

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Bogdanoff offered the following:
2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsections (1) and (2) of section 28.241,
6 Florida Statutes, are amended to read:

7 28.241 Filing fees for trial and appellate proceedings.--

8 (1) (a) The party instituting any civil action, suit, or
9 proceeding in the circuit court shall pay to the clerk of that
10 court a filing fee of up to \$295 in all cases in which there are
11 not more than five defendants and an additional filing fee of up
12 to \$2.50 for each defendant in excess of five. Of the first \$85
13 in filing fees, \$80 must be remitted by the clerk to the
14 Department of Revenue for deposit into the General Revenue Fund,
15 and \$5 must be remitted to the Department of Revenue for deposit
16 into the Clerks of the Court Trust Fund within the Justice

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

17 Administrative Commission and used ~~Department of Financial~~
18 ~~Services' Administrative Trust Fund~~ to fund the contract with
19 the Florida Clerks of Court Operations Corporation created in s.
20 28.35. The next \$15 of the filing fee collected shall be
21 deposited in the state courts' Mediation and Arbitration Trust
22 Fund. One-third of any filing fees collected by the clerk of the
23 circuit court in excess of \$100 shall be remitted to the
24 Department of Revenue for deposit into the ~~Department of Revenue~~
25 Clerks of the Court Trust Fund within the Justice Administrative
26 Commission. An additional filing fee of \$4 shall be paid to the
27 clerk. The clerk shall remit \$3.50 to the Department of Revenue
28 for deposit into the Court Education Trust Fund and shall remit
29 50 cents to the Department of Revenue for deposit into the
30 Clerks of the Court ~~Department of Financial Services~~
31 ~~Administrative~~ Trust Fund within the Justice Administrative
32 Commission to fund clerk education. An additional filing fee of
33 up to \$18 shall be paid by the party seeking each severance that
34 is granted. The clerk may impose an additional filing fee of up
35 to \$85 for all proceedings of garnishment, attachment, replevin,
36 and distress. Postal charges incurred by the clerk of the
37 circuit court in making service by certified or registered mail
38 on defendants or other parties shall be paid by the party at
39 whose instance service is made. No additional fees, charges, or
40 costs shall be added to the filing fees imposed under this
41 section, except as authorized herein or by general law.

42 (b) A party reopening any civil action, suit, or
43 proceeding in the circuit court shall pay to the clerk of court
44 a filing fee set by the clerk in an amount not to exceed \$50.

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

45 For purposes of this section, a case is reopened when a case
46 previously reported as disposed of is resubmitted to a court and
47 includes petitions for modification of a final judgment of
48 dissolution. A party is exempt from paying the fee for any of
49 the following:

- 50 1. A writ of garnishment;
- 51 2. A writ of replevin;
- 52 3. A distress writ;
- 53 4. A writ of attachment;
- 54 5. A motion for rehearing filed within 10 days;
- 55 6. A motion for attorney's fees filed within 30 days after
56 entry of a judgment or final order;
- 57 7. A motion for dismissal filed after a mediation
58 agreement has been filed;
- 59 8. A disposition of personal property without
60 administration;
- 61 9. Any probate case prior to the discharge of a personal
62 representative;
- 63 10. Any guardianship pleading prior to discharge;
- 64 11. Any mental health pleading;
- 65 12. Motions to withdraw by attorneys;
- 66 13. Motions exclusively for the enforcement of child
67 support orders;
- 68 14. A petition for credit of child support;
- 69 15. A Notice of Intent to Relocate and any order issuing
70 as a result of an uncontested relocation;
- 71 16. Stipulations;
- 72 17. Responsive pleadings; or

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

73 18. Cases in which there is no initial filing fee.

74 (c) Any party other than a party described in paragraph
75 (a) who files a pleading in an original civil action in circuit
76 court for affirmative relief by cross-claim, counterclaim, or
77 third-party complaint shall pay the clerk of court a fee of
78 \$295. The clerk shall remit the fee to the Department of Revenue
79 for deposit into the General Revenue Fund.

80 (d) The clerk of court shall collect a service charge of
81 \$10 for issuing a summons. The clerk shall assess the fee
82 against the party seeking to have the summons issued.

83 (2) Upon the institution of any appellate proceeding from
84 any lower court to the circuit court of any such county,
85 including appeals filed by a county or municipality as provided
86 in s. 34.041(5), or from the circuit court to an appellate court
87 of the state, the clerk shall charge and collect from the party
88 or parties instituting such appellate proceedings a filing fee
89 not to exceed \$280 for filing a notice of appeal from the county
90 court to the circuit court and, in addition to the filing fee
91 required under s. 25.241 or s. 35.22, \$100 for filing a notice
92 of appeal from the circuit court to the district court of appeal
93 or to the Supreme Court. If the party is determined to be
94 indigent, the clerk shall defer payment of the fee. The clerk
95 shall remit the first \$80 to the Department of Revenue for
96 deposit into the General Revenue Fund. One-third of the fee
97 collected by the clerk in excess of \$80 also shall be remitted
98 to the Department of Revenue for deposit into the Clerks of the
99 Court Trust Fund within the Justice Administrative Commission.

100 Section 2. Paragraph (b) of subsection (5) and subsection
194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

101 (6) of section 28.246, Florida Statutes, are amended to read:

102 28.246 Payment of court-related fees, charges, and costs;
103 partial payments; distribution of funds.--

104 (5) When receiving partial payment of fees, service
105 charges, court costs, and fines, clerks shall distribute funds
106 according to the following order of priority:

107 (b) That portion of fees, service charges, court costs,
108 and fines which are required to be retained by the clerk of the
109 court or deposited into the Clerks of the Court Trust Fund
110 within the Justice Administrative Commission.

111
112 To offset processing costs, clerks may impose either a per-month
113 service charge pursuant to s. 28.24(26) (b) or a one-time
114 administrative processing service charge at the inception of the
115 payment plan pursuant to s. 28.24(26) (c).

116 (6) A clerk of court shall ~~may~~ pursue the collection of
117 any fees, service charges, fines, court costs, and liens for the
118 payment of attorney's fees and costs pursuant to s. 938.29 which
119 remain unpaid after ~~for~~ 90 days by referring ~~or more, or refer~~
120 the account to a private attorney who is a member in good
121 standing of The Florida Bar or collection agent who is
122 registered and in good standing pursuant to chapter 559. In
123 pursuing the collection of such unpaid financial obligations
124 through a private attorney or collection agent, the clerk of the
125 court must have attempted to collect the unpaid amount through a
126 collection court, collections docket, or other collections
127 process, if any, established by the court, find this to be cost-
128 effective and follow any applicable procurement practices. The
194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

129 collection fee, including any reasonable attorney's fee, paid to
130 any attorney or collection agent retained by the clerk may be
131 added to the balance owed in an amount not to exceed 25 40
132 percent of the amount owed at the time the account is referred
133 to the attorney or agent for collection.

134 Section 3. Section 28.35, Florida Statutes, is amended to
135 read:

136 28.35 Florida Clerks of Court Operations Corporation.--

137 (1) (a) The Florida Clerks of Court Operations Corporation
138 is ~~hereby~~ created as a public corporation organized to perform
139 the functions specified in this section and s. 28.36 and shall
140 be administratively housed within the Justice Administrative
141 Commission. The corporation shall be a budget entity within the
142 Justice Administrative Commission, and its employees shall be
143 considered state employees. The corporation is not subject to
144 control, supervision, or direction by the Justice Administrative
145 Commission in the performance of its duties, but the employees
146 of the corporation shall be governed by the classification plan
147 and salary and benefits plan of the Justice Administrative
148 Commission. The classification plan must have a separate chapter
149 for the corporation. All clerks of the circuit court shall be
150 members of the corporation and hold their position and authority
151 in an ex officio capacity. The functions assigned to the
152 corporation shall be performed by an executive council pursuant
153 to the plan of operation approved by the members.

