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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2015	.	
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The Committee on Judiciary (Ring) recommended the following:

Senate Amendment (with title amendment)

Delete lines 89 - 289
and insert:

Section 2. Paragraph (i) is added to subsection (2) of section 28.35, Florida Statutes, and paragraph (a) of subsection (3) of that section is amended, to read:

28.35 Florida Clerks of Court Operations Corporation.—

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

(i) Paying jury-related invoices submitted by the clerks of



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12 the circuit court pursuant to s. 40.29.

13 (3) (a) The list of court-related functions that clerks may
14 fund from filing fees, service charges, costs, and fines is
15 limited to those functions expressly authorized by law or court
16 rule. Those functions include the following: case maintenance;
17 records management; court preparation and attendance; processing
18 the assignment, reopening, and reassignment of cases; processing
19 of appeals; collection and distribution of fines, fees, service
20 charges, and court costs; processing of bond forfeiture
21 payments; ~~payment of jurors and witnesses; payment of expenses~~
22 ~~for meals or lodging provided to jurors;~~ data collection and
23 reporting; ~~processing of jurors;~~ determinations of indigent
24 status; and paying reasonable administrative support costs to
25 enable the clerk of the court to carry out these court-related
26 functions.

27 Section 3. Subsections (2) and (3) of section 28.37,
28 Florida Statutes, are amended to read:

29 28.37 Fines, fees, service charges, and costs remitted to
30 the state.—

31 (2) ~~The Beginning November 1, 2013, that~~ portion of all
32 fines, fees, service charges, and costs collected by the clerks
33 of the court for the previous month which is in excess of one-
34 twelfth of the clerks' total budget for the performance of
35 court-related functions shall be remitted to the Department of
36 Revenue for deposit into the Clerks of the Court Trust Fund.
37 Such collections do not include funding received for the
38 operation of the Title IV-D child support collections and
39 disbursement program. The clerk of the court shall remit the
40 revenues collected during the previous month due to the state on



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41 or before the 10th day of each month.

42 (3) Each year, no later than January 25, 2015, ~~and each~~
43 ~~January 25 thereafter~~ for the previous county fiscal year, the
44 clerks of court, in consultation with the Florida Clerks of
45 Court Operations Corporation, shall remit to the Department of
46 Revenue for deposit into the Clerks of the Court Trust ~~in the~~
47 ~~General Revenue~~ Fund the cumulative excess of all fines, fees,
48 service charges, and costs retained by the clerks of the court,
49 plus any funds received by the clerks of the court from the
50 Clerks of the Court Trust Fund under s. 28.36(3), which exceed
51 the amount needed to meet their authorized budget amounts
52 established under s. 28.35. The Department of Revenue shall
53 transfer from the Clerks of the Court Trust Fund to the General
54 Revenue Fund the cumulative excess of all fines, fees, service
55 charges, and costs submitted by the clerks of court for the
56 previous county fiscal year pursuant to this section ~~subsection~~
57 ~~(2)~~. However, if the official estimate for funds accruing to the
58 clerks of court made by the Revenue Estimating Conference for
59 the current fiscal year or the next 2 fiscal years ~~year~~ is less
60 than the cumulative amount of authorized budgets for the clerks
61 of court for the current fiscal year, the Department of Revenue
62 shall retain in the Clerks of the Court Trust Fund the estimated
63 amount needed to fully fund the clerks of court for the current
64 and next 2 fiscal years ~~year~~ based upon the current budget
65 established under s. 28.35.

66 Section 4. Present subsections (6) through (8) of section
67 40.24, Florida Statutes, are redesignated as subsections (7)
68 through (9), respectively, and a new subsection (6) is added to
69 that section, to read:



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70 40.24 Compensation and reimbursement policy.-

71 (6) Clerks of the circuit court are entitled to
72 reimbursement from the state for jury-related costs, including
73 juror compensation and personnel and operational costs of the
74 clerk directly related to jury management.

75 Section 5. Section 40.29, Florida Statutes, is amended to
76 read:

77 40.29 Payment of due-process costs.-

78 (1) Each clerk of the circuit court:7

79 (a) On behalf of the state attorney, private court-
80 appointed counsel, the public defender, and the criminal
81 conflict and civil regional counsel, shall forward to the
82 Justice Administrative Commission, by county, a quarterly
83 estimate of funds necessary to pay for ordinary witnesses,
84 including, but not limited to, witnesses in civil traffic cases
85 and witnesses of the state attorney, the public defender,
86 criminal conflict and civil regional counsel, private court-
87 appointed counsel, and persons determined to be indigent for
88 costs. Each quarter of the state fiscal year, the commission,
89 based upon the estimates, shall advance funds to each clerk to
90 pay for these ordinary witnesses from state funds specifically
91 appropriated for the payment of ordinary witnesses.

