

By the Committee on Judiciary; and Senator Pruitt

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1 A bill to be entitled
2 An act relating to state court funding; providing
3 legislative findings and intent; providing duties of
4 the Florida Clerks of Court Operations Corporation;
5 requiring the clerks of court to submit a consolidated
6 legislative budget request by a specified date;
7 providing for transition procedures; requiring the
8 Office of Program Policy Analysis and Government
9 Accountability to monitor implementation of the
10 transition to the legislative appropriation of funds;
11 amending s. 25.241, F.S.; requiring the Clerk of the
12 Supreme Court to deposit the additional fee collected
13 from each attorney appearing pro hac vice into the
14 State Courts Revenue Trust Fund instead of the General
15 Revenue Fund; requiring the clerk to remit a filing
16 fee to the Department of Revenue for deposit into the
17 State Courts Revenue Trust Fund instead of the General
18 Revenue Fund; deleting the requirement of the Chief
19 Financial Officer to deposit certain filing fees into
20 the General Revenue Fund and into the state court's
21 Operating Trust Fund; amending s. 28.101, F.S.;
22 requiring the clerk of court to collect and receive a
23 certain monetary amount from a petitioner for
24 dissolution of marriage to be deposited into the State
25 Courts Revenue Trust Fund instead of the General
26 Revenue Fund; amending s. 28.241, F.S.; requiring a
27 clerk of court to remit a certain monetary amount from
28 a party that institutes a civil action or proceeding
29 or that seeks relief by a cross-claim or counterclaim

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30 to the Department of Revenue for deposit into the
31 State Courts Revenue Trust Fund instead of the General
32 Revenue Fund or the state courts' Mediation and
33 Arbitration; revising certain fees; amending s. 28.35,
34 F.S.; revising the duties of the Florida Clerks of
35 Court Operations Corporation; providing that the
36 corporation is the budget entity into which the budget
37 of each clerk of court is appropriated annually;
38 deleting the provision that subjects the corporation
39 to the procurement provisions of ch. 287, F.S.;
40 revising the duties of the corporation; deleting the
41 provision that requires the corporation to certify
42 certain budgetary responsibilities to the Legislature,
43 the Chief Financial Officer, and the Department of
44 Revenue; deleting the provision that requires the
45 Chief Financial Officer to review the certifications
46 and submit a report of its findings to the Legislature
47 and the Department of Revenue; deleting the list of
48 court-related functions that each clerk may and may
49 not fund from filing fees, service charges, court
50 costs, and fines; deleting provisions regarding the
51 funding of the corporation; requiring the Auditor
52 General to conduct an audit of the operations of the
53 corporation, including the use of funds and compliance
54 with state law; repealing s. 28.36, F.S., relating to
55 the budget procedure for the court-related functions
56 of the clerks of court; requiring the Division of
57 Statutory Revision to conform adjustments to ch. 216,
58 F.S., to provide the clerks of court with an annual

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59 appropriation by the Legislature through the
60 corporation; amending s. 34.041, F.S.; requiring a
61 clerk of court to remit to the Department of Revenue
62 for deposit into the State Courts Revenue Trust Fund
63 instead of the General Revenue Fund or the state
64 courts' Mediation and Arbitration a certain monetary
65 amount from a party who institutes a civil action or
66 proceeding in county court, seeks relief by a cross-
67 claim, counterclaim, or third-party complaint, or
68 files a notice of cross-appeal or notice of joinder;
69 amending s. 35.22, F.S.; requiring clerks of district
70 courts to remit certain filing fees to the State
71 Courts Revenue Trust Fund instead of the General
72 Revenue Fund; amending s. 216.011, F.S.; redefining
73 the term "state agency" or "agency" as it relates to
74 the fiscal affairs of the state; amending s. 318.14,
75 F.S.; requiring a portion of a civil penalty for a
76 traffic infraction be deposited in the General Revenue
77 Fund instead of the State Courts Revenue Trust Fund;
78 amending s. 318.18, F.S.; requiring that the revenue
79 from the administrative fee for noncriminal moving and
80 nonmoving traffic violations be deposited into the
81 State Courts Revenue Trust Fund instead of the fine
82 and forfeiture fund; amending s. 318.21, F.S.;

