

By the Committee on Budget

576-03470-12

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1                   A bill to be entitled  
2           An act relating to court funding; creating s. 29.31,  
3           F.S.; providing definitions; requiring that the  
4           Department of Revenue transfer certain collected  
5           court-related revenue to the Core Court System  
6           Clearing Trust Fund; requiring that the Chief  
7           Financial Officer deposit into certain trust funds a  
8           specified amount of cash for continuing court  
9           operations by a specified date and on the first day of  
10          each fiscal year thereafter; requiring that the cash  
11          amounts be transferred before any other payments or  
12          transfers are made from the Core Court System Clearing  
13          Trust Fund; providing for distributions from the Core  
14          Court System Clearing Trust Fund; providing for  
15          allocation of funds on a pro rata basis if collections  
16          are insufficient to meet the amounts required by law;  
17          providing that court-related revenue be deposited in  
18          the Core Court System Clearing Trust Fund; providing  
19          that all moneys collected be distributed to the stated  
20          trust funds, agencies, and the General Revenue Fund;  
21          amending s. 25.241, F.S.; requiring the Clerk of the  
22          Supreme Court to collect a fee upon the filing of  
23          certain notices, including a notice to invoke  
24          discretionary jurisdiction; requiring that the fee be  
25          deposited into the State Courts Revenue Trust Fund;  
26          requiring that certain additional fees for notices and  
27          motions, including a cross-notice to invoke  
28          discretionary jurisdiction and a motion to intervene  
29          as a cross-petitioner, be deposited into the State

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30 Courts Revenue Trust Fund rather than the General  
31 Revenue Fund; repealing s. 28.2455, F.S., relating to  
32 the transfer of trust funds in excess of the amount  
33 needed for clerk budgets; amending s. 35.22, F.S.;  
34 requiring that the clerk of each district court of  
35 appeal remit to the Department of Revenue all fees  
36 collected in the State Treasury to the credit of the  
37 State Courts Revenue Trust Fund rather than the  
38 General Revenue Fund; amending s. 44.106, F.S.;  
39 requiring that fees charged to applicants for  
40 certification and renewal of certification as  
41 mediators and arbitrators be remitted to the  
42 Department of Revenue for deposit into the State  
43 Courts Revenue Trust Fund; providing an effective  
44 date.

45  
46 WHEREAS, the Legislature finds that there have been  
47 significant problems faced by both the state courts system and  
48 the offices of the clerks of the circuit court in having  
49 revenues sufficient to support their appropriated budgets, and

50 WHEREAS, the state courts system and the offices of the  
51 clerks of the circuit court generate revenue for the state  
52 through the performance of their court-related functions in the  
53 form of filing fees, fines, court costs, bond forfeitures,  
54 interest, service charges, and other costs and reimbursements,  
55 and

56 WHEREAS, a significant amount of these revenues are being  
57 used to fund other state entities and programs, and

58 WHEREAS, priority distribution from revenues generated by

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59 the state courts system and the offices of the clerks of the  
60 circuit court should be made in order to fund their  
61 legislatively authorized budgets, and

62 WHEREAS, the Legislature intends that it is the public  
63 purpose of this act to eliminate problems with cash flow in the  
64 State Courts Revenue Trust Fund and the Clerks of Court Trust  
65 Fund to ensure that revenue streams are adequate to support  
66 appropriations, NOW, THEREFORE,

67  
68 Be It Enacted by the Legislature of the State of Florida:

69  
70 Section 1. Section 29.31, Florida Statutes, is created to  
71 read:

72 29.31 Core court system.-

73 (1) DEFINITIONS.-As used in this section, the term:

74 (a) "Core court system" means entities that perform the  
75 core court system functions. Such functions are funded by both  
76 court-related revenue and general revenue.

77 (b) "Core court system functions" encompass the elements  
78 enumerated in s. 29.004, which are performed by the state courts  
79 system, and the court-related functions of the offices of the  
80 clerks of the circuit court, as specified in s. 28.35(3) (a).

81 (c) "Court-related revenue" means revenue generated through  
82 the performance of core court system functions by the offices of  
83 the clerks of the circuit court and the state courts system in  
84 the form of court-related filing fees, fines, court costs, bond  
85 forfeitures, interest, service charges, and other costs and  
86 reimbursements as allowed by law.

