

By the Committee on Appropriations

576-03524A-13

20131512__

1 A bill to be entitled
2 An act relating to clerks of court; transferring the
3 Clerks of the Court Trust Fund from the Justice
4 Administrative Commission to the Department of
5 Revenue; amending s. 11.90, F.S.; providing additional
6 duties of the Legislative Budget Commission relating
7 to clerks of court; amending s. 28.241, F.S.; revising
8 distribution of filing fees; revising references to
9 trust funds; repealing s. 28.2455, F.S., relating to
10 the transfer of trust funds in excess of the amount
11 needed for clerk budgets; amending s. 28.246, F.S.;
12 conforming provisions to changes made by the act;
13 amending s. 28.35, F.S.; revising duties of the
14 corporation; defining terms; providing requirements
15 for annual submission of a proposed budget and related
16 information; revising provisions concerning functions
17 that may and may not be funded from specified sources;
18 revising distribution of the corporation's audit
19 report; amending s. 28.36, F.S.; specifying that only
20 certain functions may be funded from fees, service
21 charges, costs, and fines retained by the clerks of
22 the court; revising provisions relating to preparation
23 of budget requests by clerks; providing for reporting
24 and certification of revenue deficits; providing
25 procedures for retention of additional revenues by
26 clerks in the event of a deficit; providing for the
27 release of funds from a specified trust fund to
28 relieve such a deficit in certain circumstances;
29 providing for increases in previously authorized

576-03524A-13

20131512__

30 budgets in certain circumstances; deleting provisions
31 relating to review of budgets and related information;
32 creating s. 28.365, F.S.; providing that clerks of
33 court and the Florida Clerks of Court Operations
34 Corporation are subject to specified procurement
35 requirements for expenditures made pursuant to
36 specified provisions; amending s. 28.37, F.S.;
37 providing that a portion of all fines, fees, service
38 charges, and costs collected by the clerks of the
39 court that exceeds a specified portion of the clerk's
40 annual budget be remitted to a specified trust fund;
41 providing for remission of certain excess collections
42 to the department for deposit into the General Revenue
43 Fund on specified dates; providing for deposit of such
44 funds in a specified trust fund in certain
45 circumstances; providing for collection of certain
46 funds by the department; amending s. 34.041, F.S.;
47 conforming provisions to changes made by the act;
48 revising distribution of certain fees; amending s.
49 142.01, F.S.; deleting provisions specifying that
50 certain moneys are considered state funds; amending s.
51 213.131, F.S.; conforming provisions to changes made
52 by the act; amending s. 215.22, F.S.; exempting
53 certain moneys deposited in the Clerks of the Court
54 Trust Fund from a specified deduction; specifying the
55 authorized budget for the clerks of the circuit court
56 and the corporation for specified periods; requiring
57 the corporation to determine budget amounts for the
58 individual clerks for those periods; providing an

576-03524A-13

20131512

59 effective date.

60
61 Be It Enacted by the Legislature of the State of Florida:

62
63 Section 1. The Clerks of the Court Trust Fund within the
64 Justice Administrative Commission, FLAIR number 21-2-588, is
65 transferred together with all balances in the fund to the
66 Department of Revenue.

67 Section 2. Subsection (6) of section 11.90, Florida
68 Statutes, is amended to read:

69 11.90 Legislative Budget Commission.—

70 (6) The commission shall have the power and duty to:

71 (a) Review and approve or disapprove budget amendments
72 recommended by the Governor or the Chief Justice of the Supreme
73 Court as provided in chapter 216.

74 (b) Develop the long-range financial outlook described in
75 s. 19, Art. III of the State Constitution.

76 (c) Review and approve, disapprove, or amend and approve
77 the total combined budgets of the clerks of the court or the
78 budget of any individual clerk of the court for court-related
79 functions.

80 ~~(d) In addition to the powers and duties specified in this~~
81 ~~subsection, the commission shall~~ Exercise all other powers and
82 perform any other duties prescribed by the Legislature.

83 Section 3. Paragraph (a) of subsection (1) of section
84 28.241, Florida Statutes, is amended to read:

85 28.241 Filing fees for trial and appellate proceedings.—

86 (1) Filing fees are due at the time a party files a
87 pleading to initiate a proceeding or files a pleading for

576-03524A-13

20131512__

88 relief. Reopen fees are due at the time a party files a pleading
89 to reopen a proceeding if at least 90 days have elapsed since
90 the filing of a final order or final judgment with the clerk. If
91 a fee is not paid upon the filing of the pleading as required
92 under this section, the clerk shall pursue collection of the fee
93 pursuant to s. 28.246.

94 (a)1.a. Except as provided in sub-subparagraph b. and
95 subparagraph 2., the party instituting any civil action, suit,
96 or proceeding in the circuit court shall pay to the clerk of
97 that court a filing fee of up to \$395 in all cases in which
98 there are not more than five defendants and an additional filing
99 fee of up to \$2.50 for each defendant in excess of five. Of the
100 first \$280 in filing fees, \$75 ~~\$80~~ must be remitted by the clerk
101 to the Department of Revenue for deposit into the General
102 Revenue Fund, \$5 must be remitted by the clerk to the Department
103 of Revenue for deposit into the Clerks of Court Trust Fund, \$195
104 must be remitted to the Department of Revenue for deposit into
105 the State Courts Revenue Trust Fund, \$4 ~~\$3.50~~ must be remitted
106 to the Department of Revenue for deposit into the Clerks of the
107 Court Trust Fund within the Justice Administrative Commission
108 and used to fund the Florida Clerks of Court Operations
109 Corporation created in s. 28.35, and \$1 ~~\$1.50~~ must be remitted
110 to the Department of Revenue for deposit into the Administrative
111 Trust Fund within the Department of Financial Services to fund
112 audits of individual clerks' court-related expenditures ~~clerk~~
113 ~~budget reviews~~ conducted by the Department of Financial
114 Services. By the 10th of each month, the clerk shall submit that
115 portion of the filing fees collected in the previous month which
116 is in excess of one-twelfth of the clerk's total budget ~~One~~

