

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. 11.90, F.S.; providing additional
 5 powers and duties of the Legislative Budget Commission;
 6 amending s. 28.241, F.S.; revising distributions of filing
 7 fees for trial and appellate proceedings; amending s.
 8 28.2455, F.S.; correcting references to the Clerks of the
 9 Court Trust Fund; amending s. 28.246, F.S.; conforming
 10 provisions relating to the transfer of the Clerks of the
 11 Court Trust Fund; amending s. 28.35, F.S.; deleting
 12 provisions relating to housing the Florida Clerks of Court
 13 Operations Corporation within the Justice Administrative
 14 Commission, to specifying the corporation as a budget
 15 entity of the commission, and to specifying corporation
 16 employees as commission employees; revising membership of
 17 the corporation's executive council; specifying that the
 18 corporation is subject to certain procurement
 19 requirements; revising and expanding the duties and
 20 responsibilities of the corporation relating to budget
 21 requests; providing definitions; requiring the corporation
 22 to submit certain budgets and information to the
 23 Legislative Budget Commission; providing duties and
 24 responsibilities of the commission; deleting a requirement
 25 that clerks of court submit certain financial audit
 26 information to the Supreme Court; amending s. 28.36, F.S.;
 27 revising required budget procedures for budget requests
 28 for funding court-related functions of the clerks of

29 | court; revising duties of the corporation; deleting
 30 | provisions relating to quarterly releases of funds to
 31 | clerks by the corporation; creating s. 28.365, F.S.;
 32 | subjecting clerks of the courts to certain procurement
 33 | requirements and limitations; amending s. 28.37, F.S.;
 34 | revising requirements for distribution of fines, fees,
 35 | service charges, and court costs collected by clerks of
 36 | the court; amending s. 28.43, F.S.; conforming provisions
 37 | relating to the transfer of the Clerks of the Court Trust
 38 | Fund; amending s. 34.041, F.S.; revising requirements for
 39 | distribution of certain filing fees collected by clerks of
 40 | the court; requiring certain filing fees to be retained as
 41 | fee income of the office of the clerk of the circuit
 42 | court; amending s. 43.16, F.S.; deleting provisions
 43 | including the Florida Clerks of Court Operations
 44 | Corporation under provisions relating to the Justice
 45 | Administrative Commission; amending s. 110.205, F.S.;
 46 | deleting an exemption from career service for and
 47 | employees of the Florida Clerks of Court Operations
 48 | Corporation officers; amending s. 142.01, F.S.; conforming
 49 | provisions to the transfer of the Clerks of the Court
 50 | Trust Fund; amending s. 213.131, F.S.; specifying the
 51 | creation of the Clerks of the Court Trust Fund within the
 52 | Department of Revenue; providing for credit of certain
 53 | funds to the trust fund; amending s. 216.011, F.S.;
 54 | deleting a reference to the Florida Clerks of Court
 55 | Operations Corporation as a state agency; providing for

PCB JUAS 11-12

ORIGINAL

2011

56 approved budgets of the clerks of the circuit court for a
 57 specified period; providing an effective date.

58

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

60

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

65 Section 2. Subsection (6) of section 11.90, Florida
 66 Statutes, is amended to read:

67 11.90 Legislative Budget Commission.—

68 (6) The commission shall have the power and duty to:

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

72 (b) Develop the long-range financial outlook described in
 73 s. 19, Art. III of the State Constitution.

74 (c) Review and approve, disapprove, or amend the budget of
 75 the Florida Clerks of Court Operations Corporation.

76 (d) Review, approve, disapprove, or amend the total
 77 combined budgets of the clerks of court or the budget of any
 78 individual clerk of court.

79 ~~(e) In addition to the powers and duties specified in this~~
 80 ~~subsection, the commission shall~~ Exercise all other powers and
 81 perform any other duties prescribed by the Legislature.

82 Section 3. Paragraph (a) of subsection (1) of section
 83 28.241, Florida Statutes, is amended to read:

PCB JUAS 11-12

ORIGINAL

2011

84 28.241 Filing fees for trial and appellate proceedings.—
 85 (1) (a) 1.a. Except as provided in sub-subparagraph b. and
 86 subparagraph 2., the party instituting any civil action, suit,
 87 or proceeding in the circuit court shall pay to the clerk of
 88 that court a filing fee of up to \$395 in all cases in which
 89 there are not more than five defendants and an additional filing
 90 fee of up to \$2.50 for each defendant in excess of five. Of the
 91 first \$265 in filing fees, \$80 must be remitted by the clerk to
 92 the Department of Revenue for deposit into the General Revenue
 93 Fund, \$180 must be remitted to the Department of Revenue for
 94 deposit into the State Courts Revenue Trust Fund, and \$5 ~~\$3.50~~
 95 must be remitted to the Department of Revenue for deposit into
 96 the Administrative Clerks of the Court Trust Fund within the
 97 Department of Financial Services ~~Justice Administrative~~
 98 ~~Commission~~ and used to fund the contract with the Florida Clerks
 99 of Court Operations Corporation created in s. 28.35, ~~and \$1.50~~
 100 ~~shall be remitted to the Department of Revenue for deposit into~~
 101 ~~the Administrative Trust Fund within the Department of Financial~~
 102 ~~Services to fund clerk budget reviews conducted by the~~
 103 ~~Department of Financial Services.~~ The next \$15 of the filing fee
 104 collected shall be deposited in the state courts' Mediation and
 105 Arbitration Trust Fund. One third of any filing fees collected
 106 by the clerk of the circuit court in excess of \$100 shall be
 107 remitted to the Department of Revenue for deposit into the
 108 department's Clerks of the Court Trust Fund ~~within the Justice~~
 109 ~~Administrative Commission.~~
 110 b. The party instituting any civil action, suit, or
 111 proceeding in the circuit court under chapter 39, chapter 61,

