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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/03/2013	.	
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The Committee on Appropriations (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

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

11.90 Legislative Budget Commission.—

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



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

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

18 (c) Review and approve, disapprove, or amend and approve
19 the total combined budgets of the clerks of the court or the
20 budget of any individual clerk of the court for court-related
21 functions.

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

25 Section 3. Paragraph (a) of subsection (1) of section
26 28.241, Florida Statutes, is amended to read:

27 28.241 Filing fees for trial and appellate proceedings.—

28 (1) Filing fees are due at the time a party files a
29 pleading to initiate a proceeding or files a pleading for
30 relief. Reopen fees are due at the time a party files a pleading
31 to reopen a proceeding if at least 90 days have elapsed since
32 the filing of a final order or final judgment with the clerk. If
33 a fee is not paid upon the filing of the pleading as required
34 under this section, the clerk shall pursue collection of the fee
35 pursuant to s. 28.246.

36 (a)1.a. Except as provided in sub-subparagraph b. and
37 subparagraph 2., the party instituting any civil action, suit,
38 or proceeding in the circuit court shall pay to the clerk of
39 that court a filing fee of up to \$395 in all cases in which
40 there are not more than five defendants and an additional filing
41 fee of up to \$2.50 for each defendant in excess of five. Of the



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42 first \$280 in filing fees, \$75 ~~\$80~~ must be remitted by the clerk
43 to the Department of Revenue for deposit into the General
44 Revenue Fund, \$5 must be remitted by the clerk to the Department
45 of Revenue for deposit into the Clerks of Court Trust Fund, \$195
46 must be remitted to the Department of Revenue for deposit into
47 the State Courts Revenue Trust Fund, \$4 ~~\$3.50~~ must be remitted
48 to the Department of Revenue for deposit into the Clerks of the
49 Court Trust Fund within the Justice Administrative Commission
50 and used to fund the Florida Clerks of Court Operations
51 Corporation created in s. 28.35, and \$1 ~~\$1.50~~ must be remitted
52 to the Department of Revenue for deposit into the Administrative
53 Trust Fund within the Department of Financial Services to fund
54 audits of individual clerks' court-related expenditures ~~clerk~~
55 ~~budget reviews~~ conducted by the Department of Financial
56 Services. By the 10th of each month, the clerk shall submit that
57 portion of the filing fees collected in the previous month which
58 is in excess of one-twelfth of the clerk's total budget ~~One~~
59 ~~third of any filing fees collected by the clerk of the circuit~~
60 ~~court in excess of \$100 must be remitted~~ to the Department of
61 Revenue for deposit into the Clerks of the Court Trust Fund
62 ~~within the Justice Administrative Commission.~~

63 b. The party instituting any civil action, suit, or
64 proceeding in the circuit court under chapter 39, chapter 61,
65 chapter 741, chapter 742, chapter 747, chapter 752, or chapter
66 753 shall pay to the clerk of that court a filing fee of up to
67 \$295 in all cases in which there are not more than five
68 defendants and an additional filing fee of up to \$2.50 for each
69 defendant in excess of five. Of the first \$180 in filing fees,
70 \$75 ~~\$80~~ must be remitted by the clerk to the Department of



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71 Revenue for deposit into the General Revenue Fund, \$5 must be
72 remitted by the clerk to the Department of Revenue for deposit
73 into the Clerks of Court Trust Fund, \$95 must be remitted to the
74 Department of Revenue for deposit into the State Courts Revenue
75 Trust Fund, \$4 ~~\$3.50~~ must be remitted to the Department of
76 Revenue for deposit into the Clerks of the Court Trust Fund
77 within the Justice Administrative Commission and used to fund
78 the Florida Clerks of Court Operations Corporation created in s.
79 28.35, and \$1 ~~\$1.50~~ must be remitted to the Department of
80 Revenue for deposit into the Administrative Trust Fund within
81 the Department of Financial Services to fund audits of
82 individual clerks' court-related expenditures ~~clerk budget~~
83 ~~reviews~~ conducted by the Department of Financial Services.

84 c. An additional filing fee of \$4 shall be paid to the
85 clerk. The clerk shall remit \$3.50 to the Department of Revenue
86 for deposit into the Court Education Trust Fund and shall remit
87 50 cents to the Department of Revenue for deposit into the
88 Clerks of the Court Trust Fund within the Justice Administrative
89 Commission to fund clerk education provided by the Florida
90 Clerks of Court Operations Corporation. An additional filing fee
91 of up to \$18 shall be paid by the party seeking each severance
92 that is granted. The clerk may impose an additional filing fee
93 of up to \$85 for all proceedings of garnishment, attachment,
94 replevin, and distress. Postal charges incurred by the clerk of
95 the circuit court in making service by certified or registered
96 mail on defendants or other parties shall be paid by the party
97 at whose instance service is made. Additional fees, charges, or
98 costs may not be added to the filing fees imposed under this
99 section, except as authorized in this section or by general law.