87 (d) "State courts system," for purposes of this section,

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88 means the enumerated elements of the Supreme Court, district  
89 courts of appeal, circuit courts, and county courts, including  
90 certain supports thereto.

91 (2) DEPOSITS TO THE CORE COURT SYSTEM CLEARING TRUST FUND.—

92 (a) Notwithstanding any other provision of law, the  
93 Department of Revenue shall transfer to the Core Court System  
94 Clearing Trust Fund, created by s. 29.32, all collected court-  
95 related revenue that is listed in the manual of court-related  
96 filing fees, service charges, costs, and fines prepared pursuant  
97 to s. 28.42.

98 (b) All other moneys collected shall be distributed to the  
99 stated trust funds, agencies, and the General Revenue Fund  
100 pursuant to the requirements of this section.

101 (3) DISTRIBUTIONS FROM GENERAL REVENUE.—The Chief Financial  
102 Officer shall deposit into the State Courts Revenue Trust Fund,  
103 the Clerks of Court Trust Fund, and the Court Education Trust  
104 Fund cash for continuing operations equal to 1/12 of the  
105 legislative appropriation for those trust funds from general  
106 revenue by July 1, 2012. The Chief Financial Officer shall  
107 replenish the cash for continuing operations on the first day of  
108 each fiscal year to ensure that each trust fund begins the  
109 fiscal year with at least 1/12 of the legislative appropriation  
110 for that trust fund.

111 (4) DISTRIBUTIONS FROM THE CORE COURT SYSTEM CLEARING TRUST  
112 FUND; PRIORITY DISTRIBUTION.—

113 (a) Notwithstanding any other provision of law, the cash  
114 amounts transferred to the State Courts Revenue Trust Fund, the  
115 Clerks of Court Trust Fund, and the Court Education Trust Fund  
116 shall be transferred before any other payments or transfers are

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117 made from the Core Court System Clearing Trust Fund. The Chief  
118 Financial Officer shall distribute funds from the Core Court  
119 System Clearing Trust Fund as follows:

120 1. The State Courts Revenue Trust Fund, the Clerks of Court  
121 Trust Fund, and the Court Education Trust Fund, for the amounts  
122 required by subparagraph (b).

123 2. Other trust funds and general revenue as required by law  
124 subject to the requirements of this section.

125 (b) The amount of cash directed each month to the State  
126 Courts Revenue Trust Fund, the Clerks of Court Trust Fund, and  
127 the Court Education Trust Fund shall equal 1/12 of the  
128 legislative appropriation for the trust funds for the fiscal  
129 year, plus the corresponding allowance for the 8 percent general  
130 revenue service charge. This amount shall be calculated by the  
131 Chief Financial Officer, who shall transfer the calculated  
132 monthly cash amounts to the State Courts Revenue Trust Fund, the  
133 Clerks of Court Trust Fund, and the Court Education Trust Fund  
134 from the Core Court System Clearing Trust Fund by the 15th day  
135 of each month.

136 (c) The Chief Financial Officer shall transfer to other  
137 trust funds designated by law to receive some portion of court-  
138 related revenue the statutory amount due on a monthly basis. Any  
139 remaining revenues and any statutory amount due to the General  
140 Revenue Fund shall be deposited quarterly into the General  
141 Revenue Fund.

142 (d) Notwithstanding any other provision of law, if revenue  
143 collections are insufficient after distributions have been made  
144 to the State Courts Revenue Trust Fund, the Clerks of Court  
145 Trust Fund, and the Court Education Trust Fund pursuant to

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146 paragraphs (a) and (b) such that other trust funds and the  
147 General Revenue Fund are unable to receive the amount of court-  
148 related revenue, any remaining revenue shall be allocated on a  
149 pro rata basis to the other trust funds and the General Revenue  
150 Fund based on the portion of fees, service charges, court costs,  
151 and fines designated for those funds by statute.