83 requiring that fines assessed for unlawful speeding be
84 deposited into the General Revenue Fund instead of the
85 State Courts Revenue Trust Fund; amending s. 775.083,
86 F.S.; requiring that fines assessed for certain
87 criminal offenses be deposited in the General Revenue

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88 Fund instead of the State Courts Revenue Trust Fund;
89 providing effective dates.

90
91 Be It Enacted by the Legislature of the State of Florida:

92
93 Section 1. Legislative findings and intent.—

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

100 (2) It is, therefore, the intent of the Legislature to
101 facilitate the orderly transition from the current clerk
102 budgeting processes prescribed in ss. 28.35 and 28.36, Florida
103 Statutes, to the legislative appropriation of funds for the
104 court-related functions of the clerks using planning and
105 budgeting processes consistent with those prescribed in chapter
106 216, Florida Statutes.

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

108 (a) Each clerk of court continue to operate under ss. 28.35
109 and 28.36, Florida Statutes, for budgeting and expenditure
110 purposes until October 1, 2010, while simultaneously developing
111 the infrastructure, procedures, and accounting protocols to
112 begin receiving appropriations under the appropriations act, as
113 defined in s. 216.011, Florida Statutes, starting October 1,
114 2010.

115 (b) The Florida Clerks of Court Operations Corporation
116 develop, no later than August 1, 2009, preliminary procedures

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117 for the clerks to identify and report budget needs to the
118 corporation in a manner consistent with the annual legislative
119 appropriations process. The corporation shall finalize these
120 procedures by January 1, 2010.

121 (c) Each clerk of court submit, through the Florida Clerks
122 of Court Operations Corporation, a consolidated legislative
123 budget request by October 15, 2009, for the period between
124 October 1, 2010, and June 30, 2011, using the preliminary
125 procedures for identifying and reporting budget needs developed
126 by the corporation.

127 (d) The Florida Clerks of Court Operations Corporation
128 develop procedures and criteria for the allocation of
129 legislative appropriations among the clerks of court.

130 (e) The Legislature enact the necessary statutory changes
131 during the 2010 Regular Session to provide for fines, fees,
132 service charges, and costs collected by the clerks of court in
133 connection with court-related functions to be remitted to the
134 state, starting July 1, 2010, rather than retained by the
135 clerks.

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

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

143 (h) The clerks of court continue to operate on a fiscal
144 year beginning October 1 and ending on September 30, and the
145 Legislature appropriate funds in the appropriations act in a

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146 manner and with necessary authority for the clerks to expend
147 appropriations beyond the end of each state fiscal year through
148 September 30 of the next subsequent fiscal year.

149 (i) Employees of the clerks of court remain county
150 employees, and the clerks continue to allocate costs among these
151 employees based on each employee's performance of court-related
152 functions and noncourt-related functions.

153 (j) The Chief Financial Officer, the Florida Clerks of
154 Court Operations Corporation, and the appropriations committees
155 of the Senate and the House of Representatives work with the
156 clerks of court and the Florida Association of Court Clerks and
157 Comptrollers to effectuate the transition prescribed in this
158 section and this act.

159 (k) The Office of Program Policy Analysis and Government
160 Accountability monitor implementation of the transition plan
161 prescribed in this section, as well as implementation of the
162 other provisions of this act, and provide four brief status
163 reports to the President of the Senate and the Speaker of the
164 House of Representatives by September 1, 2009; December 1, 2009;
165 March 1, 2010; and July 1, 2010. At a minimum, the reports must
166 identify any impediments in implementation.

