

1 A bill to be entitled
2 An act relating to clerks of the court; transferring
3 the Clerks of the Court Trust Fund within the Justice
4 Administrative Commission together with all balances
5 in the fund to the Department of Revenue; amending s.
6 11.90, F.S.; providing additional powers and duties
7 for the Legislative Budget Commission; amending s.
8 28.241, F.S.; revising the distribution of filing
9 fees; amending ss. 28.2455 and 28.246, F.S.;
10 conforming provisions to changes made by the act;
11 amending s. 28.35, F.S.; revising provisions relating
12 to the Florida Clerks of Court Operations Corporation;
13 deleting provisions relating to administrative housing
14 and budgeting of the corporation under the Justice
15 Administrative Commission; deleting provisions
16 relating to the corporation's employees as state
17 employees; deleting provisions relating to ex officio
18 members of the executive council; deleting an
19 exemption from the Administrative Procedures Act;
20 specifying that the corporation is subject to
21 specified procurement provisions; revising duties of
22 the corporation; requiring establishment of a process
23 for the review of proposed court-related budgets
24 submitted by clerks of the court for completeness and
25 compliance with specified provisions; providing for
26 review and certification of proposed budgets submitted
27 by clerks of the court; requiring annual submission of
28 its proposed budget and specified information to the

29 | Legislative Budget Commission; specifying functions
 30 | that clerks may and may not fund from filing fees,
 31 | service charges, court costs, and fines; deleting
 32 | provisions relating to preparation of a legislative
 33 | budget request; providing for funding pursuant to a
 34 | contract with the Chief Financial Officer; revising
 35 | provisions relating to audits; amending s. 28.36,
 36 | F.S.; conforming provisions to changes made by the
 37 | act; providing for proposed budgets from clerks;
 38 | requiring reporting of anticipated deficits; requiring
 39 | increasing all fees and service charges and any other
 40 | court-related clerk fees and charges in certain
 41 | circumstances; authorizing the retention of the
 42 | additional revenues from such increases in certain
 43 | circumstances; providing for corrective measures if
 44 | the Chief Financial Officer finds the court-related
 45 | budget proposed by a clerk includes functions not
 46 | included in the standard list of court-related
 47 | functions; authorizing the Legislative Budget
 48 | Commission to approve increases to the maximum annual
 49 | budgets approved for individual clerks of the court
 50 | for court-related functions in certain circumstances;
 51 | providing a limit on the total amount of such
 52 | increases for each county fiscal year; authorizing the
 53 | corporation to submit proposed legislation for
 54 | approval of clerk budget request amounts exceeding
 55 | specified restrictions; deleting provisions relating
 56 | to legislative budget requests and release of funds;

PCB JUAS 12-03

ORIGINAL

2012

57 | creating s. 28.365, F.S.; providing that clerks of the
 58 | court are subject to specified procurement
 59 | requirements and limitations; amending s. 28.37, F.S.;
 60 | providing, beginning July 1, 2012, for periodic
 61 | remission of a specified amount of all fines, fees,
 62 | service charges, and court costs collected by the
 63 | clerks of the court to the Department of Revenue for
 64 | deposit into the Clerks of the Court Trust Fund;
 65 | providing an exception; providing, beginning January
 66 | 1, 2013, for remission of all fines, fees, service
 67 | charges, and court costs and certain other funds
 68 | collected by the clerks of the court to the Department
 69 | of Revenue for deposit into the General Revenue Fund
 70 | in excess of the amount needed to meet the approved
 71 | budget amounts; requiring the Department of Revenue to
 72 | collect any funds that the Florida Clerks of Court
 73 | Operations Corporation determines upon investigation
 74 | were due but not remitted; amending ss. 28.43, 34.041,
 75 | 43.16, 110.205, and 142.01, F.S.; conforming
 76 | provisions to changes made by the act; amending s.
 77 | 213.131, F.S.; conforming provisions to changes made
 78 | by the act; providing that funds received by the
 79 | Department of Revenue from the clerks of the court
 80 | shall be credited to the Clerks of the Court Trust
 81 | Fund as provided in a specified act; amending s.
 82 | 216.011, F.S.; providing that the Florida Clerks of
 83 | Court Operations Corporation is not included in the
 84 | definition of the term "state agency" for specified

85 | purposes; specifying the approved budget for the
 86 | clerks of the circuit court for a specified period;
 87 | providing for determination of budget amounts for
 88 | individual clerks; providing an effective date.

89 |
 90 | Be It Enacted by the Legislature of the State of Florida:

91 |
 92 | Section 1. The Clerks of the Court Trust Fund within the
 93 | Justice Administrative Commission, FLAIR number 21-2-588, is
 94 | transferred together with all balances in the fund to the
 95 | Department of Revenue.

96 | Section 2. Subsection (6) of section 11.90, Florida
 97 | Statutes, is amended to read:

98 | 11.90 Legislative Budget Commission.—

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

100 | (a) Review and approve or disapprove budget amendments
 101 | recommended by the Governor or the Chief Justice of the Supreme
 102 | Court as provided in chapter 216.

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

105 | (c) Review and approve, disapprove, or amend the budget of
 106 | the Florida Clerks of Court Operations Corporation.

107 | (d) Review and approve, disapprove, or amend the total
 108 | combined budgets of the clerks of the court or the budget of any
 109 | individual clerk of the court.

110 | ~~(e) In addition to the powers and duties specified in this~~
 111 | ~~subsection, the commission shall Exercise all other powers and~~
 112 | ~~perform any other duties prescribed by the Legislature.~~

113 Section 3. Paragraph (a) of subsection (1) of section
 114 28.241, Florida Statutes, is amended to read:

115 28.241 Filing fees for trial and appellate proceedings.—

116 (1)(a)1.a. Except as provided in sub-subparagraph b. and
 117 subparagraph 2., the party instituting any civil action, suit,
 118 or proceeding in the circuit court shall pay to the clerk of
 119 that court a filing fee of up to \$395 in all cases in which
 120 there are not more than five defendants and an additional filing
 121 fee of up to \$2.50 for each defendant in excess of five. Of the
 122 first \$280 in filing fees, \$80 must be remitted by the clerk to
 123 the Department of Revenue for deposit into the General Revenue
 124 Fund, \$195 must be remitted to the Department of Revenue for
 125 deposit into the State Courts Revenue Trust Fund, and \$5 ~~\$3.50~~
 126 must be remitted to the Department of Revenue for deposit into
 127 the Administrative Clerks of the Court Trust Fund within the
 128 Department of Financial Services ~~Justice Administrative~~
 129 ~~Commission~~ and used to fund the contract with the Florida Clerks
 130 of Court Operations Corporation created in s. 28.35. One-third
 131 of the filing fees collected each month, unless the remaining
 132 two-thirds of the filing fees collected is less than one-twelfth
 133 of the clerk's total budget, shall be remitted to the Department
 134 of Revenue for deposit into the department's Clerks of the Court
 135 Trust Fund. If the filing fees collected are insufficient to
 136 remit one-third to the department, the clerk shall submit that
 137 portion of one-third of the filing fees collected that is in
 138 excess of one-twelfth of the clerk's total budget to the
 139 Department of Revenue for deposit into the department's Clerks
 140 of the Court Trust Fund, ~~and \$1.50 shall be remitted to the~~