576-03524A-13

20131512

117 ~~third of any filing fees collected by the clerk of the circuit~~
118 ~~court in excess of \$100 must be remitted~~ to the Department of
119 Revenue for deposit into the Clerks of the Court Trust Fund
120 ~~within the Justice Administrative Commission.~~

121 b. The party instituting any civil action, suit, or
122 proceeding in the circuit court under chapter 39, chapter 61,
123 chapter 741, chapter 742, chapter 747, chapter 752, or chapter
124 753 shall pay to the clerk of that court a filing fee of up to
125 \$295 in all cases in which there are not more than five
126 defendants and an additional filing fee of up to \$2.50 for each
127 defendant in excess of five. Of the first \$180 in filing fees,
128 \$75 ~~\$80~~ must be remitted by the clerk to the Department of
129 Revenue for deposit into the General Revenue Fund, \$5 must be
130 remitted by the clerk to the Department of Revenue for deposit
131 into the Clerks of Court Trust Fund, \$95 must be remitted to the
132 Department of Revenue for deposit into the State Courts Revenue
133 Trust Fund, \$4 ~~\$3.50~~ must be remitted to the Department of
134 Revenue for deposit into the Clerks of the Court Trust Fund
135 within the Justice Administrative Commission and used to fund
136 the Florida Clerks of Court Operations Corporation created in s.
137 28.35, and \$1 ~~\$1.50~~ must be remitted to the Department of
138 Revenue for deposit into the Administrative Trust Fund within
139 the Department of Financial Services to fund audits of
140 individual clerks' court-related expenditures ~~clerk budget~~
141 ~~reviews~~ conducted by the Department of Financial Services.

142 c. An additional filing fee of \$4 shall be paid to the
143 clerk. The clerk shall remit \$3.50 to the Department of Revenue
144 for deposit into the Court Education Trust Fund and shall remit
145 50 cents to the Department of Revenue for deposit into the

576-03524A-13

20131512__

146 Clerks of the Court Trust Fund within the Justice Administrative
147 Commission to fund clerk education provided by the Florida
148 Clerks of Court Operations Corporation. An additional filing fee
149 of up to \$18 shall be paid by the party seeking each severance
150 that is granted. The clerk may impose an additional filing fee
151 of up to \$85 for all proceedings of garnishment, attachment,
152 replevin, and distress. Postal charges incurred by the clerk of
153 the circuit court in making service by certified or registered
154 mail on defendants or other parties shall be paid by the party
155 at whose instance service is made. Additional fees, charges, or
156 costs may not be added to the filing fees imposed under this
157 section, except as authorized in this section or by general law.

158 2.a. Notwithstanding the fees prescribed in subparagraph
159 1., a party instituting a civil action in circuit court relating
160 to real property or mortgage foreclosure shall pay a graduated
161 filing fee based on the value of the claim.

162 b. A party shall estimate in writing the amount in
163 controversy of the claim upon filing the action. For purposes of
164 this subparagraph, the value of a mortgage foreclosure action is
165 based upon the principal due on the note secured by the
166 mortgage, plus interest owed on the note and any moneys advanced
167 by the lender for property taxes, insurance, and other advances
168 secured by the mortgage, at the time of filing the foreclosure.
169 The value shall also include the value of any tax certificates
170 related to the property. In stating the value of a mortgage
171 foreclosure claim, a party shall declare in writing the total
172 value of the claim, as well as the individual elements of the
173 value as prescribed in this sub-subparagraph.

174 c. In its order providing for the final disposition of the

576-03524A-13

20131512

175 matter, the court shall identify the actual value of the claim.
176 The clerk shall adjust the filing fee if there is a difference
177 between the estimated amount in controversy and the actual value
178 of the claim and collect any additional filing fee owed or
179 provide a refund of excess filing fee paid.

180 d. The party shall pay a filing fee of:

181 (I) Three hundred and ninety-five dollars in all cases in
182 which the value of the claim is \$50,000 or less and in which
183 there are not more than five defendants. The party shall pay an
184 additional filing fee of up to \$2.50 for each defendant in
185 excess of five. Of the first \$280 in filing fees, \$270 ~~\$275~~ must
186 be remitted by the clerk to the Department of Revenue for
187 deposit into the General Revenue Fund, \$5 must be remitted by
188 the clerk to the Department of Revenue for deposit into the
189 Clerks of Court Trust Fund, \$4 ~~\$3.50~~ must be remitted to the
190 Department of Revenue for deposit into the Clerks of the Court
191 Trust Fund within the Justice Administrative Commission and used
192 to fund the Florida Clerks of Court Operations Corporation
193 created in s. 28.35, and \$1 ~~\$1.50~~ must be remitted to the
194 Department of Revenue for deposit into the Administrative Trust
195 Fund within the Department of Financial Services to fund audits
196 of individual clerks' court-related expenditures ~~clerk budget~~
197 ~~reviews~~ conducted by the Department of Financial Services;

198 (II) Nine hundred dollars in all cases in which the value
199 of the claim is more than \$50,000 but less than \$250,000 and in
200 which there are not more than five defendants. The party shall
201 pay an additional filing fee of up to \$2.50 for each defendant
202 in excess of five. Of the first \$785 in filing fees, \$775 ~~\$780~~
203 must be remitted by the clerk to the Department of Revenue for

