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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2009	.	
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The Committee on Judiciary (Haridopolos) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Legislative findings and intent.-

(1) The Legislature finds that, in order to enhance accountability and efficiency in state funding of court-related functions under Article V of the State Constitution, it is necessary to provide for the appropriation of revenues from fines, fees, service charges, and costs to the clerks of court through the appropriations act.



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12           (2) It is, therefore, the intent of the Legislature to  
13 facilitate the orderly transition from the current clerk  
14 budgeting processes prescribed in ss. 28.35 and 28.36, Florida  
15 Statutes, to the legislative appropriation of funds for the  
16 court-related functions of the clerks using planning and  
17 budgeting processes consistent with those prescribed in chapter  
18 216, Florida Statutes.

19           (3) It is also the intent of the Legislature that:

20           (a) Each clerk of court continue to operate under ss. 28.35  
21 and 28.36, Florida Statutes, for budgeting and expenditure  
22 purposes until October 1, 2010, while simultaneously developing  
23 the infrastructure, procedures, and accounting protocols to  
24 begin receiving appropriations under the appropriations act, as  
25 defined in s. 216.011, Florida Statutes, starting October 1,  
26 2010.

27           (b) The Florida Clerks of Court Operations Corporation  
28 develop, no later than August 1, 2009, preliminary procedures  
29 for the clerks to identify and report budget needs to the  
30 corporation in a manner consistent with the annual legislative  
31 appropriations process. The corporation shall finalize these  
32 procedures by January 1, 2010.

33           (c) Each clerk of court submit, through the Florida Clerks  
34 of Court Operations Corporation, a consolidated legislative  
35 budget request by October 15, 2009, for the period between  
36 October 1, 2010, and June 30, 2011, using the preliminary  
37 procedures for identifying and reporting budget needs developed  
38 by the corporation.

39           (d) The Florida Clerks of Court Operations Corporation  
40 develop procedures and criteria for the allocation of



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41 legislative appropriations among the clerks of court.

42 (e) The Legislature enact the necessary statutory changes  
43 during the 2010 Regular Session to provide for fines, fees,  
44 service charges, and costs collected by the clerks of court in  
45 connection with court-related functions to be remitted to the  
46 state, starting July 1, 2010, rather than retained by the  
47 clerks.

48 (f) In the General Appropriations Act for the 2010-2011  
49 fiscal year, the Legislature appropriate funds for the clerks of  
50 court from October 1, 2010, to June 30, 2011.

51 (g) Starting in 2010, the clerks of court submit, through  
52 the Florida Clerks of Court Operations Corporation, a  
53 legislative budget request each year for a state fiscal year  
54 beginning on July 1 and ending on June 30.

55 (h) The clerks of court continue to operate on a fiscal  
56 year beginning October 1 and ending on September 30, and the  
57 Legislature appropriate funds in the appropriations act in a  
58 manner and with necessary authority for the clerks to expend  
59 appropriations beyond the end of each state fiscal year through  
60 September 30 of the next subsequent fiscal year.

61 (i) Employees of the clerks of court remain county  
62 employees, and the clerks continue to allocate costs among these  
63 employees based on each employee's performance of court-related  
64 functions and non-court-related functions.

65 (j) The Chief Financial Officer, the Florida Clerks of  
66 Court Operations Corporation, and the appropriations committees  
67 of the Senate and the House of Representatives work with the  
68 clerks of court and the Florida Association of Court Clerks and  
69 Comptrollers to effectuate the transition prescribed in this



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70 section and this act.

71 (k) The Office of Program Policy Analysis and Government  
72 Accountability monitor implementation of the transition plan  
73 prescribed in this section, as well as implementation of the  
74 other provisions of this act, and provide four brief status  
75 reports to the President of the Senate and the Speaker of the  
76 House of Representatives by September 1, 2009; December 1, 2009;  
77 March 1, 2010; and July 1, 2010. At a minimum, the reports must  
78 identify any impediments in implementation.

79 Section 2. Subsections (3) and (5) of section 25.241,  
80 Florida Statutes, are amended to read:

81 25.241 Clerk of Supreme Court; compensation; assistants;  
82 filing fees, etc.—

83 (3) (a) The Clerk of the Supreme Court is hereby required to  
84 collect, upon the filing of a certified copy of a notice of  
85 appeal or petition, \$300 for each case docketed, and for  
86 copying, certifying, or furnishing opinions, records, papers, or  
87 other instruments, except as otherwise herein provided, the same  
88 fees that are allowed clerks of the circuit court; however, no  
89 fee shall be less than \$1. The State of Florida or its agencies,  
90 when appearing as appellant or petitioner, is exempt from the  
91 filing fees required in this subsection. From each attorney  
92 appearing pro hac vice, the Clerk of the Supreme Court shall  
93 collect an additional fee of \$100 to be deposited into the State  
94 Courts Revenue Trust Fund ~~General Revenue Fund~~.

