

HB 1113

2011

1                   A bill to be entitled  
 2           An act relating to clerks of the circuit court; amending  
 3           s. 28.36, F.S.; requiring that a budget request from a  
 4           clerk of court be based on the projected case activity for  
 5           each core service; deleting a requirement that the Florida  
 6           Clerks of Court Operations Corporation make a certain  
 7           estimate; deleting a requirement that the corporation  
 8           decrease the amount of funds to be released to a clerk of  
 9           court if the clerk performed fewer service units in  
 10          previous quarters than estimated; providing an effective  
 11          date.

12  
 13   Be It Enacted by the Legislature of the State of Florida:

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 15           Section 1. Subsections (4) and (10) of section 28.36,  
 16   Florida Statutes, are amended to read:

17           28.36 Budget procedure.—There is established a budget  
 18   procedure for preparing budget requests for funding for the  
 19   court-related functions of the clerks of the court.

20           (4) The budget request must identify the service units to  
 21   be provided within each core service. The service units shall be  
 22   developed by the corporation, in consultation with the Supreme  
 23   Court, the Chief Financial Officer, and the appropriations  
 24   committees of the Senate and the House of Representatives. The  
 25   budget request must be based on the projected case activity for  
 26   each core service.

27           (10) (a) ~~Beginning in the 2010-2011 fiscal year,~~ The  
 28   corporation shall release appropriations to each clerk

HB 1113

2011

29 | quarterly. If funds in the Clerks of Court Trust Fund are  
30 | insufficient to provide a release in a quarter in a single  
31 | release, the corporation may release partial amounts for that  
32 | quarter so long as the total of those partial amounts does not  
33 | exceed that quarter's release. If funds in the Clerks of Court  
34 | Trust Fund are insufficient for the first quarter release, the  
35 | corporation may make a request to the Governor for a trust fund  
36 | loan pursuant to chapter 215. The amount of the first three  
37 | releases shall be based on one quarter of the estimated budget  
38 | for each clerk as identified in the General Appropriations Act.

39 | ~~(b) The corporation shall estimate the fourth quarter's~~  
40 | ~~number of units to be performed by each clerk. The amount of the~~  
41 | ~~fourth-quarter release shall be based on the approved unit cost~~  
42 | ~~times the estimated number of units of the fourth quarter with~~  
43 | ~~the following adjustment: the fourth-quarter release shall be~~  
44 | ~~adjusted based on the first three quarter's actual number of~~  
45 | ~~service units provided as reported to the corporation by each~~  
46 | ~~clerk. If the clerk has performed fewer service units in the~~  
47 | ~~first three quarters of the year compared to three quarters of~~  
48 | ~~the estimated number of service units in the General~~  
49 | ~~Appropriations Act, the corporation shall decrease the fourth-~~  
50 | ~~quarter release. The amount of the decrease shall equal the~~  
51 | ~~amount of the difference between the estimated number of service~~  
52 | ~~units for the first three quarters and the actual number of~~  
53 | ~~service units provided in the first three quarters times the~~  
54 | ~~approved unit cost.~~

55 | ~~(c) No adjustment for the fourth-quarter release shall be~~  
56 | ~~made if the clerk has performed more units than the estimate for~~

HB 1113

2011

57 ~~the first three quarters.~~

58 ~~(d) If the clerk performs fewer units in the fourth~~  
59 ~~quarter than estimated by the corporation, the corporation shall~~  
60 ~~decrease the first quarter release for the clerk in the next~~  
61 ~~fiscal year by the amount of the difference between the~~  
62 ~~estimated number of service units for the fourth quarter and the~~  
63 ~~actual number of service units performed in that quarter times~~  
64 ~~the approved unit cost.~~

65 (b) ~~(e)~~ The total of all releases to the clerks of court  
66 may not exceed the amount appropriated in the General  
67 Appropriations Act. If, during the year, the corporation  
68 determines that the projected releases of appropriations for  
69 service units will exceed the estimate used in the General  
70 Appropriations Act and result in statewide expenditures greater  
71 than the amount appropriated by law, the corporation shall  
72 reduce all service unit costs of all clerks by the amount  
73 necessary to ensure that service units are funded within the  
74 total amount appropriated to the clerks of court. If such action  
75 is necessary, the corporation shall notify the Legislative  
76 Budget Commission. If the Legislative Budget Commission objects  
77 to the adjustments, the Legislative Budget Commission shall  
78 adjust all service unit costs by the amount necessary to ensure  
79 that projected units of service are funded within the total  
80 amount appropriated to the clerks of court at its next scheduled  
81 meeting.

82 Section 2. This act shall take effect upon becoming a law.