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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/07/2009	.	
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	.	
	.	

The Policy and Steering Committee on Ways and Means (Crist) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 28.35, Florida Statutes, is amended to read:

28.35 Florida Clerks of Court Operations Corporation.—

(1) (a) The Florida Clerks of Court Operations Corporation is hereby created as a public corporation organized to perform the functions specified in this section and s. 28.36. All clerks of the circuit court shall be members of the corporation and



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12 hold their position and authority in an ex officio capacity. The
13 functions assigned to the corporation shall be performed by an
14 executive council pursuant to the plan of operation approved by
15 the members.

16 (b) The executive council shall be composed of eight clerks
17 of the court elected by the clerks of the courts for a term of 2
18 years, with two clerks from counties with a population of fewer
19 than 100,000, two clerks from counties with a population of at
20 least 100,000 but fewer than 500,000, two clerks from counties
21 with a population of at least 500,000 but fewer than 1 million,
22 and two clerks from counties with a population of more than 1
23 million.

24 (c) The corporation shall be considered a political
25 subdivision of the state and shall be exempt from the corporate
26 income tax. The corporation is not subject to the procurement
27 provisions of chapter 287 and policies and decisions of the
28 corporation relating to incurring debt, levying assessments, and
29 the sale, issuance, continuation, terms, and claims under
30 corporation policies, and all services relating thereto, are not
31 subject to the provisions of chapter 120.

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

35 (2) The duties of the corporation shall include the
36 following:

37 (a) Adopting a plan of operation.

38 (b) Conducting the election of directors as required in
39 paragraph (1) (a).

40 (c) Recommending to the Legislature changes in the various



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41 court-related fines, fees, service charges, and court costs
42 established by law to ensure reasonable and adequate funding of
43 the clerks of the court in the performance of their court-
44 related functions.

45 (d) Pursuant to contract with the Chief Financial Officer,
46 establishing a process for the review and certification of
47 proposed court-related budget requests ~~budgets~~ submitted by
48 clerks of the court for completeness and compliance with this
49 section and ss. 28.36 and 28.37. This process shall be designed
50 and be of sufficient detail to permit independent verification
51 and validation of the budget certification. The contract shall
52 specify the process to be used in determining compliance by the
53 corporation with this section and ss. 28.36 and 28.37.

54 (e) Developing and certifying a uniform system of
55 performance measures and applicable performance standards for
56 the functions specified in paragraph (3) (a) ~~paragraph (4) (a)~~ and
57 clerk performance in meeting the performance standards. These
58 measures and standards shall be designed to facilitate an
59 objective determination of the performance of each clerk in
60 accordance with minimum standards for fiscal management,
61 operational efficiency, and effective collection of fines, fees,
62 service charges, and court costs. When the corporation finds a
63 clerk has not met the performance standards, the corporation
64 shall identify the nature of each deficiency and any corrective
65 action recommended and taken by the affected clerk of the court.

66 (f) Reviewing and certifying proposed budgets submitted by
67 clerks of the court utilizing the process approved by the Chief
68 Financial Officer pursuant to paragraph (d) ~~for the purpose of~~
69 ~~making the certification in paragraph (3) (a)~~. As part of this



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70 process, the corporation shall:

71 1. Calculate the maximum authorized annual budget pursuant
72 to the requirements of s. 28.36.

73 2. Identify those proposed budget requests ~~budgets~~
74 exceeding the maximum annual budget pursuant to s. 28.36 ~~s.~~
75 ~~28.36(5)~~ for the standard list of court-related functions
76 specified in paragraph (3) (a) ~~paragraph (4) (a)~~.

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

80 4. Identify those clerks projected to have court-related
81 revenues insufficient to fund their anticipated court-related
82 expenditures.

83 (g) Developing and conducting clerk education programs.