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

169 25.241 Clerk of Supreme Court; compensation; assistants;
170 filing fees, etc.—

171 (3) (a) The Clerk of the Supreme Court is hereby required to
172 collect, upon the filing of a certified copy of a notice of
173 appeal or petition, \$300 for each case docketed, and for
174 copying, certifying, or furnishing opinions, records, papers, or

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175 other instruments, except as otherwise herein provided, the same
176 fees that are allowed clerks of the circuit court; however, no
177 fee shall be less than \$1. The State of Florida or its agencies,
178 when appearing as appellant or petitioner, is exempt from the
179 filing fees required in this subsection. From each attorney
180 appearing pro hac vice, the Clerk of the Supreme Court shall
181 collect an additional fee of \$100 to be deposited into the State
182 Courts Revenue Trust Fund ~~General Revenue Fund~~.

183 (b) Upon the filing of a notice of cross-appeal, or a
184 notice of joinder or motion to intervene as an appellant, cross-
185 appellant, or petitioner, the Clerk of the Supreme Court shall
186 charge and collect a filing fee of \$295. The clerk shall remit
187 the fee to the Department of Revenue for deposit into the State
188 Courts Revenue Trust Fund ~~General Revenue Fund~~. The state and
189 its agencies are exempt from the filing fee required in this
190 paragraph.

191 (5) The Clerk of the Supreme Court is hereby required to
192 prepare a statement of all fees collected each month and remit
193 such statement, together with all fees collected by him or her,
194 to the Chief Financial Officer. ~~The Chief Financial Officer~~
195 ~~shall deposit \$250 of each \$300 filing fee and all other fees~~
196 ~~collected into the General Revenue Fund. The Chief Financial~~
197 ~~Officer shall deposit \$50 of each filing fee collected into the~~
198 ~~state court's Operating Trust Fund to fund court improvement~~
199 ~~projects as authorized in the General Appropriations Act.~~

200 Section 3. Paragraph (d) of subsection (1) of section
201 28.101, Florida Statutes, is amended to read:

202 28.101 Petitions and records of dissolution of marriage;
203 additional charges.-

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

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

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

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

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

216 28.241 Filing fees for trial and appellate proceedings.—

217 (1) (a) The party instituting any civil action, suit, or
218 proceeding in the circuit court shall pay to the clerk of that
219 court a filing fee of ~~up to~~ \$295 in all cases in which there are
220 not more than five defendants and an additional filing fee of ~~up~~
221 ~~to~~ \$2.50 for each defendant in excess of five. Of the first \$85
222 in filing fees, \$80 must be remitted by the clerk to the
223 Department of Revenue for deposit into the State Courts Revenue
224 Trust Fund ~~General Revenue Fund~~, and \$5 must be remitted to the
225 Department of Revenue for deposit into the Department of
226 Financial Services' Administrative Trust Fund to fund the
227 contract with the Florida Clerks of Court Operations Corporation
228 created in s. 28.35. The next \$15 of the filing fee collected
229 shall be deposited in the State Courts Revenue Trust Fund ~~state~~
230 ~~courts' Mediation and Arbitration Trust Fund~~. One-third of any
231 filing fees collected by the clerk of the circuit court in
232 excess of \$100 shall be remitted to the Department of Revenue

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233 for deposit into the Department of Revenue Clerks of the Court
234 Trust Fund. An additional filing fee of \$4 shall be paid to the
235 clerk. The clerk shall remit \$3.50 to the Department of Revenue
236 for deposit into the Court Education Trust Fund and shall remit
237 50 cents to the Department of Revenue for deposit into the
238 Department of Financial Services Administrative Trust Fund to
239 fund clerk education. An additional filing fee of ~~up to~~ \$18
240 shall be paid by the party seeking each severance that is
241 granted. The clerk may impose an additional filing fee of ~~up to~~
242 \$85 for all proceedings of garnishment, attachment, replevin,
243 and distress. Postal charges incurred by the clerk of the
244 circuit court in making service by certified or registered mail
245 on defendants or other parties shall be paid by the party at
246 whose instance service is made. No additional fees, charges, or
247 costs shall be added to the filing fees imposed under this
248 section, except as authorized herein or by general law.

