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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          transfer of trust funds in excess of amount needed for  
11          clerk budgets; amending s. 28.246, F.S.; conforming  
12          provisions to changes made by the act; amending s.  
13          28.35, F.S.; deleting provisions providing for the  
14          housing of the Florida Clerks of Court Operations  
15          Corporation; revising duties of the corporation;  
16          defining terms; providing requirements for annual  
17          submission of a proposed budget and related  
18          information; revising provisions concerning functions  
19          that may and may not be funded from specified sources;  
20          revising distribution of the corporation's audit  
21          report; amending s. 28.36, F.S.; specifying that only  
22          certain functions may be funded from fees, service  
23          charges, costs, and fines retained by the clerks of  
24          the court; revising provisions relating to preparation  
25          of budget requests by clerks; providing for reporting  
26          and certification of revenue deficits; providing  
27          procedures for retention of additional revenues by  
28          clerks in the event of a deficit; providing for the  
29          release of funds from a specified trust fund to

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30 relieve such a deficit in certain circumstances;  
31 providing for increases in previously authorized  
32 budgets in certain circumstances; deleting provisions  
33 relating to review of budgets and related information;  
34 amending s. 28.37, F.S.; providing that a portion of  
35 all fines, fees, service charges, and costs collected  
36 by the clerks of the court which exceed a specified  
37 portion of the clerk's annual budget be remitted to a  
38 specified trust fund; providing for remission of  
39 certain excess collections to the department for  
40 deposit into the General Revenue Fund on specified  
41 dates; providing for deposit of such funds in a  
42 specified trust fund in certain circumstances;  
43 providing for collection of certain funds due by the  
44 department; amending s. 34.041, F.S.; conforming  
45 provisions to changes made by the act; revising  
46 distribution of certain fees; amending ss. 43.16 and  
47 110.205, F.S.; conforming provisions to changes made  
48 by the act; amending s. 142.01, F.S.; revising the  
49 funds deposited in each county's fine and forfeiture  
50 fund; deleting provisions specifying that certain  
51 moneys are considered state funds; amending s.  
52 213.131, F.S.; conforming provisions to changes made  
53 by the act; amending s. 215.22, F.S.; exempting  
54 certain moneys deposited in the Clerks of the Court  
55 Trust Fund from a specified deduction; amending s.  
56 216.011, F.S.; conforming provisions to changes made  
57 by the act; specifying the authorized budget for the  
58 clerks of the circuit court and the corporation for

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59 specified periods; requiring the corporation to  
60 determine budget amounts for the individual clerks for  
61 those periods; providing an effective date.

62  
63 Be It Enacted by the Legislature of the State of Florida:

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

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

71 11.90 Legislative Budget Commission.—

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

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

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

78 (c) Review and approve, disapprove, or amend and approve  
79 the budget of the Florida Clerks of Court Operations  
80 Corporation.

81 (d) Review and approve, disapprove, or amend and approve  
82 the total combined budgets of the clerks of the court or the  
83 budget of any individual clerk of the court for court-related  
84 functions. As part of this review the commission shall consider  
85 the workload and expense data submitted pursuant to s. 28.35.

86 ~~(e) In addition to the powers and duties specified in this~~  
87 ~~subsection, the commission shall~~ Exercise all other powers and

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88 perform any other duties prescribed by the Legislature.

89 Section 3. Paragraph (a) of subsection (1) of section  
90 28.241, Florida Statutes, is amended to read:

91 28.241 Filing fees for trial and appellate proceedings.—

92 (1) Filing fees are due at the time a party files a  
93 pleading to initiate a proceeding or files a pleading for  
94 relief. Reopen fees are due at the time a party files a pleading  
95 to reopen a proceeding if at least 90 days have elapsed since  
96 the filing of a final order or final judgment with the clerk. If  
97 a fee is not paid upon the filing of the pleading as required  
98 under this section, the clerk shall pursue collection of the fee  
99 pursuant to s. 28.246.

100 (a)1.a. Except as provided in sub-subparagraph b. and  
101 subparagraph 2., the party instituting any civil action, suit,  
102 or proceeding in the circuit court shall pay to the clerk of  
103 that court a filing fee of up to \$395 in all cases in which  
104 there are not more than five defendants and an additional filing  
105 fee of up to \$2.50 for each defendant in excess of five. Of the  
106 first \$200 ~~\$280~~ in filing fees, ~~\$80 must be remitted by the~~  
107 ~~clerk to the Department of Revenue for deposit into the General~~  
108 ~~Revenue Fund,~~ \$195 must be remitted to the Department of Revenue  
109 for deposit into the State Courts Revenue Trust Fund, \$4 ~~\$3.50~~  
110 must be remitted to the Department of Revenue for deposit into  
111 the Administrative Clerks of the Court Trust Fund within the  
112 Department of Financial Services ~~Justice Administrative~~  
113 ~~Commission~~ and used to fund the contract with the Florida Clerks  
114 of Court Operations Corporation created in s. 28.35, and \$1  
115 ~~\$1.50~~ must be remitted to the Department of Revenue for deposit  
116 into the Administrative Trust Fund within the Department of

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117 Financial Services to fund audits of individual clerks' court-  
118 related expenditures ~~clerk budget reviews~~ conducted by the  
119 Department of Financial Services. By the 10th of each month, the  
120 clerk shall submit that portion of the filing fees collected in  
121 the previous month which is in excess of one-twelfth of the  
122 clerk's total budget ~~One third of any filing fees collected by~~  
123 ~~the clerk of the circuit court in excess of \$100 must be~~  
124 ~~remitted~~ to the Department of Revenue for deposit into the  
125 Clerks of the Court Trust Fund ~~within the Justice Administrative~~  
126 ~~Commission~~.