PCB JUAS 12-03

ORIGINAL

2012

141 ~~Department of Revenue for deposit into the Administrative Trust~~
 142 ~~Fund within the Department of Financial Services to fund clerk~~
 143 ~~budget reviews conducted by the Department of Financial~~
 144 ~~Services. One third of any filing fees collected by the clerk of~~
 145 ~~the circuit court in excess of \$100 shall be remitted to the~~
 146 ~~Department of Revenue for deposit into the Clerks of the Court~~
 147 ~~Trust Fund within the Justice Administrative Commission.~~

148 b. The party instituting any civil action, suit, or
 149 proceeding in the circuit court under chapter 39, chapter 61,
 150 chapter 741, chapter 742, chapter 747, chapter 752, or chapter
 151 753 shall pay to the clerk of that court a filing fee of up to
 152 \$295 in all cases in which there are not more than five
 153 defendants and an additional filing fee of up to \$2.50 for each
 154 defendant in excess of five. Of the first \$180 in filing fees,
 155 \$80 must be remitted by the clerk to the Department of Revenue
 156 for deposit into the General Revenue Fund, \$95 must be remitted
 157 to the Department of Revenue for deposit into the State Courts
 158 Revenue Trust Fund, and \$5 ~~\$3.50~~ must be remitted to the
 159 Department of Revenue for deposit into the Administrative Clerks
 160 ~~of the Court~~ Trust Fund within the Department of Financial
 161 Services ~~Justice Administrative Commission~~ and used to fund the
 162 contract with the Florida Clerks of Court Operations Corporation
 163 created in s. 28.35, ~~and \$1.50 shall be remitted to the~~
 164 ~~Department of Revenue for deposit into the Administrative Trust~~
 165 ~~Fund within the Department of Financial Services to fund clerk~~
 166 ~~budget reviews conducted by the Department of Financial~~
 167 ~~Services.~~

168 c. An additional filing fee of \$4 shall be paid to the

169 clerk. The clerk shall remit \$3.50 to the Department of Revenue
 170 for deposit into the Court Education Trust Fund and shall remit
 171 50 cents to the Department of Revenue for deposit into the
 172 department's Clerks of the Court Trust Fund ~~within the Justice~~
 173 ~~Administrative Commission~~ to fund clerk education. An additional
 174 filing fee of up to \$18 shall be paid by the party seeking each
 175 severance that is granted. The clerk may impose an additional
 176 filing fee of up to \$85 for all proceedings of garnishment,
 177 attachment, replevin, and distress. Postal charges incurred by
 178 the clerk of the circuit court in making service by certified or
 179 registered mail on defendants or other parties shall be paid by
 180 the party at whose instance service is made. No additional fees,
 181 charges, or costs shall be added to the filing fees imposed
 182 under this section, except as authorized in this section or by
 183 general law.

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

188 b. A party shall estimate in writing the amount in
 189 controversy of the claim upon filing the action. For purposes of
 190 this subparagraph, the value of a mortgage foreclosure action is
 191 based upon the principal due on the note secured by the
 192 mortgage, plus interest owed on the note and any moneys advanced
 193 by the lender for property taxes, insurance, and other advances
 194 secured by the mortgage, at the time of filing the foreclosure.
 195 The value shall also include the value of any tax certificates
 196 related to the property. In stating the value of a mortgage

197 foreclosure claim, a party shall declare in writing the total
 198 value of the claim, as well as the individual elements of the
 199 value as prescribed in this sub-subparagraph.

200 c. In its order providing for the final disposition of the
 201 matter, the court shall identify the actual value of the claim.
 202 The clerk shall adjust the filing fee if there is a difference
 203 between the estimated amount in controversy and the actual value
 204 of the claim and collect any additional filing fee owed or
 205 provide a refund of excess filing fee paid.

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

207 (I) Three hundred and ninety-five dollars in all cases in
 208 which the value of the claim is \$50,000 or less and in which
 209 there are not more than five defendants. The party shall pay an
 210 additional filing fee of up to \$2.50 for each defendant in
 211 excess of five. Of the first \$280 in filing fees, \$80 must be
 212 remitted by the clerk to the Department of Revenue for deposit
 213 into the General Revenue Fund, \$195 must be remitted to the
 214 Department of Revenue for deposit into the State Courts Revenue
 215 Trust Fund, and \$5 ~~\$3.50~~ must be remitted to the Department of
 216 Revenue for deposit into the Administrative Clerks of the Court
 217 Trust Fund within the Department of Financial Services Justice
 218 ~~Administrative Commission~~ and used to fund the contract with the
 219 Florida Clerks of Court Operations Corporation created in s.
 220 28.35, ~~and \$1.50 shall be remitted to the Department of Revenue~~
 221 ~~for deposit into the Administrative Trust Fund within the~~
 222 ~~Department of Financial Services to fund clerk budget reviews~~
 223 ~~conducted by the Department of Financial Services;~~

224 (II) Nine hundred dollars in all cases in which the value

PCB JUAS 12-03

ORIGINAL

2012

225 of the claim is more than \$50,000 but less than \$250,000 and in
 226 which there are not more than five defendants. The party shall
 227 pay an additional filing fee of up to \$2.50 for each defendant
 228 in excess of five. Of the first \$785 in filing fees, \$80 must be
 229 remitted by the clerk to the Department of Revenue for deposit
 230 into the General Revenue Fund, \$700 must be remitted to the
 231 Department of Revenue for deposit into the State Courts Revenue
 232 Trust Fund, and \$5 ~~\$3.50~~ must be remitted to the Department of
 233 Revenue for deposit into the Administrative Clerks of the Court
 234 Trust Fund within the Department of Financial Services Justice
 235 ~~Administrative Commission~~ and used to fund the contract with the
 236 Florida Clerks of Court Operations Corporation created ~~described~~
 237 in s. 28.35, ~~and \$1.50 shall be remitted to the Department of~~
 238 ~~Revenue for deposit into the Administrative Trust Fund within~~
 239 ~~the Department of Financial Services to fund clerk budget~~
 240 ~~reviews conducted by the Department of Financial Services; or~~