154 (b) The executive council shall be composed of eight
155 clerks of the court elected by the clerks of the courts for a
156 term of 2 years, with two clerks from counties with a population
194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

157 of fewer than 100,000, two clerks from counties with a
158 population of at least 100,000 but fewer than 500,000, two
159 clerks from counties with a population of at least 500,000 but
160 fewer than 1 million, and two clerks from counties with a
161 population of more than 1 million. The executive council shall
162 also include, as ex officio members, a designee of the President
163 of the Senate and a designee of the Speaker of the House of
164 Representatives. The Chief Justice of the Supreme Court shall
165 designate one additional member to represent the state courts
166 system.

167 (c) The corporation shall be considered a political
168 subdivision of the state and shall be exempt from the corporate
169 income tax. ~~The corporation is not subject to the procurement~~
170 ~~provisions of chapter 287 and policies and decisions of the~~
171 ~~corporation relating to incurring debt, levying assessments, and~~
172 ~~the sale, issuance, continuation, terms, and claims under~~
173 ~~corporation policies, and all services relating thereto, are not~~
174 ~~subject to the provisions of chapter 120.~~

175 (d) The functions assigned to the corporation under this
176 section and ss. 28.36 and 28.37 are considered to be for a valid
177 public purpose.

178 (2) The duties of the corporation shall include the
179 following:

180 (a) Adopting a plan of operation.

181 (b) Conducting the election of directors as required in
182 paragraph (1) (a).

183 (c) Recommending to the Legislature changes in the various
184 court-related fines, fees, service charges, and court costs

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

185 established by law ~~to ensure reasonable and adequate funding of~~
186 ~~the clerks of the court in the performance of their court-~~
187 ~~related functions.~~

188 ~~(d) Pursuant to contract with the Chief Financial Officer,~~
189 ~~establishing a process for the review and certification of~~
190 ~~proposed court related budgets submitted by clerks of the court~~
191 ~~for completeness and compliance with this section and ss. 28.36~~
192 ~~and 28.37. This process shall be designed and be of sufficient~~
193 ~~detail to permit independent verification and validation of the~~
194 ~~budget certification. The contract shall specify the process to~~
195 ~~be used in determining compliance by the corporation with this~~
196 ~~section and ss. 28.36 and 28.37.~~

197 ~~(d)-(e)~~ Developing and certifying a uniform system of
198 performance measures and applicable performance standards for
199 the functions specified in paragraph (3) (a) and the service unit
200 costs required in s. 28.36 paragraph (4) (a) and measures for
201 clerk performance in meeting the performance standards. These
202 measures and standards shall be designed to facilitate an
203 objective determination of the performance of each clerk in
204 accordance with minimum standards for fiscal management,
205 operational efficiency, and effective collection of fines, fees,
206 service charges, and court costs. The corporation shall develop
207 the performance measures and performance standards in
208 consultation with the Legislature and the Supreme Court. The
209 Legislature may modify the clerk performance measures and
210 performance standards in legislation implementing the General
211 Appropriations Act or other law. When the corporation finds a
212 clerk has not met the performance standards, the corporation

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

213 shall identify the nature of each deficiency and any corrective
214 action recommended and taken by the affected clerk of the court.
215 The corporation shall notify the Legislature and the Supreme
216 Court of any clerk not meeting performance standards and provide
217 a copy of any corrective action plans.

218 ~~(e)-(f) Reviewing and certifying proposed budgets submitted~~
219 ~~by clerks of the court pursuant to s. 28.36 utilizing the~~
220 ~~process approved by the Chief Financial Officer pursuant to~~
221 ~~paragraph (d) for the purpose of making the certification in~~
222 ~~paragraph (3) (a). As part of this process, the corporation~~
223 ~~shall:~~

224 ~~1. Calculate the maximum authorized annual budget pursuant~~
225 ~~to the requirements of s. 28.36.~~

226 ~~2. Identify those proposed budgets exceeding the maximum~~
227 ~~annual budget pursuant to s. 28.36(5) for the standard list of~~
228 ~~court-related functions specified in paragraph (4) (a).~~

229 ~~3. Identify those proposed budgets containing funding for~~
230 ~~items not included on the standard list of court-related~~
231 ~~functions specified in paragraph (4) (a).~~

232 ~~4. Identify those clerks projected to have court-related~~
233 ~~revenues insufficient to fund their anticipated court-related~~
234 ~~expenditures.~~

235 ~~(f)-(g) Developing and conducting clerk education programs.~~

236 ~~(g)-(h) Publishing a uniform schedule of actual fees,~~
237 ~~service charges, and costs charged by a clerk of the court for~~
238 ~~court-related functions pursuant to general law.~~

239 ~~(3) (a) The Clerks of Court Operations Corporation shall~~
240 ~~certify to the President of the Senate, the Speaker of the House~~
194225

Amendment No.

241 ~~of Representatives, the Chief Financial Officer, and the~~
242 ~~Department of Revenue by October 15 of each year, the amount of~~
243 ~~the proposed budget certified for each clerk; the revenue~~
244 ~~projection supporting each clerk's budget; each clerk eligible~~
245 ~~to retain some or all of the state's share of fines, fees,~~
246 ~~service charges, and costs; the amount to be paid to each clerk~~
247 ~~from the Clerks of the Court Trust Fund within the Department of~~
248 ~~Revenue; the performance measures and standards approved by the~~
249 ~~corporation for each clerk; and the performance of each clerk in~~
250 ~~meeting the performance standards.~~

251 ~~(b) Prior to December 1 of each year, the Chief Financial~~
252 ~~Officer shall review the certifications made by the corporation~~
253 ~~for the purpose of determining compliance with the approved~~
254 ~~process and report its findings to the President of the Senate,~~
255 ~~the Speaker of the House of Representatives and to the~~
256 ~~Department of Revenue. To determine compliance with this~~
257 ~~process, the Chief Financial Officer may examine the budgets~~
258 ~~submitted to the corporation by the clerks.~~

259 ~~(3)-(4)~~(a) The list of court-related functions that clerks
260 may perform are fund from filing fees, service charges, court
261 ~~costs, and fines shall be~~ limited to those functions expressly
262 authorized by law or court rule. Those functions ~~must~~ include
263 the following: case maintenance; records management; court
264 preparation and attendance; processing the assignment,
265 reopening, and reassignment of cases; processing of appeals;
266 collection and distribution of fines, fees, service charges, and
267 court costs; processing of bond forfeiture payments; payment of
268 jurors and witnesses; payment of expenses for meals or lodging

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

269 provided to jurors; data collection and reporting; processing of
270 jurors; determinations of indigent status; and reasonable
271 administrative support ~~costs~~ to enable the clerk of the court to
272 carry out these court-related functions.

273 (b) The ~~list of~~ functions that clerks may not fund from
274 state appropriations ~~filing fees, service charges, court costs,~~
275 ~~and fines~~ shall include:

276 1. Those functions not specified within paragraph (a).

277 2. Functions assigned by administrative orders which are
278 not required for the clerk to perform the functions in paragraph
279 (a).

280 3. Enhanced levels of service which are not required for
281 the clerk to perform the functions in paragraph (a).

282 4. Functions identified as local requirements in law or
283 local optional programs.

284 ~~(4)-(5)~~ The corporation shall prepare a legislative budget
285 request for the resources necessary to perform its duties,
286 submit the request pursuant to chapter 216, and be funded as a
287 budget entity in the General Appropriations Act pursuant to
288 ~~contract with the Chief Financial Officer. Funds shall be~~
289 ~~provided to the Chief Financial Officer for this purpose as~~
290 ~~appropriated by general law. These funds shall be available to~~
291 ~~the corporation for the performance of the duties and~~
292 ~~responsibilities as set forth in this section. The corporation~~
293 may hire staff and pay other expenses from state appropriations
294 ~~these funds~~ as necessary to perform the official duties and
295 responsibilities of the corporation as described by law ~~in this~~
296 ~~section.~~

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

297 (5)~~(6)~~ (a) The corporation shall submit an annual audited
298 financial statement to the Auditor General in a form and manner
299 prescribed by the Auditor General. The Auditor General shall
300 conduct an annual audit of the operations of the corporation,
301 including the use of funds and compliance with the provisions of
302 this section and ss. 28.36 and 28.37.