PCB JUAS 11-12

ORIGINAL

2011

112 chapter 741, chapter 742, chapter 747, chapter 752, or chapter
 113 753 shall pay to the clerk of that court a filing fee of up to
 114 \$295 in all cases in which there are not more than five
 115 defendants and an additional filing fee of up to \$2.50 for each
 116 defendant in excess of five. Of the first \$165 in filing fees,
 117 \$80 must be remitted by the clerk to the Department of Revenue
 118 for deposit into the General Revenue Fund, \$80 must be remitted
 119 to the Department of Revenue for deposit into the State Courts
 120 Revenue Trust Fund, and \$5 ~~\$3.50~~ must be remitted to the
 121 Department of Revenue for deposit into the Administrative Clerks
 122 ~~of the Court~~ Trust Fund within the Department of Financial
 123 Services ~~Justice Administrative Commission~~ and used to fund the
 124 contract with the Florida Clerks of Court Operations Corporation
 125 created in s. 28.35, ~~and \$1.50 shall be remitted to the~~
 126 ~~Department of Revenue for deposit into the Administrative Trust~~
 127 ~~Fund within the Department of Financial Services to fund clerk~~
 128 ~~budget reviews conducted by the Department of Financial~~
 129 ~~Services~~. The next \$15 of the filing fee collected shall be
 130 deposited in the state courts' Mediation and Arbitration Trust
 131 Fund.

132 c. An additional filing fee of \$4 shall be paid to the
 133 clerk. The clerk shall remit \$3.50 to the Department of Revenue
 134 for deposit into the Court Education Trust Fund and shall remit
 135 50 cents to the Department of Revenue for deposit into the
 136 department's Clerks of the Court Trust Fund ~~within the Justice~~
 137 ~~Administrative Commission~~ to fund clerk education. An additional
 138 filing fee of up to \$18 shall be paid by the party seeking each
 139 severance that is granted. The clerk may impose an additional

140 filing fee of up to \$85 for all proceedings of garnishment,
 141 attachment, replevin, and distress. Postal charges incurred by
 142 the clerk of the circuit court in making service by certified or
 143 registered mail on defendants or other parties shall be paid by
 144 the party at whose instance service is made. No additional fees,
 145 charges, or costs shall be added to the filing fees imposed
 146 under this section, except as authorized in this section or by
 147 general law.

148 2.a. Notwithstanding the fees prescribed in subparagraph
 149 1., a party instituting a civil action in circuit court relating
 150 to real property or mortgage foreclosure shall pay a graduated
 151 filing fee based on the value of the claim.

152 b. A party shall estimate in writing the amount in
 153 controversy of the claim upon filing the action. For purposes of
 154 this subparagraph, the value of a mortgage foreclosure action is
 155 based upon the principal due on the note secured by the
 156 mortgage, plus interest owed on the note and any moneys advanced
 157 by the lender for property taxes, insurance, and other advances
 158 secured by the mortgage, at the time of filing the foreclosure.
 159 The value shall also include the value of any tax certificates
 160 related to the property. In stating the value of a mortgage
 161 foreclosure claim, a party shall declare in writing the total
 162 value of the claim, as well as the individual elements of the
 163 value as prescribed in this sub-subparagraph.

164 c. In its order providing for the final disposition of the
 165 matter, the court shall identify the actual value of the claim.
 166 The clerk shall adjust the filing fee if there is a difference
 167 between the estimated amount in controversy and the actual value

PCB JUAS 11-12

ORIGINAL

2011

168 of the claim and collect any additional filing fee owed or
 169 provide a refund of excess filing fee paid.

170 d. The party shall pay a filing fee of:

171 (I) Three hundred and ninety-five dollars in all cases in
 172 which the value of the claim is \$50,000 or less and in which
 173 there are not more than five defendants. The party shall pay an
 174 additional filing fee of up to \$2.50 for each defendant in
 175 excess of five. Of the first \$265 in filing fees, \$80 must be
 176 remitted by the clerk to the Department of Revenue for deposit
 177 into the General Revenue Fund, \$180 must be remitted to the
 178 Department of Revenue for deposit into the State Courts Revenue
 179 Trust Fund, and \$5 ~~\$3.50~~ must be remitted to the Department of
 180 Revenue for deposit into the Administrative Clerks of the Court
 181 Trust Fund within the Department of Financial Services ~~Justice~~
 182 ~~Administrative Commission~~ and used to fund the contract with the
 183 Florida Clerks of Court Operations Corporation created in s.
 184 28.35, ~~and \$1.50 shall be remitted to the Department of Revenue~~
 185 ~~for deposit into the Administrative Trust Fund within the~~
 186 ~~Department of Financial Services to fund clerk budget reviews~~
 187 ~~conducted by the Department of Financial Services.~~ The next \$15
 188 of the filing fee collected shall be deposited in the state
 189 courts' Mediation and Arbitration Trust Fund;

190 (II) Nine hundred dollars in all cases in which the value
 191 of the claim is more than \$50,000 but less than \$250,000 and in
 192 which there are not more than five defendants. The party shall
 193 pay an additional filing fee of up to \$2.50 for each defendant
 194 in excess of five. Of the first \$770 in filing fees, \$80 must be
 195 remitted by the clerk to the Department of Revenue for deposit

PCB JUAS 11-12

ORIGINAL

2011

196 into the General Revenue Fund, \$685 must be remitted to the
 197 Department of Revenue for deposit into the State Courts Revenue
 198 Trust Fund, and \$5 ~~\$3.50~~ must be remitted to the Department of
 199 Revenue for deposit into the Administrative Clerks of the Court
 200 Trust Fund within the Department of Financial Services Justice
 201 ~~Administrative Commission~~ and used to fund the contract with the
 202 Florida Clerks of Court Operations Corporation described in s.
 203 28.35, ~~and \$1.50 shall be remitted to the Department of Revenue~~
 204 ~~for deposit into the Administrative Trust Fund within the~~
 205 ~~Department of Financial Services to fund clerk budget reviews~~
 206 ~~conducted by the Department of Financial Services.~~ The next \$15
 207 of the filing fee collected shall be deposited in the state
 208 courts' Mediation and Arbitration Trust Fund; or