127 b. The party instituting any civil action, suit, or  
128 proceeding in the circuit court under chapter 39, chapter 61,  
129 chapter 741, chapter 742, chapter 747, chapter 752, or chapter  
130 753 shall pay to the clerk of that court a filing fee of up to  
131 \$295 in all cases in which there are not more than five  
132 defendants and an additional filing fee of up to \$2.50 for each  
133 defendant in excess of five. Of the first \$100 ~~\$180~~ in filing  
134 fees, ~~\$80 must be remitted by the clerk to the Department of~~  
135 ~~Revenue for deposit into the General Revenue Fund,~~ \$95 must be  
136 remitted to the Department of Revenue for deposit into the State  
137 Courts Revenue Trust Fund, \$4 ~~\$3.50~~ must be remitted to the  
138 Department of Revenue for deposit into the Administrative Clerks  
139 ~~of the Court~~ Trust Fund within the Department of Financial  
140 Services ~~Justice Administrative Commission~~ and used to fund the  
141 contract with the Florida Clerks of Court Operations Corporation  
142 created in s. 28.35, and \$1 ~~\$1.50~~ must be remitted to the  
143 Department of Revenue for deposit into the Administrative Trust  
144 Fund within the Department of Financial Services to fund audits  
145 of individual clerks' court-related expenditures ~~clerk budget~~

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146 ~~reviews~~ conducted by the Department of Financial Services.

147 c. An additional filing fee of \$4 shall be paid to the  
148 clerk. The clerk shall remit \$3.50 to the Department of Revenue  
149 for deposit into the Court Education Trust Fund and shall remit  
150 50 cents to the Department of Revenue for deposit into the  
151 Administrative Clerks of the Court Trust Fund within the  
152 Department of Financial Services Justice Administrative  
153 Commission to fund clerk education provided by the Florida  
154 Clerks of Court Operations Corporation. An additional filing fee  
155 of up to \$18 shall be paid by the party seeking each severance  
156 that is granted. The clerk may impose an additional filing fee  
157 of up to \$85 for all proceedings of garnishment, attachment,  
158 replevin, and distress. Postal charges incurred by the clerk of  
159 the circuit court in making service by certified or registered  
160 mail on defendants or other parties shall be paid by the party  
161 at whose instance service is made. Additional fees, charges, or  
162 costs may not be added to the filing fees imposed under this  
163 section, except as authorized in this section or by general law.

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

168 b. A party shall estimate in writing the amount in  
169 controversy of the claim upon filing the action. For purposes of  
170 this subparagraph, the value of a mortgage foreclosure action is  
171 based upon the principal due on the note secured by the  
172 mortgage, plus interest owed on the note and any moneys advanced  
173 by the lender for property taxes, insurance, and other advances  
174 secured by the mortgage, at the time of filing the foreclosure.

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175 The value shall also include the value of any tax certificates  
176 related to the property. In stating the value of a mortgage  
177 foreclosure claim, a party shall declare in writing the total  
178 value of the claim, as well as the individual elements of the  
179 value as prescribed in this sub-subparagraph.

180 c. In its order providing for the final disposition of the  
181 matter, the court shall identify the actual value of the claim.  
182 The clerk shall adjust the filing fee if there is a difference  
183 between the estimated amount in controversy and the actual value  
184 of the claim and collect any additional filing fee owed or  
185 provide a refund of excess filing fee paid.

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

187 (I) Three hundred and ninety-five dollars in all cases in  
188 which the value of the claim is \$50,000 or less and in which  
189 there are not more than five defendants. The party shall pay an  
190 additional filing fee of up to \$2.50 for each defendant in  
191 excess of five. Of the first \$200 ~~\$280~~ in filing fees, \$195 ~~\$275~~  
192 must be remitted by the clerk to the Department of Revenue for  
193 deposit into the General Revenue Fund, \$4 ~~\$3.50~~ must be remitted  
194 to the Department of Revenue for deposit into the Administrative  
195 ~~Clerks of the Court~~ Trust Fund within the Department of  
196 Financial Services ~~Justice Administrative Commission~~ and used to  
197 fund the contract with the Florida Clerks of Court Operations  
198 Corporation created in s. 28.35, and \$1 ~~\$1.50~~ must be remitted  
199 to the Department of Revenue for deposit into the Administrative  
200 Trust Fund within the Department of Financial Services to fund  
201 audits of individual clerks' court-related expenditures ~~clerk~~  
202 ~~budget reviews~~ conducted by the Department of Financial  
203 Services;

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204 (II) Nine hundred dollars in all cases in which the value  
205 of the claim is more than \$50,000 but less than \$250,000 and in  
206 which there are not more than five defendants. The party shall  
207 pay an additional filing fee of up to \$2.50 for each defendant  
208 in excess of five. Of the first \$705 ~~\$785~~ in filing fees, \$700  
209 ~~\$780~~ must be remitted by the clerk to the Department of Revenue  
210 for deposit into the General Revenue Fund, \$4 ~~\$3.50~~ must be  
211 remitted to the Department of Revenue for deposit into the  
212 Administrative Clerks of the Court Trust Fund within the  
213 Department of Financial Services ~~Justice Administrative~~  
214 ~~Commission~~ and used to fund the contract with the Florida Clerks  
215 of Court Operations Corporation created ~~described~~ in s. 28.35,  
216 and \$1 ~~\$1.50~~ must be remitted to the Department of Revenue for  
217 deposit into the Administrative Trust Fund within the Department  
218 of Financial Services to fund audits of individual clerks'  
219 court-related expenditures ~~clerk budget reviews~~ conducted by the  
220 Department of Financial Services; or

