



Criminal and Civil Justice Appropriations Committee

Tuesday, March 16, 2010

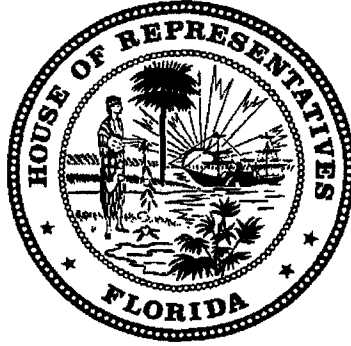
2:15 PM – 6:00 PM

102 HOB - Reed Hall

Meeting Packet

**Larry Cretul
Speaker**

**Sandra Adams
Chair**



AGENDA

Criminal & Civil Justice Appropriations Committee

March 16, 2010
2:15 p.m. – 6:00 p.m.
102 HOB – Reed Hall

- I. Call to order/Roll Call
- II. Opening Remarks
- III. Welcome/Introductions
- IV. Consideration of the following proposed committee bills:
 - PCB CCJ 10-01 -- Trust Funds
 - PCB CCJ 10-02 -- Clerks of the Court
- V. Budget workshop
- VI. Closing Remarks and Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB CCJ 10-01 Trust Funds
SPONSOR(S): Criminal & Civil Justice Appropriations Committee
TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Criminal & Civil Justice Appropriations Committee		Darity <i>[Signature]</i>	Davis <i>[Signature]</i>
1)				
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SUMMARY ANALYSIS

The bill provides technical, conforming changes to the proposed House of Representatives budget by realigning specific sources of funding into the most appropriate trust funds for appropriation. The bill directs deposits of specified filing fees into the State Courts Revenue Trust Fund rather than the State Court's Operating Trust Fund, and additionally provides for the deposit of certain court costs following criminal convictions and worthless check fees into the State Attorneys Revenue Trust Fund rather than the State Attorney's Grants and Donations Trust Fund. The bill further directs any unexpended balances of funds collected pursuant to these provisions also be transferred to the appropriate trust fund.

This bill has no impact on state revenues or expenditures.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

In 2009, pursuant to section 19(f) of Article III of the Florida Constitution, the Legislature created the State Courts Revenue Trust Fund for the purpose of supplementing the operational needs of the State Courts System. The funding sources for this trust fund include a portion of all noncriminal moving and nonmoving traffic violations, penalties imposed on certain speeding violations; and discretionary fines when adjudication of guilt is withheld. The Fiscal Year 2009-2010 appropriation from this trust fund is \$263,402,827.

The court system also relies on the Operating Trust Fund for the purpose of supporting the program operations of the judicial branch. The funding sources for this trust fund include primarily court filing fees and transfers from the Workers Compensation Administrative Trust Fund for work performed in the First District Court of Appeal. The Fiscal Year 2009-2010 appropriation from this trust fund is \$10,004,028.

In 2009, the Legislature also created the State Attorney Revenue Trust Fund. Currently, the State Attorney Revenue Trust Fund is utilized for the purpose of operational expenditures related to the State Attorneys. The funding source for this trust fund is a share (\$3.33) of a \$10.00 assessment for all noncriminal moving and nonmoving traffic violations. The Fiscal Year 2009-2010 appropriation from this trust fund is \$9,549,913.

State Attorneys also utilize a Grants and Donations Trust Fund for supporting grant awards or other operational expenditures as it is a depository predominantly for both state and federal grants. However, this trust fund is also the account where revenues associated with costs for prosecution and worthless checks fees are deposited. These deposits include all of the costs recovered on behalf of the State Attorney in misdemeanor offenses, criminal traffic offenses, and felony offenses, as well as violations involving checks and drafts. The Fiscal Year 2009-2010 appropriation from this trust fund is \$38,576,290.

The bill provides technical, conforming changes to the proposed House of Representatives budget by realigning specific sources of funding into the most appropriate trust funds for appropriation. The proposed changes would allow revenue streams from both Supreme Court filing fees and District Courts of Appeal filing fees to more appropriately flow into the State Courts Revenue Trust Fund rather than the Operating Trust Fund. This bill does not affect the balance of these filing fees which are currently directed to the General Revenue Fund. Similarly, this bill would divert the revenue source of recovered costs for prosecution and worthless check fees on behalf of a State Attorney from the Grant

and Donations Trust fund to the State Attorney Revenue Trust Fund. Lastly, the bill further directs any unexpended balances of funds collected pursuant to these provisions also be transferred to the appropriate trust fund.

B. SECTION DIRECTORY:

Section 1. amends s. 25.241, F.S., regarding the deposit of filing fees.

Section 2. amends s. 35.22, F.S., regarding the deposit of filing fees.

Section 3. amends s. 832.08, F.S., regarding the deposit for worthless check fees.

Section 4. amends s. 938.27, F.S., regarding the deposit for costs on conviction.

Section 5. transfers unexpended trust balances.

Section 6. transfers unexpended trust balances.

Section 7. provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This bill has no impact on state revenues or expenditures.

Funding Source	Current Trust Fund	Proposed Fund	FY 2009-10 Est. Revenue
Worthless Check Fees (s. 832.08); Costs of Prosecution (s. 938.27)	Grants & Donations	State Attorney Revenue TF	\$17,366,495
Filing fees (s. 25.241(5)); (s. 35.22(6)).	Operating TF	State Courts Revenue TF	\$6,081,686

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to trust funds; amending ss. 25.241 and
 3 35.22, F.S.; providing for deposit of specified fees into
 4 the State Courts Revenue Trust Fund rather than the state
 5 court's Operating Trust Fund; amending s. 832.08, F.S.;
 6 providing for deposit of bad check diversion program fees
 7 into the State Attorneys Revenue Trust Fund; amending s.
 8 938.27, F.S.; providing for deposit of certain court costs
 9 after criminal convictions into the State Attorneys
 10 Revenue Trust Fund rather than the state attorney's grants
 11 and donations trust fund; transferring certain unexpended
 12 balances in trust funds to conform to changes made by this
 13 act; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Subsection (5) of section 25.241, Florida
 18 Statutes, is amended to read:

19 25.241 Clerk of Supreme Court; compensation; assistants;
 20 filing fees, etc.—

21 (5) The Clerk of the Supreme Court is hereby required to
 22 prepare a statement of all fees collected each month and remit
 23 such statement, together with all fees collected by him or her,
 24 to the Chief Financial Officer. The Chief Financial Officer
 25 shall deposit \$250 of each \$300 filing fee and all other fees
 26 collected into the General Revenue Fund. The Chief Financial
 27 Officer shall deposit \$50 of each filing fee collected into the
 28 State Courts Revenue ~~court's Operating~~ Trust Fund to fund court

29 | improvement projects as authorized in the General Appropriations
 30 | Act.

31 | Section 2. Subsection (6) of section 35.22, Florida
 32 | Statutes, is amended to read:

33 | 35.22 Clerk of district court; appointment; compensation;
 34 | assistants; filing fees; teleconferencing.—

35 | (6) The clerk of each district court of appeal is required
 36 | to deposit all fees collected in the State Treasury to the
 37 | credit of the General Revenue Fund, except that \$50 of each \$300
 38 | filing fee collected shall be deposited into the State Courts
 39 | Revenue ~~court's Operating~~ Trust Fund to fund court improvement
 40 | projects as authorized in the General Appropriations Act. The
 41 | clerk shall retain an accounting of each such remittance.

42 | Section 3. Subsection (5) of section 832.08, Florida
 43 | Statutes, is amended to read:

44 | 832.08 State attorney bad check diversion program; fees
 45 | for collections.—

46 | (5) To fund the diversion program, the state attorney may
 47 | collect a fee on each check that is collected through the state
 48 | attorney's office, whether it is collected through prosecution
 49 | or through the diversion program. Funds collected under this
 50 | subsection shall be deposited in the State Attorneys Revenue
 51 | Trust Fund. However, the state attorney may not collect such a
 52 | fee on any check collected through a diversion program which was
 53 | in existence in another office prior to October 1, 1986. A fee
 54 | may be collected by an office operating such a preexisting
 55 | diversion program for the purpose of funding such program. The
 56 | amount of the fee for each check shall not exceed:

57 (a) Twenty-five dollars, if the face value does not exceed
58 \$50.

59 (b) Thirty dollars, if the face value is more than \$50 but
60 does not exceed \$300.

61 (c) Forty dollars, if the face value is more than \$300.

62 Section 4. Subsection (8) of section 938.27, Florida
63 Statutes, is amended to read:

64 938.27 Judgment for costs on conviction.—

65 (8) Costs for the state attorney shall be set in all cases
66 at no less than \$50 per case when a misdemeanor or criminal
67 traffic offense is charged and no less than \$100 per case when a
68 felony offense is charged, including a proceeding in which the
69 underlying offense is a violation of probation or community
70 control. The court may set a higher amount upon a showing of
71 sufficient proof of higher costs incurred. Costs recovered on
72 behalf of the state attorney under this section shall be
73 deposited into the State Attorneys Revenue ~~attorney's grants and~~
74 ~~donations~~ Trust Fund to be used during the fiscal year in which
75 the funds are collected, or in any subsequent fiscal year, for
76 actual expenses incurred in investigating and prosecuting
77 criminal cases, which may include the salaries of permanent
78 employees, or for any other purpose authorized by the
79 Legislature.

80 Section 5. The amount of unexpended balances in the state
81 court's Operating Trust Fund attributable to collections made
82 pursuant to ss. 25.241 and 35.22, Florida Statutes, prior to
83 amendment by this act shall be transferred to the State Courts
84 Revenue Trust Fund, FLAIR number 22-2-057.

85 Section 6. The amount of unexpended balances in the state
 86 attorney's grants and donations trust fund attributable to
 87 collections made pursuant to ss. 832.08 and 938.27, Florida
 88 Statutes, prior to amendment by this act shall be transferred to
 89 the State Attorneys Revenue Trust Fund, FLAIR number 21-2-058.

90 Section 7. This act shall take effect July 1, 2010.

PCB CCJ 10-02

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB CCJ 10-02 Clerks of the Court
SPONSOR(S): Criminal & Civil Justice Appropriations Committee
TIED BILLS: IDEN./SIM. BILLS:

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Criminal & Civil Justice Appropriations Committee		Darity <i>JD</i>	Davis <i>[Signature]</i>
1)				
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SUMMARY ANALYSIS

The bill makes conforming changes to the proposed House of Representatives budget by making substantial changes to the clerks of court and Clerks of Court Operations Corporation (Corporation) funding and operations. The bill primarily removes the clerks of court and the Corporation from the state budget and restores budgetary functions and procedures in place in the statutes prior to the enactment of chapter 2009-204, Laws of Florida.

The net fiscal impact of this bill is estimated to be approximately \$453.1 million in reduced trust fund appropriations as reflected in the proposed House of Representatives FY 2010-11 General Appropriations Act.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Revision 7 to Article V Overview

Article V of the Florida Constitution establishes the judicial branch of state government, including the trial and appellate courts. The constitution also describes the primary participants in the courts system, including judges, state attorneys, public defenders, and the clerks of the court. To that end, "[t]hese elected independent officials interact as part of a complex interdependent system."¹

In 1998, voters approved an additional revision to Article V, referenced as Revision 7, which allocates more costs to the state.² Subsequent to this revision, Article V, section 14 of the Florida Constitution now specifies the state and county responsibilities for funding the state courts system by providing that the Supreme Court and the District Courts of Appeal are fully funded by the state, and the trial courts, the circuit and county courts, are jointly funded by the state and counties. Article V, section 14(b) provides that:

All funding for the offices of the clerks of the circuit and county courts performing court-related functions, except as otherwise provided . . . shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law. Selected salaries, costs, and expenses of the state courts system may be funded from appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions, as provided by general law.

Article V, section 14(c) provides that:

Counties shall be required to fund the cost of communications services, . . . the cost of construction or lease, . . . and security of facilities for the trial courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions.

¹ Office of Program Policy Analysis and Government Accountability, *Many Article V Trial Courts Funding Issues Still Need to Be Resolved*, Report No. 01-54, 1 (Nov. 2001).

² *Id.* at 2.

Counties shall also pay reasonable and necessary salaries, costs, and expenses of the state courts system to meet local requirements as determined by general law.