209 (III) One thousand nine hundred dollars in all cases in
 210 which the value of the claim is \$250,000 or more and in which
 211 there are not more than five defendants. The party shall pay an
 212 additional filing fee of up to \$2.50 for each defendant in
 213 excess of five. Of the first \$1,770 in filing fees, \$80 must be
 214 remitted by the clerk to the Department of Revenue for deposit
 215 into the General Revenue Fund, \$1,685 must be remitted to the
 216 Department of Revenue for deposit into the State Courts Revenue
 217 Trust Fund, and \$5 ~~\$3.50~~ must be remitted to the Department of
 218 Revenue for deposit into the Administrative Clerks of the Court
 219 Trust Fund within the Department of Financial Services Justice
 220 ~~Administrative Commission~~ to fund the contract with the Florida
 221 Clerks of Court Operations Corporation created in s. 28.35, ~~and~~
 222 ~~\$1.50 shall be remitted to the Department of Revenue for deposit~~
 223 ~~into the Administrative Trust Fund within the Department of~~

PCB JUAS 11-12

ORIGINAL

2011

224 ~~Financial Services to fund clerk budget reviews conducted by the~~
 225 ~~Department of Financial Services.~~ The next \$15 of the filing fee
 226 collected shall be deposited in the state courts' Mediation and
 227 Arbitration Trust Fund.

228 e. An additional filing fee of \$4 shall be paid to the
 229 clerk. The clerk shall remit \$3.50 to the Department of Revenue
 230 for deposit into the Court Education Trust Fund and shall remit
 231 50 cents to the Department of Revenue for deposit into the
 232 department's Clerks of the Court Trust Fund ~~within the Justice~~
 233 ~~Administrative Commission~~ to fund clerk education. An additional
 234 filing fee of up to \$18 shall be paid by the party seeking each
 235 severance that is granted. The clerk may impose an additional
 236 filing fee of up to \$85 for all proceedings of garnishment,
 237 attachment, replevin, and distress. Postal charges incurred by
 238 the clerk of the circuit court in making service by certified or
 239 registered mail on defendants or other parties shall be paid by
 240 the party at whose instance service is made. No additional fees,
 241 charges, or costs shall be added to the filing fees imposed
 242 under this section, except as authorized in this section or by
 243 general law.

244 Section 4. Section 28.2455, Florida Statutes, is amended
 245 to read:

246 28.2455 Transfer of trust funds in excess of amount needed
 247 for clerk budgets.—By June 20th of each year, the Florida Clerks
 248 of Court Operations Corporation shall identify the amount of
 249 funds in the Clerks of the Court Trust Fund in excess of the
 250 amount needed to fund the approved clerk of court budgets for
 251 the current state fiscal year. The Justice Administrative

PCB JUAS 11-12

ORIGINAL

2011

252 Commission shall transfer the amount identified by the
 253 corporation from the Clerks of the Court Trust Fund to the
 254 General Revenue Fund by June 25th of each year.

255 Section 5. Paragraph (b) of subsection (5) of section
 256 28.246, Florida Statutes, is amended to read:

257 28.246 Payment of court-related fees, charges, and costs;
 258 partial payments; distribution of funds.—

259 (5) When receiving partial payment of fees, service
 260 charges, court costs, and fines, clerks shall distribute funds
 261 according to the following order of priority:

262 (b) That portion of fees, service charges, court costs,
 263 and fines which are required to be retained by the clerk of the
 264 court or deposited into the Clerks of the Court Trust Fund
 265 within the Department of Revenue ~~Justice Administrative~~
 266 ~~Commission~~.

267
 268 To offset processing costs, clerks may impose either a per-month
 269 service charge pursuant to s. 28.24(26) (b) or a one-time
 270 administrative processing service charge at the inception of the
 271 payment plan pursuant to s. 28.24(26) (c).

272 Section 6. Section 28.35, Florida Statutes, is amended to
 273 read:

274 28.35 Florida Clerks of Court Operations Corporation.—

275 (1) (a) The Florida Clerks of Court Operations Corporation
 276 is created as a public corporation organized to perform the
 277 functions specified in this section ~~and s. 28.36 and shall be~~
 278 ~~administratively housed within the Justice Administrative~~
 279 ~~Commission. The corporation shall be a budget entity within the~~

PCB JUAS 11-12

ORIGINAL

2011

280 ~~Justice Administrative Commission, and its employees shall be~~
 281 ~~considered state employees. The corporation is not subject to~~
 282 ~~control, supervision, or direction by the Justice Administrative~~
 283 ~~Commission in the performance of its duties, but the employees~~
 284 ~~of the corporation shall be governed by the classification plan~~
 285 ~~and salary and benefits plan of the Justice Administrative~~
 286 ~~Commission. The classification plan must have a separate chapter~~
 287 ~~for the corporation.~~ All clerks of the circuit court shall be
 288 members of the corporation and hold their position and authority
 289 in an ex officio capacity. The functions assigned to the
 290 corporation shall be performed by an executive council pursuant
 291 to the plan of operation approved by the members.

292 (b) The executive council shall be composed of eight
 293 clerks of the court elected by the clerks of the courts for a
 294 term of 2 years, with two clerks from counties with a population
 295 of fewer than 100,000, two clerks from counties with a
 296 population of at least 100,000 but fewer than 500,000, two
 297 clerks from counties with a population of at least 500,000 but
 298 fewer than 1 million, and two clerks from counties with a
 299 population of more than 1 million. ~~The executive council shall~~
 300 ~~also include, as ex officio members, a designee of the President~~
 301 ~~of the Senate and a designee of the Speaker of the House of~~
 302 ~~Representatives. The Chief Justice of the Supreme Court shall~~
 303 ~~designate one additional member to represent the state courts~~
 304 ~~system.~~

305 (c) The corporation shall be considered a political
 306 subdivision of the state and shall be exempt from the corporate
 307 income tax. The corporation is ~~not~~ subject to the procurement

308 provisions of chapter 287 ~~120~~.