221 (III) One thousand nine hundred dollars in all cases in  
222 which the value of the claim is \$250,000 or more and in which  
223 there are not more than five defendants. The party shall pay an  
224 additional filing fee of up to \$2.50 for each defendant in  
225 excess of five. Of the first \$1,705 ~~\$1,785~~ in filing fees, \$930  
226 ~~\$1,010~~ must be remitted by the clerk to the Department of  
227 Revenue for deposit into the General Revenue Fund, \$770 must be  
228 remitted to the Department of Revenue for deposit into the State  
229 Courts Revenue Trust Fund, \$4 ~~\$3.50~~ must be remitted to the  
230 Department of Revenue for deposit into the Administrative Clerks  
231 ~~of the Court~~ Trust Fund within the Department of Financial  
232 Services ~~Justice Administrative Commission~~ to fund the contract



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233 with the Florida Clerks of Court Operations Corporation created  
234 in s. 28.35, and \$1 ~~\$1.50~~ must be remitted to the Department of  
235 Revenue for deposit into the Administrative Trust Fund within  
236 the Department of Financial Services to fund audits of  
237 individual clerks' court-related expenditures ~~clerk budget~~  
238 ~~reviews~~ conducted by the Department of Financial Services.

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

256 Section 4. Effective upon this act becoming a law, s.  
257 28.2455, Florida Statutes, is repealed.

258 Section 5. Paragraph (b) of subsection (5) of section  
259 28.246, Florida Statutes, is amended to read:

260 28.246 Payment of court-related fines or other monetary  
261 penalties, fees, charges, and costs; partial payments;

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262 distribution of funds.—

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

266 (b) That portion of fees, service charges, court costs, and  
267 fines required to be retained by the clerk of the court or  
268 deposited into the Clerks of the Court Trust Fund within the  
269 Department of Revenue ~~Justice Administrative Commission~~.

270

271 To offset processing costs, clerks may impose either a per-month  
272 service charge pursuant to s. 28.24(26) (b) or a one-time  
273 administrative processing service charge at the inception of the  
274 payment plan pursuant to s. 28.24(26) (c).

275 Section 6. Section 28.35, Florida Statutes, is amended to  
276 read:

277 28.35 Florida Clerks of Court Operations Corporation.—

278 (1) (a) The Florida Clerks of Court Operations Corporation  
279 is created as a public corporation organized to perform the  
280 functions specified in this section and s. 28.36 and ~~shall be~~  
281 ~~administratively housed within the Justice Administrative~~  
282 ~~Commission. The corporation shall be a budget entity within the~~  
283 ~~Justice Administrative Commission, and its employees shall be~~  
284 ~~considered state employees. The corporation is not subject to~~  
285 ~~control, supervision, or direction by the Justice Administrative~~  
286 ~~Commission in the performance of its duties, but the employees~~  
287 ~~of the corporation shall be governed by the classification plan~~  
288 ~~and salary and benefits plan of the Justice Administrative~~  
289 ~~Commission. The classification plan must have a separate chapter~~  
290 ~~for the corporation.~~ All clerks of the circuit court shall be

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291 members of the corporation and hold their position and authority  
292 in an ex officio capacity. The functions assigned to the  
293 corporation shall be performed by an executive council pursuant  
294 to the plan of operation approved by the members.

295 (b) The executive council shall be composed of eight clerks  
296 of the court elected by the clerks of the courts for a term of 2  
297 years, with two clerks from counties with a population of fewer  
298 than 100,000, two clerks from counties with a population of at  
299 least 100,000 but fewer than 500,000, two clerks from counties  
300 with a population of at least 500,000 but fewer than 1 million,  
301 and two clerks from counties with a population of more than 1  
302 million. The executive council shall also include, as ex officio  
303 members, a designee of the President of the Senate and a  
304 designee of the Speaker of the House of Representatives. The  
305 Chief Justice of the Supreme Court shall designate one  
306 additional member to represent the state courts system.

307 (c) The corporation shall be considered a political  
308 subdivision of the state and shall be exempt from the corporate  
309 income tax. The corporation is not subject to ~~the provisions of~~  
310 chapter 120.

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

314 (2) The duties of the corporation shall include the  
315 following:

316 (a) Adopting a plan of operation.

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

319 (c) Recommending to the Legislature changes in the amounts

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320 of the various court-related fines, fees, service charges, and  
321 ~~court~~ costs established by law to ensure reasonable and adequate  
322 funding of the clerks of the court in the performance of their  
323 court-related functions.

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

348 1. "Workload measures" means the measurement of the

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349 activities and frequency of the work required for the clerk to  
350 adequately perform the court-related duties of the office as  
351 defined by the membership of the Florida Clerks of Court  
352 Operations Corporation.

353 2. "Workload performance standards" means the standards  
354 developed to measure the timeliness and effectiveness of the  
355 activities that are accomplished by the clerk in the performance  
356 of the court-related duties of the office as defined by the  
357 membership of the Florida Clerks of Court Operations  
358 Corporation.

359 (e) Entering into a contract with the Department of  
360 Financial Services for the department to audit the court-related  
361 expenditures of individual clerks pursuant to s. 17.03.

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

365 1. Calculate the minimum amount of revenue necessary for  
366 each clerk of the court to efficiently perform the list of  
367 court-related functions specified in paragraph (3) (a). The  
368 corporation shall apply the workload measures appropriate for  
369 determining the individual level of review required to fund the  
370 clerk's budget.

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

375 3. Conduct an annual base budget review and an annual  
376 budget exercise examining the total budget of each clerk of the  
377 court. The review shall examine revenues from all sources,

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378 expenses of court-related functions, and expenses of noncourt-  
379 related functions as necessary to determine that court-related  
380 revenues are not being used for noncourt-related purposes. The  
381 review and exercise shall identify potential targeted budget  
382 reductions in the percentage amount provided in Schedule VIII-B  
383 of the state's previous year's legislative budget instructions,  
384 as referenced in s. 216.023(3), or an equivalent schedule or  
385 instruction as may be adopted by the Legislature.

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

389 5. Identify those clerks projected to have court-related  
390 revenues insufficient to fund their anticipated court-related  
391 expenditures.