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

104 b. A party shall estimate in writing the amount in
105 controversy of the claim upon filing the action. For purposes of
106 this subparagraph, the value of a mortgage foreclosure action is
107 based upon the principal due on the note secured by the
108 mortgage, plus interest owed on the note and any moneys advanced
109 by the lender for property taxes, insurance, and other advances
110 secured by the mortgage, at the time of filing the foreclosure.
111 The value shall also include the value of any tax certificates
112 related to the property. In stating the value of a mortgage
113 foreclosure claim, a party shall declare in writing the total
114 value of the claim, as well as the individual elements of the
115 value as prescribed in this sub-subparagraph.

116 c. In its order providing for the final disposition of the
117 matter, the court shall identify the actual value of the claim.
118 The clerk shall adjust the filing fee if there is a difference
119 between the estimated amount in controversy and the actual value
120 of the claim and collect any additional filing fee owed or
121 provide a refund of excess filing fee paid.

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

123 (I) Three hundred and ninety-five dollars in all cases in
124 which the value of the claim is \$50,000 or less and in which
125 there are not more than five defendants. The party shall pay an
126 additional filing fee of up to \$2.50 for each defendant in
127 excess of five. Of the first \$280 in filing fees, \$270 ~~\$275~~ must
128 be remitted by the clerk to the Department of Revenue for



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129 deposit into the General Revenue Fund, \$5 must be remitted by
130 the clerk to the Department of Revenue for deposit into the
131 Clerks of Court Trust Fund, \$4 ~~\$3.50~~ must be remitted to the
132 Department of Revenue for deposit into the Clerks of the Court
133 Trust Fund within the Justice Administrative Commission and used
134 to fund the Florida Clerks of Court Operations Corporation
135 created in s. 28.35, and \$1 ~~\$1.50~~ must be remitted to the
136 Department of Revenue for deposit into the Administrative Trust
137 Fund within the Department of Financial Services to fund audits
138 of individual clerks' court-related expenditures ~~clerk budget~~
139 reviews conducted by the Department of Financial Services;

140 (II) Nine hundred dollars in all cases in which the value
141 of the claim is more than \$50,000 but less than \$250,000 and in
142 which there are not more than five defendants. The party shall
143 pay an additional filing fee of up to \$2.50 for each defendant
144 in excess of five. Of the first \$785 in filing fees, \$775 ~~\$780~~
145 must be remitted by the clerk to the Department of Revenue for
146 deposit into the General Revenue Fund, \$5 must be remitted by
147 the clerk to the Department of Revenue for deposit into the
148 Clerks of Court Trust Fund, \$4 ~~\$3.50~~ must be remitted to the
149 Department of Revenue for deposit into the Clerks of the Court
150 Trust Fund within the Justice Administrative Commission and used
151 to fund the Florida Clerks of Court Operations Corporation
152 described in s. 28.35, and \$1 ~~\$1.50~~ must be remitted to the
153 Department of Revenue for deposit into the Administrative Trust
154 Fund within the Department of Financial Services to fund audits
155 of individual clerks' court-related expenditures ~~clerk budget~~
156 reviews conducted by the Department of Financial Services; or

157 (III) One thousand nine hundred dollars in all cases in



158 which the value of the claim is \$250,000 or more and in which
159 there are not more than five defendants. The party shall pay an
160 additional filing fee of up to \$2.50 for each defendant in
161 excess of five. Of the first \$1,785 in filing fees, \$1,005
162 ~~\$1,010~~ must be remitted by the clerk to the Department of
163 Revenue for deposit into the General Revenue Fund, \$5 must be
164 remitted by the clerk to the Department of Revenue for deposit
165 into the Clerks of Court Trust Fund, \$770 must be remitted to
166 the Department of Revenue for deposit into the State Courts
167 Revenue Trust Fund, \$4 ~~\$3.50~~ must be remitted to the Department
168 of Revenue for deposit into the Clerks of the Court Trust Fund
169 within the Justice Administrative Commission to fund the Florida
170 Clerks of Court Operations Corporation created in s. 28.35, and
171 \$1 ~~\$1.50~~ must be remitted to the Department of Revenue for
172 deposit into the Administrative Trust Fund within the Department
173 of Financial Services to fund audits of individual clerks'
174 court-related expenditures ~~clerk budget reviews~~ conducted by the
175 Department of Financial Services.

176 e. An additional filing fee of \$4 shall be paid to the
177 clerk. The clerk shall remit \$3.50 to the Department of Revenue
178 for deposit into the Court Education Trust Fund and shall remit
179 50 cents to the Department of Revenue for deposit into the
180 Clerks of the Court Trust Fund within the Justice Administrative
181 Commission to fund clerk education provided by the Florida
182 Clerks of Court Operations Corporation. An additional filing fee
183 of up to \$18 shall be paid by the party seeking each severance
184 that is granted. The clerk may impose an additional filing fee
185 of up to \$85 for all proceedings of garnishment, attachment,
186 replevin, and distress. Postal charges incurred by the clerk of



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187 the circuit court in making service by certified or registered
188 mail on defendants or other parties shall be paid by the party
189 at whose instance service is made. Additional fees, charges, or
190 costs may not be added to the filing fees imposed under this
191 section, except as authorized in this section or by general law.