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

154 25.241 Clerk of Supreme Court; compensation; assistants;  
155 filing fees, etc.—

156 (3) (a) The Clerk of the Supreme Court shall ~~is hereby~~  
157 ~~required to~~ collect, upon the filing of a certified copy of a  
158 notice of appeal or petition or notice to invoke discretionary  
159 jurisdiction, \$300 for each case docketed, and for copying,  
160 certifying, or furnishing opinions, records, papers, or other  
161 instruments, except as otherwise herein provided, the same fees  
162 that are allowed clerks of the circuit court; however, no fee  
163 shall be less than \$1. Such fees shall be deposited into the  
164 State Courts Revenue Trust Fund. The State of Florida or its  
165 agencies, when appearing as appellant or petitioner, is exempt  
166 from the filing fees required in this subsection. From each  
167 attorney appearing pro hac vice, the Clerk of the Supreme Court  
168 shall collect an additional fee of \$100 to be deposited into the  
169 State Courts Revenue Trust ~~General Revenue~~ Fund.

170 (b) Upon the filing of a notice of cross-appeal or cross-  
171 notice to invoke discretionary jurisdiction, or a notice of  
172 joinder or motion to intervene as an appellant, cross-appellant,  
173 ~~or~~ petitioner, or cross-petitioner, the Clerk of the Supreme  
174 Court shall charge and collect a filing fee of \$295. The clerk

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175 shall remit the fee to the Department of Revenue for deposit  
176 into the State Courts Revenue Trust ~~General Revenue~~ Fund. The  
177 state and its agencies are exempt from the filing fee required  
178 in this paragraph.

179 (5) The Clerk of the Supreme Court shall ~~is hereby required~~  
180 ~~to~~ prepare a statement of all fees collected each month and  
181 remit such statement, together with all fees collected by him or  
182 her, to the Chief Financial Officer. The Chief Financial Officer  
183 shall deposit ~~\$250 of~~ each \$300 filing fee and all other fees  
184 collected into the State Courts Revenue Trust ~~General Revenue~~  
185 ~~Fund. The Chief Financial Officer shall deposit \$50 of each~~  
186 ~~filing fee collected into the State Courts Revenue Trust Fund to~~  
187 fund court operations as authorized in the General  
188 Appropriations Act.

189 Section 3. Section 28.2455, Florida Statutes, is repealed.

190 Section 4. Paragraph (b) of subsection (3) and subsection  
191 (6) of section 35.22, Florida Statutes, are amended to read:

192 35.22 Clerk of district court; appointment; compensation;  
193 assistants; filing fees; teleconferencing.-

194 (3)

195 (b) Upon the filing of a notice of cross-appeal, or a  
196 notice of joinder or motion to intervene as an appellant, cross-  
197 appellant, or petitioner, the clerk shall charge and collect a  
198 filing fee of \$295. The clerk shall remit the fee to the  
199 Department of Revenue for deposit into the State Courts Revenue  
200 Trust ~~General Revenue~~ Fund. The state and its agencies are  
201 exempt from the filing fee required by this paragraph.

202 (6) The clerk of each district court of appeal is required  
203 to remit to the Department of Revenue ~~to deposit~~ all fees

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204 collected for deposit into the State Courts Revenue Trust ~~in the~~  
205 ~~State Treasury to the credit of the General Revenue Fund, except~~  
206 ~~that \$50 of each \$300 filing fee collected shall be deposited~~  
207 ~~into the State Courts Revenue Trust Fund~~ to fund court  
208 operations as authorized in the General Appropriations Act. The  
209 clerk shall retain an accounting of each such remittance.

210 Section 5. Section 44.106, Florida Statutes, is amended to  
211 read:

212 44.106 Standards and procedures for mediators and  
213 arbitrators; fees.—The Supreme Court shall establish minimum  
214 standards and procedures for qualifications, certification,  
215 professional conduct, discipline, and training for mediators and  
216 arbitrators who are appointed pursuant to this chapter. The  
217 Supreme Court may ~~is authorized to~~ set fees to be charged to  
218 applicants for certification and renewal of certification. Those  
219 fees shall be remitted to the Department of Revenue for deposit  
220 into the State Courts Revenue Trust Fund. The revenues generated  
221 from these fees shall be used to offset the costs of  
222 administration of the certification process. The Supreme Court  
223 may appoint or employ such personnel as are necessary to assist  
224 the court in exercising its powers and performing its duties  
225 under this chapter.

226 Section 6. This act shall take effect July 1, 2012.