

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Byrd offered the following:

Amendment (with title amendment)

Remove lines 144-331 and insert:

~~(3)(a) The list of court-related functions that clerks may fund from filing fees, service charges, costs, and fines is limited to those functions expressly authorized by law or court rule. Those functions include the following: case maintenance; records management; court preparation and attendance; processing the assignment, reopening, and reassignment of cases; processing of appeals; collection and distribution of fines, fees, service charges, and court costs; processing of bond forfeiture payments; payment of jurors and witnesses; payment of expenses~~

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14 ~~for meals or lodging provided to jurors; data collection and~~
15 ~~reporting; processing of jurors; determinations of indigent~~
16 ~~status; and paying reasonable administrative support costs to~~
17 ~~enable the clerk of the court to carry out these court-related~~
18 ~~functions.~~

19 ~~(b) The list of court-related functions that clerks may~~
20 ~~not fund from filing fees, service charges, costs, and fines~~
21 ~~includes:~~

22 ~~1. These functions not specified within paragraph (a).~~

23 ~~2. Functions assigned by administrative orders which are~~
24 ~~not required for the clerk to perform the functions in paragraph~~
25 ~~(a).~~

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

28 ~~4. Functions identified as local requirements in law or~~
29 ~~local optional programs.~~

30 Section 3. Paragraph (a) of subsection (2) and subsection
31 (4) of section 28.36, Florida Statutes, are amended to read:

32 28.36 Budget procedure.—There is established a budget
33 procedure for the court-related functions of the clerks of the
34 court.

35 (2) Each proposed budget shall further conform to the
36 following requirements:

37 (a) On or before June 1 ~~of each year beginning in 2014,~~
38 the proposed budget shall be prepared, summarized, and submitted

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39 by the clerk in each county to the Florida Clerks of Court
40 Operations Corporation in the manner and form prescribed by the
41 corporation. The proposed budget must provide detailed
42 information on the anticipated revenues available and
43 expenditures necessary for the performance of the court-related
44 functions listed in s. 28.35(3)(a) of the clerk's office for the
45 county fiscal year beginning October 1.

46 (4) The corporation ~~Legislative Budget Commission~~ may
47 approve increases or decreases to the previously authorized
48 budgets approved for individual clerks of the court pursuant to
49 s. 28.35 for court-related functions, if:

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

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

56 Section 4. Subsection (5) is added to section 40.29,
57 Florida Statutes, to read:

58 40.29 Payment of due-process costs.—

59 (5) The Justice Administrative Commission shall provide
60 funds to the clerks of the court to compensate jurors, pay for
61 meals or lodging provided to jurors, and pay for jury-related
62 personnel and other costs as provided in this section. Each
63 clerk shall forward to the commission a quarterly estimate of

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64 the funds necessary to compensate jurors and pay for meals or
65 lodging to be provided to jurors during the upcoming quarter.
66 The Florida Clerks of Court Operations Corporation shall forward
67 to the commission a quarterly estimate of the amount necessary
68 to reimburse each clerk for his or her jury-related personnel
69 and other costs. Upon receipt of such estimates, the commission
70 shall determine the amount necessary to pay the clerks during
71 the upcoming quarter and submit a request for payment to the
72 Chief Financial Officer. If the commission believes that the
73 amount appropriated by the Legislature is insufficient to meet
74 such costs for the remaining part of the fiscal year, the
75 commission may apportion the funds appropriated in the General
76 Appropriations Act among the counties, basing the apportionment
77 upon the amount expended for such purposes in each county during
78 the prior fiscal year. The Chief Financial Officer shall issue
79 the appropriate apportioned amount by warrant to each county.
80 The clerks are responsible for compensating jurors, paying for
81 meals or lodging provided to jurors, and paying for jury-related
82 personnel and other costs that exceed the funding provided in
83 the General Appropriations Act for such purposes.

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T I T L E A M E N D M E N T

Remove lines 17-39 and insert:

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89 s. 40.29, F.S.; requiring the Justice Administrative
90 Commission to provide funds to the clerks of the court
91 for certain jury-related expenses; requiring the
92 clerks and the Florida Clerks of Court Operations
93 Corporation to submit quarterly estimates of certain
94 expenses to the commission; providing procedures for
95 securing funds and distributing funds to the clerks;
96 authorizing the apportionment of General
97 Appropriations Act funds under certain conditions;
98 requiring the clerks to pay costs in excess of
99 appropriated amounts; providing an effective date.

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