distributed, as assessed by Shapiro-Wilk's test ($p < .05$).

RQ1

To examine RQ1, descriptive statistics were conducted to describe the impact of the Revision to Article V (IV) on state court revenues (DV). A paired-samples *t*-test was conducted to evaluate the differences in court system funding before and after implementation of Revision 7. The null hypothesis posited that Revision 7 did not create a significant difference in court funding pre and post implementation. The dollar amount of funding for each county is a scale variable. To identify changes between fiscally and non-fiscally constrained counties, I ran statistics on nonfiscally constrained counties before and after the intervention of Revision 7 and performed the same tests on fiscally constrained counties.

Nonfiscally-Constrained Counties

The result showed that, among non-fiscally constrained counties ($n=29$), the variables were courts system funding between FY 1998 – FY 2003 and FY2005 –

FY2018. Descriptive statistics show a larger mean during budget years 1998 – 2003 than for budget years 2005 – 2018. There was more funding among non-fiscally constrained counties during FY2005 - 2018 ($M=171.0m$, $SD = \$134.m$) than non-fiscally constrained counties during FY1998 - FY2003 ($M=52.0m$, $SD =\$36.3m$).

Table 4

Descriptive Statistics of Nonfiscally-Constrained Counties Pre and Post Revision 7

Implementation

		Mean	N	Std. Deviation	Std. Error Mean
Pair 1	Budget0518	170928918	29	134293836	24937739.3
	Budget9803	51992331.8	29	36344972.7	6749091.99

A paired-samples *t*-test was used to determine whether there was a statistically significant mean difference between court system funding for non-fiscally constrained counties pre and post Revision 7 intervention. Court system funding increased post Revision 7 intervention ($M=119m$, $SD=108m$), showed a statistically significant mean increase of 119m, 95%CI [77.7m, 160m], $t(28)=5.905$, $p<.001$, $d=1.11$. The significance

of Revision 7 on court system funding was found to be of a very large effect size (1.11) according to Cohen's *d* effect sizes (Cohen, 1988). Therefore, we can reject the null hypothesis and accept the alternative hypothesis.

Table 5

Paired Samples Test Among Nonfiscally-Constrained Counties Pre and Post Revision 7 Intervention

		Paired Differences					t	df	Sig. (2-tailed)
		Mean	Std. Deviation	Std. Error Mean	95% Confidence Interval of the Difference				
					Lower	Upper			
Pair 1	Budget0518 - Budget9803	118936587	108457991	20140143.4	77681373.2	160191800	5.905	28	.000

Fiscally Constrained Counties

In Table 6, among fiscally constrained counties ($n=27$), the variables were courts system funding between FY 1998 – FY 2003 and FY2005 – FY2018. Descriptive statistics show a larger mean during budget years 1998 – 2003 than for budget years 2005 – 2018. There was more funding among fiscally constrained counties during FY2005 - 2018 ($M=28.6m$, $SD = \$31.8.m$) than fiscally constrained counties during FY1998 - FY2003 ($M=5.3m$, $SD =\$5.0m$).

Table 6

Descriptive Statistics of Fiscally-Constrained Counties Pre and Post Revision 7

Implementation

		Mean	N	Std. Deviation	Std. Error Mean
Pair 1	Budget9803	5279665.44	27	4991196.93	960556.298
	Budget0518	28631170.3	27	31754872.1	6111227.99

A paired-samples *t*-test was used to determine whether there was a statistically significant mean difference between court system funding for fiscally constrained counties pre and post Revision 7 intervention. Court system funding increased post Revision 7 intervention ($M=23.4m$, $SD=30.2m$), showed a statistically significant mean increase of 22.9m, 95%CI [11.4m, 35.3m], $t(26)=4.016$, $p<.001$, $d=.773$. The significance of Revision 7 on court system funding for fiscally constrained counties was found to be of a large effect size (.773). Therefore, we can reject the null hypothesis and accept the alternative hypothesis.

Table 7

Paired Samples Test Among Fiscally-Constrained Counties Pre and Post Revision 7

Intervention

		Paired Differences							
		Mean	Std. Deviation	Std. Error Mean	95% Confidence Interval of the Difference		t	df	Sig. (2-tailed)
					Lower	Upper			
Pair 1	Budget0518 - Budget9803	23351504.8	30212449.5	5814388.61	11399857.9	35303151.8	4.016	26	.000

RQ2

To examine RQ2, I identified what the impact of Revision 7 to Article V on court-related revenues pre and post implementation was. I sorted the data and scanned it for inconsistencies on each variable. No data errors or inconsistencies were identified. A scatter plot was used to detect bivariate outliers between the independent variable and the dependent variable.