192 Section 4. Effective upon this act becoming a law, section
193 28.2455, Florida Statutes, is repealed.

194 Section 5. Paragraph (b) of subsection (5) of section
195 28.246, Florida Statutes, is amended to read:

196 28.246 Payment of court-related fines or other monetary
197 penalties, fees, charges, and costs; partial payments;
198 distribution of funds.—

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

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

206
207 To offset processing costs, clerks may impose either a per-month
208 service charge pursuant to s. 28.24(26)(b) or a one-time
209 administrative processing service charge at the inception of the
210 payment plan pursuant to s. 28.24(26)(c).

211 Section 6. Section 28.35, Florida Statutes, is amended to
212 read:

213 28.35 Florida Clerks of Court Operations Corporation.—

214 (1)(a) The Florida Clerks of Court Operations Corporation
215 is created as a public corporation organized to perform the



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216 functions specified in this section and s. 28.36 and shall be
217 administratively housed within the Justice Administrative
218 Commission. The corporation shall be a budget entity within the
219 Justice Administrative Commission, and its employees shall be
220 considered state employees. The corporation is not subject to
221 control, supervision, or direction by the Justice Administrative
222 Commission in the performance of its duties, but the employees
223 of the corporation shall be governed by the classification plan
224 and salary and benefits plan of the Justice Administrative
225 Commission. The classification plan must have a separate chapter
226 for the corporation. All clerks of the circuit court shall be
227 members of the corporation and hold their position and authority
228 in an ex officio capacity. The functions assigned to the
229 corporation shall be performed by an executive council pursuant
230 to the plan of operation approved by the members.

231 (b) The executive council shall be composed of eight clerks
232 of the court elected by the clerks of the courts for a term of 2
233 years, with two clerks from counties with a population of fewer
234 than 100,000, two clerks from counties with a population of at
235 least 100,000 but fewer than 500,000, two clerks from counties
236 with a population of at least 500,000 but fewer than 1 million,
237 and two clerks from counties with a population of more than 1
238 million. The executive council shall also include, as ex officio
239 members, a designee of the President of the Senate and a
240 designee of the Speaker of the House of Representatives. The
241 Chief Justice of the Supreme Court shall designate one
242 additional member to represent the state courts system.

243 (c) The corporation shall be considered a political
244 subdivision of the state and shall be exempt from the corporate



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245 income tax. The corporation is not subject to ~~the provisions of~~
246 chapter 120.

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

250 (2) The duties of the corporation shall include the
251 following:

252 (a) Adopting a plan of operation.

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

255 (c) Recommending to the Legislature changes in the amounts
256 of the various court-related fines, fees, service charges, and
257 ~~court~~ costs established by law to ensure reasonable and adequate
258 funding of the clerks of the court in the performance of their
259 court-related functions.

260 (d) Developing and certifying a uniform system of workload
261 ~~performance~~ measures and applicable workload performance
262 standards for the functions specified in paragraph (3)(a) and
263 ~~the service unit costs required in s. 28.36 and measures for~~
264 clerk workload performance in meeting the workload performance
265 standards. These workload measures and workload performance
266 standards shall be designed to facilitate an objective
267 determination of the performance of each clerk in accordance
268 with minimum standards for fiscal management, operational
269 efficiency, and effective collection of fines, fees, service
270 charges, and court costs. The corporation shall develop the
271 workload performance measures and workload performance standards
272 in consultation with the Legislature ~~and the Supreme Court. The~~
273 ~~Legislature may modify the clerk performance measures and~~



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274 ~~performance standards in legislation implementing the General~~
275 ~~Appropriations Act or other law.~~ When the corporation finds a
276 clerk has not met the workload performance standards, the
277 corporation shall identify the nature of each deficiency and any
278 corrective action recommended and taken by the affected clerk of
279 the court. The corporation shall notify the Legislature ~~and the~~
280 ~~Supreme Court~~ of any clerk not meeting workload performance
281 standards and provide a copy of any corrective action plans. As
282 used in this subsection, the term:

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

287 2. "Workload performance standards" means the standards
288 developed to measure the timeliness and effectiveness of the
289 activities that are accomplished by the clerk in the performance
290 of the court-related duties of the office as defined by the
291 Florida Clerks of Court Operations Corporation.

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

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

298 1. Calculate the minimum amount of revenue necessary for
299 each clerk of the court to efficiently perform the list of
300 court-related functions specified in paragraph (3) (a). The
301 corporation shall apply the workload measures appropriate for
302 determining the individual level of review required to fund the



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303 clerk's budget.

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

308 3. Conduct an annual base budget review and an annual
309 budget exercise examining the total budget of each clerk of the
310 court. The review shall examine revenues from all sources,
311 expenses of court-related functions, and expenses of noncourt-
312 related functions as necessary to determine that court-related
313 revenues are not being used for noncourt-related purposes. The
314 review and exercise shall identify potential targeted budget
315 reductions in the percentage amount provided in Schedule VIII-B
316 of the state's legislative budget instructions from the previous
317 year, as referenced in s. 216.023(3), or an equivalent schedule
318 or instruction as may be adopted by the Legislature.

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

322 5. Identify those clerks projected to have court-related
323 revenues insufficient to fund their anticipated court-related
324 expenditures.

