

20092108e1

1 A bill to be entitled
2 An act relating to the clerks of court; amending s.
3 25.381, F.S.; requiring the Supreme Court and Attorney
4 General to jointly enter into a contract with a vendor
5 to publish copies of Florida cases; amending s.
6 28.241, F.S.; redirecting a portion of certain civil
7 filing fees to the Clerks of the Court Trust Fund
8 within the Justice Administrative Commission;
9 eliminating a requirement that a portion of such fees
10 be deposited into the Department of Financial
11 Services' Administrative Trust Fund; amending s.
12 28.246, F.S.; requiring the clerk to refer certain
13 unpaid accounts to a private attorney or a collection
14 agent; amending s. 28.35, F.S.; providing for the
15 Florida Clerks of Court Operations Corporation to be
16 administratively housed within the Justice
17 Administrative Commission; requiring the Chief Justice
18 of the Supreme Court to designate a member of the
19 corporation's executive council to represent the state
20 courts system; deleting provisions exempting the
21 corporation from ch. 287, F.S., relating to
22 procurement, and from ch. 120, F.S., relating to
23 administrative procedures; revising the duties of the
24 corporation; requiring that the Florida Clerks of
25 Court Operations Corporation develop measures and
26 standards for reviewing the performance of clerks of
27 court and notify the Legislature and the Supreme Court
28 of any clerk not meeting the standards; conforming
29 cross-references; deleting provisions relating to the

20092108e1

30 certification of the amount of the proposed budget for
31 each clerk; providing for the clerks of court to be
32 funded pursuant to state appropriations rather than
33 from filing fees, service charges, court costs, and
34 fines; providing for the Florida Clerks of Court
35 Operations Corporation to be funded pursuant to the
36 General Appropriations Act rather than a contract with
37 the Chief Financial Officer; revising requirements for
38 the audits of clerks of court; amending s. 28.36,
39 F.S.; providing a procedure for the clerks of court to
40 prepare budget requests for submission to the Florida
41 Clerks of Court Operations Corporation, with a copy to
42 the Supreme Court; providing requirements for the
43 budget requests; requiring the corporation to
44 determine whether projected court-related revenues are
45 less than the proposed budget for a clerk; requiring
46 that a clerk increase fees and service charges to
47 resolve a deficit; requiring the corporation to
48 compare a clerk's expenditures and costs with the
49 clerk's peer group and for the clerk to submit
50 documentation justifying higher expenditures;
51 requiring that the corporation and the Chief Financial
52 Officer review the clerks' budget requests and make
53 recommendations to the Legislature; authorizing the
54 Chief Financial Officer to conduct, and the Chief
55 Justice of the Supreme Court to request, an audit of
56 the corporation or a clerk of court; providing for the
57 Legislature to make appropriations for the budgets of
58 the clerks; requiring that the corporation release

20092108e1

59 appropriations each quarter; deleting provisions
60 authorizing the Legislative Budget Commission to
61 approve budgets; amending s. 28.37, F.S.; clarifying
62 the requirement for all court-related fines, fees,
63 service charges, and costs to be deposited into the
64 Clerks of the Court Trust Fund; deleting obsolete
65 provisions relating to the funding of the clerks of
66 court; requiring that a specified percentage of all
67 court-related fines collected by the clerk be
68 deposited into the clerk's Public Records
69 Modernization Trust Fund and used exclusively for
70 additional court-related operational needs and
71 programs; amending s. 34.041, F.S., relating to filing
72 fees; conforming provisions to changes made by the
73 act; amending s. 43.16, F.S., relating to the duties
74 of the Justice Administrative Commission; conforming
75 provisions to the transfer of the Florida Clerks of
76 Court Operations Corporation to the commission;
77 amending s. 43.27, F.S.; requiring that the clerk of
78 court obtain the consent of the chief judge of the
79 circuit concerning the clerk's office hours; amending
80 s. 45.035, F.S.; revising the service charge for
81 certain sales conducted by electronic means; requiring
82 the service charge to be paid by the winning bidder;
83 amending s. 142.01, F.S.; requiring the deposit of
84 revenues received in the fine and forfeiture funds of
85 the clerks of court into the Clerks of the Court Trust
86 Fund within the Justice Administrative Commission;
87 amending s. 216.011, F.S.; redefining the term "state

20092108e1

88 agency" for purposes of the fiscal affairs of the
89 state to include the Florida Clerks of Court
90 Operations Corporation; amending s. 197.542, F.S.;
91 adding the costs to conduct an electronic tax deed
92 sale to certain other costs which must be paid by the
93 certificate holder; amending s. 318.18, F.S.;
94 authorizing certain local governments to impose a
95 surcharge on certain infractions or violations to
96 repay bonds relating to court facilities; requiring a
97 clerk of court to report the amount of surcharge
98 collections; requiring that the clerks of court submit
99 financial data to the Executive Office of the
100 Governor; transferring the Clerks of the Court Trust
101 Fund from the Department of Revenue to the Justice
102 Administrative Commission; providing a finding that
103 the act fulfills an important state interest;
104 providing an effective date.

105
106 Be It Enacted by the Legislature of the State of Florida:

107
108 Section 1. Section 25.381, Florida Statutes, is amended to
109 read:

110 25.381 Reports; publication; purchase and distribution.—The
111 reports of the opinions of the Supreme Court and the district
112 courts of appeal shall be known as Florida Cases. In July, 1963,
113 and every second year thereafter until otherwise provided by
114 law, the Supreme Court and the Attorney General shall jointly
115 enter into a contract with a vendor ~~West Publishing Corporation,~~
116 ~~St. Paul, Minnesota,~~ providing for the publication, in whatever

20092108e1

117 format or formats are agreed upon, and distribution of such
118 copies of Florida Cases as necessary to furnish copies thereof
119 to the officers and institutions as required or authorized by
120 law. The copies of such reports purchased by the state under
121 such contract shall be paid for from moneys appropriated for
122 this purpose.

