

1 A bill to be entitled
 2 An act relating to the Operating Trust Fund; creating s.
 3 25.3844, F.S.; creating the Operating Trust Fund within
 4 the state courts system; providing for sources of funds
 5 and purposes; providing for future review and termination
 6 or re-creation of the trust fund; amending ss. 25.241,
 7 25.383, 29.0195, and 35.22, F.S.; conforming provisions;
 8 directing certain fees collected by the Clerk of the
 9 Supreme Court, the trial court administrator of each
 10 circuit, and the clerk of each district court and certain
 11 fees paid to the Supreme Court by court reporters to be
 12 deposited into the trust fund in lieu of another trust
 13 fund; providing an effective date.

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 15 Be It Enacted by the Legislature of the State of Florida:

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 17 Section 1. Section 25.3844, Florida Statutes, is created
 18 to read:

19 25.3844 Operating Trust Fund.--

20 (1) The Operating Trust Fund is created within the state
 21 courts system.

22 (2) The fund is established for use as a depository of
 23 fees and related revenue for the purpose of supporting the
 24 program operations of the judicial branch and for such other
 25 purposes as may be appropriate and shall be expended only
 26 pursuant to legislative appropriation or an approved amendment
 27 to the agency's operating budget pursuant to the provisions of
 28 chapter 216.

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29 (3) In accordance with s. 19(f)(2), Art. III of the State
30 Constitution, the Operating Trust Fund shall, unless terminated
31 sooner, be terminated on July 1, 2010. Before its scheduled
32 termination, the trust fund shall be reviewed as provided in s.
33 215.3206(1) and (2).

34 Section 2. Subsection (5) of section 25.241, Florida
35 Statutes, is amended to read:

36 25.241 Clerk of Supreme Court; compensation; assistants;
37 filing fees, etc.--

38 (5) The Clerk of the Supreme Court is hereby required to
39 prepare a statement of all fees collected each month and remit
40 such statement, together with all fees collected by him or her,
41 to the Chief Financial Officer. The Chief Financial Officer
42 shall deposit \$250 of each \$300 filing fee and all other fees
43 collected into the General Revenue Fund. The Chief Financial
44 Officer shall deposit \$50 of each filing fee collected into the
45 state court's Operating Grants and Donations Trust Fund to fund
46 court improvement projects as authorized in the General
47 Appropriations Act.

48 Section 3. Section 25.383, Florida Statutes, is amended to
49 read:

50 25.383 Standards for court reporters; procedures; rules of
51 professional conduct, discipline, and training.--The Supreme
52 Court shall establish minimum standards and procedures for
53 qualifications, certification, discipline, and training for
54 court reporters. The Supreme Court shall determine the amount of
55 fees to charge applicants for certification and renewal of
56 certification. Fees shall be set in an amount necessary to

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57 | recover the full cost of administering the certification
 58 | process. All proceeds from fees collected pursuant to this
 59 | section shall be deposited into the Operating Grants and
 60 | ~~Donations~~ Trust Fund within the state courts. The Supreme Court
 61 | may appoint or employ such personnel as are necessary to assist
 62 | the court in exercising its powers and performing its duties
 63 | under this section.

64 | Section 4. Section 29.0195, Florida Statutes, is amended
 65 | to read:

66 | 29.0195 Recovery of expenditures for state-funded
 67 | services.--The trial court administrator of each circuit shall
 68 | recover expenditures for state-funded services when those
 69 | services have been furnished to a user of the state court system
 70 | who possesses the present ability to pay. The rate of
 71 | compensation for such services shall be the actual cost of the
 72 | services, including the cost of recovery. The trial court
 73 | administrator shall deposit moneys recovered under this section
 74 | in the Operating Grants and ~~Donations~~ Trust Fund within the
 75 | state court system. The trial court administrator shall recover
 76 | the costs of court reporter services and transcription; court
 77 | interpreter services, including translation; and any other
 78 | service for which state funds were used to provide a product or
 79 | service within the circuit. This section does not authorize cost
 80 | recovery from entities described in ss. 29.005, 29.006, and
 81 | 29.007.

82 | Section 5. Subsection (6) of section 35.22, Florida
 83 | Statutes, is amended to read:

84 | 35.22 Clerk of district court; appointment; compensation;

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85 assistants; filing fees; teleconferencing.--

86 (6) The clerk of each district court of appeal is required
87 to deposit all fees collected in the State Treasury to the
88 credit of the General Revenue Fund, except that \$50 of each \$300
89 filing fee collected shall be deposited into the state court's
90 Operating Grants and Donations Trust Fund to fund court
91 improvement projects as authorized in the General Appropriations
92 Act. The clerk shall retain an accounting of each such
93 remittance.

94 Section 6. This act shall take effect July 1, 2006.