249 (c) Any party other than a party described in paragraph (a)
250 who files a pleading in an original civil action in circuit
251 court for affirmative relief by cross-claim, counterclaim, or
252 third-party complaint shall pay the clerk of court a fee of
253 \$295. The clerk shall remit the fee to the Department of Revenue
254 for deposit into the State Courts Revenue Trust Fund ~~General~~
255 ~~Revenue Fund~~.

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

258 28.35 Florida Clerks of Court Operations Corporation.—

259 (2) The duties of the corporation shall include the
260 following:

261 (a) Adopting a plan of operation.

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262 (b) Conducting the election of directors as required in
263 paragraph (1) (a).

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

269 (d) Pursuant to contract with the Chief Financial Officer,
270 establishing a process for the review and certification of
271 proposed court-related budgets submitted by clerks of the court
272 for completeness and compliance with this section and ss. 28.36
273 and 28.37. This process shall be designed and be of sufficient
274 detail to permit independent verification and validation of the
275 budget certification. The contract shall specify the process to
276 be used in determining compliance by the corporation with this
277 section and ss. 28.36 and 28.37.

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

290 (f) Reviewing and certifying proposed budgets submitted by

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291 clerks of the court utilizing the process approved by the Chief
292 Financial Officer pursuant to paragraph (d) for the purpose of
293 making the certification in paragraph (3) (a). As part of this
294 process, the corporation shall:

295 1. Calculate the maximum authorized annual budget pursuant
296 to the requirements of s. 28.36.

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

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

303 4. Identify those clerks projected to have court-related
304 revenues insufficient to fund their anticipated court-related
305 expenditures.

306 (g) Developing and conducting clerk education programs.

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

310 (i) Developing a legislative budget request for the 2010-
311 2011 fiscal year in conformance with chapter 216 in preparation
312 for the transition of clerk budget processes to legislative
313 appropriation beginning in the 2010-2011 fiscal year. The
314 legislative budget request shall include a stated number of
315 full-time employees, salaries, and benefits for such employees,
316 as well as other budget categories provided by chapter 216.

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

319 28.35 Florida Clerks of Court Operations Corporation.—

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320 (1) (a) The Florida Clerks of Court Operations Corporation
321 is hereby created as a public corporation and a body corporate
322 and politic organized to perform the functions specified in this
323 section. All clerks of the circuit court shall be members of the
324 corporation and hold their position and authority in an ex
325 officio capacity. The corporation is the budget entity into
326 which the budget of each clerk of court shall be appropriated
327 annually by the Legislature. The functions assigned to the
328 corporation shall be performed by an executive council pursuant
329 to the plan of operation approved by the members.

330 (b) The executive council shall be composed of eight clerks
331 of the court elected by the clerks of the courts for a term of 2
332 years, with two clerks from counties with a population of fewer
333 than 100,000, two clerks from counties with a population of at
334 least 100,000 but fewer than 500,000, two clerks from counties
335 with a population of at least 500,000 but fewer than 1 million,
336 and two clerks from counties with a population of more than 1
337 million.

338 (c) The corporation shall be considered a political
339 subdivision of the state and shall be exempt from the corporate
340 income tax. ~~The corporation is not subject to the procurement~~
341 ~~provisions of chapter 287 and~~ policies and decisions of the
342 corporation relating to incurring debt, levying assessments, and
343 the sale, issuance, continuation, terms, and claims under
344 corporation policies, and all services relating thereto, are not
345 subject to the provisions of chapter 120.

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

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349 (2) The duties of the corporation shall include the
350 following:

351 (a) Adopting a plan of operation.

352 (b) Conducting the election of directors as required in
353 paragraph (1) (a).