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

87 ~~(3) (a) The Clerks of Court Operations Corporation shall~~
88 ~~certify to the President of the Senate, the Speaker of the House~~
89 ~~of Representatives, the Chief Financial Officer, and the~~
90 ~~Department of Revenue by October 15 of each year, the amount of~~
91 ~~the proposed budget certified for each clerk; the revenue~~
92 ~~projection supporting each clerk's budget; each clerk eligible~~
93 ~~to retain some or all of the state's share of fines, fees,~~
94 ~~service charges, and costs; the amount to be paid to each clerk~~
95 ~~from the Clerks of the Court Trust Fund within the Department of~~
96 ~~Revenue; the performance measures and standards approved by the~~
97 ~~corporation for each clerk; and the performance of each clerk in~~
98 ~~meeting the performance standards.~~



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99 ~~(b) Prior to December 1 of each year, the Chief Financial~~
100 ~~Officer shall review the certifications made by the corporation~~
101 ~~for the purpose of determining compliance with the approved~~
102 ~~process and report its findings to the President of the Senate,~~
103 ~~the Speaker of the House of Representatives and to the~~
104 ~~Department of Revenue. To determine compliance with this~~
105 ~~process, the Chief Financial Officer may examine the budgets~~
106 ~~submitted to the corporation by the clerks.~~

107 (3)(4)(a) The list of court-related functions clerks may
108 fund from filing fees, service charges, court costs, and fines
109 shall be limited to those functions expressly authorized by law
110 or court rule. Those functions must include the following: case
111 maintenance; records management; court preparation and
112 attendance; processing the assignment, reopening, and
113 reassignment of cases; processing of appeals; collection and
114 distribution of fines, fees, service charges, and court costs;
115 processing of bond forfeiture payments; payment of jurors and
116 witnesses; payment of expenses for meals or lodging provided to
117 jurors; data collection and reporting; processing of jurors;
118 determinations of indigent status; and reasonable administrative
119 support costs to enable the clerk of the court to carry out
120 these court-related functions.

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

- 123 1. Those functions not specified within paragraph (a).
- 124 2. Functions assigned by administrative orders which are
125 not required for the clerk to perform the functions in paragraph
126 (a).
- 127 3. Enhanced levels of service which are not required for



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128 the clerk to perform the functions in paragraph (a).

129 4. Functions identified as local requirements in law or
130 local optional programs.

131 ~~(4)~~⁽⁵⁾ The corporation shall be funded pursuant to contract
132 with the Chief Financial Officer. Funds shall be provided to the
133 Chief Financial Officer for this purpose as appropriated by
134 general law. These funds shall be available to the corporation
135 for the performance of the duties and responsibilities as set
136 forth in this section. The corporation may hire staff and pay
137 other expenses from these funds as necessary to perform the
138 official duties and responsibilities of the corporation as
139 described in this section.

140 ~~(5)~~⁽⁶⁾(a) The corporation shall submit an annual audited
141 financial statement to the Auditor General in a form and manner
142 prescribed by the Auditor General. The Auditor General shall
143 conduct an annual audit of the operations of the corporation,
144 including the use of funds and compliance with the provisions of
145 this section and ss. 28.36 and 28.37.

146 (b) Certified public accountants conducting audits of
147 counties pursuant to s. 218.39 shall report, as part of the
148 audit, whether or not the clerks of the courts have complied
149 with the requirements of this section and s. 28.36 budgets
150 ~~certified by the Florida Clerk of Courts Operations Corporation~~
151 ~~pursuant to the budget review process pursuant to contract with~~
152 ~~the Chief Financial Officer and with the performance standards~~
153 ~~developed and certified pursuant to this section.~~ The Auditor
154 General shall develop a compliance supplement for the audit of
155 compliance with the budgets and applicable performance standards
156 certified by the corporation.



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157 Section 2. Section 28.36, Florida Statutes, is amended to
158 read:

159 28.36 Budget procedure.—There is hereby established a
160 budget procedure for the preparation of a budget request for
161 funding for the court-related functions of the clerks of the
162 court.

163 (1) Each clerk of court shall prepare a budget request for
164 the last quarter of the county fiscal year and the first three
165 quarters of the next county fiscal year. The proposed budget
166 shall be prepared, summarized, and submitted by the clerk in
167 each county to the Clerks of Court Operations Corporation in the
168 manner and form prescribed by the corporation. The budget
169 requests must be provided to the corporation by January 1 of
170 each year. Only those functions on the standard list developed
171 pursuant to s. 28.35(4)(a) may be funded from fees, service
172 charges, court costs, and fines retained by the clerks of the
173 court. No clerk may use fees, service charges, court costs, and
174 fines in excess of the maximum budget amounts as established in
175 subsection (5).