392 6. Use revenue estimates based on the official estimate for  
393 funds accruing to the clerks of the court made by the Revenue  
394 Estimating Conference.

395 7. Identify and report pay and benefit increases in any  
396 proposed clerk budget, including, but not limited to, cost of  
397 living increases, merit increases, and bonuses.

398 8. Provide detailed explanation for increases in  
399 anticipated expenditures in any clerk budget that exceeds the  
400 current year budget by more than 3 percent.

401 9. Identify and report the budget of any clerk which  
402 exceeds the average budget of similarly situated clerks by more  
403 than ten percent.

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

405 ~~(g) Publishing a uniform schedule of actual fees, service~~  
406 ~~charges, and costs charged by a clerk of the court pursuant to~~

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407 ~~general law.~~

408 (h) Beginning August 1, 2014, and each August 1 thereafter,  
409 submitting to the Legislative Budget Commission, as provided in  
410 s. 11.90, its proposed budget and the information described in  
411 paragraph (f), as well as the proposed budgets for each clerk of  
412 the court. Before October 1 of each year beginning in 2014, the  
413 Legislative Budget Commission shall consider the submitted  
414 budgets and shall approve, disapprove, or amend and approve the  
415 corporation's budget and shall approve, disapprove, or amend and  
416 approve the total of the clerks' combined budgets or any  
417 individual clerk's budget. If the Legislative Budget Commission  
418 fails to approve or amend and approve the corporation's budget  
419 or the clerks' combined budgets before October 1, the clerk  
420 shall continue to perform the court-related functions based upon  
421 the clerk's budget for the previous county fiscal year.

422 (3) (a) The list of court-related functions that clerks may  
423 fund from filing fees, service charges, costs, and fines is  
424 ~~perform~~ are limited to those functions expressly authorized by  
425 law or court rule. Those functions include the following: case  
426 maintenance; records management; court preparation and  
427 attendance; processing the assignment, reopening, and  
428 reassignment of cases; processing of appeals; collection and  
429 distribution of fines, fees, service charges, and court costs;  
430 processing of bond forfeiture payments; payment of jurors and  
431 witnesses; payment of expenses for meals or lodging provided to  
432 jurors; data collection and reporting; processing of jurors;  
433 determinations of indigent status; and paying reasonable  
434 administrative support costs to enable the clerk of the court to  
435 carry out these court-related functions.

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

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

440 2. Functions assigned by administrative orders which are  
441 not required for the clerk to perform the functions in paragraph  
442 (a).

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

445 4. Functions identified as local requirements in law or  
446 local optional programs.

447 (4) The corporation shall ~~prepare a legislative budget~~  
448 ~~request for the resources necessary to perform its duties,~~  
449 ~~submit the request pursuant to chapter 216, and be funded~~  
450 pursuant to a contract with the Chief Financial Officer. Funds  
451 shall be provided to the Chief Financial Officer for such  
452 purpose as appropriated by general law. Such funds shall be  
453 available to the corporation for the performance of the duties  
454 and responsibilities set forth in this section ~~as a budget~~  
455 ~~entity in the General Appropriations Act. The corporation shall~~  
456 participate in the Florida Retirement System for its eligible  
457 employees as provided in chapter 121. The corporation may hire  
458 staff and pay other expenses from such funds ~~state~~  
459 ~~appropriations~~ as necessary to perform the official duties and  
460 responsibilities of the corporation as described in this section  
461 ~~by law.~~

462 (5) Certified public accountants conducting audits of  
463 counties pursuant to s. 218.39 shall report, as part of the  
464 audit, whether ~~or not~~ the clerks of the courts have complied



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465 with the requirements of this section and s. 28.36. In addition,  
466 each clerk of court shall forward a copy of the ~~portion of the~~  
467 financial audit ~~relating to the court-related duties of the~~  
468 ~~clerk of court~~ to the Florida Clerks of Court Operations  
469 Corporation ~~Supreme Court~~. The Auditor General shall develop a  
470 compliance supplement for the audit of compliance with the  
471 budgets and applicable workload performance standards certified  
472 by the corporation.

473 Section 7. Section 28.36, Florida Statutes, is amended to  
474 read:

475 28.36 Budget procedure.—There is established a budget  
476 procedure ~~for preparing budget requests for funding~~ for the  
477 court-related functions of the clerks of the court.

478 (1) Only those functions listed in s. 28.35(3)(a) may be  
479 funded from fees, service charges, costs, and fines retained by  
480 the clerks of the court ~~Each clerk of court shall prepare a~~  
481 ~~budget request for the last quarter of the county fiscal year~~  
482 ~~and the first three quarters of the next county fiscal year. The~~  
483 ~~proposed budget shall be prepared, summarized, and submitted by~~  
484 ~~the clerk in each county to the Florida Clerks of Court~~  
485 ~~Operations Corporation in the manner and form prescribed by the~~  
486 ~~corporation to meet the requirements of law. Each clerk shall~~  
487 ~~forward a copy of his or her budget request to the Supreme~~  
488 ~~Court. The budget requests must be provided to the corporation~~  
489 ~~by October 1 of each year.~~

490 (2) ~~Each clerk shall include in his or her budget request a~~  
491 ~~projection of the amount of court-related fees, service charges,~~  
492 ~~and any other court-related clerk fees which will be collected~~  
493 ~~during the proposed budget period. If the corporation determines~~

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494 ~~that the proposed budget is limited to the standard list of~~  
495 ~~court-related functions in s. 28.35(3)(a) and the projected~~  
496 ~~court-related revenues are less than the proposed budget, the~~  
497 ~~clerk shall increase all fees, service charges, and any other~~  
498 ~~court-related clerk fees and charges to the maximum amounts~~  
499 ~~specified by law or the amount necessary to resolve the deficit,~~  
500 ~~whichever is less.~~

501 (2)(3) Each proposed budget shall further conform to the  
502 following requirements ~~clerk shall include in his or her budget~~  
503 ~~request the number of personnel and the proposed budget for each~~  
504 ~~of the following core services:~~

505 (a) On or before June 1 of each year beginning in 2014, the  
506 proposed budget shall be prepared, summarized, and submitted by  
507 the clerk in each county to the Florida Clerks of Court  
508 Operations Corporation in the manner and form prescribed by the  
509 corporation. The proposed budget must provide detailed  
510 information on the anticipated revenues available and  
511 expenditures necessary for the performance of the court-related  
512 functions listed in s. 28.35(3)(a) of the clerk's office for the  
513 county fiscal year beginning October 1.