Descriptive Statistics

Descriptive statistics were obtained on each of the variables. The sample consisted of 66 Florida Counties. The budgets of judicial funding in Florida counties between 1993 - 1998 and 2005 – 2018 were analyzed. In Table 13, I present the descriptive statistics. Among counties ($n=66$), the variables were courts system funding between FY 1998 – FY 2003 and FY2005 – FY2018. Descriptive statistics show a larger mean during budget years 1998 – 2003 than for budget years 2005 – 2018. There was more funding among counties during FY2005 - 2018 ($M = 2.1b$, $SD = \$323.m$) than during FY1998 - FY2003 ($M = 385k$, $SD = 129m$).

Table 8*Descriptive Statistics Related to Impact of Revision 7 on Courts System Funding*

	N	Minimum	Maximum	Mean	Std. Deviation
Budget9303	66	385338.00	790033759.0	67639866.1	129112787
Budget0518	64	2120195.00	1768498409	200520832	322977927
Valid N (listwise)	64				

The bivariate regression requires that the assumption of bivariate normal distribution is met. The assumption of bivariate normal distribution was examined using a scatter plot. The assumption of bivariate normal distribution was met. See Figure 3 for scatterplot.

Results

I conducted a bivariate regression to see if there was a predictive relationship between the independent variable, courts system funding between 1998 – 2003, and the dependent variable, courts system funding between 2005 – 2018. In Table 9, the results of the regression model summary indicated a correlation between funding of the Florida courts system pre and post Revision 7.

Table 9*Model Summary on Impact of Revision 7 on Courts System Funding*

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.970 ^a	.941	.940	79020535.6

a. Predictors: (Constant), Budget9803

Court system funding between 1998 – 2003 accounted for 97% of the variation in courts system funding with an adjusted $R^2 = .941$, a very large effect size according to Cohen (1988). This indicated that approximately 94.1% of the variance of courts system funding post Revision 7 can be explained by its linear relationship with courts system funding pre-Revision 7. There was independence of residuals, as assessed by a Durbin-Watson statistic of 1.527.

I rejected the null hypothesis at the 95% confidence level where $F(1, 62) = 990.462, p < .001$, with an R^2 of .941. There was a statistical predictive relationship between the independent variable (courts system funding between 1998 – 2003) and the dependent variable (courts system funding between 2005 – 2018). Court system funding post Revision 7 (2005 – 2018) is equal to $33,600 + 2.398$ (court system funding between 1998 – 2003) when measured in dollars. The court system budget post Revision 7 increased 2.398 for each dollar spent pre-Revision 7. See Table 10 for regression model results.

Table 10

Regression Model Results

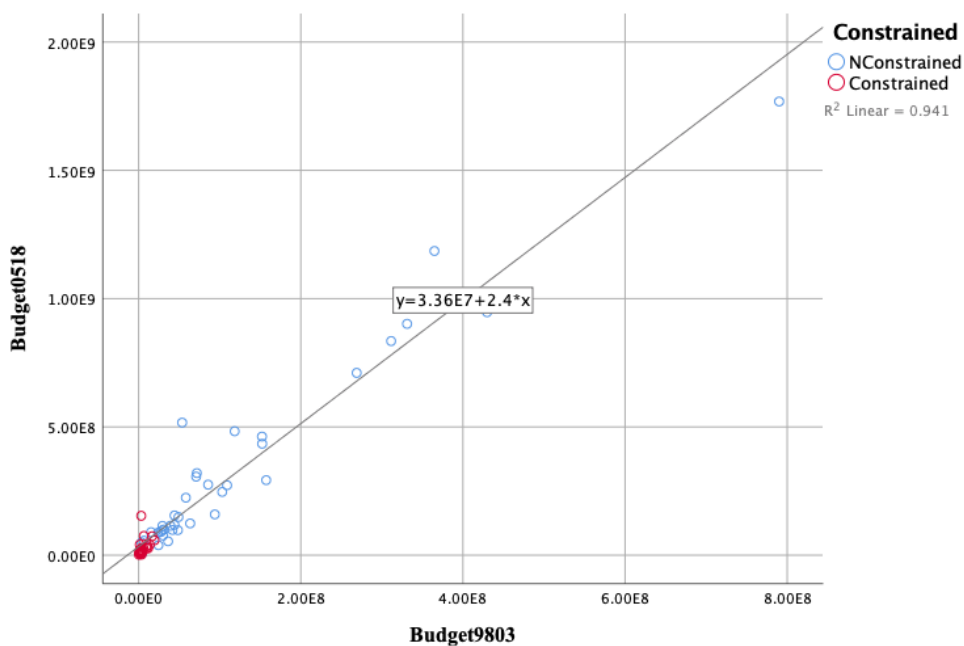
Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	6.185E+18	1	6.185E+18	990.462	.000 ^b
	Residual	3.871E+17	62	6.244E+15		
	Total	6.572E+18	63			