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

328 (g) ~~(f)~~ Developing and conducting clerk education programs.
329 ~~(g) Publishing a uniform schedule of actual fees, service~~
330 ~~charges, and costs charged by a clerk of the court pursuant to~~
331 ~~general law.~~



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332 (h) Beginning August 1, 2017, and each August 1 thereafter,
333 submitting to the Legislative Budget Commission, as provided in
334 s. 11.90, the information described in paragraph (f), as well as
335 the authorized budgets for each clerk of the court. Before
336 October 1 of each year beginning in 2017, the Legislative Budget
337 Commission shall consider the submitted budgets and shall
338 approve, disapprove, or amend and approve the total of the
339 clerks' combined budgets or any individual clerk's budget. If
340 the Legislative Budget Commission fails to approve or amend and
341 approve the clerks' combined budgets before October 1, the clerk
342 shall continue to perform the court-related functions based upon
343 the clerk's authorized budget for the previous county fiscal
344 year.

345 (3) (a) The list of court-related functions that clerks may
346 fund from filing fees, service charges, costs, and fines is
347 ~~perform~~ are limited to those functions expressly authorized by
348 law or court rule. Those functions include the following: case
349 maintenance; records management; court preparation and
350 attendance; processing the assignment, reopening, and
351 reassignment of cases; processing of appeals; collection and
352 distribution of fines, fees, service charges, and court costs;
353 processing of bond forfeiture payments; payment of jurors and
354 witnesses; payment of expenses for meals or lodging provided to
355 jurors; data collection and reporting; processing of jurors;
356 determinations of indigent status; and paying reasonable
357 administrative support costs to enable the clerk of the court to
358 carry out these court-related functions.

359 (b) The list of court-related functions that clerks may not
360 fund from filing fees, service charges, costs, and fines



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361 includes state appropriations include:

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

363 2. Functions assigned by administrative orders which are
364 not required for the clerk to perform the functions in paragraph
365 (a).

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

368 4. Functions identified as local requirements in law or
369 local optional programs.

370 (4) The corporation shall prepare a legislative budget
371 request for the resources necessary to perform its duties,
372 submit the request pursuant to chapter 216, and be funded as a
373 budget entity in the General Appropriations Act. The corporation
374 may hire staff and pay other expenses from state appropriations
375 as necessary to perform the official duties and responsibilities
376 of the corporation as described by law.

377 (5) Certified public accountants conducting audits of
378 counties pursuant to s. 218.39 shall report, as part of the
379 audit, whether ~~or not~~ the clerks of the courts have complied
380 with the requirements of this section and s. 28.36. In addition,
381 each clerk of court shall forward a copy of the ~~portion of the~~
382 financial audit ~~relating to the court-related duties of the~~
383 ~~clerk of court~~ to the Florida Clerks of Court Operations
384 Corporation ~~Supreme Court~~. The Auditor General shall develop a
385 compliance supplement for the audit of compliance with the
386 budgets and applicable workload performance standards certified
387 by the corporation.

388 Section 7. Section 28.36, Florida Statutes, is amended to
389 read:



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390 28.36 Budget procedure.—There is established a budget
391 procedure ~~for preparing budget requests for funding~~ for the
392 court-related functions of the clerks of the court.

393 (1) Only those functions listed in s. 28.35(3) (a) may be
394 funded from fees, service charges, costs, and fines retained by
395 the clerks of the court ~~Each clerk of court shall prepare a~~
396 ~~budget request for the last quarter of the county fiscal year~~
397 ~~and the first three quarters of the next county fiscal year. The~~
398 ~~proposed budget shall be prepared, summarized, and submitted by~~
399 ~~the clerk in each county to the Florida Clerks of Court~~
400 ~~Operations Corporation in the manner and form prescribed by the~~
401 ~~corporation to meet the requirements of law. Each clerk shall~~
402 ~~forward a copy of his or her budget request to the Supreme~~
403 ~~Court. The budget requests must be provided to the corporation~~
404 ~~by October 1 of each year.~~

405 (2) ~~Each clerk shall include in his or her budget request a~~
406 ~~projection of the amount of court-related fees, service charges,~~
407 ~~and any other court-related clerk fees which will be collected~~
408 ~~during the proposed budget period. If the corporation determines~~
409 ~~that the proposed budget is limited to the standard list of~~
410 ~~court-related functions in s. 28.35(3) (a) and the projected~~
411 ~~court-related revenues are less than the proposed budget, the~~
412 ~~clerk shall increase all fees, service charges, and any other~~
413 ~~court-related clerk fees and charges to the maximum amounts~~
414 ~~specified by law or the amount necessary to resolve the deficit,~~
415 ~~whichever is less.~~

416 (2)(3) Each proposed budget shall further conform to the
417 following requirements ~~clerk shall include in his or her budget~~
418 ~~request the number of personnel and the proposed budget for each~~



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419 ~~of the following core services:~~

420 (a) On or before June 1 of each year beginning in 2017, the
421 proposed budget shall be prepared, summarized, and submitted by
422 the clerk in each county to the Florida Clerks of Court
423 Operations Corporation in the manner and form prescribed by the
424 corporation. The proposed budget must provide detailed
425 information on the anticipated revenues available and
426 expenditures necessary for the performance of the court-related
427 functions listed in s. 28.35(3)(a) of the clerk's office for the
428 county fiscal year beginning October 1.