176 ~~(2) For the period July 1, 2004, through September 30,~~
177 ~~2004, and for each county fiscal year ending September 30~~
178 ~~thereafter, each clerk of the court shall prepare a budget~~
179 ~~relating solely to the performance of the standard list of~~
180 ~~court-related functions pursuant to s. 28.35(4)(a).~~

181 ~~(3) Each proposed budget shall further conform to the~~
182 ~~following requirements:~~

183 ~~(a) On or before August 15 for each fiscal year thereafter,~~
184 ~~the proposed budget shall be prepared, summarized, and submitted~~
185 ~~by the clerk in each county to the Clerks of Court Operations~~



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186 ~~Corporation in the manner and form prescribed by the~~
187 ~~corporation. The proposed budget must provide detailed~~
188 ~~information on the anticipated revenues available and~~
189 ~~expenditures necessary for the performance of the standard list~~
190 ~~of court-related functions of the clerk's office developed~~
191 ~~pursuant to s. 28.35(4) (a) for the county fiscal year beginning~~
192 ~~the following October 1.~~

193 ~~(b) The proposed budget must be balanced, such that the~~
194 ~~total of the estimated revenues available must equal or exceed~~
195 ~~the total of the anticipated expenditures. These revenues~~
196 ~~include the following: cash balances brought forward from the~~
197 ~~prior fiscal period; revenue projected to be received from fees,~~
198 ~~service charges, court costs, and fines for court-related~~
199 ~~functions during the fiscal period covered by the budget; and~~
200 ~~supplemental revenue that may be requested pursuant to~~
201 ~~subsection (4). The anticipated expenditures must be itemized as~~
202 ~~required by the corporation, pursuant to contract with the Chief~~
203 ~~Financial Officer.~~

204 ~~(c) The proposed budget may include a contingency reserve~~
205 ~~not to exceed 10 percent of the total budget, provided that,~~
206 ~~overall, the proposed budget does not exceed the limits~~
207 ~~prescribed in subsection (5).~~

208 ~~(4) If a clerk of the court estimates that available funds~~
209 ~~plus projected revenues from fines, fees, service charges, and~~
210 ~~costs for court-related services are insufficient to meet the~~
211 ~~anticipated expenditures for the standard list of court-related~~
212 ~~functions in s. 28.35(4) (a) performed by his or her office, the~~
213 ~~clerk must report the revenue deficit to the Clerks of Court~~
214 ~~Operations Corporation in the manner and form prescribed by the~~



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215 ~~corporation pursuant to contract with the Chief Financial~~
216 ~~Officer. The corporation shall verify that the proposed budget~~
217 ~~is limited to the standard list of court-related functions in s.~~
218 ~~28.35(4)(a).~~

219 (2)(a) If the corporation determines that ~~verifies that~~ the
220 proposed budget is limited to the standard list of court-related
221 functions in s. 28.35(3)(a) ~~s. 28.35(4)(a)~~ and the projected
222 court-related revenues are less than the proposed budget, the a
223 revenue deficit is projected, a clerk seeking to retain revenues
224 pursuant to this subsection shall increase all fees, service
225 charges, and any other court-related clerk fees and charges to
226 the maximum amounts specified by law or the amount necessary to
227 resolve the deficit, whichever is less.

228 (3) Each clerk shall prepare his or her budget request
229 using prior-year expenditures, unit costs, and the proposed
230 budget specified in these core services:

- 231 1. Case processing;
232 2. Financial processing;
233 3. Jury management; and
234 4. Information and reporting.

235
236 Central administrative costs shall be allocated among the core-
237 services categories. The unit cost for the core services must be
238 identified for each clerk in his or her budget request pursuant
239 to instructions to be provided by the corporation.