123 Section 2. Subsection (1) of section 28.241, Florida
124 Statutes, is amended to read

125 28.241 Filing fees for trial and appellate proceedings.—

126 (1) (a) The party instituting any civil action, suit, or
127 proceeding in the circuit court shall pay to the clerk of that
128 court a filing fee of up to \$295 in all cases in which there are
129 not more than five defendants and an additional filing fee of up
130 to \$2.50 for each defendant in excess of five. Of the first \$85
131 in filing fees, \$80 must be remitted by the clerk to the
132 Department of Revenue for deposit into the General Revenue Fund,
133 and \$5 must be remitted to the Department of Revenue for deposit
134 into the Clerks of the Court Trust Fund within the Justice
135 Administrative Commission and used ~~Department of Financial~~
136 ~~Services' Administrative Trust Fund~~ to fund the contract with
137 the Florida Clerks of Court Operations Corporation created in s.
138 28.35. The next \$15 of the filing fee collected shall be
139 deposited in the state courts' Mediation and Arbitration Trust
140 Fund. One-third of any filing fees collected by the clerk of the
141 circuit court in excess of \$100 shall be remitted to the
142 Department of Revenue for deposit into the Department of Revenue
143 Clerks of the Court Trust Fund. An additional filing fee of \$4
144 shall be paid to the clerk. The clerk shall remit \$3.50 to the
145 Department of Revenue for deposit into the Court Education Trust

20092108e1

146 Fund and shall remit 50 cents to the Department of Revenue for
147 deposit into the Clerks of the Court ~~Department of Financial~~
148 ~~Services Administrative~~ Trust Fund to fund clerk education. An
149 additional filing fee of up to \$18 shall be paid by the party
150 seeking each severance that is granted. The clerk may impose an
151 additional filing fee of up to \$85 for all proceedings of
152 garnishment, attachment, replevin, and distress. Postal charges
153 incurred by the clerk of the circuit court in making service by
154 certified or registered mail on defendants or other parties
155 shall be paid by the party at whose instance service is made. No
156 additional fees, charges, or costs shall be added to the filing
157 fees imposed under this section, except as authorized herein or
158 by general law.

159 (b) A party reopening any civil action, suit, or proceeding
160 in the circuit court shall pay to the clerk of court a filing
161 fee set by the clerk in an amount not to exceed \$50. For
162 purposes of this section, a case is reopened when a case
163 previously reported as disposed of is resubmitted to a court and
164 includes petitions for modification of a final judgment of
165 dissolution. A party is exempt from paying the fee for any of
166 the following:

- 167 1. A writ of garnishment;
- 168 2. A writ of replevin;
- 169 3. A distress writ;
- 170 4. A writ of attachment;
- 171 5. A motion for rehearing filed within 10 days;
- 172 6. A motion for attorney's fees filed within 30 days after
173 entry of a judgment or final order;
- 174 7. A motion for dismissal filed after a mediation agreement

20092108e1

175 has been filed;

176 8. A disposition of personal property without
177 administration;

178 9. Any probate case prior to the discharge of a personal
179 representative;

180 10. Any guardianship pleading prior to discharge;

181 11. Any mental health pleading;

182 12. Motions to withdraw by attorneys;

183 13. Motions exclusively for the enforcement of child
184 support orders;

185 14. A petition for credit of child support;

186 15. A Notice of Intent to Relocate and any order issuing as
187 a result of an uncontested relocation;

188 16. Stipulations;

189 17. Responsive pleadings; or

190 18. Cases in which there is no initial filing fee.

191 (c) Any party other than a party described in paragraph (a)
192 who files a pleading in an original civil action in circuit
193 court for affirmative relief by cross-claim, counterclaim, or
194 third-party complaint shall pay the clerk of court a fee of
195 \$295. The clerk shall remit the fee to the Department of Revenue
196 for deposit into the General Revenue Fund.

197 (d) The clerk of court shall collect a service charge of
198 \$10 for issuing a summons. The clerk shall assess the fee
199 against the party seeking to have the summons issued.

200 Section 3. Subsection (6) of section 28.246, Florida
201 Statutes, is amended to read:

202 28.246 Payment of court-related fees, charges, and costs;
203 partial payments; distribution of funds.—

20092108e1

204 (6) A clerk of court shall ~~may~~ pursue the collection of any
205 fees, service charges, fines, court costs, and liens for the
206 payment of attorney's fees and costs pursuant to s. 938.29 which
207 remain unpaid after ~~for~~ 90 days by referring ~~or more, or refer~~
208 the account to a private attorney who is a member in good
209 standing of The Florida Bar or collection agent who is
210 registered and in good standing pursuant to chapter 559. In
211 pursuing the collection of such unpaid financial obligations
212 through a private attorney or collection agent, the clerk of the
213 court must have attempted to collect the unpaid amount through a
214 collection court, collections docket, or other collections
215 process, if any, established by the court, find this to be cost-
216 effective and follow any applicable procurement practices. The
217 collection fee, including any reasonable attorney's fee, paid to
218 any attorney or collection agent retained by the clerk may be
219 added to the balance owed in an amount not to exceed 40 percent
220 of the amount owed at the time the account is referred to the
221 attorney or agent for collection.

222 Section 4. Section 28.35, Florida Statutes, is amended to
223 read:

224 28.35 Florida Clerks of Court Operations Corporation.—

225 (1) (a) The Florida Clerks of Court Operations Corporation
226 is ~~hereby~~ created as a public corporation organized to perform
227 the functions specified in this section and s. 28.36, and shall
228 be administratively housed within the Justice Administrative
229 Commission. The corporation shall be a budget entity within the
230 Justice Administrative Commission and its employees shall be
231 considered state employees. All clerks of the circuit court
232 shall be members of the corporation and hold their position and

20092108e1

233 authority in an ex officio capacity. The functions assigned to
234 the corporation shall be performed by an executive council
235 pursuant to the plan of operation approved by the members.

236 (b) The executive council shall be composed of eight clerks
237 of the court elected by the clerks of the courts for a term of 2
238 years, with two clerks from counties with a population of fewer
239 than 100,000, two clerks from counties with a population of at
240 least 100,000 but fewer than 500,000, two clerks from counties
241 with a population of at least 500,000 but fewer than 1 million,
242 and two clerks from counties with a population of more than 1
243 million. In addition to the eight clerks of court serving on the
244 executive council, the Chief Justice of the Supreme Court shall
245 designate one additional member to represent the state courts
246 system.

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

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

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

260 (a) Adopting a plan of operation.

261 (b) Conducting the election of directors as required in

20092108e1

262 paragraph (1) (a).