241 (III) One thousand nine hundred dollars in all cases in
 242 which the value of the claim is \$250,000 or more and in which
 243 there are not more than five defendants. The party shall pay an
 244 additional filing fee of up to \$2.50 for each defendant in
 245 excess of five. Of the first \$1,785 in filing fees, \$80 must be
 246 remitted by the clerk to the Department of Revenue for deposit
 247 into the General Revenue Fund, \$1,700 must be remitted to the
 248 Department of Revenue for deposit into the State Courts Revenue
 249 Trust Fund, and \$5 ~~\$3.50~~ must be remitted to the Department of
 250 Revenue for deposit into the Administrative Clerks of the Court
 251 Trust Fund within the Department of Financial Services Justice
 252 ~~Administrative Commission~~ to fund the contract with the Florida

PCB JUAS 12-03

ORIGINAL

2012

253 Clerks of Court Operations Corporation created in s. 28.35, ~~and~~
 254 ~~\$1.50 shall be remitted to the Department of Revenue for deposit~~
 255 ~~into the Administrative Trust Fund within the Department of~~
 256 ~~Financial Services to fund clerk budget reviews conducted by the~~
 257 ~~Department of Financial Services.~~

258 e. An additional filing fee of \$4 shall be paid to the
 259 clerk. The clerk shall remit \$3.50 to the Department of Revenue
 260 for deposit into the Court Education Trust Fund and shall remit
 261 50 cents to the Department of Revenue for deposit into the
 262 department's Clerks of the Court Trust Fund ~~within the Justice~~
 263 ~~Administrative Commission~~ to fund clerk education. An additional
 264 filing fee of up to \$18 shall be paid by the party seeking each
 265 severance that is granted. The clerk may impose an additional
 266 filing fee of up to \$85 for all proceedings of garnishment,
 267 attachment, replevin, and distress. Postal charges incurred by
 268 the clerk of the circuit court in making service by certified or
 269 registered mail on defendants or other parties shall be paid by
 270 the party at whose instance service is made. No additional fees,
 271 charges, or costs shall be added to the filing fees imposed
 272 under this section, except as authorized in this section or by
 273 general law.

274 Section 4. Section 28.2455, Florida Statutes, is amended
 275 to read:

276 28.2455 Transfer of trust funds in excess of amount needed
 277 for clerk budgets.—By June 20th of each year, the Florida Clerks
 278 of Court Operations Corporation shall identify the amount of
 279 funds in the Clerks of the Court Trust Fund in excess of the
 280 amount needed to fund the approved clerks ~~clerk~~ of the court

PCB JUAS 12-03

ORIGINAL

2012

281 budgets for the current state fiscal year. The Department of
 282 Revenue ~~Justice Administrative Commission~~ shall transfer the
 283 amount identified by the corporation from the Clerks of the
 284 Court Trust Fund to the General Revenue Fund by June 25th of
 285 each year.

286 Section 5. Paragraph (b) of subsection (5) of section
 287 28.246, Florida Statutes, is amended to read:

288 28.246 Payment of court-related fees, charges, and costs;
 289 partial payments; distribution of funds.—

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

293 (b) That portion of fees, service charges, court costs,
 294 and fines which are required to be retained by the clerk of the
 295 court or deposited into the Clerks of the Court Trust Fund
 296 within the Department of Revenue ~~Justice Administrative~~
 297 ~~Commission~~.

298
 299 To offset processing costs, clerks may impose either a per-month
 300 service charge pursuant to s. 28.24(26) (b) or a one-time
 301 administrative processing service charge at the inception of the
 302 payment plan pursuant to s. 28.24(26) (c).

303 Section 6. Section 28.35, Florida Statutes, is amended to
 304 read:

305 28.35 Florida Clerks of Court Operations Corporation.—

306 (1) (a) The Florida Clerks of Court Operations Corporation
 307 is created as a public corporation organized to perform the
 308 functions specified in this section and s. 28.36 ~~and shall be~~

PCB JUAS 12-03

ORIGINAL

2012

309 ~~administratively housed within the Justice Administrative~~
 310 ~~Commission. The corporation shall be a budget entity within the~~
 311 ~~Justice Administrative Commission, and its employees shall be~~
 312 ~~considered state employees. The corporation is not subject to~~
 313 ~~control, supervision, or direction by the Justice Administrative~~
 314 ~~Commission in the performance of its duties, but the employees~~
 315 ~~of the corporation shall be governed by the classification plan~~
 316 ~~and salary and benefits plan of the Justice Administrative~~
 317 ~~Commission. The classification plan must have a separate chapter~~
 318 ~~for the corporation. All clerks of the circuit court shall be~~
 319 members of the corporation and hold their position and authority
 320 in an ex officio capacity. The functions assigned to the
 321 corporation shall be performed by an executive council pursuant
 322 to the plan of operation approved by the members.

323 (b) The executive council shall be composed of eight
 324 clerks of the court elected by the clerks of the courts for a
 325 term of 2 years, with two clerks from counties with a population
 326 of fewer than 100,000, two clerks from counties with a
 327 population of at least 100,000 but fewer than 500,000, two
 328 clerks from counties with a population of at least 500,000 but
 329 fewer than 1 million, and two clerks from counties with a
 330 population of more than 1 million. ~~The executive council shall~~
 331 ~~also include, as ex officio members, a designee of the President~~
 332 ~~of the Senate and a designee of the Speaker of the House of~~
 333 ~~Representatives. The Chief Justice of the Supreme Court shall~~
 334 ~~designate one additional member to represent the state courts~~
 335 ~~system.~~

336 (c) The corporation shall be considered a political

337 subdivision of the state and shall be exempt from the corporate
 338 income tax. The corporation is ~~not~~ subject to the procurement
 339 provisions of chapter 287 ~~120~~.

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

343 (2) The duties of the corporation shall include the
 344 following:

345 (a) Adopting a plan of operation.

346 (b) Conducting the election of an executive council
 347 ~~directors~~ as required in paragraph (1) (b) ~~(1) (a)~~.

348 (c) Recommending to the Legislature changes in the various
 349 court-related fines, fees, service charges, and court costs
 350 established by law to ensure reasonable and adequate funding of
 351 the clerks of the court in the performance of their court-
 352 related functions.

353 (d) Developing and certifying a uniform system of workload
 354 ~~performance~~ measures and applicable workload performance
 355 standards for the functions specified in paragraph (3) (a) and
 356 ~~the service unit costs required in s. 28.36 and measures for~~
 357 clerk workload performance in meeting the workload performance
 358 standards. These workload measures and workload performance
 359 standards shall be designed to facilitate an objective
 360 determination of the performance of each clerk in accordance
 361 with minimum standards for fiscal management, operational
 362 efficiency, and effective collection of fines, fees, service
 363 charges, and court costs. The corporation shall develop the
 364 workload ~~performance~~ measures and workload performance standards

365 in consultation with the Legislature ~~and the Supreme Court. The~~
 366 ~~Legislature may modify the clerk performance measures and~~
 367 ~~performance standards in legislation implementing the General~~
 368 ~~Appropriations Act or other law.~~ When the corporation finds a
 369 clerk has not met the workload performance standards, the
 370 corporation shall identify the nature of each deficiency and any
 371 corrective action recommended and taken by the affected clerk of
 372 the court. The corporation shall notify the Legislature and the
 373 Supreme Court of any clerk not meeting workload performance
 374 standards and provide a copy of any corrective action plans. For
 375 the purposes of this section, the term:

376 1. "Workload measures" means the measurement of the
 377 activities and frequency of the work required for the clerk to
 378 adequately perform the court-related duties of the office.