303 (b) Certified public accountants conducting audits of
304 counties pursuant to s. 218.39 shall report, as part of the
305 audit, whether or not the clerks of the courts have complied
306 with the requirements of this section and s. 28.36. In addition,
307 each clerk of court shall forward a copy of the portion of the
308 financial audit relating to the court-related duties of the
309 clerk of court to the Supreme Court ~~budgets certified by the~~
310 ~~Florida Clerk of Courts Operations Corporation pursuant to the~~
311 ~~budget review process pursuant to contract with the Chief~~
312 ~~Financial Officer and with the performance standards developed~~
313 ~~and certified pursuant to this section.~~ The Auditor General
314 shall develop a compliance supplement for the audit of
315 compliance with the budgets and applicable performance standards
316 certified by the corporation.

317 Section 4. Section 28.36, Florida Statutes, is amended to
318 read:

319 28.36 Budget procedure.--There is ~~hereby~~ established a
320 budget procedure for the preparing budget requests for funding
321 for the court-related functions of the clerks of the court.

322 (1) Each clerk of court shall prepare a budget request for
323 the last quarter of the county fiscal year and the first three
324 quarters of the next county fiscal year. The proposed budget

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

325 shall be prepared, summarized, and submitted by the clerk in
326 each county to the Florida Clerks of Court Operations
327 Corporation in the manner and form prescribed by the corporation
328 to meet the requirements of law. Each clerk shall forward a copy
329 of his or her budget request to the Supreme Court. The budget
330 requests must be provided to the corporation by October 1 of
331 each year.

332 ~~(1) Only those functions on the standard list developed~~
333 ~~pursuant to s. 28.35(4)(a) may be funded from fees, service~~
334 ~~charges, court costs, and fines retained by the clerks of the~~
335 ~~court. No clerk may use fees, service charges, court costs, and~~
336 ~~fines in excess of the maximum budget amounts as established in~~
337 ~~subsection (5).~~

338 ~~(2) For the period July 1, 2004, through September 30,~~
339 ~~2004, and for each county fiscal year ending September 30~~
340 ~~thereafter, each clerk of the court shall prepare a budget~~
341 ~~relating solely to the performance of the standard list of~~
342 ~~court-related functions pursuant to s. 28.35(4)(a).~~

343 ~~(3) Each proposed budget shall further conform to the~~
344 ~~following requirements:~~

345 ~~(a) On or before August 15 for each fiscal year~~
346 ~~thereafter, the proposed budget shall be prepared, summarized,~~
347 ~~and submitted by the clerk in each county to the Clerks of Court~~
348 ~~Operations Corporation in the manner and form prescribed by the~~
349 ~~corporation. The proposed budget must provide detailed~~
350 ~~information on the anticipated revenues available and~~
351 ~~expenditures necessary for the performance of the standard list~~
352 ~~of court-related functions of the clerk's office developed~~

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

353 ~~pursuant to s. 28.35(4)(a) for the county fiscal year beginning~~
354 ~~the following October 1.~~

355 ~~(b) The proposed budget must be balanced, such that the~~
356 ~~total of the estimated revenues available must equal or exceed~~
357 ~~the total of the anticipated expenditures. These revenues~~
358 ~~include the following: cash balances brought forward from the~~
359 ~~prior fiscal period; revenue projected to be received from fees,~~
360 ~~service charges, court costs, and fines for court-related~~
361 ~~functions during the fiscal period covered by the budget; and~~
362 ~~supplemental revenue that may be requested pursuant to~~
363 ~~subsection (4). The anticipated expenditures must be itemized as~~
364 ~~required by the corporation, pursuant to contract with the Chief~~
365 ~~Financial Officer.~~

366 ~~(c) The proposed budget may include a contingency reserve~~
367 ~~not to exceed 10 percent of the total budget, provided that,~~
368 ~~overall, the proposed budget does not exceed the limits~~
369 ~~prescribed in subsection (5).~~

370 ~~(4) If a clerk of the court estimates that available funds~~
371 ~~plus projected revenues from fines, fees, service charges, and~~
372 ~~costs for court-related services are insufficient to meet the~~
373 ~~anticipated expenditures for the standard list of court-related~~
374 ~~functions in s. 28.35(4)(a) performed by his or her office, the~~
375 ~~clerk must report the revenue deficit to the Clerks of Court~~
376 ~~Operations Corporation in the manner and form prescribed by the~~
377 ~~corporation pursuant to contract with the Chief Financial~~
378 ~~Officer. The corporation shall verify that the proposed budget~~
379 ~~is limited to the standard list of court-related functions in s.~~
380 ~~28.35(4)(a).~~

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

381 (2) ~~(a)~~ Each clerk shall include in his or her budget
382 request a projection of the amount of court-related fees,
383 service charges, and any other court-related clerk fees which
384 will be collected during the proposed budget period. If the
385 corporation determines ~~verifies~~ that the proposed budget is
386 limited to the standard list of court-related functions in s.
387 28.35(3)(a) ~~s. 28.35(4)(a)~~ and the projected court-related
388 revenues are less than the proposed budget, the a revenue
389 deficit is projected, a clerk seeking to retain revenues
390 pursuant to this subsection shall increase all fees, service
391 charges, and any other court-related clerk fees and charges to
392 the maximum amounts specified by law or the amount necessary to
393 resolve the deficit, whichever is less.

394 (3) Each clerk shall include in his or her budget request
395 the number of personnel and the proposed budget for each of the
396 following core services:

- 397 (a) Case processing.
398 (b) Financial processing.
399 (c) Jury management.
400 (d) Information and reporting.

401
402 Central administrative costs shall be allocated among the core-
403 services categories.

404 (4) The budget request must identify the service units to
405 be provided within each core service. The service units shall be
406 developed by the corporation, in consultation with the Supreme
407 Court, the Chief Financial Officer, and the appropriation
408 committees of the Senate and the House of Representatives.

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

409 (5) The budget request must propose a unit cost for each
410 service unit. The corporation shall provide a copy of each
411 clerk's budget request to the Supreme Court.

412 (6) The corporation shall review each individual clerk's
413 prior-year expenditures, projected revenue, proposed unit costs,
414 and the proposed budget for each of the core-services
415 categories. The corporation shall compare each clerk's prior-
416 year expenditures and unit costs for core services with a peer
417 group of clerks' offices having a population of a similar size
418 and a similar number of case filings. If the corporation finds
419 that the expenditures, unit costs, or proposed budget of a clerk
420 are significantly higher than those of clerks in that clerk's
421 peer group, the corporation shall require the clerk to submit
422 documentation justifying the difference in each core-services
423 category. Justification for higher expenditures may include, but
424 are not limited to, collective bargaining agreements, county
425 civil service agreements, and the number and distribution of
426 courthouses served by the clerk. If the expenditures and unit
427 costs are not justified, the corporation shall recommend a
428 reduction in the funding for that core-services category in the
429 budget request to an amount similar to the peer group of clerks
430 or to an amount that the corporation determines is justified.

431 (7) The corporation shall complete its review and
432 adjustments to the clerks' budget requests and make its
433 recommendations to the Legislature and the Supreme Court by
434 December 1 each year.

435 (8) The Chief Financial Officer shall review the proposed
436 unit costs associated with each clerk of court's budget request

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

437 and make recommendations to the Legislature. The Chief Financial
438 Officer may conduct any audit of the corporation or a clerk of
439 court as authorized by law. The Chief Justice of the Supreme
440 Court may request an audit of the corporation or any clerk of
441 court by the Chief Financial Officer.

442 (9) The Legislature shall appropriate the total amount for
443 the budgets of the clerks in the General Appropriations Act. The
444 Legislature may reject or modify any or all of the unit costs
445 recommended by the corporation. If the Legislature does not
446 specify the unit costs in the General Appropriations Act or
447 other law, the unit costs recommended by the corporation shall
448 be the official unit costs for that budget period.