95 (b) Upon the filing of a notice of cross-appeal, or a  
96 notice of joinder or motion to intervene as an appellant, cross-  
97 appellant, or petitioner, the Clerk of the Supreme Court shall  
98 charge and collect a filing fee of \$295. The clerk shall remit



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99 the fee to the Department of Revenue for deposit into the State  
100 Courts Revenue Trust Fund ~~General Revenue Fund~~. The state and  
101 its agencies are exempt from the filing fee required in this  
102 paragraph.

103 (5) The Clerk of the Supreme Court is hereby required to  
104 prepare a statement of all fees collected each month and remit  
105 such statement, together with all fees collected by him or her,  
106 to the Chief Financial Officer. ~~The Chief Financial Officer~~  
107 ~~shall deposit \$250 of each \$300 filing fee and all other fees~~  
108 ~~collected into the General Revenue Fund. The Chief Financial~~  
109 ~~Officer shall deposit \$50 of each filing fee collected into the~~  
110 ~~state court's Operating Trust Fund to fund court improvement~~  
111 ~~projects as authorized in the General Appropriations Act.~~

112 Section 3. Paragraph (d) of subsection (1) of section  
113 28.101, Florida Statutes, is amended to read:

114 28.101 Petitions and records of dissolution of marriage;  
115 additional charges.-

116 (1) When a party petitions for a dissolution of marriage,  
117 in addition to the filing charges in s. 28.241, the clerk shall  
118 collect and receive:

119 (d) A charge of \$32.50. On a monthly basis, the clerk shall  
120 transfer the moneys collected pursuant to this paragraph as  
121 follows:

122 1. An amount of \$7.50 to the Department of Revenue for  
123 deposit in the Displaced Homemaker Trust Fund.

124 2. An amount of \$25 to the State Courts Revenue Trust Fund  
125 ~~Department of Revenue for deposit in the General Revenue Fund.~~

126 Section 4. Paragraphs (a) and (c) of subsection (1) of  
127 section 28.241, Florida Statutes, is amended to read:



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128 28.241 Filing fees for trial and appellate proceedings.-

129 (1) (a) The party instituting any civil action, suit, or  
130 proceeding in the circuit court shall pay to the clerk of that  
131 court a filing fee of ~~up to~~ \$295 in all cases in which there are  
132 not more than five defendants and an additional filing fee of ~~up~~  
133 ~~to~~ \$2.50 for each defendant in excess of five. Of the first \$85  
134 in filing fees, \$80 must be remitted by the clerk to the  
135 Department of Revenue for deposit into the State Courts Revenue  
136 Trust Fund ~~General Revenue Fund~~, and \$5 must be remitted to the  
137 Department of Revenue for deposit into the Department of  
138 Financial Services' Administrative Trust Fund to fund the  
139 contract with the Florida Clerks of Court Operations Corporation  
140 created in s. 28.35. The next \$15 of the filing fee collected  
141 shall be deposited in the State Courts Revenue Trust Fund ~~state~~  
142 ~~courts' Mediation and Arbitration Trust Fund~~. One-third of any  
143 filing fees collected by the clerk of the circuit court in  
144 excess of \$100 shall be remitted to the Department of Revenue  
145 for deposit into the Department of Revenue Clerks of the Court  
146 Trust Fund. An additional filing fee of \$4 shall be paid to the  
147 clerk. The clerk shall remit \$3.50 to the Department of Revenue  
148 for deposit into the Court Education Trust Fund and shall remit  
149 50 cents to the Department of Revenue for deposit into the  
150 Department of Financial Services Administrative Trust Fund to  
151 fund clerk education. An additional filing fee of ~~up to~~ \$18  
152 shall be paid by the party seeking each severance that is  
153 granted. The clerk may impose an additional filing fee of ~~up to~~  
154 \$85 for all proceedings of garnishment, attachment, replevin,  
155 and distress. Postal charges incurred by the clerk of the  
156 circuit court in making service by certified or registered mail



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157 on defendants or other parties shall be paid by the party at  
158 whose instance service is made. No additional fees, charges, or  
159 costs shall be added to the filing fees imposed under this  
160 section, except as authorized herein or by general law.

161 (c) Any party other than a party described in paragraph (a)  
162 who files a pleading in an original civil action in circuit  
163 court for affirmative relief by cross-claim, counterclaim, or  
164 third-party complaint shall pay the clerk of court a fee of  
165 \$295. The clerk shall remit the fee to the Department of Revenue  
166 for deposit into the State Courts Revenue Trust Fund ~~General~~  
167 ~~Revenue Fund~~.