379 2. "Workload performance standards" means the standards
 380 developed to measure the timeliness and effectiveness of the
 381 activities that are accomplished by the clerk in the performance
 382 of the court-related duties of the office.

383 (e) Pursuant to contract with the Chief Financial Officer,
 384 establishing a process for the review of proposed court-related
 385 budgets submitted by clerks of the court for completeness and
 386 compliance with this section and ss. 28.36 and 28.37. Such
 387 process shall be designed and be sufficiently detailed to permit
 388 independent verification and validation of the budget
 389 certification. The contract shall specify the process to be used
 390 in determining compliance by the corporation with this section
 391 and ss. 28.36 and 28.37 and shall require the corporation to
 392 determine the minimum amount of revenue necessary for each clerk

PCB JUAS 12-03

ORIGINAL

2012

393 of the court to efficiently perform the list of court-related
394 functions specified in paragraph (3) (a) in its budget review and
395 approval process.

396 (f) ~~(e)~~ Reviewing and certifying proposed budgets submitted
397 by clerks of the court using the process approved by the Chief
398 Financial Officer pursuant to paragraph (e) for the purpose of
399 making the certification in paragraph (e). As part of this
400 process, the corporation shall:

401 1. Calculate the minimum amount of revenue necessary for
402 each clerk of the court to efficiently perform the list of
403 court-related functions specified in paragraph (3) (a). The
404 Florida Clerks of Court Operations Corporation shall apply the
405 workload measures appropriate for determining the individual
406 level of review required to fund the clerk's budget.

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

411 3. Conduct an annual base budget review and an annual
412 budget exercise examining the total budget of each clerk of the
413 court. The review shall examine revenues from all sources,
414 expenses of court-related functions, and expenses of non-court-
415 related functions as necessary to determine that court-related
416 revenues are not being used for non-court-related purposes.
417 Funds paid by a clerk to join or be a member of any group or
418 organization shall be separately listed and the benefits
419 received from any such group or organization described in
420 detail. The review and exercise shall identify potential

421 targeted budget reductions in the percentage amount provided in
 422 Schedule VIII-B of the state's previous year's legislative
 423 budget instructions, as referenced in s. 216.023(3), or an
 424 equivalent schedule or instruction as may be adopted by the
 425 Legislature.

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

429 5. Identify those clerks projected to have court-related
 430 revenues insufficient to fund their anticipated court-related
 431 expenditures pursuant to s. 28.36.

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

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

436 (i) By August 1 of each year, submitting to the
 437 Legislative Budget Commission, as provided in s. 11.90, its
 438 proposed budget and the information described in paragraph (f),
 439 as well as the approved budgets for each clerk of the court and
 440 the corporation. By October 1 of each year, the Legislative
 441 Budget Commission shall consider the submitted budgets and shall
 442 approve, disapprove, or amend the corporation's budget and shall
 443 approve, disapprove, or amend and approve the total of the
 444 clerks' combined budgets or any individual clerk's budget. If
 445 the Legislative Budget Commission fails to approve or amend the
 446 corporation's budget or the clerks' combined budgets by October
 447 1, the clerk shall continue to perform the court-related
 448 functions based upon the clerk's approved budget for the

449 previous county fiscal year.

450 (3) (a) The list of court-related functions that clerks may
 451 fund from filing fees, service charges, court costs, and fines
 452 ~~is perform~~ are limited to those functions expressly authorized
 453 by law or court rule. Those functions include the following:
 454 case maintenance; records management; court preparation and
 455 attendance; processing the assignment, reopening, and
 456 reassignment of cases; processing of appeals; collection and
 457 distribution of fines, fees, service charges, and court costs;
 458 processing of bond forfeiture payments; payment of jurors and
 459 witnesses; payment of expenses for meals or lodging provided to
 460 jurors; data collection and reporting; processing of jurors;
 461 determinations of indigent status; and reasonable administrative
 462 support costs to enable the clerk of the court to carry out
 463 these court-related functions.

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

- 467 1. Those functions not specified within paragraph (a).
- 468 2. Functions assigned by administrative orders which are
 469 not required for the clerk to perform the functions in paragraph
 470 (a).
- 471 3. Enhanced levels of service which are not required for
 472 the clerk to perform the functions in paragraph (a).
- 473 4. Functions identified as local requirements in law or
 474 local optional programs.

475 (4) The corporation shall ~~prepare a legislative budget~~
 476 ~~request for the resources necessary to perform its duties,~~

PCB JUAS 12-03

ORIGINAL

2012

477 ~~submit the request pursuant to chapter 216, and be funded~~
 478 pursuant to a contract with the Chief Financial Officer. Funds
 479 shall be provided to the Chief Financial Officer for such
 480 purpose as appropriated by general law. Such funds shall be
 481 available to the corporation for the performance of the duties
 482 and responsibilities as set forth in this section ~~as a budget~~
 483 ~~entity in the General Appropriations Act.~~ The corporation may
 484 hire staff and pay other expenses from such funds ~~state~~
 485 ~~appropriations~~ as necessary to perform the official duties and
 486 responsibilities of the corporation as described in this section
 487 ~~by law.~~

488 (5) Certified public accountants conducting audits of
 489 counties pursuant to s. 218.39 shall report, as part of the
 490 audit, whether or not the clerks of the courts have complied
 491 with the requirements of this section and s. 28.36. ~~In addition,~~
 492 ~~each clerk of court shall forward a copy of the portion of the~~
 493 ~~financial audit relating to the court-related duties of the~~
 494 ~~clerk of court to the Supreme Court.~~ The Auditor General shall
 495 develop a compliance supplement for the audit of compliance with
 496 the budgets and applicable workload performance standards
 497 certified by the corporation.

498 Section 7. Section 28.36, Florida Statutes, is amended to
 499 read:

500 28.36 Budget procedure.—There is established a budget
 501 procedure ~~for preparing budget requests for funding~~ for the
 502 court-related functions of the clerks of the court.