309 (d) The functions assigned to the corporation under this
 310 section and ss. 28.36 and 28.37 are considered to be for a valid
 311 public purpose.

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

314 (a) Adopting a plan of operation.

315 (b) Conducting the election of directors as required in
 316 paragraph (1) (a).

317 (c) Recommending to the Legislature changes in the various
 318 court-related fines, fees, service charges, and court costs
 319 established by law to ensure reasonable and adequate funding of
 320 the clerks of the court in the performance of their court-
 321 related functions.

322 (d) Developing and certifying a uniform system of
 323 performance measures and applicable workload performance
 324 standards for the functions specified in paragraph (3) (a) and
 325 ~~the service unit costs required in s. 28.36 and measures for~~
 326 clerk workload performance in meeting the workload performance
 327 standards. These workload performance measures and workload
 328 performance standards shall be designed to facilitate an
 329 objective determination of the performance of each clerk in
 330 accordance with minimum standards for fiscal management,
 331 operational efficiency, and effective collection of fines, fees,
 332 service charges, and court costs. The corporation shall develop
 333 the workload performance measures and workload performance
 334 standards in consultation with the Legislature ~~and the Supreme~~
 335 ~~Court. The Legislature may modify the clerk performance measures~~

PCB JUAS 11-12

ORIGINAL

2011

336 ~~and performance standards in legislation implementing the~~
337 ~~General Appropriations Act or other law.~~ When the corporation
338 finds a clerk has not met the workload performance standards,
339 the corporation shall identify the nature of each deficiency and
340 any corrective action recommended and taken by the affected
341 clerk of the court. The corporation shall notify the Legislature
342 ~~and the Supreme Court~~ of any clerk not meeting workload
343 performance standards and provide a copy of any corrective
344 action plans. For the purposes of this section, the term:

345 1. "Workload performance measures" means the measurement
346 of the activities and frequency of the work required for the
347 clerk to adequately perform the court-related duties of the
348 office.

349 2. "Workload performance standards" means the standards
350 developed to measure the timeliness and effectiveness of the
351 activities that are accomplished by the clerk in the performance
352 of the court-related duties of the office.

353 (e) Pursuant to contract with the Chief Financial Officer,
354 establishing a process for the review of proposed court-related
355 budgets submitted by clerks of the court for completeness and
356 compliance with this section and ss. 28.36 and 28.37. Such
357 process shall be designed and be of sufficient detail to permit
358 independent verification and validation of such budgets. The
359 contract shall specify the process to be used in determining
360 compliance by the corporation with this section and ss. 28.36
361 and 28.37 and shall require the corporation to determine the
362 minimum amount of revenue necessary for each clerk of court to
363 efficiently perform the list of court-related functions

PCB JUAS 11-12

ORIGINAL

2011

364 specified in paragraph (3)(a) in its budget review and approval
365 process.

366 (f)(e) Reviewing and certifying proposed budgets submitted
367 by clerks of the court using the process approved by the Chief
368 Financial Officer pursuant to paragraph (e) for the purpose of
369 making the certification in paragraph (3)(a). As part of this
370 process, the corporation shall: pursuant to s. 28.36.

371 1. Calculate the minimum amount of revenue necessary for
372 each clerk of court to efficiently perform the list of court-
373 related functions specified in paragraph (3)(a).

374 2. Prepare a cost comparison of similarly situated clerks
375 of court, based on county population and numbers of filings,
376 using the standard list of court-related functions specified in
377 paragraph (3)(a).

378 3. Conduct an annual base budget review and an annual
379 budget exercise examining the total budget of each clerk of
380 court. The review shall examine revenues from all sources,
381 expenses of court-related functions, and expenses of non-court-
382 related functions as necessary to determine that court-related
383 revenues are not being used for non-court-related purposes.
384 Funds paid by a clerk to join or be a member of any group or
385 organization shall be separately listed and the benefits
386 received from any such group or organization described in
387 detail. The review and exercise shall identify potential
388 targeted budget reductions in the percentage amount provided in
389 Schedule VIII-B of the state's prior year's legislative budget
390 instructions, as referenced in s. 216.023(3), or an equivalent
391 schedule or instruction as may be adopted by the Legislature.

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

395 5. Identify those clerks projected to have court-related
 396 revenues insufficient to fund their anticipated court-related
 397 expenditures.

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

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

402 (i) By August 1 of each year, submitting to the
 403 Legislative Budget Commission, as provided in s. 11.90, its
 404 proposed budget and the information described in paragraph (f),
 405 as well as the approved budgets for each clerk of court and the
 406 corporation. By September 15 of each year, the Legislative
 407 Budget Commission shall consider the submitted budgets and shall
 408 approve, disapprove, or amend the corporation's budget and shall
 409 approve, disapprove, or amend and approve the total of the
 410 clerks' combined budgets or any individual clerk's budget. If
 411 the Legislative Budget Commission fails to approve or amend the
 412 clerks' combined budgets by September 15, the clerk shall
 413 continue to perform the court-related functions based upon the
 414 clerk's approved budget for the preceding county fiscal year. If
 415 the Legislative Budget Commission fails to approve or amend the
 416 corporation's budget by September 15, the clerk shall continue
 417 to operate based upon the corporation's approved budget for the
 418 preceding county fiscal year.

419 (3) (a) The list of court-related functions that clerks may

PCB JUAS 11-12

ORIGINAL

2011

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

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

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

444 (4) The corporation shall ~~prepare a legislative budget~~
 445 ~~request for the resources necessary to perform its duties,~~
 446 ~~submit the request pursuant to chapter 216, and be funded~~
 447 pursuant to a contract with the Chief Financial Officer. Funds

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

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

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

473 Section 7. Section 28.36, Florida Statutes, is amended to
 474 read:

475 28.36 Budget procedure.—There is established a budget

PCB JUAS 11-12

ORIGINAL

2011

476 procedure ~~for preparing budget requests for funding~~ for the
 477 court-related functions of the clerks of the court.