168 Section 5. Subsection (2) of section 28.35, Florida  
169 Statutes, is amended to read:

170 28.35 Florida Clerks of Court Operations Corporation.—

171 (2) The duties of the corporation shall include the  
172 following:

173 (a) Adopting a plan of operation.

174 (b) Conducting the election of directors as required in  
175 paragraph (1) (a).

176 (c) Recommending to the Legislature changes in the various  
177 court-related fines, fees, service charges, and court costs  
178 established by law to ensure reasonable and adequate funding of  
179 the clerks of the court in the performance of their court-  
180 related functions.

181 (d) Pursuant to contract with the Chief Financial Officer,  
182 establishing a process for the review and certification of  
183 proposed court-related budgets submitted by clerks of the court  
184 for completeness and compliance with this section and ss. 28.36  
185 and 28.37. This process shall be designed and be of sufficient



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186 detail to permit independent verification and validation of the  
187 budget certification. The contract shall specify the process to  
188 be used in determining compliance by the corporation with this  
189 section and ss. 28.36 and 28.37.

190 (e) Developing and certifying a uniform system of  
191 performance measures and applicable performance standards for  
192 the functions specified in paragraph (4) (a) and clerk  
193 performance in meeting the performance standards. These measures  
194 and standards shall be designed to facilitate an objective  
195 determination of the performance of each clerk in accordance  
196 with minimum standards for fiscal management, operational  
197 efficiency, and effective collection of fines, fees, service  
198 charges, and court costs. When the corporation finds a clerk has  
199 not met the performance standards, the corporation shall  
200 identify the nature of each deficiency and any corrective action  
201 recommended and taken by the affected clerk of the court.

202 (f) Reviewing and certifying proposed budgets submitted by  
203 clerks of the court utilizing the process approved by the Chief  
204 Financial Officer pursuant to paragraph (d) for the purpose of  
205 making the certification in paragraph (3) (a). As part of this  
206 process, the corporation shall:

207 1. Calculate the maximum authorized annual budget pursuant  
208 to the requirements of s. 28.36.

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

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





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215           4. Identify those clerks projected to have court-related  
216 revenues insufficient to fund their anticipated court-related  
217 expenditures.

218           (g) Developing and conducting clerk education programs.

219           (h) Publishing a uniform schedule of actual fees, service  
220 charges, and costs charged by a clerk of the court for court-  
221 related functions pursuant to general law.

222           (i) Developing a legislative budget request for the 2010-  
223 2011 fiscal year in conformance with chapter 216 in preparation  
224 for the transition of clerk budget processes to legislative  
225 appropriation beginning in the 2010-2011 fiscal year. The  
226 legislative budget request shall include a stated number of  
227 full-time employees, salaries, and benefits for such employees,  
228 as well as other budget categories provided by chapter 216.

229           Section 6. Effective October 1, 2010, section 28.35,  
230 Florida Statutes, as amended by this act, is amended to read:

231           28.35 Florida Clerks of Court Operations Corporation.-

232           (1) (a) The Florida Clerks of Court Operations Corporation  
233 is hereby created as a public corporation and a body corporate  
234 and politic organized to perform the functions specified in this  
235 section. All clerks of the circuit court shall be members of the  
236 corporation and hold their position and authority in an ex  
237 officio capacity. The corporation is the budget entity into  
238 which the budget of each clerk of court shall be appropriated  
239 annually by the Legislature. The functions assigned to the  
240 corporation shall be performed by an executive council pursuant  
241 to the plan of operation approved by the members.

242           (b) The executive council shall be composed of eight clerks  
243 of the court elected by the clerks of the courts for a term of 2



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244 years, with two clerks from counties with a population of fewer  
245 than 100,000, two clerks from counties with a population of at  
246 least 100,000 but fewer than 500,000, two clerks from counties  
247 with a population of at least 500,000 but fewer than 1 million,  
248 and two clerks from counties with a population of more than 1  
249 million.

250 (c) The corporation shall be considered a political  
251 subdivision of the state and shall be exempt from the corporate  
252 income tax. ~~The corporation is not subject to the procurement~~  
253 ~~provisions of chapter 287 and~~ policies and decisions of the  
254 corporation relating to incurring debt, levying assessments, and  
255 the sale, issuance, continuation, terms, and claims under  
256 corporation policies, and all services relating thereto, are not  
257 subject to the provisions of chapter 120.

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

261 (2) The duties of the corporation shall include the  
262 following:

263 (a) Adopting a plan of operation.

264 (b) Conducting the election of directors as required in  
265 paragraph (1) (a).