Clerks' Court-Related Functions

Pursuant to authority granted in Article V, section 14(b) of the Florida Constitution, the list of court-related functions clerks may perform is limited to those functions expressly authorized by statute or court rule and must 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 for meals or lodging provided to jurors;
- Data collection and reporting;
- Processing of jurors;
- Determinations of indigent status; and
- Reasonable administrative support costs to enable the clerk of the court to carry out these court-related functions.³

The list of functions clerks may not fund from state appropriations include:

- Those functions not listed above;
- Functions assigned by administrative orders which are not required for the clerk to perform the functions listed above;
- Enhanced levels of service which are not required for the clerk to perform the functions listed above; and
- Functions identified as local requirements in law or local optional programs.⁴

Post- Article V: 2004-2008

This section describes the law relating to the clerks of court after legislation was passed to implement the changes to Article V and prior to the 2009 legislation.

Budget Procedure for the Court-Related Functions of the Clerk of the Court

On or before August 15 of each fiscal year, each county clerk prepared a proposed budget which was submitted to the Florida Clerks of Court Corporation. The budget provided detailed information on the anticipated revenues and expenditures necessary for the performance of their court-related functions. The proposed budget was to be balanced, with estimated revenues equaling or exceeding anticipated expenditures. Upon review and certification of the individual clerk of court budgets by the Clerks of Court Operations Corporation, revenues in excess of the amount needed to fund each approved clerk of court budget was to be deposited in the General Revenue Fund.

If a clerk estimated that available funds plus projected revenues were insufficient to meet anticipated expenditures for court-related functions, the clerk was to report a revenue deficit to the Corporation. If the Corporation verified that the proposed budget was limited and a revenue deficit projected, a clerk was to increase all fees, service charges, and any other court-related clerk fees and charges to the

³ Section 28.35(3)(a), F.S.

⁴ Section 28.35(3)(b), F.S.

maximum amounts specified by law to resolve the deficit. If the clerk raised fees, services charges, and any other court-related clerk fees to the maximum amounts but still reports a deficit, the Corporation would notify the Department of Revenue that the clerk was authorized to retain revenues in an amount necessary to fully fund the projected deficit. If a deficit still existed after retaining all of the projected collections from court-related fines, fees, service charges, and costs, the Department of Revenue would certify the amount of the deficit to the Executive Office of the Governor and request the release of funds from the Department of Revenue Clerks of the Court Trust Fund.

Prior to the passage of SB 2108 in the 2009 Legislative Session, the clerks of court were allowed to retain portions of the moneys collected from filing fees, service charges, court costs, and fines, while other portions were distributed to the General Revenue Fund or other trust funds. The clerks were required to remit one-third of all fines, fees, service charges, and costs collected for court-related functions to the Department of Revenue for deposit in the Department of Revenue Clerks of the Court Trust Fund.⁵ The Department of Revenue would then transfer those funds in the Clerks of the Court Trust Fund not needed to resolve clerk deficits to the General Revenue Fund.

Florida Clerks of Court Operations Corporation

The Corporation had responsibility for the certification of the clerks' budget. Specific tasks included:

- Calculating the maximum authorized annual budget;
- Identifying those proposed budget exceeding the maximum annual budget for the standard list of court-related functions;
- Identifying those proposed budgets containing funding for items not included on the standard list of court-related functions; and
- Identifying those clerks projected to have court-related revenue insufficient to fund their anticipated court-related expenditures.

The Corporation, by October of each year, certified to the President of the Senate, the Speaker of the House of Representatives, the Chief Financial Officer, and the Department of Revenue, the amount of proposed budget for each clerk; the revenue projection supporting each clerk's budget; each clerk's eligibility to retain some or all of the state's share of fines, fees, service charges, and costs; the amount to be paid to each clerk from the Clerks of the Court Trust Fund within the Department of Revenue; the performance measures and standards approved by the Corporation for each clerk; and the results of each clerk meeting performance standards.

Legislative Budget Commission

The Legislative Budget Commission (LBC)⁶ had authority to approve increases to the maximum annual budgets approved for individual clerks if:

- The additional funding was necessary to pay the cost of performing new or additional functions required by changes in law or court rule.
- The additional funding was necessary to pay the cost of supporting increases in the number of judges or magistrates authorized by the Legislature.

Chapter 2009-204, Laws of Florida

In an effort to gain greater oversight and accountability for the operations and funding of the clerks of court and the Corporation, the Legislature passed SB 2108 during the 2009 legislative session. This bill substantially amended the statutory budget process and procedures for these entities, most

⁵ Section 28.37(2), F.S.

⁶ The Legislative Budget Commission is comprised of seven members appointed by the Senate President, and seven members appointed by the Speaker of the House. The Commission, among other things, approves budget amendments during the interim between sessions. *See generally* Section 11.90, F.S.

noticeably by bringing the clerks and the Corporation into the state budget and appropriating their funds in the annual General Appropriations Act. While employees of the individual clerk offices remained local government employees, staff with the Corporation became state full-time equivalents.

Chapter 2009-204, Laws of Florida, provides that all revenues received by the clerk in the fine and forfeiture fund from court-related fees, fines, costs and service charges are considered as state funds and are remitted to the Department of Revenue for deposit in to the Clerks of Court Trust Fund within the Justice Administrative Commission (JAC). The clerk is, however, allowed to deposit 10 percent of all court-related fines in his or her Public Records Modernization Trust Fund to be used in addition to state appropriations for operational needs.

Florida Clerks of Court Operations Corporation

The Corporation is now considered a political subdivision of the state and is exempt from corporate income tax.⁷ The Corporation is administratively housed within the Justice Administrative Commission and its employees are considered state employees. The Corporation is not subject to control, supervision, or direction by the JAC in the performance of its duties, but the employees of the Corporation are governed by the classification plan and salary and benefits plan of the JAC. All clerks of the circuit court are members of the Corporation and hold their position and authority in an ex officio capacity.⁸ The Corporation's functions include:

- Establishing a process for reviewing and certifying proposed court-related budgets submitted by each clerk;
- Developing and certifying a uniform system of performance measures and applicable performance standards and the service unit cost;
- Identifying deficiencies and corrective action plans when clerks fail to meet performance standards; and
- Recommending to the Legislature changes in the various court-related fines, fees, service charges, and court costs established by law to ensure reasonable and adequate funding of the clerks of court in the performance of their court-related functions.⁹
- Develop the performance measures and performance standards in consultation with Legislature and the Supreme Court.
- Notify the Legislature and the Supreme Court of any clerk not meeting performance standards and provide a copy of any correction action plan.
- Review proposed budgets submitted by the clerks of the court.

The Corporation prepares a legislative budget request for the resources necessary to perform its duties and submits the request pursuant to chapter 216, funded as a budget entity in the General Appropriations Act.

By October 1 of each fiscal year, each county clerk prepares a budget request for the last quarter of the county fiscal year (July 1 – September 30) and the first three quarters of the next county fiscal year (October 1 – June 30) and submits it to the Corporation and provides a copy of the budget request to the Supreme Court.

Each clerk submits his or her budget based on the unit costs to provide services in four core services: case processing, financial processing, jury management, and information and reporting. The Corporation compares the proposed unit costs for a given clerk to that of a peer group based on counties with similar sized population and case filings. If the proposed unit costs are higher than a clerk's peers, the clerk must justify increased costs. If not justified, the Corporation reduces the unit cost to the average of its peers. Justification may include collective bargaining agreements, county civil service agreements, and the number and distribution of court houses. The Corporation recommends to

⁷ Section 28.35(1)(c), F.S.

⁸ Section 28.35(1)(a), F.S.

⁹ Office of Program Policy Analysis & Government Accountability, *Clerks of Court Generally Are Meeting the System's Collections Performance Standards*, Report No. 01-21 (March 2007).

the Legislature the unit costs for each clerk and a statewide budget amount for the clerks by December 1. The Chief Financial Officer (CFO) reviews unit costs proposed by the clerks' Corporation and makes recommendations to the Legislature and if necessary, may conduct audits of the clerks. The Legislature can reject or modify the proposed unit costs, and appropriates the total amount of the clerk budgets in the General Appropriations Act. The clerks' appropriation is released quarterly based on the units of service delivered from the previous quarter and the established unit costs.

Effect of proposed changes

Generally, this bill reverses many of the changes made in SB 2108 during the 2009 legislative session relating to the budgets of the clerks of court. Specifically, the bill:

- Removes the funding for the clerks of court and the Corporation from the General Appropriations Act.
- Removes the provisions describing the Corporation as a "state agency" or "agency".
- Removes the provisions that administratively housed the Corporation within the Justice Administrative Commission and their staff as state employees.
- Provides that all filing fees should be retained as fee income for the clerks.
- Transfers the Clerks of the Court Trust Fund to the Department of Revenue, and transfers fund balances.
- Deletes references for deposits from the Justice Administrative Commission to the Department of Revenue.
- Requires the clerks of court to remit funds in excess of approved budget to the Department of Revenue for deposit in the Department of Revenue Clerks of Court Trust Fund.
- Provides for the deposit of excess revenue over the amount needed to meet the approved budget amounts to be transferred from the Department of Revenue to the General Revenue Fund.
- Removes the provisions allowing clerks to retain 10% of all court related fines deposited in the Public Records Modernization Trust Fund.
- Removes language declaring revenues received by the clerk in the fine and forfeiture fund from court-related fees, fines, costs, and service charges as state funds.
- Redirects/restores the current \$5.00 split of the filing fee collected for trial and appellate proceedings (\$1.50 to the Department of Financial Services for performing clerk audits and the \$3.50 to the Corporation for operations funding) to the Department of Financial Services' Administrative Trust Fund to fund the contract with the Corporation.
- Outlines that the contract with the Department of Financial Services will be used in determining compliance by the Corporation.
- Removes the provisions requiring the Chief Financial Officer to review and conduct audits of the clerks and the Corporation unit cost reporting.
- Outlines the budget procedures for calculating the clerks' budget, and the mechanism for counties with projected revenue deficits to request for additional funds from a surplus clerk.
- Reinstates the process for the clerks of courts to calculate authorized budget and revenue projections; and provides that the Corporation must certify each clerks proposed budget to designated offices.
- Provides the criteria when the Legislative Budget Commission may approve increases to the maximum annual budget.
- Removes the provisions requiring the Corporation to submit a legislative budget request pursuant to chapter 216, F.S.
- Removes the provisions requiring the clerks to submit a budget based on core services and unit costs.

- o Removes the provisions requiring the Corporation to develop performance measures and standards in consultation with the Legislature and the Supreme Court.
- o Removes provisions requiring the Corporation to adhere to the procurement provisions of chapter 287.
- o Provides rule making authority to the Department of Revenue.

B. SECTION DIRECTORY:

Section 1 transfers balances from the Clerks of the Court Trust Fund in the Justice Administrative Commission to the Department of Revenue.

Section 2 amends s.28.241, F.S., relating to the circuit civil filing.

Section 3 amends s. 28.246, F.S., relating to payment of court-related fees, charges, and costs; partial payments; distribution of funds to reflect deposits in the Department of Revenue Clerks of the Court Trust Fund.

Section 4 amends s. 28.35, F.S., relating to the Florida Clerks of Court Operations Corporation.

Section 5 amends s. 28.36, F.S., relating budget procedures for the court-related functions of the clerks of the court.

Section 6 amends s. 28.37, F.S., relating to fines, fees, services charges, and cost remitted to the state.

Section 7 amends s.28.43, F.S., authorizing the Department of Revenue to adopt rules.

Section 8 amends s. 34.041, F.S., relating to filing fees collected by the clerks.

Section 9 amends s. 43.16, F.S., relating to the membership, powers and duties of the Justice Administrative Commission.

Section 10 amends s. 110.205, F.S., relating to exemptions for career service positions.

Section 11 amends s. 142.01, F.S., relating to the fine and forfeiture funds and disposition of revenue for the clerk of the circuit court.

Section 12 amends s. 213.131, F. S., relating to the creation of the Clerks of the Court Trust Fund in the Department of Revenue.

Section 13 amends s. 216.011, F.S., relating to definitions for the purpose defining a "state agency" or "agency".

Section 14 provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill removes the funding for the clerks of court and Clerks of Court Operations Corporation from the General Appropriations Act and redirects all revenue from the Clerks of Court Trust Fund in the Justice Administrative Commission to the Department of Revenue. Removing these entities from the budget reduces state trust fund expenditures by \$453.1 million. As a state trust fund, it is assessed an 8% service charge payable to the General Revenue Fund based on the revenue collected in the trust fund. The Article V Revenue Estimating Conference projected the trust fund will generate approximately \$505.9 million in revenue for Fiscal Year 2010-2011. The loss of the general revenue service charge is estimated to be \$40.5 million.