429 (b) The proposed budget must be balanced such that the
430 total of the estimated revenues available equals or exceeds the
431 total of the anticipated expenditures. Such revenues include
432 revenue projected to be received from fees, services charges,
433 costs, and fines for court-related functions during the fiscal
434 period covered by the budget. The anticipated expenditures must
435 be itemized as required by the corporation.

- 436 ~~(a) Circuit criminal.~~
- 437 ~~(b) County criminal.~~
- 438 ~~(c) Juvenile delinquency.~~
- 439 ~~(d) Criminal traffic.~~
- 440 ~~(e) Circuit civil.~~
- 441 ~~(f) County civil.~~
- 442 ~~(g) Civil traffic.~~
- 443 ~~(h) Probate.~~
- 444 ~~(i) Family.~~
- 445 ~~(j) Juvenile dependency.~~

446
447 ~~Central administrative costs shall be allocated among the core-~~



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448 ~~services categories.~~

449 (3) If a clerk of the court estimates that available funds
450 plus projected revenues from fines, fees, service charges, and
451 costs for court-related services are insufficient to meet the
452 anticipated expenditures for the standard list of court-related
453 functions in s. 28.35(3)(a) performed by his or her office, the
454 clerk must report the revenue deficit to the corporation in the
455 manner and form prescribed by the corporation. The corporation
456 shall verify that the proposed budget is limited to the standard
457 list of court-related functions in s. 28.35(3)(a). If the
458 corporation verifies that a revenue deficit is projected, the
459 corporation shall certify a revenue deficit and notify the
460 Department of Revenue that the clerk is authorized to retain
461 revenues, in an amount necessary to fully fund the projected
462 revenue deficit, which he or she would otherwise be required to
463 remit to the Department of Revenue for deposit into the
464 department's Clerks of the Court Trust Fund pursuant to s.
465 28.37. If a revenue deficit is projected for that clerk after
466 retaining all of the projected collections from the court-
467 related fines, fees, service charges, and costs, the corporation
468 shall certify the amount of the revenue deficit to the Executive
469 Office of the Governor and the Legislative Budget Commission,
470 and request release authority for funds from the department's
471 Clerks of the Court Trust Fund. Notwithstanding s. 216.192
472 relating to the release of funds, the Executive Office of the
473 Governor shall request the Legislative Budget Commission to
474 approve the release. If a meeting of the Legislative Budget
475 Commission cannot be held within thirty days of the corporation
476 submitting the request, the chair and vice-chair of the



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477 Legislative Budget Commission may authorize the release to be
478 submitted in accordance with the notice, review, and objection
479 procedures set forth in s. 216.177 and shall provide notice to
480 the Chief Financial Officer. The Department of Revenue shall
481 request monthly distributions from the Chief Financial Officer
482 in equal amounts to each clerk certified to have a revenue
483 deficit, in accordance with the releases approved by the
484 Governor and the Legislative Budget Commission.

485 (4) The Legislative Budget Commission may approve increases
486 to the previously authorized budgets approved for individual
487 clerks of the court pursuant to section 28.35 for court-related
488 functions, if:

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

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

495 ~~(4) The budget request must identify the service units to~~
496 ~~be provided within each core service. The service units shall be~~
497 ~~developed by the corporation, in consultation with the Supreme~~
498 ~~Court, the Chief Financial Officer, and the appropriations~~
499 ~~committees of the Senate and the House of Representatives.~~

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

503 ~~(6) The corporation shall review each individual clerk's~~
504 ~~prior year expenditures, projected revenue, proposed unit costs,~~
505 ~~and the proposed budget for each of the core services~~



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506 ~~categories. The corporation shall compare each clerk's prior~~
507 ~~year expenditures and unit costs for core services with a peer~~
508 ~~group of clerks' offices having a population of a similar size~~
509 ~~and a similar number of case filings. If the corporation finds~~
510 ~~that the expenditures, unit costs, or proposed budget of a clerk~~
511 ~~is significantly higher than those of clerks in that clerk's~~
512 ~~peer group, the corporation shall require the clerk to submit~~
513 ~~documentation justifying the difference in each core-services~~
514 ~~category. Justification for higher expenditures may include, but~~
515 ~~is not limited to, collective bargaining agreements, county~~
516 ~~civil service agreements, and the number and distribution of~~
517 ~~courthouses served by the clerk. If the expenditures and unit~~
518 ~~costs are not justified, the corporation shall recommend a~~
519 ~~reduction in the funding for that core-services category in the~~
520 ~~budget request to an amount similar to the peer group of clerks~~
521 ~~or to an amount that the corporation determines is justified.~~

522 ~~(7) The corporation shall complete its review and~~
523 ~~adjustments to the clerks' budget requests and make its~~
524 ~~recommendations to the Legislature and the Supreme Court by~~
525 ~~December 1 each year.~~

526 ~~(8) The Chief Financial Officer shall review the proposed~~
527 ~~unit costs associated with each clerk of court's budget request~~
528 ~~and make recommendations to the Legislature. The Chief Financial~~
529 ~~Officer may conduct any audit of the corporation or a clerk of~~
530 ~~court as authorized by law. The Chief Justice of the Supreme~~
531 ~~Court may request an audit of the corporation or any clerk of~~
532 ~~court by the Chief Financial Officer.~~

