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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Criminal and Civil Justice Appropriations  
(Crist) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (4) of section 28.36, Florida  
Statutes, is amended to read:

28.36 Budget procedure.—There is hereby established a  
budget procedure for the court-related functions of the clerks  
of the court.

(4) If a clerk of the court estimates that available funds  
plus projected revenues from fines, fees, service charges, and



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13 costs for court-related services are insufficient to meet the  
14 anticipated expenditures for the standard list of court-related  
15 functions in s. 28.35(4) (a) performed by his or her office, the  
16 clerk must report the revenue deficit to the Clerks of Court  
17 Operations Corporation in the manner and form prescribed by the  
18 corporation pursuant to contract with the Chief Financial  
19 Officer. The corporation shall verify that the proposed budget  
20 is limited to the standard list of court-related functions in s.  
21 28.35(4) (a).

22 (a) If the corporation verifies that the proposed budget is  
23 limited to the standard list of court-related functions in s.  
24 28.35(4) (a) and a revenue deficit is projected, a clerk seeking  
25 to retain revenues pursuant to this subsection shall increase  
26 all fees, service charges, and any other court-related clerk  
27 fees and charges to the maximum amounts specified by law or the  
28 amount necessary to resolve the deficit, whichever is less. If,  
29 after increasing fees, service charges, and any other court-  
30 related clerk fees and charges to the maximum amounts specified  
31 by law, a revenue deficit is still projected, the corporation  
32 shall, pursuant to the terms of the contract with the Chief  
33 Financial Officer, certify a revenue deficit and notify the  
34 Department of Revenue that the clerk is authorized to retain  
35 revenues, in an amount necessary to fully fund the projected  
36 revenue deficit, which he or she would otherwise be required to  
37 remit to the Department of Revenue for deposit into the  
38 Department of Revenue Clerks of the Court Trust Fund pursuant to  
39 s. 28.37. If a revenue deficit is projected for that clerk after  
40 retaining all of the projected collections from the court-  
41 related fines, fees, service charges, and costs, the Department



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42 of Revenue shall certify the amount of the revenue deficit  
43 amount to the Executive Office of the Governor and request  
44 release authority for funds appropriated for this purpose from  
45 the Department of Revenue Clerks of the Court Trust Fund.  
46 Notwithstanding provisions of s. 216.192 related to the release  
47 of funds, the Executive Office of the Governor may approve the  
48 release of funds appropriated to resolve projected revenue  
49 deficits in accordance with the notice, review, and objection  
50 procedures set forth in s. 216.177 and shall provide notice to  
51 the Chief Financial Officer. The Department of Revenue is  
52 directed to request monthly distributions from the Chief  
53 Financial Officer in equal amounts to each clerk certified to  
54 have a revenue deficit, in accordance with the releases approved  
55 by the Governor.

56 (b) If the Chief Financial Officer finds the court-related  
57 budget proposed by a clerk includes functions not included in  
58 the standard list of court-related functions in s. 28.35(4)(a),  
59 the Chief Financial Officer shall notify the clerk of the amount  
60 of the proposed budget not eligible to be funded from fees,  
61 service charges, costs, and fines for court-related functions  
62 and shall identify appropriate corrective measures to ensure  
63 budget integrity. The clerk shall then immediately discontinue  
64 all ineligible expenditures of court-related funds for this  
65 purpose and reimburse the Clerks of the Court Trust Fund for any  
66 previously ineligible expenditures made for non-court-related  
67 functions, and shall implement any corrective actions identified  
68 by the Chief Financial Officer.

69 (b)1. Each clerk shall prepare his or her budget using  
70 prior-year expenditures, unit costs, and the proposed budget



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71 specified in these core services:

- 72 a. Case processing;
- 73 b. Financial processing;
- 74 c. Jury management; and
- 75 d. Information and reporting.

76 2. Central administrative costs shall be allocated among  
77 the core-services categories. The unit cost for the core  
78 services must be identified for each clerk in his or her budget  
79 pursuant to instructions to be provided by the corporation.

80 (c) The corporation shall review each individual clerk's  
81 budget, prior-year expenditures, unit costs, and the proposed  
82 budget for each of the core-services categories. The corporation  
83 shall compare each clerk's prior-year expenditures and unit  
84 costs for core services with a peer group of clerk offices  
85 having a population of a similar size and a similar number of  
86 case filings. If the corporation finds that the expenditures,  
87 unit costs, or budget of a clerk are significantly higher than  
88 those of clerks in that clerk's peer group, the corporation  
89 shall require the clerk to submit documentation justifying the  
90 difference in each core-services category. Justification for  
91 higher expenditures may include, but need not be limited to,  
92 collective bargaining agreements, county civil service  
93 agreements, the cost of retirement programs, and the number and  
94 distribution of courthouses served by the clerk. If the  
95 expenditures and unit costs are not justified, the corporation  
96 shall make a reduction in the funding for that core-services  
97 category in the budget to an amount similar to the peer group of  
98 clerks or to an amount that the corporation determines is  
99 justified.



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100           (d) The salaries provided to employees of a clerk of court  
101 may be adjusted only by the average percentage increase or  
102 decrease in the salaries of state career service employees for  
103 the current state fiscal year. The corporation shall review  
104 prior-year expenditures and proposed budgets to ensure that each  
105 clerk of court complies with this paragraph. If the corporation  
106 finds that a clerk violated this paragraph, the corporation  
107 shall reduce the budget for a clerk violating this paragraph by  
108 the amount of the unauthorized expenditure.

109           Section 2. This act shall take effect July 1, 2009.

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

112 And the title is amended as follows:

113           Delete everything before the enacting clause  
114 and insert:

115  
116                           A bill to be entitled  
117           An act relating to the clerks of court; amending s.  
118           28.36, F.S.; providing a procedure for preparing  
119           budget for the court-related functions of clerks of  
120           court; requiring a clerk of court to prepare a budget  
121           based on specified core services; requiring the  
122           corporation to compare a clerk's expenditures and  
123           costs with the clerk's peer group; limiting salary  
124           adjustments for employees of a clerk of court based on  
125           salary adjustments for career service employees;  
126           providing an effective date.