

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1121
SPONSOR(S): Bogdanoff and others
TIED BILLS:

Disposition of Court Fees

IDEN./SIM. BILLS: CS/CS/SB 2108

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Criminal & Civil Justice Appropriations Committee	7 Y, 1 N, As CS	Darity	Davis
2)	Civil Justice & Courts Policy Committee			
3)	Full Appropriations Council on General Government & Health Care			
4)	Finance & Tax Council			
5)				

SUMMARY ANALYSIS

The bill makes changes to the clerks of court and Clerks of Court Operations Corporation (Corporation). Specifically, the bill:

- Provides oversight and greater accountability of the clerks of court and Clerks of Court Operations Corporation’s budget, giving power to the Legislative Budget Commission to review and approve or disapprove these budgets.
- Mandates deadlines and information that is required to be included in proposed budgets by the clerks of court and the Corporation.
- Directs various plans and studies to take place relating to the budget process of the clerks of court and the statewide integrated computer system used by the stakeholders in the judicial system.
- Prohibits the clerks from purchasing new software and hardware, and provides exceptions to the prohibition. It requires the clerks to follow state procurement procedures.
- Allows the Supreme Court and Attorney General to choose the vendor with which they are to jointly contract to publish Florida Cases, rather than requiring them to use West Publishing Corporation.
- Provides for the costs of electronic tax deed sales to be added to the charges for the costs of the sale, to be paid for by the certificate holder when the holder applies for a tax deed. It also allows for a county’s board of commissioners or other local government units to impose by ordinance a surcharge for certain violations or infractions to assist local governments with court house funding.
- Sets the statewide budget cap for the clerks of court at \$474,174,512 for the county Fiscal Year 2008-2009 and requires the Clerk of the Court Operations Corporation to reduce the individual approved budgets of the clerks of court to ensure that the sum of the approved budgets does not exceed the statewide budget cap.
- Revises the current distribution of filing fees for trial and appellate proceedings, redirecting approximately \$22.9 million of filing fee collections from the clerks of court to the General Revenue Fund.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Revision 7 to Article V Overview

Article V of the Florida Constitution establishes the judicial branch of state government, including the trial and appellate courts. The constitution also describes the primary participants in the courts system, including judges, state attorneys, public defenders, and the clerks of the court. To that end, "[t]hese elected independent officials interact as part of a complex interdependent system."¹

In 1998, voters approved an additional revision to Article V, referenced as Revision 7, which allocates more costs to the state.² Subsequent to this revision, Article V, section 14 of the Florida Constitution now specifies the state and county responsibilities for funding the state courts system by providing that the Supreme Court and the District Courts of Appeal are fully funded by the state, and the trial courts, the circuit and county courts, are jointly funded by the state and counties. Article V, section 14(b) provides that:

All funding for the offices of the clerks of the circuit and county courts performing court-related functions, except as otherwise provided . . . shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law. Selected salaries, costs, and expenses of the state courts system may be funded from appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions, as provided by general law.

Article V, section 14(c) provides that:

Counties shall be required to fund the cost of communications services, . . . the cost of construction or lease, . . . and security of facilities for the trial courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall also pay reasonable and necessary salaries, costs, and expenses

¹ Office of Program Policy Analysis and Government Accountability, *Many Article V Trial Courts Funding Issues Still Need to Be Resolved*, Report No. 01-54, 1 (Nov. 2001).

² *Id.* at 2.

of the state courts system to meet local requirements as determined by general law.

Clerks' Court-Related Functions

Pursuant to authority granted in Article V, section 14(b) of the Florida Constitution, the list of court-related functions clerks may fund from filing fees, service charges, court costs, and fines is limited to those functions expressly authorized by statute or court rule and must include the following:

- Case maintenance;
- Records management;
- Court preparation and attendance;
- Processing the assignment, reopening, and reassignment of cases;
- Processing of appeals;
- Collection and distribution of fines, fees, service charges, and court costs;
- Processing of bond forfeiture payments;
- Payment of jurors and witnesses;
- Payment of expenses for meals or lodging provided to jurors;
- Data collection and reporting;
- Processing of jurors;
- Determinations of indigent status; and
- Reasonable administrative support costs to enable the clerk of the court to carry out these court-related functions.³

The list of functions clerks may not fund from filing fees, service charges, court costs, and fines includes:

- Those functions not listed above;
- Functions assigned by administrative orders which are not required for the clerk to perform the functions listed above;
- Enhanced levels of service which are not required for the clerk to perform the functions listed above; and
- Functions identified as local requirements in law or local optional programs.⁴

The clerks of court are allowed to retain portions of the moneys collected from filing fees, service charges, court costs, and fines, while other portions are distributed to the General Revenue Fund or other trust funds.⁵ Under existing law, clerks are required to remit one-third of all fines, fees, service charges, and costs collected for court-related functions to the Department of Revenue for deposit in the Department of Revenue Clerks of the Court Trust Fund.⁶ Thereafter, the Department of Revenue will transfer the funds in the Department of Revenue Clerks of the Court Trust Fund which are not needed to resolve clerk deficits to the General Revenue Fund.

Florida Clerks of Court Operations Corporation

To ensure accountability for the revenues collected by the clerks of the court, the Legislature created the Florida Clerks of Court Operations Corporation (Corporation).⁷ The Corporation is considered a

³ Section 28.35(4)(a), F.S.

⁴ Section 28.35(4)(b), F.S.

⁵ *See, e.g.*, Section 28.241(1)(a), F.S. For example, current law sets the maximum filing fee of \$295 for a civil action, suit, or proceeding in circuit court. Portions of the \$295 are distributed to the General Revenue Fund, the clerks, the Department of Financial Services' Administration Trust Fund to fund the Florida Clerks of Court Operations Corporation, the state courts' Mediation and Arbitration Trust Fund, the Department of Revenue Clerks of the Court Trust Fund, the Court Education Trust Fund, and the Department of Financial Services Administrative Trust Fund to fund clerk education.

⁶ Section 28.37(2), F.S.

⁷ Section 28.35, F.S.

political subdivision of the state and is exempt from corporate income tax.⁸ All clerks of the circuit court are members of the Corporation and hold their position and authority in an ex officio capacity.⁹ The Corporation's functions include:

- Establishing a process for reviewing and certifying proposed court-related budgets submitted by each clerk;
- Developing and certifying a uniform system of performance measures and applicable performance standards;
- Identifying deficiencies and corrective action plans when clerks fail to meet performance standards; and
- Recommending to the Legislature changes in the various court-related fines, fees, service charges, and court costs established by law to ensure reasonable and adequate funding of the clerks of court in the performance of their court-related functions.¹⁰

On or before August 15 of each fiscal year, each county clerk prepares a proposed budget and submits it to the Corporation.¹¹ The budget must provide detailed information on the anticipated revenues available and expenditures necessary for the performance of court-related functions. The proposed budget must be balanced.¹² Current law sets the maximum budget amounts for the standard list of court-related functions that may be funded from fees, service charges, court costs, and fines.¹³ Upon review and certification of the individual clerk of court budgets by the Clerk of Courts Operations Corporation, revenues in excess of the amount needed to fund the approved clerk of court budgets are deposited in the General Revenue Fund.¹⁴

If the clerk estimates that available funds plus projected revenues will be insufficient to meet anticipated expenditures for court-related functions, the clerk must report a revenue deficit to the Corporation. If the clerk has raised fees, services charges, and any other court-related clerk fees to the maximum amounts, but still reports a deficit, the Corporation may notify the Department of Revenue that the clerk is authorized to retain revenues, in an amount necessary to fully fund the projected deficit.¹⁵ If a deficit still exists after retaining all of the projected collections from court-related fines, fees, service charges, and costs, the Department of Revenue must certify the amount of the deficit to the Governor and request the release of funds from the Department of Revenue Clerks of the Court Trust Fund.¹⁶

The Legislative Budget Commission ("LBC")¹⁷ has authority to approve increases to the maximum annual budgets approved for individual clerks if:

- The additional funding is necessary to pay the cost of performing new or additional functions required by changes in law or court rule.
- The additional funding is necessary to pay the cost of supporting increases in the number of judges or magistrates authorized by the Legislature.¹⁸

⁸ Section 28.35(1)(c), F.S. The corporation is funded pursuant to contract with the Chief Financial Officer. Funds are provided to the Chief Financial Officer for this purpose as appropriated by general law. Section 28.35(5), F.S.

⁹ Section 28.35(1)(a), F.S.

¹⁰ Office of Program Policy Analysis & Government Accountability, *Clerks of Court Generally Are Meeting the System's Collections Performance Standards*, Report No. 01-21 (March 2007).

¹¹ Section 28.36(3)(a), F.S.

¹² Section 28.36(3)(b), F.S.