576-03524A-13

20131512__

204 deposit into the General Revenue Fund, \$5 must be remitted by
 205 the clerk to the Department of Revenue for deposit into the
 206 Clerks of Court Trust Fund, \$4 ~~\$3.50~~ must be remitted to the
 207 Department of Revenue for deposit into the Clerks of the Court
 208 Trust Fund within the Justice Administrative Commission and used
 209 to fund the Florida Clerks of Court Operations Corporation
 210 described in s. 28.35, and \$1 ~~\$1.50~~ must be remitted to the
 211 Department of Revenue for deposit into the Administrative Trust
 212 Fund within the Department of Financial Services to fund audits
 213 of individual clerks' court-related expenditures ~~clerk budget~~
 214 ~~reviews~~ conducted by the Department of Financial Services; or
 215 (III) One thousand nine hundred dollars in all cases in
 216 which the value of the claim is \$250,000 or more and in which
 217 there are not more than five defendants. The party shall pay an
 218 additional filing fee of up to \$2.50 for each defendant in
 219 excess of five. Of the first \$1,785 in filing fees, \$1,005
 220 ~~\$1,010~~ must be remitted by the clerk to the Department of
 221 Revenue for deposit into the General Revenue Fund, \$5 must be
 222 remitted by the clerk to the Department of Revenue for deposit
 223 into the Clerks of Court Trust Fund, \$770 must be remitted to
 224 the Department of Revenue for deposit into the State Courts
 225 Revenue Trust Fund, \$4 ~~\$3.50~~ must be remitted to the Department
 226 of Revenue for deposit into the Clerks of the Court Trust Fund
 227 within the Justice Administrative Commission to fund the Florida
 228 Clerks of Court Operations Corporation created in s. 28.35, and
 229 \$1 ~~\$1.50~~ must be remitted to the Department of Revenue for
 230 deposit into the Administrative Trust Fund within the Department
 231 of Financial Services to fund audits of individual clerks'
 232 court-related expenditures ~~clerk budget reviews~~ conducted by the

576-03524A-13

20131512__

233 Department of Financial Services.

234 e. An additional filing fee of \$4 shall be paid to the
235 clerk. The clerk shall remit \$3.50 to the Department of Revenue
236 for deposit into the Court Education Trust Fund and shall remit
237 50 cents to the Department of Revenue for deposit into the
238 Clerks of the Court Trust Fund within the Justice Administrative
239 Commission to fund clerk education provided by the Florida
240 Clerks of Court Operations Corporation. An additional filing fee
241 of up to \$18 shall be paid by the party seeking each severance
242 that is granted. The clerk may impose an additional filing fee
243 of up to \$85 for all proceedings of garnishment, attachment,
244 replevin, and distress. Postal charges incurred by the clerk of
245 the circuit court in making service by certified or registered
246 mail on defendants or other parties shall be paid by the party
247 at whose instance service is made. Additional fees, charges, or
248 costs may not be added to the filing fees imposed under this
249 section, except as authorized in this section or by general law.

250 Section 4. Effective upon this act becoming a law, section
251 28.2455, Florida Statutes, is repealed.

252 Section 5. Paragraph (b) of subsection (5) of section
253 28.246, Florida Statutes, is amended to read:

254 28.246 Payment of court-related fines or other monetary
255 penalties, fees, charges, and costs; partial payments;
256 distribution of funds.—

257 (5) When receiving partial payment of fees, service
258 charges, court costs, and fines, clerks shall distribute funds
259 according to the following order of priority:

260 (b) That portion of fees, service charges, court costs, and
261 fines required to be retained by the clerk of the court or

576-03524A-13

20131512__

262 deposited into the Clerks of the Court Trust Fund within the
263 Department of Revenue ~~Justice Administrative Commission~~.

264
265 To offset processing costs, clerks may impose either a per-month
266 service charge pursuant to s. 28.24(26) (b) or a one-time
267 administrative processing service charge at the inception of the
268 payment plan pursuant to s. 28.24(26) (c).

269 Section 6. Section 28.35, Florida Statutes, is amended to
270 read:

271 28.35 Florida Clerks of Court Operations Corporation.—

272 (1) (a) The Florida Clerks of Court Operations Corporation
273 is created as a public corporation organized to perform the
274 functions specified in this section and s. 28.36 and shall be
275 administratively housed within the Justice Administrative
276 Commission. The corporation shall be a budget entity within the
277 Justice Administrative Commission, and its employees shall be
278 considered state employees. The corporation is not subject to
279 control, supervision, or direction by the Justice Administrative
280 Commission in the performance of its duties, but the employees
281 of the corporation shall be governed by the classification plan
282 and salary and benefits plan of the Justice Administrative
283 Commission. The classification plan must have a separate chapter
284 for the corporation. All clerks of the circuit court shall be
285 members of the corporation and hold their position and authority
286 in an ex officio capacity. The functions assigned to the
287 corporation shall be performed by an executive council pursuant
288 to the plan of operation approved by the members.

289 (b) The executive council shall be composed of eight clerks
290 of the court elected by the clerks of the courts for a term of 2

576-03524A-13

20131512

291 years, with two clerks from counties with a population of fewer
292 than 100,000, two clerks from counties with a population of at
293 least 100,000 but fewer than 500,000, two clerks from counties
294 with a population of at least 500,000 but fewer than 1 million,
295 and two clerks from counties with a population of more than 1
296 million. The executive council shall also include, as ex officio
297 members, a designee of the President of the Senate and a
298 designee of the Speaker of the House of Representatives. The
299 Chief Justice of the Supreme Court shall designate one
300 additional member to represent the state courts system.

301 (c) The corporation shall be considered a political
302 subdivision of the state and shall be exempt from the corporate
303 income tax. The corporation is not subject to ~~the provisions of~~
304 chapter 120.

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

308 (2) The duties of the corporation shall include the
309 following:

310 (a) Adopting a plan of operation.

311 (b) Conducting the election of an executive council
312 ~~directors~~ as required in paragraph (1)(b) ~~(1)(a)~~.

313 (c) Recommending to the Legislature changes in the amounts
314 of the various court-related fines, fees, service charges, and
315 court costs established by law to ensure reasonable and adequate
316 funding of the clerks of the court in the performance of their
317 court-related functions.