449 (10) For the 2009-2010 fiscal year, the corporation shall
450 release appropriations in an amount equal to one-twelfth of each
451 clerk's approved budget each month. The statewide total
452 appropriation for the 2009-2010 fiscal year shall be set in the
453 General Appropriations Act. The corporation shall determine the
454 amount of each clerk of court budget, but the statewide total of
455 such amounts may not exceed the amount listed in the General
456 Appropriations Act. Beginning in the 2010-2011 fiscal year, the
457 corporation shall release appropriations to each clerk
458 quarterly. The amount of the release shall be based on the prior
459 quarter's performance of service units identified in the four
460 core services and the established unit costs for each clerk. ~~If,~~
461 ~~after increasing fees, service charges, and any other court-~~
462 ~~related clerk fees and charges to the maximum amounts specified~~
463 ~~by law, a revenue deficit is still projected, the corporation~~
464 ~~shall, pursuant to the terms of the contract with the Chief~~

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

465 ~~Financial Officer, certify a revenue deficit and notify the~~
466 ~~Department of Revenue that the clerk is authorized to retain~~
467 ~~revenues, in an amount necessary to fully fund the projected~~
468 ~~revenue deficit, which he or she would otherwise be required to~~
469 ~~remit to the Department of Revenue for deposit into the~~
470 ~~Department of Revenue Clerks of the Court Trust Fund pursuant to~~
471 ~~s. 28.37. If a revenue deficit is projected for that clerk after~~
472 ~~retaining all of the projected collections from the court-~~
473 ~~related fines, fees, service charges, and costs, the Department~~
474 ~~of Revenue shall certify the amount of the revenue deficit~~
475 ~~amount to the Executive Office of the Governor and request~~
476 ~~release authority for funds appropriated for this purpose from~~
477 ~~the Department of Revenue Clerks of the Court Trust Fund.~~
478 ~~Notwithstanding provisions of s. 216.192 related to the release~~
479 ~~of funds, the Executive Office of the Governor may approve the~~
480 ~~release of funds appropriated to resolve projected revenue~~
481 ~~deficits in accordance with the notice, review, and objection~~
482 ~~procedures set forth in s. 216.177 and shall provide notice to~~
483 ~~the Chief Financial Officer. The Department of Revenue is~~
484 ~~directed to request monthly distributions from the Chief~~
485 ~~Financial Officer in equal amounts to each clerk certified to~~
486 ~~have a revenue deficit, in accordance with the releases approved~~
487 ~~by the Governor.~~

488 ~~(b) If the Chief Financial Officer finds the court-related~~
489 ~~budget proposed by a clerk includes functions not included in~~
490 ~~the standard list of court-related functions in s. 28.35(4)(a),~~
491 ~~the Chief Financial Officer shall notify the clerk of the amount~~
492 ~~of the proposed budget not eligible to be funded from fees,~~

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

493 ~~service charges, costs, and fines for court-related functions~~
494 ~~and shall identify appropriate corrective measures to ensure~~
495 ~~budget integrity. The clerk shall then immediately discontinue~~
496 ~~all ineligible expenditures of court-related funds for this~~
497 ~~purpose and reimburse the Clerks of the Court Trust Fund for any~~
498 ~~previously ineligible expenditures made for non-court-related~~
499 ~~functions, and shall implement any corrective actions identified~~
500 ~~by the Chief Financial Officer.~~

501 ~~(5)(a) For the county fiscal year October 1, 2004, through~~
502 ~~September 30, 2005, the maximum annual budget amount for the~~
503 ~~standard list of court-related functions of the clerks of court~~
504 ~~in s. 28.35(4)(a) that may be funded from fees, service charges,~~
505 ~~court costs, and fines retained by the clerks of the court shall~~
506 ~~not exceed:~~

507 ~~1. One hundred and three percent of the clerk's estimated~~
508 ~~expenditures for the prior county fiscal year; or~~

509 ~~2. One hundred and five percent of the clerk's estimated~~
510 ~~expenditures for the prior county fiscal year for those clerks~~
511 ~~in counties that for calendar years 1998-2002 experienced an~~
512 ~~average annual increase of at least 5 percent in both population~~
513 ~~and case filings for all case types as reported through the~~
514 ~~Summary Reporting System used by the state courts system.~~

515 ~~(b) For the county fiscal year 2005-2006, the maximum~~
516 ~~budget amount for the standard list of court-related functions~~
517 ~~of the clerks of court in s. 28.35(4)(a) that may be funded from~~
518 ~~fees, service charges, court costs, and fines retained by the~~
519 ~~clerks of the court shall be the approved budget for county~~
520 ~~fiscal year 2004-2005 adjusted by the projected percentage~~

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

521 ~~change in revenue between the county fiscal years 2004-2005 and~~
522 ~~2005-2006.~~

523 ~~(c) For the county fiscal years 2006-2007 and thereafter,~~
524 ~~the maximum budget amount for the standard list of court-related~~
525 ~~functions of the clerks of court in s. 28.35(4)(a) that may be~~
526 ~~funded from fees, service charges, court costs, and fines~~
527 ~~retained by the clerks of the court shall be established by~~
528 ~~first rebasing the prior fiscal year budget to reflect the~~
529 ~~actual percentage change in the prior fiscal year revenue and~~
530 ~~then adjusting the rebased prior fiscal year budget by the~~
531 ~~projected percentage change in revenue for the proposed budget~~
532 ~~year. The rebasing calculations and maximum annual budget~~
533 ~~calculations shall be as follows:~~

534 ~~1. For county fiscal year 2006-2007, the approved budget~~
535 ~~for county fiscal year 2004-2005 shall be adjusted for the~~
536 ~~actual percentage change in revenue between the two 12-month~~
537 ~~periods ending June 30, 2005, and June 30, 2006. This result is~~
538 ~~the rebased budget for the county fiscal year 2005-2006. Then~~
539 ~~the rebased budget for the county fiscal year 2005-2006 shall be~~
540 ~~adjusted by the projected percentage change in revenue between~~
541 ~~the county fiscal years 2005-2006 and 2006-2007. This result~~
542 ~~shall be the maximum annual budget amount for the standard list~~
543 ~~of court-related functions of the clerks of court in s.~~
544 ~~28.35(4)(a) that may be funded from fees, service charges, court~~
545 ~~costs, and fines retained by the clerks of the court for each~~
546 ~~clerk for the county fiscal year 2006-2007.~~

547 ~~2. For county fiscal year 2007-2008, the rebased budget~~
548 ~~for county fiscal year 2005-2006 shall be adjusted for the~~
194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

549 ~~actual percentage change in revenue between the two 12-month~~
550 ~~periods ending June 30, 2006, and June 30, 2007. This result is~~
551 ~~the rebased budget for the county fiscal year 2006-2007. The~~
552 ~~rebased budget for county fiscal year 2006-2007 shall be~~
553 ~~adjusted by the projected percentage change in revenue between~~
554 ~~the county fiscal years 2006-2007 and 2007-2008. This result~~
555 ~~shall be the maximum annual budget amount for the standard list~~
556 ~~of court-related functions of the clerks of court in s.~~
557 ~~28.35(4)(a) that may be funded from fees, service charges, court~~
558 ~~costs, and fines retained by the clerks of the court for county~~
559 ~~fiscal year 2007-2008.~~

560 ~~3. For county fiscal years 2008-2009 and thereafter, the~~
561 ~~maximum budget amount for the standard list of court-related~~
562 ~~functions of the clerks of court in s. 28.35(4)(a) that may be~~
563 ~~funded from fees, service charges, court costs, and fines~~
564 ~~retained by the clerks of the court shall be calculated as the~~
565 ~~rebased budget for the prior county fiscal year adjusted by the~~
566 ~~projected percentage change in revenues between the prior county~~
567 ~~fiscal year and the county fiscal year for which the maximum~~
568 ~~budget amount is being authorized. The rebased budget for the~~
569 ~~prior county fiscal year shall always be calculated by adjusting~~
570 ~~the rebased budget for the year preceding the prior county~~
571 ~~fiscal year by the actual percentage change in revenues between~~
572 ~~the 12-month period ending June 30 of the year preceding the~~
573 ~~prior county fiscal year and the 12-month period ending June 30~~
574 ~~of the prior county fiscal year.~~

575 ~~(6) The Legislative Budget Commission may approve~~
576 ~~increases to the maximum annual budgets approved for individual~~
194225

Amendment No.