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

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

277 ~~(d)(e)~~ Developing and certifying a uniform system of
278 performance measures and applicable performance standards for
279 the functions specified in paragraph (3) (a) and the service unit
280 costs required in s. 28.36 paragraph (4) (a) and measures for
281 clerk performance in meeting the performance standards. These
282 measures and standards shall be designed to facilitate an
283 objective determination of the performance of each clerk in
284 accordance with minimum standards for fiscal management,
285 operational efficiency, and effective collection of fines, fees,
286 service charges, and court costs. The corporation shall develop
287 the performance measures and performance standards in
288 consultation with the Legislature and the Supreme Court. The
289 Legislature may modify the clerk performance measures and
290 performance standards in legislation implementing the General

20092108e1

291 Appropriations Act or other law. When the corporation finds a
292 clerk has not met the performance standards, the corporation
293 shall identify the nature of each deficiency and any corrective
294 action recommended and taken by the affected clerk of the court.
295 The corporation shall notify the Legislature and the Supreme
296 Court of any clerk not meeting performance standards and provide
297 a copy of any corrective action plans.

298 (e)~~(f)~~ Reviewing and certifying proposed budgets submitted
299 by clerks of the court pursuant to s. 28.36 ~~utilizing the~~
300 ~~process approved by the Chief Financial Officer pursuant to~~
301 ~~paragraph (d) for the purpose of making the certification in~~
302 ~~paragraph (3) (a).~~ As part of this process, the corporation
303 shall:

304 1. ~~Calculate the maximum authorized annual budget pursuant~~
305 ~~to the requirements of s. 28.36.~~

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

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

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

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

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

319 ~~(3) (a) The Clerks of Court Operations Corporation shall~~

20092108e1

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

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

339 ~~(3)~~(4)(a) The ~~list of~~ court-related functions that clerks
340 may perform are fund from filing fees, service charges, court
341 costs, and fines shall be limited to those functions expressly
342 authorized by law or court rule. Those functions ~~must~~ include
343 the following: case maintenance; records management; court
344 preparation and attendance; processing the assignment,
345 reopening, and reassignment of cases; processing of appeals;
346 collection and distribution of fines, fees, service charges, and
347 court costs; processing of bond forfeiture payments; payment of
348 jurors and witnesses; payment of expenses for meals or lodging

20092108e1

349 provided to jurors; data collection and reporting; processing of
350 jurors; determinations of indigent status; and reasonable
351 administrative support ~~costs~~ to enable the clerk of the court to
352 carry out these court-related functions.

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

356 1. Those functions not specified within paragraph (a).

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

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

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

364 ~~(4)-(5)~~ The corporation shall be funded pursuant to the
365 General Appropriations Act ~~contract with the Chief Financial~~
366 ~~Officer. Funds shall be provided to the Chief Financial Officer~~
367 ~~for this purpose as appropriated by general law. These funds~~
368 ~~shall be available to the corporation for the performance of the~~
369 ~~duties and responsibilities as set forth in this section. The~~
370 corporation may hire staff and pay other expenses from state
371 appropriations ~~these funds~~ as necessary to perform the official
372 duties and responsibilities of the corporation as described by
373 law ~~in this section.~~

374 ~~(5)-(6)~~(a) The corporation shall submit an annual audited
375 financial statement to the Auditor General in a form and manner
376 prescribed by the Auditor General. The Auditor General shall
377 conduct an annual audit of the operations of the corporation,

20092108e1

378 including the use of funds and compliance with the provisions of
379 this section and ss. 28.36 and 28.37.

380 (b) Certified public accountants conducting audits of
381 counties pursuant to s. 218.39 shall report, as part of the
382 audit, whether or not the clerks of the courts have complied
383 with the requirements of this section and s. 28.36. In addition,
384 each clerk of court shall forward a copy of the portion of the
385 financial audit relating to the court-related duties of the
386 clerk of court to the Supreme Court. ~~budgets certified by the~~
387 ~~Florida Clerk of Courts Operations Corporation pursuant to the~~
388 ~~budget review process pursuant to contract with the Chief~~
389 ~~Financial Officer and with the performance standards developed~~
390 ~~and certified pursuant to this section.~~ The Auditor General
391 shall develop a compliance supplement for the audit of
392 compliance with the budgets and applicable performance standards
393 certified by the corporation.

394 Section 5. Section 28.36, Florida Statutes, is amended to
395 read:

396 28.36 Budget procedure.—There is ~~hereby~~ established a
397 budget procedure for the preparing budget requests for funding
398 for the court-related functions of the clerks of the court.

399 (1) Each clerk of court shall prepare a budget request for
400 the last quarter of the county fiscal year and the first three
401 quarters of the next county fiscal year. The proposed budget
402 shall be prepared, summarized, and submitted by the clerk in
403 each county to the Clerks of Court Operations Corporation in the
404 manner and form prescribed by the corporation to meet the
405 requirements of law. Each clerk shall forward a copy of his or
406 her budget request to the Supreme Court. The budget requests

20092108e1

407 must be provided to the corporation by October 1 of each year.

408 ~~(1) Only those functions on the standard list developed~~
409 ~~pursuant to s. 28.35(4) (a) may be funded from fees, service~~
410 ~~charges, court costs, and fines retained by the clerks of the~~
411 ~~court. No clerk may use fees, service charges, court costs, and~~
412 ~~fines in excess of the maximum budget amounts as established in~~
413 ~~subsection (5).~~

414 ~~(2) For the period July 1, 2004, through September 30,~~
415 ~~2004, and for each county fiscal year ending September 30~~
416 ~~thereafter, each clerk of the court shall prepare a budget~~
417 ~~relating solely to the performance of the standard list of~~
418 ~~court-related functions pursuant to s. 28.35(4) (a).~~

419 ~~(3) Each proposed budget shall further conform to the~~
420 ~~following requirements:~~

421 ~~(a) On or before August 15 for each fiscal year thereafter,~~
422 ~~the proposed budget shall be prepared, summarized, and submitted~~
423 ~~by the clerk in each county to the Clerks of Court Operations~~
424 ~~Corporation in the manner and form prescribed by the~~
425 ~~corporation. The proposed budget must provide detailed~~
426 ~~information on the anticipated revenues available and~~
427 ~~expenditures necessary for the performance of the standard list~~
428 ~~of court-related functions of the clerk's office developed~~
429 ~~pursuant to s. 28.35(4) (a) for the county fiscal year beginning~~
430 ~~the following October 1.~~

431 ~~(b) The proposed budget must be balanced, such that the~~
432 ~~total of the estimated revenues available must equal or exceed~~
433 ~~the total of the anticipated expenditures. These revenues~~
434 ~~include the following: cash balances brought forward from the~~
435 ~~prior fiscal period; revenue projected to be received from fees,~~

