

FOR CONSIDERATION By the Committee on Budget

576-02913A-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

576-02913A-12

20127066

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

576-02913A-12

20127066

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,

576-02913A-12

20127066

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

576-02913A-12

20127066

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

576-02913A-12

20127066

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

576-02913A-12

20127066

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

576-02913A-12

20127066__

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.