354 ~~(c) Recommending to the Legislature changes in the various~~
355 ~~court related fines, fees, service charges, and court costs~~
356 ~~established by law to ensure reasonable and adequate funding of~~
357 ~~the clerks of the court in the performance of their court-~~
358 ~~related functions.~~

359 (c) ~~(d)~~ Pursuant to contract with the Chief Financial
360 Officer, establishing a legislative budget request for the
361 clerks of court in conformance with the provisions of chapter
362 216 process for the review and certification of proposed court-
363 related budgets submitted by clerks of the court for
364 completeness and compliance with this section and ss. 28.36 and
365 28.37. This process shall be designed and be of sufficient
366 detail to permit independent verification and validation of the
367 budget certification. The contract shall specify the process to
368 be used in determining compliance by the corporation with this
369 section and ss. 28.36 and 28.37.

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

373 (e) Developing and certifying a uniform system of
374 performance measures and applicable performance standards ~~for~~
375 ~~the functions specified in paragraph (4) (a) and clerk~~
376 performance in meeting the performance standards. These measures
377 and standards shall be designed to facilitate an objective

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378 determination of the performance of each clerk in accordance
379 with minimum standards for fiscal management, operational
380 efficiency, and effective collection of fines, fees, service
381 charges, and court costs. When the corporation finds a clerk has
382 not met the performance standards, the corporation shall
383 identify the nature of each deficiency and any corrective action
384 recommended and taken by the affected clerk of the court.

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

390 1. ~~Calculate the maximum authorized annual budget pursuant~~
391 ~~to the requirements of s. 28.36.~~

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

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

398 4. ~~Identify those clerks projected to have court-related~~
399 ~~revenues insufficient to fund their anticipated court-related~~
400 ~~expenditures.~~

401 (f)(g) Developing and conducting clerk education programs.

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

405 ~~(i) Developing a legislative budget request for the 2010-~~
406 ~~2011 fiscal year in conformance with chapter 216 in preparation~~

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407 ~~for the transition of clerk budget processes to legislative~~
408 ~~appropriation beginning in 2010-2011 fiscal year.~~

409 ~~(3) (a) The Clerks of Court Operations Corporation shall~~
410 ~~certify to the President of the Senate, the Speaker of the House~~
411 ~~of Representatives, the Chief Financial Officer, and the~~
412 ~~Department of Revenue by October 15 of each year, the amount of~~
413 ~~the proposed budget certified for each clerk; the revenue~~
414 ~~projection supporting each clerk's budget; each clerk eligible~~
415 ~~to retain some or all of the state's share of fines, fees,~~
416 ~~service charges, and costs; the amount to be paid to each clerk~~
417 ~~from the Clerks of the Court Trust Fund within the Department of~~
418 ~~Revenue; the performance measures and standards approved by the~~
419 ~~corporation for each clerk; and the performance of each clerk in~~
420 ~~meeting the performance standards.~~

421 ~~(b) Prior to December 1 of each year, the Chief Financial~~
422 ~~Officer shall review the certifications made by the corporation~~
423 ~~for the purpose of determining compliance with the approved~~
424 ~~process and report its findings to the President of the Senate,~~
425 ~~the Speaker of the House of Representatives and to the~~
426 ~~Department of Revenue. To determine compliance with this~~
427 ~~process, the Chief Financial Officer may examine the budgets~~
428 ~~submitted to the corporation by the clerks.~~

429 ~~(4) (a) The list of court related functions clerks may fund~~
430 ~~from filing fees, service charges, court costs, and fines shall~~
431 ~~be limited to those functions expressly authorized by law or~~
432 ~~court rule. Those functions must include the following: case~~
433 ~~maintenance; records management; court preparation and~~
434 ~~attendance; processing the assignment, reopening, and~~
435 ~~reassignment of cases; processing of appeals; collection and~~