¹³ Section 28.36(5)(a), F.S.

¹⁴ Section 28.37(4), F.S.

¹⁵ Section 28.36(4)(a), F.S.

¹⁶ *Id.*

¹⁷ The Legislative Budget Commission is comprised of seven members appointed by the Senate President, and seven members appointed by the Speaker of the House. The Commission, among other things, approves budget amendments during the interim between sessions. *See generally* Section 11.90, F.S.

¹⁸ Section 28.36(6), F.S.

The Corporation may submit proposed legislation to the Governor, the Senate, and the House of Representatives for approval of clerk budget request amounts exceeding the maximum amounts prescribed by existing law.¹⁹

Effect of Proposed Changes

Legislative Budget Commission

This bill adds to the Legislative Budget Commission's powers and duties the ability to review and approve or disapprove of the Clerk of Court Operations Corporation budget, and to review and approve the total of the clerks' of court combined budgets, disapprove of the total of the clerks' combined budgets, or disapprove of one or more budgets of specific clerks.

Florida Clerks of Court Operations Corporation

This bill adds to the members of the Corporation's executive council two *ex officio* members. One of which would be a designee of the Senate President and one of which would be a designee of the Speaker of the House of Representatives.

This bill also requires as part of the Corporation's contract with the Chief Financial Officer, the Corporation determine the minimum amount of revenue necessary for each clerk to efficiently perform the list of court-related functions specified previously. Also, as part of the process of the Corporation's reviewing and certifying proposed budgets submitted by the clerks of court, the Corporation must: calculate the minimum amount of revenue necessary for each clerk to efficiently perform their court-related functions; prepare a cost comparison of similarly situated clerks of court, based on population and the number of filings, using the list of court-related functions listed above; and conduct an annual base budget review and an annual budget exercise examining the total budget of each clerk of court. Specifically, the budget review must examine all sources of revenue, expenses of court-related functions, and expenses of non court-related functions. Any funds paid by a clerk to become a member of any organization shall be listed separately and the benefits received from any such organization must be detailed. The review and exercise shall also identify potential targeted budget reductions in the percentage amount provided in the state's prior year Legislative Budget Instructions Schedule VIII-B²⁰, or equivalent schedules adopted by the Legislature.

This bill requires the Corporation to submit to the LBC, by August 1 of each year, its proposed budget and information described in section 28.35(2)(f), F.S.²¹ The Corporation is also required to submit the certified budgets for each clerk, by the same deadline (August 1). Under this bill, the LBC is required to consider the submitted budgets and must approve or disapprove the Corporation's budget. Also, the LBC is allowed to approve or disapprove the total of the clerks' combined budget, or disapprove of one or more budgets of specific clerks. The LBC must perform these tasks by October 1 of each year. Failing to do so, the clerks must continue to perform their court-related functions based upon the preceding fiscal year's budget.

The Corporation is also directed to transmit, *inter alia*²², to various officials²³ the amount of the approved budget, for each clerk, by October 15 of each year.²⁴

Budget Procedure for the Court-Related Functions of the Clerk of the Court and Studies

This bill changes the date for the clerks of court to submit their budgets to the Corporation from August 15 of each year to June 15 of each year, and sets a minimum level of required information to be

¹⁹ Section 28.36(7), F.S.

²⁰ As referenced in Section 216.023(3), F.S.

²¹ Such as the maximum authorized annual budget and, if this bill is adopted, the minimum revenue necessary for each clerk to efficiently perform their court related duties, among other things.

²² To see what other items must already be transmitted under current law, *see* 28.35(3)(a), F.S.

²³ The President of the Senate, the Speaker of the House, the CFO, and the DOR.

²⁴ Section 28.35(3)(a).

included in the proposed budgets. Specifically, that information required in s. 216.023(4)(a), F.S.²⁵ Further, the Corporation is required to prepare its proposed budget by June 15, and must include the same minimum information required under s. 216.023(4)(a), F.S. The Corporation must also provide a summary listing of clerks who have not met all performance measures and list those specific measures that each clerk did not achieve.