By reverting to the former budget processes, the bill outlines the process for calculating the clerks' budget, collecting revenue and the submitting these funds to the Department of Revenue after expenditures have been satisfied. The remaining funds are then transferred from the Department of Revenue Clerks of the Court Trust Fund to the General Revenue Fund. While the excess revenue to be transferred to the General Revenue Fund cannot be determined at this time (the Corporation would have to certify budgets), based on the last four years when these policies were in practice, an average of \$62 million was transferred.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Yes.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
2 An act relating to clerks of the court; transferring the
3 Clerks of the Court Trust Fund to the Department of
4 Revenue; amending s. 28.241, F.S.; revising distributions
5 of filing fees for trial and appellate proceedings;
6 amending s. 28.246, F.S.; conforming provisions relating
7 to transfer of the Clerks of the Court Trust Fund;
8 amending s. 28.35, F.S.; deleting provisions providing for
9 housing the Florida Clerks of Court Operations Corporation
10 within the Justice Administrative Commission, specifying
11 the corporation as a budget entity of the commission, and
12 specifying corporation employees as commission employees;
13 revising membership of the corporation's executive
14 council; exempting the corporation from certain
15 provisions, policies, and decisions; revising duties of
16 the corporation; amending s. 28.36, F.S.; revising
17 requirements for a budget procedure for court-related
18 functions of the clerks of the court; amending s. 28.37,
19 F.S.; revising requirements for distribution of fines,
20 fees, service charges, and court costs collected by clerks
21 of the court; amending s. 28.43, F.S.; conforming
22 provisions relating to transfer of the Clerks of the Court
23 Trust Fund; amending s. 34.041, F.S.; revising
24 requirements for distribution of certain filing fees
25 collected by clerks of the court; requiring certain filing
26 fees to be retained as fee income of the office of the
27 clerk of the circuit court; amending s. 43.16, F.S.;
28 deleting provisions including the Florida Clerks of Court

29 Operations Corporation under provisions relating to the
 30 Justice Administrative Commission; amending s. 110.205,
 31 F.S.; deleting the Florida Clerks of Court Operations
 32 Corporation from certain career service exempt positions
 33 provisions; amending s. 142.01, F.S.; conforming
 34 provisions relating to transfer of the Clerks of the Court
 35 Trust Fund; amending s. 213.131, F.S.; specifying creation
 36 of the Clerks of the Court Trust Fund within the
 37 Department of Revenue; providing for credit of certain
 38 funds to the trust fund; amending s. 216.011, F.S.;
 39 deleting a reference to the Florida Clerks of Court
 40 Operations Corporation as a state agency; providing an
 41 effective date.

42

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

44

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

49 Section 2. Subsection (1) of section 28.241, Florida
 50 Statutes, is amended to read:

51 28.241 Filing fees for trial and appellate proceedings.—

52 (1)(a)1.a. Except as provided in sub-subparagraph b. and
 53 subparagraph 2., the party instituting any civil action, suit,
 54 or proceeding in the circuit court shall pay to the clerk of
 55 that court a filing fee of up to \$395 in all cases in which
 56 there are not more than five defendants and an additional filing

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57 fee of up to \$2.50 for each defendant in excess of five. Of the
58 first \$265 in filing fees, \$80 must be remitted by the clerk to
59 the Department of Revenue for deposit into the General Revenue
60 Fund, \$180 must be remitted to the Department of Revenue for
61 deposit into the State Courts Revenue Trust Fund, \$5.00 ~~\$3.50~~
62 must be remitted to the Department of Revenue for deposit into
63 the Administrative Clerks of the Court Trust Fund within the
64 Department of Financial Services ~~Justice Administrative~~
65 ~~Commission~~ and used to fund the contract with the Florida Clerks
66 of Court Operations Corporation created in s. 28.35, and ~~\$1.50~~
67 ~~shall be remitted to the Department of Revenue for deposit into~~
68 ~~the Administrative Trust Fund within the Department of Financial~~
69 ~~Services to fund clerk budget reviews conducted by the~~
70 ~~Department of Financial Services.~~ The next \$15 of the filing fee
71 collected shall be deposited in the state courts' Mediation and
72 Arbitration Trust Fund. One third of any filing fees collected
73 by the clerk of the circuit court in excess of \$100 shall be
74 remitted to the Department of Revenue for deposit into the
75 department's Clerks of the Court Trust Fund ~~within the Justice~~
76 ~~Administrative Commission.~~

77 b. The party instituting any civil action, suit, or
78 proceeding in the circuit court under chapter 39, chapter 61,
79 chapter 741, chapter 742, chapter 747, chapter 752, or chapter
80 753 shall pay to the clerk of that court a filing fee of up to
81 \$295 in all cases in which there are not more than five
82 defendants and an additional filing fee of up to \$2.50 for each
83 defendant in excess of five. Of the first \$165 in filing fees,
84 \$80 must be remitted by the clerk to the Department of Revenue

85 for deposit into the General Revenue Fund, \$80 must be remitted
 86 to the Department of Revenue for deposit into the State Courts
 87 Revenue Trust Fund, \$5.00 ~~\$3.50~~ must be remitted to the
 88 Department of Revenue for deposit into the Administrative Clerks
 89 ~~of the Court~~ Trust Fund within the Department of Financial
 90 Services ~~Justice Administrative Commission~~ and used to fund the
 91 contract with the Florida Clerks of Court Operations Corporation
 92 ~~created in s. 28.35, and \$1.50 shall be remitted to the~~
 93 ~~Department of Revenue for deposit into the Administrative Trust~~
 94 ~~Fund within the Department of Financial Services to fund clerk~~
 95 ~~budget reviews conducted by the Department of Financial~~
 96 ~~Services.~~ The next \$15 of the filing fee collected shall be
 97 deposited in the state courts' Mediation and Arbitration Trust
 98 Fund.

99 c. An additional filing fee of \$4 shall be paid to the
 100 clerk. The clerk shall remit \$3.50 to the Department of Revenue
 101 for deposit into the Court Education Trust Fund and shall remit
 102 50 cents to the Department of Revenue for deposit into the
 103 department's Clerks of the Court Trust Fund ~~within the Justice~~
 104 ~~Administrative Commission~~ to fund clerk education. An additional
 105 filing fee of up to \$18 shall be paid by the party seeking each
 106 severance that is granted. The clerk may impose an additional
 107 filing fee of up to \$85 for all proceedings of garnishment,
 108 attachment, replevin, and distress. Postal charges incurred by
 109 the clerk of the circuit court in making service by certified or
 110 registered mail on defendants or other parties shall be paid by
 111 the party at whose instance service is made. No additional fees,
 112 charges, or costs shall be added to the filing fees imposed

113 | under this section, except as authorized in this section or by
114 | general law.

115 | 2.a. Notwithstanding the fees prescribed in subparagraph
116 | 1., a party instituting a civil action in circuit court relating
117 | to real property or mortgage foreclosure shall pay a graduated
118 | filing fee based on the value of the claim.

119 | b. A party shall estimate in writing the amount in
120 | controversy of the claim upon filing the action. For purposes of
121 | this subparagraph, the value of a mortgage foreclosure action is
122 | based upon the principal due on the note secured by the
123 | mortgage, plus interest owed on the note and any moneys advanced
124 | by the lender for property taxes, insurance, and other advances
125 | secured by the mortgage, at the time of filing the foreclosure.
126 | The value shall also include the value of any tax certificates
127 | related to the property. In stating the value of a mortgage
128 | foreclosure claim, a party shall declare in writing the total
129 | value of the claim, as well as the individual elements of the
130 | value as prescribed in this sub-subparagraph.

131 | c. In its order providing for the final disposition of the
132 | matter, the court shall identify the actual value of the claim.
133 | The clerk shall adjust the filing fee if there is a difference
134 | between the estimated amount in controversy and the actual value
135 | of the claim and collect any additional filing fee owed or
136 | provide a refund of excess filing fee paid.

137 | d. The party shall pay a filing fee of:

138 | (I) Three hundred and ninety-five dollars in all cases in
139 | which the value of the claim is \$50,000 or less and in which
140 | there are not more than five defendants. The party shall pay an

141 additional filing fee of up to \$2.50 for each defendant in
 142 excess of five. Of the first \$265 in filing fees, \$80 must be
 143 remitted by the clerk to the Department of Revenue for deposit
 144 into the General Revenue Fund, \$180 must be remitted to the
 145 Department of Revenue for deposit into the State Courts Revenue
 146 Trust Fund, \$5.00 ~~\$3.50~~ must be remitted to the Department of
 147 Revenue for deposit into the Administrative Clerks of the Court
 148 Trust Fund within the Department of Financial Services Justice
 149 ~~Administrative Commission~~ and used to fund the contract with the
 150 Florida Clerks of Court Operations Corporation created in s.
 151 28.35, and ~~\$1.50~~ shall be remitted to the Department of Revenue
 152 for deposit into the ~~Administrative Trust Fund within the~~
 153 ~~Department of Financial Services to fund clerk budget reviews~~
 154 ~~conducted by the Department of Financial Services.~~ The next \$15
 155 of the filing fee collected shall be deposited in the state
 156 courts' Mediation and Arbitration Trust Fund;

157 (II) Nine hundred dollars in all cases in which the value
 158 of the claim is more than \$50,000 but less than \$250,000 and in
 159 which there are not more than five defendants. The party shall
 160 pay an additional filing fee of up to \$2.50 for each defendant
 161 in excess of five. Of the first \$770 in filing fees, \$80 must be
 162 remitted by the clerk to the Department of Revenue for deposit
 163 into the General Revenue Fund, \$685 must be remitted to the
 164 Department of Revenue for deposit into the State Courts Revenue
 165 Trust Fund, \$5.00 ~~\$3.50~~ must be remitted to the Department of
 166 Revenue for deposit into the Administrative Clerks of the Court
 167 Trust Fund within the Department of Financial Services Justice
 168 ~~Administrative Commission~~ and used to fund the contract with the

169 Florida Clerks of Court Operations Corporation described in s.
 170 28.35, ~~and \$1.50 shall be remitted to the Department of Revenue~~
 171 ~~for deposit into the Administrative Trust Fund within the~~
 172 ~~Department of Financial Services to fund clerk budget reviews~~
 173 ~~conducted by the Department of Financial Services.~~ The next \$15
 174 of the filing fee collected shall be deposited in the state
 175 courts' Mediation and Arbitration Trust Fund; or

176 (III) One thousand nine hundred dollars in all cases in
 177 which the value of the claim is \$250,000 or more and in which
 178 there are not more than five defendants. The party shall pay an
 179 additional filing fee of up to \$2.50 for each defendant in
 180 excess of five. Of the first \$1,770 in filing fees, \$80 must be
 181 remitted by the clerk to the Department of Revenue for deposit
 182 into the General Revenue Fund, \$1,685 must be remitted to the
 183 Department of Revenue for deposit into the State Courts Revenue
 184 Trust Fund, \$5.00 ~~\$3.50~~ must be remitted to the Department of
 185 Revenue for deposit into the Administrative Clerks of the Court
 186 Trust Fund within the Department of Financial Services Justice
 187 ~~Administrative Commission~~ to fund the contract with the Florida
 188 Clerks of Court Operations Corporation created in s. 28.35, ~~and~~
 189 ~~\$1.50 shall be remitted to the Department of Revenue for deposit~~
 190 ~~into the Administrative Trust Fund within the Department of~~
 191 ~~Financial Services to fund clerk budget reviews conducted by the~~
 192 ~~Department of Financial Services.~~ The next \$15 of the filing fee
 193 collected shall be deposited in the state courts' Mediation and
 194 Arbitration Trust Fund.

195 e. An additional filing fee of \$4 shall be paid to the
 196 clerk. The clerk shall remit \$3.50 to the Department of Revenue

197 | for deposit into the Court Education Trust Fund and shall remit
 198 | 50 cents to the Department of Revenue for deposit into the
 199 | department's Clerks of the Court Trust Fund ~~within the Justice~~
 200 | ~~Administrative Commission~~ to fund clerk education. An additional
 201 | filing fee of up to \$18 shall be paid by the party seeking each
 202 | severance that is granted. The clerk may impose an additional
 203 | filing fee of up to \$85 for all proceedings of garnishment,
 204 | attachment, replevin, and distress. Postal charges incurred by
 205 | the clerk of the circuit court in making service by certified or
 206 | registered mail on defendants or other parties shall be paid by
 207 | the party at whose instance service is made. No additional fees,
 208 | charges, or costs shall be added to the filing fees imposed
 209 | under this section, except as authorized in this section or by
 210 | general law.