514 (b) The proposed budget must be balanced such that the  
515 total of the estimated revenues available equals or exceeds the  
516 total of the anticipated expenditures. Such revenues include  
517 revenue projected to be received from fees, service charges,  
518 costs, and fines for court-related functions during the fiscal  
519 period covered by the budget. The anticipated expenditures must  
520 be itemized as required by the corporation.

521 ~~(a) Circuit criminal.~~

522 ~~(b) County criminal.~~

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- 523       ~~(c) Juvenile delinquency.~~  
524       ~~(d) Criminal traffic.~~  
525       ~~(e) Circuit civil.~~  
526       ~~(f) County civil.~~  
527       ~~(g) Civil traffic.~~  
528       ~~(h) Probate.~~  
529       ~~(i) Family.~~  
530       ~~(j) Juvenile dependency.~~

531

532       ~~Central administrative costs shall be allocated among the core-~~  
533       ~~services categories.~~

534       (3) If a clerk of the court estimates that available funds  
535       plus projected revenues from fines, fees, service charges, and  
536       costs for court-related services are insufficient to meet the  
537       anticipated expenditures for the standard list of court-related  
538       functions in s. 28.35(3) (a) performed by his or her office, the  
539       clerk must report the revenue deficit to the corporation in the  
540       manner and form prescribed by the corporation. The corporation  
541       shall verify that the proposed budget is limited to the standard  
542       list of court-related functions in s. 28.35(3) (a). If the  
543       corporation verifies that a revenue deficit is projected, the  
544       corporation shall certify a revenue deficit and notify the  
545       Department of Revenue that the clerk is authorized to retain  
546       revenues, in an amount necessary to fully fund the projected  
547       revenue deficit, which he or she would otherwise be required to  
548       remit to the Department of Revenue for deposit into the  
549       department's Clerks of the Court Trust Fund pursuant to s.  
550       28.37. If a revenue deficit is projected for that clerk after  
551       retaining all of the projected collections from the court-

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552 related fines, fees, service charges, and costs, the corporation  
553 shall certify the amount of the revenue deficit to the Executive  
554 Office of the Governor and request release authority for funds  
555 from the department's Clerks of the Court Trust Fund.  
556 Notwithstanding s. 216.192 relating to the release of funds, the  
557 Executive Office of the Governor may approve the release of  
558 funds in accordance with the notice, review, and objection  
559 procedures set forth in s. 216.177 and shall provide notice to  
560 the Department of Revenue and the Chief Financial Officer. The  
561 Department of Revenue shall request monthly distributions from  
562 the Chief Financial Officer in equal amounts to each clerk  
563 certified to have a revenue deficit, in accordance with the  
564 releases approved by the Governor.

565 (4) The Legislative Budget Commission may approve increases  
566 or decreases to the previously authorized budgets approved for  
567 individual clerks of the court pursuant to s. 28.35 for court-  
568 related functions, if:

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

572 (b) The additional budget authority is necessary to pay the  
573 cost of supporting increases in the number of judges or  
574 magistrates authorized by the Legislature.

575 ~~(4) The budget request must identify the service units to~~  
576 ~~be provided within each core service. The service units shall be~~  
577 ~~developed by the corporation, in consultation with the Supreme~~  
578 ~~Court, the Chief Financial Officer, and the appropriations~~  
579 ~~committees of the Senate and the House of Representatives.~~

580 ~~(5) The budget request must propose a unit cost for each~~

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581 ~~service unit. The corporation shall provide a copy of each~~  
582 ~~clerk's budget request to the Supreme Court.~~

583 ~~(6) The corporation shall review each individual clerk's~~  
584 ~~prior year expenditures, projected revenue, proposed unit costs,~~  
585 ~~and the proposed budget for each of the core services~~  
586 ~~categories. The corporation shall compare each clerk's prior-~~  
587 ~~year expenditures and unit costs for core services with a peer~~  
588 ~~group of clerks' offices having a population of a similar size~~  
589 ~~and a similar number of case filings. If the corporation finds~~  
590 ~~that the expenditures, unit costs, or proposed budget of a clerk~~  
591 ~~is significantly higher than those of clerks in that clerk's~~  
592 ~~peer group, the corporation shall require the clerk to submit~~  
593 ~~documentation justifying the difference in each core-services~~  
594 ~~category. Justification for higher expenditures may include, but~~  
595 ~~is not limited to, collective bargaining agreements, county~~  
596 ~~civil service agreements, and the number and distribution of~~  
597 ~~courthouses served by the clerk. If the expenditures and unit~~  
598 ~~costs are not justified, the corporation shall recommend a~~  
599 ~~reduction in the funding for that core-services category in the~~  
600 ~~budget request to an amount similar to the peer group of clerks~~  
601 ~~or to an amount that the corporation determines is justified.~~

602 ~~(7) The corporation shall complete its review and~~  
603 ~~adjustments to the clerks' budget requests and make its~~  
604 ~~recommendations to the Legislature and the Supreme Court by~~  
605 ~~December 1 each year.~~

606 ~~(8) The Chief Financial Officer shall review the proposed~~  
607 ~~unit costs associated with each clerk of court's budget request~~  
608 ~~and make recommendations to the Legislature. The Chief Financial~~  
609 ~~Officer may conduct any audit of the corporation or a clerk of~~