533 ~~(9) The Legislature shall appropriate the total amount for~~
534 ~~the budgets of the clerks in the General Appropriations Act. The~~



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535 ~~Legislature may reject or modify any or all of the unit costs~~
536 ~~recommended by the corporation. If the Legislature does not~~
537 ~~specify the unit costs in the General Appropriations Act or~~
538 ~~other law, the unit costs recommended by the corporation shall~~
539 ~~be the official unit costs for that budget period.~~

540 ~~(10) (a) Beginning in the 2010-2011 fiscal year, the~~
541 ~~corporation shall release appropriations to each clerk~~
542 ~~quarterly. If funds in the Clerks of Court Trust Fund are~~
543 ~~insufficient to provide a release in a quarter in a single~~
544 ~~release, the corporation may release partial amounts for that~~
545 ~~quarter so long as the total of those partial amounts does not~~
546 ~~exceed that quarter's release. If funds in the Clerks of Court~~
547 ~~Trust Fund are insufficient for the first quarter release, the~~
548 ~~corporation may make a request to the Governor for a trust fund~~
549 ~~loan pursuant to chapter 215. The amount of the first three~~
550 ~~releases shall be based on one quarter of the estimated budget~~
551 ~~for each clerk as identified in the General Appropriations Act.~~

552 ~~(b) The corporation shall estimate the fourth quarter's~~
553 ~~number of units to be performed by each clerk. The amount of the~~
554 ~~fourth-quarter release shall be based on the approved unit cost~~
555 ~~times the estimated number of units of the fourth quarter with~~
556 ~~the following adjustment: the fourth-quarter release shall be~~
557 ~~adjusted based on the first three quarter's actual number of~~
558 ~~service units provided as reported to the corporation by each~~
559 ~~clerk. If the clerk has performed fewer service units in the~~
560 ~~first three quarters of the year compared to three quarters of~~
561 ~~the estimated number of service units in the General~~
562 ~~Appropriations Act, the corporation shall decrease the fourth-~~
563 ~~quarter release. The amount of the decrease shall equal the~~



564 ~~amount of the difference between the estimated number of service~~
565 ~~units for the first three quarters and the actual number of~~
566 ~~service units provided in the first three quarters times the~~
567 ~~approved unit cost.~~

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

571 ~~(d) If the clerk performs fewer units in the fourth quarter~~
572 ~~than estimated by the corporation, the corporation shall~~
573 ~~decrease the first-quarter release for the clerk in the next~~
574 ~~fiscal year by the amount of the difference between the~~
575 ~~estimated number of service units for the fourth quarter and the~~
576 ~~actual number of service units performed in that quarter times~~
577 ~~the approved unit cost.~~

578 ~~(e) The total of all releases to the clerks of court may~~
579 ~~not exceed the amount appropriated in the General Appropriations~~
580 ~~Act. If, during the year, the corporation determines that the~~
581 ~~projected releases of appropriations for service units will~~
582 ~~exceed the estimate used in the General Appropriations Act and~~
583 ~~result in statewide expenditures greater than the amount~~
584 ~~appropriated by law, the corporation shall reduce all service~~
585 ~~unit costs of all clerks by the amount necessary to ensure that~~
586 ~~service units are funded within the total amount appropriated to~~
587 ~~the clerks of court. If such action is necessary, the~~
588 ~~corporation shall notify the Legislative Budget Commission. If~~
589 ~~the Legislative Budget Commission objects to the adjustments,~~
590 ~~the Legislative Budget Commission shall adjust all service unit~~
591 ~~costs by the amount necessary to ensure that projected units of~~
592 ~~service are funded within the total amount appropriated to the~~



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593 ~~clerks of court at its next scheduled meeting.~~

594 ~~(11) The corporation may submit proposed legislation to the~~
595 ~~Governor, the President of the Senate, and the Speaker of the~~
596 ~~House of Representatives relating to the preparation of budget~~
597 ~~requests of the clerks of court.~~

598 Section 8. Section 28.365, Florida Statutes, is created to
599 read:

600 28.365 Procurement.—The clerks of the court and the Florida
601 Clerks of Court Operations Corporation are subject to the
602 procurement requirements and limitations of chapter 287 for
603 expenditures made pursuant to the budget provided for in ss.
604 28.35 and 28.36.

605 Section 9. Section 28.37, Florida Statutes, is amended to
606 read:

607 28.37 Fines, fees, service charges, and costs remitted to
608 the state.—

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

614 (2) Beginning November 1, 2016, that portion of all fines,
615 fees, service charges, and costs collected by the clerks of the
616 court for the previous month which is in excess of one-twelfth
617 of the clerks' total budget for the performance of court-related
618 functions shall be remitted to the Department of Revenue for
619 deposit into the Clerks of the Court Trust Fund. Such
620 collections do not include funding received for the operation of
621 the Title IV-D child support collections and disbursement



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622 program. The clerk of the court shall remit the revenues
623 collected during the previous month due to the state on or
624 before the 10th day of each month.