211 | (b) A party reopening any civil action, suit, or
 212 | proceeding in the circuit court shall pay to the clerk of court
 213 | a filing fee set by the clerk in an amount not to exceed \$50.
 214 | For purposes of this section, a case is reopened when a case
 215 | previously reported as disposed of is resubmitted to a court and
 216 | includes petitions for modification of a final judgment of
 217 | dissolution. A party is exempt from paying the fee for any of
 218 | the following:

- 219 | 1. A writ of garnishment;
- 220 | 2. A writ of replevin;
- 221 | 3. A distress writ;
- 222 | 4. A writ of attachment;
- 223 | 5. A motion for rehearing filed within 10 days;
- 224 | 6. A motion for attorney's fees filed within 30 days after

225 entry of a judgment or final order;

226 7. A motion for dismissal filed after a mediation

227 agreement has been filed;

228 8. A disposition of personal property without

229 administration;

230 9. Any probate case prior to the discharge of a personal

231 representative;

232 10. Any guardianship pleading prior to discharge;

233 11. Any mental health pleading;

234 12. Motions to withdraw by attorneys;

235 13. Motions exclusively for the enforcement of child

236 support orders;

237 14. A petition for credit of child support;

238 15. A Notice of Intent to Relocate and any order issuing

239 as a result of an uncontested relocation;

240 16. Stipulations;

241 17. Responsive pleadings; or

242 18. Cases in which there is no initial filing fee.

243 (c)1. A party in addition to a party described in sub-

244 subparagraph (a)1.a. who files a pleading in an original civil

245 action in circuit court for affirmative relief by cross-claim,

246 counterclaim, counterpetition, or third-party complaint shall

247 pay the clerk of court a fee of \$395. A party in addition to a

248 party described in sub-subparagraph (a)1.b. who files a pleading

249 in an original civil action in circuit court for affirmative

250 relief by cross-claim, counterclaim, counterpetition, or third-

251 party complaint shall pay the clerk of court a fee of \$295. The

252 clerk shall remit the fee to the Department of Revenue for

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253 deposit into the General Revenue Fund.

254 2. A party in addition to a party described in
255 subparagraph (a)2. who files a pleading in an original civil
256 action in circuit court for affirmative relief by cross-claim,
257 counterclaim, counterpetition, or third-party complaint shall
258 pay the clerk of court a graduated fee of:

259 a. Three hundred and ninety-five dollars in all cases in
260 which the value of the pleading is \$50,000 or less;

261 b. Nine hundred dollars in all cases in which the value of
262 the pleading is more than \$50,000 but less than \$250,000; or

263 c. One thousand nine hundred dollars in all cases in which
264 the value of the pleading is \$250,000 or more.

265

266 The clerk shall remit the fees collected under this subparagraph
267 to the Department of Revenue for deposit into the General
268 Revenue Fund, except that the clerk shall remit \$100 of the fee
269 collected under sub-subparagraph a., \$605 of the fee collected
270 under sub-subparagraph b., and \$1,605 of the fee collected under
271 sub-subparagraph c. to the Department of Revenue for deposit
272 into the State Courts Revenue Trust Fund.

273 (d) The clerk of court shall collect a service charge of
274 \$10 for issuing a summons. The clerk shall assess the fee
275 against the party seeking to have the summons issued.

276 Section 3. Paragraph (b) of subsection (5) of section
277 28.246, Florida Statutes, is amended to read:

278 28.246 Payment of court-related fees, charges, and costs;
279 partial payments; distribution of funds.—

280 (5) When receiving partial payment of fees, service

281 charges, court costs, and fines, clerks shall distribute funds
 282 according to the following order of priority:

283 (b) That portion of fees, service charges, court costs,
 284 and fines which are required to be retained by the clerk of the
 285 court or deposited into the Clerks of the Court Trust Fund
 286 within the Department of Revenue ~~Justice Administrative~~
 287 ~~Commission~~.

288
 289 To offset processing costs, clerks may impose either a per-month
 290 service charge pursuant to s. 28.24(26)(b) or a one-time
 291 administrative processing service charge at the inception of the
 292 payment plan pursuant to s. 28.24(26)(c).

293 Section 4. Section 28.35, Florida Statutes, is amended to
 294 read:

295 28.35 Florida Clerks of Court Operations Corporation.—

296 (1) (a) The Florida Clerks of Court Operations Corporation
 297 is created as a public corporation organized to perform the
 298 functions specified in this section and ~~s. 28.36~~ and shall be
 299 ~~administratively housed within the Justice Administrative~~
 300 ~~Commission. The corporation shall be a budget entity within the~~
 301 ~~Justice Administrative Commission, and its employees shall be~~
 302 ~~considered state employees. The corporation is not subject to~~
 303 ~~control, supervision, or direction by the Justice Administrative~~
 304 ~~Commission in the performance of its duties, but the employees~~
 305 ~~of the corporation shall be governed by the classification plan~~
 306 ~~and salary and benefits plan of the Justice Administrative~~
 307 ~~Commission. The classification plan must have a separate chapter~~
 308 ~~for the corporation. All clerks of the circuit court shall be~~

309 members of the corporation and hold their position and authority
 310 in an ex officio capacity. The functions assigned to the
 311 corporation shall be performed by an executive council pursuant
 312 to the plan of operation approved by the members.

313 (b) The executive council shall be composed of eight
 314 clerks of the court elected by the clerks of the courts for a
 315 term of 2 years, with two clerks from counties with a population
 316 of fewer than 100,000, two clerks from counties with a
 317 population of at least 100,000 but fewer than 500,000, two
 318 clerks from counties with a population of at least 500,000 but
 319 fewer than 1 million, and two clerks from counties with a
 320 population of more than 1 million. ~~The executive council shall~~
 321 ~~also include, as ex officio members, a designee of the President~~
 322 ~~of the Senate and a designee of the Speaker of the House of~~
 323 ~~Representatives. The Chief Justice of the Supreme Court shall~~
 324 ~~designate one additional member to represent the state courts~~
 325 ~~system.~~

326 (c) The corporation shall be considered a political
 327 subdivision of the state and shall be exempt from the corporate
 328 income tax. The corporation is not subject to the procurement
 329 provisions of chapter 287, and policies and decisions of the
 330 corporation relating to incurring debt, levying assessments, and
 331 the sale, issuance, continuation, terms, and claims under
 332 policies of the corporation, and all services relating to such
 333 provisions, policies, and decisions, are not subject to the
 334 provisions of chapter 120.

335 (d) The functions assigned to the corporation under this
 336 section and ss. 28.36 and 28.37 are considered to be for a valid

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337 public purpose.

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

340 (a) Adopting a plan of operation.

341 (b) Conducting the election of directors as required in
342 paragraph (1) (a).

343 (c) Recommending to the Legislature changes in the various
344 court-related fines, fees, service charges, and court costs
345 established by law to ensure reasonable and adequate funding of
346 the clerks of the court in the performance of their court-
347 related functions.

348 (d) Pursuant to contract with the Chief Financial Officer,
349 establishing a process for the review and certification of
350 proposed court-related budgets submitted by clerks of the court
351 for completeness and compliance with this section and ss. 28.36
352 and 28.37. Such process shall be designed and be sufficiently
353 detailed to permit independent verification and validation of
354 the budget certification. The contract shall specify the process
355 to be used in determining compliance by the corporation with
356 this section and ss. 28.36 and 28.37.

357 (e) ~~(d)~~ Developing and certifying a uniform system of
358 performance measures and applicable performance standards for
359 the functions specified in paragraph (4) ~~(3)~~ (a) and ~~the service~~
360 ~~unit costs required in s. 28.36 and measures for clerk~~
361 performance in meeting the performance standards. These measures
362 and standards shall be designed to facilitate an objective
363 determination of the performance of each clerk in accordance
364 with minimum standards for fiscal management, operational

365 efficiency, and effective collection of fines, fees, service
 366 charges, and court costs. ~~The corporation shall develop the~~
 367 ~~performance measures and performance standards in consultation~~
 368 ~~with the Legislature and the Supreme Court. The Legislature may~~
 369 ~~modify the clerk performance measures and performance standards~~
 370 ~~in legislation implementing the General Appropriations Act or~~
 371 ~~other law.~~ When the corporation finds a clerk has not met the
 372 performance standards, the corporation shall identify the nature
 373 of each deficiency and any corrective action recommended and
 374 taken by the affected clerk of the court. ~~The corporation shall~~
 375 ~~notify the Legislature and the Supreme Court of any clerk not~~
 376 ~~meeting performance standards and provide a copy of any~~
 377 ~~corrective action plans.~~

378 (f) ~~(e)~~ Reviewing and certifying proposed budgets submitted
 379 by clerks of the court using the process approved by the Chief
 380 Financial Officer pursuant to paragraph (d) for the purpose of
 381 making the certification in paragraph (3) (a). As part of this
 382 process, the corporation shall: pursuant to s. 28.36.

383 1. Calculate the maximum authorized annual budget pursuant
 384 to the requirements of s. 28.36.

385 2. Identify those proposed budgets exceeding the maximum
 386 annual budget pursuant to s. 28.36(5) for the standard list of
 387 court-related functions specified in paragraph (4) (a).

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

391 4. Identify those clerks projected to have court-related
 392 revenues insufficient to fund their anticipated court-related

393 expenditures.

394 (g) ~~(f)~~ Developing and conducting clerk education programs.

395 (h) ~~(g)~~ Publishing a uniform schedule of actual fees,
 396 service charges, and costs charged by a clerk of the court
 397 pursuant to general law.

398 (3) (a) The corporation shall certify to the President of
 399 the Senate, the Speaker of the House of Representatives, the
 400 Chief Financial Officer, and the Department of Revenue by
 401 October 15 of each year, the amount of the proposed budget
 402 certified for each clerk; the revenue projection supporting each
 403 clerk's budget; each clerk eligible to retain some or all of the
 404 state's share of fines, fees, service charges, and costs; the
 405 amount to be paid to each clerk from the Clerks of the Court
 406 Trust Fund within the Department of Revenue; the performance
 407 measures and standards approved by the corporation for each
 408 clerk; and the performance of each clerk in meeting the
 409 performance standards.

410 (b) Prior to December 1 of each year, the Chief Financial
 411 Officer shall review the certifications made by the corporation
 412 for the purpose of determining compliance with the approved
 413 process and report his or her findings to the President of the
 414 Senate, the Speaker of the House of Representatives, and the
 415 Department of Revenue. To determine compliance with such
 416 process, the Chief Financial Officer may examine the budgets
 417 submitted to the corporation by the clerks.

418 (4) ~~(3)~~ (a) The list of court-related functions that clerks
 419 may fund from filing fees, service charges, court costs, and
 420 fines is perform ~~are~~ limited to those functions expressly

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421 authorized by law or court rule. Those functions include the
422 following: case maintenance; records management; court
423 preparation and attendance; processing the assignment,
424 reopening, and reassignment of cases; processing of appeals;
425 collection and distribution of fines, fees, service charges, and
426 court costs; processing of bond forfeiture payments; payment of
427 jurors and witnesses; payment of expenses for meals or lodging
428 provided to jurors; data collection and reporting; processing of
429 jurors; determinations of indigent status; and reasonable
430 administrative support costs to enable the clerk of the court to
431 carry out these court-related functions.

432 (b) The list of functions that clerks may not fund from
433 filing fees, service charges, court costs, and fines includes
434 ~~state appropriations include:~~

- 435 1. Those functions not specified within paragraph (a).
- 436 2. Functions assigned by administrative orders which are
437 not required for the clerk to perform the functions in paragraph
438 (a).
- 439 3. Enhanced levels of service which are not required for
440 the clerk to perform the functions in paragraph (a).
- 441 4. Functions identified as local requirements in law or
442 local optional programs.

443 ~~(5)-(4) The corporation shall prepare a legislative budget~~
444 ~~request for the resources necessary to perform its duties,~~
445 ~~submit the request pursuant to chapter 216, and be funded~~
446 pursuant to a contract with the Chief Financial Officer. Funds
447 shall be provided to the Chief Financial Officer for such
448 purpose as appropriated by general law. Such funds shall be

449 available to the corporation for the performance of the duties
 450 and responsibilities as set forth in this section ~~as a budget~~
 451 ~~entity in the General Appropriations Act.~~ The corporation may
 452 hire staff and pay other expenses from such funds ~~state~~
 453 ~~appropriations~~ as necessary to perform the official duties and
 454 responsibilities of the corporation as described in this section
 455 ~~by law.~~

456 (6)-(5)(a) The corporation shall submit an annual audited
 457 financial statement to the Auditor General in a form and manner
 458 prescribed by the Auditor General. The Auditor General shall
 459 conduct an annual audit of the operations of the corporation,
 460 including the use of funds and compliance with the provisions of
 461 this section and ss. 28.36 and 28.37.