240 (4) The corporation shall review each individual clerk's
241 budget request, prior-year expenditures, unit costs, and the
242 proposed budget for each of the core-services categories. The
243 corporation shall compare each clerk's prior-year expenditures



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244 and unit costs for core services with a peer group of clerk
245 offices having a population of a similar size and a similar
246 number of case filings. If the corporation finds that the
247 expenditures, unit costs, or proposed budget of a clerk are
248 significantly higher than those of clerks in that clerk's peer
249 group, the corporation shall require the clerk to submit
250 documentation justifying the difference in each core-services
251 category. Justification for higher expenditures may include, but
252 need not be limited to, collective bargaining agreements, county
253 civil service agreements, the cost of retirement programs, and
254 the number and distribution of court houses served by the clerk.
255 If the expenditures and unit costs are not justified, the
256 corporation shall recommend a reduction in the funding for that
257 core-services category in the budget request to an amount
258 similar to the peer group of clerks or to an amount that the
259 corporation determines is justified.

260 (5) The salaries provided to employees of a clerk of court
261 may be adjusted only by the average percentage increase or
262 decrease in the salaries of state career service employees for
263 the current state fiscal year. The corporation shall review
264 prior-year expenditures and proposed budgets to ensure that each
265 clerk of court complies with this subsection. If the corporation
266 finds that a clerk violated this subsection, the corporation
267 shall report the violation to the Chief Financial Officer. The
268 Chief Financial Officer shall adjust the budget request for a
269 clerk violating this subsection by the amount of the
270 unauthorized budget.

271 (6) The corporation shall complete its review and
272 adjustments to the clerks' budget requests and make its



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273 recommendations to the Chief Financial Officer by February 1
274 each year.

275 (7) The Chief Financial Officer shall review the
276 recommendations of the corporation to ensure that the clerks'
277 budget requests comply with the law. The Chief Financial Officer
278 shall adjust the budget request for any clerk which does not
279 meet the requirements of law. The Chief Financial Officer shall
280 make a budget recommendation for the last quarter of the county
281 fiscal year and the first three quarters of the next county
282 fiscal year for funding for the clerks of court by March 1 each
283 year and recommend unit costs for each service for each clerk.

284 (8) The Legislature shall appropriate the total amount for
285 the budgets of the clerks in the General Appropriations Act. The
286 Legislature may reject or modify the unit costs recommended by
287 the Chief Financial Officer which are associated with the
288 appropriation.

289 (9) The Chief Financial Officer shall release
290 appropriations to each clerk quarterly. The amount of the
291 release shall be based on the prior quarter's performance of
292 service units identified in the four core services and the unit
293 costs recommended by the Chief Financial Officer as modified by
294 the Legislature for each clerk. ~~If, after increasing fees,~~
295 ~~service charges, and any other court-related clerk fees and~~
296 ~~charges to the maximum amounts specified by law, a revenue~~
297 ~~deficit is still projected, the corporation shall, pursuant to~~
298 ~~the terms of the contract with the Chief Financial Officer,~~
299 ~~certify a revenue deficit and notify the Department of Revenue~~
300 ~~that the clerk is authorized to retain revenues, in an amount~~
301 ~~necessary to fully fund the projected revenue deficit, which he~~



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302 ~~or she would otherwise be required to remit to the Department of~~
303 ~~Revenue for deposit into the Department of Revenue Clerks of the~~
304 ~~Court Trust Fund pursuant to s. 28.37. If a revenue deficit is~~
305 ~~projected for that clerk after retaining all of the projected~~
306 ~~collections from the court-related fines, fees, service charges,~~
307 ~~and costs, the Department of Revenue shall certify the amount of~~
308 ~~the revenue deficit amount to the Executive Office of the~~
309 ~~Governor and request release authority for funds appropriated~~
310 ~~for this purpose from the Department of Revenue Clerks of the~~
311 ~~Court Trust Fund. Notwithstanding provisions of s. 216.192~~
312 ~~related to the release of funds, the Executive Office of the~~
313 ~~Governor may approve the release of funds appropriated to~~
314 ~~resolve projected revenue deficits in accordance with the~~
315 ~~notice, review, and objection procedures set forth in s. 216.177~~
316 ~~and shall provide notice to the Chief Financial Officer. The~~
317 ~~Department of Revenue is directed to request monthly~~
318 ~~distributions from the Chief Financial Officer in equal amounts~~
319 ~~to each clerk certified to have a revenue deficit, in accordance~~
320 ~~with the releases approved by the Governor.~~