577 ~~clerks of the court pursuant to this section for court related~~
578 ~~duties, if either of the following conditions exist:~~

579 ~~(a) The additional funding is necessary to pay the cost of~~
580 ~~performing new or additional functions required by changes in~~
581 ~~law or court rule. Before the Legislative Budget Commission may~~
582 ~~approve an increase in the maximum annual budget of any clerk~~
583 ~~under this paragraph, the Clerk of the Court Operations~~
584 ~~Corporation must provide the Legislative Budget Commission with~~
585 ~~a statement of the impact of the proposed budget changes on~~
586 ~~state revenues, and evidence that the respective clerk of the~~
587 ~~court is meeting or exceeding the established performance~~
588 ~~standards for measures on the fiscal management, operational~~
589 ~~efficiency, and effective collection of fines, fees, service~~
590 ~~charges, and court costs.~~

591 ~~(b) The additional funding is necessary to pay the cost of~~
592 ~~supporting increases in the number of judges or magistrates~~
593 ~~authorized by the Legislature. Before the Legislative Budget~~
594 ~~Commission may approve an increase in the maximum annual budget~~
595 ~~of any clerk under this paragraph, the Clerk of the Court~~
596 ~~Operations Corporation must provide the Legislative Budget~~
597 ~~Commission with a statement of the impact of the proposed budget~~
598 ~~changes on state revenues; evidence that the respective clerk of~~
599 ~~the court is meeting or exceeding the established performance~~
600 ~~standards for measures on the fiscal management, operational~~
601 ~~efficiency, and effective collection of fines, fees, service~~
602 ~~charges, and court costs; and a proposed staffing model,~~
603 ~~including the cost and number of staff necessary to support each~~
604 ~~new judge or magistrate.~~

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

605
606 ~~The total amount of increases approved by the Legislative Budget~~
607 ~~Commission for each county fiscal year shall not exceed an~~
608 ~~amount equal to 2 percent of the maximum annual budgets approved~~
609 ~~pursuant to this section for all clerks, in the aggregate, for~~
610 ~~that same county fiscal year.~~

611 ~~(11)(7)~~ The corporation may submit proposed legislation to
612 the Governor, the President of the Senate, and the Speaker of
613 the House of Representatives relating to the preparation of
614 budget requests of the clerks of court ~~no later than November 1~~
615 ~~in any year for approval of clerk budget request amounts~~
616 ~~exceeding the restrictions in this section for the following~~
617 ~~October 1. If proposed legislation is recommended, the~~
618 ~~corporation shall also submit supporting justification with~~
619 ~~sufficient detail to identify the specific proposed expenditures~~
620 ~~that would cause the limitations to be exceeded for each~~
621 ~~affected clerk and the estimated fiscal impact on state~~
622 ~~revenues.~~

623 Section 5. Section 28.37, Florida Statutes, is amended to
624 read:

625 28.37 Fines, fees, service charges, and costs remitted to
626 the state.--

627 (1) Pursuant to s. 14(b), Art. V of the State
628 Constitution, selected salaries, costs, and expenses of the
629 state courts system and court-related functions shall be funded
630 from a portion of the revenues derived from statutory fines,
631 fees, service charges, and costs collected by the clerks of the
632 court.

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

633 (2) Except as otherwise provided in ss. 28.241 and 34.041,
634 all court-related fines, fees, service charges, and costs are
635 considered state funds and shall be remitted by the clerk to the
636 Department of Revenue for deposit into the Clerks of the Court
637 Trust Fund within the Justice Administrative Commission.
638 However, 10 percent of all court-related fines collected by the
639 clerk shall be deposited into the clerk's Public Records
640 Modernization Trust Fund to be used exclusively for additional
641 clerk court-related operational needs and program enhancements.

642 ~~(2) Beginning August 1, 2004, except as otherwise provided~~
643 ~~in ss. 28.241 and 34.041, one third of all fines, fees, service~~
644 ~~charges, and costs collected by the clerks of the court during~~
645 ~~the prior month for the performance of court-related functions~~
646 ~~shall be remitted to the Department of Revenue for deposit in~~
647 ~~the Department of Revenue Clerks of the Court Trust Fund. These~~
648 ~~collections do not include funding received for the operation of~~
649 ~~the Title IV-D child support collections and disbursement~~
650 ~~program. The clerk of the court shall remit the revenues~~
651 ~~collected during the prior month due to the state on or before~~
652 ~~the 20th day of each month. The Department of Revenue shall make~~
653 ~~a monthly transfer of the funds in the Department of Revenue~~
654 ~~Clerks of the Court Trust Fund that are not needed to resolve~~
655 ~~clerk of the court revenue deficits, as specified in s. 28.36,~~
656 ~~to the General Revenue Fund.~~

657 ~~(3) For the period of October 1, 2003, to June 30, 2004,~~
658 ~~those clerks operating as fee officers for court-related~~
659 ~~services shall determine the amount of fees collected and~~
660 ~~expenses generated for court-related services. Any excess fees~~
194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

661 ~~generated during this period shall be remitted to the county on~~
662 ~~December 31, 2004. However, any billings for payment of due~~
663 ~~process services rendered before July 1, 2004, may be paid by~~
664 ~~the clerk from these funds. Due process services shall include,~~
665 ~~but not be limited to, court reporter services, court~~
666 ~~interpreter services, expert witness services, mental health~~
667 ~~evaluations, and court-appointed counsel services. In addition,~~
668 ~~any deficit experienced by the clerk for court-related services~~
669 ~~during the period from October 1, 2003, to June 30, 2004, shall~~
670 ~~be funded by the county.~~

671 ~~(4) Beginning January 1, 2005, for the period July 1,~~
672 ~~2004, through September 30, 2004, and each January 1 thereafter~~
673 ~~for the preceding county fiscal year of October 1 through~~
674 ~~September 30, the clerk of the court must remit to the~~
675 ~~Department of Revenue for deposit in the General Revenue Fund~~
676 ~~the cumulative excess of all fees, service charges, court costs,~~
677 ~~and fines retained by the clerks of the court, plus any funds~~
678 ~~received by the clerks of the court from the Department of~~
679 ~~Revenue Clerk of the Court Trust Fund under s. 28.36(4)(a), over~~
680 ~~the amount needed to meet the approved budget amounts~~
681 ~~established under s. 28.36.~~

682 ~~(5) The Department of Revenue shall collect any funds that~~
683 ~~the corporation determines upon investigation were due on~~
684 ~~January 1 but not remitted to the department.~~

685 Section 6. Subsection (1) of section 28.43, Florida
686 Statutes, is amended to read:

687 28.43 Adoption of rules relating to ss. 28.35, 28.36, and
688 28.37.--

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

689 (1) The Department of Revenue may adopt rules necessary to
690 carry out its responsibilities in ss. 28.35, 28.36, and 28.37.
691 The rules shall include forms and procedures for transferring
692 funds from the clerks of the court to the Clerks of the Court
693 Trust Fund within the Justice Administrative Commission
694 ~~Department of Revenue.~~

695 Section 7. Paragraph (b) of subsection (1) of section
696 34.041, Florida Statutes, is amended to read:

697 34.041 Filing fees.--

698 (1)

699 (b) The first \$80 of the filing fee collected under
700 subparagraph (a)4. shall be remitted to the Department of
701 Revenue for deposit into the General Revenue Fund. The next \$15
702 of the filing fee collected under subparagraph (a)4., and the
703 first \$15 of each filing fee collected under subparagraph (a)6.,
704 shall be deposited in the state courts' Mediation and
705 Arbitration Trust Fund. ~~One-third of any filing fees collected~~
706 ~~by the clerk under this section in excess of the first \$95~~
707 ~~collected under subparagraph (a)4. shall be remitted to the~~
708 ~~Department of Revenue for deposit into the Department of Revenue~~
709 ~~Clerks of the Court Trust Fund.~~ An additional filing fee of \$4
710 shall be paid to the clerk. The clerk shall transfer \$3.50 to
711 the Department of Revenue for deposit into the Court Education
712 Trust Fund and shall transfer 50 cents to the Department of
713 Revenue for deposit into the Clerks of the Court ~~Department of~~
714 ~~Financial Services' Administrative~~ Trust Fund within the Justice
715 Administrative Commission to fund clerk education. Postal
716 charges incurred by the clerk of the county court in making
194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

717 service by mail on defendants or other parties shall be paid by
718 the party at whose instance service is made. Except as provided
719 herein, filing fees and service charges for performing duties of
720 the clerk relating to the county court shall be as provided in
721 ss. 28.24 and 28.241. Except as otherwise provided herein, all
722 filing fees shall be remitted to the Department of Revenue for
723 deposit into the Clerks of the Court Trust Fund within the
724 Justice Administrative Commission ~~retained as fee income of the~~
725 ~~office of the clerk of circuit court.~~ Filing fees imposed by
726 this section may not be added to any penalty imposed by chapter
727 316 or chapter 318.