The bill provides Legislative intent to bring within the state budgeting process the budget and appropriations functions of and related to the clerks of courts by Fiscal Year 2011-2012. As such, this bill directs the Auditor General, with assistance from the Office of Program Policy Analysis and Government Accountability ("OPPAGA"), to develop a study plan, by September 1, 2009, and to present the plan to the LBC. The plan must describe how the Auditor General will study the funding and operations of the state courts system and the clerks of court performing court-related functions. Also, the Auditor General is directed to submit a report, by December 31, 2010, to the President of the Senate and the Speaker of the House, regarding the operation and relationship of the clerks of court and the courts. Specifically, the report shall examine who is performing each court-related functions and how each function is funded. Also, by a date set by the Auditor General, the state court system must recommend to the Legislature if there are functions performed by the clerks that should be performed by the courts, and the Corporation must recommend to the Legislature if there are any court-related administrative functions performed by the courts that should be performed by the clerks.

The above report must also detail the base budget for each of the clerks and the State Courts System, and the cost of performing each court-related function must be detailed within those budgets. The cost of administrative overhead must be calculated separately and any possible means to reduce overhead must be explored and reported.

The study must also examine whether clerks should adopt the state budget cycle, and how that would be accomplished. The study should also list each court-related function and recommend who should perform the function and how to pay for such a function.

This bill directs the Technology Review Workgroup to develop a plan for identifying and recommending options for implementing an integrated computer system previously established by statute.²⁶ The plan must describe the approaches and processes for evaluating the current computer systems and data sharing networks of the courts and clerks of court, identify the required business and technical requirements, estimate the cost, work, and change requirements, and examine the use of funds collected under the service charges by clerks of court statute.²⁷ The plan may address any necessary policy, operational, fiscal, or technical changes, such as potential changes to the distribution and use of funds collected by the clerks under s. 28.24(12)(e),²⁸ that may be needed to help with the progression of the integrated computer system. The bill provides that the plan must be submitted to the Speaker of the House and Senate President no later than December 31, 2009.

The bill prohibits clerks from purchasing any new software or computer hardware, until July 1, 2011. However, the bill provides for exceptions to this prohibition for the purchase of regular and necessary upgrades to existing software, if otherwise budgeted, or the purchase of hardware necessary to replace broken equipment or necessary to equip new staff and only if otherwise budgeted. Further, the bill provides that clerks may apply to the LBC for limited and specific exceptions to these purchasing limitations.

²⁵ E.g., the constitutional or statutory authority for a program, a brief purpose statement and approved program components; details on trust funds and fees; the total number of positions (authorized, fixed, and requested). For an exhaustive list, *see* s. 216.023(4)(a), F.S.

²⁶ Section 29.008(1)(f)2., F.S. This statute requires an integrated computer system to be operational by July 1, 2006, for the purpose of supporting the operations and management of the state courts system, the offices of the public defenders, the offices of the state attorneys, the guardian ad litem offices, the offices of criminal conflict and civil regional counsel, and the offices of the clerks of the circuit and county courts.

²⁷ Section 28.24(12)(e), F.S., which provides for the collection of \$4 per page, paid to the clerk, for certain written instruments.

²⁸ *See* note 27 *supra*.

Budget Cap

This bill caps the clerks' budget(s) at \$474,174,512 for the county Fiscal Year 2008-2009, and directs the Corporation to reduce the individual approved budgets of the clerks of court to ensure that the cap is not exceeded.

Procurement

This bill provides that the clerks of court are subject to the procurement requirements and limitations set forth under chapter 287. The general principles behind procurement are to reduce the appearance and opportunity for favoritism and to inspire public confidence that contracts are awarded equitably and economically by fair and open competition. Therefore, the clerks, under the bill, are required to meet the same criteria state agencies are under.

Fees, Fines, and Service Charges

This bill sets the statewide budget cap for the clerks of court at \$474,174,512 for the county Fiscal Year 2008-2009. The bill requires the Clerk of the Court Operations Corporation to reduce the individual approved budgets of the clerks of court to ensure that the sum of the approved budgets does not exceed the statewide budget cap.

This bill revises the current distribution of filing fees for trial and appellate proceedings, redirecting approximately \$22.9 million of filing fee collections from the clerks of court to the General Revenue Fund. The bill redistributes the dollar amount of filing fees for trial and appellate proceedings (under s. 28.241, F.S.) that are to be remitted by the clerk to the Department of Revenue (DOR). As it stands now, of the first \$85 collected in filing fees, \$80 is remitted to DOR. This bill requires \$120 of the first \$125 to be remitted to the DOR. Further, one-third of any filings fees collected in excess of \$140 (up from \$100) shall be remitted to the DOR for deposit into the Department of Revenue Clerks of the Court Trust Fund.