321 ~~(b) If the Chief Financial Officer finds the court-related~~
322 ~~budget proposed by a clerk includes functions not included in~~
323 ~~the standard list of court-related functions in s. 28.35(4)(a),~~
324 ~~the Chief Financial Officer shall notify the clerk of the amount~~
325 ~~of the proposed budget not eligible to be funded from fees,~~
326 ~~service charges, costs, and fines for court-related functions~~
327 ~~and shall identify appropriate corrective measures to ensure~~
328 ~~budget integrity. The clerk shall then immediately discontinue~~
329 ~~all ineligible expenditures of court-related funds for this~~
330 ~~purpose and reimburse the Clerks of the Court Trust Fund for any~~



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331 ~~previously ineligible expenditures made for non-court-related~~
332 ~~functions, and shall implement any corrective actions identified~~
333 ~~by the Chief Financial Officer.~~

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

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

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

348 ~~(b) For the county fiscal year 2005-2006, the maximum~~
349 ~~budget amount for the standard list of court-related functions~~
350 ~~of the clerks of court in s. 28.35(4)(a) that may be funded from~~
351 ~~fees, service charges, court costs, and fines retained by the~~
352 ~~clerks of the court shall be the approved budget for county~~
353 ~~fiscal year 2004-2005 adjusted by the projected percentage~~
354 ~~change in revenue between the county fiscal years 2004-2005 and~~
355 ~~2005-2006.~~

356 ~~(c) For the county fiscal years 2006-2007 and thereafter,~~
357 ~~the maximum budget amount for the standard list of court-related~~
358 ~~functions of the clerks of court in s. 28.35(4)(a) that may be~~
359 ~~funded from fees, service charges, court costs, and fines~~



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360 ~~retained by the clerks of the court shall be established by~~
361 ~~first rebasing the prior fiscal year budget to reflect the~~
362 ~~actual percentage change in the prior fiscal year revenue and~~
363 ~~then adjusting the rebased prior fiscal year budget by the~~
364 ~~projected percentage change in revenue for the proposed budget~~
365 ~~year. The rebasing calculations and maximum annual budget~~
366 ~~calculations shall be as follows:~~

367 ~~1. For county fiscal year 2006-2007, the approved budget~~
368 ~~for county fiscal year 2004-2005 shall be adjusted for the~~
369 ~~actual percentage change in revenue between the two 12-month~~
370 ~~periods ending June 30, 2005, and June 30, 2006. This result is~~
371 ~~the rebased budget for the county fiscal year 2005-2006. Then~~
372 ~~the rebased budget for the county fiscal year 2005-2006 shall be~~
373 ~~adjusted by the projected percentage change in revenue between~~
374 ~~the county fiscal years 2005-2006 and 2006-2007. This result~~
375 ~~shall be the maximum annual budget amount for the standard list~~
376 ~~of court-related functions of the clerks of court in s.~~
377 ~~28.35(4) (a) that may be funded from fees, service charges, court~~
378 ~~costs, and fines retained by the clerks of the court for each~~
379 ~~clerk for the county fiscal year 2006-2007.~~

380 ~~2. For county fiscal year 2007-2008, the rebased budget for~~
381 ~~county fiscal year 2005-2006 shall be adjusted for the actual~~
382 ~~percentage change in revenue between the two 12-month periods~~
383 ~~ending June 30, 2006, and June 30, 2007. This result is the~~
384 ~~rebased budget for the county fiscal year 2006-2007. The rebased~~
385 ~~budget for county fiscal year 2006-2007 shall be adjusted by the~~
386 ~~projected percentage change in revenue between the county fiscal~~
387 ~~years 2006-2007 and 2007-2008. This result shall be the maximum~~
388 ~~annual budget amount for the standard list of court-related~~



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389 ~~functions of the clerks of court in s. 28.35(4) (a) that may be~~
390 ~~funded from fees, service charges, court costs, and fines~~
391 ~~retained by the clerks of the court for county fiscal year 2007-~~
392 ~~2008.~~