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610 ~~court as authorized by law. The Chief Justice of the Supreme~~  
611 ~~Court may request an audit of the corporation or any clerk of~~  
612 ~~court by the Chief Financial Officer.~~

613 ~~(9) The Legislature shall appropriate the total amount for~~  
614 ~~the budgets of the clerks in the General Appropriations Act. The~~  
615 ~~Legislature may reject or modify any or all of the unit costs~~  
616 ~~recommended by the corporation. If the Legislature does not~~  
617 ~~specify the unit costs in the General Appropriations Act or~~  
618 ~~other law, the unit costs recommended by the corporation shall~~  
619 ~~be the official unit costs for that budget period.~~

620 ~~(10) (a) Beginning in the 2010-2011 fiscal year, the~~  
621 ~~corporation shall release appropriations to each clerk~~  
622 ~~quarterly. If funds in the Clerks of Court Trust Fund are~~  
623 ~~insufficient to provide a release in a quarter in a single~~  
624 ~~release, the corporation may release partial amounts for that~~  
625 ~~quarter so long as the total of those partial amounts does not~~  
626 ~~exceed that quarter's release. If funds in the Clerks of Court~~  
627 ~~Trust Fund are insufficient for the first quarter release, the~~  
628 ~~corporation may make a request to the Governor for a trust fund~~  
629 ~~loan pursuant to chapter 215. The amount of the first three~~  
630 ~~releases shall be based on one quarter of the estimated budget~~  
631 ~~for each clerk as identified in the General Appropriations Act.~~

632 ~~(b) The corporation shall estimate the fourth quarter's~~  
633 ~~number of units to be performed by each clerk. The amount of the~~  
634 ~~fourth-quarter release shall be based on the approved unit cost~~  
635 ~~times the estimated number of units of the fourth quarter with~~  
636 ~~the following adjustment: the fourth-quarter release shall be~~  
637 ~~adjusted based on the first three quarter's actual number of~~  
638 ~~service units provided as reported to the corporation by each~~

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639 ~~clerk. If the clerk has performed fewer service units in the~~  
640 ~~first three quarters of the year compared to three quarters of~~  
641 ~~the estimated number of service units in the General~~  
642 ~~Appropriations Act, the corporation shall decrease the fourth-~~  
643 ~~quarter release. The amount of the decrease shall equal the~~  
644 ~~amount of the difference between the estimated number of service~~  
645 ~~units for the first three quarters and the actual number of~~  
646 ~~service units provided in the first three quarters times the~~  
647 ~~approved unit cost.~~

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

651 ~~(d) If the clerk performs fewer units in the fourth quarter~~  
652 ~~than estimated by the corporation, the corporation shall~~  
653 ~~decrease the first-quarter release for the clerk in the next~~  
654 ~~fiscal year by the amount of the difference between the~~  
655 ~~estimated number of service units for the fourth quarter and the~~  
656 ~~actual number of service units performed in that quarter times~~  
657 ~~the approved unit cost.~~

658 ~~(e) The total of all releases to the clerks of court may~~  
659 ~~not exceed the amount appropriated in the General Appropriations~~  
660 ~~Act. If, during the year, the corporation determines that the~~  
661 ~~projected releases of appropriations for service units will~~  
662 ~~exceed the estimate used in the General Appropriations Act and~~  
663 ~~result in statewide expenditures greater than the amount~~  
664 ~~appropriated by law, the corporation shall reduce all service~~  
665 ~~unit costs of all clerks by the amount necessary to ensure that~~  
666 ~~service units are funded within the total amount appropriated to~~  
667 ~~the clerks of court. If such action is necessary, the~~

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668 ~~corporation shall notify the Legislative Budget Commission. If~~  
669 ~~the Legislative Budget Commission objects to the adjustments,~~  
670 ~~the Legislative Budget Commission shall adjust all service unit~~  
671 ~~costs by the amount necessary to ensure that projected units of~~  
672 ~~service are funded within the total amount appropriated to the~~  
673 ~~clerks of court at its next scheduled meeting.~~

674 ~~(11) The corporation may submit proposed legislation to the~~  
675 ~~Governor, the President of the Senate, and the Speaker of the~~  
676 ~~House of Representatives relating to the preparation of budget~~  
677 ~~requests of the clerks of court.~~

678 Section 8. Section 28.37, Florida Statutes, is amended to  
679 read:

680 28.37 Fines, fees, service charges, and costs remitted to  
681 the state.—

682 (1) Pursuant to s. 14(b), Art. V of the State Constitution,  
683 selected salaries, costs, and expenses of the state courts  
684 system and court-related functions shall be funded from a  
685 portion of the revenues derived from statutory fines, fees,  
686 service charges, and costs collected by the clerks of the court.

687 (2) Beginning November 1, 2013, that portion of all fines,  
688 fees, service charges, and costs collected by the clerks of the  
689 court for the previous month which is in excess of one-twelfth  
690 of the clerks' total budget for the performance of court-related  
691 functions shall be remitted to the Department of Revenue for  
692 deposit into the Clerks of the Court Trust Fund. Such  
693 collections do not include funding received for the operation of  
694 the Title IV-D child support collections and disbursement  
695 program. The clerk of the court shall remit the revenues  
696 collected during the previous month due to the state on or



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697 before the 10th day of each month.