92 (b) Shall forward a quarterly estimate of funds necessary
93 to pay jury-related costs, by county, to the Florida Clerks of
94 Court Operations Corporation.

95 (2) Upon receipt of an estimate pursuant to subsection (1),
96 the Justice Administrative Commission or the Florida Clerks of
97 Court Operations Corporation, as applicable, shall endorse the
98 amount deemed necessary for payment by the clerk of the court



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99 during the quarterly fiscal period and shall submit a request
100 for payment to the Chief Financial Officer.

101 (3) Upon receipt of the funds from the Chief Financial
102 Officer, the clerk of the court shall pay all invoices approved
103 and submitted by the state attorney, the public defender, the
104 clerk of the court, criminal conflict and civil regional
105 counsel, and private court-appointed counsel for the items
106 enumerated in subsection (1).

107 (4) After review for compliance with applicable rates and
108 requirements, the Justice Administrative Commission or the
109 Florida Clerks of Court Operations Corporation, as applicable,
110 shall pay all invoices related to due process services and
111 juries ~~service related invoices~~, except those enumerated in
112 subsection (1), approved and submitted by the state attorney,
113 the public defender, the clerk of the court, criminal conflict
114 and civil regional counsel, or private court-appointed counsel
115 in accordance with the applicable requirements of ss. 29.005,
116 29.006, and 29.007.

117 Section 6. Section 40.31, Florida Statutes, is amended to
118 read:

119 40.31 Apportionment of appropriations ~~Justice~~
120 ~~Administrative Commission may apportion appropriation.~~-

121 (1) If the Justice Administrative Commission has reason to
122 believe that the amount appropriated by the Legislature is
123 insufficient to meet the expenses of witnesses during the
124 remaining part of the state fiscal year, the commission may
125 apportion the money in the treasury for that purpose among the
126 several counties, basing such apportionment upon the amount
127 expended for the payment of witnesses in each county during the



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128 prior fiscal year. In such case, each county shall be paid by
129 warrant, issued by the Chief Financial Officer, only the amount
130 so apportioned to each county, and, when the amount so
131 apportioned is insufficient to pay in full all the witnesses
132 during a quarterly fiscal period, the clerk of the court shall
133 apportion the money received pro rata among the witnesses
134 entitled to pay and shall give to each witness a certificate of
135 the amount of compensation still due, which certificate shall be
136 held by the commission as other demands against the state.

137 (2) If the Florida Clerks of Court Operations Corporation
138 has reason to believe that the amount appropriated by the
139 Legislature is insufficient to meet jury-related costs during
140 the remaining part of the state fiscal year, the corporation may
141 apportion the money in the treasury for that purpose among the
142 several counties, basing such apportionment upon the amount
143 expended for jury-related costs in each county during the prior
144 fiscal year. In such case, each county shall be paid by warrant,
145 issued by the Chief Financial Officer, only the amount so
146 apportioned to each county. When the amount so apportioned is
147 insufficient to pay in full all jury-related costs during a
148 quarterly fiscal period, the clerk of the court shall pay jurors
149 entitled to pay before reimbursing any other jury-related costs.
150 If the amount so apportioned is insufficient to pay in full all
151 jurors during a quarterly fiscal period, the clerk of the court
152 shall apportion the money received pro rata among the jurors
153 entitled to pay and shall give to each juror a certificate of
154 the amount of compensation still due, which certificate shall be
155 held by the Florida Clerks of Court Operations Corporation as
156 other demands against the state.



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157 Section 7. Section 40.32, Florida Statutes, is amended to
158 read:

159 40.32 Clerks to disburse money; payments to jurors and
160 witnesses.—

161 (1) All moneys drawn from the treasury under the provisions
162 of this chapter by the clerk of the court shall be disbursed by
163 the clerk of the court as far as needed in payment of jurors and
164 witnesses, except for expert witnesses paid under a contract or
165 other professional services agreement pursuant to ss. 29.004,
166 29.005, 29.006, and 29.007, for the legal compensation for
167 service during the quarterly fiscal period for which the moneys
168 were drawn and for no other purposes.