20092108e1

436 ~~service charges, court costs, and fines for court-related~~
437 ~~functions during the fiscal period covered by the budget; and~~
438 ~~supplemental revenue that may be requested pursuant to~~
439 ~~subsection (4). The anticipated expenditures must be itemized as~~
440 ~~required by the corporation, pursuant to contract with the Chief~~
441 ~~Financial Officer.~~

442 ~~(c) The proposed budget may include a contingency reserve~~
443 ~~not to exceed 10 percent of the total budget, provided that,~~
444 ~~overall, the proposed budget does not exceed the limits~~
445 ~~prescribed in subsection (5).~~

446 ~~(4) If a clerk of the court estimates that available funds~~
447 ~~plus projected revenues from fines, fees, service charges, and~~
448 ~~costs for court-related services are insufficient to meet the~~
449 ~~anticipated expenditures for the standard list of court-related~~
450 ~~functions in s. 28.35(4) (a) performed by his or her office, the~~
451 ~~clerk must report the revenue deficit to the Clerks of Court~~
452 ~~Operations Corporation in the manner and form prescribed by the~~
453 ~~corporation pursuant to contract with the Chief Financial~~
454 ~~Officer. The corporation shall verify that the proposed budget~~
455 ~~is limited to the standard list of court-related functions in s.~~
456 ~~28.35(4) (a).~~

457 (2)(a) Each clerk shall include in his or her budget
458 request a projection of the amount of court-related fees,
459 service charges, and any other court-related clerk fees which
460 will be collected during the proposed budget period. If the
461 corporation determines ~~verifies~~ that the proposed budget is
462 limited to the standard list of court-related functions in s.
463 28.35(3) (a) ~~s. 28.35(4) (a)~~ and the projected court-related
464 revenues are less than the proposed budget, the ~~a revenue~~

20092108e1

465 ~~deficit is projected, a clerk seeking to retain revenues~~
466 ~~pursuant to this subsection shall increase all fees, service~~
467 ~~charges, and any other court-related clerk fees and charges to~~
468 ~~the maximum amounts specified by law or the amount necessary to~~
469 ~~resolve the deficit, whichever is less.~~

470 (3) Each clerk shall include in his or her budget request
471 the number of personnel and the proposed budget for each of the
472 following core services:

- 473 (a) Case processing;
474 (b) Financial processing;
475 (c) Jury management; and
476 (d) Information and reporting.

477
478 Central administrative costs shall be allocated among the core-
479 services categories.

480 (4) The budget request must identify the service units to
481 be provided within each core service. The service units shall be
482 developed by the corporation, in consultation with the Supreme
483 Court, the Chief Financial Officer, and the appropriation
484 committees of the Senate and the House of Representatives.

485 (5) The budget request must propose a unit cost for each
486 service unit. The corporation shall provide a copy of each
487 clerk's budget request to the Supreme Court.

488 (6) The corporation shall review each individual clerk's
489 prior-year expenditures, projected revenue, proposed unit costs,
490 and the proposed budget for each of the core-services
491 categories. The corporation shall compare each clerk's prior-
492 year expenditures and unit costs for core services with a peer
493 group of clerks' offices having a population of a similar size

20092108e1

494 and a similar number of case filings. If the corporation finds
495 that the expenditures, unit costs, or proposed budget of a clerk
496 are significantly higher than those of clerks in that clerk's
497 peer group, the corporation shall require the clerk to submit
498 documentation justifying the difference in each core-services
499 category. Justification for higher expenditures may include, but
500 need not be limited to, collective bargaining agreements, county
501 civil service agreements, and the number and distribution of
502 court houses served by the clerk. If the expenditures and unit
503 costs are not justified, the corporation shall recommend a
504 reduction in the funding for that core-services category in the
505 budget request to an amount similar to the peer group of clerks
506 or to an amount that the corporation determines is justified.

507 (7) The corporation shall complete its review and
508 adjustments to the clerks' budget requests and make its
509 recommendations to the Legislature and the Supreme Court by
510 December 1 each year.

511 (8) The Chief Financial Officer shall review the proposed
512 unit costs associated with each clerk of court's budget request
513 and make recommendations to the Legislature. The Chief Financial
514 Officer may conduct any audit of the corporation or a clerk of
515 court as authorized by law. The Chief Justice of the Supreme
516 Court may request an audit of the corporation or any clerk of
517 court by the Chief Financial Officer.

518 (9) The Legislature shall appropriate the total amount for
519 the budgets of the clerks in the General Appropriations Act. The
520 Legislature may reject or modify any or all of the unit costs
521 recommended by the corporation. If the Legislature does not
522 specify the unit costs in the General Appropriations Act or

20092108e1

523 other law, the unit costs recommended by the corporation will be
524 the official unit costs for that budget period.

525 (10) The corporation shall release appropriations to each
526 clerk quarterly. The amount of the release shall be based on the
527 prior quarter's performance of service units identified in the
528 four core services and the established unit costs for each
529 clerk. ~~If, after increasing fees, service charges, and any other~~
530 ~~court-related clerk fees and charges to the maximum amounts~~
531 ~~specified by law, a revenue deficit is still projected, the~~
532 ~~corporation shall, pursuant to the terms of the contract with~~
533 ~~the Chief Financial Officer, certify a revenue deficit and~~
534 ~~notify the Department of Revenue that the clerk is authorized to~~
535 ~~retain revenues, in an amount necessary to fully fund the~~
536 ~~projected revenue deficit, which he or she would otherwise be~~
537 ~~required to remit to the Department of Revenue for deposit into~~
538 ~~the Department of Revenue Clerks of the Court Trust Fund~~
539 ~~pursuant to s. 28.37. If a revenue deficit is projected for that~~
540 ~~clerk after retaining all of the projected collections from the~~
541 ~~court-related fines, fees, service charges, and costs, the~~
542 ~~Department of Revenue shall certify the amount of the revenue~~
543 ~~deficit amount to the Executive Office of the Governor and~~
544 ~~request release authority for funds appropriated for this~~
545 ~~purpose from the Department of Revenue Clerks of the Court Trust~~
546 ~~Fund. Notwithstanding provisions of s. 216.192 related to the~~
547 ~~release of funds, the Executive Office of the Governor may~~
548 ~~approve the release of funds appropriated to resolve projected~~
549 ~~revenue deficits in accordance with the notice, review, and~~
550 ~~objection procedures set forth in s. 216.177 and shall provide~~
551 ~~notice to the Chief Financial Officer. The Department of Revenue~~