728 Section 8. Subsection (5) of section 43.16, Florida
729 Statutes, is amended to read

730 43.16 Justice Administrative Commission; membership,
731 powers and duties.--

732 (5) The duties of the commission shall include, but not be
733 limited to, the following:

734 (a) The maintenance of a central state office for
735 administrative services and assistance when possible to and on
736 behalf of the state attorneys and public defenders of Florida,
737 the capital collateral regional counsel of Florida, the criminal
738 conflict and civil regional counsel, ~~and~~ the Guardian Ad Litem
739 Program, and the Florida Clerks of Court Operations Corporation.

740 (b) Each state attorney, public defender, and criminal
741 conflict and civil regional counsel, ~~and~~ the Guardian Ad Litem
742 Program, and the Florida Clerks of Court Operations Corporation
743 shall continue to prepare necessary budgets, vouchers that
744 represent valid claims for reimbursement by the state for
194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

745 authorized expenses, and other things incidental to the proper
746 administrative operation of the office, such as revenue
747 transmittals to the Chief Financial Officer and automated
748 systems plans, but will forward same to the commission for
749 recording and submission to the proper state officer. However,
750 when requested by a state attorney, a public defender, a
751 criminal conflict and civil regional counsel, or the Guardian Ad
752 Litem Program, the commission will either assist in the
753 preparation of budget requests, voucher schedules, and other
754 forms and reports or accomplish the entire project involved.

755 Section 9. Section 43.27, Florida Statutes, is amended to
756 read

757 43.27 Office hours of clerks of court.--With the advice
758 and consent of the chief judge of the circuit, the clerks of the
759 courts of the several counties may establish the hours during
760 which the office of clerk may be open to the public. The hours
761 should conform as nearly as possible to the customary weekday
762 hours of business prevailing in the county. The clerk may
763 prescribe that the office be open such additional hours as
764 public needs require. The clerk of court may not close any
765 office of the clerk of court during customary weekday hours
766 without the consent of the chief judge of the circuit.

767 Section 10. Subsection (3) of section 45.035, Florida
768 Statutes, as amended by section 3 of chapter 2009-21, Laws of
769 Florida, is amended to read:

770 45.035 Clerk's fees.--In addition to other fees or service
771 charges authorized by law, the clerk shall receive service
772 charges related to the judicial sales procedure set forth in ss.
194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

773 45.031-45.034 and this section:

774 (3) If the sale is conducted by electronic means, as
775 provided in s. 45.031(10), the clerk shall receive an additional
776 a service charge not to exceed of \$70 ~~as provided in subsection~~
777 ~~(1)~~ for services in conducting or contracting for the electronic
778 sale, which service charge shall be assessed as costs and paid
779 by the winning bidder ~~shall be advanced by the plaintiff before~~
780 ~~the sale~~. If the clerk requires advance electronic deposits to
781 secure the right to bid, such deposits shall not be subject to
782 the fee under s. 28.24(10). The portion of an advance deposit
783 from a winning bidder required by s. 45.031(3) shall, upon
784 acceptance of the winning bid, be subject to the fee under s.
785 28.24(10).

786 Section 11. Paragraph (y) of subsection (2) of section
787 110.205, Florida Statutes, is amended to read:

788 110.205 Career service; exemptions.--

789 (2) EXEMPT POSITIONS.--The exempt positions that are not
790 covered by this part include the following:

791 (y) All officers and employees of the Justice
792 Administrative Commission, Office of the State Attorney, Office
793 of the Public Defender, regional offices of capital collateral
794 counsel, offices of criminal conflict and civil regional
795 counsel, and Statewide Guardian Ad Litem Office, including the
796 circuit guardian ad litem programs and the Florida Clerks of
797 Court Operations Corporation.

798 Section 12. Section 142.01, Florida Statutes, is amended
799 to read:

800 142.01 Fine and forfeiture fund; disposition of revenue;
194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

801 clerk of the circuit court.--

802 (1) There shall be established by the clerk of the circuit
803 court in each county of this state a separate fund to be known
804 as the fine and forfeiture fund for use by the clerk of the
805 circuit court in performing court-related functions. The fund
806 shall consist of the following:

807 (a)~~(1)~~ Fines and penalties pursuant to ss. 28.2402(2),
808 34.045(2), 316.193, 327.35, 327.72, 379.2203(1), and 775.083(1).

809 (b)~~(2)~~ That portion of civil penalties directed to this
810 fund pursuant to s. 318.21.

811 (c)~~(3)~~ Court costs pursuant to ss. 28.2402(1)(b),
812 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a) and
813 (11)(a), and 938.05(3).

814 (d)~~(4)~~ Proceeds from forfeited bail bonds, unclaimed
815 bonds, unclaimed moneys, or recognizances pursuant to ss.
816 321.05(4)(a), 379.2203(1), and 903.26(3)(a).

817 (e)~~(5)~~ Fines and forfeitures pursuant to s. 34.191.

818 (f)~~(6)~~ All other revenues received by the clerk as revenue
819 authorized by law to be retained by the clerk.

820 (2) All revenues received by the clerk in the fine and
821 forfeiture fund from court-related fees, fines, costs, and
822 service charges are considered state funds and shall be remitted
823 monthly to the Department of Revenue for deposit into the Clerks
824 of the Court Trust Fund within the Justice Administrative
825 Commission.

826 (3) Notwithstanding the provisions of this section, all
827 fines and forfeitures arising from operation of the provisions
828 of s. 318.1215 shall be disbursed in accordance with that
194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

829 section.

830 Section 13. Subsection (4) of section 197.542, Florida
831 Statutes, is amended to read:

832 197.542 Sale at public auction.--

833 (4) (a) A clerk may conduct electronic tax deed sales in
834 lieu of public outcry. The clerk must comply with the procedures
835 provided in this chapter, except that electronic proxy bidding
836 shall be allowed and the clerk may require bidders to advance
837 sufficient funds to pay the deposit required by subsection (2).
838 The clerk shall provide access to the electronic sale by
839 computer terminals open to the public at a designated location.
840 A clerk who conducts such electronic sales may receive
841 electronic deposits and payments related to the sale. The
842 portion of an advance deposit from a winning bidder required by
843 subsection (2) shall, upon acceptance of the winning bid, be
844 subject to the fee under s. 28.24(10).

845 (b) Nothing in this subsection shall be construed to
846 restrict or limit the authority of a charter county from
847 conducting electronic tax deed sales. In a charter county where
848 the clerk of the circuit court does not conduct all electronic
849 sales, the charter county shall be permitted to receive
850 electronic deposits and payments related to sales it conducts,
851 as well as to subject the winning bidder to a fee, consistent
852 with the schedule in s. 28.24(10).

853 (c) The costs of electronic tax deed sales shall be added
854 to the charges for the costs of sale under subsection (1) and
855 paid by the certificateholder when filing an application for a
856 tax deed.

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

857 Section 14. Section 213.131, Florida Statutes, is amended
858 to read:

859 213.131 ~~Department of Revenue~~ Clerks of the Court Trust
860 Fund within the Justice Administrative Commission.--The
861 ~~Department of Revenue~~ Clerks of the Court Trust Fund is created
862 within the Justice Administrative Commission ~~Department of~~
863 ~~Revenue~~. Funds received by the department from the clerks of
864 court shall be credited to the trust fund as provided in ch.
865 2001-122, Laws of Florida, to be used for the purposes set forth
866 in such legislation.