169 ~~(2) The payment of jurors and the payment of expenses for~~
170 ~~meals and lodging for jurors under the provisions of this~~
171 ~~chapter are court-related functions that the clerk of the court~~
172 ~~shall fund from filing fees, service charges, court costs, and~~
173 ~~finances as part of the maximum annual budget under ss. 28.35 and~~
174 ~~28.36.~~

175 (2) ~~(3)~~ Jurors and witnesses shall be paid by the clerk of
176 the court in cash, by check, or by warrant within 20 days after
177 completion of jury service or completion of service as a
178 witness.

179 (a) If the clerk of the court pays a juror or witness by
180 cash, the juror or witness shall sign the payroll in the
181 presence of the clerk, a deputy clerk, or some other person
182 designated by the clerk.

183 (b) If the clerk pays a juror or witness by warrant, he or
184 she shall endorse on the payroll opposite the juror's or
185 witness's name the words "Paid by warrant," giving the number



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186 and date of the warrant.

187 Section 8. Section 40.33, Florida Statutes, is amended to
188 read:

189 40.33 Deficiency.—If the funds required for payment of the
190 items enumerated in s. 40.29(1) in any county during a quarterly
191 fiscal period exceeds the amount of the funds provided pursuant
192 to s. 40.29(3), the state attorney, public defender, clerk of
193 the circuit court, or criminal conflict and civil regional
194 counsel, as applicable, shall make a further request upon the
195 Justice Administrative Commission or the Florida Clerks of Court
196 Operations Corporation, as applicable, for the items enumerated
197 in s. 40.29(1) for the amount necessary to allow for full
198 payment.

199 Section 9. Section 40.34, Florida Statutes, is amended to
200 read:

201 40.34 Clerks to make triplicate payroll.—

202 (1) The clerk of the court shall make out a payroll in
203 triplicate for the payment of jurors and witnesses, which
204 payroll shall contain:

205 (a) The name of each juror and witness entitled to be paid
206 with state funds;

207 (b) The number of days for which the jurors and witnesses
208 are entitled to be paid;

209 (c) The number of miles traveled by each; and

210 (d) The total compensation each juror and witness is
211 entitled to receive.

212 (2) The form of such payroll shall be prescribed by the
213 Chief Financial Officer.

214 (3) Compensation paid a juror or witness shall be attested



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215 as provided in s. 40.32. The payroll shall be approved by the
216 signature of the clerk, or his or her deputy, except for the
217 payroll as to witnesses appearing before the state attorney,
218 which payroll shall be approved by the signature of the state
219 attorney or an assistant state attorney.

220 (4) The clerks of the courts shall forward two copies of
221 such payrolls:

222 (a) Related to witnesses to the Justice Administrative
223 Commission, within 2 weeks after the last day of the quarterly
224 fiscal period, and the commission shall audit such payrolls.

225 (b) Related to jurors to the Florida Clerks of Court
226 Operations Corporation, within 2 weeks after the last day of the
227 quarterly fiscal period, and the corporation shall audit such
228 payrolls.

229
230 ===== T I T L E A M E N D M E N T =====

231 And the title is amended as follows:

232 Delete lines 7 - 31

233 and insert:

234 F.S.; expanding the list of duties of the Florida
235 Clerks of Court Operations Corporation; revising the
236 list of court-related functions that clerks may fund
237 from filing fees, service charges, costs, and fines;
238 amending s. 28.37, F.S.; removing an obsolete date;
239 redirecting transfer of specified excess funds from
240 the General Revenue Fund to the Clerks of the Court
241 Trust Fund if certain future-year revenue deficits are
242 estimated; restricting excess fund transfers to costs
243 submitted for the previous county fiscal year;



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244 amending s. 40.24, F.S.; authorizing the clerk to seek
245 reimbursement for jury-related costs from the state;
246 amending s. 40.29, F.S.; requiring the clerk to
247 forward quarterly estimates on jury-related costs to
248 the Florida Clerks of Court Operations Corporation;
249 revising procedures governing the payment of due-
250 process costs; amending s. 40.31, F.S.; authorizing
251 the Florida Clerks of Court Operations Corporation to
252 apportion appropriations for jury-related costs if
253 certain conditions are met; amending s. 40.32, F.S.;
254 removing a provision regarding funding of jury-related
255 costs to conform to changes made by the act; amending
256 s. 40.33, F.S.; authorizing the clerk to request the
257 Florida Clerks of Court Operations Corporation for
258 additional funds to pay due-process costs in the event
259 of a deficiency; amending s. 40.34, F.S.; requiring
260 the clerk to provide for payroll in triplicate for the
261 payment of jurors; requiring the clerk to forward
262 juror payrolls to the Florida Clerks of Courts
263 Operations Corporation; requiring the corporation to
264 audit such payrolls; amending s. 318.18, F.S.;