20092108e1

552 ~~is directed to request monthly distributions from the Chief~~
553 ~~Financial Officer in equal amounts to each clerk certified to~~
554 ~~have a revenue deficit, in accordance with the releases approved~~
555 ~~by the Governor.~~

556 ~~(b) If the Chief Financial Officer finds the court related~~
557 ~~budget proposed by a clerk includes functions not included in~~
558 ~~the standard list of court-related functions in s. 28.35(4) (a),~~
559 ~~the Chief Financial Officer shall notify the clerk of the amount~~
560 ~~of the proposed budget not eligible to be funded from fees,~~
561 ~~service charges, costs, and fines for court-related functions~~
562 ~~and shall identify appropriate corrective measures to ensure~~
563 ~~budget integrity. The clerk shall then immediately discontinue~~
564 ~~all ineligible expenditures of court-related funds for this~~
565 ~~purpose and reimburse the Clerks of the Court Trust Fund for any~~
566 ~~previously ineligible expenditures made for non-court-related~~
567 ~~functions, and shall implement any corrective actions identified~~
568 ~~by the Chief Financial Officer.~~

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

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

577 ~~2. One hundred and five percent of the clerk's estimated~~
578 ~~expenditures for the prior county fiscal year for those clerks~~
579 ~~in counties that for calendar years 1998-2002 experienced an~~
580 ~~average annual increase of at least 5 percent in both population~~

20092108e1

581 ~~and case filings for all case types as reported through the~~
582 ~~Summary Reporting System used by the state courts system.~~

583 ~~(b) For the county fiscal year 2005-2006, the maximum~~
584 ~~budget amount for the standard list of court-related functions~~
585 ~~of the clerks of court in s. 28.35(4) (a) that may be funded from~~
586 ~~fees, service charges, court costs, and fines retained by the~~
587 ~~clerks of the court shall be the approved budget for county~~
588 ~~fiscal year 2004-2005 adjusted by the projected percentage~~
589 ~~change in revenue between the county fiscal years 2004-2005 and~~
590 ~~2005-2006.~~

591 ~~(c) For the county fiscal years 2006-2007 and thereafter,~~
592 ~~the maximum budget amount for the standard list of court-related~~
593 ~~functions of the clerks of court in s. 28.35(4) (a) that may be~~
594 ~~funded from fees, service charges, court costs, and fines~~
595 ~~retained by the clerks of the court shall be established by~~
596 ~~first rebasing the prior fiscal year budget to reflect the~~
597 ~~actual percentage change in the prior fiscal year revenue and~~
598 ~~then adjusting the rebased prior fiscal year budget by the~~
599 ~~projected percentage change in revenue for the proposed budget~~
600 ~~year. The rebasing calculations and maximum annual budget~~
601 ~~calculations shall be as follows:~~

602 ~~1. For county fiscal year 2006-2007, the approved budget~~
603 ~~for county fiscal year 2004-2005 shall be adjusted for the~~
604 ~~actual percentage change in revenue between the two 12-month~~
605 ~~periods ending June 30, 2005, and June 30, 2006. This result is~~
606 ~~the rebased budget for the county fiscal year 2005-2006. Then~~
607 ~~the rebased budget for the county fiscal year 2005-2006 shall be~~
608 ~~adjusted by the projected percentage change in revenue between~~
609 ~~the county fiscal years 2005-2006 and 2006-2007. This result~~

20092108e1

610 ~~shall be the maximum annual budget amount for the standard list~~
611 ~~of court-related functions of the clerks of court in s.~~
612 ~~28.35(4) (a) that may be funded from fees, service charges, court~~
613 ~~costs, and fines retained by the clerks of the court for each~~
614 ~~clerk for the county fiscal year 2006-2007.~~

615 ~~2. For county fiscal year 2007-2008, the rebased budget for~~
616 ~~county fiscal year 2005-2006 shall be adjusted for the actual~~
617 ~~percentage change in revenue between the two 12-month periods~~
618 ~~ending June 30, 2006, and June 30, 2007. This result is the~~
619 ~~rebased budget for the county fiscal year 2006-2007. The rebased~~
620 ~~budget for county fiscal year 2006-2007 shall be adjusted by the~~
621 ~~projected percentage change in revenue between the county fiscal~~
622 ~~years 2006-2007 and 2007-2008. This result shall be the maximum~~
623 ~~annual budget amount for the standard list of court-related~~
624 ~~functions of the clerks of court in s. 28.35(4) (a) that may be~~
625 ~~funded from fees, service charges, court costs, and fines~~
626 ~~retained by the clerks of the court for county fiscal year 2007-~~
627 ~~2008.~~

628 ~~3. For county fiscal years 2008-2009 and thereafter, the~~
629 ~~maximum budget amount for the standard list of court-related~~
630 ~~functions of the clerks of court in s. 28.35(4) (a) that may be~~
631 ~~funded from fees, service charges, court costs, and fines~~
632 ~~retained by the clerks of the court shall be calculated as the~~
633 ~~rebased budget for the prior county fiscal year adjusted by the~~
634 ~~projected percentage change in revenues between the prior county~~
635 ~~fiscal year and the county fiscal year for which the maximum~~
636 ~~budget amount is being authorized. The rebased budget for the~~
637 ~~prior county fiscal year shall always be calculated by adjusting~~
638 ~~the rebased budget for the year preceding the prior county~~

20092108e1

639 ~~fiscal year by the actual percentage change in revenues between~~
640 ~~the 12-month period ending June 30 of the year preceding the~~
641 ~~prior county fiscal year and the 12-month period ending June 30~~
642 ~~of the prior county fiscal year.~~

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

647 ~~(a) The additional funding is necessary to pay the cost of~~
648 ~~performing new or additional functions required by changes in~~
649 ~~law or court rule. Before the Legislative Budget Commission may~~
650 ~~approve an increase in the maximum annual budget of any clerk~~
651 ~~under this paragraph, the Clerk of the Court Operations~~
652 ~~Corporation must provide the Legislative Budget Commission with~~
653 ~~a statement of the impact of the proposed budget changes on~~
654 ~~state revenues, and evidence that the respective clerk of the~~
655 ~~court is meeting or exceeding the established performance~~
656 ~~standards for measures on the fiscal management, operational~~
657 ~~efficiency, and effective collection of fines, fees, service~~
658 ~~charges, and court costs.~~