266 ~~(c) Recommending to the Legislature changes in the various~~  
267 ~~court-related fines, fees, service charges, and court costs~~  
268 ~~established by law to ensure reasonable and adequate funding of~~  
269 ~~the clerks of the court in the performance of their court-~~  
270 ~~related functions.~~

271 (c) ~~(d)~~ Pursuant to contract with the Chief Financial  
272 Officer, establishing a legislative budget request for the



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273 clerks of court in conformance with the provisions of chapter  
274 216 process for the review and certification of proposed court-  
275 related budgets submitted by clerks of the court for  
276 completeness and compliance with this section and ss. 28.36 and  
277 28.37. This process shall be designed and be of sufficient  
278 detail to permit independent verification and validation of the  
279 budget certification. The contract shall specify the process to  
280 be used in determining compliance by the corporation with this  
281 section and ss. 28.36 and 28.37.

282 (d) Apportioning the appropriated funds among the clerks of  
283 court by budget category after the Legislature provides a  
284 legislative appropriation in each year.

285 (e) Developing and certifying a uniform system of  
286 performance measures and applicable performance standards ~~for~~  
287 ~~the functions specified in paragraph (4)(a) and clerk~~  
288 performance in meeting the performance standards. These measures  
289 and standards shall be designed to facilitate an objective  
290 determination of the performance of each clerk in accordance  
291 with minimum standards for fiscal management, operational  
292 efficiency, and effective collection of fines, fees, service  
293 charges, and court costs. When the corporation finds a clerk has  
294 not met the performance standards, the corporation shall  
295 identify the nature of each deficiency and any corrective action  
296 recommended and taken by the affected clerk of the court.

297 ~~(f) Reviewing and certifying proposed budgets submitted by~~  
298 ~~clerks of the court utilizing the process approved by the Chief~~  
299 ~~Financial Officer pursuant to paragraph (d) for the purpose of~~  
300 ~~making the certification in paragraph (3)(a). As part of this~~  
301 ~~process, the corporation shall:~~



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302           ~~1. Calculate the maximum authorized annual budget pursuant~~  
303 ~~to the requirements of s. 28.36.~~

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

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

310           ~~4. Identify those clerks projected to have court-related~~  
311 ~~revenues insufficient to fund their anticipated court-related~~  
312 ~~expenditures.~~

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

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

317           ~~(i) Developing a legislative budget request for the 2010-~~  
318 ~~2011 fiscal year in conformance with chapter 216 in preparation~~  
319 ~~for the transition of clerk budget processes to legislative~~  
320 ~~appropriation beginning in 2010-2011 fiscal year.~~

321           ~~(3) (a) The Clerks of Court Operations Corporation shall~~  
322 ~~certify to the President of the Senate, the Speaker of the House~~  
323 ~~of Representatives, the Chief Financial Officer, and the~~  
324 ~~Department of Revenue by October 15 of each year, the amount of~~  
325 ~~the proposed budget certified for each clerk; the revenue~~  
326 ~~projection supporting each clerk's budget; each clerk eligible~~  
327 ~~to retain some or all of the state's share of fines, fees,~~  
328 ~~service charges, and costs; the amount to be paid to each clerk~~  
329 ~~from the Clerks of the Court Trust Fund within the Department of~~  
330 ~~Revenue; the performance measures and standards approved by the~~



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331 ~~corporation for each clerk; and the performance of each clerk in~~  
332 ~~meeting the performance standards.~~

333 ~~(b) Prior to December 1 of each year, the Chief Financial~~  
334 ~~Officer shall review the certifications made by the corporation~~  
335 ~~for the purpose of determining compliance with the approved~~  
336 ~~process and report its findings to the President of the Senate,~~  
337 ~~the Speaker of the House of Representatives and to the~~  
338 ~~Department of Revenue. To determine compliance with this~~  
339 ~~process, the Chief Financial Officer may examine the budgets~~  
340 ~~submitted to the corporation by the clerks.~~

341 ~~(4) (a) The list of court-related functions clerks may fund~~  
342 ~~from filing fees, service charges, court costs, and fines shall~~  
343 ~~be limited to those functions expressly authorized by law or~~  
344 ~~court rule. Those functions must include the following: case~~  
345 ~~maintenance; records management; court preparation and~~  
346 ~~attendance; processing the assignment, reopening, and~~  
347 ~~reassignment of cases; processing of appeals; collection and~~  
348 ~~distribution of fines, fees, service charges, and court costs;~~  
349 ~~processing of bond forfeiture payments; payment of jurors and~~  
350 ~~witnesses; payment of expenses for meals or lodging provided to~~  
351 ~~jurors; data collection and reporting; processing of jurors;~~  
352 ~~determinations of indigent status; and reasonable administrative~~  
353 ~~support costs to enable the clerk of the court to carry out~~  
354 ~~these court-related functions.~~