318 (d) Developing and certifying a uniform system of workload
319 ~~performance~~ measures and applicable workload ~~performance~~

576-03524A-13

20131512

320 standards for the functions specified in paragraph (3)(a) and
321 ~~the service unit costs required in s. 28.36 and measures for~~
322 clerk workload performance in meeting the workload performance
323 standards. These workload measures and workload performance
324 standards shall be designed to facilitate an objective
325 determination of the performance of each clerk in accordance
326 with minimum standards for fiscal management, operational
327 efficiency, and effective collection of fines, fees, service
328 charges, and court costs. The corporation shall develop the
329 workload ~~performance~~ measures and workload performance standards
330 in consultation with the Legislature ~~and the Supreme Court. The~~
331 ~~Legislature may modify the clerk performance measures and~~
332 ~~performance standards in legislation implementing the General~~
333 ~~Appropriations Act or other law.~~ When the corporation finds a
334 clerk has not met the workload performance standards, the
335 corporation shall identify the nature of each deficiency and any
336 corrective action recommended and taken by the affected clerk of
337 the court. The corporation shall notify the Legislature ~~and the~~
338 ~~Supreme Court~~ of any clerk not meeting workload performance
339 standards and provide a copy of any corrective action plans. As
340 used in this subsection, the term:

341 1. "Workload measures" means the measurement of the
342 activities and frequency of the work required for the clerk to
343 adequately perform the court-related duties of the office as
344 defined by the Florida Clerks of Court Operations Corporation.

345 2. "Workload performance standards" means the standards
346 developed to measure the timeliness and effectiveness of the
347 activities that are accomplished by the clerk in the performance
348 of the court-related duties of the office as defined by the

576-03524A-13

20131512__

349 Florida Clerks of Court Operations Corporation.

350 (e) Entering into a contract with the Department of
351 Financial Services for the department to audit the court-related
352 expenditures of individual clerks.

353 (f) ~~(e)~~ Reviewing, certifying, and recommending proposed
354 budgets submitted by clerks of the court pursuant to s. 28.36.
355 As part of this process, the corporation shall:

356 1. Calculate the minimum amount of revenue necessary for
357 each clerk of the court to efficiently perform the list of
358 court-related functions specified in paragraph (3) (a). The
359 corporation shall apply the workload measures appropriate for
360 determining the individual level of review required to fund the
361 clerk's budget.

362 2. Prepare a cost comparison of similarly situated clerks
363 of the court, based on county population and numbers of filings,
364 using the standard list of court-related functions specified in
365 paragraph (3) (a).

366 3. Conduct an annual base budget review and an annual
367 budget exercise examining the total budget of each clerk of the
368 court. The review shall examine revenues from all sources,
369 expenses of court-related functions, and expenses of noncourt-
370 related functions as necessary to determine that court-related
371 revenues are not being used for noncourt-related purposes. The
372 review and exercise shall identify potential targeted budget
373 reductions in the percentage amount provided in Schedule VIII-B
374 of the state's legislative budget instructions from the previous
375 year, as referenced in s. 216.023(3), or an equivalent schedule
376 or instruction as may be adopted by the Legislature.

377 4. Identify those proposed budgets containing funding for

576-03524A-13

20131512__

378 items not included on the standard list of court-related
379 functions specified in paragraph (3) (a).

380 5. Identify those clerks projected to have court-related
381 revenues insufficient to fund their anticipated court-related
382 expenditures.

383 6. Use revenue estimates based on the official estimate for
384 funds accruing to the Clerks of the Court Trust Fund made by the
385 Revenue Estimating Conference.

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

387 ~~(g) Publishing a uniform schedule of actual fees, service~~
388 ~~charges, and costs charged by a clerk of the court pursuant to~~
389 ~~general law.~~

390 (h) Beginning August 1, 2017, and each August 1 thereafter,
391 submitting to the Legislative Budget Commission, as provided in
392 s. 11.90, the information described in paragraph (f), as well as
393 the authorized budgets for each clerk of the court. Before
394 October 1 of each year beginning in 2017, the Legislative Budget
395 Commission shall consider the submitted budgets and shall
396 approve, disapprove, or amend and approve the total of the
397 clerks' combined budgets or any individual clerk's budget. If
398 the Legislative Budget Commission fails to approve or amend and
399 approve the clerks' combined budgets before October 1, the clerk
400 shall continue to perform the court-related functions based upon
401 the clerk's authorized budget for the previous county fiscal
402 year.

403 (3) (a) The list of court-related functions that clerks may
404 fund from filing fees, service charges, costs, and fines is
405 ~~perform~~ are limited to those functions expressly authorized by
406 law or court rule. Those functions include the following: case

576-03524A-13

20131512__

407 maintenance; records management; court preparation and
408 attendance; processing the assignment, reopening, and
409 reassignment of cases; processing of appeals; collection and
410 distribution of fines, fees, service charges, and court costs;
411 processing of bond forfeiture payments; payment of jurors and
412 witnesses; payment of expenses for meals or lodging provided to
413 jurors; data collection and reporting; processing of jurors;
414 determinations of indigent status; and paying reasonable
415 administrative support costs to enable the clerk of the court to
416 carry out these court-related functions.

417 (b) The list of court-related functions that clerks may not
418 fund from filing fees, service charges, costs, and fines
419 includes ~~state appropriations include:~~

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

421 2. Functions assigned by administrative orders which are
422 not required for the clerk to perform the functions in paragraph
423 (a).

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

426 4. Functions identified as local requirements in law or
427 local optional programs.

428 (4) The corporation shall prepare a legislative budget
429 request for the resources necessary to perform its duties,
430 submit the request pursuant to chapter 216, and be funded as a
431 budget entity in the General Appropriations Act. The corporation
432 may hire staff and pay other expenses from state appropriations
433 as necessary to perform the official duties and responsibilities
434 of the corporation as described by law.