462 (b) Certified public accountants conducting audits of
 463 counties pursuant to s. 218.39 shall report, as part of the
 464 audit, whether or not the clerks of the courts have complied
 465 with the budgets certified by the corporation pursuant to the
 466 budget review process pursuant to contract with the Chief
 467 Financial Officer and with the performance standards developed
 468 and certified pursuant to this section ~~requirements of this~~
 469 ~~section and s. 28.36.~~ In addition, each clerk of court shall
 470 ~~forward a copy of the portion of the financial audit relating to~~
 471 ~~the court related duties of the clerk of court to the Supreme~~
 472 ~~Court.~~ The Auditor General shall develop a compliance supplement
 473 for the audit of compliance with the budgets and applicable
 474 performance standards certified by the corporation.

475 Section 5. Section 28.36, Florida Statutes, is amended to
 476 read:

477 28.36 Budget procedure.—There is established a budget
478 procedure ~~for preparing budget requests for funding~~ for the
479 court-related functions of the clerks of the court.

480 (1) Only those functions on the standard list developed
481 pursuant to s. 28.35(4) (a) may be funded from fees, service
482 charges, court costs, and fines retained by the clerks of the
483 court. A clerk may not use fees, service charges, court costs,
484 and fines in excess of the maximum budget amounts established in
485 subsection (5). ~~Each clerk of court shall prepare a budget~~
486 ~~request for the last quarter of the county fiscal year and the~~
487 ~~first three quarters of the next county fiscal year. The~~
488 ~~proposed budget shall be prepared, summarized, and submitted by~~
489 ~~the clerk in each county to the Florida Clerks of Court~~
490 ~~Operations Corporation in the manner and form prescribed by the~~
491 ~~corporation to meet the requirements of law. Each clerk shall~~
492 ~~forward a copy of his or her budget request to the Supreme~~
493 ~~Court. The budget requests must be provided to the corporation~~
494 ~~by October 1 of each year.~~

495 (2) For each state fiscal year beginning July 1, 2010, and
496 for each county fiscal year ending September 30 thereafter, each
497 clerk of the court shall prepare a budget relating solely to the
498 performance of the standard list of court-related functions
499 pursuant to s. 28.35(4) (a). ~~Each clerk shall include in his or~~
500 ~~her budget request a projection of the amount of court related~~
501 ~~fees, service charges, and any other court related clerk fees~~
502 ~~which will be collected during the proposed budget period. If~~
503 ~~the corporation determines that the proposed budget is limited~~
504 ~~to the standard list of court-related functions in s.~~

505 28.35 ~~(4)~~ ~~(3)~~ (a) and the projected court-related revenues are less
 506 than the proposed budget, the clerk shall increase all fees,
 507 service charges, and any other court-related clerk fees and
 508 charges to the maximum amounts specified by law or the amount
 509 necessary to resolve the deficit, whichever is less.

510 (3) Each proposed budget shall further conform to the
 511 following requirements ~~clerk shall include in his or her budget~~
 512 ~~request the number of personnel and the proposed budget for each~~
 513 ~~of the following core services:~~

514 (a) On or before August 15 of each fiscal year, the
 515 proposed budget shall be prepared, summarized, and submitted by
 516 the clerk in each county to the corporation in the manner and
 517 form prescribed by the corporation. The proposed budget must
 518 provide detailed information on the anticipated revenues
 519 available and expenditures necessary for the performance of the
 520 standard list of court-related functions of the clerk's office
 521 developed pursuant to s. 28.35(4) (a) for the county fiscal year
 522 beginning the following October 1 ~~Case processing.~~

523 (b) The proposed budget must be balanced, such that the
 524 total of the estimated revenues available must equal or exceed
 525 the total of the anticipated expenditures. Such revenues include
 526 cash balances brought forward from the prior fiscal period;
 527 revenue projected to be received from fees, service charges,
 528 court costs, and fines for court-related functions during the
 529 fiscal period covered by the budget; and supplemental revenue
 530 that may be requested pursuant to subsection (4). The
 531 anticipated expenditures must be itemized as required by the
 532 corporation, pursuant to contract with the Chief Financial

533 Officer Financial processing.

534 (c) The proposed budget may include a contingency reserve
 535 not to exceed 10 percent of the total budget, provided that, in
 536 the aggregate, the proposed budget does not exceed the limits
 537 prescribed in subsection (5) Jury management.

538 ~~(d) Information and reporting.~~

539
 540 ~~Central administrative costs shall be allocated among the core~~
 541 ~~services categories.~~

542 (4) If a clerk of the court estimates that available funds
 543 plus projected revenues from fines, fees, service charges, and
 544 costs for court-related services are insufficient to meet the
 545 anticipated expenditures for the standard list of court-related
 546 functions in s. 28.35(4) (a) performed by his or her office, the
 547 clerk must report the revenue deficit to the corporation in the
 548 manner and form prescribed by the corporation pursuant to
 549 contract with the Chief Financial Officer. The corporation shall
 550 verify that the proposed budget is limited to the standard list
 551 of court-related functions in s. 28.35(4) (a).

552 (a) If the corporation verifies that the proposed budget
 553 is limited to the standard list of court-related functions in s.
 554 28.35(4) (a) and a revenue deficit is projected, a clerk seeking
 555 to retain revenues pursuant to this subsection shall increase
 556 all fees, service charges, and any other court-related clerk
 557 fees and charges to the maximum amounts specified by law or the
 558 amount necessary to resolve the deficit, whichever is less. If,
 559 after increasing fees, service charges, and any other court-
 560 related clerk fees and charges to the maximum amounts specified

561 by law, a revenue deficit is still projected, the corporation
562 shall, pursuant to the terms of the contract with the Chief
563 Financial Officer, certify a revenue deficit and notify the
564 Department of Revenue that the clerk is authorized to retain
565 revenues, in an amount necessary to fully fund the projected
566 revenue deficit, which he or she would otherwise be required to
567 remit to the Department of Revenue for deposit into the
568 department's Clerks of the Court Trust Fund pursuant to s.
569 28.37. If a revenue deficit is projected for that clerk after
570 retaining all of the projected collections from the court-
571 related fines, fees, service charges, and costs, the Department
572 of Revenue shall certify the amount of the revenue deficit
573 amount to the Executive Office of the Governor and request
574 release authority for funds appropriated for this purpose from
575 the department's Clerks of the Court Trust Fund. Notwithstanding
576 the provisions of s. 216.192 relating to the release of funds,
577 the Executive Office of the Governor may approve the release of
578 funds appropriated to resolve projected revenue deficits in
579 accordance with the notice, review, and objection procedures set
580 forth in s. 216.177 and shall provide notice to the Chief
581 Financial Officer. The Department of Revenue shall request
582 monthly distributions from the Chief Financial Officer in equal
583 amounts to each clerk certified to have a revenue deficit, in
584 accordance with the releases approved by the Governor.

585 (b) If the Chief Financial Officer finds the court-related
586 budget proposed by a clerk includes functions not included in
587 the standard list of court-related functions in s. 28.35(4)(a),
588 the Chief Financial Officer shall notify the clerk of the amount

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589 of the proposed budget not eligible to be funded from fines,
590 fees, service charges, and costs for court-related functions and
591 shall identify appropriate corrective measures to ensure budget
592 integrity. The clerk shall immediately discontinue all
593 ineligible expenditures of court-related funds for non-court-
594 related functions and reimburse the Clerks of the Court Trust
595 Fund for any previously ineligible expenditures made for non-
596 court-related functions, and shall implement any corrective
597 actions identified by the Chief Financial Officer. ~~The budget~~
598 ~~request must identify the service units to be provided within~~
599 ~~each core service. The service units shall be developed by the~~
600 ~~corporation, in consultation with the Supreme Court, the Chief~~
601 ~~Financial Officer, and the appropriations committees of the~~
602 ~~Senate and the House of Representatives.~~

603 (5) (a) The Legislative Budget Commission may approve
604 increases to the maximum annual budgets approved for individual
605 clerks of the court pursuant to this section for court-related
606 functions, if:

607 1. The additional funding is necessary to pay the cost of
608 performing new or additional functions required by changes in
609 law or court rule. Before the Legislative Budget Commission may
610 approve an increase in the maximum annual budget of any clerk
611 under this paragraph, the corporation must provide the
612 Legislative Budget Commission with a statement of the impact of
613 the proposed budget changes on state revenues and evidence that
614 the respective clerk of the court is meeting or exceeding the
615 established performance standards for measures on the fiscal
616 management, operational efficiency, and effective collection of

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617 finer, fees, service charges, and court costs; or

618 2. The additional funding is necessary to pay the cost of
619 supporting increases in the number of judges or magistrates
620 authorized by the Legislature. Before the Legislative Budget
621 Commission may approve an increase in the maximum annual budget
622 of any clerk under this paragraph, the corporation must provide
623 the Legislative Budget Commission with a statement of the impact
624 of the proposed budget changes on state revenues; evidence that
625 the respective clerk of the court is meeting or exceeding the
626 established performance standards for measures on the fiscal
627 management, operational efficiency, and effective collection of
628 finer, fees, service charges, and court costs; and a proposed
629 staffing model, including the cost and number of staff necessary
630 to support each new judge or magistrate.

631 (b) The total amount of increases approved by the
632 Legislative Budget Commission for each county fiscal year shall
633 not exceed an amount equal to 2 percent of the maximum annual
634 budgets approved pursuant to this section for all clerks, in the
635 aggregate, for that same county fiscal year. ~~The budget request~~
636 ~~must propose a unit cost for each service unit. The corporation~~
637 ~~shall provide a copy of each clerk's budget request to the~~
638 ~~Supreme Court.~~

639 (6) The corporation may submit proposed legislation to the
640 Governor, the President of the Senate, and the Speaker of the
641 House of Representatives no later than November 1 in any year
642 for approval of clerk budget request amounts exceeding the
643 restrictions in this section for the following October 1. If
644 proposed legislation is recommended, the corporation shall also

645 submit supporting justification with sufficient detail to
 646 identify the specific proposed expenditures that would cause the
 647 limitations to be exceeded for each affected clerk and the
 648 estimated fiscal impact on state revenues. The corporation shall
 649 ~~review each individual clerk's prior year expenditures,~~
 650 ~~projected revenue, proposed unit costs, and the proposed budget~~
 651 ~~for each of the core services categories. The corporation shall~~
 652 ~~compare each clerk's prior year expenditures and unit costs for~~
 653 ~~core services with a peer group of clerks' offices having a~~
 654 ~~population of a similar size and a similar number of case~~
 655 ~~filings. If the corporation finds that the expenditures, unit~~
 656 ~~costs, or proposed budget of a clerk is significantly higher~~
 657 ~~than those of clerks in that clerk's peer group, the corporation~~
 658 ~~shall require the clerk to submit documentation justifying the~~
 659 ~~difference in each core services category. Justification for~~
 660 ~~higher expenditures may include, but is not limited to,~~
 661 ~~collective bargaining agreements, county civil service~~
 662 ~~agreements, and the number and distribution of courthouses~~
 663 ~~served by the clerk. If the expenditures and unit costs are not~~
 664 ~~justified, the corporation shall recommend a reduction in the~~
 665 ~~funding for that core services category in the budget request to~~
 666 ~~an amount similar to the peer group of clerks or to an amount~~
 667 ~~that the corporation determines is justified.~~

668 ~~(7) The corporation shall complete its review and~~
 669 ~~adjustments to the clerks' budget requests and make its~~
 670 ~~recommendations to the Legislature and the Supreme Court by~~
 671 ~~December 1 each year.~~

672 ~~(8) The Chief Financial Officer shall review the proposed~~

673 ~~unit costs associated with each clerk of court's budget request~~
 674 ~~and make recommendations to the Legislature. The Chief Financial~~
 675 ~~Officer may conduct any audit of the corporation or a clerk of~~
 676 ~~court as authorized by law. The Chief Justice of the Supreme~~
 677 ~~Court may request an audit of the corporation or any clerk of~~
 678 ~~court by the Chief Financial Officer.~~

679 ~~(9) The Legislature shall appropriate the total amount for~~
 680 ~~the budgets of the clerks in the General Appropriations Act. The~~
 681 ~~Legislature may reject or modify any or all of the unit costs~~
 682 ~~recommended by the corporation. If the Legislature does not~~
 683 ~~specify the unit costs in the General Appropriations Act or~~
 684 ~~other law, the unit costs recommended by the corporation shall~~
 685 ~~be the official unit costs for that budget period.~~

686 ~~(10) For the 2009 2010 fiscal year, the corporation shall~~
 687 ~~release appropriations in an amount equal to one twelfth of each~~
 688 ~~clerk's approved budget each month. The statewide total~~
 689 ~~appropriation for the 2009 2010 fiscal year shall be set in the~~
 690 ~~General Appropriations Act. The corporation shall determine the~~
 691 ~~amount of each clerk of court budget, but the statewide total of~~
 692 ~~such amounts may not exceed the amount listed in the General~~
 693 ~~Appropriations Act. Beginning in the 2010 2011 fiscal year, the~~
 694 ~~corporation shall release appropriations to each clerk~~
 695 ~~quarterly. The amount of the release shall be based on the prior~~
 696 ~~quarter's performance of service units identified in the four~~
 697 ~~core services and the established unit costs for each clerk.~~

698 ~~(11) The corporation may submit proposed legislation to~~
 699 ~~the Governor, the President of the Senate, and the Speaker of~~
 700 ~~the House of Representatives relating to the preparation of~~

701 ~~budget requests of the clerks of court.~~

702 Section 6. Section 28.37, Florida Statutes, is amended to
703 read:

704 28.37 Fines, fees, service charges, and costs remitted to
705 the state.—

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

712 (2) Beginning July 1, 2010, except as otherwise provided
713 in ss. 28.241 and 34.041, one-third of all fines, fees, service
714 charges, and court costs collected by the clerks of the court
715 during the prior month for the performance of court-related
716 functions shall be remitted to the Department of Revenue for
717 deposit into the department's Clerks of the Court Trust Fund.
718 Such collections do not include funding received for the
719 operation of the Title IV-D child support collections and
720 disbursement program. The clerk of the court shall remit the
721 revenues collected during the prior month due to the state on or
722 before the 20th day of each month. The Department of Revenue
723 shall make a monthly transfer to the General Revenue Fund of the
724 funds in the department's Clerks of the Court Trust Fund that
725 are not needed to resolve clerk of the court revenue deficits,
726 as specified in s. 28.36.