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436 ~~distribution of fines, fees, service charges, and court costs;~~
437 ~~processing of bond forfeiture payments; payment of jurors and~~
438 ~~witnesses; payment of expenses for meals or lodging provided to~~
439 ~~jurors; data collection and reporting; processing of jurors;~~
440 ~~determinations of indigent status; and reasonable administrative~~
441 ~~support costs to enable the clerk of the court to carry out~~
442 ~~these court-related functions.~~

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

445 ~~1. These functions not specified within paragraph (a).~~

446 ~~2. Functions assigned by administrative orders which are~~
447 ~~not required for the clerk to perform the functions in paragraph~~
448 ~~(a).~~

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

451 ~~4. Functions identified as local requirements in law or~~
452 ~~local optional programs.~~

453 ~~(5) The corporation shall be funded pursuant to contract~~
454 ~~with the Chief Financial Officer. Funds shall be provided to the~~
455 ~~Chief Financial Officer for this purpose as appropriated by~~
456 ~~general law. These funds shall be available to the corporation~~
457 ~~for the performance of the duties and responsibilities as set~~
458 ~~forth in this section. The corporation may hire staff and pay~~
459 ~~other expenses from these funds as necessary to perform the~~
460 ~~official duties and responsibilities of the corporation as~~
461 ~~described in this section.~~

462 ~~(2)~~(6) (a) The corporation shall submit an annual audited
463 financial statement to the Auditor General in a form and manner
464 prescribed by the Auditor General. The Auditor General shall

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465 conduct an annual audit of the operations of the corporation,
466 including the use of funds and compliance with state law ~~the~~
467 ~~provisions of this section and ss. 28.36 and 28.37.~~

468 (b) Certified public accountants conducting audits of
469 counties pursuant to s. 218.39 shall report, as part of the
470 audit, whether or not the clerks of the courts have complied
471 with the budgets certified by the Florida Clerk of Courts
472 Operations Corporation pursuant to the budget review process
473 pursuant to contract with the Chief Financial Officer and with
474 the performance standards developed and certified pursuant to
475 this section. The Auditor General shall develop a compliance
476 supplement for the audit of compliance with the budgets and
477 applicable performance standards certified by the corporation.

478 Section 7. Effective October 1, 2010, section 28.36,
479 Florida Statutes, is repealed.

480 Section 8. The Division of Statutory Revision shall make
481 such conforming adjustments to chapter 216, Florida Statutes, to
482 effectuate the intent of the Legislature to provide the clerks
483 of court with an annual appropriation by the Legislature through
484 the Florida Clerk of Courts Operations Corporation. Such
485 amendments must include adjustments to statutes providing for
486 the presentation of a recommended budget, the adjustment of
487 budgets, and providing authority when there is a deficit in the
488 General Revenue Fund.

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

491 34.041 Filing fees.—

492 (1) (a) Upon the institution of any civil action, suit, or
493 proceeding in county court, the party shall pay the following

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494 filing fee, ~~not to exceed:~~

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

496 2. For all claims of \$100 or more but not more

497 than \$500.....\$75.

498 3. For all claims of more than \$500 but not more than

499 \$2,500.....\$170.

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

501 5. In addition, for all proceedings of garnishment,

502 attachment, replevin, and distress.....\$85.