a. Dependent Variable: Budget0518

b. Predictors: (Constant), Budget9803

A superimposed regression line was plotted in Figure 3.

Figure 3*Simple Scatter Plot*



I rejected the null hypothesis at the 95% confidence level where $F(1, 62) = 990.462$, $p < .001$, with an R^2 of .970. There was a statistical predictive relationship between the independent variable (courts system funding between 1998 – 2003) and the dependent variable (courts system funding between 2005 – 2018). Court system funding post Revision 7 (2005 – 2018) is equal to $33,600 + 2.398$ (court system funding between 1998 – 2003) when measured in dollars. The court system budget post Revision 7 increased 2.398 for each dollar spent pre-Revision 7. See Table 14 for regression model results.

Table 11 provides the regression coefficients derived from the bivariate logistical regression used to assess the impact of Revision 7 on court system funding between 2005 and 2018. A positive association was identified.

Table 11

Regression Coefficients of Court System Budgets for 1998-1993 on 1995-2018

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	33550925.8	11212214.7		2.992	.004
	Budget9803	2.398	.076	.970	31.472	.000

a. Dependent Variable: Budget0518

Summary

This chapter reported the results from both quantitative research questions. Results showed that Florida's court system did not benefit initially financially from Revision 7 post-implementation because less money was available to fund court operations in FY 2005 than was available pre-implementation in 2003. Results also revealed that court funding between 1998 – 2003 accounted for 94.1% of the variation in court system funding post-implementation (2005 – 2018). Chapter 5 will provide the discussion, conclusions, and recommendations related to this study.

Chapter 5: Discussion, Conclusions, and Recommendations

Introduction

The purpose of this quasi-experimental study was to address the gap in literature and add to the body of knowledge in public policy analysis by examining the effects of Revision 7 to Article V of the Florida Constitution on court system funding in Florida counties. Public policies are meant to solve community issues and encourage citizen participation in government. Using data from the Florida Department of Financial Services (DFS) database from 1998 to 2018, I examined 58 of Florida's 67 counties using an independent samples *t* test and a simple regression technique to determine whether there was a difference in the amount of funding before and after Revision 7.

My review of literature confirmed limited research related to funding of courts systems throughout the US in general and Florida in particular. My research involved exploring how Revision 7 affected financial outcomes of Florida's courts system. The implementation and funding of Revision 7 to Article V of the Florida Constitution had a statistically significant relationship that increased funding for Florida's courts system when compared to courts system funding before the implementation and funding of Revision 7 to Article V of the Florida Constitution in 2004. Public funds are used by the judicial branch to enforce laws and ensure justice, which are components of a democratic society (Viapiana, 2019). There is potential for this information to inform policy decisions and public actions of the Florida government. Johnson (2004) claimed many funding decisions in the judicial branch are made based upon political need, rather than

evidence-based research. There was a political need in 1998 to create a system of judicial funding that seemed fairer. In this chapter, I provide an interpretation of my findings, discuss relevant issues related to limitations of this study, provide recommendations for future research, discuss implications of these findings in terms of social change, and end with a conclusion.

Interpretation of the Findings

In reviewing findings for this quasi-experimental research study, I discovered three themes. The first theme is that solutions to adequate court system funding remain challenging. Fiscally-constrained counties continue to close the equality gap with their nonfiscally-constrained neighbors. Fiscally-constrained counties still have challenges of scale involving equal access to courts compared to their better funded counterparts. This was evident in the literature review.