727 (3) Beginning January 1, 2010, and each January 1
728 thereafter for the preceding county fiscal year of October 1

729 through September 30, the clerk of the court shall remit to the
 730 Department of Revenue for deposit in the General Revenue Fund
 731 the cumulative excess of all fines, fees, service charges, and
 732 court costs retained by the clerks of the court, plus any funds
 733 received by the clerks of the court from the department's Clerk
 734 of the Court Trust Fund under s. 28.36(4)(a), that exceed the
 735 amount needed to meet the approved budget amounts established
 736 under s. 28.36.

737 (4) The Department of Revenue shall collect any funds that
 738 the Florida Clerks of Court Operations Corporation determines
 739 upon investigation were due on January 1 but not remitted to the
 740 department. ~~Except as otherwise provided in ss. 28.241 and~~
 741 ~~34.041, all court related fines, fees, service charges, and~~
 742 ~~costs are considered state funds and shall be remitted by the~~
 743 ~~clerk to the Department of Revenue for deposit into the Clerks~~
 744 ~~of the Court Trust Fund within the Justice Administrative~~
 745 ~~Commission. However, 10 percent of all court related fines~~
 746 ~~collected by the clerk shall be deposited into the clerk's~~
 747 ~~Public Records Modernization Trust Fund to be used exclusively~~
 748 ~~for additional clerk court related operational needs and program~~
 749 ~~enhancements.~~

750 Section 7. Subsection (1) of section 28.43, Florida
 751 Statutes, is amended to read:

752 28.43 Adoption of rules relating to ss. 28.35, 28.36, and
 753 28.37.—

754 (1) The Department of Revenue may adopt rules necessary to
 755 carry out its responsibilities in ss. 28.35, 28.36, and 28.37.
 756 The rules shall include forms and procedures for transferring

757 funds from the clerks of the court to the Clerks of the Court
 758 Trust Fund within the Department of Revenue Justice
 759 ~~Administrative Commission.~~

760 Section 8. Paragraph (b) of subsection (1) of section
 761 34.041, Florida Statutes, is amended to read:

762 34.041 Filing fees.—

763 (1)

764 (b) The first \$80 of the filing fee collected under
 765 subparagraph (a)4. shall be remitted to the Department of
 766 Revenue for deposit into the General Revenue Fund. The next \$15
 767 of the filing fee collected under subparagraph (a)4., and the
 768 first \$10 of the filing fee collected under subparagraph (a)7.,
 769 shall be deposited in the state courts' Mediation and
 770 Arbitration Trust Fund. One-third of any filing fees collected
 771 by the clerk under this section in excess of the first \$95
 772 collected under subparagraph (a)4. shall be remitted to the
 773 Department of Revenue for deposit into the department's Clerks
 774 of the Court Trust Fund. An additional filing fee of \$4 shall be
 775 paid to the clerk. The clerk shall transfer \$3.50 to the
 776 Department of Revenue for deposit into the Court Education Trust
 777 Fund and shall transfer 50 cents to the Department of Revenue
 778 for deposit into the department's Clerks of the Court Trust Fund
 779 ~~within the Justice Administrative Commission~~ to fund clerk
 780 education. Postal charges incurred by the clerk of the county
 781 court in making service by mail on defendants or other parties
 782 shall be paid by the party at whose instance service is made.
 783 Except as provided herein, filing fees and service charges for
 784 performing duties of the clerk relating to the county court

785 shall be as provided in ss. 28.24 and 28.241. Except as
 786 otherwise provided herein, all filing fees shall be retained as
 787 fee income of the office of the clerk of the circuit court
 788 ~~remitted to the Department of Revenue for deposit into the~~
 789 ~~Clerks of the Court Trust Fund within the Justice Administrative~~
 790 ~~Commission~~. Filing fees imposed by this section may not be added
 791 to any penalty imposed by chapter 316 or chapter 318.

792 Section 9. Subsection (5) of section 43.16, Florida
 793 Statutes, is amended to read:

794 43.16 Justice Administrative Commission; membership,
 795 powers and duties.—

796 (5) The duties of the commission shall include, but not be
 797 limited to, the following:

798 (a) The maintenance of a central state office for
 799 administrative services and assistance when possible to and on
 800 behalf of the state attorneys and public defenders of Florida,
 801 the capital collateral regional counsel of Florida, the criminal
 802 conflict and civil regional counsel, and the Guardian Ad Litem
 803 Program, ~~and the Florida Clerks of Court Operations Corporation.~~

804 (b) Each state attorney, public defender, criminal
 805 conflict and civil regional counsel, and the Guardian Ad Litem
 806 Program, ~~and the Florida Clerks of Court Operations Corporation~~
 807 shall continue to prepare necessary budgets, vouchers that
 808 represent valid claims for reimbursement by the state for
 809 authorized expenses, and other things incidental to the proper
 810 administrative operation of the office, such as revenue
 811 transmittals to the Chief Financial Officer and automated
 812 systems plans, but will forward same to the commission for

813 recording and submission to the proper state officer. However,
 814 when requested by a state attorney, a public defender, a
 815 criminal conflict and civil regional counsel, or the Guardian Ad
 816 Litem Program, the commission will either assist in the
 817 preparation of budget requests, voucher schedules, and other
 818 forms and reports or accomplish the entire project involved.

819 Section 10. Paragraph (x) of subsection (2) of section
 820 110.205, Florida Statutes, is amended to read:

821 110.205 Career service; exemptions.—

822 (2) EXEMPT POSITIONS.—The exempt positions that are not
 823 covered by this part include the following:

824 (x) All officers and employees of the Justice
 825 Administrative Commission, Office of the State Attorney, Office
 826 of the Public Defender, regional offices of capital collateral
 827 counsel, offices of criminal conflict and civil regional
 828 counsel, and Statewide Guardian Ad Litem Office, including the
 829 circuit guardian ad litem programs ~~and the Florida Clerks of~~
 830 ~~Court Operations Corporation.~~

831 Section 11. Subsections (2) and (3) of section 142.01,
 832 Florida Statutes, are amended to read:

833 142.01 Fine and forfeiture fund; disposition of revenue;
 834 clerk of the circuit court.—

835 ~~(2) All revenues received by the clerk in the fine and~~
 836 ~~forfeiture fund from court related fees, fines, costs, and~~
 837 ~~service charges are considered state funds and shall be remitted~~
 838 ~~monthly to the Department of Revenue for deposit into the Clerks~~
 839 ~~of the Court Trust Fund within the Justice Administrative~~
 840 ~~Commission.~~

841 (2)~~(3)~~ Notwithstanding the provisions of this section, all
 842 fines and forfeitures arising from operation of the provisions
 843 of s. 318.1215 shall be disbursed in accordance with that
 844 section.

845 Section 12. Section 213.131, Florida Statutes, is amended
 846 to read:

847 213.131 Clerks of the Court Trust Fund within the
 848 Department of Revenue ~~Justice Administrative Commission.~~—The
 849 Clerks of the Court Trust Fund is created within the Department
 850 of Revenue ~~Justice Administrative Commission.~~ Funds received by
 851 the department from the clerks of court shall be credited to the
 852 trust fund as provided in chapter 2001-122, Laws of Florida, to
 853 be used for the purposes set forth in that act.

854 Section 13. Paragraph (qq) of subsection (1) of section
 855 216.011, Florida Statutes, is amended to read:

856 216.011 Definitions.—

857 (1) For the purpose of fiscal affairs of the state,
 858 appropriations acts, legislative budgets, and approved budgets,
 859 each of the following terms has the meaning indicated:

860 (qq) "State agency" or "agency" means any official,
 861 officer, commission, board, authority, council, committee, or
 862 department of the executive branch of state government. For
 863 purposes of this chapter and chapter 215, "state agency" or
 864 "agency" includes, but is not limited to, state attorneys,
 865 public defenders, criminal conflict and civil regional counsel,
 866 capital collateral regional counsel, ~~the Florida Clerks of Court~~
 867 ~~Operations Corporation,~~ the Justice Administrative Commission,
 868 the Florida Housing Finance Corporation, and the Florida Public

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869 Service Commission. Solely for the purposes of implementing s.
870 19(h), Art. III of the State Constitution, the terms "state
871 agency" or "agency" include the judicial branch.

872 Section 14. This act shall take effect July 1, 2010.

Criminal and Civil Justice Appropriations Committee

		Chair Recommendations FY 2010-11							
Line #	D3A Issue	D3A Issue Title	FTE	GENERAL REVENUE	NR GEN REVENUE	STATE TFS	FEDERAL TFS	ALL FUNDS	COMMENTS
1		CORRECTIONS, DEPT OF							
2	1100000	STARTUP (RECURRING LAW AND POLICY)	30,522.00	2,325,553,621		44,297,129	36,726,170	2,406,576,920	
3	99A0000	STARTUP - RECURRING DEBT SERVICE (FCO)		75,120,334				75,120,334	
4	2000010	Transfer Funding To Reduce Contract Employees	197.00	14,214,562	759,597			14,214,562	Adjustment transferring funding used to pay contracted staff to hire 197 FTEs in health services.
5	2000020	Transfer Funding To Salaries And Benefits		(14,214,562)				(14,214,562)	Adjustment transferring funding used to pay contracted staff to hire 197 FTEs in health services.
6	2503080	Direct Billing For Administrative Hearings		(18,414)				(18,414)	Statewide adjustment to provide agency's allocated payment to DOAH.
7	3000720	Increase Contract Work Squads	10.00			580,120		580,120	Provides trust authority to support revenue generating inmate work squad contracts with state agencies and local governments.
8	33V0070	Reduce Funding Based on Lower Prison Population		(23,629,208)				(23,629,208)	The projected prison population was reduced 1,575 for FY 10-11 by the Criminal Justice Estimating Conference on 2/19/10. DOC is expecting lower operation costs and expenses due to the revised prison population projection.
9	33V0040	Reduce Institutional Support Based On Revised Population Projection And Phase-In	(408.00)	(21,529,363)				(21,529,363)	The projected prison population was reduced 1,575 for FY 10-11 by the Criminal Justice Estimating Conference on 2/19/10. This issue reduces DOC's operating budget by delaying the opening of new prisons that do not need to come on-line in FY 10-11 due to the revised prison population projection.
10	33V0515	Reduce Community Corrections Vacant Positions	(128.00)	(6,709,710)				(6,709,710)	Reduces 25 vacant, noncaseload staff positions and 103 vacant caseload positions within Community Corrections.
11	33V0811	Reduce Administrative Travel And Expenses		(200,000)				(200,000)	Reduces travel and expenses in Executive Direction and Support.
12	3300010	Savings From Health Services Efficiencies		(15,000,000)				(15,000,000)	Reductions in health services can be made due to the success of capping hospital and medical provider costs to 110% of Medicare.
13	3300020	Savings From Drug Repackaging With The Department Of Health		(1,500,000)				(1,500,000)	This is based on estimated savings resulting from the insourcing of drug repackaging with the Dept of Health.
14	3300210	Eliminate Chief Of Staff Position	(1.00)	(147,804)				(147,804)	Eliminates one position in the Executive Direction budget entity.
15	40S0050	Increase Probation And Parole Officers					1,670,000	1,670,000	Provides budget authority for Federal Byrne grant for probation officers.
16	6400010	Federally-Funded Education Programs	4.00				237,430	237,430	Provides budget authority for a federally funded grant.
17	6400020	Trust-Funded Child Nutrition Support	3.00				142,460	142,460	Provides budget authority for a federally funded grant.
18	990D100	Reduction In Recurring Debt Service		(2,000,000)				(2,000,000)	Reduces excess general revenue in DOC's recurring budget for debt service.
19	990J100	Transfer To New Budget Structure		67,705,670				67,705,670	Technical issue moving DOC debt service from multiple budget entities into one entity.
20	990J200	Business Process Alignment - Fixed Capital Outlay		(67,705,670)				(67,705,670)	Technical issue moving DOC debt service from multiple budget entities into one entity.
21	Total	CORRECTIONS, DEPT OF	30,199.00	2,329,939,456	759,597	44,877,249	38,776,060	2,413,592,765	
22									
23		PGM: JUSTICE ADMIN COMM							
24	1100000	STARTUP (RECURRING LAW AND POLICY)	103.00	73,279,980		874,505	2,305,743	76,460,228	
25	1807000	Realign Legal Representation - Deduct	(14.00)	(79,111,905)		(874,505)	(1,180,743)	(81,167,153)	Realignment of due process related categories in the same budget entity.
26	1807010	Realign Legal Representation - Add	14.00	79,111,905		874,505	1,180,743	81,167,153	Realignment of due process related categories in the same budget entity.
27	3001820	Increase Court-Appointed Counsel Costs - Civil Conflict and Criminal Conflict Cases		12,000,000	12,000,000			12,000,000	Provides funding for due process costs for representation of indigent persons in criminal and civil proceedings.