698 (3) No later than January 25, 2015, and each January 25  
699 thereafter for the previous county fiscal year, the clerks of  
700 court, in consultation with the Florida Clerks of Court  
701 Operations Corporation, shall remit to the Department of Revenue  
702 for deposit in the General Revenue Fund the cumulative excess of  
703 all fines, fees, service charges, and costs retained by the  
704 clerks of the court, plus any funds received by the clerks of  
705 the court from the Clerks of the Court Trust Fund under s.  
706 28.36(3), which exceed the amount needed to meet their  
707 authorized budget amounts established under s. 28.35. The  
708 Department of Revenue shall transfer from the Clerks of Court  
709 Trust Fund to the General Revenue Fund the cumulative excess of  
710 all fines, fees, service charges, and costs submitted by the  
711 clerks of court pursuant to subsection (2). However, if the  
712 official estimate for funds accruing to the clerks of court made  
713 by the Revenue Estimating Conference for the current fiscal year  
714 or the next fiscal year is less than the cumulative amount of  
715 authorized budgets for the clerks of court for the current  
716 fiscal year, the Department of Revenue shall retain in the  
717 Clerks of the Court Trust Fund the estimated amount needed to  
718 fully fund the clerks of court for the current and next fiscal  
719 year based upon the current budget established under s. 28.35.

720 (4) The Department of Revenue shall collect any funds that  
721 the Florida Clerks of Court Operations Corporation determines  
722 upon investigation were due but not remitted to the Department  
723 of Revenue. The corporation shall notify the clerk of the court  
724 and the Department of Revenue of the amount due to the  
725 Department of Revenue. The clerk of the court shall remit the

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726 amount due no later than the 10th day of the month following the  
727 month in which notice is provided by the corporation to the  
728 clerk of the court.

729 ~~(5)(2) Ten Except as otherwise provided in ss. 28.241 and~~  
730 ~~34.041, all court-related fines, fees, service charges, and~~  
731 ~~costs are considered state funds and shall be remitted by the~~  
732 ~~clerk to the Department of Revenue for deposit into the Clerks~~  
733 ~~of the Court Trust Fund within the Justice Administrative~~  
734 ~~Commission. However, 10 percent of all court-related fines~~  
735 ~~collected by the clerk, except for penalties or fines~~  
736 ~~distributed to counties or municipalities under s.~~  
737 ~~316.0083(1)(b)3. or s. 318.18(15)(a), shall be deposited into~~  
738 ~~the clerk's Public Records Modernization Trust Fund to be used~~  
739 ~~exclusively for additional clerk court-related operational needs~~  
740 ~~and program enhancements.~~

741 Section 9. Paragraph (b) of subsection (1) of section  
742 34.041, Florida Statutes, is amended, and paragraph (a) of that  
743 subsection is republished, to read:

744 34.041 Filing fees.—

745 (1)(a) Filing fees are due at the time a party files a  
746 pleading to initiate a proceeding or files a pleading for  
747 relief. Reopen fees are due at the time a party files a pleading  
748 to reopen a proceeding if at least 90 days have elapsed since  
749 the filing of a final order or final judgment with the clerk. If  
750 a fee is not paid upon the filing of the pleading as required  
751 under this section, the clerk shall pursue collection of the fee  
752 pursuant to s. 28.246. Upon the institution of any civil action,  
753 suit, or proceeding in county court, the party shall pay the  
754 following filing fee, not to exceed:

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- 755 1. For all claims less than \$100.....\$50.
- 756 2. For all claims of \$100 or more but not more than \$500\$75.
- 757 3. For all claims of more than \$500 but not more than
- 758 \$2,500.....\$170.
- 759 4. For all claims of more than \$2,500.....\$295.
- 760 5. In addition, for all proceedings of garnishment,
- 761 attachment, replevin, and distress.....\$85.
- 762 6. Notwithstanding subparagraphs 3. and 5., for all claims
- 763 of not more than \$1,000 filed simultaneously with an action for
- 764 replevin of property that is the subject of the claim.....\$125.
- 765 7. For removal of tenant action.....\$180.

766

767 The filing fee in subparagraph 6. is the total fee due under

768 this paragraph for that type of filing, and no other filing fee

769 under this paragraph may be assessed against such a filing.

770 (b) ~~The first \$80 of the filing fee collected under~~

771 ~~subparagraph (a)4. shall be remitted to the Department of~~

772 ~~Revenue for deposit into the General Revenue Fund. The next \$15~~

773 ~~of the filing fee collected under subparagraph (a)4. and the~~

774 ~~first \$10 of the filing fee collected under subparagraph (a)7.~~

775 ~~shall be deposited in the State Courts Revenue Trust Fund. By~~

776 ~~the 10th day of each month, the clerk shall submit that portion~~

777 ~~of the fees collected in the previous month which is in excess~~

778 ~~of one-twelfth of the clerk's total budget for the performance~~

779 ~~of court-related functions to the Department of Revenue for~~

780 ~~deposit into the Clerks of the Court Trust Fund. An additional~~

781 ~~filing fee of \$4 shall be paid to the clerk. The clerk shall~~

782 ~~transfer \$3.50 to the Department of Revenue for deposit into the~~

783 ~~Court Education Trust Fund and shall transfer 50 cents to the~~

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784 Department of Revenue for deposit into the Administrative Clerks  
785 ~~of the Court~~ Trust Fund within the Department of Financial  
786 Services Justice Administrative Commission to fund clerk  
787 education provided by the Florida Clerks of Court Operations  
788 Corporation. Postal charges incurred by the clerk of the county  
789 court in making service by mail on defendants or other parties  
790 shall be paid by the party at whose instance service is made.  
791 Except as provided in this section ~~herein~~, filing fees and  
792 service charges for performing duties of the clerk relating to  
793 the county court shall be as provided in ss. 28.24 and 28.241.  
794 Except as otherwise provided in this section ~~herein~~, all filing  
795 fees shall be retained as fee income of the office of the clerk  
796 of the circuit court ~~remitted to the Department of Revenue for~~  
797 ~~deposit into the Clerks of the Court Trust Fund within the~~  
798 ~~Justice Administrative Commission~~. Filing fees imposed by this  
799 section may not be added to any penalty imposed by chapter 316  
800 or chapter 318.

