

1 A bill to be entitled
2 An act relating to clerks of the circuit court;
3 amending s. 11.90, F.S.; removing duties of the
4 Legislative Budget Commission regarding budgets of the
5 Florida Clerks of Court Operations Corporation and the
6 clerks of the court; amending s. 28.35, F.S.; revising
7 duties of the corporation; prohibiting the total
8 combined proposed budgets of clerks of the court from
9 exceeding specified limits; requiring the corporation
10 to provide an annual report to the Governor,
11 Legislature, and chairs of the legislative
12 appropriations committees regarding court operations
13 and budgets; deleting duties of the commission in
14 considering budgets of the clerks of the court;
15 amending s. 28.36, F.S.; authorizing the corporation
16 to amend budgets of the clerks of the court; amending
17 s. 40.24, F.S.; transferring the responsibility of
18 paying jurors from clerks of the court to the state;
19 amending s. 40.29, F.S.; requiring clerks of the
20 circuit court to forward quarterly estimates of funds
21 necessary for certain jury-related costs to the
22 commission; revising procedures governing the payment
23 of due-process service-related costs; amending s.
24 40.31, F.S.; authorizing the commission to apportion
25 appropriations, and requiring the Chief Financial

26 Officer to issue a warrant to pay apportioned amounts,
 27 to counties for jury-related expenses; providing
 28 procedures for clerks of the court to follow if the
 29 apportioned amounts are insufficient to pay all jury-
 30 related expenses; amending s. 40.32, F.S.; removing a
 31 provision regarding funding of jury-related costs to
 32 conform to changes made by the act; amending s. 40.33,
 33 F.S.; authorizing clerks of the circuit court to
 34 request from the commission additional funds to pay
 35 jury-related expenses in the event of a deficiency;
 36 amending s. 40.34, F.S.; requiring clerks of the court
 37 to provide for payroll in triplicate for the payment
 38 of jurors; specifying information to be included in
 39 such payroll; providing an effective date.
 40

41 Be It Enacted by the Legislature of the State of Florida:
 42

43 Section 1. Subsection (6) of section 11.90, Florida
 44 Statutes, is amended to read:

45 11.90 Legislative Budget Commission.—

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

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

50 (b) Develop the long-range financial outlook described in

51 s. 19, Art. III of the State Constitution.

52 ~~(c) Review and approve, disapprove, or amend and approve~~
53 ~~the budget of the Florida Clerks of Court Operations~~
54 ~~Corporation.~~

55 ~~(d) Review and approve, disapprove, or amend and approve~~
56 ~~the total combined budgets of the clerks of the court or the~~
57 ~~budget of any individual clerk of the court for court-related~~
58 ~~functions. As part of this review, the commission shall consider~~
59 ~~the workload and expense data submitted pursuant to s. 28.35.~~

60 (c) ~~(e)~~ Exercise all other powers and perform any other
61 duties prescribed by the Legislature.

62 Section 2. Paragraphs (a), (f), and (h) of subsection (2)
63 and subsection (3) of section 28.35, Florida Statutes, are
64 amended to read:

65 28.35 Florida Clerks of Court Operations Corporation.—

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

68 (a) Adopting a plan of operation including a detailed
69 budget for the corporation.

70 (f) Approving the ~~Reviewing, certifying, and recommending~~
71 ~~proposed budgets submitted by clerks of the court pursuant to s.~~
72 ~~28.36. The corporation must ensure that the total combined~~
73 ~~budgets of the clerks of the court do not exceed the total~~
74 ~~estimated revenues available for court-related expenditures as~~
75 ~~determined by the most recent Revenue Estimating Conference. The~~

76 | corporation may amend any individual clerk of the court budget
77 | to ensure compliance with this paragraph and must consider
78 | performance measures, workload performance standards, workload
79 | measures, and expense data before modifying the budget. As part
80 | of this process, the corporation shall:

81 | 1. Calculate the minimum amount of revenue necessary for
82 | each clerk of the court to efficiently perform the list of
83 | court-related functions specified in paragraph (3) (a). The
84 | corporation shall apply the workload measures appropriate for
85 | determining the individual level of review required to fund the
86 | clerk's budget.