I conducted paired-samples *t*-tests for court funding between the following time periods: 1998–2003 and 2005–2018. I found statistically significant evidence that court funding remained relatively equal after Revision 7 compared to before. I also found that among fiscally-constrained counties, funding did increase rather than decrease after Revision 7 implementation. Findings presented in this research serve to increase understanding of the public policy implemented through Revision 7. Before 2004, counties in Florida were individually responsible for funding their courts systems. A paired-samples *t*-test comparing means for courts system funding before and after Revision 7 revealed significant differences. Even though there is more money available

for fiscally-constrained counties, parity is in no way established between county-based available programs for justice services. Those counties that are not fiscally-constrained still have the ability for their county governments to fund them at rates above any amount the state legislature or funding commissions determine are appropriate.

The stated goals of Revision 7 listed in Article V, Section 14(a) of the Florida Constitution germane to this evaluation were to create a uniform funding mechanism at the state appropriation level that would fund the following: state courts system, state attorneys, public defenders, and court-appointed counsel. For many counties, the challenge of courts system funding at the county level prior to Revision 7 meant that justice was uneven in counties, due to varying financial health of each community.

A regression analysis was performed to examine how much of the new budget funding post-Revision 7 could be explained by initial budgets created prior to Revision 7. There was a statistically significant impact on post Revision 7 budget numbers. These results suggest that 94% of funding for the courts system after Revision 7 implementation could be explained by initial funding of counties before Revision 7. The hypothesis that there was an impact of Revision 7 to Article V on court-related revenues pre- and post-implementation was accepted, and the null hypothesis was rejected.

As I presented in my literature review, research in this area is very limited. Most of the research addressing court system funding was outdated and limited to reviewing impacts of courts system funding on the dispensation of justice. When addressing outcomes from a funding perspective, it was necessary to discuss challenges of

creating sustainable funding models for court systems. DeBenedictis (1992) said many state court systems received inadequate funding to support their statutory roles.

I was unable to identify other studies that focused on the financial impacts of Revision 7. At the federal level, courts are funded well and remain politically independent while state judicial systems have dealt with budget crises, and some have gone bankrupt (Zambrano, 2019). It is difficult to make determinative claims regarding the impact of Revision 7; however, these findings imply that the attempt made by the Florida Legislature to create greater resources for judicial services in the short term was unsuccessful. Moral panics related to events of significance lead to rapid periods of change in terms of public policy (Jennings et al., 2020). The financial shocks to the criminal justice system in Florida during the 1990s as mentioned previously produced disparities that made justice dependent on the strength of the tax base of each county. Variations in funding between Florida's counties meant that court services depended on available financial resources of communities. While some counties had robust funding for their courts, others had difficulty achieving minimum services. Florida's focus on budgetary unification of the state courts system was a response created because of lawmakers, interest groups, and those who demanded action (Holyoke & Brown, 2019). Although limited, these findings seem to suggest that a policy intervention without adequate study leads to stasis even when policy punctuations are created.

Implications

There were challenges involving performing this study. One of them was difficulties in terms of placing data together for statistical analysis. Results of this study were to contribute to the knowledge base in the field of judicial systems accessibility and funding for executive and legislative branches in the state of Florida. Through an assessment of archival financial data between 1993 and 2018, this study has increased understanding regarding how state courts are funded and whether that funding is equitable and in the best interest of dispensing justice. My completed research also provides a roadmap for those within the courts system who are interested in good governance. I believe this study can be a tool of advocacy with lawmakers to develop greater understanding of the challenges that remain in terms of funding schemes for courts in Florida.

First, as I discussed in the review of the literature, a shift in criminal courts towards special causes like the war on drugs increased crime statistics and changed the focus and availability of funding for the courts system (DeBenedictis, 1992; Judicature, 1996). Civil courts were impacted, and judicial systems focused more attention on their criminal courts. This meant that dollars initially allocated to support other funding priorities were shifted to deal with growing concerns from the public.