801 Section 10. Subsection (5) of section 43.16, Florida  
802 Statutes, is amended to read:

803 43.16 Justice Administrative Commission; membership, powers  
804 and duties.—

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

807 (a) The maintenance of a central state office for  
808 administrative services and assistance when possible to and on  
809 behalf of the state attorneys and public defenders of Florida,  
810 the capital collateral regional counsel of Florida, the criminal  
811 conflict and civil regional counsel, and the Guardian Ad Litem  
812 Program, ~~and the Florida Clerks of Court Operations Corporation.~~

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813 (b) Each state attorney, public defender, and criminal  
814 conflict and civil regional counsel and, the Guardian Ad Litem  
815 Program, ~~and the Florida Clerks of Court Operations Corporation~~  
816 shall continue to prepare necessary budgets, vouchers that  
817 represent valid claims for reimbursement by the state for  
818 authorized expenses, and other things incidental to the proper  
819 administrative operation of the office, such as revenue  
820 transmittals to the Chief Financial Officer and automated  
821 systems plans, but will forward such items ~~same~~ to the  
822 commission for recording and submission to the proper state  
823 officer. However, when requested by a state attorney, a public  
824 defender, a criminal conflict and civil regional counsel, or the  
825 Guardian Ad Litem Program, the commission will either assist in  
826 the preparation of budget requests, voucher schedules, and other  
827 forms and reports or accomplish the entire project involved.

828 Section 11. Paragraph (x) of subsection (2) of section  
829 110.205, Florida Statutes, is amended to read:

830 110.205 Career service; exemptions.—

831 (2) EXEMPT POSITIONS.—The exempt positions that are not  
832 covered by this part include the following:

833 (x) All officers and employees of the Justice  
834 Administrative Commission, Office of the State Attorney, Office  
835 of the Public Defender, regional offices of capital collateral  
836 counsel, offices of criminal conflict and civil regional  
837 counsel, and Statewide Guardian Ad Litem Office, including the  
838 circuit guardian ad litem programs ~~and the Florida Clerks of~~  
839 ~~Court Operations Corporation.~~

840 Section 12. Section 142.01, Florida Statutes, is amended to  
841 read:

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842 142.01 Fine and forfeiture fund; disposition of revenue;  
843 clerk of the circuit court.—

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

849 (a) Fines and penalties pursuant to ss. 28.2402(2),  
850 34.045(2), 316.193, 327.35, 327.72, 379.2203(1), and 775.083(1).

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

853 (c) Court costs pursuant to ss. 28.2402(1)(b),  
854 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a) and  
855 (11)(a), and 938.05(3).

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

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

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

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

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

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871        ~~(2)(3)~~ Notwithstanding ~~the provisions of~~ this section, all  
872 fines and forfeitures arising from operation of ~~the provisions~~  
873 ~~of~~ s. 318.1215 shall be disbursed in accordance with that  
874 section.

875        Section 13. Section 213.131, Florida Statutes, is amended  
876 to read:

877        213.131 Clerks of the Court Trust Fund within the  
878 Department of Revenue ~~Justice Administrative Commission~~.—The  
879 Clerks of the Court Trust Fund is created within the Department  
880 of Revenue ~~Justice Administrative Commission~~.

881        Section 14. Subsection (2) of section 215.22, Florida  
882 Statutes, is amended to read:

883        215.22 Certain income and certain trust funds exempt.—

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

890        Section 15. Paragraph (qq) of subsection (1) of section  
891 216.011, Florida Statutes, is amended to read:

892        216.011 Definitions.—

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

896        (qq) "State agency" or "agency" means any official,  
897 officer, commission, board, authority, council, committee, or  
898 department of the executive branch of state government. For  
899 purposes of this chapter and chapter 215, "state agency" or

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900 "agency" includes, but is not limited to, state attorneys,  
901 public defenders, criminal conflict and civil regional counsel,  
902 capital collateral regional counsel, ~~the Florida Clerks of Court~~  
903 ~~Operations Corporation~~, the Justice Administrative Commission,  
904 the Florida Housing Finance Corporation, and the Florida Public  
905 Service Commission. Solely for the purposes of implementing s.  
906 19(h), Art. III of the State Constitution, the terms "state  
907 agency" or "agency" include the judicial branch.

908 Section 16. For the period of July 1, 2013, through  
909 September 30, 2013, the clerks of the court are permitted to  
910 spend \$110,845,078 of their total collected revenues and the  
911 Florida Clerks of Court Operations Corporation is permitted to  
912 spend \$405,412 of the revenues collected to fund the  
913 corporation's contract with the Department of Financial Services  
914 pursuant to s. 27.35(4), Florida Statutes. The Florida Clerks of  
915 Court Operations Corporation shall determine budget amounts for  
916 the individual clerks for that period. For the county fiscal  
917 year beginning October 1, 2013, and ending September 30, 2014,  
918 the clerks of the court are permitted to spend \$443,380,312 of  
919 their total collected revenues and the Florida Clerks of Court  
920 Operations Corporation is permitted to spend \$1,621,648 of the  
921 revenues collected to fund the corporation's contract with the  
922 Department of Financial Services pursuant to s. 27.35(4),  
923 Florida Statutes. The Florida Clerks of Court Operations  
924 Corporation shall determine budget amounts for the individual  
925 clerks for that period.

926 Section 17. Notwithstanding the requirement in s. 28.245,  
927 Florida Statutes, that all moneys collected by the clerks of  
928 court be distributed pursuant to the law in effect at the time



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929 of collection, the modifications in the distribution of moneys  
930 made in sections 3, 9, and 12 of this act shall be applied to  
931 moneys collected during June 2013. This section shall take  
932 effect upon becoming law.

933       Section 18. Except as otherwise expressly provided in this  
934 act and except for this section, which shall take effect upon  
935 this act becoming a law, this act shall take effect July 1,  
936 2013.