Criminal and Civil Justice Appropriations Committee

			Chair Recommendations FY 2010-11						
Line #	D3A Issue	D3A Issue Title	FTE	GENERAL REVENUE	NR GEN REVENUE	STATE TFS	FEDERAL TFS	ALL FUNDS	COMMENTS
28	33V0205	Reduce Capital Collateral Regional Counsel Registry Funding		(359,004)				(359,004)	Reduces funding for the postconviction capital collateral cases to attorneys that are on the registry. The reduction is based on reversions from prior year appropriations.
29	40S0120	American Recovery And Reinvestment Act of 2009 Drug Court Improvement - Deduct					(1,125,000)	(1,125,000)	Technical Issue: Reapproval to transfer American Recovery and Reinvestment Act/ Drug Court Improvement funding to the State Attorneys and Public Defenders.
30	Total	PGM: JUSTICE ADMIN COMM	103.00	84,920,976	12,000,000	874,505	1,180,743	86,976,224	
31									
32		PGM: STW/GUARDIAN AD LITEM							
33	1100000	STARTUP (RECURRING LAW AND POLICY)	539.00	29,791,830		320,249		30,112,079	
34	Total	PGM: STW/GUARDIAN AD LITEM	539.00	29,791,830		320,249		30,112,079	
35									
36		PGM: CLERKS OF COURT							
37	1100000	STARTUP (RECURRING LAW AND POLICY)	7.00			453,114,312		453,114,312	
38	1706060	Transfer Of Clerks Of Court Operations Corporation	(7.00)			(1,734,000)		(1,734,000)	Removes funding for the Corporation from the General Appropriations Act. Conforming bill required to conform.
39	1706080	Transfer Clerks Of Court				(451,380,312)		(451,380,312)	Removes funding for the Clerks of Court from the General Appropriations Act. Conforming bill required to conform.
40	Total	PGM: CLERKS OF COURT							
41									
42		STATE ATTORNEYS							
43	1100000	STARTUP (RECURRING LAW AND POLICY)	5,993.75	309,276,332		53,559,346	21,870,047	384,705,725	
44	1600065	Reapproval Of Current Year Budget Amendments Over Base Budget				314,974		314,974	Reapproval of current year budget amendments and continued funding needed in 2010-2011.
45	1600270	Reapproval Of County Information Technology Agreement				696,750		696,750	Reapproval of current year budget amendments and continued funding needed in 2010-2011.
46	1600310	Reapproval Of Current Year Contractual Agreement					353,333	353,333	Reapproval of current year budget amendments and continued funding needed in 2010-2011.
47	1604030	Reapproval Of Violence Against Women Act (VAWA) Program					105,344	105,344	Reapproval of current year budget amendments and continued funding needed in 2010-2011.
48	1800300	Realign Budget Between Appropriation Categories - Deduct		(45,457)				(45,457)	Technical Issue: Realign budget between appropriation categories within the same budget entity.
49	1800400	Realign Budget Between Appropriation Categories - Add		45,457				45,457	Technical Issue: Realign budget between appropriation categories within the same budget entity.
50	2109900	Deduct Nonrecurring Budget Amendment Amounts					(590,888)	(590,888)	Reduction of nonrecurring portion of budget amendments approved in current year.
51	2600010	Annualization Of Stop Violence Against Women (VAWA) Grant					116	116	Technical issue for grants approved in current year and increase budget requested for 2010-2011.
52	2600310	Annualization Of Current Year Contractual Agreement					176,667	176,667	Technical issue for grants approved in current year and increase budget requested for 2010-2011.
53	2600340	Annualization Of County Information Technology Agreement				232,250		232,250	Technical issue for grants approved in current year and increase budget requested for 2010-2011.
54	2600360	Annualization Of Justice Assistance /Mortgage Fraud Reduction/American Recovery And Reinvestment Act Of 2009 (ARRA) Funding					322,750	322,750	Technical issue for grants approved in current year and increase budget requested for 2010-2011.
55	2600370	Annualization Of Justice Assistance /Violent Crimes And Gangs/American Recovery And Reinvestment Act Of 2009 (ARRA) Funding					305,596	305,596	Technical issue for grants approved in current year and increase budget requested for 2010-2011.

Criminal and Civil Justice Appropriations Committee

		Chair Recommendations FY 2010-11							
Line #	D3A Issue	D3A Issue Title	FTE	GENERAL REVENUE	NR GEN REVENUE	STATE TFS	FEDERAL TFS	ALL FUNDS	COMMENTS
56	3301500	State Attorney Reductions		(1,000,000)				(1,000,000)	Reduction (-0.3%) to the operational category and reflected in all 20 circuits.
57	34F0100	Transfer of Grants and Donations Trust Fund to State Attorneys Revenue Trust Fund - Add				17,366,263		17,366,263	Technical issue: Realign trust fund appropriations pursuant to s.215.32, F.S., and conforming bill.
58	34F0200	Transfer of Grants and Donations Trust Fund to State Attorneys Revenue Trust Fund - Deduct				(17,366,263)		(17,366,263)	Technical issue: Realign trust fund appropriations pursuant to s.215.32, F.S., and conforming bill.
59	3403020	State Attorney Operations - Deduct General Revenue		(1,750,000)				(1,750,000)	Fund shift from general revenue to the State Attorney Revenue Trust Fund. Funds are available due to increase revenue in cost to prosecution.
60	3403030	State Attorney Operations - Increase Trust Fund Authority				1,750,000		1,750,000	Fund shift from general revenue to the State Attorney Revenue Trust Fund. Funds are available due to increase revenue in cost to prosecution.
61	40S0020	Drug Court Improvement					750,000	750,000	Technical Issue: Reapproval to transfer American Recovery and Reinvestment Act/ Drug Court Improvement funding to the State Attorneys from the JAC.
62	40S0030	Reapproval Of Violence Against Women Act/American Recovery And Reinvestment Act Of 2009 (ARRA) Funding					746,262	746,262	Reapproval of current year budget amendments and continued grant funding needed in 2010-2011.
63	40S0040	Reapproval Of American Recovery And Reinvestment Act Of 2009 (ARRA) Grant Funding	3.00				576,453	576,453	Reapproval of current year budget amendments and continued grant funding needed in 2010-2011.
64	40S0050	Stop Violence Against Women Act/ American Recovery And Reinvestment Act Of 2009 (ARRA) Funding					45,982	45,982	Reapproval of current year budget amendments and continued grant funding needed in 2010-2011.
65	40S0060	Reapproval Of Justice Assistance/ Mortgage Fraud Reduction/American Recovery And Reinvestment Act Of 2009 (ARRA) Funding					852,116	852,116	Reapproval of current year budget amendments and continued grant funding needed in 2010-2011.
66	40S0070	Reapproval Of Justice Assistance/ Violent Crimes And Gangs/American Recovery And Reinvestment Act Of 2009 (ARRA) Funding					725,106	725,106	Reapproval of current year budget amendments and continued grant funding needed in 2010-2011.
67	4200130	Delete Civil Rico Trust Fund Authority				(31,959)		(31,959)	Reduces budget authority not supported by revenue.
68	Total	STATE ATTORNEYS	5,996.75	306,526,332		56,521,361	26,238,884	389,286,577	
69									
70		PUBLIC DEFENDERS							
71	1100000	STARTUP (RECURRING LAW AND POLICY)	2,757.00	160,766,711		26,742,190	97,914	187,606,815	
72	1600065	Reapproval Of Current Year Budget Amendments Over Base Budget				1,877,089		1,877,089	Reapproval of current year budget amendments and continued funding needed in 2010-2011.
73	1600430	Reapproval Of Federal Justice Assistance Grant					149,360	149,360	Reapproval of current year budget amendments and continued grant funding needed in 2010-2011.
74	1800610	Realignment Between Circuits - Deduct				(300,000)		(300,000)	Technical Issue: Realigns budget between the 15th Circuit and the appellate division.
75	2000100	Realignment of Administrative Expenditures - Add		112,680		30,000		142,680	Technical Issue: Realign budget between Public Defender and Public Defender Appellate budget entities.
76	2000200	Realignment of Administrative Expenditures - Deduct		(87,680)		(30,000)		(117,680)	Technical Issue: Realign budget between Public Defender and Public Defender Appellate budget entities.
77	3301600	Public Defender Reductions		(2,000,000)				(2,000,000)	Reduction (-1.2%) to the operational category and reflected in all 20 circuits.
78	3403000	Public Defender Operations - Deduct General Revenue		(1,750,000)				(1,750,000)	Fund shift from general revenue to the Indigent Criminal Defense Trust Fund. Funds are available due to increase revenue in fees collected due to change in 2009 session.
79	3403010	Public Defender Operations - Increase Trust Fund Authority				1,750,000		1,750,000	Fund shift from general revenue to the Indigent Criminal Defense Trust Fund. Funds are available due to increase revenue in fees collected due to change in 2009 session.