435 (5) Certified public accountants conducting audits of

576-03524A-13

20131512__

436 counties pursuant to s. 218.39 shall report, as part of the
 437 audit, whether ~~or not~~ the clerks of the courts have complied
 438 with the requirements of this section and s. 28.36. In addition,
 439 each clerk of court shall forward a copy of the ~~portion of the~~
 440 financial audit ~~relating to the court-related duties of the~~
 441 ~~clerk of court~~ to the Florida Clerks of Court Operations
 442 Corporation ~~Supreme Court~~. The Auditor General shall develop a
 443 compliance supplement for the audit of compliance with the
 444 budgets and applicable workload performance standards certified
 445 by the corporation.

446 Section 7. Section 28.36, Florida Statutes, is amended to
 447 read:

448 28.36 Budget procedure.—There is established a budget
 449 procedure ~~for preparing budget requests for funding~~ for the
 450 court-related functions of the clerks of the court.

451 (1) Only those functions listed in s. 28.35(3)(a) may be
 452 funded from fees, service charges, costs, and fines retained by
 453 the clerks of the court ~~Each clerk of court shall prepare a~~
 454 ~~budget request for the last quarter of the county fiscal year~~
 455 ~~and the first three quarters of the next county fiscal year. The~~
 456 ~~proposed budget shall be prepared, summarized, and submitted by~~
 457 ~~the clerk in each county to the Florida Clerks of Court~~
 458 ~~Operations Corporation in the manner and form prescribed by the~~
 459 ~~corporation to meet the requirements of law. Each clerk shall~~
 460 ~~forward a copy of his or her budget request to the Supreme~~
 461 ~~Court. The budget requests must be provided to the corporation~~
 462 ~~by October 1 of each year.~~

463 (2) ~~Each clerk shall include in his or her budget request a~~
 464 ~~projection of the amount of court-related fees, service charges,~~

576-03524A-13

20131512__

465 ~~and any other court-related clerk fees which will be collected~~
466 ~~during the proposed budget period. If the corporation determines~~
467 ~~that the proposed budget is limited to the standard list of~~
468 ~~court-related functions in s. 28.35(3) (a) and the projected~~
469 ~~court-related revenues are less than the proposed budget, the~~
470 ~~clerk shall increase all fees, service charges, and any other~~
471 ~~court-related clerk fees and charges to the maximum amounts~~
472 ~~specified by law or the amount necessary to resolve the deficit,~~
473 ~~whichever is less.~~

474 (2) ~~(3)~~ Each proposed budget shall further conform to the
475 following requirements ~~clerk shall include in his or her budget~~
476 ~~request the number of personnel and the proposed budget for each~~
477 ~~of the following core services:~~

478 (a) On or before June 1 of each year beginning in 2017, the
479 proposed budget shall be prepared, summarized, and submitted by
480 the clerk in each county to the Florida Clerks of Court
481 Operations Corporation in the manner and form prescribed by the
482 corporation. The proposed budget must provide detailed
483 information on the anticipated revenues available and
484 expenditures necessary for the performance of the court-related
485 functions listed in s. 28.35(3) (a) of the clerk's office for the
486 county fiscal year beginning October 1.

487 (b) The proposed budget must be balanced such that the
488 total of the estimated revenues available equals or exceeds the
489 total of the anticipated expenditures. Such revenues include
490 revenue projected to be received from fees, services charges,
491 costs, and fines for court-related functions during the fiscal
492 period covered by the budget. The anticipated expenditures must
493 be itemized as required by the corporation.

576-03524A-13

20131512

- 494 ~~(a) Circuit criminal.~~
495 ~~(b) County criminal.~~
496 ~~(c) Juvenile delinquency.~~
497 ~~(d) Criminal traffic.~~
498 ~~(e) Circuit civil.~~
499 ~~(f) County civil.~~
500 ~~(g) Civil traffic.~~
501 ~~(h) Probate.~~
502 ~~(i) Family.~~
503 ~~(j) Juvenile dependency.~~

504

505 ~~Central administrative costs shall be allocated among the core~~
506 ~~services categories.~~

507 (3) If a clerk of the court estimates that available funds
508 plus projected revenues from fines, fees, service charges, and
509 costs for court-related services are insufficient to meet the
510 anticipated expenditures for the standard list of court-related
511 functions in s. 28.35(3) (a) performed by his or her office, the
512 clerk must report the revenue deficit to the corporation in the
513 manner and form prescribed by the corporation. The corporation
514 shall verify that the proposed budget is limited to the standard
515 list of court-related functions in s. 28.35(3) (a). If the
516 corporation verifies that a revenue deficit is projected, the
517 corporation shall certify a revenue deficit and notify the
518 Department of Revenue that the clerk is authorized to retain
519 revenues, in an amount necessary to fully fund the projected
520 revenue deficit, which he or she would otherwise be required to
521 remit to the Department of Revenue for deposit into the
522 department's Clerks of the Court Trust Fund pursuant to s.

576-03524A-13

20131512__

523 28.37. If a revenue deficit is projected for that clerk after
524 retaining all of the projected collections from the court-
525 related fines, fees, service charges, and costs, the corporation
526 shall certify the amount of the revenue deficit to the Executive
527 Office of the Governor and the Legislative Budget Commission,
528 and request release authority for funds from the department's
529 Clerks of the Court Trust Fund. Notwithstanding s. 216.192
530 relating to the release of funds, the Executive Office of the
531 Governor shall request the Legislative Budget Commission to
532 approve the release. If a meeting of the Legislative Budget
533 Commission cannot be held within thirty days of the corporation
534 submitting the request, the chair and vice-chair of the
535 Legislative Budget Commission may authorize the release to be
536 submitted in accordance with the notice, review, and objection
537 procedures set forth in s. 216.177 and shall provide notice to
538 the Chief Financial Officer. The Department of Revenue shall
539 request monthly distributions from the Chief Financial Officer
540 in equal amounts to each clerk certified to have a revenue
541 deficit, in accordance with the releases approved by the
542 Governor and the Legislative Budget Commission.