355 ~~(b) The list of functions clerks may not fund from filing~~  
356 ~~fees, service charges, court costs, and fines shall include:~~

357 ~~1. Those functions not specified within paragraph (a).~~

358 ~~2. Functions assigned by administrative orders which are~~  
359 ~~not required for the clerk to perform the functions in paragraph~~



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360 ~~(a).~~

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

363 ~~4. Functions identified as local requirements in law or~~  
364 ~~local optional programs.~~

365 ~~(5) The corporation shall be funded pursuant to contract~~  
366 ~~with the Chief Financial Officer. Funds shall be provided to the~~  
367 ~~Chief Financial Officer for this purpose as appropriated by~~  
368 ~~general law. These funds shall be available to the corporation~~  
369 ~~for the performance of the duties and responsibilities as set~~  
370 ~~forth in this section. The corporation may hire staff and pay~~  
371 ~~other expenses from these funds as necessary to perform the~~  
372 ~~official duties and responsibilities of the corporation as~~  
373 ~~described in this section.~~

374 ~~(2)~~ (a) The corporation shall submit an annual audited  
375 financial statement to the Auditor General in a form and manner  
376 prescribed by the Auditor General. The Auditor General shall  
377 conduct an annual audit of the operations of the corporation,  
378 including the use of funds and compliance with state law ~~the~~  
379 ~~provisions of this section and ss. 28.36 and 28.37.~~

380 (b) Certified public accountants conducting audits of  
381 counties pursuant to s. 218.39 shall report, as part of the  
382 audit, whether or not the clerks of the courts have complied  
383 with the budgets certified by the Florida Clerk of Courts  
384 Operations Corporation pursuant to the budget review process  
385 pursuant to contract with the Chief Financial Officer and with  
386 the performance standards developed and certified pursuant to  
387 this section. The Auditor General shall develop a compliance  
388 supplement for the audit of compliance with the budgets and



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389 applicable performance standards certified by the corporation.

390 Section 7. Effective October 1, 2010, section 28.36,  
391 Florida Statutes, is repealed.

392 Section 8. The Division of Statutory Revision shall make  
393 such conforming adjustments to chapter 216, Florida Statutes, to  
394 effectuate the intent of the Legislature to provide the clerks  
395 of court with an annual appropriation by the Legislature through  
396 the Florida Clerk of Courts Operations Corporation. Such  
397 amendments must include adjustments to statutes providing for  
398 the presentation of a recommended budget, the adjustment of  
399 budgets, and providing authority when there is a deficit in the  
400 General Revenue Fund.

401 Section 9. Subsection (1) of section 34.041, Florida  
402 Statutes, is amended to read:

403 34.041 Filing fees.—

404 (1) (a) Upon the institution of any civil action, suit, or  
405 proceeding in county court, the party shall pay the following  
406 filing fee, ~~not to exceed~~:

407 1. For all claims less than \$100.....\$50.

408 2. For all claims of \$100 or more but not more  
409 than \$500.....\$75.

410 3. For all claims of more than \$500 but not more than  
411 \$2,500.....\$170.

412 4. For all claims of more than \$2,500.....\$295.

413 5. In addition, for all proceedings of garnishment,  
414 attachment, replevin, and distress.....\$85.

415 6. For removal of tenant action.....\$265.

416 (b) The first \$80 of the filing fee collected under  
417 subparagraph (a)4. shall be remitted to the Department of



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418 Revenue for deposit into the State Courts Revenue Trust Fund  
419 ~~General Revenue Fund~~. The next \$15 of the filing fee collected  
420 under subparagraph (a)4., and the first \$15 of each filing fee  
421 collected under subparagraph (a)6., shall be deposited in the  
422 State Courts Revenue ~~state courts' Mediation and Arbitration~~  
423 Trust Fund. Of the amount collected under subparagraph (a)6.,  
424 \$175 shall be deposited into the State Courts Revenue Trust  
425 Fund. One-third of any filing fees collected by the clerk under  
426 this section in excess of the first \$95 collected under  
427 subparagraph (a)4. shall be remitted to the Department of  
428 Revenue for deposit into the Department of Revenue Clerks of the  
429 Court Trust Fund. An additional filing fee of \$4 shall be paid  
430 to the clerk. The clerk shall transfer \$3.50 to the Department  
431 of Revenue for deposit into the Court Education Trust Fund and  
432 shall transfer 50 cents to the Department of Revenue for deposit  
433 into the Department of Financial Services' Administrative Trust  
434 Fund to fund clerk education. Postal charges incurred by the  
435 clerk of the county court in making service by mail on  
436 defendants or other parties shall be paid by the party at whose  
437 instance service is made. Except as provided herein, filing fees  
438 and service charges for performing duties of the clerk relating  
439 to the county court shall be as provided in ss. 28.24 and  
440 28.241. Except as otherwise provided herein, all filing fees  
441 shall be retained as fee income of the office of the clerk of  
442 circuit court. Filing fees imposed by this section may not be  
443 added to any penalty imposed by chapter 316 or chapter 318.