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

504 (b) The first \$80 of the filing fee collected under

505 subparagraph (a)4. shall be remitted to the Department of

506 Revenue for deposit into the State Courts Revenue Trust Fund

507 ~~General Revenue Fund~~. The next \$15 of the filing fee collected

508 under subparagraph (a)4., and the first \$15 of each filing fee

509 collected under subparagraph (a)6., shall be deposited in the

510 State Courts Revenue ~~state courts' Mediation and Arbitration~~

511 Trust Fund. Of the amount collected under subparagraph (a)6.,

512 \$175 shall be deposited into the State Courts Revenue Trust

513 Fund. One-third of any filing fees collected by the clerk under

514 this section in excess of the first \$95 collected under

515 subparagraph (a)4. shall be remitted to the Department of

516 Revenue for deposit into the Department of Revenue Clerks of the

517 Court Trust Fund. An additional filing fee of \$4 shall be paid

518 to the clerk. The clerk shall transfer \$3.50 to the Department

519 of Revenue for deposit into the Court Education Trust Fund and

520 shall transfer 50 cents to the Department of Revenue for deposit

521 into the Department of Financial Services' Administrative Trust

522 Fund to fund clerk education. Postal charges incurred by the

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523 clerk of the county court in making service by mail on
524 defendants or other parties shall be paid by the party at whose
525 instance service is made. Except as provided herein, filing fees
526 and service charges for performing duties of the clerk relating
527 to the county court shall be as provided in ss. 28.24 and
528 28.241. Except as otherwise provided herein, all filing fees
529 shall be retained as fee income of the office of the clerk of
530 circuit court. Filing fees imposed by this section may not be
531 added to any penalty imposed by chapter 316 or chapter 318.

532 (c) Any party other than a party described in paragraph (a)
533 who files a pleading in an original civil action in the county
534 court for affirmative relief by cross-claim, counterclaim, or
535 third-party complaint, or who files a notice of cross-appeal or
536 notice of joinder or motion to intervene as an appellant, cross-
537 appellant, or petitioner, shall pay the clerk of court a fee of
538 \$295 if the relief sought by the party under this paragraph
539 exceeds \$2,500. This fee shall not apply where the cross-claim,
540 counterclaim, or third-party complaint requires transfer of the
541 case from county to circuit court. The clerk shall deposit ~~remit~~
542 the fee into the State Courts Revenue Trust Fund ~~to the~~
543 ~~Department of Revenue for deposit into the General Revenue Fund.~~

544 (d) The clerk of court shall collect a service charge of
545 \$10 for issuing a summons. The clerk shall assess the fee
546 against the party seeking to have the summons issued.

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

549 35.22 Clerk of district court; appointment; compensation;
550 assistants; filing fees; teleconferencing.-

551 (3)

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552 (b) Upon the filing of a notice of cross-appeal, or a
553 notice of joinder or motion to intervene as an appellant, cross-
554 appellant, or petitioner, the clerk shall charge and collect a
555 filing fee of \$295. The clerk shall remit the fee to the State
556 Courts Revenue Trust Fund ~~Department of Revenue for deposit into~~
557 ~~the General Revenue Fund~~. The state and its agencies are exempt
558 from the filing fee required by this paragraph.

559 (6) Fifty dollars ~~The clerk of each district court of~~
560 ~~appeal is required to deposit all fees collected in the State~~
561 ~~Treasury to the credit of the General Revenue Fund, except that~~
562 ~~\$50~~ of each \$300 filing fee collected shall be deposited into
563 the state court's Operating Trust Fund to fund court improvement
564 projects as authorized in the General Appropriations Act. The
565 remainder shall be remitted to the State Courts Revenue Trust
566 Fund. The clerk shall retain an accounting of each such
567 remittance.

568 Section 11. Paragraph (qq) of subsection (1) of section
569 216.011, Florida Statutes, is amended to read:

570 216.011 Definitions.—

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

574 (qq) "State agency" or "agency" means any official,
575 officer, commission, board, authority, council, committee, or
576 department of the executive branch of state government. For
577 purposes of this chapter and chapter 215, "state agency" or
578 "agency" includes, but is not limited to, state attorneys,
579 public defenders, criminal conflict and civil regional counsel,
580 capital collateral regional counsel, the clerks of court in the

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581 performance of court-related functions, the Justice
582 Administrative Commission, the Florida Housing Finance
583 Corporation, and the Florida Public Service Commission. Solely
584 for the purposes of implementing s. 19(h), Art. III of the State
585 Constitution, the terms "state agency" or "agency" include the
586 judicial branch.