659 ~~(b) The additional funding is necessary to pay the cost of~~
660 ~~supporting increases in the number of judges or magistrates~~
661 ~~authorized by the Legislature. Before the Legislative Budget~~
662 ~~Commission may approve an increase in the maximum annual budget~~
663 ~~of any clerk under this paragraph, the Clerk of the Court~~
664 ~~Operations Corporation must provide the Legislative Budget~~
665 ~~Commission with a statement of the impact of the proposed budget~~
666 ~~changes on state revenues; evidence that the respective clerk of~~
667 ~~the court is meeting or exceeding the established performance~~

20092108e1

668 ~~standards for measures on the fiscal management, operational~~
669 ~~efficiency, and effective collection of fines, fees, service~~
670 ~~charges, and court costs; and a proposed staffing model,~~
671 ~~including the cost and number of staff necessary to support each~~
672 ~~new judge or magistrate.~~

673

674 ~~The total amount of increases approved by the Legislative Budget~~
675 ~~Commission for each county fiscal year shall not exceed an~~
676 ~~amount equal to 2 percent of the maximum annual budgets approved~~
677 ~~pursuant to this section for all clerks, in the aggregate, for~~
678 ~~that same county fiscal year.~~

679 ~~(11)(7) The corporation may submit proposed legislation to~~
680 ~~the Governor, the President of the Senate, and the Speaker of~~
681 ~~the House of Representatives relating to the preparation of~~
682 ~~budget requests of the clerks of court no later than November 1~~
683 ~~in any year for approval of clerk budget request amounts~~
684 ~~exceeding the restrictions in this section for the following~~
685 ~~October 1. If proposed legislation is recommended, the~~
686 ~~corporation shall also submit supporting justification with~~
687 ~~sufficient detail to identify the specific proposed expenditures~~
688 ~~that would cause the limitations to be exceeded for each~~
689 ~~affected clerk and the estimated fiscal impact on state~~
690 ~~revenues.~~

691 Section 6. Section 28.37, Florida Statutes, is amended to
692 read:

693 28.37 Fines, fees, service charges, and costs remitted to
694 the state.—

695 (1) Pursuant to s. 14(b), Art. V of the State Constitution,
696 selected salaries, costs, and expenses of the state courts

20092108e1

697 system and court-related functions shall be funded from a
698 portion of the revenues derived from statutory fines, fees,
699 service charges, and costs collected by the clerks of the court.

700 (2) Except as otherwise provided in ss. 28.241 and 34.041,
701 all court-related fines, fees, service charges, and costs are
702 considered state funds and shall be remitted by the clerk to the
703 Department of Revenue for deposit into the Clerks of the Court
704 Trust Fund. However, 10 percent of all court-related fines
705 collected by the clerk shall be deposited into the clerk's
706 Public Records Modernization Trust Fund to be used exclusively
707 for additional clerk court-related operational needs and program
708 enhancements.

709 ~~(2) Beginning August 1, 2004, except as otherwise provided~~
710 ~~in ss. 28.241 and 34.041, one third of all fines, fees, service~~
711 ~~charges, and costs collected by the clerks of the court during~~
712 ~~the prior month for the performance of court-related functions~~
713 ~~shall be remitted to the Department of Revenue for deposit in~~
714 ~~the Department of Revenue Clerks of the Court Trust Fund. These~~
715 ~~collections do not include funding received for the operation of~~
716 ~~the Title IV-D child support collections and disbursement~~
717 ~~program. The clerk of the court shall remit the revenues~~
718 ~~collected during the prior month due to the state on or before~~
719 ~~the 20th day of each month. The Department of Revenue shall make~~
720 ~~a monthly transfer of the funds in the Department of Revenue~~
721 ~~Clerks of the Court Trust Fund that are not needed to resolve~~
722 ~~clerk of the court revenue deficits, as specified in s. 28.36,~~
723 ~~to the General Revenue Fund.~~

724 ~~(3) For the period of October 1, 2003, to June 30, 2004,~~
725 ~~those clerks operating as fee officers for court-related~~

20092108e1

726 ~~services shall determine the amount of fees collected and~~
727 ~~expenses generated for court-related services. Any excess fees~~
728 ~~generated during this period shall be remitted to the county on~~
729 ~~December 31, 2004. However, any billings for payment of due~~
730 ~~process services rendered before July 1, 2004, may be paid by~~
731 ~~the clerk from these funds. Due process services shall include,~~
732 ~~but not be limited to, court reporter services, court~~
733 ~~interpreter services, expert witness services, mental health~~
734 ~~evaluations, and court-appointed counsel services. In addition,~~
735 ~~any deficit experienced by the clerk for court-related services~~
736 ~~during the period from October 1, 2003, to June 30, 2004, shall~~
737 ~~be funded by the county.~~

738 ~~(4) Beginning January 1, 2005, for the period July 1, 2004,~~
739 ~~through September 30, 2004, and each January 1 thereafter for~~
740 ~~the preceding county fiscal year of October 1 through September~~
741 ~~30, the clerk of the court must remit to the Department of~~
742 ~~Revenue for deposit in the General Revenue Fund the cumulative~~
743 ~~excess of all fees, service charges, court costs, and fines~~
744 ~~retained by the clerks of the court, plus any funds received by~~
745 ~~the clerks of the court from the Department of Revenue Clerk of~~
746 ~~the Court Trust Fund under s. 28.36(4)(a), over the amount~~
747 ~~needed to meet the approved budget amounts established under s.~~
748 ~~28.36.~~

749 ~~(3)~~(5) The Department of Revenue shall collect any funds
750 that the corporation determines upon investigation were due on
751 January 1 but not remitted to the department.

752 Section 7. Paragraph (b) of subsection (1) of section
753 34.041, Florida Statutes, is amended to read:

754 34.041 Filing fees.—

20092108e1

755 (1)

756 (b) The first \$80 of the filing fee collected under
757 subparagraph (a)4. shall be remitted to the Department of
758 Revenue for deposit into the General Revenue Fund. The next \$15
759 of the filing fee collected under subparagraph (a)4., and the
760 first \$15 of each filing fee collected under subparagraph (a)6.,
761 shall be deposited in the state courts' Mediation and
762 Arbitration Trust Fund. ~~One-third of any filing fees collected~~
763 ~~by the clerk under this section in excess of the first \$95~~
764 ~~collected under subparagraph (a)4. shall be remitted to the~~
765 ~~Department of Revenue for deposit into the Department of Revenue~~
766 ~~Clerks of the Court Trust Fund.~~ An additional filing fee of \$4
767 shall be paid to the clerk. The clerk shall transfer \$3.50 to
768 the Department of Revenue for deposit into the Court Education
769 Trust Fund and shall transfer 50 cents to the Department of
770 Revenue for deposit into the Clerks of the Court ~~Department of~~
771 ~~Financial Services' Administrative~~ Trust Fund to fund clerk
772 education. Postal charges incurred by the clerk of the county
773 court in making service by mail on defendants or other parties
774 shall be paid by the party at whose instance service is made.
775 Except as provided herein, filing fees and service charges for
776 performing duties of the clerk relating to the county court
777 shall be as provided in ss. 28.24 and 28.241. Except as
778 otherwise provided herein, all filing fees shall be remitted to
779 the Department of Revenue for deposit into the Clerks of the
780 Court Trust Fund ~~retained as fee income of the office of the~~
781 ~~clerk of circuit court.~~ Filing fees imposed by this section may
782 not be added to any penalty imposed by chapter 316 or chapter
783 318.