867 Section 15. Paragraph (qq) of subsection (1) of section
868 216.011, Florida Statutes, is amended to read:

869 216.011 Definitions.--

870 (1) For the purpose of fiscal affairs of the state,
871 appropriations acts, legislative budgets, and approved budgets,
872 each of the following terms has the meaning indicated:

873 (qq) "State agency" or "agency" means any official,
874 officer, commission, board, authority, council, committee, or
875 department of the executive branch of state government. For
876 purposes of this chapter and chapter 215, "state agency" or
877 "agency" includes, but is not limited to, state attorneys,
878 public defenders, criminal conflict and civil regional counsel,
879 capital collateral regional counsel, the Florida Clerks of Court
880 Operations Corporation, the Justice Administrative Commission,
881 the Florida Housing Finance Corporation, and the Florida Public
882 Service Commission. Solely for the purposes of implementing s.
883 19(h), Art. III of the State Constitution, the terms "state
884 agency" or "agency" include the judicial branch.

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

885 Section 16. Subsection (13) of section 318.18, Florida
886 Statutes, is amended to read:

887 318.18 Amount of penalties.--The penalties required for a
888 noncriminal disposition pursuant to s. 318.14 or a criminal
889 offense listed in s. 318.17 are as follows:

890 (13) (a) In addition to any penalties imposed for
891 noncriminal traffic infractions pursuant to this chapter or
892 imposed for criminal violations listed in s. 318.17, a board of
893 county commissioners or any unit of local government that ~~which~~
894 is consolidated as provided by s. 9, Art. VIII of the State
895 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
896 Constitution of 1968:

897 1. ~~(a)~~ May impose by ordinance a surcharge of up to \$30 ~~\$15~~
898 for any infraction or violation to fund state court facilities.
899 The court shall not waive this surcharge. Up to 25 percent of
900 the revenue from such surcharge may be used to support local law
901 libraries provided that the county or unit of local government
902 provides a level of service equal to that provided prior to July
903 1, 2004, which shall include the continuation of library
904 facilities located in or near the county courthouse or any annex
905 to the courthouse annexes.

906 2. ~~(b)~~ May, if such board or unit ~~That~~ imposed increased
907 fees or service charges by ordinance under s. 28.2401, s.
908 28.241, or s. 34.041 for the purpose of securing payment of the
909 principal and interest on bonds issued by the county before July
910 1, 2003, to finance state court facilities, ~~may~~ impose by
911 ordinance a surcharge for any infraction or violation for the
912 exclusive purpose of securing payment of the principal and
194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

913 interest on bonds issued by the county before July 1, 2003, to
914 fund state court facilities until the date of stated maturity.
915 The court shall not waive this surcharge. Such surcharge may not
916 exceed an amount per violation calculated as the quotient of the
917 maximum annual payment of the principal and interest on the
918 bonds as of July 1, 2003, divided by the number of traffic
919 citations for county fiscal year 2002-2003 certified as paid by
920 the clerk of the court of the county. Such quotient shall be
921 rounded up to the next highest dollar amount. The bonds may be
922 refunded only if savings will be realized on payments of debt
923 service and the refunding bonds are scheduled to mature on the
924 same date or before the bonds being refunded. Notwithstanding
925 any of the foregoing provisions of this ~~subparagraph~~ ~~paragraph~~
926 that limit the use of surcharge revenues, if the revenues
927 generated as a result of the adoption of this ordinance exceed
928 the debt service on the bonds, the surplus revenues may be used
929 to pay down the debt service on the bonds; fund other state-
930 court-facility construction projects as may be certified by the
931 chief judge as necessary to address unexpected growth in
932 caseloads, emergency requirements to accommodate public access,
933 threats to the safety of the public, judges, staff, and
934 litigants, or other exigent circumstances; or support local law
935 libraries in or near the county courthouse or any annex to the
936 courthouse annexes.

937 3. May impose by ordinance a surcharge for any infraction
938 or violation for the exclusive purpose of securing payment of
939 the principal and interest on bonds issued by the county on or
940 after July 1, 2009, to fund state court facilities until the

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

941 stated date of maturity. The court may not waive this surcharge.
942 The surcharge may not exceed an amount per violation calculated
943 as the quotient of the maximum annual payment of the principal
944 and interest on the bonds, divided by the number of traffic
945 citations certified as paid by the clerk of the court of the
946 county on August 15 of each year. The quotient shall be rounded
947 up to the next highest dollar amount. The bonds may be refunded
948 if savings are realized on payments of debt service and the
949 refunding bonds are scheduled to mature on or before the
950 maturity date of the bonds being refunded. If the revenues
951 generated as a result of the adoption of the ordinance exceed
952 the debt service on the bonds, the surplus revenues may be used
953 to pay the debt service on the bonds; to fund other state court
954 facility construction projects certified by the chief judge as
955 necessary to address unexpected growth in caseloads, emergency
956 requirements to accommodate public access, threats to the safety
957 of the public, judges, staff, and litigants, or other exigent
958 circumstances; or to support local law libraries in or near the
959 county courthouse or any annex to the courthouse.

960 (b) A county may not impose ~~both~~ of the surcharges
961 authorized under subparagraphs (a)1., 2., and 3. ~~paragraphs (a)~~
962 ~~and (b)~~ concurrently. The clerk of court shall report, no later
963 than 30 days after the end of the quarter, the amount of funds
964 collected under this subsection during each quarter of the
965 fiscal year. The clerk shall submit the report, in a format
966 developed by the Office of State Courts Administrator, to the
967 chief judge of the circuit, the Governor, the President of the
968 Senate, ~~and~~ the Speaker of the House of Representatives, and the

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

969 board of county commissioners.

970 Section 17. Each clerk of court shall provide financial
971 data concerning his or her expenditures for court-related
972 duties, including expenditures for court-related information
973 technology, to the Executive Office of the Governor for the
974 purposes contained in SB 1796 or similar legislation.

975 Section 18. (1) By January 15, 2010, the Office of
976 Program Policy Analysis and Government Accountability, in
977 consultation with the Chief Financial Officer and the Auditor
978 General, shall provide a report to the President of the Senate
979 and the Speaker of the House of Representatives regarding the
980 operation and functions of the clerks of court and the courts.
981 The Office of Program Policy Analysis and Government
982 Accountability shall examine who is performing each court-
983 related function, how each function is funded, and how
984 efficiently these functions are performed. The clerks of court,
985 the Florida Clerks of Court Operations Corporation, and the
986 state courts system are directed to cooperate fully with the
987 office and, upon request, provide any and all information
988 necessary to the review without cost or delay. The report shall
989 describe in detail the base budget for each of the clerks and
990 for the state courts system and report on the overall efficiency
991 of the current process. Administrative overhead shall be
992 calculated separately, and any apparent means to reduce such
993 overhead shall be explored and included in the report. The study
994 shall list each court-related function, a recommendation on who
995 should perform the function, and a recommendation for how to pay
996 for such function.

194225

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Amendment No.

997 (2) The Technology Review Workgroup shall develop a
998 proposed plan for identifying and recommending options for
999 implementing the integrated computer system established in s.
1000 29.008(1)(f)2., Florida Statutes. The plan shall describe the
1001 approaches and processes for evaluating the existing computer
1002 systems and data-sharing networks of the state courts system and
1003 the clerks of the court; identifying the required business and
1004 technical requirements; reliably estimating the cost, work, and
1005 change requirements; and examining the use of the funds
1006 collected under s. 28.24(12)(e), Florida Statutes. The plan may
1007 also address any necessary policy, operational, fiscal, or
1008 technical changes, including, but not limited to, potential
1009 changes to the distribution and use of funds collected under s.
1010 28.24(12)(e), Florida Statutes, that may be needed in order to
1011 manage, implement, and operate an integrated computer system.
1012 The plan shall be submitted to the President of the Senate and
1013 the Speaker of the House of Representatives no later than
1014 February 1, 2010. The clerks of court, the Florida Clerks of
1015 Court Operations Corporation, and the state courts system are
1016 directed to cooperate fully with the workgroup and provide any
1017 and all information necessary for the completion of the project
1018 without cost or delay upon request. The workgroup shall work in
1019 conjunction with the Auditor General and consider the results of
1020 the plans, studies, and reports of the Office of Program Policy
1021 Analysis and Government Accountability under subsection (1).
1022 Until July 1, 2011, a clerk may not purchase any new software
1023 unless a clerk is already obligated by a contract for new
1024 software entered into before May 1, 2009. A clerk may purchase

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

1025 regular and necessary upgrades to existing software if otherwise
1026 budgeted. Until July 1, 2011, a clerk may not purchase any
1027 computer hardware unless a clerk is already obligated by a
1028 contract for new hardware entered into before May 1, 2009.
1029 However, a clerk may purchase hardware necessary to replace
1030 broken equipment or necessary to equip new staff and only if
1031 otherwise budgeted. A clerk may apply to the Legislative Budget
1032 Commission for a limited and specific exception to these
1033 purchasing limits. The workgroup shall review such requests and
1034 make a recommendation to the commission.