503 (1) Only those functions on the standard list developed
 504 pursuant to s. 28.35(3) (a) may be funded from fees, service

505 charges, court costs, and fines retained by the clerks of the
 506 court. For the county fiscal year beginning October 1, 2012, and
 507 for each county fiscal year thereafter, each clerk of the court
 508 shall prepare a budget request for court-related expenditures
 509 that the last quarter of the county fiscal year and the first
 510 three quarters of the next county fiscal year. The proposed
 511 ~~budget~~ shall be prepared, summarized, and submitted by the clerk
 512 in each county to the Florida Clerks of Court Operations
 513 Corporation in the manner and form prescribed by the corporation
 514 to meet the requirements of law. ~~Each clerk shall forward a copy~~
 515 ~~of his or her budget request to the Supreme Court.~~ The budget
 516 requests must be provided to the corporation by June ~~October~~ 1
 517 of the ~~each~~ year before the year of the budget.

518 ~~(2) Each clerk shall include in his or her budget request~~
 519 ~~a projection of the amount of court-related fees, service~~
 520 ~~charges, and any other court-related clerk fees which will be~~
 521 ~~collected during the proposed budget period. If the corporation~~
 522 ~~determines that the proposed budget is limited to the standard~~
 523 ~~list of court-related functions in s. 28.35(3)(a) and the~~
 524 ~~projected court-related revenues are less than the proposed~~
 525 ~~budget, the clerk shall increase all fees, service charges, and~~
 526 ~~any other court-related clerk fees and charges to the maximum~~
 527 ~~amounts specified by law or the amount necessary to resolve the~~
 528 ~~deficit, whichever is less.~~

529 (2)(3) Each proposed budget shall further conform to the
 530 following requirements ~~clerk shall include in his or her budget~~
 531 ~~request the number of personnel and the proposed budget for each~~
 532 ~~of the following core services:~~

533 (a) On or before June 1 of each fiscal year, the proposed
 534 budget shall be prepared, summarized, and submitted by the clerk
 535 in each county to the corporation in the manner and form
 536 prescribed by the corporation. The proposed budget must provide
 537 detailed information on the anticipated revenues available and
 538 expenditures necessary for the performance of the standard list
 539 of court-related functions of the clerk's office developed
 540 pursuant to s. 28.35(3) (a) for the county fiscal year beginning
 541 the next October 1.

542 (b) The proposed budget must be balanced, such that the
 543 total of the estimated revenues available must equal or exceed
 544 the total of the anticipated expenditures. Such revenues include
 545 cash balances brought forward from the previous fiscal period;
 546 revenue projected to be received from fees, services charges,
 547 court costs, and fines for court-related functions during the
 548 fiscal period covered by the budget; and supplemental revenue
 549 that may be requested pursuant to subsection (4). The
 550 anticipated expenditures must be itemized as required by the
 551 corporation, pursuant to contract with the Chief Financial
 552 Officer.

553 (c) The proposed budget may include a contingency reserve
 554 not to exceed 10 percent of the total budget, provided that, in
 555 the aggregate, the proposed budget does not exceed the limits
 556 prescribed in paragraph (4) (b).

- 557 ~~(a) Circuit criminal.~~
- 558 ~~(b) County criminal.~~
- 559 ~~(c) Juvenile delinquency.~~
- 560 ~~(d) Criminal traffic.~~

PCB JUAS 12-03

ORIGINAL

2012

- 561 ~~(e) Circuit civil.~~
- 562 ~~(f) County civil.~~
- 563 ~~(g) Civil traffic.~~
- 564 ~~(h) Probate.~~
- 565 ~~(i) Family.~~
- 566 ~~(j) Juvenile dependency.~~

567
 568 ~~Central administrative costs shall be allocated among the core-~~
 569 ~~services categories.~~

570 (3)(4) If a clerk of the court estimates that available
 571 funds plus projected revenues from fines, fees, service charges,
 572 and costs for court-related services are insufficient to meet
 573 the anticipated expenditures for the standard list of court-
 574 related functions in s. 28.35(3) (a) performed by his or her
 575 office, the clerk must report the revenue deficit to the
 576 corporation in the manner and form prescribed by the corporation
 577 pursuant to contract with the Chief Financial Officer. The
 578 corporation shall verify that the proposed budget is limited to
 579 the standard list of court-related functions in s. 28.35(3) (a).

580 (a) If the corporation verifies that the proposed budget
 581 is limited to the standard list of court-related functions in s.
 582 28.35(3) (a) and a revenue deficit is projected, a clerk seeking
 583 to retain revenues pursuant to this subsection shall increase
 584 all fees and service charges and any other court-related clerk
 585 fees and charges to the maximum amounts specified by law or the
 586 amount necessary to resolve the deficit, whichever is less. If,
 587 after increasing fees, service charges, and other court-related
 588 clerk fees and charges to the maximum amounts specified by law,

PCB JUAS 12-03

ORIGINAL

2012

589 a revenue deficit is still projected, the corporation shall,
 590 pursuant to the terms of the contract with the Chief Financial
 591 Officer, certify a revenue deficit and notify the Department of
 592 Revenue that the clerk is authorized to retain revenues, in an
 593 amount necessary to fully fund the projected revenue deficit,
 594 which he or she would otherwise be required to remit to the
 595 Department of Revenue for deposit into the department's Clerks
 596 of the Court Trust Fund pursuant to s. 28.37. If a revenue
 597 deficit is projected for that clerk after retaining all of the
 598 projected collections from the court-related fines, fees,
 599 service charges, and costs, the Department of Revenue shall
 600 certify the amount of the revenue deficit to the Executive
 601 Office of the Governor and request release authority for funds
 602 appropriated for this purpose from the department's Clerks of
 603 the Court Trust Fund. Notwithstanding the provisions of s.
 604 216.192 relating to the release of funds, the Executive Office
 605 of the Governor may approve the release of funds appropriated to
 606 resolve projected revenue deficits in accordance with the
 607 notice, review, and objection procedures set forth in s. 216.177
 608 and shall provide notice to the Chief Financial Officer. The
 609 Department of Revenue shall request monthly distributions from
 610 the Chief Financial Officer in equal amounts to each clerk
 611 certified to have a revenue deficit, in accordance with the
 612 releases approved by the Governor.