444 (c) Any party other than a party described in paragraph (a)  
445 who files a pleading in an original civil action in the county  
446 court for affirmative relief by cross-claim, counterclaim, or





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447 third-party complaint, or who files a notice of cross-appeal or  
448 notice of joinder or motion to intervene as an appellant, cross-  
449 appellant, or petitioner, shall pay the clerk of court a fee of  
450 \$295 if the relief sought by the party under this paragraph  
451 exceeds \$2,500. This fee shall not apply where the cross-claim,  
452 counterclaim, or third-party complaint requires transfer of the  
453 case from county to circuit court. The clerk shall deposit ~~remit~~  
454 the fee into the State Courts Revenue Trust Fund ~~to the~~  
455 ~~Department of Revenue for deposit into the General Revenue Fund.~~

456 (d) The clerk of court shall collect a service charge of  
457 \$10 for issuing a summons. The clerk shall assess the fee  
458 against the party seeking to have the summons issued.

459 Section 10. Paragraph (b) of subsection (3) and subsection  
460 (6) of section 35.22, Florida Statutes, are amended to read:

461 35.22 Clerk of district court; appointment; compensation;  
462 assistants; filing fees; teleconferencing.-

463 (3)

464 (b) Upon the filing of a notice of cross-appeal, or a  
465 notice of joinder or motion to intervene as an appellant, cross-  
466 appellant, or petitioner, the clerk shall charge and collect a  
467 filing fee of \$295. The clerk shall remit the fee to the State  
468 Courts Revenue Trust Fund ~~Department of Revenue for deposit into~~  
469 ~~the General Revenue Fund~~. The state and its agencies are exempt  
470 from the filing fee required by this paragraph.

471 (6) Fifty dollars ~~The clerk of each district court of~~  
472 ~~appeal is required to deposit all fees collected in the State~~  
473 ~~Treasury to the credit of the General Revenue Fund, except that~~  
474 ~~\$50~~ of each \$300 filing fee collected shall be deposited into  
475 the state court's Operating Trust Fund to fund court improvement



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476 projects as authorized in the General Appropriations Act. The  
477 remainder shall be remitted to the State Courts Revenue Trust  
478 Fund. The clerk shall retain an accounting of each such  
479 remittance.

480 Section 11. Paragraph (qq) of subsection (1) of section  
481 216.011, Florida Statutes, is amended to read:

482 216.011 Definitions.—

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

486 (qq) "State agency" or "agency" means any official,  
487 officer, commission, board, authority, council, committee, or  
488 department of the executive branch of state government. For  
489 purposes of this chapter and chapter 215, "state agency" or  
490 "agency" includes, but is not limited to, state attorneys,  
491 public defenders, criminal conflict and civil regional counsel,  
492 capital collateral regional counsel, the clerks of court in the  
493 performance of court-related functions, the Justice  
494 Administrative Commission, the Florida Housing Finance  
495 Corporation, and the Florida Public Service Commission. Solely  
496 for the purposes of implementing s. 19(h), Art. III of the State  
497 Constitution, the terms "state agency" or "agency" include the  
498 judicial branch.

499 Section 12. Subsection (9) of section 318.14, Florida  
500 Statutes, as amended by section 1 of chapter 2009-6, Laws of  
501 Florida, is amended to read:

502 318.14 Noncriminal traffic infractions; exception;  
503 procedures.—

504 (9) Any person who does not hold a commercial driver's



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505 license and who is cited for an infraction under this section  
506 other than a violation of s. 316.183(2), s. 316.187, or s.  
507 316.189 when the driver exceeds the posted limit by 30 miles per  
508 hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065,  
509 s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court  
510 appearance, elect to attend in the location of his or her choice  
511 within this state a basic driver improvement course approved by  
512 the Department of Highway Safety and Motor Vehicles. In such a  
513 case, adjudication must be withheld and points, as provided by  
514 s. 322.27, may not be assessed. However, a person may not make  
515 an election under this subsection if the person has made an  
516 election under this subsection in the preceding 12 months. A  
517 person may make no more than five elections within 10 years  
518 under this subsection. The requirement for community service  
519 under s. 318.18(8) is not waived by a plea of nolo contendere or  
520 by the withholding of adjudication of guilt by a court. If a  
521 person makes an election to attend a basic driver improvement  
522 course under this subsection, 18 percent of the civil penalty  
523 imposed under s. 318.18(3) shall be deposited in the General  
524 Revenue Fund ~~State Courts Revenue Trust Fund~~; however, that  
525 portion is not revenue for purposes of s. 28.36 and may not be  
526 used in establishing the budget of the clerk of the court under  
527 that section or s. 28.35.