87 | 2. Prepare a cost comparison of similarly situated clerks
88 | of the court, based on county population and numbers of filings,
89 | using the standard list of court-related functions specified in
90 | paragraph (3) (a).

91 | 3. Conduct an annual base budget review and an annual
92 | budget exercise examining the total budget of each clerk of the
93 | court. The review shall examine revenues from all sources,
94 | expenses of court-related functions, and expenses of noncourt-
95 | related functions as necessary to determine that court-related
96 | revenues are not being used for noncourt-related purposes. The
97 | review and exercise shall identify potential targeted budget
98 | reductions in the percentage amount provided in Schedule VIII-B
99 | of the state's previous year's legislative budget instructions,
100 | as referenced in s. 216.023(3), or an equivalent schedule or

101 instruction as may be adopted by the Legislature.

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

105 5. Identify those clerks projected to have court-related
106 revenues insufficient to fund their anticipated court-related
107 expenditures.

108 6. Use revenue estimates based on the official estimate
109 for funds accruing to the clerks of the court made by the
110 Revenue Estimating Conference. The total combined budgets of the
111 clerks of the court may not exceed the revenue estimates
112 established by the most recent Revenue Estimating Conference.

113 7. Identify ~~and report~~ pay and benefit increases in any
114 proposed clerk budget, including, but not limited to, cost of
115 living increases, merit increases, and bonuses.

116 8. Identify ~~Provide detailed explanation for~~ increases in
117 anticipated expenditures in any clerk budget that exceeds the
118 current year budget by more than 3 percent.

119 9. Identify ~~and report~~ the budget of any clerk which
120 exceeds the average budget of similarly situated clerks by more
121 than 10 percent.

122 (h) Preparing and submitting a report to the Governor, the
123 President of the Senate, the Speaker of the House of
124 Representatives, and the chairs of the legislative
125 appropriations committees by January 1 of each year on the

126 operations and activities of the corporation and detailing the
127 budget development for the clerks of the court and the end-of-
128 year reconciliation of actual expenditures versus projected
129 expenditures for each clerk of court. Beginning August 1, 2014,
130 and each August 1 thereafter, submitting to the Legislative
131 Budget Commission, as provided in s. 11.90, its proposed budget
132 and the information described in paragraph (f), as well as the
133 proposed budgets for each clerk of the court. Before October 1
134 of each year beginning in 2014, the Legislative Budget
135 Commission shall consider the submitted budgets and shall
136 approve, disapprove, or amend and approve the corporation's
137 budget and shall approve, disapprove, or amend and approve the
138 total of the clerks' combined budgets or any individual clerk's
139 budget. If the Legislative Budget Commission fails to approve or
140 amend and approve the corporation's budget or the clerks'
141 combined budgets before October 1, the clerk shall continue to
142 perform the court-related functions based upon the clerk's
143 budget for the previous county fiscal year.

144 (3) (a) The list of court-related functions that clerks may
145 fund from filing fees, service charges, costs, and fines is
146 limited to those functions expressly authorized by law or court
147 rule. Those functions include the following: case maintenance;
148 records management; court preparation and attendance; processing
149 the assignment, reopening, and reassignment of cases; processing
150 of appeals; collection and distribution of fines, fees, service

151 charges, and court costs; processing of bond forfeiture
152 payments; ~~payment of jurors and witnesses; payment of expenses~~
153 ~~for meals or lodging provided to jurors;~~ data collection and
154 reporting; ~~processing of jurors;~~ determinations of indigent
155 status; and paying reasonable administrative support costs to
156 enable the clerk of the court to carry out these court-related
157 functions.

158 (b) The list of court-related functions that clerks may
159 not fund from filing fees, service charges, costs, and fines
160 includes:

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

162 2. Functions assigned by administrative orders which are
163 not required for the clerk to perform the functions in paragraph
164 (a).