Criminal and Civil Justice Appropriations Committee

		Chair Recommendations FY 2010-11							
Line #	D3A Issue	D3A Issue Title	FTE	GENERAL REVENUE	NR GEN REVENUE	STATE TFS	FEDERAL TFS	ALL FUNDS	COMMENTS
80	40S0020	Drug Court Improvement					375,000	375,000	Technical Issue: Reapproval to transfer American Recovery and Reinvestment Act/ Drug Court Improvement funding to the Public Defenders from the JAC.
81	40S0040	Reapproval Of American Recovery And Reinvestment Act Of 2009 (ARRA) Grant Funding	2.00				118,656	118,656	Reapproval of current year budget amendments and continued grant funding needed in 2010-2011.
82	4300600	Deletion Of Unfunded Grants And Donations Trust Fund Authority				(32,399)		(32,399)	Reduces budget authority not supported by grants.
83	Total	PUBLIC DEFENDERS	2,759.00	157,041,711		30,036,880	740,930	187,819,521	
84									
85		PUBLIC DEFENDERS APPEL DIV							
86	1100000	STARTUP (RECURRING LAW AND POLICY)	178.00	13,504,432				13,504,432	
87	1800600	Realignment Between Circuits - Add				300,000		300,000	Technical Issue: Realigns budget between the 15th Circuit and the appellate division.
88	2000100	Realignment of Administrative Expenditures - Add		30,000		30,000		60,000	Technical Issue: Realign budget between Public Defender and Public Defender Appellate budget entities.
89	2000200	Realignment of Administrative Expenditures - Deduct		(55,000)		(30,000)		(85,000)	Technical Issue: Realign budget between Public Defender and Public Defender Appellate budget entities.
90	Total	PUBLIC DEFENDERS APPEL DIV	178.00	13,479,432		300,000		13,779,432	
91									
92		CAPITAL COLLATERAL REG COU							
93	1100000	STARTUP (RECURRING LAW AND POLICY)	73.00	6,808,841			200,000	7,008,841	
94	Total	CAPITAL COLLATERAL REG COU	73.00	6,808,841			200,000	7,008,841	
95									
96		REGIONAL CONFLICT COUNSELS							
97	1100000	STARTUP (RECURRING LAW AND POLICY)	386.00	34,599,029		1,104,051		35,703,080	
98	1600320	Reapproval Of County Agreements Pursuant to Section 29.008 Florida Statutes				19,690		19,690	Reapproval of current year budget amendments and continued technology funding needed in 2010-2011.
99	2000100	Realignment of Administrative Expenditures - Add		260,700				260,700	Technical Issue: Realign budget between appropriation categories within the same budget entity.
100	2000200	Realignment of Administrative Expenditures - Deduct		(260,700)				(260,700)	Technical Issue: Realign budget between appropriation categories within the same budget entity.
101	Total	REGIONAL CONFLICT COUNSELS	386.00	34,599,029		1,123,741		35,722,770	
102									
103		JUVENILE JUSTICE, DEPT OF							
104	1100000	STARTUP (RECURRING LAW AND POLICY)	4,856.00	411,100,903		131,523,432	62,518,574	605,142,909	
105	99A0000	STARTUP - RECURRING DEBT SERVICE (FCO)		1,806,244				1,806,244	
106	2503080	Direct Billing For Administrative Hearings		(11,012)				(11,012)	Statewide adjustment to provide agency's allocated payment to DOAH.
107	3200100	Reduction Of Excess Budget Authority					(261,440)	(261,440)	Reduces budget authority not supported by grants.
108	3200110	Reduction To Miami Beach Gang Grant					(313,229)	(313,229)	Reduces budget authority due to expiration of grant.
109	33B0055	Cost Savings from DMS Strategic Plan Lease/Cost Reduction Plan		(99,750)				(99,750)	This reduction reflects cost savings realized due to the consolidation of lease spaces.
110	33B0420	Reduce Contract Service Payments For Conditional Release Services		(730,700)				(730,700)	This issue reduces contracted aftercare and conditional release services (community supervision and intervention services) for juveniles released from residential facilities. The average stay in the program is 6 months and this reduction is estimated to impact approximately 110 slots for this period.

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		Chair Recommendations FY 2010-11							
Line #	D3A Issue	D3A Issue Title	FTE	GENERAL REVENUE	NR GEN REVENUE	STATE TFS	FEDERAL TFS	ALL FUNDS	COMMENTS
111	33B0520	Reduce Administrative Positions	(2.00)	(69,713)				(69,713)	Reduces two vacant positions in Executive Direction and Support Services.
112	33B0540	Eliminate Detention Bed Capacity At Underutilized Facilities	(52.00)	(716,972)		(2,250,627)	(20,223)	(2,987,822)	Reduction represents the closure of the fifty bed, East Hillsborough Detention Center.
113	33V6000	Reduce Vacant Positions	(49.00)	(2,062,486)				(2,062,486)	Reduces 33 positions in Probation (Juvenile Probation Officers) and 16 positions in Secure Residential (Juvenile Justice Residential Officers).
114	3300210	Eliminate Chief-Of-Staff Position	(1.00)	(139,877)				(139,877)	Eliminate one position in the Executive Direction and Administrative Support entity.
115	3300310	Reduce Non-Secure Bed Capacity Within The Residential Program		(4,400,000)				(4,400,000)	Reduce funding for low-risk and moderate risk non secure contracted beds. This reduction will impact approximately 125 vacant beds.
116	3300320	Reduce Secure Bed Capacity Within The Residential Program		(2,400,000)				(2,400,000)	Reduce funding for high-risk and maximum risk secure contracted beds. This reduction will impact approximately 53 vacant beds.
117	3300400	Reduce Excess Trust Authority				(100,000)	(47,820)	(147,820)	Reduces budget authority not supported by grants.
118	3301100	Reduce Travel Expenses		(106,000)				(106,000)	Reduces travel expenses in Executive Direction and Support Services. This is a 25% reduction of the 08/09 expenditures.
119	3301200	Reduce Wireless Services		(492,174)				(492,174)	Provides for a reduction in the area of cellular phones, personal digital assistants, and other wireless devices.
120	3309000	Reduce Unfunded Grants And Donations Trust Fund Budget Authority				(267,555)		(267,555)	Reduces budget authority not supported by grants.
121	5500110	Grants For Fiscally Constrained Counties - Detention Center Costs		5,581,332	5,581,332			5,581,332	Provides nonrecurring funding for the cost of detention care to the 29 fiscally constrained counties.
122	Total	JUVENILE JUSTICE, DEPT OF	4,752.00	407,259,795	5,581,332	128,905,250	61,875,862	598,040,907	
123									
124		LAW ENFORCEMENT, DEPT OF							
125	1100000	STARTUP (RECURRING LAW AND POLICY)	1,791.00	91,540,874		89,017,911	70,025,674	250,584,459	
126	2503080	Direct Billing For Administrative Hearings				(35,028)		(35,028)	Statewide adjustment to provide agency's allocated payment to DOAH.
127	3001550	Criminal History Records Growth Due To Mortgage Broker Applications	3.00			175,291		175,291	Provides additional positions and trust authority to support the expected increase in background checks as a result of the S.A.F.E. Mortgage Licensing Act of 2008.
128	3001750	Increase In Credit Card Service Charges - Criminal History Record Checks				371,946		371,946	Provides additional trust authority necessary to remit funds to credit card companies resulting from increased background checks paid by credit card companies and associated credit card charges.
129	3002300	Leverage Biometric Identification Workflow System For Employment, Licensing And Other Applicant Purposes	1.00			102,053		102,053	Provides one position and trust authority to provide greater technical ability of fingerprint search capability for employment/licensing purposes, bringing FDLE into compliance with federal regulation.
130	33V6000	Reduce Vacant Positions	(21.00)	(1,289,507)				(1,289,507)	Reduces vacant positions within Investigative Services and Crime Lab Services.
131	Total	LAW ENFORCEMENT, DEPT OF	1,774.00	90,251,367		89,632,173	70,025,674	249,909,214	
132									
133		LEGAL AFFAIRS/ATTY GENERAL							
134	1100000	STARTUP (RECURRING LAW AND POLICY)	1,318.50	36,195,946		89,818,750	47,294,558	173,309,254	
135	1601100	Increase In The 2009 Victims Of Crime Act Grant					4,790,000	4,790,000	Reapproval of a current year budget amendment.
136	1601110	American Recovery And Reinvestment Act (ARRA) Grant Funds Dedicated To Gang Prosecution					93,552	93,552	Reapproval of a current year budget amendment.
137	2503080	Direct Billing For Administrative Hearings				67,086		67,086	Statewide adjustment to provide agency's allocated payment to DOAH.

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		Chair Recommendations FY 2010-11							
Line #	D3A Issue	D3A Issue Title	FTE	GENERAL REVENUE	NR GEN REVENUE	STATE TFS	FEDERAL TFS	ALL FUNDS	COMMENTS
138	33V6000	Reduce Vacant Positions	(17.50)	(1,220,195)				(1,220,195)	Reduces vacant positions within Civil Enforcement, Executive Direction and Office of Statewide Prosecution.
139	3400150	Transfer Funding From Trust Funds To General Revenue - Deduct (Crime Stoppers)				(3,500,000)		(3,500,000)	A nonrecurring fund shift to provide general revenue for the G/A Crime Stoppers category.
140	3400160	Transfer Funding From Trust Funds To General Revenue - Add (Crime Stoppers)		3,500,000	3,500,000			3,500,000	A nonrecurring fund shift to provide general revenue for the G/A Crime Stoppers category.
141	4009010	Restore Trust Fund Authority				2,000,000		2,000,000	Provides nonrecurring trust authority to maintain a portion of the nonrecurring funding provided in the current year.
142	4009040	Medicaid Fraud Control Unit - Rewards For Informants				2,000,000		2,000,000	Provides trust authority to disburse reward money to people reporting or providing information relating to Medicaid Fraud.
143	Total	LEGAL AFFAIRS/ATTY GENERAL	1,301.00	38,475,751	3,500,000	90,385,836	52,178,110	181,039,697	
144									
145		PAROLE COMMISSION							
146	1100000	STARTUP (RECURRING LAW AND POLICY)	128.00	8,160,229				8,160,229	
147	1600100	Federal Grants Trust Fund Authority For Victims Of Crime Act (VOCA) Grant Reimbursement					45,962	45,962	Provides budget authority for federal VOCA grants awarded through the Office of the Attorney General.
148	Total		128.00	8,160,229			45,962	8,206,191	
149									
150		STATE COURT SYSTEM							
151	1100000	STARTUP (RECURRING LAW AND POLICY)	4,325.50	135,445,251		290,773,089	27,499,978	453,718,318	
152	160F050	Transfer Of Contracted Services To Other Personal Services - Add				7,397		7,397	Technical issue: Reapproval of current year budget amendment transferring budget between categories.
153	160F060	Transfer Of Contracted Services To Other Personal Services - Deduct				(7,397)		(7,397)	Technical issue: Reapproval of current year budget amendment transferring budget between categories.
154	1600320	Appropriation Category Transfer - Expense				(38,000)		(38,000)	Technical issue: Reapproval of current year budget amendment transferring budget between categories.
155	1600710	Appropriation Category Transfer - Expense				(50,000)		(50,000)	Technical issue: Reapproval of current year budget amendment transferring budget between categories.
156	1600720	Appropriation Category Transfer - Contracted Services				50,000		50,000	Technical issue: Reapproval of current year budget amendment transferring budget between categories.
157	1604210	Appropriation Category Transfer - Other Personal Services				38,000		38,000	Technical issue: Reapproval of current year budget amendment transferring budget between categories.
158	3005010	Foreclosure And Economic Recovery Funding Proposal				1,000,000		1,000,000	Provides funding to support the backlogged civil and foreclosure cases in the court system.
159	3005020	Civil Legal Assistance for Foreclosure Cases				1,000,000		1,000,000	Provides funding to support the backlogged civil and foreclosure cases in the court system.
160	33V0010	Reduce District Court Of Appeal				(100,000)		(100,000)	Reduces trust fund authority based on efficiencies gained through e-filing initiative in the 1st DCA.
161	34F1000	Trust Fund Realignment Deduct				(6,431,686)		(6,431,686)	Technical issue: Realign trust fund appropriations pursuant to s.215.32, F.S., and conforming bill.
162	34F2000	Trust Fund Realignment Add				6,431,686		6,431,686	Technical issue: Realign trust fund appropriations pursuant to s.215.32, F.S., and conforming bill.
163	3403000	State Courts System Operations - Deduct General Revenue		(50,000,000)				(50,000,000)	Fund shift funding from general revenue to the State Courts Revenue Trust Fund. Fund shift is available due to revenue from increased filing fees.
164	3403010	State Courts System Operations - Increase Trust Fund Authority				50,000,000		50,000,000	Fund shift funding from general revenue to the State Courts Revenue Trust Fund. Fund shift is available due to revenue from increased filing fees.

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			Chair Recommendations FY 2010-11						
Line #	D3A Issue	D3A Issue Title	FTE	GENERAL REVENUE	NR GEN REVENUE	STATE TFS	FEDERAL TFS	ALL FUNDS	COMMENTS
165	40S0030	Expansion Of Drug Courts Implementation Plan-Add					8,816,612	8,816,612	Technical Issue: Transfer between categories and reapproval of current year budget amendments and continued grant funding needed in 2010-2011. This allows for the second year funding within the nine judicial circuits (First, Fourth, Fifth, Sixth, Seventh, Ninth, Tenth, Thirteenth and the Seventeenth).
166	40S0040	Expansion Of Drug Courts Implementation Plan-Deduct					(8,816,612)	(8,816,612)	Technical Issue: Transfer between categories and reapproval of current year budget amendments and continued grant funding needed in 2010-2011. This allows for the second year funding within the nine judicial circuits (First, Fourth, Fifth, Sixth, Seventh, Ninth, Tenth, Thirteenth and the Seventeenth).
167	7000290	1St District Court Of Appeal - Rent				833,230		833,230	Provides funding for 6 months of rent for the 1st DCA.
168	990M000	Maintenance And Repair				1,542,112		1,542,112	Provides funding for maintenance and repairs to the Supreme Court and the District Court of Appeal Buildings.
169	Total		4,325.50	85,445,251		345,048,431	27,499,978	457,993,660	
170	CCJ	Grand Total	52,514.25	3,592,700,000	21,840,929	788,025,675	278,762,203	4,659,487,878	