613 (b) If the Chief Financial Officer finds the court-related
 614 budget proposed by a clerk includes functions not included in
 615 the standard list of court-related functions in s. 28.35(3)(a),
 616 the Chief Financial Officer shall notify the clerk of the amount

617 of the proposed budget not eligible to be funded from fines,
 618 fees, service charges, and costs for court-related functions and
 619 shall identify appropriate corrective measures to ensure budget
 620 integrity. The clerk shall immediately discontinue all
 621 ineligible expenditures of court-related funds for non-court-
 622 related functions, reimburse the Clerks of the Court Trust Fund
 623 for any previously ineligible expenditures made for non-court-
 624 related functions, and implement any corrective actions
 625 identified by the Chief Financial Officer ~~The budget request~~
 626 ~~must identify the service units to be provided within each core~~
 627 ~~service. The service units shall be developed by the~~
 628 ~~corporation, in consultation with the Supreme Court, the Chief~~
 629 ~~Financial Officer, and the appropriations committees of the~~
 630 ~~Senate and the House of Representatives.~~

631 (4) (a) ~~(5)~~ The Legislative Budget Commission may approve
 632 increases to the maximum annual budgets approved for individual
 633 clerks of the court pursuant to this section for court-related
 634 functions, if:

635 1. The additional funding is necessary to pay the cost of
 636 performing new or additional functions required by changes in
 637 law or court rule. Before the Legislative Budget Commission may
 638 approve an increase in the maximum annual budget of any clerk
 639 under this subparagraph, the corporation must provide the
 640 Legislative Budget Commission with a statement of the impact of
 641 the proposed budget changes on state revenues and evidence that
 642 the respective clerk of the court is meeting or exceeding the
 643 established performance standards for measures on the fiscal
 644 management, operational efficiency, and effective collection of

645 finest, fees, services charges, and court costs; or
 646 2. The additional funding is necessary to pay the cost of
 647 supporting increases in the number of judges or magistrates
 648 authorized by the Legislature. Before the Legislative Budget
 649 Commission may approve an increase in the maximum annual budget
 650 of any clerk under this subparagraph, the corporation must
 651 provide the Legislative Budget Commission with a statement of
 652 the impact of the proposed budget changes on state revenues;
 653 evidence that the respective clerk of the court is meeting or
 654 exceeding the established performance standards for measures on
 655 the fiscal management, operational efficiency, and effective
 656 collection of fines, fees, service charges, and court costs; and
 657 a proposed staffing model, including the cost and number of
 658 staff necessary to support each new judge or magistrate.
 659 (b) The total amount of increases approved by the
 660 Legislative Budget Commission for each county fiscal year may
 661 not exceed an amount equal to 1 percent of the maximum annual
 662 budgets approved pursuant to this section for all clerks, in the
 663 aggregate, for the same county fiscal year ~~The budget request~~
 664 ~~must propose a unit cost for each service unit. The corporation~~
 665 ~~shall provide a copy of each clerk's budget request to the~~
 666 ~~Supreme Court.~~
 667 (5)-(6) The corporation may submit proposed legislation to
 668 the Governor, the President of the Senate, and the Speaker of
 669 the House of Representatives no later than November 1 in any
 670 year for approval of clerk budget request amounts exceeding the
 671 restrictions in this section for the next October 1. If proposed
 672 legislation is recommended, the corporation shall also submit

PCB JUAS 12-03

ORIGINAL

2012

673 supporting documentation with sufficient detail to identify the
674 specific proposed expenditures that would cause the limitations
675 to be exceeded for each affected clerk and the estimated fiscal
676 impact on state revenues ~~shall review each individual clerk's~~
677 ~~prior-year expenditures, projected revenue, proposed unit costs,~~
678 ~~and the proposed budget for each of the core services~~
679 ~~categories. The corporation shall compare each clerk's prior-~~
680 ~~year expenditures and unit costs for core services with a peer~~
681 ~~group of clerks' offices having a population of a similar size~~
682 ~~and a similar number of case filings. If the corporation finds~~
683 ~~that the expenditures, unit costs, or proposed budget of a clerk~~
684 ~~is significantly higher than those of clerks in that clerk's~~
685 ~~peer group, the corporation shall require the clerk to submit~~
686 ~~documentation justifying the difference in each core-services~~
687 ~~category. Justification for higher expenditures may include, but~~
688 ~~is not limited to, collective bargaining agreements, county~~
689 ~~civil service agreements, and the number and distribution of~~
690 ~~courthouses served by the clerk. If the expenditures and unit~~
691 ~~costs are not justified, the corporation shall recommend a~~
692 ~~reduction in the funding for that core-services category in the~~
693 ~~budget request to an amount similar to the peer group of clerks~~
694 ~~or to an amount that the corporation determines is justified.~~

695 ~~(7) The corporation shall complete its review and~~
696 ~~adjustments to the clerks' budget requests and make its~~
697 ~~recommendations to the Legislature and the Supreme Court by~~
698 ~~December 1 each year.~~

699 ~~(8) The Chief Financial Officer shall review the proposed~~
700 ~~unit costs associated with each clerk of court's budget request~~

701 ~~and make recommendations to the Legislature. The Chief Financial~~
 702 ~~Officer may conduct any audit of the corporation or a clerk of~~
 703 ~~court as authorized by law. The Chief Justice of the Supreme~~
 704 ~~Court may request an audit of the corporation or any clerk of~~
 705 ~~court by the Chief Financial Officer.~~

706 ~~(9) The Legislature shall appropriate the total amount for~~
 707 ~~the budgets of the clerks in the General Appropriations Act. The~~
 708 ~~Legislature may reject or modify any or all of the unit costs~~
 709 ~~recommended by the corporation. If the Legislature does not~~
 710 ~~specify the unit costs in the General Appropriations Act or~~
 711 ~~other law, the unit costs recommended by the corporation shall~~
 712 ~~be the official unit costs for that budget period.~~

713 ~~(10) (a) Beginning in the 2010-2011 fiscal year, the~~
 714 ~~corporation shall release appropriations to each clerk~~
 715 ~~quarterly. If funds in the Clerks of Court Trust Fund are~~
 716 ~~insufficient to provide a release in a quarter in a single~~
 717 ~~release, the corporation may release partial amounts for that~~
 718 ~~quarter so long as the total of those partial amounts does not~~
 719 ~~exceed that quarter's release. If funds in the Clerks of Court~~
 720 ~~Trust Fund are insufficient for the first quarter release, the~~
 721 ~~corporation may make a request to the Governor for a trust fund~~
 722 ~~loan pursuant to chapter 215. The amount of the first three~~
 723 ~~releases shall be based on one quarter of the estimated budget~~
 724 ~~for each clerk as identified in the General Appropriations Act.~~

725 ~~(b) The corporation shall estimate the fourth quarter's~~
 726 ~~number of units to be performed by each clerk. The amount of the~~
 727 ~~fourth quarter release shall be based on the approved unit cost~~
 728 ~~times the estimated number of units of the fourth quarter with~~

PCB JUAS 12-03

ORIGINAL

2012

729 ~~the following adjustment: the fourth quarter release shall be~~
 730 ~~adjusted based on the first three quarter's actual number of~~
 731 ~~service units provided as reported to the corporation by each~~
 732 ~~clerk. If the clerk has performed fewer service units in the~~
 733 ~~first three quarters of the year compared to three quarters of~~
 734 ~~the estimated number of service units in the General~~
 735 ~~Appropriations Act, the corporation shall decrease the fourth-~~
 736 ~~quarter release. The amount of the decrease shall equal the~~
 737 ~~amount of the difference between the estimated number of service~~
 738 ~~units for the first three quarters and the actual number of~~
 739 ~~service units provided in the first three quarters times the~~
 740 ~~approved unit cost.~~