528 Section 13. Subsection (18) of section 318.18, Florida  
529 Statutes, is amended to read:

530 318.18 Amount of penalties.—The penalties required for a  
531 noncriminal disposition pursuant to s. 318.14 or a criminal  
532 offense listed in s. 318.17 are as follows:

533 (18) In addition to any penalties imposed, an



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534 administrative fee of \$12.50 must be paid for all noncriminal  
535 moving and nonmoving traffic violations under chapter 316.  
536 Revenue from the administrative fee shall be deposited by the  
537 clerk of court into the State Courts Revenue Trust Fund ~~fine and~~  
538 ~~forfeiture fund established pursuant to s. 142.01.~~

539 Section 14. Subsection (20) of section 318.21, Florida  
540 Statutes, as created by section 4 of chapter 2009-6, Laws of  
541 Florida, is amended to read:

542 318.21 Disposition of civil penalties by county courts.—All  
543 civil penalties received by a county court pursuant to the  
544 provisions of this chapter shall be distributed and paid monthly  
545 as follows:

546 (20) For fines assessed under s. 318.18(3) for unlawful  
547 speed, effective for violations occurring on or after the  
548 effective date of this act, the following amounts shall be  
549 remitted to the Department of Revenue for deposit in the General  
550 Revenue Fund ~~State Courts Revenue Trust Fund~~; however, these  
551 amounts are not revenue for purposes of s. 28.36 and may not be  
552 used in establishing the budget of the clerk of the court under  
553 that section or s. 28.35:

554  
555 For speed exceeding the limit by:

	Fine:
556	
557 1-5 m.p.h.....	\$ .00
558 6-9 m.p.h.....	\$ .00
559 10-14 m.p.h.....	\$ .00
560 15-19 m.p.h.....	\$25
561 20-29 m.p.h.....	\$25
562 30 m.p.h. and above.....	\$ .00



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The remaining amount shall be distributed pursuant to subsections (1) and (2).

Section 15. Subsection (1) of section 775.083, Florida Statutes, as amended by section 5 of chapter 2009-6, Laws of Florida, is amended to read:

775.083 Fines.—

(1) A person who has been convicted of an offense other than a capital felony may be sentenced to pay a fine in addition to any punishment described in s. 775.082; when specifically authorized by statute, he or she may be sentenced to pay a fine in lieu of any punishment described in s. 775.082. A person who has been convicted of a noncriminal violation may be sentenced to pay a fine. Fines for designated crimes and for noncriminal violations shall not exceed:

(a) \$15,000, when the conviction is of a life felony.

(b) \$10,000, when the conviction is of a felony of the first or second degree.

(c) \$5,000, when the conviction is of a felony of the third degree.

(d) \$1,000, when the conviction is of a misdemeanor of the first degree.

(e) \$500, when the conviction is of a misdemeanor of the second degree or a noncriminal violation.

(f) Any higher amount equal to double the pecuniary gain derived from the offense by the offender or double the pecuniary loss suffered by the victim.

(g) Any higher amount specifically authorized by statute.



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592 Fines imposed in this subsection shall be deposited by the clerk  
593 of the court in the fine and forfeiture fund established  
594 pursuant to s. 142.01, except that fines imposed when  
595 adjudication is withheld shall be deposited in the General  
596 Revenue Fund ~~State Courts Revenue Trust Fund~~, and such fines  
597 imposed when adjudication is withheld are not revenue for  
598 purposes of s. 28.36 and may not be used in establishing the  
599 budget of the clerk of the court under that section or s. 28.35.  
600 If a defendant is unable to pay a fine, the court may defer  
601 payment of the fine to a date certain. As used in this  
602 subsection, the term "convicted" or "conviction" means a  
603 determination of guilt which is the result of a trial or the  
604 entry of a plea of guilty or nolo contendere, regardless of  
605 whether adjudication is withheld.