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

590 318.14 Noncriminal traffic infractions; exception;
591 procedures.—

592 (9) Any person who does not hold a commercial driver's
593 license and who is cited for an infraction under this section
594 other than a violation of s. 316.183(2), s. 316.187, or s.
595 316.189 when the driver exceeds the posted limit by 30 miles per
596 hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065,
597 s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court
598 appearance, elect to attend in the location of his or her choice
599 within this state a basic driver improvement course approved by
600 the Department of Highway Safety and Motor Vehicles. In such a
601 case, adjudication must be withheld and points, as provided by
602 s. 322.27, may not be assessed. However, a person may not make
603 an election under this subsection if the person has made an
604 election under this subsection in the preceding 12 months. A
605 person may make no more than five elections within 10 years
606 under this subsection. The requirement for community service
607 under s. 318.18(8) is not waived by a plea of nolo contendere or
608 by the withholding of adjudication of guilt by a court. If a
609 person makes an election to attend a basic driver improvement

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610 course under this subsection, 18 percent of the civil penalty
611 imposed under s. 318.18(3) shall be deposited in the General
612 Revenue Fund ~~State Courts Revenue Trust Fund~~; however, that
613 portion is not revenue for purposes of s. 28.36 and may not be
614 used in establishing the budget of the clerk of the court under
615 that section or s. 28.35.

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

618 318.18 Amount of penalties.—The penalties required for a
619 noncriminal disposition pursuant to s. 318.14 or a criminal
620 offense listed in s. 318.17 are as follows:

621 (18) In addition to any penalties imposed, an
622 administrative fee of \$12.50 must be paid for all noncriminal
623 moving and nonmoving traffic violations under chapter 316.
624 Revenue from the administrative fee shall be deposited by the
625 clerk of court into the State Courts Revenue Trust Fund ~~fine and~~
626 ~~forfeiture fund established pursuant to s. 142.01.~~

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

630 318.21 Disposition of civil penalties by county courts.—All
631 civil penalties received by a county court pursuant to the
632 provisions of this chapter shall be distributed and paid monthly
633 as follows:

634 (20) For fines assessed under s. 318.18(3) for unlawful
635 speed, effective for violations occurring on or after the
636 effective date of this act, the following amounts shall be
637 remitted to the Department of Revenue for deposit in the General
638 Revenue Fund ~~State Courts Revenue Trust Fund~~; however, these

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639 amounts are not revenue for purposes of s. 28.36 and may not be
640 used in establishing the budget of the clerk of the court under
641 that section or s. 28.35:

642

643 For speed exceeding the limit by:

	Fine:
644 1-5 m.p.h.....	\$.00
645 6-9 m.p.h.....	\$.00
646 10-14 m.p.h.....	\$.00
647 15-19 m.p.h.....	\$25
648 20-29 m.p.h.....	\$25
649 30 m.p.h. and above.....	\$.00

650

651

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

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

657 775.083 Fines.—

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

- 666 (a) \$15,000, when the conviction is of a life felony.
- 667 (b) \$10,000, when the conviction is of a felony of the

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668 first or second degree.

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

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

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

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

678 (g) Any higher amount specifically authorized by statute.

679

680 Fines imposed in this subsection shall be deposited by the clerk
681 of the court in the fine and forfeiture fund established
682 pursuant to s. 142.01, except that fines imposed when
683 adjudication is withheld shall be deposited in the General
684 Revenue Fund ~~State Courts Revenue Trust Fund~~, and such fines
685 imposed when adjudication is withheld are not revenue for
686 purposes of s. 28.36 and may not be used in establishing the
687 budget of the clerk of the court under that section or s. 28.35.
688 If a defendant is unable to pay a fine, the court may defer
689 payment of the fine to a date certain. As used in this
690 subsection, the term "convicted" or "conviction" means a
691 determination of guilt which is the result of a trial or the
692 entry of a plea of guilty or nolo contendere, regardless of
693 whether adjudication is withheld.

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