625 (3) No later than January 25, 2018, and each January 25
626 thereafter for the previous county fiscal year, the clerks of
627 court, in consultation with the Florida Clerks of Court
628 Operations Corporation, shall remit to the Department of Revenue
629 for deposit in the General Revenue Fund the cumulative excess of
630 all fines, fees, service charges, and costs retained by the
631 clerks of the court, plus any funds received by the clerks of
632 the court from the Clerks of the Court Trust Fund under s.
633 28.36(3), which exceed the amount needed to meet their
634 authorized budget amounts established under s. 28.35, and the
635 Florida Clerks of Court Operations Corporation shall remit to
636 the Department of Revenue for deposit in the General Revenue
637 Fund the cumulative excess of all fines, fees, service charges,
638 and costs retained in the Clerks of the Court Trust Fund.
639 However, if the official estimate for funds accruing to the
640 Clerks of the Court Trust Fund made by the Revenue Estimating
641 Conference for the current fiscal year or the next fiscal year
642 included in the estimate is less than the cumulative amount of
643 authorized budgets from the Clerks of the Court Trust Fund for
644 the current fiscal year, the Department of Revenue shall deposit
645 the difference in the Clerks of the Court Trust Fund rather than
646 in the General Revenue Fund.

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



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651 ~~(5)-(2) Ten Except as otherwise provided in ss. 28.241 and~~
652 ~~34.041, all court-related fines, fees, service charges, and~~
653 ~~costs are considered state funds and shall be remitted by the~~
654 ~~clerk to the Department of Revenue for deposit into the Clerks~~
655 ~~of the Court Trust Fund within the Justice Administrative~~
656 ~~Commission. However, 10 percent of all court-related fines~~
657 ~~collected by the clerk, except for penalties or fines~~
658 ~~distributed to counties or municipalities under s.~~
659 ~~316.0083(1)(b)3. or s. 318.18(15)(a), shall be deposited into~~
660 ~~the clerk's Public Records Modernization Trust Fund to be used~~
661 ~~exclusively for additional clerk court-related operational needs~~
662 ~~and program enhancements.~~

663 Section 10. Paragraph (b) of subsection (1) of section
664 34.041, Florida Statutes, is amended, and paragraph (a) of that
665 subsection is reenacted, to read:

666 34.041 Filing fees.—

667 (1) (a) Filing fees are due at the time a party files a
668 pleading to initiate a proceeding or files a pleading for
669 relief. Reopen fees are due at the time a party files a pleading
670 to reopen a proceeding if at least 90 days have elapsed since
671 the filing of a final order or final judgment with the clerk. If
672 a fee is not paid upon the filing of the pleading as required
673 under this section, the clerk shall pursue collection of the fee
674 pursuant to s. 28.246. Upon the institution of any civil action,
675 suit, or proceeding in county court, the party shall pay the
676 following filing fee, not to exceed:

- 677 1. For all claims less than \$100 \$50.
678 2. For all claims of \$100 or more but not more than \$500
679 \$75.



680 3. For all claims of more than \$500 but not more than
681 \$2,500 \$170.

682 4. For all claims of more than \$2,500 \$295.

683 5. In addition, for all proceedings of garnishment,
684 attachment, replevin, and distress \$85.

685 6. Notwithstanding subparagraphs 3. and 5., for all claims
686 of not more than \$1,000 filed simultaneously with an action for
687 replevin of property that is the subject of the claim \$125.

688 7. For removal of tenant action \$180.

689

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

693 (b) The first \$75 ~~\$80~~ of the filing fee collected under
694 subparagraph (a)4. shall be remitted to the Department of
695 Revenue for deposit into the General Revenue Fund and \$5 must be
696 remitted by the clerk to the Department of Revenue for deposit
697 into the Clerks of Court Trust Fund. The next \$15 of the filing
698 fee collected under subparagraph (a)4. and the first \$10 of the
699 filing fee collected under subparagraph (a)7. shall be
700 deposited in the State Courts Revenue Trust Fund. By the 10th
701 day of each month, the clerk shall submit that portion of the
702 fees collected in the previous month which is in excess of one-
703 twelfth of the clerk's total budget for the performance of
704 court-related functions to the Department of Revenue for deposit
705 into the Clerks of the Court Trust Fund. An additional filing
706 fee of \$4 shall be paid to the clerk. The clerk shall transfer
707 \$3.50 to the Department of Revenue for deposit into the Court
708 Education Trust Fund and shall transfer 50 cents to the



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709 Department of Revenue for deposit into the Clerks of the Court
710 Trust Fund within the Justice Administrative Commission to fund
711 clerk education provided by the Florida Clerks of Court
712 Operations Corporation. Postal charges incurred by the clerk of
713 the county court in making service by mail on defendants or
714 other parties shall be paid by the party at whose instance
715 service is made. Except as provided in this section herein,
716 filing fees and service charges for performing duties of the
717 clerk relating to the county court shall be as provided in ss.
718 28.24 and 28.241. Except as otherwise provided in this section
719 herein, all filing fees shall be retained as fee income of the
720 office of the clerk of the circuit court ~~remitted to the~~
721 ~~Department of Revenue for deposit into the Clerks of the Court~~
722 ~~Trust Fund within the Justice Administrative Commission~~. Filing
723 fees imposed by this section may not be added to any penalty
724 imposed by chapter 316 or chapter 318.