393 ~~3. For county fiscal years 2008-2009 and thereafter, the~~
394 ~~maximum budget amount for the standard list of court-related~~
395 ~~functions of the clerks of court in s. 28.35(4) (a) that may be~~
396 ~~funded from fees, service charges, court costs, and fines~~
397 ~~retained by the clerks of the court shall be calculated as the~~
398 ~~rebased budget for the prior county fiscal year adjusted by the~~
399 ~~projected percentage change in revenues between the prior county~~
400 ~~fiscal year and the county fiscal year for which the maximum~~
401 ~~budget amount is being authorized. The rebased budget for the~~
402 ~~prior county fiscal year shall always be calculated by adjusting~~
403 ~~the rebased budget for the year preceding the prior county~~
404 ~~fiscal year by the actual percentage change in revenues between~~
405 ~~the 12-month period ending June 30 of the year preceding the~~
406 ~~prior county fiscal year and the 12-month period ending June 30~~
407 ~~of the prior county fiscal year.~~

408 ~~(6) The Legislative Budget Commission may approve increases~~
409 ~~to the maximum annual budgets approved for individual clerks of~~
410 ~~the court pursuant to this section for court-related duties, if~~
411 ~~either of the following conditions exist:~~

412 ~~(a) The additional funding is necessary to pay the cost of~~
413 ~~performing new or additional functions required by changes in~~
414 ~~law or court rule. Before the Legislative Budget Commission may~~
415 ~~approve an increase in the maximum annual budget of any clerk~~
416 ~~under this paragraph, the Clerk of the Court Operations~~
417 ~~Corporation must provide the Legislative Budget Commission with~~



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418 ~~a statement of the impact of the proposed budget changes on~~
419 ~~state revenues, and evidence that the respective clerk of the~~
420 ~~court is meeting or exceeding the established performance~~
421 ~~standards for measures on the fiscal management, operational~~
422 ~~efficiency, and effective collection of fines, fees, service~~
423 ~~charges, and court costs.~~

424 ~~(b) The additional funding is necessary to pay the cost of~~
425 ~~supporting increases in the number of judges or magistrates~~
426 ~~authorized by the Legislature. Before the Legislative Budget~~
427 ~~Commission may approve an increase in the maximum annual budget~~
428 ~~of any clerk under this paragraph, the Clerk of the Court~~
429 ~~Operations Corporation must provide the Legislative Budget~~
430 ~~Commission with a statement of the impact of the proposed budget~~
431 ~~changes on state revenues; evidence that the respective clerk of~~
432 ~~the court is meeting or exceeding the established performance~~
433 ~~standards for measures on the fiscal management, operational~~
434 ~~efficiency, and effective collection of fines, fees, service~~
435 ~~charges, and court costs; and a proposed staffing model,~~
436 ~~including the cost and number of staff necessary to support each~~
437 ~~new judge or magistrate.~~

438
439 ~~The total amount of increases approved by the Legislative Budget~~
440 ~~Commission for each county fiscal year shall not exceed an~~
441 ~~amount equal to 2 percent of the maximum annual budgets approved~~
442 ~~pursuant to this section for all clerks, in the aggregate, for~~
443 ~~that same county fiscal year.~~

444 ~~(10)(7) The Chief Financial Officer and the corporation may~~
445 ~~submit proposed legislation to the Governor, the President of~~
446 ~~the Senate, and the Speaker of the House of Representatives~~



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447 relating to the preparation of budget requests of the clerks of
448 court and the recommendations of the Chief Financial Officer ~~ne~~
449 ~~later than November 1 in any year for approval of clerk budget~~
450 ~~request amounts exceeding the restrictions in this section for~~
451 ~~the following October 1. If proposed legislation is recommended,~~
452 ~~the corporation shall also submit supporting justification with~~
453 ~~sufficient detail to identify the specific proposed expenditures~~
454 ~~that would cause the limitations to be exceeded for each~~
455 ~~affected clerk and the estimated fiscal impact on state~~
456 ~~revenues.~~

457 Section 3. Section 142.01, Florida Statutes, is amended to
458 read:

459 142.01 Fine and forfeiture fund; disposition of revenue;
460 clerk of the circuit court.-

461 (1) There shall be established by the clerk of the circuit
462 court in each county of this state a separate fund to be known
463 as the fine and forfeiture fund for use by the clerk of the
464 circuit court in performing court-related functions. The fund
465 shall consist of the following:

466 (a) ~~(1)~~ Fines and penalties pursuant to ss. 28.2402(2),
467 34.045(2), 316.193, 327.35, 327.72, 379.2203(1), and 775.083(1).