606 Section 16. Except as otherwise expressly provided in this  
607 act, this act shall take effect July 1, 2009.

608  
609 ===== T I T L E A M E N D M E N T =====

610 And the title is amended as follows:

611 Delete everything before the enacting clause  
612 and insert:

613 A bill to be entitled  
614 An act related to state court funding; providing  
615 legislative findings and intent; providing duties of  
616 the Florida Clerks of Court Operations Corporation;  
617 requiring the clerks of court to submit a consolidated  
618 legislative budget request by a specified date;  
619 providing for transition procedures; requiring the  
620 Office of Program Policy Analysis and Government



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621 Accountability to monitor implementation of the  
622 transition to the legislative appropriation of funds;  
623 amending s. 25.241, F.S.; requiring the Clerk of the  
624 Supreme Court to deposit the additional fee collected  
625 from each attorney appearing pro hac vice into the  
626 State Courts Revenue Trust Fund instead of the General  
627 Revenue Fund; requiring the clerk to remit a filing  
628 fee to the Department of Revenue for deposit into the  
629 State Courts Revenue Trust Fund instead of the General  
630 Revenue Fund; deleting the requirement of the Chief  
631 Financial Officer to deposit certain filing fees into  
632 the General Revenue Fund and into the state court's  
633 Operating Trust Fund; amending s. 28.101, F.S.;  
634 requiring the clerk of court to collect and receive a  
635 certain monetary amount from a petitioner for  
636 dissolution of marriage to be deposited into the State  
637 Courts Revenue Trust Fund instead of the General  
638 Revenue Fund; amending s. 28.241, F.S.; requiring a  
639 clerk of court to remit a certain monetary amount from  
640 a party that institutes a civil action or proceeding  
641 or that seeks relief by a cross-claim or counterclaim  
642 to the Department of Revenue for deposit into the  
643 State Courts Revenue Trust Fund instead of the General  
644 Revenue Fund or the state courts' Mediation and  
645 Arbitration; revising certain fees; amending s. 28.35,  
646 F.S.; revising the duties of the Florida Clerks of  
647 Court Operations Corporation; providing that the  
648 corporation is the budget entity into which the budget  
649 of each clerk of court is appropriated annually;



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650 deleting the provision that subjects the corporation  
651 to the procurement provisions of ch. 287, F.S.;  
652 revising the duties of the corporation; deleting the  
653 provision that requires the corporation to certify  
654 certain budgetary responsibilities to the Legislature,  
655 the Chief Financial Officer, and the Department of  
656 Revenue; deleting the provision that requires the  
657 Chief Financial Officer to review the certifications  
658 and submit a report of its findings to the Legislature  
659 and the Department of Revenue; deleting the list of  
660 court-related functions that each clerk may and may  
661 not fund from filing fees, service charges, court  
662 costs, and fines; deleting provisions regarding the  
663 funding of the corporation; requiring the Auditor  
664 General to conduct an audit of the operations of the  
665 corporation, including the use of funds and compliance  
666 with state law; repealing s. 28.36, F.S., relating to  
667 the budget procedure for the court-related functions  
668 of the clerks of court; requiring the Division of  
669 Statutory Revision to conform adjustments to ch. 216,  
670 F.S., to provide the clerks of court with an annual  
671 appropriation by the Legislature through the  
672 corporation; amending s. 34.041, F.S.; requiring a  
673 clerk of court to remit to the Department of Revenue  
674 for deposit into the State Courts Revenue Trust Fund  
675 instead of the General Revenue Fund or the state  
676 courts' Mediation and Arbitration a certain monetary  
677 amount from a party who institutes a civil action or  
678 proceeding in county court, seeks relief by a cross-





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679 claim, counterclaim, or third-party complaint, or  
680 files a notice of cross-appeal or notice of joinder;  
681 amending s. 35.22, F.S.; requiring clerks of district  
682 courts to remit certain filing fees to the State  
683 Courts Revenue Trust Fund instead of the General  
684 Revenue Fund; amending s. 216.011, F.S.; redefining  
685 the term "state agency" or "agency" as it relates to  
686 the fiscal affairs of the state; amending s. 318.14,  
687 F.S.; requiring a portion of a civil penalty for a  
688 traffic infraction be deposited in the General Revenue  
689 Fund instead of the State Courts Revenue Trust Fund;  
690 amending s. 318.18, F.S.; requiring that the revenue  
691 from the administrative fee for noncriminal moving and  
692 nonmoving traffic violations be deposited into the  
693 State Courts Revenue Trust Fund instead of the fine  
694 and forfeiture fund; amending s. 318.21, F.S.;  
695 requiring that fines assessed for unlawful speeding be  
696 deposited into the General Revenue Fund instead of the  
697 State Courts Revenue Trust Fund; amending s. 775.083,  
698 F.S.; requiring that fines assessed for certain  
699 criminal offenses be deposited in the General Revenue  
700 Fund instead of the State Courts Revenue Trust Fund;  
701 providing effective dates.