20092108e1

784 Section 8. Subsection (5) of section 43.16, Florida
785 Statutes, is amended to read

786 43.16 Justice Administrative Commission; membership, powers
787 and duties.—

788 (5) The duties of the commission shall include, but not be
789 limited to, the following:

790 (a) The maintenance of a central state office for
791 administrative services and assistance when possible to and on
792 behalf of the state attorneys and public defenders of Florida,
793 the capital collateral regional counsel of Florida, the criminal
794 conflict and civil regional counsel, ~~and~~ the Guardian Ad Litem
795 Program, and the Florida Clerks of Court Operations Corporation.

796 (b) Each state attorney, public defender, ~~and~~ criminal
797 conflict and civil regional counsel, ~~and~~ the Guardian Ad Litem
798 Program, and the Florida Clerks of Court Operations Corporation
799 shall continue to prepare necessary budgets, vouchers that
800 represent valid claims for reimbursement by the state for
801 authorized expenses, and other things incidental to the proper
802 administrative operation of the office, such as revenue
803 transmittals to the Chief Financial Officer and automated
804 systems plans, but will forward same to the commission for
805 recording and submission to the proper state officer. However,
806 when requested by a state attorney, a public defender, a
807 criminal conflict and civil regional counsel, or the Guardian Ad
808 Litem Program, the commission will either assist in the
809 preparation of budget requests, voucher schedules, and other
810 forms and reports or accomplish the entire project involved.

811 Section 9. Section 43.27, Florida Statutes, is amended to
812 read

20092108e1

813 43.27 Office hours of clerks of court.—With the advice and
814 consent of the chief judge of the circuit, the clerks of the
815 courts of the several counties may establish the hours during
816 which the office of clerk may be open to the public. The hours
817 should conform as nearly as possible to the customary weekday
818 hours of business prevailing in the county. The clerk may
819 prescribe that the office be open such additional hours as
820 public needs require. The clerk of court may not close any
821 office of the clerk of court during customary weekday hours
822 without the consent of the chief judge of the circuit.

823 Section 10. Subsection (3) of section 45.035, Florida
824 Statutes, as amended by section 3 of chapter 2009-21, Laws of
825 Florida, is amended to read:

826 45.035 Clerk's fees.—In addition to other fees or service
827 charges authorized by law, the clerk shall receive service
828 charges related to the judicial sales procedure set forth in ss.
829 45.031-45.034 and this section:

830 (3) If the sale is conducted by electronic means, as
831 provided in s. 45.031(10), the clerk shall receive an additional
832 a service charge not to exceed ~~of~~ \$70 ~~as provided in subsection~~
833 ~~(1)~~ for services in conducting or contracting for the electronic
834 sale, which service charge shall be assessed as costs and paid
835 by the winning bidder ~~shall be advanced by the plaintiff before~~
836 ~~the sale~~. If the clerk requires advance electronic deposits to
837 secure the right to bid, such deposits shall not be subject to
838 the fee under s. 28.24(10). The portion of an advance deposit
839 from a winning bidder required by s. 45.031(3) shall, upon
840 acceptance of the winning bid, be subject to the fee under s.
841 28.24(10).

20092108e1

842 Section 11. Section 142.01, Florida Statutes, is amended to
843 read:

844 142.01 Fine and forfeiture fund; disposition of revenue;
845 clerk of the circuit court.-

846 (1) There shall be established by the clerk of the circuit
847 court in each county of this state a separate fund to be known
848 as the fine and forfeiture fund for use by the clerk of the
849 circuit court in performing court-related functions. The fund
850 shall consist of the following:

851 (a)~~(1)~~ Fines and penalties pursuant to ss. 28.2402(2),
852 34.045(2), 316.193, 327.35, 327.72, 379.2203(1), and 775.083(1).

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

855 (c)~~(3)~~ Court costs pursuant to ss. 28.2402(1)(b),
856 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a) and
857 (11)(a), and 938.05(3).

858 (d)~~(4)~~ Proceeds from forfeited bail bonds, unclaimed bonds,
859 unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a),
860 379.2203(1), and 903.26(3)(a).

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

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

864 (2) All revenues received by the clerk in the fine and
865 forfeiture fund from court-related fees, fines, costs, and
866 service charges are considered state funds and shall be remitted
867 monthly to the Department of Revenue for deposit into the Clerks
868 of the Court Trust Fund within the Justice Administrative
869 Commission.

870 (3) Notwithstanding the provisions of this section, all

20092108e1

871 fines and forfeitures arising from operation of the provisions
872 of s. 318.1215 shall be disbursed in accordance with that
873 section.

874 Section 12. Paragraph (qq) of subsection (1) of section
875 216.011, Florida Statutes, is amended to read:

876 216.011 Definitions.—

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

880 (qq) "State agency" or "agency" means any official,
881 officer, commission, board, authority, council, committee, or
882 department of the executive branch of state government. For
883 purposes of this chapter and chapter 215, "state agency" or
884 "agency" includes, but is not limited to, state attorneys,
885 public defenders, criminal conflict and civil regional counsel,
886 capital collateral regional counsel, the Florida Clerks of Court
887 Operations Corporation, the Justice Administrative Commission,
888 the Florida Housing Finance Corporation, and the Florida Public
889 Service Commission. Solely for the purposes of implementing s.
890 19(h), Art. III of the State Constitution, the terms "state
891 agency" or "agency" include the judicial branch.