543 (4) The Legislative Budget Commission may approve increases
544 to the previously authorized budgets approved for individual
545 clerks of the court pursuant to section 28.35 for court-related
546 functions, if:

547 (a) The additional budget authority is necessary to pay the
548 cost of performing new or additional functions required by
549 changes in law or court rule; or

550 (b) The additional budget authority is necessary to pay the
551 cost of supporting increases in the number of judges or

576-03524A-13

20131512__

552 magistrates authorized by the Legislature.

553 ~~(4) The budget request must identify the service units to~~
554 ~~be provided within each core service. The service units shall be~~
555 ~~developed by the corporation, in consultation with the Supreme~~
556 ~~Court, the Chief Financial Officer, and the appropriations~~
557 ~~committees of the Senate and the House of Representatives.~~

558 ~~(5) The budget request must propose a unit cost for each~~
559 ~~service unit. The corporation shall provide a copy of each~~
560 ~~clerk's budget request to the Supreme Court.~~

561 ~~(6) The corporation shall review each individual clerk's~~
562 ~~prior year expenditures, projected revenue, proposed unit costs,~~
563 ~~and the proposed budget for each of the core services~~
564 ~~categories. The corporation shall compare each clerk's prior-~~
565 ~~year expenditures and unit costs for core services with a peer~~
566 ~~group of clerks' offices having a population of a similar size~~
567 ~~and a similar number of case filings. If the corporation finds~~
568 ~~that the expenditures, unit costs, or proposed budget of a clerk~~
569 ~~is significantly higher than those of clerks in that clerk's~~
570 ~~peer group, the corporation shall require the clerk to submit~~
571 ~~documentation justifying the difference in each core-services~~
572 ~~category. Justification for higher expenditures may include, but~~
573 ~~is not limited to, collective bargaining agreements, county~~
574 ~~civil service agreements, and the number and distribution of~~
575 ~~courthouses served by the clerk. If the expenditures and unit~~
576 ~~costs are not justified, the corporation shall recommend a~~
577 ~~reduction in the funding for that core-services category in the~~
578 ~~budget request to an amount similar to the peer group of clerks~~
579 ~~or to an amount that the corporation determines is justified.~~

580 ~~(7) The corporation shall complete its review and~~

576-03524A-13

20131512__

581 ~~adjustments to the clerks' budget requests and make its~~
582 ~~recommendations to the Legislature and the Supreme Court by~~
583 ~~December 1 each year.~~

584 ~~(8) The Chief Financial Officer shall review the proposed~~
585 ~~unit costs associated with each clerk of court's budget request~~
586 ~~and make recommendations to the Legislature. The Chief Financial~~
587 ~~Officer may conduct any audit of the corporation or a clerk of~~
588 ~~court as authorized by law. The Chief Justice of the Supreme~~
589 ~~Court may request an audit of the corporation or any clerk of~~
590 ~~court by the Chief Financial Officer.~~

591 ~~(9) The Legislature shall appropriate the total amount for~~
592 ~~the budgets of the clerks in the General Appropriations Act. The~~
593 ~~Legislature may reject or modify any or all of the unit costs~~
594 ~~recommended by the corporation. If the Legislature does not~~
595 ~~specify the unit costs in the General Appropriations Act or~~
596 ~~other law, the unit costs recommended by the corporation shall~~
597 ~~be the official unit costs for that budget period.~~

598 ~~(10) (a) Beginning in the 2010-2011 fiscal year, the~~
599 ~~corporation shall release appropriations to each clerk~~
600 ~~quarterly. If funds in the Clerks of Court Trust Fund are~~
601 ~~insufficient to provide a release in a quarter in a single~~
602 ~~release, the corporation may release partial amounts for that~~
603 ~~quarter so long as the total of those partial amounts does not~~
604 ~~exceed that quarter's release. If funds in the Clerks of Court~~
605 ~~Trust Fund are insufficient for the first quarter release, the~~
606 ~~corporation may make a request to the Governor for a trust fund~~
607 ~~loan pursuant to chapter 215. The amount of the first three~~
608 ~~releases shall be based on one quarter of the estimated budget~~
609 ~~for each clerk as identified in the General Appropriations Act.~~

576-03524A-13

20131512__

610 ~~(b) The corporation shall estimate the fourth quarter's~~
611 ~~number of units to be performed by each clerk. The amount of the~~
612 ~~fourth-quarter release shall be based on the approved unit cost~~
613 ~~times the estimated number of units of the fourth quarter with~~
614 ~~the following adjustment: the fourth-quarter release shall be~~
615 ~~adjusted based on the first three quarter's actual number of~~
616 ~~service units provided as reported to the corporation by each~~
617 ~~clerk. If the clerk has performed fewer service units in the~~
618 ~~first three quarters of the year compared to three quarters of~~
619 ~~the estimated number of service units in the General~~
620 ~~Appropriations Act, the corporation shall decrease the fourth-~~
621 ~~quarter release. The amount of the decrease shall equal the~~
622 ~~amount of the difference between the estimated number of service~~
623 ~~units for the first three quarters and the actual number of~~
624 ~~service units provided in the first three quarters times the~~
625 ~~approved unit cost.~~

626 ~~(c) No adjustment for the fourth-quarter release shall be~~
627 ~~made if the clerk has performed more units than the estimate for~~
628 ~~the first three quarters.~~

629 ~~(d) If the clerk performs fewer units in the fourth quarter~~
630 ~~than estimated by the corporation, the corporation shall~~
631 ~~decrease the first quarter release for the clerk in the next~~
632 ~~fiscal year by the amount of the difference between the~~
633 ~~estimated number of service units for the fourth quarter and the~~
634 ~~actual number of service units performed in that quarter times~~
635 ~~the approved unit cost.~~

636 ~~(e) The total of all releases to the clerks of court may~~
637 ~~not exceed the amount appropriated in the General Appropriations~~
638 ~~Act. If, during the year, the corporation determines that the~~

