



Clerks' group fights bills to shift duties

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Like everything in government, two pending bills that seek to transfer a broad list of court-related duties away from the clerk of courts appear to be all about the money.

But the measures described Monday in the view the state's 67 elected clerks of court -- including Volusia County's Diane Matousek -- have all the markings of an old power struggle to get rid of them.

A statewide group of court clerks held a news conference Monday in Tallahassee to try to combat the bills. The proposals, supported by the Florida Supreme Court and Office of the State Court Administrator, would gradually shift court-related services from clerks to the courts system, possibly as soon as July.

While supporters say the proposals would help pay for the courts by putting court filing fees into a state trust fund, opponents see something more ominous. Sarasota County Clerk of Court Karen Rushing sees the move as "a power grab."

Likewise, Matousek, the elected clerk of courts here for 14 years, has characterized the bills as a well-organized effort to eliminate elected positions like hers and transfer their duties to appointed administrators.

"Such a change would destroy what the framers of our constitution intended," Matousek wrote in a letter that's been posted on her office's Web site since last week. "That the clerks serve as independent, elected officers who provide vital checks and balances within the judicial branch."

Clerks of court take in money from fines and court fees, which they use to operate.

House Bill 1121 and Senate Bill 2108 could change that, in the name of what supporters call efficiency and fiscal responsibility, by moving the money -- and duties -- away from clerk offices. Costly duplication of services would fall by the wayside, supporters say.

The proposals are part of a broader debate about court funding, as judges, court administrators, prosecutors and public defenders have spent the past year trying to fend off funding cuts in the Legislature.

Rep. Ellyn Bogdanoff, a Fort Lauderdale Republican who is sponsoring the House Bill, said she wants lawmakers to be in charge of court funding. She pointed out an oft-repeated example of one clerk who gave \$800,000 in bonuses to employees, while other court-system offices faced steep budget cuts.

"I'm not trying to poke them (the clerks) in the eye," Bogdanoff said, turning her attention to a projected budget deficit for next year. "I'm trying to find \$6 billion."

Officials with The Florida Bar back the plan, saying they will support efforts to identify "efficiencies" in the courts.

At Monday's press conference, Fred Baggett, general counsel for the Florida Association of Court Clerks & Comptrollers, said he thinks the Florida Supreme Court and state courts system are simply looking for more money.

He questioned that the changes would eliminate a duplication of duties -- describing that argument as a "guise." Baggett said some judges have long sought more control over clerks, who are elected.

Circuit Judge J. David Walsh, chief judge of the 7th Judicial Circuit which includes Volusia and Flagler counties, rejected that argument. Walsh said he supports the measure, as do other chief judges throughout the state. He called the separation of power argument a "red herring."

"There is no separation of powers issue," Walsh said. "The clerk of court is not a branch of government. It is untrue there is now a watchdog function of the clerk of court."

Walsh said questions have arisen about how the money collected by clerks across the state have been used. He said the measure would create a higher level of accountability for court funding, which he said now faces "a very extreme position" economically.

Unless budget woes are addressed, the result could be cuts to services and delays of some cases, such as foreclosures and hearings in dependency court. The bills, he said, will allow the court to "better do business."