478 (1) Only those functions on the standard list developed
 479 pursuant to s. 28.35(3)(a) may be funded from fees, service
 480 charges, court costs, and fines retained by the clerks of the
 481 court. For the county fiscal year beginning October 1, 2011, and
 482 for each county fiscal year thereafter, each clerk of court
 483 shall prepare a budget request for court-related expenditures
 484 that the last quarter of the county fiscal year and the first
 485 three quarters of the next county fiscal year. The proposed
 486 ~~budget~~ shall be prepared, summarized, and submitted by the clerk
 487 in each county to the Florida Clerks of Court Operations
 488 Corporation in the manner and form prescribed by the corporation
 489 to meet the requirements of law. ~~Each clerk shall forward a copy~~
 490 ~~of his or her budget request to the Supreme Court.~~ The budget
 491 requests must be provided to the corporation by June ~~October~~ 1
 492 of the each year before the year of the budget.

493 (2) Each proposed budget shall also conform to the
 494 requirements of this subsection. On or before June 1 for each
 495 fiscal year thereafter, the clerk of the court in each county
 496 shall prepare, summarize, and submit a proposed budget to the
 497 Florida Clerks of Court Operations Corporation in the manner and
 498 form prescribed by the corporation. However, at a minimum, the
 499 proposed budgets shall include for each clerk the information
 500 required by s. 28.35(2)(f) and shall specify any salary
 501 increases or any bonuses anticipated to be made to employees of
 502 the office performing court-related duties. The proposed budget
 503 must provide detailed information on the anticipated revenues

504 available and expenditures necessary for the performance of the
 505 standard list of court-related functions of the clerk's office
 506 developed pursuant to s. 28.35(3) (a) for the county fiscal year
 507 beginning the following October 1. The Florida Clerks of Court
 508 Operations Corporation shall also prepare its proposed budget by
 509 July 1 of each year ~~elrk shall include in his or her budget~~
 510 ~~request a projection of the amount of court-related fees,~~
 511 ~~service charges, and any other court-related clerk fees which~~
 512 ~~will be collected during the proposed budget period. If the~~
 513 ~~corporation determines that the proposed budget is limited to~~
 514 ~~the standard list of court-related functions in s. 28.35(3) (a)~~
 515 ~~and the projected court-related revenues are less than the~~
 516 ~~proposed budget, the clerk shall increase all fees, service~~
 517 ~~charges, and any other court-related clerk fees and charges to~~
 518 ~~the maximum amounts specified by law or the amount necessary to~~
 519 ~~resolve the deficit, whichever is less.~~

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

532 ~~following core services:~~

533 ~~(a) Circuit criminal.~~

534 ~~(b) County criminal.~~

535 ~~(c) Juvenile delinquency.~~

536 ~~(d) Criminal traffic.~~

537 ~~(e) Circuit civil.~~

538 ~~(f) County civil.~~

539 ~~(g) Civil traffic.~~

540 ~~(h) Probate.~~

541 ~~(i) Family.~~

542 ~~(j) Juvenile dependency.~~

543

544 ~~Central administrative costs shall be allocated among the core-~~
 545 ~~services categories.~~

546 (4) If a clerk of the court estimates that available funds
 547 plus projected revenues from fines, fees, service charges, and
 548 costs for court-related services are insufficient to meet the
 549 anticipated expenditures for the standard list of court-related
 550 functions in s. 28.35(3) (a) performed by his or her office, the
 551 clerk must report the revenue deficit to the corporation in the
 552 manner and form prescribed by the corporation pursuant to
 553 contract with the Chief Financial Officer. The corporation shall
 554 verify that the proposed budget is limited to the standard list
 555 of court-related functions in s. 28.35(3) (a) and that any
 556 reported deficit funding is necessary for the clerk to
 557 adequately perform the court-related duties based on workload.

558 (a) If the corporation verifies that the proposed budget
 559 is limited to the standard list of court-related functions in s.

PCB JUAS 11-12

ORIGINAL

2011

560 28.35(3) (a) and a revenue deficit is projected, a clerk seeking
 561 to retain revenues pursuant to this subsection shall increase
 562 all fees, service charges, and any other court-related clerk
 563 fees and charges to the maximum amounts specified by law or the
 564 amount necessary to resolve the deficit, whichever is less. If,
 565 after increasing fees, service charges, and any other court-
 566 related clerk fees and charges to the maximum amounts specified
 567 by law, a revenue deficit is still projected, the corporation
 568 shall, pursuant to the terms of the contract with the Chief
 569 Financial Officer, certify a revenue deficit and notify the
 570 Department of Revenue that the clerk is authorized to retain
 571 revenues, in an amount necessary to fully fund the projected
 572 revenue deficit, which he or she would otherwise be required to
 573 remit to the Department of Revenue for deposit into the
 574 department's Clerks of the Court Trust Fund pursuant to s.
 575 28.37. If a revenue deficit is projected for that clerk after
 576 retaining all of the projected collections from the court-
 577 related fines, fees, service charges, and costs, the Department
 578 of Revenue shall certify the amount of the revenue deficit
 579 amount to the Executive Office of the Governor and request
 580 release authority for funds appropriated for this purpose from
 581 the department's Clerks of the Court Trust Fund. Notwithstanding
 582 the provisions of s. 216.192 relating to the release of funds,
 583 the Executive Office of the Governor may approve the release of
 584 funds appropriated to resolve projected revenue deficits in
 585 accordance with the notice, review, and objection procedures set
 586 forth in s. 216.177 and shall provide notice to the Chief
 587 Financial Officer. The Department of Revenue shall request

588 monthly distributions from the Chief Financial Officer in equal
 589 amounts to each clerk certified to have a revenue deficit, in
 590 accordance with the releases approved by the Governor.