1035 Section 19. The Clerks of the Court Trust Fund within the
1036 Department of Revenue, FLAIR number 73-2-588, is transferred
1037 along with all balances and obligations to the Justice
1038 Administrative Commission.

1039 Section 20. The Legislature finds and declares that this
1040 act fulfills an important state interest.

1041 Section 21. Sections 25.311, 25.321, 25.331, 25.361, and
1042 25.381, Florida Statutes, are repealed.

1043 Section 22. This act shall take effect upon becoming a
1044 law.

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

1049 Remove the entire title and insert:

1050 A bill to be entitled

1051 An act relating to the clerks of court; amending s.

1052 28.241, F.S.; redirecting a portion of certain civil

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

1053 filing fees to the Clerks of the Court Trust Fund within
1054 the Justice Administrative Commission; eliminating a
1055 requirement that a portion of such fees be deposited into
1056 the Department of Financial Services Administrative Trust
1057 Fund; conforming terminology to changes made by the act;
1058 amending s. 28.246, F.S.; conforming terminology to
1059 changes made by the act; requiring the clerk to refer
1060 certain unpaid accounts to a private attorney or a
1061 collection agent; decreasing the percentage of collection
1062 fees charged to such unpaid accounts; amending s. 28.35,
1063 F.S.; providing for the Florida Clerks of Court Operations
1064 Corporation to be administratively housed within the
1065 Justice Administrative Commission; providing that the
1066 corporation is not subject to control, supervision, or
1067 direction by the commission; requiring employees of the
1068 corporation to be governed by the classification, salary,
1069 and benefits plan of the commission in a separate chapter;
1070 providing for legislative designees to the corporation's
1071 executive council; requiring the Chief Justice of the
1072 Supreme Court to designate a member of the corporation's
1073 executive council to represent the state courts system;
1074 deleting provisions exempting the corporation from ch.
1075 287, F.S., relating to procurement, and from ch. 120,
1076 F.S., relating to administrative procedures; revising the
1077 duties of the corporation; requiring that the corporation
1078 develop measures and standards for reviewing the
1079 performance of clerks of court and notify the Legislature
1080 and the Supreme Court of any clerk not meeting the

194225

Approved For Filing: 4/28/2009 7:56:35 AM

Amendment No.

1081 standards; conforming cross-references; deleting
1082 provisions relating to the certification of the amount of
1083 the proposed budget for each clerk; providing for the
1084 clerks of court to be funded pursuant to state
1085 appropriations rather than from filing fees, service
1086 charges, court costs, and fines; providing for the
1087 corporation to be funded pursuant to the General
1088 Appropriations Act rather than a contract with the Chief
1089 Financial Officer; requiring the corporation to submit a
1090 legislative budget request; revising requirements for the
1091 audits of clerks of court; amending s. 28.36, F.S.;
1092 providing a procedure for the clerks of court to prepare
1093 budget requests for submission to the Florida Clerks of
1094 Court Operations Corporation, with a copy to the Supreme
1095 Court; providing requirements for the budget requests;
1096 requiring the corporation to determine whether projected
1097 court-related revenues are less than the proposed budget
1098 for a clerk; requiring that a clerk increase fees and
1099 service charges to resolve a deficit; requiring the
1100 corporation to compare a clerk's expenditures and costs
1101 with the clerk's peer group and for the clerk to submit
1102 documentation justifying higher expenditures; requiring
1103 that the corporation and the Chief Financial Officer
1104 review the clerks' budget requests and make
1105 recommendations to the Legislature; authorizing the Chief
1106 Financial Officer to conduct, and the Chief Justice of the
1107 Supreme Court to request, an audit of the corporation or a
1108 clerk of court; providing for the Legislature to make

194225

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Amendment No.

1109 appropriations for the budgets of the clerks; requiring
1110 that the corporation release appropriations; specifying
1111 criteria for such release; deleting obsolete provisions;
1112 deleting provisions authorizing the Legislative Budget
1113 Commission to approve budgets; amending s. 28.37, F.S.;
1114 clarifying the requirement for depositing court-related
1115 fines, fees, service charges, and costs into the Clerks of
1116 the Court Trust Fund within the Justice Administrative
1117 Commission; requiring that a specified percentage of all
1118 court-related fines collected by the clerk be deposited
1119 into the clerk's Public Records Modernization Trust Fund
1120 and used exclusively for additional court-related
1121 operational needs and programs; deleting obsolete
1122 provisions relating to the funding of the clerks of court;
1123 amending s. 28.43, F.S.; conforming terminology to changes
1124 made by the act; amending s. 34.041, F.S., relating to
1125 filing fees; conforming provisions to changes made by the
1126 act; amending s. 43.16, F.S., relating to the duties of
1127 the Justice Administrative Commission; conforming
1128 provisions to the transfer of the Florida Clerks of Court
1129 Operations Corporation to the commission; amending s.
1130 43.27, F.S.; requiring that the clerk of court obtain the
1131 consent of the chief judge of the circuit concerning the
1132 clerk's office hours; amending s. 45.035, F.S.; revising
1133 the service charge for certain sales conducted by
1134 electronic means; requiring the service charge to be paid
1135 by the winning bidder; amending s. 110.205, F.S.;
1136 providing that positions in the Florida Clerks of Court

194225

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Amendment No.

1137 Operations Corporation are excluded from career service
1138 exemption; amending s. 142.01, F.S.; requiring the deposit
1139 of revenues received in the fine and forfeiture funds of
1140 the clerks of court into the Clerks of the Court Trust
1141 Fund within the Justice Administrative Commission;
1142 amending s. 197.542, F.S.; adding the costs to conduct an
1143 electronic tax deed sale to certain other costs which must
1144 be paid by the certificate holder; amending s. 213.131,
1145 F.S.; conforming terminology and provisions to changes
1146 made by the act; amending s. 216.011, F.S.; redefining the
1147 term "state agency" for purposes of the fiscal affairs of
1148 the state to include the Florida Clerks of Court
1149 Operations Corporation; amending s. 318.18, F.S.;
1150 authorizing certain local governments to impose a
1151 surcharge on certain infractions or violations to repay
1152 bonds relating to court facilities; requiring a clerk of
1153 court to report the amount of surcharge collections;
1154 requiring that the clerks of court submit financial data
1155 to the Executive Office of the Governor; requiring the
1156 Office of Program Policy Analysis and Government
1157 Accountability, in consultation with the Chief Financial
1158 Officer and the Auditor General, to provide a report
1159 regarding the operation and relationship of the clerks of
1160 court and the courts to the Legislature by a specified
1161 date; providing report requirements; requiring the
1162 Technology Review Workgroup to develop a proposed plan for
1163 identifying and recommending options for implementing the
1164 integrated computer system and submit the plan to the

194225

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Amendment No.

1165 Legislature by a specified date; providing plan
1166 requirements; providing specified restrictions for the
1167 purchase of computer software and hardware; providing an
1168 exception; transferring the Clerks of the Court Trust Fund
1169 from the Department of Revenue to the Justice
1170 Administrative Commission; providing a finding that the
1171 act fulfills an important state interest; repealing ss.
1172 25.311, 25.321, 25.331, 25.361, and 25.381, F.S., relating
1173 to the distribution and resupply of copies of the reports
1174 of decisions of the Supreme Court and district court of
1175 appeals, the declaration that such reports remain the
1176 public property of the state, the authorization of the
1177 Supreme Court to obtain state publications for exchange
1178 purposes, and the publication, purchase, and distribution
1179 of the reports of the opinions of the Supreme Court and
1180 the district courts of appeal, respectively; providing an
1181 effective date.

194225

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Page 43 of 43