The bill also provides that the first \$120 in filing fees collected under s. 34.041(1)(a)4., F.S., shall be remitted to the DOR for deposit into the General Revenue Fund, up from \$80. Additionally, one-third of all fees collected in excess of the first \$135 (up from \$95) shall be remitted to the DOR for deposit into the Department of Revenue Clerks of the Court Trust Fund.

The bill states that all court-related fines, fees, services charges, and costs are considered state funds and must be remitted to the DOR for deposit into the Clerks of the Court Trust Fund, unless otherwise provided under ss. 28.241 and 34.041, F.S., and that 10 percent of all court-related *fines* collected by the clerk are to be deposited into the clerk's Public Records Modernization Trust Fund, to be used exclusively for additional clerk court-related operational needs and program enhancements.

The bill makes mandatory the pursuit of any unpaid fees, service charges, fines, court costs, and liens that are more than 90 days overdue. Currently, the pursuit of such collection is permissive. Also, the bill lowers the cap of the collection fee (including reasonably attorney fees), paid to any attorney or collection agency retained by the clerk, to 25 percent of the amount owed at the time the account is referred out. Currently, the cap is set at 40 percent.

The bill provides that the clerk shall receive an additional service charge *not to exceed* \$70 for services in conducting or contracting electronic judicial sale of real or personal property to be paid for by the winning bidder. Currently, the service charge is set at \$70 and must be advanced by the plaintiff before the sale. The bill states that the costs of an electronic tax deed sale is to be added to the charges for the costs of the sale and is to be paid for by the certificate holder upon filing for an application for a tax deed.

The bill also allows for a board of county commissioners or any unit of local government to impose by ordinance a surcharge for any infraction or violation of noncriminal traffic infractions (under chapter

318, F.S.) or criminal violations listed in s. 318.17, F.S.,²⁹ for the exclusive purpose of securing payment of the principal and interest on bonds issued by the county on or after July 1, 2009, to fund state court facilities until the stated date of maturity. The court is not allowed to waive this surcharge, and the surcharge may not exceed an amount per violation calculated by a provided formula. If the revenues generated by this surcharge exceed the debt service on the bonds, the surplus revenues may be used to pay the debt service, to fund other state court facility construction projects certified by the chief judge as necessary to address certain situations, or to support local law libraries in or near the county courthouse or any annex to the courthouse. This bill also allows for the increase of the surcharge (from up to \$15 to up to \$30) for any infraction or violation to fund state court facilities.

Florida Cases Vendor

Currently, Florida law requires the Supreme Court and the Attorney General to enter into a contract, jointly, with West Publishing Corporation, to provide for the publication and distribution of copies of Florida Cases. This bill strikes the language requiring them to contract exclusively with West Publishing Corporation, and allows them to contract with “a vendor.”

B. SECTION DIRECTORY:

Section 1 amends s. 11.90, F.S., relating to the Legislative Budget Commission.

Section 2 amends s. 25.381, F.S., relating to reports, publication, and purchase and distribution.

Section 3 amends s. 28.241, F.S., relating to filing fees for trial and appellate proceedings.

Section 4 amends s. 28.246, F.S., relating to payment of court related fees, charges, and costs, partial payments, and distribution of funds.

Section 5 amends s. 28.35, F.S., relating to the Florida Clerks of Court Operations Corporation.

Section 6 amends s. 28.36, F.S., relating to the budget procedure for the court-related functions of the clerks of the court.

Section 7 caps the statewide budget for the clerks of court.

Section 8 creates s. 28.365, F.S., relating to procurement.

Section 9 amends s. 28.37, F.S., relating to fines, fees, service charges, and costs remitted to the state.

Section 10 amends s. 34.041, F.S., relating to filing fees.

Section 11 amends s. 45.035, F.S., relating to clerk’s fees.

Section 12 amends s. 197.542, F.S., relating to sales at public auction.

Section 13 amends s. 318.18, F.S., relating to penalty amount.

Section 14 provides an effective date of July 1, 2009.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

²⁹ E.g., fleeing or attempting to elude a police officer; leaving the scene of a crash; reckless driving.

2. Expenditures:
See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
See Fiscal Comments.
2. Expenditures:
See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

FISCAL COMMENTS:

This bill sets the statewide budget cap for the clerks of court at \$474,174,512 for the county Fiscal Year 2008-2009. The cap is currently set at \$497,038,273. The bill requires the Clerk of the Court Operations Corporation to reduce the individual approved budgets of the clerks of court to ensure that the sum of the approved budgets does not exceed the statewide budget cap.