Secondly, the Florida legislature had a disincentive to provide additional funding for the courts because as it was, the judicial branch relied on appropriations from the same people they sometimes would have to take to task because a law failed to pass legal

muster (McGovern & Greenberg, 2014). Tightening the purse strings around judicial actors in this way assured legislative influence and control. Hamilton (2017) connected how the reduction in traffic citation revenue impacted the ability for citizens to impact the court system in a timely fashion. The potential to review 25 years of operational, demographic, and economic factors to ascertain quality models of funding were available to all three branches of government to determine an equitable solution. However, based on documentation I reviewed for this study, none of it was.

The issue of creating a fair, stable, and equitable process to fund the third branch of government was left to unelected citizens who performed in the best way they could. The implications of this course of actions could not be clearer for the future: the Executive, Legislative, and Judicial Branches need to review the roles, processes, and funding of the courts before implementing any legislation. My study indicated significance between funding before and after Revision 7 was implemented. Florida Tax Watch predicted that fine-tuning would be needed to deal with the issue of court system funding but based on my study, the opposite was true. The results of my regression determined that 94% of the funding outcomes after Revision 7 could be predicted based on financial information known before the intervention.

Lastly, the use of the PET to push through Revision 7 was using politics to get something done rather than solving a problem that has festered for many years. The legislature has the power of the purse and therefore can dictate how those funds preserve their power at the expense of the other co-equal branches of government. The legislature

did not take this issue seriously. They had time to review data between 1998 and implementation in 2004, however they began their work in 2002 and substantial progress was not made until 2003. The fits and starts of this project allowed funding to improve among counties, but serious disparities between fiscally and non-fiscally constrained counties remain.

Had Floridians made every effort to ensure that the cure to the court system funding challenges was effective, they would have been the beneficiaries of a better court system funding model than the one currently implemented. Counties should take this opportunity now to determine what services they perform well and what services require additional funding and make the case to the public for true equity in court system funding. The type of justice a citizen receives is still impacted by where a citizen lives; whether it is related to specialty courts, what crimes deserve being placed under arrest versus what crimes deserve a notice to appear and even the funding of officers of the court in one county versus another. The implications of this disparity are too great to ignore and stem out of the disparity in court funding even today. Citizens with a greater understanding of their government leads to positive social change and better financial and work outcomes for taxpayers and the local county governments they support (Ferrandino, 2010, Carlson et al. 2008, Labrador & Copelan, 1997, Salant, 1994).

Summary of Findings

The purpose of this study was to investigate the impact of Revision 7 on court system funding in Florida. Most of the research addressing court system funding was

outdated and limited to reviewing the impacts of courts system funding on the dispensation of justice (Hartmus & Walters, 2016). When addressing outcomes from a funding perspective, it was necessary to discuss the challenges of creating sustainable funding models for court systems. DeBenedictis (1992) reported that many state court systems received inadequate funding to support their statutory roles. More recently, a criminal defendant sued the state of Michigan because some judges in the state expressed the pressures they felt to convict defendants based on the financial needs of the Michigan courts system (Caplan, 2021).

After a thorough review of the term, Florida Courts Funding in academic databases, one point seems obvious. Even after Revision 7 implementation, there remained challenges with how the Legislative and Executive Branches of Florida government funded the third and co-equal branch—the Judiciary. The *Florida Bar Journal* discussed the issue of fair, adequate, or full funding multiple times since 2004—the year Revision 7 was introduced as a solution to the funding crisis. It was not. The statistics show that Revision 7 implementation was a step in the right direction, but the concept of full or adequate funding for courts remain elusive.

Limitations of the Study

This study is only as good as the data used to conduct it. I used secondary data that was available from the Florida DFS collected for 25 years. Unfortunately, some data were unavailable for statistical tests. Also, the population and funding of the counties were so varied that it is difficult to see how counties compared by population or

economic divisions. However, the data set I utilized is the best source of data available, and no permissions were required to use it.

Furthermore, since the study looked at an action that occurred years ago, it remains difficult to understand all the unstated reasons for the policy implementation. It is argued that judicial support agencies like the National Center for State Courts have warned state governments and citizens that inadequate attention to court funding at the state level would cause a disaster in the state courts system nationwide (Zambrano, 2019). Since that time, court system funding has received scant attention by the legislative and executive branches of Florida's government and the issue remains unsettled.

