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

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



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

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

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



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70 specified in these core services:

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

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

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



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

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

109
110 ===== T I T L E A M E N D M E N T =====

111 And the title is amended as follows:

112 Delete everything before the enacting clause
113 and insert:

114 A bill to be entitled

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