591 (b) If the Chief Financial Officer finds the court-related
 592 budget proposed by a clerk includes functions not included in
 593 the standard list of court-related functions in s. 28.35(3)(a),
 594 the Chief Financial Officer shall notify the clerk of the amount
 595 of the proposed budget not eligible to be funded from fines,
 596 fees, service charges, and costs for court-related functions and
 597 shall identify appropriate corrective measures to ensure budget
 598 integrity. The clerk shall immediately discontinue all
 599 ineligible expenditures of court-related funds for non-court-
 600 related functions and reimburse the Clerks of the Court Trust
 601 Fund for any previously ineligible expenditures made for non-
 602 court-related functions, and shall implement any corrective
 603 actions identified by the Chief Financial Officer.

604 ~~(4) The budget request must identify the service units to~~
 605 ~~be provided within each core service. The service units shall be~~
 606 ~~developed by the corporation, in consultation with the Supreme~~
 607 ~~Court, the Chief Financial Officer, and the appropriations~~
 608 ~~committees of the Senate and the House of Representatives.~~

609 ~~(5) The budget request must propose a unit cost for each~~
 610 ~~service unit. The corporation shall provide a copy of each~~
 611 ~~clerk's budget request to the Supreme Court.~~

612 ~~(6) The corporation shall review each individual clerk's~~
 613 ~~prior-year expenditures, projected revenue, proposed unit costs,~~
 614 ~~and the proposed budget for each of the core services~~
 615 ~~categories. The corporation shall compare each clerk's prior-~~

PCB JUAS 11-12

ORIGINAL

2011

616 ~~year expenditures and unit costs for core services with a peer~~
 617 ~~group of clerks' offices having a population of a similar size~~
 618 ~~and a similar number of case filings. If the corporation finds~~
 619 ~~that the expenditures, unit costs, or proposed budget of a clerk~~
 620 ~~is significantly higher than those of clerks in that clerk's~~
 621 ~~peer group, the corporation shall require the clerk to submit~~
 622 ~~documentation justifying the difference in each core services~~
 623 ~~category. Justification for higher expenditures may include, but~~
 624 ~~is not limited to, collective bargaining agreements, county~~
 625 ~~civil service agreements, and the number and distribution of~~
 626 ~~courthouses served by the clerk. If the expenditures and unit~~
 627 ~~costs are not justified, the corporation shall recommend a~~
 628 ~~reduction in the funding for that core services category in the~~
 629 ~~budget request to an amount similar to the peer group of clerks~~
 630 ~~or to an amount that the corporation determines is justified.~~

631 ~~(7) The corporation shall complete its review and~~
 632 ~~adjustments to the clerks' budget requests and make its~~
 633 ~~recommendations to the Legislature and the Supreme Court by~~
 634 ~~December 1 each year.~~

635 ~~(8) The Chief Financial Officer shall review the proposed~~
 636 ~~unit costs associated with each clerk of court's budget request~~
 637 ~~and make recommendations to the Legislature. The Chief Financial~~
 638 ~~Officer may conduct any audit of the corporation or a clerk of~~
 639 ~~court as authorized by law. The Chief Justice of the Supreme~~
 640 ~~Court may request an audit of the corporation or any clerk of~~
 641 ~~court by the Chief Financial Officer.~~

642 ~~(9) The Legislature shall appropriate the total amount for~~
 643 ~~the budgets of the clerks in the General Appropriations Act. The~~

PCB JUAS 11-12

ORIGINAL

2011

644 ~~Legislature may reject or modify any or all of the unit costs~~
 645 ~~recommended by the corporation. If the Legislature does not~~
 646 ~~specify the unit costs in the General Appropriations Act or~~
 647 ~~other law, the unit costs recommended by the corporation shall~~
 648 ~~be the official unit costs for that budget period.~~

649 ~~(10) (a) Beginning in the 2010-2011 fiscal year, the~~
 650 ~~corporation shall release appropriations to each clerk~~
 651 ~~quarterly. If funds in the Clerks of Court Trust Fund are~~
 652 ~~insufficient to provide a release in a quarter in a single~~
 653 ~~release, the corporation may release partial amounts for that~~
 654 ~~quarter so long as the total of those partial amounts does not~~
 655 ~~exceed that quarter's release. If funds in the Clerks of Court~~
 656 ~~Trust Fund are insufficient for the first quarter release, the~~
 657 ~~corporation may make a request to the Governor for a trust fund~~
 658 ~~loan pursuant to chapter 215. The amount of the first three~~
 659 ~~releases shall be based on one quarter of the estimated budget~~
 660 ~~for each clerk as identified in the General Appropriations Act.~~

661 ~~(b) The corporation shall estimate the fourth quarter's~~
 662 ~~number of units to be performed by each clerk. The amount of the~~
 663 ~~fourth-quarter release shall be based on the approved unit cost~~
 664 ~~times the estimated number of units of the fourth quarter with~~
 665 ~~the following adjustment: the fourth-quarter release shall be~~
 666 ~~adjusted based on the first three quarter's actual number of~~
 667 ~~service units provided as reported to the corporation by each~~
 668 ~~clerk. If the clerk has performed fewer service units in the~~
 669 ~~first three quarters of the year compared to three quarters of~~
 670 ~~the estimated number of service units in the General~~
 671 ~~Appropriations Act, the corporation shall decrease the fourth-~~

PCB JUAS 11-12

ORIGINAL

2011

672 ~~quarter release. The amount of the decrease shall equal the~~
 673 ~~amount of the difference between the estimated number of service~~
 674 ~~units for the first three quarters and the actual number of~~
 675 ~~service units provided in the first three quarters times the~~
 676 ~~approved unit cost.~~

677 ~~(c) No adjustment for the fourth quarter release shall be~~
 678 ~~made if the clerk has performed more units than the estimate for~~
 679 ~~the first three quarters.~~