725 Section 11. Section 142.01, Florida Statutes, is amended to
726 read:

727 142.01 Fine and forfeiture fund; disposition of revenue;
728 clerk of the circuit court.—

729 (1) There shall be established by the clerk of the circuit
730 court in each county of this state a separate fund to be known
731 as the fine and forfeiture fund for use by the clerk of the
732 circuit court in performing court-related functions. The fund
733 shall consist of the following:

734 (a) Fines and penalties pursuant to ss. 28.2402(2),
735 34.045(2), 316.193, 327.35, 327.72, 379.2203(1), and 775.083(1).

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



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738 (c) Court costs pursuant to ss. 28.2402(1)(b),
739 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a) and
740 (11)(a), and 938.05(3).

741 (d) Proceeds from forfeited bail bonds, unclaimed bonds,
742 unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a),
743 379.2203(1), and 903.26(3)(a).

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

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

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

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

756 ~~(3)~~ Notwithstanding the provisions of this section, all
757 fines and forfeitures arising from operation of the provisions
758 of s. 318.1215 shall be disbursed in accordance with that
759 section.

760 Section 12. Section 213.131, Florida Statutes, is amended
761 to read:

762 213.131 Clerks of the Court Trust Fund within the
763 Department of Revenue ~~Justice Administrative Commission.~~—The
764 Clerks of the Court Trust Fund is created within the Department
765 of Revenue ~~Justice Administrative Commission.~~

766 Section 13. Subsection (2) of section 215.22, Florida



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767 Statutes, is amended to read:

768 215.22 Certain income and certain trust funds exempt.—

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

775 Section 14. For the period from July 1, 2016, through
776 September 30, 2016, the authorized budget for the clerks of the
777 circuit court shall be \$110,845,078 and the authorized budget
778 for the Florida Clerks of Court Operations Corporation shall be
779 \$405,412. The Florida Clerks of Court Operations Corporation
780 shall determine budget amounts for the individual clerks for
781 that period. For the county fiscal year beginning October 1,
782 2016, and ending September 30, 2017, the authorized budget for
783 the clerks of the circuit court shall be \$443,380,312 and the
784 authorized budget for the Florida Clerks of Court Operations
785 Corporation shall be \$1,621,648. The Florida Clerks of Court
786 Operations Corporation shall determine budget amounts for the
787 individual clerks for that period.

788 Section 15. Except as otherwise expressly provided in this
789 act and except for this section, which shall take effect upon
790 this act becoming a law, this act shall take effect July 1,
791 2016.

792
793 ===== T I T L E A M E N D M E N T =====

794 And the title is amended as follows:

795 Delete everything before the enacting clause



796 and insert:

797 A bill to be entitled
798 An act relating to clerks of court; transferring the
799 Clerks of the Court Trust Fund from the Justice
800 Administrative Commission to the Department of
801 Revenue; amending s. 11.90, F.S.; providing additional
802 duties of the Legislative Budget Commission relating
803 to clerks of court; amending s. 28.241, F.S.; revising
804 distribution of filing fees; revising references to
805 trust funds; repealing s. 28.2455, F.S., relating to
806 the transfer of trust funds in excess of the amount
807 needed for clerk budgets; amending s. 28.246, F.S.;
808 conforming provisions to changes made by the act;
809 amending s. 28.35, F.S.; revising duties of the
810 corporation; defining terms; providing requirements
811 for annual submission of a proposed budget and related
812 information; revising provisions concerning functions
813 that may and may not be funded from specified sources;
814 revising distribution of the corporation's audit
815 report; amending s. 28.36, F.S.; specifying that only
816 certain functions may be funded from fees, service
817 charges, costs, and fines retained by the clerks of
818 the court; revising provisions relating to preparation
819 of budget requests by clerks; providing for reporting
820 and certification of revenue deficits; providing
821 procedures for retention of additional revenues by
822 clerks in the event of a deficit; providing for the
823 release of funds from a specified trust fund to
824 relieve such a deficit in certain circumstances;



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825 providing for increases in previously authorized
826 budgets in certain circumstances; deleting provisions
827 relating to review of budgets and related information;
828 creating s. 28.365, F.S.; providing that clerks of
829 court and the Florida Clerks of Court Operations
830 Corporation are subject to specified procurement
831 requirements for expenditures made pursuant to
832 specified provisions; amending s. 28.37, F.S.;
833 providing that a portion of all fines, fees, service
834 charges, and costs collected by the clerks of the
835 court that exceeds a specified portion of the clerk's
836 annual budget be remitted to a specified trust fund;
837 providing for remission of certain excess collections
838 to the department for deposit into the General Revenue
839 Fund on specified dates; providing for deposit of such
840 funds in a specified trust fund in certain
841 circumstances; providing for collection of certain
842 funds by the department; amending s. 34.041, F.S.;
843 conforming provisions to changes made by the act;
844 revising distribution of certain fees; amending s.
845 142.01, F.S.; deleting provisions specifying that
846 certain moneys are considered state funds; amending s.
847 213.131, F.S.; conforming provisions to changes made
848 by the act; amending s. 215.22, F.S.; exempting
849 certain moneys deposited in the Clerks of the Court
850 Trust Fund from a specified deduction; specifying the
851 authorized budget for the clerks of the circuit court
852 and the corporation for specified periods; requiring
853 the corporation to determine budget amounts for the



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854 individual clerks for those periods; providing
855 effective dates.