

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Brummer offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 310 and 311, insert:

5 Section 1. Transfer of Court-Related Clerk of Circuit  
6 Court Functions Pilot Program.--

7 (1) LEGISLATIVE INTENT.--The Legislature finds that it is  
8 imperative to the well-being of the citizens of this state, and  
9 consistent with the State Constitution, that trial courts  
10 operate with efficiency and economy, but also autonomy, in the  
11 prompt and proper delivery of justice. The Legislature further  
12 finds that to operate at the most optimal level, complete court  
13 control over court-related functions is essential. Current  
14 statutory authority, however, presents an impediment to that  
15 control in that many court-related functions are administered by

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16 | both the Clerk of the Court, as statutorily mandated, and the  
17 | court. Such duality of responsibility and control fosters  
18 | discord within the court system, confusion among litigants where  
19 | functions are duplicated, and waste of valuable state and local  
20 | resources. Thus, the Legislature finds, as a matter of public  
21 | policy, that consolidating resources within the judicial branch  
22 | of government, by transferring court-related functions performed  
23 | by the Clerks of Court to the Courts, is consistent with the  
24 | objectives of Article V of the State Constitution, as well as of  
25 | judicial efficiency, economy, and autonomy. It is the intent of  
26 | the Legislature to study the feasibility of consolidating court-  
27 | related functions currently performed by the 67 Clerks of Court  
28 | and the 20 offices of Court Administration into a single  
29 | Administrative Office of the Court that works for and reports to  
30 | the Chief Judge in each of the 20 judicial circuits. In  
31 | accordance with these findings, a pilot program shall be  
32 | established in the Ninth Judicial Circuit transferring all  
33 | court-related powers and duties from the Clerk of the Circuit  
34 | Court to the Chief Judge for that circuit.

35 | (2) ADMINISTRATION.--

36 | (a) A pilot program, commencing on January 1, 2006, and  
37 | continuing through December 31, 2008, is established in the  
38 | Ninth Judicial Circuit, whereby the Chief Judge for the Ninth  
39 | Judicial Circuit shall assume all powers, duties, and  
40 | responsibilities relating to the courts within that circuit and  
41 | currently overseen by the Clerk of the Circuit Court for Orange  
42 | County and the Clerk of the Circuit Court for Osceola County.

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43 The powers, duties, and responsibilities transferred to the  
44 Chief Judge include, but are not limited to, employment and  
45 supervision of personnel whose principal activities are to serve  
46 the courts in connection with judicial actions and proceedings.  
47 Nothing in this section shall affect the clerks'  
48 responsibilities relating to their roles as ex officio clerk of  
49 the board of county commissioners, auditor, recorder, and  
50 custodian of county funds not associated with court-related  
51 functions.

52 (b) The Chief Judge for the Ninth Judicial Circuit may  
53 designate any of the Clerk of Circuit Courts' court-related  
54 duties, statutory or otherwise, to be performed by the Court  
55 Administrator and Court Administration staff.

56 (c) The Chief Judge for the Ninth Judicial Circuit shall  
57 collect and be responsible for all moneys collected in  
58 connection with judicial actions, proceedings, and records  
59 currently collected by the Clerks of the Circuit Court and shall  
60 deposit such moneys on a monthly basis into the General Revenue  
61 Fund.

62 (d) The Clerk of the Circuit Court for Orange County and  
63 the Clerk of the Circuit Court for Osceola County shall be  
64 relieved of any obligation imposed by law with respect to the  
65 powers, duties, and responsibilities that the pilot program  
66 imposes on the Chief Judge for the Ninth Judicial Circuit.

67 (3) REPORTING.--By January 31, 2007, and January 31, 2008,  
68 the Chief Judge for the Ninth Judicial Circuit shall submit  
69 preliminary reports to the President of the Senate, the Speaker

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70 of the House of Representatives, and the Governor outlining the  
 71 establishment, operation, organization, and economic impact of  
 72 the pilot program to that date, including any statistical data  
 73 available. By January 31, 2009, the Chief Judge shall submit a  
 74 final report to the President of the Senate, the Speaker of the  
 75 House of Representatives, and the Governor which shall include  
 76 an overall assessment of the pilot program, recommendations for  
 77 further legislation, and the feasibility of extending  
 78 consolidation throughout the state.

79 (4) FUNDING.--The sums of \$\_\_\_\_\_ and \$\_\_\_\_\_ are  
 80 appropriated from the General Revenue Fund to establish,  
 81 operate, and administer the pilot program.

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===== T I T L E A M E N D M E N T =====

85 Remove line 6 and insert:  
 86 An act relating to the state judicial system; providing  
 87 legislative intent; directing the creation of a pilot  
 88 program in the Ninth Judicial Circuit Court for purposes  
 89 of transferring duties and responsibilities of the clerk  
 90 of court to the Chief Judge; providing for administration  
 91 of the program; providing powers, duties, and  
 92 responsibilities of the Chief Judge of the circuit court  
 93 under the program; requiring reports; providing  
 94 unspecified appropriations; amending s.