680 ~~(d) If the clerk performs fewer units in the fourth~~
 681 ~~quarter than estimated by the corporation, the corporation shall~~
 682 ~~decrease the first-quarter release for the clerk in the next~~
 683 ~~fiscal year by the amount of the difference between the~~
 684 ~~estimated number of service units for the fourth quarter and the~~
 685 ~~actual number of service units performed in that quarter times~~
 686 ~~the approved unit cost.~~

687 ~~(e) The total of all releases to the clerks of court may~~
 688 ~~not exceed the amount appropriated in the General Appropriations~~
 689 ~~Act. If, during the year, the corporation determines that the~~
 690 ~~projected releases of appropriations for service units will~~
 691 ~~exceed the estimate used in the General Appropriations Act and~~
 692 ~~result in statewide expenditures greater than the amount~~
 693 ~~appropriated by law, the corporation shall reduce all service~~
 694 ~~unit costs of all clerks by the amount necessary to ensure that~~
 695 ~~service units are funded within the total amount appropriated to~~
 696 ~~the clerks of court. If such action is necessary, the~~
 697 ~~corporation shall notify the Legislative Budget Commission. If~~
 698 ~~the Legislative Budget Commission objects to the adjustments,~~
 699 ~~the Legislative Budget Commission shall adjust all service unit~~

PCB JUAS 11-12

ORIGINAL

2011

700 ~~costs by the amount necessary to ensure that projected units of~~
 701 ~~service are funded within the total amount appropriated to the~~
 702 ~~clerks of court at its next scheduled meeting.~~

703 ~~(11) The corporation may submit proposed legislation to~~
 704 ~~the Governor, the President of the Senate, and the Speaker of~~
 705 ~~the House of Representatives relating to the preparation of~~
 706 ~~budget requests of the clerks of court.~~

707 Section 8. Section 28.365, Florida Statutes, is created to
 708 read:

709 28.365 Procurement.—The clerks of court are subject to the
 710 procurement requirements and limitations of chapter 287 for
 711 expenditures made pursuant to the budget provided for in ss.
 712 28.35 and 28.36.

713 Section 9. Section 28.37, Florida Statutes, is amended to
 714 read:

715 28.37 Fines, fees, service charges, and costs remitted to
 716 the state.—

717 (1) Pursuant to s. 14(b), Art. V of the State
 718 Constitution, selected salaries, costs, and expenses of the
 719 state courts system and court-related functions shall be funded
 720 from a portion of the revenues derived from statutory fines,
 721 fees, service charges, and costs collected by the clerks of the
 722 court.

723 (2) Beginning July 1, 2011, except as otherwise provided
 724 in ss. 28.241 and 34.041, one-third of all fines, fees, service
 725 charges, and court costs collected by the clerks of the court
 726 during the prior month for the performance of court-related
 727 functions shall be remitted to the Department of Revenue for

PCB JUAS 11-12

ORIGINAL

2011

728 deposit into the department's Clerks of the Court Trust Fund.
 729 Such collections do not include funding received for the
 730 operation of the Title IV-D child support collections and
 731 disbursement program. The clerk of the court shall remit the
 732 revenues collected during the prior month due to the state on or
 733 before the 20th day of each month. The Department of Revenue
 734 shall make a monthly transfer to the General Revenue Fund of the
 735 funds in the department's Clerks of the Court Trust Fund that
 736 are not needed to resolve clerk of the court revenue deficits,
 737 as specified in s. 28.36.

738 (3) Beginning January 1, 2012, and each January 1
 739 thereafter for the preceding county fiscal year of October 1
 740 through September 30, the clerk of the court shall remit to the
 741 Department of Revenue for deposit in the General Revenue Fund
 742 the cumulative excess of all fines, fees, service charges, and
 743 court costs retained by the clerks of the court, plus any funds
 744 received by the clerks of the court from the department's Clerks
 745 of the Court Trust Fund under s. 28.36(4)(a), that exceed the
 746 amount needed to meet the approved budget amounts established
 747 under s. 28.36.

748 (4) The Department of Revenue shall collect any funds that
 749 the Florida Clerks of Court Operations Corporation determines
 750 upon investigation were due on January 1 but not remitted to the
 751 department ~~Except as otherwise provided in ss. 28.241 and~~
 752 ~~34.041, all court-related fines, fees, service charges, and~~
 753 ~~costs are considered state funds and shall be remitted by the~~
 754 ~~clerk to the Department of Revenue for deposit into the Clerks~~
 755 ~~of the Court Trust Fund within the Justice Administrative~~

PCB JUAS 11-12

ORIGINAL

2011

756 ~~Commission. However, 10 percent of all court-related fines~~
 757 ~~collected by the clerk shall be deposited into the clerk's~~
 758 ~~Public Records Modernization Trust Fund to be used exclusively~~
 759 ~~for additional clerk court-related operational needs and program~~
 760 ~~enhancements.~~

761 Section 10. Subsection (1) of section 28.43, Florida
 762 Statutes, is amended to read:

763 28.43 Adoption of rules relating to ss. 28.35, 28.36, and
 764 28.37.—

765 (1) The Department of Revenue may adopt rules necessary to
 766 carry out its responsibilities in ss. 28.35, 28.36, and 28.37.
 767 The rules shall include forms and procedures for transferring
 768 funds from the clerks of the court to the Clerks of the Court
 769 Trust Fund within the Department of Revenue ~~Justice~~
 770 ~~Administrative Commission.~~

771 Section 11. Paragraph (b) of subsection (1) of section
 772 34.041, Florida Statutes, is amended to read:

773 34.041 Filing fees.—

774 (1)

775 (b) The first \$80 of the filing fee collected under
 776 subparagraph (a)4. shall be remitted to the Department of
 777 Revenue for deposit into the General Revenue Fund. The next \$15
 778 of the filing fee collected under subparagraph (a)4., and the
 779 first \$10 of the filing fee collected under subparagraph (a)7.,
 780 shall be deposited in the state courts' Mediation and
 781 Arbitration Trust Fund. One-third of any filing fees collected
 782 by the clerk under this section in excess of the first \$95
 783 collected under subparagraph (a)4. shall be remitted to the