892 Section 13. Subsection (4) of section 197.542, Florida
893 Statutes, is amended to read:

894 197.542 Sale at public auction.—

895 (4) (a) A clerk may conduct electronic tax deed sales in
896 lieu of public outcry. The clerk must comply with the procedures
897 provided in this chapter, except that electronic proxy bidding
898 shall be allowed and the clerk may require bidders to advance
899 sufficient funds to pay the deposit required by subsection (2).

20092108e1

900 The clerk shall provide access to the electronic sale by
901 computer terminals open to the public at a designated location.
902 A clerk who conducts such electronic sales may receive
903 electronic deposits and payments related to the sale. The
904 portion of an advance deposit from a winning bidder required by
905 subsection (2) shall, upon acceptance of the winning bid, be
906 subject to the fee under s. 28.24(10).

907 (b) Nothing in this subsection shall be construed to
908 restrict or limit the authority of a charter county from
909 conducting electronic tax deed sales. In a charter county where
910 the clerk of the circuit court does not conduct all electronic
911 sales, the charter county shall be permitted to receive
912 electronic deposits and payments related to sales it conducts,
913 as well as to subject the winning bidder to a fee, consistent
914 with the schedule in s. 28.24(10).

915 (c) The costs of electronic tax deed sales shall be added
916 to the charges for the costs of sale under subsection (1) and
917 paid by the certificate holder when filing an application for a
918 tax deed.

919 Section 14. Subsection (13) of section 318.18, Florida
920 Statutes, is amended to read:

921 318.18 Amount of penalties.—The penalties required for a
922 noncriminal disposition pursuant to s. 318.14 or a criminal
923 offense listed in s. 318.17 are as follows:

924 (13) (a) In addition to any penalties imposed for
925 noncriminal traffic infractions pursuant to this chapter or
926 imposed for criminal violations listed in s. 318.17, a board of
927 county commissioners or any unit of local government that ~~which~~
928 is consolidated as provided by s. 9, Art. VIII of the State

20092108e1

929 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
930 Constitution of 1968:

931 1.(a) May impose by ordinance a surcharge of up to \$30 ~~\$15~~
932 for any infraction or violation to fund state court facilities.
933 The court shall not waive this surcharge. Up to 25 percent of
934 the revenue from such surcharge may be used to support local law
935 libraries provided that the county or unit of local government
936 provides a level of service equal to that provided prior to July
937 1, 2004, which shall include the continuation of library
938 facilities located in or near the county courthouse or any annex
939 to the courthouse annexes.

940 2.(b) May, if such board or unit ~~That~~ imposed increased
941 fees or service charges by ordinance under s. 28.2401, s.
942 28.241, or s. 34.041 for the purpose of securing payment of the
943 principal and interest on bonds issued by the county before July
944 1, 2003, to finance state court facilities, ~~may~~ impose by
945 ordinance a surcharge for any infraction or violation for the
946 exclusive purpose of securing payment of the principal and
947 interest on bonds issued by the county before July 1, 2003, to
948 fund state court facilities until the date of stated maturity.
949 The court shall not waive this surcharge. Such surcharge may not
950 exceed an amount per violation calculated as the quotient of the
951 maximum annual payment of the principal and interest on the
952 bonds as of July 1, 2003, divided by the number of traffic
953 citations for county fiscal year 2002-2003 certified as paid by
954 the clerk of the court of the county. Such quotient shall be
955 rounded up to the next highest dollar amount. The bonds may be
956 refunded only if savings will be realized on payments of debt
957 service and the refunding bonds are scheduled to mature on the

20092108e1

958 same date or before the bonds being refunded. Notwithstanding
959 any of the foregoing provisions of this ~~subparagraph~~ paragraph
960 that limit the use of surcharge revenues, if the revenues
961 generated as a result of the adoption of this ordinance exceed
962 the debt service on the bonds, the surplus revenues may be used
963 to pay down the debt service on the bonds; fund other state-
964 court-facility construction projects as may be certified by the
965 chief judge as necessary to address unexpected growth in
966 caseloads, emergency requirements to accommodate public access,
967 threats to the safety of the public, judges, staff, and
968 litigants, or other exigent circumstances; or support local law
969 libraries in or near the county courthouse or any annex to the
970 courthouse annexes.

971 3. May impose by ordinance a surcharge for any infraction
972 or violation for the exclusive purpose of securing payment of
973 the principal and interest on bonds issued by the county on or
974 after July 1, 2009, to fund state court facilities until the
975 stated date of maturity. The court may not waive this surcharge.
976 The surcharge may not exceed an amount per violation calculated
977 as the quotient of the maximum annual payment of the principal
978 and interest on the bonds, divided by the number of traffic
979 citations certified as paid by the clerk of the court of the
980 county on August 15 of each year. The quotient shall be rounded
981 up to the next highest dollar amount. The bonds may be refunded
982 if savings are realized on payments of debt service and the
983 refunding bonds are scheduled to mature on or before the
984 maturity date of the bonds being refunded. If the revenues
985 generated as a result of the adoption of the ordinance exceed
986 the debt service on the bonds, the surplus revenues may be used

20092108e1

987 to pay the debt service on the bonds; to fund other state court
988 facility construction projects certified by the chief judge as
989 necessary to address unexpected growth in caseloads, emergency
990 requirements to accommodate public access, threats to the safety
991 of the public, judges, staff, and litigants, or other exigent
992 circumstances; or to support local law libraries in or near the
993 county courthouse or any annex to the courthouse.

994 (b) A county may not impose both of the surcharges
995 authorized under subparagraphs (a)1., 2., and 3. paragraphs (a)
996 and (b) concurrently. The clerk of court shall report, no later
997 than 30 days after the end of the quarter, the amount of funds
998 collected under this subsection during each quarter of the
999 fiscal year. The clerk shall submit the report, in a format
1000 developed by the Office of State Courts Administrator, to the
1001 chief judge of the circuit, the Governor, the President of the
1002 Senate, and the Speaker of the House of Representatives, and the
1003 board of county commissioners.

1004 Section 15. Each clerk of court shall provide financial
1005 data concerning his or her expenditures for court-related
1006 duties, including expenditures for court-related information
1007 technology, to the Executive Office of the Governor for the
1008 purposes contained in SB 1796 or similar legislation.

1009 Section 16. The Clerks of the Court Trust Fund within the
1010 Department of Revenue, FLAIR number 73-2-588, is transferred
1011 along with all balances and obligations to the Justice
1012 Administrative Commission.

1013 Section 17. The Legislature finds and declares that this
1014 act fulfills an important state interest.

1015 Section 18. This act shall take effect July 1, 2009.