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

167 4. Functions identified as local requirements in law or
168 local optional programs.

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

171 28.36 Budget procedure.—There is established a budget
172 procedure for the court-related functions of the clerks of the
173 court.

174 (2) Each proposed budget shall further conform to the
175 following requirements:

176 (a) On or before June 1 ~~of each year beginning in 2014,~~
177 the proposed budget shall be prepared, summarized, and submitted
178 by the clerk in each county to the Florida Clerks of Court
179 Operations Corporation in the manner and form prescribed by the
180 corporation. The proposed budget must provide detailed
181 information on the anticipated revenues available and
182 expenditures necessary for the performance of the court-related
183 functions listed in s. 28.35(3)(a) of the clerk's office for the
184 county fiscal year beginning October 1.

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

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

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

195 Section 4. Paragraph (a) of subsection (3) and subsections
196 (4) and (5) of section 40.24, Florida Statutes, are amended to
197 read:

198 40.24 Compensation and reimbursement policy.—

199 (3)(a) Jurors who are regularly employed and who continue
200 to receive regular wages while serving as a juror are not

201 entitled to receive compensation from the state ~~clerk of the~~
 202 ~~circuit court~~ for the first 3 days of juror service.

203 (4) Each juror who serves more than 3 days is entitled to
 204 be paid by the state ~~clerk of the circuit court~~ for the fourth
 205 day of service and each day thereafter at the rate of \$30 per
 206 day of service.

207 (5) Jurors are not entitled to additional reimbursement by
 208 the state ~~clerk of the circuit court~~ for travel or other out-of-
 209 pocket expenses.

210 Section 5. Subsections (1), (3), and (4) of section 40.29,
 211 Florida Statutes, are amended to read:

212 40.29 Payment of due-process costs.—

213 (1) (a) Each clerk of the circuit court, on behalf of the
 214 state attorney, private court-appointed counsel, the public
 215 defender, and the criminal conflict and civil regional counsel,
 216 shall forward to the Justice Administrative Commission, by
 217 county, a quarterly estimate of funds necessary to pay for
 218 ordinary witnesses, including, but not limited to, witnesses in
 219 civil traffic cases and witnesses of the state attorney, the
 220 public defender, criminal conflict and civil regional counsel,
 221 private court-appointed counsel, and persons determined to be
 222 indigent for costs. Each quarter of the state fiscal year, the
 223 commission, based upon the estimates, shall advance funds to
 224 each clerk to pay for these ordinary witnesses from state funds
 225 specifically appropriated for the payment of ordinary witnesses.

226 (b) Each clerk of the circuit court shall forward to the
227 Justice Administrative Commission a quarterly estimate of funds
228 necessary to compensate jurors for their service, to provide
229 jurors with meals and lodging, and for personnel costs related
230 to jury management.

231 (3) Upon receipt of the funds from the Chief Financial
232 Officer, the clerk of the court shall pay all invoices approved
233 and submitted by the state attorney, the public defender, the
234 clerk of the court, criminal conflict and civil regional
235 counsel, and private court-appointed counsel for the items
236 enumerated in subsection (1).

237 (4) After review for compliance with applicable rates and
238 requirements, the Justice Administrative Commission shall pay
239 all due-process service-related ~~due process service-related~~
240 invoices, except those enumerated in subsection (1), approved
241 and submitted by the state attorney, the public defender, the
242 clerk of the court, criminal conflict and civil regional
243 counsel, or private court-appointed counsel in accordance with
244 the applicable requirements of ss. 29.005, 29.006, and 29.007.

