



2009 Legislative *focus*

House Bill 1121 • Senate Bill 2108 • Senate Bill 1718

Signed Into Law: Effects of the 2009 Legislative Session and Clerk of Court budget update

Sarasota, FL— In July 2009, Clerk of the Circuit Court and County Comptroller Karen E. Rushing announced a reduction in the size of the workforce at the Sarasota County Clerk's office.

"In spite of the skyrocketing case load in foreclosures, recently passed and ill-conceived legislation forces me to terminate a number of highly-skilled workers needed to process record high case load. This is the saddest day of my career," said Rushing.

The reduction plan called for the elimination of 39 positions. Twenty-four Clerk employees lost their jobs, while another 15 positions were eliminated through attrition.

Remaining employees face 12 furlough days—days without pay—over the next 12 months. According to Rushing, services have already been affected, and there is little doubt that the immediate impact is longer lines and a delay in responding to citizens calling the Clerk's office for assistance.

Rushing notes that despite the faltering economy, an unprecedented increase in Clerk's office workload keeps the office busier than ever: Foreclosure cases filed in Sarasota County increased a whopping **941% compared to 2004.**

"It baffles me how eliminating approximately 1400 jobs in Clerk's offices statewide, when case load is at a record high, is going to help Florida's economy." Rushing continues: "In spite of this travesty, I will do everything I can to serve this community with the resources that are available to me."

For customers, another impact is a big increase in court-related user fees: Charges for all probate matters increased as of June 1, 2009, as well as circuit civil filing fees.

Also effective in June was a new, graduated filing fee for foreclosure on a residential or commercial real property mortgage, based on the value of a claim. This, the most substantial fee increase, requires base fees of between \$395 and \$1900 per foreclosure filing, with additional charges applying. These fees are also assessed when filing a counter petition, or could become part of a final judgment. All monies collected as a result of these increases are turned over to the State, for the purpose of funding the Courts system.

For the Clerk's office, the impact is not only financial, but affects citizens and employees, is dramatic, and far reaching. "This legislation establishes a financial cap upon my office, which requires the court-related budget of the



Rushing has been Sarasota's Clerk for 21 years.

"The judicial 'system' will face some very difficult times ahead. Delays in case processing, delays responding to public records requests and processing the court's orders are all expected. There is little doubt there will be longer lines and a longer wait time when calling the Clerk's office. Adjusting to these budget cuts will be disruptive, and painful."

— Karen E. Rushing,
Sarasota County Clerk of the
Circuit Court and County Comptroller

DEDICATION and ACCOUNTABILITY



“Despite the continued bad news regarding the financial market, and the mounting concern with how governments, at all levels, will meet their obligations with shrinking revenues, the office of the Clerk of the Circuit Court and County Comptroller continues to focus on how best to serve the people.”

— Karen E. Rushing

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Sarasota County Clerk of Court to be reduced by 18 percent, which equates to \$1.7 million dollars of a nine million dollar budget,” announced Rushing. “Like most businesses that provide service, 85 percent or more of the budget represents personnel-related costs. A reduction of 1.7 million dollars represents the cost of 45 employees, or a 27 percent reduction in the workforce.”

This forced reduction to the Clerk’s court-related budget has caused enormous strain on the workforce. Expenses such as employment benefits must be paid to employees who lose their job, and must be funded by eliminating more positions. Early results indicate that as many as 1400 deputy clerk positions statewide have been eliminated, a greater reduction than any other single government entity in the state.

Shifting the revenues that once funded the operations of the Clerk to the Judge’s trust fund, forced by this legislation, caused the Clerk’s funding to drop to 2004 levels, while the case load for mortgage foreclosures remains extraordinarily high, and the number of judges and magistrates that the Clerk serves has increased.

These are difficult times. Delays in case processing, delays responding to public records requests and processing the court’s orders are all expected. Adjusting to these budget cuts will be disruptive and painful.

“As the plan develops for prioritizing and reducing service levels, these reductions will be discussed with the appropriate audiences (Court, Sarasota Bar and the community). I hope that you have a better understanding of the impact of the recent legislation, and I ask for your patience.”



Editor’s note: Karen E. Rushing has proudly served as the Clerk of the Circuit Court and County Comptroller for Sarasota County, Florida for the past 21 years. The office has been

recognized with the Government Finance Officer’s Association “Excellence in Financial Reporting” certificate each year since 1984. On June 19, 2009, when forced to reduce the workforce, Clerk Rushing noted : “This is the saddest day of my career.”



SB 1718: E-filing Requirements

A decade ago, the Clerk’s office began planning for the transition from a paper-intensive filing environment to one that embraced the use of technology by relying on the digitization of records. Today, the paper case file we once knew no longer exists, as over 1860 registered e-filers and 957 registered attorneys making use of the e-filing and case-viewing programs made available by the Sarasota Clerk.

Recently passed legislation requires that Clerk’s offices statewide follow suit. Section 16 of Senate Bill 1718 states that “Each Clerk of Court shall implement an electronic filing process.” Two dates are named in the legislation: October 1, 2009 (begin Implementation and March 1, 2010 (provide a status report to the Legislature).

The Florida Association of Court Clerks (FACC) Services group is currently developing a statewide ePortal to assist Clerks with meeting these deadlines. FACC leadership, led by President Jim Fuller, Duval County Clerk, is working with the Supreme Court’s Florida Court Technology Commission (FCTC) to coordinate the implementation of the ePortal. As these discussions continue, FACC will have more information defining how eFiling will be implemented on a statewide basis.

A series of statewide regional workshops are being planned for September 2009. The purpose of these workshops will be to provide operational and technical documentation to assist Clerks in utilizing the statewide ePortal to meet implementation deadlines.