576-03524A-13

20131512__

639 ~~projected releases of appropriations for service units will~~
640 ~~exceed the estimate used in the General Appropriations Act and~~
641 ~~result in statewide expenditures greater than the amount~~
642 ~~appropriated by law, the corporation shall reduce all service~~
643 ~~unit costs of all clerks by the amount necessary to ensure that~~
644 ~~service units are funded within the total amount appropriated to~~
645 ~~the clerks of court. If such action is necessary, the~~
646 ~~corporation shall notify the Legislative Budget Commission. If~~
647 ~~the Legislative Budget Commission objects to the adjustments,~~
648 ~~the Legislative Budget Commission shall adjust all service unit~~
649 ~~costs by the amount necessary to ensure that projected units of~~
650 ~~service are funded within the total amount appropriated to the~~
651 ~~clerks of court at its next scheduled meeting.~~

652 ~~(11) The corporation may submit proposed legislation to the~~
653 ~~Governor, the President of the Senate, and the Speaker of the~~
654 ~~House of Representatives relating to the preparation of budget~~
655 ~~requests of the clerks of court.~~

656 Section 8. Section 28.365, Florida Statutes, is created to
657 read:

658 28.365 Procurement.—The clerks of the court and the Florida
659 Clerks of Court Operations Corporation are subject to the
660 procurement requirements and limitations of chapter 287 for
661 expenditures made pursuant to the budget provided for in ss.
662 28.35 and 28.36.

663 Section 9. Section 28.37, Florida Statutes, is amended to
664 read:

665 28.37 Fines, fees, service charges, and costs remitted to
666 the state.—

667 (1) Pursuant to s. 14(b), Art. V of the State Constitution,

576-03524A-13

20131512

668 selected salaries, costs, and expenses of the state courts
669 system and court-related functions shall be funded from a
670 portion of the revenues derived from statutory fines, fees,
671 service charges, and costs collected by the clerks of the court.

672 (2) Beginning November 1, 2016, that portion of all fines,
673 fees, service charges, and costs collected by the clerks of the
674 court for the previous month which is in excess of one-twelfth
675 of the clerks' total budget for the performance of court-related
676 functions shall be remitted to the Department of Revenue for
677 deposit into the Clerks of the Court Trust Fund. Such
678 collections do not include funding received for the operation of
679 the Title IV-D child support collections and disbursement
680 program. The clerk of the court shall remit the revenues
681 collected during the previous month due to the state on or
682 before the 10th day of each month.

683 (3) No later than January 25, 2018, and each January 25
684 thereafter for the previous county fiscal year, the clerks of
685 court, in consultation with the Florida Clerks of Court
686 Operations Corporation, shall remit to the Department of Revenue
687 for deposit in the General Revenue Fund the cumulative excess of
688 all fines, fees, service charges, and costs retained by the
689 clerks of the court, plus any funds received by the clerks of
690 the court from the Clerks of the Court Trust Fund under s.
691 28.36(3), which exceed the amount needed to meet their
692 authorized budget amounts established under s. 28.35, and the
693 Florida Clerks of Court Operations Corporation shall remit to
694 the Department of Revenue for deposit in the General Revenue
695 Fund the cumulative excess of all fines, fees, service charges,
696 and costs retained in the Clerks of the Court Trust Fund.

576-03524A-13

20131512

697 However, if the official estimate for funds accruing to the
 698 Clerks of the Court Trust Fund made by the Revenue Estimating
 699 Conference for the current fiscal year or the next fiscal year
 700 included in the estimate is less than the cumulative amount of
 701 authorized budgets from the Clerks of the Court Trust Fund for
 702 the current fiscal year, the Department of Revenue shall deposit
 703 the difference in the Clerks of the Court Trust Fund rather than
 704 in the General Revenue Fund.

705 (4) The Department of Revenue shall collect any funds that
 706 the Florida Clerks of Court Operations Corporation determines
 707 upon investigation were due no later than January 20 but not
 708 remitted to the department.

709 ~~(5)(2) Ten Except as otherwise provided in ss. 28.241 and~~
 710 ~~34.041, all court-related fines, fees, service charges, and~~
 711 ~~costs are considered state funds and shall be remitted by the~~
 712 ~~clerk to the Department of Revenue for deposit into the Clerks~~
 713 ~~of the Court Trust Fund within the Justice Administrative~~
 714 ~~Commission. However, 10 percent of all court-related fines~~
 715 ~~collected by the clerk, except for penalties or fines~~
 716 ~~distributed to counties or municipalities under s.~~
 717 ~~316.0083(1)(b)3. or s. 318.18(15)(a), shall be deposited into~~
 718 ~~the clerk's Public Records Modernization Trust Fund to be used~~
 719 ~~exclusively for additional clerk court-related operational needs~~
 720 ~~and program enhancements.~~

721 Section 10. Paragraph (b) of subsection (1) of section
 722 34.041, Florida Statutes, is amended, and paragraph (a) of that
 723 subsection is reenacted, to read:

724 34.041 Filing fees.—

725 (1) (a) Filing fees are due at the time a party files a

576-03524A-13

20131512__

726 pleading to initiate a proceeding or files a pleading for
727 relief. Reopen fees are due at the time a party files a pleading
728 to reopen a proceeding if at least 90 days have elapsed since
729 the filing of a final order or final judgment with the clerk. If
730 a fee is not paid upon the filing of the pleading as required
731 under this section, the clerk shall pursue collection of the fee
732 pursuant to s. 28.246. Upon the institution of any civil action,
733 suit, or proceeding in county court, the party shall pay the
734 following filing fee, not to exceed:

- 735 1. For all claims less than \$100 ~~\$50~~.
- 736 2. For all claims of \$100 or more but not more than \$500
737 \$75.
- 738 3. For all claims of more than \$500 but not more than
739 \$2,500 ~~\$170~~.
- 740 4. For all claims of more than \$2,500 ~~\$295~~.
- 741 5. In addition, for all proceedings of garnishment,
742 attachment, replevin, and distress \$85.
- 743 6. Notwithstanding subparagraphs 3. and 5., for all claims
744 of not more than \$1,000 filed simultaneously with an action for
745 replevin of property that is the subject of the claim ~~\$125~~.
- 746 7. For removal of tenant action \$180.

