

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

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

40

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

42

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

45 11.90 Legislative Budget Commission.—

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

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

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

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

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

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

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

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

65 28.35 Florida Clerks of Court Operations Corporation.—

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

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

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

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

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

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

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

101 instruction as may be adopted by the Legislature.

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

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

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

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

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

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

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

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

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

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

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

- 161 1. Those functions not specified within paragraph (a).
- 162 2. Functions assigned by administrative orders which are  
 163 not required for the clerk to perform the functions in paragraph  
 164 (a).
- 165 3. Enhanced levels of service which are not required for  
 166 the clerk to perform the functions in paragraph (a).
- 167 4. Functions identified as local requirements in law or  
 168 local optional programs.

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

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

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

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

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

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

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

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

198 40.24 Compensation and reimbursement policy.—

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



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

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

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

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

212 40.29 Payment of due-process costs.—

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

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

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

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

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

247        40.31 Justice Administrative Commission may apportion  
 248 appropriation.—

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

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

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

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

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

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

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

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

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

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

301  ~~fines.~~

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

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

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

314 40.34 Clerks to make triplicate payroll.—

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

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

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

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

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

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

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