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

744 ~~(d) If the clerk performs fewer units in the fourth~~
 745 ~~quarter than estimated by the corporation, the corporation shall~~
 746 ~~decrease the first quarter release for the clerk in the next~~
 747 ~~fiscal year by the amount of the difference between the~~
 748 ~~estimated number of service units for the fourth quarter and the~~
 749 ~~actual number of service units performed in that quarter times~~
 750 ~~the approved unit cost.~~

751 ~~(e) The total of all releases to the clerks of court may~~
 752 ~~not exceed the amount appropriated in the General Appropriations~~
 753 ~~Act. If, during the year, the corporation determines that the~~
 754 ~~projected releases of appropriations for service units will~~
 755 ~~exceed the estimate used in the General Appropriations Act and~~
 756 ~~result in statewide expenditures greater than the amount~~

757 ~~appropriated by law, the corporation shall reduce all service~~
 758 ~~unit costs of all clerks by the amount necessary to ensure that~~
 759 ~~service units are funded within the total amount appropriated to~~
 760 ~~the clerks of court. If such action is necessary, the~~
 761 ~~corporation shall notify the Legislative Budget Commission. If~~
 762 ~~the Legislative Budget Commission objects to the adjustments,~~
 763 ~~the Legislative Budget Commission shall adjust all service unit~~
 764 ~~costs by the amount necessary to ensure that projected units of~~
 765 ~~service are funded within the total amount appropriated to the~~
 766 ~~clerks of court at its next scheduled meeting.~~

767 ~~(11) The corporation may submit proposed legislation to~~
 768 ~~the Governor, the President of the Senate, and the Speaker of~~
 769 ~~the House of Representatives relating to the preparation of~~
 770 ~~budget requests of the clerks of court.~~

771 Section 8. Section 28.365, Florida Statutes, is created to
 772 read:

773 28.365 Procurement.—The clerks of the court are subject to
 774 the procurement requirements and limitations of chapter 287 for
 775 expenditures made pursuant to the budget provided for in ss.
 776 28.35 and 28.36.

777 Section 9. Section 28.37, Florida Statutes, is amended to
 778 read:

779 28.37 Fines, fees, service charges, and costs remitted to
 780 the state.—

781 (1) Pursuant to s. 14(b), Art. V of the State
 782 Constitution, selected salaries, costs, and expenses of the
 783 state courts system and court-related functions shall be funded
 784 from a portion of the revenues derived from statutory fines,

PCB JUAS 12-03

ORIGINAL

2012

785 fees, service charges, and costs collected by the clerks of the
786 court.

787 (2) Beginning July 1, 2012, except as otherwise provided
788 in ss. 28.241 and 34.041, one-third of all fines, fees, service
789 charges, and court costs collected by the clerks of the court
790 each month shall be remitted to the Department of Revenue for
791 deposit into the Clerks of the Court Trust Fund, unless the
792 remaining two-thirds of such fines, fees, service charges, and
793 court costs collected is less than one-twelfth of the clerks'
794 total budget. If the collections are insufficient to remit one-
795 third to the department, the clerks shall submit that portion of
796 one-third of the collections that is in excess of one-twelfth of
797 the clerks' total budget for the performance of court-related
798 functions to the Department of Revenue for deposit into the
799 department's Clerks of the Court Trust Fund. Such collections do
800 not include funding received for the operation of the Title IV-D
801 child support collections and disbursement program. The clerk of
802 the court shall remit the revenues collected during the previous
803 month due to the state on or before the 10th day of each month.
804 The Department of Revenue shall make a monthly transfer to the
805 General Revenue Fund of the funds in the department's Clerks of
806 the Court Trust Fund that are not needed to resolve clerk of the
807 court revenue deficits, as specified in s. 28.36.

808 (3) Beginning January 1, 2013, and each January 1
809 thereafter for the previous county fiscal year, the clerk of the
810 court shall remit to the Department of Revenue for deposit in
811 the General Revenue Fund the cumulative excess of all fines,
812 fees, service charges, and court costs retained by the clerks of

PCB JUAS 12-03

ORIGINAL

2012

813 the court, plus any funds received by the clerks of the court
 814 from the department's Clerks of the Court Trust Fund under s.
 815 28.36(4) (a), that exceed the amount needed to meet the approved
 816 budget amounts established under s. 28.36.

817 (4) The Department of Revenue shall collect any funds that
 818 the Florida Clerks of Court Operations Corporation determines
 819 upon investigation were due on January 1 but not remitted to the
 820 department.

821 (5)~~(2)~~ Except as otherwise provided in ss. 28.241 and
 822 34.041, all court-related fines, fees, service charges, and
 823 costs are considered state funds and shall be remitted by the
 824 clerk to the Department of Revenue for deposit into the Clerks
 825 of the Court Trust Fund within the Department of Revenue ~~Justice~~
 826 ~~Administrative Commission~~. However, 10 percent of all court-
 827 related fines collected by the clerk shall be deposited into the
 828 clerk's Public Records Modernization Trust Fund to be used
 829 exclusively for additional clerk court-related operational needs
 830 and program enhancements.

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

833 28.43 Adoption of rules relating to ss. 28.35, 28.36, and
 834 28.37.—

835 (1) The Department of Revenue may adopt rules necessary to
 836 carry out its responsibilities in ss. 28.35, 28.36, and 28.37.
 837 The rules shall include forms and procedures for transferring
 838 funds from the clerks of the court to the Clerks of the Court
 839 Trust Fund within the Department of Revenue ~~Justice~~
 840 ~~Administrative Commission~~.

PCB JUAS 12-03

ORIGINAL

2012

841 Section 11. Paragraph (b) of subsection (1) of section
 842 34.041, Florida Statutes, is amended, and paragraph (a) of that
 843 subsection is published, to read:

844 34.041 Filing fees.—

845 (1)(a) Upon the institution of any civil action, suit, or
 846 proceeding in county court, the party shall pay the following
 847 filing fee, not to exceed:

848 1. For all claims less than \$100 \$50.

849 2. For all claims of \$100 or more but not more than \$500
 850 \$75.

851 3. For all claims of more than \$500 but not more than
 852 \$2,500 \$170.

853 4. For all claims of more than \$2,500 \$295.

854 5. In addition, for all proceedings of garnishment,
 855 attachment, replevin, and distress \$85.

856 6. Notwithstanding subparagraphs 3. and 5., for all claims
 857 of not more than \$1,000 filed simultaneously with an action for
 858 replevin of property that is the subject of the claim \$125.