This bill revises the current distribution of filing fees for trial and appellate proceedings, redirecting approximately \$22.9 million of filing fee collections from the clerks of court to the General Revenue Fund.

The bill allows for a board of county commissioners or any unit of local government to impose by ordinance a surcharge for any infraction or violation of noncriminal traffic infractions (under chapter 318, F.S.) or criminal violations listed in s. 318.17, F.S., for the exclusive purpose of securing payment of the principal and interest on bonds issued by the county on or after July 1, 2009, to fund state court facilities until the stated date of maturity. The number of local governments that may impose the surcharge is unknown, therefore the amount of revenues generated by this provision is indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure to funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

As this analysis was written, a petition was filed in the Florida Supreme Court by two private individuals against the Florida Legislature and other governmental entities asserting that, among other constitutional challenges related to the collection and allocation of court fees, the clerk's remittance of residual fees to the General Revenue Fund converts those funds into an unconstitutional tax.³⁰ The petition also asserts that subsequent legislative appropriations of these collections must be restricted to court-related purposes. On April 8, 2009 the Florida Supreme Court transferred the case to the Second Judicial Circuit Court.

B. RULE-MAKING AUTHORITY:

³⁰ *Ervin v. The Florida Legislature et al.*, Case No. 5C09-467 (Fla. 2009).

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On April 13, 2009, the Criminal & Civil Justice Appropriations Committee adopted a strike-all amendment and other amendments which:

- Gives the Legislative Budget Commission the power and duty to review and approve or disapprove of the Clerk of Court Operation Corporation budget and the clerks' budgets;
- Redistributes the dollar amount of fees to be remitted to the Department of Revenue;
- Reduces the percentage of fees the clerk may pay an attorney that the clerk retains for the collection of fees, fines, charges, etc., due;
- Adds two ex officio members to the Florida Clerks of Court Operations Corporation's executive council;
- Requires, as part of their contract with the Chief Financial Officer, the Corporation to determine the minimum amount of revenue necessary for each clerk to efficiently perform their court-related functions;
- Requires, as part of the Corporation's reviewing and certifying of the clerk of courts' proposed budgets, the Corporation to calculate the minimum amount of revenue necessary for each clerk, prepare a cost comparison of similarly situated clerks, and conduct an annual base budget review and budget exercise;
- Requires the Corporation to submit, by August 1st of each year, to the Legislative Budget Commission, its proposed budget and certain other information;
- Requires the Legislative Budget Commission, by October 1st, to consider and approve or disapprove the submitted budget, and upon failing to do so allows the clerk to continue its function based on its previous year's budget;
- Changes the date to June 15th, from August 15th, that the clerk of court of each county must submit their proposed budget to the Corporation by, and requires certain information as a minimum in the proposed budget;
- Requires the Corporation to have its proposed budget prepared by June 15th, and requires certain information to be included;
- States that it is the intent of the Legislature to bring the clerk of court's budget within the purview of the state budget process, and therefore directs the Auditor General, along with the Office of Program Policy Analysis and Government Accountability (OPPAGA), to develop a study plan to study the funding and operations of the state courts system and the clerks performing their court-related duties, as well as requiring the Auditor General to submit a report to various parties regarding the operation and relationship of the clerks of court and the courts;
- Requires the Technology Review Workgroup to develop a proposed plan to identify and recommend options for implementing an integrated computer system, and also prohibits the clerks from purchasing any new software or hardware (until July 1, 2011), with certain exceptions;
- Caps the clerks budget at a specific dollar amount;
- Creates a requirement that the clerks are subject to the procurement requirements and limitations of chapter 287; and
- Increases the dollar amount of filing fees that are to be remitted to the Department of Revenue.
- Removes the requirement that the Supreme Court and Attorney General enter into a contract with West Publishing Corporation to publish caselaw, instead requiring that they enter into a contract with "a vendor";
- Recognizes that all court-related fees, fines, service charges, and costs collected by the clerks are state funds and shall be remitted to the Department of Revenue, and sets aside 10% of all court-related fines collected by the clerk to be deposited in the clerk's Public Records Modernization Trust Fund;
- Requires, rather than allows, clerks to pursue the collection unpaid fees, services charges, fines, court costs, and liens; and

- Provides that the clerk shall receive an additional service charge *not to exceed* \$70 for services in conducting or contracting electronic judicial sale of real or personal property to be paid for by the winning bidder.