747
748 The filing fee in subparagraph 6. is the total fee due under
749 this paragraph for that type of filing, and no other filing fee
750 under this paragraph may be assessed against such a filing.

751 (b) The first \$75 ~~\$80~~ of the filing fee collected under
752 subparagraph (a)4. shall be remitted to the Department of
753 Revenue for deposit into the General Revenue Fund and \$5 must be
754 remitted by the clerk to the Department of Revenue for deposit

576-03524A-13

20131512

755 into the Clerks of Court Trust Fund. The next \$15 of the filing
756 fee collected under subparagraph (a)4.~~7~~ and the first \$10 of the
757 filing fee collected under subparagraph (a)7.~~7~~ shall be
758 deposited in the State Courts Revenue Trust Fund. By the 10th
759 day of each month, the clerk shall submit that portion of the
760 fees collected in the previous month which is in excess of one-
761 twelfth of the clerk's total budget for the performance of
762 court-related functions to the Department of Revenue for deposit
763 into the Clerks of the Court Trust Fund. An additional filing
764 fee of \$4 shall be paid to the clerk. The clerk shall transfer
765 \$3.50 to the Department of Revenue for deposit into the Court
766 Education Trust Fund and shall transfer 50 cents to the
767 Department of Revenue for deposit into the Clerks of the Court
768 Trust Fund within the Justice Administrative Commission to fund
769 clerk education provided by the Florida Clerks of Court
770 Operations Corporation. Postal charges incurred by the clerk of
771 the county court in making service by mail on defendants or
772 other parties shall be paid by the party at whose instance
773 service is made. Except as provided in this section herein,
774 filing fees and service charges for performing duties of the
775 clerk relating to the county court shall be as provided in ss.
776 28.24 and 28.241. Except as otherwise provided in this section
777 herein, all filing fees shall be retained as fee income of the
778 office of the clerk of the circuit court ~~remitted to the~~
779 ~~Department of Revenue for deposit into the Clerks of the Court~~
780 ~~Trust Fund within the Justice Administrative Commission.~~ Filing
781 fees imposed by this section may not be added to any penalty
782 imposed by chapter 316 or chapter 318.

783 Section 11. Section 142.01, Florida Statutes, is amended to

576-03524A-13

20131512__

784 read:

785 142.01 Fine and forfeiture fund; disposition of revenue;
786 clerk of the circuit court.-

787 (1) There shall be established by the clerk of the circuit
788 court in each county of this state a separate fund to be known
789 as the fine and forfeiture fund for use by the clerk of the
790 circuit court in performing court-related functions. The fund
791 shall consist of the following:

792 (a) Fines and penalties pursuant to ss. 28.2402(2),
793 34.045(2), 316.193, 327.35, 327.72, 379.2203(1), and 775.083(1).

794 (b) That portion of civil penalties directed to this fund
795 pursuant to s. 318.21.

796 (c) Court costs pursuant to ss. 28.2402(1)(b),
797 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a) and
798 (11)(a), and 938.05(3).

799 (d) Proceeds from forfeited bail bonds, unclaimed bonds,
800 unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a),
801 379.2203(1), and 903.26(3)(a).

802 (e) Fines and forfeitures pursuant to s. 34.191.

803 (f) Filing fees received pursuant to ss. 28.241 and 34.041,
804 unless the disposition of such fees is otherwise required by
805 law.

806 (g) ~~(f)~~ All other revenues received by the clerk as revenue
807 authorized by law to be retained by the clerk.

808 ~~(2) All revenues received by the clerk in the fine and~~
809 ~~forfeiture fund from court-related fees, fines, costs, and~~
810 ~~service charges are considered state funds and shall be remitted~~
811 ~~monthly to the Department of Revenue for deposit into the Clerks~~
812 ~~of the Court Trust Fund within the Justice Administrative~~

576-03524A-13

20131512__

813 ~~Commission.~~

814 ~~(3) Notwithstanding the provisions of this section, all~~
 815 ~~finances and forfeitures arising from operation of the provisions~~
 816 ~~of s. 318.1215 shall be disbursed in accordance with that~~
 817 ~~section.~~

818 Section 12. Section 213.131, Florida Statutes, is amended
 819 to read:

820 213.131 Clerks of the Court Trust Fund within the
 821 Department of Revenue ~~Justice Administrative Commission.~~—The
 822 Clerks of the Court Trust Fund is created within the Department
 823 of Revenue ~~Justice Administrative Commission.~~

824 Section 13. Subsection (2) of section 215.22, Florida
 825 Statutes, is amended to read:

826 215.22 Certain income and certain trust funds exempt.—

827 (2) Moneys and income of a revenue nature shared with
 828 political subdivisions or received from taxes or fees authorized
 829 to be levied by any political subdivision, including moneys from
 830 service charges, fees, costs, and fines deposited into the
 831 Clerks of the Court Trust Fund within the Department of Revenue,
 832 shall be exempt from the deduction required by s. 215.20(1).

833 Section 14. For the period from July 1, 2016, through
 834 September 30, 2016, the authorized budget for the clerks of the
 835 circuit court shall be \$110,845,078 and the authorized budget
 836 for the Florida Clerks of Court Operations Corporation shall be
 837 \$405,412. The Florida Clerks of Court Operations Corporation
 838 shall determine budget amounts for the individual clerks for
 839 that period. For the county fiscal year beginning October 1,
 840 2016, and ending September 30, 2017, the authorized budget for
 841 the clerks of the circuit court shall be \$443,380,312 and the

576-03524A-13

20131512__

842 authorized budget for the Florida Clerks of Court Operations
843 Corporation shall be \$1,621,648. The Florida Clerks of Court
844 Operations Corporation shall determine budget amounts for the
845 individual clerks for that period.

846 Section 15. Except as otherwise expressly provided in this
847 act and except for this section, which shall take effect upon
848 this act becoming a law, this act shall take effect July 1,
849 2016.