

By the Committee on Judiciary; and Senators Simon, Wright, Osgood, Rodriguez, Calatayud, Jones, Smith, Bracy Davis, Boyd, Massullo, Rouson, and DiCeglie

590-02693-26

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A bill to be entitled

An act relating to clerks of the court; amending s. 28.37, F.S.; authorizing the cumulative excess of funds to be used in the development of the total combined budgets of the clerks of the court; amending ss. 28.35 and 28.36, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Paragraph (b) of subsection (4) of section 28.37, Florida Statutes, is amended to read:

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

(4)

(b) ~~No later than February 1, 2022, and each February 1 thereafter, the Department of Revenue shall transfer 50 percent of the cumulative excess of the original revenue projection from the Clerks of the Court Trust Fund to the General Revenue Fund. The remaining 50 percent in the Clerks of the Court Trust Fund may be used in the development of the total combined budgets of the clerks of the court as provided in s. 28.35(2)(f)6. However, a minimum of 10 percent of the clerk retained portion of the cumulative excess amount must be held in reserve until such funds reach an amount equal to at least 16 percent of the total budget authority from the current county fiscal year, as provided in s. 28.36(3)(a).~~

Section 2. Paragraph (f) of subsection (2) of section 28.35, Florida Statutes, is amended to read:

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30 28.35 Florida Clerks of Court Operations Corporation.—

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

33 (f) Approving the proposed budgets submitted by clerks of
34 the court pursuant to s. 28.36. The corporation must ensure that
35 the total combined budgets of the clerks of the court do not
36 exceed the total estimated revenues from fees, service charges,
37 court costs, and fines for court-related functions available for
38 court-related expenditures as determined by the most recent
39 Revenue Estimating Conference, plus the total of unspent
40 budgeted funds for court-related functions carried forward by
41 the clerks of the court from the previous county fiscal year,
42 plus the cumulative excess as provided in balance of funds
43 ~~remaining in the Clerks of the Court Trust Fund after the~~
44 ~~transfer of funds to the General Revenue Fund required pursuant~~
45 ~~to s. 28.37(4)(b), and plus any appropriations for court-related~~
46 functions. The corporation may amend any individual clerk of the
47 court budget to ensure compliance with this paragraph and must
48 consider performance measures, workload performance standards,
49 workload measures, and expense data before modifying the budget.
50 As part of this process, the corporation shall:

51 1. Calculate the minimum amount of revenue necessary for
52 each clerk of the court to efficiently perform the list of
53 court-related functions specified in paragraph (3)(a). The
54 corporation shall apply the workload measures appropriate for
55 determining the individual level of review required to fund the
56 clerk's budget.

57 2. Prepare a cost comparison of similarly situated clerks
58 of the court, based on county population and numbers of filings,

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59 using the standard list of court-related functions specified in
60 paragraph (3) (a).

61 3. Conduct an annual base budget review and an annual
62 budget exercise examining the total budget of each clerk of the
63 court. The review shall examine revenues from all sources,
64 expenses of court-related functions, and expenses of noncourt-
65 related functions as necessary to determine that court-related
66 revenues are not being used for noncourt-related purposes. The
67 review and exercise shall identify potential targeted budget
68 reductions in the percentage amount provided in Schedule VIII-B
69 of the state's previous year's legislative budget instructions,
70 as referenced in s. 216.023(3), or an equivalent schedule or
71 instruction as may be adopted by the Legislature.

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

75 5. Identify those clerks projected to have court-related
76 revenues insufficient to fund their anticipated court-related
77 expenditures.

78 6. Use revenue estimates based on the official estimate for
79 funds from fees, service charges, court costs, and fines for
80 court-related functions accruing to the clerks of the court made
81 by the Revenue Estimating Conference, as well as any unspent
82 budgeted funds for court-related functions carried forward by
83 the clerks of the court from the previous county fiscal year and
84 the cumulative excess as provided in balance of funds remaining
85 ~~in the Clerks of the Court Trust Fund after the transfer of~~
86 ~~funds to the General Revenue Fund required pursuant to s.~~
87 28.37(4) (b), plus any appropriations for the purpose of funding

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88 court-related functions.

89 7. Identify pay and benefit increases in any proposed clerk
90 budget, including, but not limited to, cost of living increases,
91 merit increases, and bonuses.92 8. Identify increases in anticipated expenditures in any
93 clerk budget that exceeds the current year budget by more than 3
94 percent.95 9. Identify the budget of any clerk which exceeds the
96 average budget of similarly situated clerks by more than 10
97 percent.98
99 For the purposes of this paragraph, the term "unspent budgeted
100 funds for court-related functions" means undisbursed funds
101 included in the clerks of the courts budgets for court-related
102 functions established pursuant to this section and s. 28.36.103 Section 3. Paragraph (b) of subsection (2) and paragraph
104 (a) of subsection (3) of section 28.36, Florida Statutes, are
105 amended to read:106 28.36 Budget procedure.—There is established a budget
107 procedure for the court-related functions of the clerks of the
108 court.109 (2) Each proposed budget shall further conform to the
110 following requirements:111 (b) The proposed budget must be balanced such that the
112 total of the estimated revenues available equals or exceeds the
113 total of the anticipated expenditures. Such revenues include
114 revenue projected to be received from fees, service charges,
115 court costs, and fines for court-related functions during the
116 fiscal period covered by the budget, plus the total of unspent

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117 budgeted funds for court-related functions carried forward by
118 the clerk of the court from the previous county fiscal year and
119 the cumulative excess as provided in plus the portion of the
120 balance of funds remaining in the Clerks of the Court Trust Fund
121 after the transfer of funds to the General Revenue Fund required
122 pursuant to s. 28.37(4) (b) which has been allocated to each
123 respective clerk of the court by the Florida Clerks of Court
124 Operations Corporation. For the purposes of this paragraph, the
125 term "unspent budgeted funds for court-related functions" means
126 undisbursed funds included in the clerk of the courts' budget
127 for court related functions established pursuant to s. 28.35 and
128 this section. The anticipated expenditures must be itemized as
129 required by the corporation.

130 (3) (a) The Florida Clerks of Court Operations Corporation
131 shall establish and manage a reserve for contingencies within
132 the Clerks of the Court Trust Fund which must consist of an
133 amount not to exceed 16 percent of the total budget authority
134 for the clerks of court during the current county fiscal year,
135 to be carried forward at the end of the fiscal year. Funds to be
136 held in reserve include the transfers of cumulative excess, as
137 provided in s. 28.37(4) (b), ~~from the Clerks of the Court Trust~~
138 ~~Fund~~ and may also include revenues provided by law or moneys
139 appropriated by the Legislature.

140 Section 4. This act shall take effect July 1, 2026.