245 Section 6. Section 40.31, Florida Statutes, is amended to
246 read:

247 40.31 Justice Administrative Commission may apportion
248 appropriation.—

249 (1) If the Justice Administrative Commission believes ~~has~~
250 ~~reason to believe~~ that the amount appropriated by the

251 Legislature is insufficient to meet the expenses of witnesses
252 during the remaining part of the state fiscal year, the
253 commission may apportion the money in the treasury for that
254 purpose among the several counties, basing such apportionment
255 upon the amount expended for the payment of witnesses in each
256 county during the prior fiscal year. In such case, each county
257 shall be paid by warrant, issued by the Chief Financial Officer,
258 only the amount so apportioned to each county, and, when the
259 amount so apportioned is insufficient to pay in full all the
260 witnesses during a quarterly fiscal period, the clerk of the
261 court shall apportion the money received pro rata among the
262 witnesses entitled to pay and shall give to each witness a
263 certificate of the amount of compensation still due, which
264 certificate shall be held by the commission as other demands
265 against the state.

266 (2) If the Justice Administrative Commission believes that
267 the amount appropriated by the Legislature is insufficient to
268 pay jurors for their service or to provide jurors with meals and
269 lodging during the remaining part of the state fiscal year, the
270 commission may apportion the money in the treasury for that
271 purpose among the counties, basing such apportionment upon the
272 amount expended for such purposes in each county during the
273 prior fiscal year. In such case, the Chief Financial Officer
274 shall issue a warrant to pay only the apportioned amount that is
275 due to each county. If the amount so apportioned is insufficient

276 to pay in full all jury-related expenses during a quarterly
 277 fiscal period, the clerk of the court shall:

278 (a) Pay jurors entitled to pay before reimbursing any
 279 other jury-related expenses described in this subsection; and

280 (b) Apportion the money received pro rata among the jurors
 281 entitled to pay and give each juror a certificate of the amount
 282 of compensation still due, which certificate shall be held by
 283 the commission as other demands against the state.

284 Section 7. Subsection (3) of section 40.32, Florida
 285 Statutes, is renumbered as subsection (2), and subsections (1)
 286 and (2) of that section are amended to read:

287 40.32 Clerks to disburse money; payments to jurors and
 288 witnesses.—

289 (1) All moneys drawn from the treasury under ~~the~~
 290 ~~provisions of~~ this chapter by the clerk of the court shall be
 291 disbursed by the clerk of the court as far as needed in payment
 292 of jurors and witnesses, except for expert witnesses paid under
 293 a contract or other professional services agreement pursuant to
 294 ss. 29.004, 29.005, 29.006, and 29.007, for the legal
 295 compensation for service during the quarterly fiscal period for
 296 which the moneys were drawn and for no other purposes.

297 ~~(2) The payment of jurors and the payment of expenses for~~
 298 ~~meals and lodging for jurors under the provisions of this~~
 299 ~~chapter are court-related functions that the clerk of the court~~
 300 ~~shall fund from filing fees, service charges, court costs, and~~

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301 ~~fines.~~

302 Section 8. Section 40.33, Florida Statutes, is amended to
303 read:

304 40.33 Deficiency.—If the funds required for payment of the
305 items enumerated in s. 40.29(1) in any county during a quarterly
306 fiscal period exceeds the amount of the funds provided pursuant
307 to s. 40.29(3), the state attorney, public defender, clerk of
308 the circuit court, or criminal conflict and civil regional
309 counsel, as applicable, shall make a further request upon the
310 Justice Administrative Commission for the items enumerated in s.
311 40.29(1) for the amount necessary to allow for full payment.

312 Section 9. Subsections (1) and (3) of section 40.34,
313 Florida Statutes, are amended to read:

314 40.34 Clerks to make triplicate payroll.—

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

318 (a) The name of each juror and witness entitled to be paid
319 with state funds. ~~†~~

320 (b) The number of days for which the jurors and witnesses
321 are entitled to be paid. ~~†~~

322 (c) The number of miles traveled by each juror and
323 witness. ~~† and~~

324 (d) The total compensation each juror and witness is
325 entitled to receive.

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326 (3) Compensation paid to a juror or witness shall be
327 attested as provided in s. 40.32. The payroll shall be approved
328 by the signature of the clerk, or his or her deputy, except for
329 the payroll as to jurors or witnesses appearing before the state
330 attorney, which payroll shall be approved by the signature of
331 the state attorney or an assistant state attorney.

332 Section 10. This act shall take effect July 1, 2017.