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

470 (c) ~~(3)~~ Court costs pursuant to ss. 28.2402(1)(b),
471 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a) and
472 (11)(a), and 938.05(3).

473 (d) ~~(4)~~ Proceeds from forfeited bail bonds, unclaimed bonds,
474 unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a),
475 379.2203(1), and 903.26(3)(a).



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

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

479 (2) All revenues received by the clerk in the fine and
480 forfeiture fund for funding of court-related duties shall be
481 remitted monthly to the Department of Revenue for deposit into
482 the Administrative Trust Fund within the Department of Financial
483 Services.

484 (3) Notwithstanding the provisions of this section, all
485 fines and forfeitures arising from operation of the provisions
486 of s. 318.1215 shall be disbursed in accordance with that
487 section.

488 Section 4. Subsection (4) of section 28.37, Florida
489 Statutes, is amended to read:

490 28.37 Fines, fees, service charges, and costs remitted to
491 the state.—

492 (4) Beginning January 1, 2005, for the period July 1, 2004,
493 through September 30, 2004, and each January 1 thereafter for
494 the preceding county fiscal year of October 1 through September
495 30, the clerk of the court must remit to the Department of
496 Revenue for deposit in the General Revenue Fund the cumulative
497 excess of all fees, service charges, court costs, and fines
498 retained by the clerks of the court, ~~plus any funds received by~~
499 ~~the clerks of the court from the Department of Revenue Clerk of~~
500 ~~the Court Trust Fund under s. 28.36(4)(a),~~ over the amount
501 needed to meet the approved budget amounts established under s.
502 28.36.

503 Section 5. The clerks of court shall provide financial data
504 concerning their expenditures on court-related duties to the



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505 Executive Office of the Governor for the purposes contained in
506 SB 1796 or similar legislation.

507 Section 6. The sum of \$112,845,078 is appropriated from the
508 Administrative Trust Fund within the Department of Financial
509 Services to the Chief Financial Officer for the clerk of court
510 budgets for the last quarter of the 2008-2009 county fiscal
511 year, and \$338,535,234 is appropriated from the Administrative
512 Trust Fund to the Chief Financial Officer for the clerks of
513 court for the first three quarters of the 2009-2010 county
514 fiscal year.

515 Section 7. The Legislature finds and declares that this act
516 fulfills an important state interest.

517 Section 8. This act shall take effect July 1, 2009.

518
519 ===== T I T L E A M E N D M E N T =====

520 And the title is amended as follows:

521 Delete everything before the enacting clause
522 and insert:

523 A bill to be entitled
524 An act relating to the clerks of court; amending s.
525 28.35, F.S.; requiring the Florida Clerks of Court
526 Operations Corporation to establish a process to
527 review and certify budget requests of the clerks of
528 court; conforming cross-references; deleting
529 provisions relating to the certification of the amount
530 of the proposed budget for each clerk; amending s.
531 28.36, F.S.; providing a procedure for preparing
532 budget requests for the court-related functions of
533 clerks of court; requiring clerks to submit budget



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534 requests to the Florida Clerks of Court Operations
535 Corporation; requiring the corporation to determine
536 whether court-related revenues are less than the
537 proposed budget for a clerk; requiring a clerk of
538 court to prepare a budget request based on specified
539 core services; requiring the corporation to compare a
540 clerk's expenditures and costs with the clerk's peer
541 group; limiting salary adjustments for employees of a
542 clerk of court based on salary adjustments for career
543 service employees; requiring the Chief Financial
544 Officer to review the recommendations of the
545 corporation relating to the budget requests of the
546 clerks of court; requiring the Chief Financial Officer
547 to release appropriations to the clerks of court
548 quarterly; adjusting the release of funds based on
549 performance of certain service units by the clerk;
550 amending s. 142.01, F.S.; requiring the deposit of
551 revenues received in the fine and forfeiture funds of
552 the clerks of court into the Department of Financial
553 Services' Administrative Trust Fund; amending s.
554 28.27, F.S.; deleting a provision relating to the
555 funding of the clerks of court from a specified trust
556 fund to conform to changes made by the act; requiring
557 that the clerks of court submit financial data to the
558 Executive Office of the Governor; providing
559 appropriations; providing a finding that the act
560 fulfills an important state interest; providing an
561 effective date.