784 Department of Revenue for deposit into the department's Clerks
 785 of the Court Trust Fund. An additional filing fee of \$4 shall be
 786 paid to the clerk. The clerk shall transfer \$3.50 to the
 787 Department of Revenue for deposit into the Court Education Trust
 788 Fund and shall transfer 50 cents to the Department of Revenue
 789 for deposit into the department's Clerks of the Court Trust Fund
 790 ~~within the Justice Administrative Commission~~ to fund clerk
 791 education. Postal charges incurred by the clerk of the county
 792 court in making service by mail on defendants or other parties
 793 shall be paid by the party at whose instance service is made.
 794 Except as provided herein, filing fees and service charges for
 795 performing duties of the clerk relating to the county court
 796 shall be as provided in ss. 28.24 and 28.241. Except as
 797 otherwise provided herein, all filing fees shall be retained as
 798 fee income of the office of the clerk of the circuit court
 799 ~~remitted to the Department of Revenue for deposit into the~~
 800 ~~Clerks of the Court Trust Fund within the Justice Administrative~~
 801 ~~Commission.~~ Filing fees imposed by this section may not be added
 802 to any penalty imposed by chapter 316 or chapter 318.

803 Section 12. Subsection (5) of section 43.16, Florida
 804 Statutes, is amended to read:

805 43.16 Justice Administrative Commission; membership,
 806 powers and duties.—

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

809 (a) The maintenance of a central state office for
 810 administrative services and assistance when possible to and on
 811 behalf of the state attorneys and public defenders of Florida,

PCB JUAS 11-12

ORIGINAL

2011

812 the capital collateral regional counsel of Florida, the criminal
 813 conflict and civil regional counsel, and the Guardian Ad Litem
 814 Program, ~~and the Florida Clerks of Court Operations Corporation.~~

815 (b) Each state attorney, public defender, criminal
 816 conflict and civil regional counsel, and the Guardian Ad Litem
 817 Program, ~~and the Florida Clerks of Court Operations Corporation~~
 818 shall continue to prepare necessary budgets, vouchers that
 819 represent valid claims for reimbursement by the state for
 820 authorized expenses, and other things incidental to the proper
 821 administrative operation of the office, such as revenue
 822 transmittals to the Chief Financial Officer and automated
 823 systems plans, but will forward same to the commission for
 824 recording and submission to the proper state officer. However,
 825 when requested by a state attorney, a public defender, a
 826 criminal conflict and civil regional counsel, or the Guardian Ad
 827 Litem Program, the commission will either assist in the
 828 preparation of budget requests, voucher schedules, and other
 829 forms and reports or accomplish the entire project involved.

830 Section 13. Paragraph (x) of subsection (2) of section
 831 110.205, Florida Statutes, is amended to read:

832 110.205 Career service; exemptions.—

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

835 (x) All officers and employees of the Justice
 836 Administrative Commission, Office of the State Attorney, Office
 837 of the Public Defender, regional offices of capital collateral
 838 counsel, offices of criminal conflict and civil regional
 839 counsel, and Statewide Guardian Ad Litem Office, including the

PCB JUAS 11-12

ORIGINAL

2011

840 circuit guardian ad litem programs ~~and the Florida Clerks of~~
 841 ~~Court Operations Corporation.~~

842 Section 14. Subsections (2) and (3) of section 142.01,
 843 Florida Statutes, are amended to read:

844 142.01 Fine and forfeiture fund; disposition of revenue;
 845 clerk of the circuit court.-

846 ~~(2) All revenues received by the clerk in the fine and~~
 847 ~~forfeiture fund from court-related fees, fines, costs, and~~
 848 ~~service charges are considered state funds and shall be remitted~~
 849 ~~monthly to the Department of Revenue for deposit into the Clerks~~
 850 ~~of the Court Trust Fund within the Justice Administrative~~
 851 ~~Commission.~~

852 (2)~~(3)~~ Notwithstanding ~~the provisions of~~ this section, all
 853 fines and forfeitures arising from operation of ~~the provisions~~
 854 ~~of~~ s. 318.1215 shall be disbursed in accordance with that
 855 section.

856 Section 15. Section 213.131, Florida Statutes, is amended
 857 to read:

858 213.131 Clerks of the Court Trust Fund within the
 859 Department of Revenue Justice Administrative Commission.-The
 860 Clerks of the Court Trust Fund is created within the Department
 861 of Revenue Justice Administrative Commission. Funds received by
 862 the department from the clerks of court shall be credited to the
 863 trust fund as provided in chapter 2001-122, Laws of Florida, to
 864 be used for the purposes set forth in that act.

865 Section 16. Paragraph (qq) of subsection (1) of section
 866 216.011, Florida Statutes, is amended to read:

867 216.011 Definitions.-

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

871 (qq) "State agency" or "agency" means any official,
 872 officer, commission, board, authority, council, committee, or
 873 department of the executive branch of state government. For
 874 purposes of this chapter and chapter 215, "state agency" or
 875 "agency" includes, but is not limited to, state attorneys,
 876 public defenders, criminal conflict and civil regional counsel,
 877 capital collateral regional counsel, ~~the Florida Clerks of Court~~
 878 ~~Operations Corporation~~, the Justice Administrative Commission,
 879 the Florida Housing Finance Corporation, and the Florida Public
 880 Service Commission. Solely for the purposes of implementing s.
 881 19(h), Art. III of the State Constitution, the terms "state
 882 agency" or "agency" include the judicial branch.

883 Section 17. For the period of July 1, 2011, through
 884 September 30, 2011, the approved budget for the clerks of the
 885 circuit court shall be \$112,845,078. The Clerks of Court
 886 Operations Corporation shall determine budget amounts for the
 887 individual clerks.

888 Section 18. This act shall take effect July 1, 2011.