Recommendations for Future Research

My research used data collected from the Florida DFS to determine the difference in funding between pre and post Revision 7 implementation. There is ample opportunity for future research from this study including expanding the scope of the study to include additional funding years in Florida. If this study is expanded this study to include qualitative research, a case study that speaks to the members of the Florida Constitutional Revision Commission or the legislative committees of the Florida House and Senate during the period of Revision 7 implementation is recommended to gather more information about the experiences of those who attempted to make Revision 7 work. It would be interesting and of academic value to hear their ideas and views of how Revision 7 would be helpful to the people of Florida. Another opportunity for further research

includes expanding the research to a region of the United States, or perhaps the entire nation to provide some clarity to the world of judicial funding. While court systems funding remains a state issue, a holistic view of judicial funding and the ability for courts to adequately dispense justice throughout the country would provide state legislatures a comparison view of the sufficiency of court funding state-by-state. Additionally, if there are major disparities in how citizens are charged when they commit crimes, it may become an issue that requires review by the United States Congress or the Department of Justice. Additional recommendations for future research include comparing outcomes in rural counties to those of urban communities to determine if there is a difference in judicial outcomes based on location. A qualitative exploration of the impressions and attitudes regarding judicial funding and its impact on perceived views of justice would be useful.

Implications for Social Change

The implications for social change of this study may provide additional benefit during this time of the coronavirus pandemic. Determining the impact of public policy intervention as it relates to funding state courts is an overlooked area of policy research. One person interviewed considering the implementation of Revision 7 was surprised that anyone would be interested in the subject of court system funding (Samuel, 2015). When there is a lack of policy research it is difficult to determine which determinants lead to better decision-making. Many budget managers made their financial forecasts more austere because of lost revenues during the past year. Each dollar in government coffers

will be stretched to achieve a greater financial impact. It is evident that the COVID-19 pandemic will change the how court systems work around the nation (Dawson, 2020).

Performing research of large-scale changes to public policy like this required the ability to review key information. One issue was the sense of mistrust between the legislative and judicial branches. Judges are expected to make decisions in an impartial manner, but those decisions often affect the branches that funds their operations. As a result, there remains some hesitancy on the part of one branch to utilize its inherent powers to compel the funding branches to act. Regardless of the initial intentions, it is clear that funding for Florida's courts system, and others throughout the country require additional scrutiny in the form of a special independent and community focused committee to study this issue with the assistance of state and national organizations like the National Center for State Courts, the U.S. Chamber of Commerce, NAACP, the Urban League, and economic development organizations that will focus on non-political outcomes to ensure proper resources are allocated to the third and equal branch of state government—the judiciary. Pomeranz (2015) believed that impact evaluations could inform citizens and legislators of the outcomes of funding policy. As a result of this research, it is known that state court revenues can determine the impact of a policy intervention like Revision 7 before implementation. Statistical modeling should be part of the legislative process prior to enacting a bill into law. Also, Florida Tax Watch (2006) supported Revision 7 because there were disparities between outcomes in litigants based on the county's financial health. This disparity meant that justice was neither fair nor just

as citizens expect it should be. Developing a deeper knowledge and appreciation of the intricacies of court system funding will benefit political leaders, citizens they are elected to serve, and the financial health of the state.

Conclusion

Florida's state courts are not alone in their funding challenges. After financial crises, elected officials must make decisions regarding which services citizens should have and how those services should be funded (Martin et al., 2012). Conclusions of this study provide signposts for the future of courts system funding in Florida. This part of the chapter is a discussion of the conclusions addressed in the study through a review of the research questions, hypotheses, and key points that are not related to the study questions.

As previously stated, the purpose of this quasi-experimental, quantitative, archival-based research study was to determine the impact of Revision 7 to Article V on courts system funding in Florida's counties. A previous review of the academic literature indicated that there had been no comprehensive study reviewing the impacts of Revision 7.

Based on the outcomes presented, I believe it offers a cautionary tale regarding the implementation of public policies without due diligence. My study closed the gap in the research literature focused on the impacts of the PET on developing and implementing public policy.

Based on the findings, it is recommended that state legislative, executive, and judicial branches collaborate to determine a series of evidence-based options to fund the

needs of an equally important branch of government. Government that allows for robust citizen engagement in the policymaking process creates opportunities for greater information sharing among citizens and a better awareness of issues in the public square (Williams, 2014). It is also recommended that the PET, while appropriate for understanding how policy changes occur, should not be the guiding theory of elected officials since it is based on addressing social/political/financial problems that lack proper attention.

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