859 7. For removal of tenant action \$180.

860

861 The filing fee in subparagraph 6. is the total fee due under
 862 this paragraph for that type of filing, and no other filing fee
 863 under this paragraph may be assessed against such a filing.

864 (b) The first \$80 of the filing fee collected under
 865 subparagraph (a)4. shall be remitted to the Department of
 866 Revenue for deposit into the General Revenue Fund. The next \$15
 867 of the filing fee collected under subparagraph (a)4., and the
 868 first \$10 of the filing fee collected under subparagraph (a)7.,

PCB JUAS 12-03

ORIGINAL

2012

869 shall be deposited in the State Courts Revenue Trust Fund. One-
 870 third of any filing fees collected by the clerk each month under
 871 this section in excess of the first \$95 collected under
 872 subparagraph (a)4. shall be remitted to the Department of
 873 Revenue for deposit into the department's Clerks of the Court
 874 Trust Fund, unless the remaining two-thirds of the filing fees
 875 collected is less than one-twelfth of the clerk's total budget.
 876 If the filing fees collected are insufficient to remit one-third
 877 to the department, the clerk shall submit that portion of one-
 878 third of the fees collected that is in excess of one-twelfth of
 879 the clerk's total budget for the performance of court-related
 880 functions to the Department of Revenue for deposit into the
 881 department's Clerks of the Court Trust Fund. An additional
 882 filing fee of \$4 shall be paid to the clerk. The clerk shall
 883 transfer \$3.50 to the Department of Revenue for deposit into the
 884 Court Education Trust Fund and shall transfer 50 cents to the
 885 Department of Revenue for deposit into the department's Clerks
 886 of the Court Trust Fund ~~within the Justice Administrative~~
 887 ~~Commission~~ to fund clerk education. Postal charges incurred by
 888 the clerk of the county court in making service by mail on
 889 defendants or other parties shall be paid by the party at whose
 890 instance service is made. Except as provided in this section
 891 ~~herein~~, filing fees and service charges for performing duties of
 892 the clerk relating to the county court shall be as provided in
 893 ss. 28.24 and 28.241. Except as otherwise provided in this
 894 section herein, all filing fees shall be retained as fee income
 895 of the office of the clerk of the circuit court ~~remitted to the~~
 896 ~~Department of Revenue for deposit into the Clerks of the Court~~

PCB JUAS 12-03

ORIGINAL

2012

897 ~~Trust Fund within the Justice Administrative Commission.~~ Filing
 898 fees imposed by this section may not be added to any penalty
 899 imposed by chapter 316 or chapter 318.

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

902 43.16 Justice Administrative Commission; membership,
 903 powers and duties.—

904 (5) The duties of the commission shall include, but are
 905 not ~~be~~ limited to, the following:

906 (a) The maintenance of a central state office for
 907 administrative services and assistance when possible to and on
 908 behalf of the state attorneys and public defenders of Florida,
 909 the capital collateral regional counsel of Florida, the criminal
 910 conflict and civil regional counsel, and the Guardian Ad Litem
 911 Program, ~~and the Florida Clerks of Court Operations Corporation.~~

912 (b) Each state attorney, public defender, and criminal
 913 conflict and civil regional counsel and, ~~the~~ Guardian Ad Litem
 914 Program, ~~and the Florida Clerks of Court Operations Corporation~~
 915 shall continue to prepare necessary budgets, vouchers that
 916 represent valid claims for reimbursement by the state for
 917 authorized expenses, and other things incidental to the proper
 918 administrative operation of the office, such as revenue
 919 transmittals to the Chief Financial Officer and automated
 920 systems plans, but will forward such items ~~same~~ to the
 921 commission for recording and submission to the proper state
 922 officer. However, when requested by a state attorney, a public
 923 defender, a criminal conflict and civil regional counsel, or the
 924 Guardian Ad Litem Program, the commission will either assist in

PCB JUAS 12-03

ORIGINAL

2012

925 the preparation of budget requests, voucher schedules, and other
 926 forms and reports or accomplish the entire project involved.

927 Section 13. Paragraph (x) of subsection (2) of section
 928 110.205, Florida Statutes, is amended to read:

929 110.205 Career service; exemptions.—

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

932 (x) All officers and employees of the Justice
 933 Administrative Commission, Office of the State Attorney, Office
 934 of the Public Defender, regional offices of capital collateral
 935 counsel, offices of criminal conflict and civil regional
 936 counsel, and Statewide Guardian Ad Litem Office, including the
 937 circuit guardian ad litem programs ~~and the Florida Clerks of~~
 938 ~~Court Operations Corporation.~~

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

941 142.01 Fine and forfeiture fund; disposition of revenue;
 942 clerk of the circuit court.—

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

949 (2)~~(3)~~ Notwithstanding the ~~provisions of~~ this section, all
 950 fines and forfeitures arising from operation of the provisions
 951 of s. 318.1215 shall be disbursed in accordance with that
 952 section.

PCB JUAS 12-03

ORIGINAL

2012

953 Section 15. Section 213.131, Florida Statutes, is amended
 954 to read:

955 213.131 Clerks of the Court Trust Fund within the
 956 Department of Revenue ~~Justice Administrative Commission~~.—The
 957 Clerks of the Court Trust Fund is created within the Department
 958 of Revenue ~~Justice Administrative Commission~~. Funds received by
 959 the department from the clerks of the court shall be credited to
 960 the trust fund as provided in chapter 2001-122, Laws of Florida,
 961 to be used for the purposes set forth in that act.

962 Section 16. Paragraph (qq) of subsection (1) of section
 963 216.011, Florida Statutes, is amended to read:

964 216.011 Definitions.—

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

968 (qq) "State agency" or "agency" means any official,
 969 officer, commission, board, authority, council, committee, or
 970 department of the executive branch of state government. For
 971 purposes of this chapter and chapter 215, "state agency" or
 972 "agency" includes, but is not limited to, state attorneys,
 973 public defenders, criminal conflict and civil regional counsel,
 974 capital collateral regional counsel, ~~the Florida Clerks of Court~~
 975 ~~Operations Corporation~~, the Justice Administrative Commission,
 976 the Florida Housing Finance Corporation, and the Florida Public
 977 Service Commission. Solely for the purposes of implementing s.
 978 19(h), Art. III of the State Constitution, the terms "state
 979 agency" or "agency" include the judicial branch.

PCB JUAS 12-03

ORIGINAL

2012

980 Section 17. For the period of July 1, 2012, through
981 September 30, 2012, the approved budget for the clerks of the
982 circuit court shall be \$111,673,799. The Florida Clerks of Court
983 Operations Corporation shall determine budget amounts for the
984 individual clerks.

985 Section 18. This act shall take effect July 1, 2012.