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1 A bill to be entitled
 2 An act relating to clerks of court; transferring the
 3 Clerks of the Court Trust Fund from the Justice
 4 Administrative Commission to the Department of
 5 Revenue; amending s. 11.90, F.S.; providing additional
 6 duties of the Legislative Budget Commission relating
 7 to clerks of court; amending s. 28.241, F.S.; revising
 8 distribution of filing fees; revising references to
 9 trust funds; repealing s. 28.2455, F.S., relating to
 10 transfer of trust funds in excess of amount needed for
 11 clerk budgets; amending s. 28.246, F.S.; conforming
 12 provisions to changes made by the act; amending s.
 13 28.35, F.S.; deleting provisions providing for the
 14 housing of the Florida Clerks of Court Operations
 15 Corporation; revising duties of the corporation;
 16 defining terms; providing requirements for annual
 17 submission of a proposed budget and related
 18 information; revising provisions concerning functions
 19 that may and may not be funded from specified sources;
 20 revising distribution of the corporation's audit
 21 report; amending s. 28.36, F.S.; specifying that only
 22 certain functions may be funded from fees, service
 23 charges, costs, and fines retained by the clerks of
 24 the court; revising provisions relating to preparation
 25 of budget requests by clerks; providing for reporting
 26 and certification of revenue deficits; providing
 27 procedures for retention of additional revenues by
 28 clerks in the event of a deficit; providing for the

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29 | release of funds from a specified trust fund to
 30 | relieve such a deficit in certain circumstances;
 31 | providing for increases in previously authorized
 32 | budgets in certain circumstances; deleting provisions
 33 | relating to review of budgets and related information;
 34 | creating s. 28.365, F.S.; providing that clerks of
 35 | court and the Florida Clerks of Court Operations
 36 | Corporation are subject to specified procurement
 37 | requirements for expenditures made pursuant to
 38 | specified provisions; amending s. 28.37, F.S.;
 39 | providing that a portion of all fines, fees, service
 40 | charges, and costs collected by the clerks of the
 41 | court that exceeds a specified portion of the clerk's
 42 | annual budget be remitted to a specified trust fund;
 43 | providing for remission of certain excess collections
 44 | to the department for deposit into the General Revenue
 45 | Fund on specified dates; providing for deposit of such
 46 | funds in a specified trust fund in certain
 47 | circumstances; providing for collection of certain
 48 | funds due by the department; amending s. 34.041, F.S.;
 49 | conforming provisions to changes made by the act;
 50 | revising distribution of certain fees; amending ss.
 51 | 43.16 and 110.205, F.S.; conforming provisions to
 52 | changes made by the act; amending s. 142.01, F.S.;
 53 | deleting provisions specifying that certain moneys are
 54 | considered state funds; amending s. 213.131, F.S.;
 55 | conforming provisions to changes made by the act;
 56 | amending s. 215.22, F.S.; exempting certain moneys

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57 deposited in the Clerks of the Court Trust Fund from a
 58 specified deduction; amending s. 216.011, F.S.;
 59 conforming provisions to changes made by the act;
 60 specifying the authorized budget for the clerks of the
 61 circuit court and the corporation for specified
 62 periods; requiring the corporation to determine budget
 63 amounts for the individual clerks for those periods;
 64 providing effective dates.

65

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

67

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

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

74 11.90 Legislative Budget Commission.—

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

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

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

81 (c) Review and approve, disapprove, or amend and approve
 82 the budget of the Florida Clerks of Court Operations
 83 Corporation.

84 (d) Review and approve, disapprove, or amend and approve

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85 | the total combined budgets of the clerks of the court or the
 86 | budget of any individual clerk of the court for court-related
 87 | functions.

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

91 | Section 3. Paragraph (a) of subsection (1) of section
 92 | 28.241, Florida Statutes, is amended to read:

93 | 28.241 Filing fees for trial and appellate proceedings.—

94 | (1) Filing fees are due at the time a party files a
 95 | pleading to initiate a proceeding or files a pleading for
 96 | relief. Reopen fees are due at the time a party files a pleading
 97 | to reopen a proceeding if at least 90 days have elapsed since
 98 | the filing of a final order or final judgment with the clerk. If
 99 | a fee is not paid upon the filing of the pleading as required
 100 | under this section, the clerk shall pursue collection of the fee
 101 | pursuant to s. 28.246.

102 | (a)1.a. Except as provided in sub-subparagraph b. and
 103 | subparagraph 2., the party instituting any civil action, suit,
 104 | or proceeding in the circuit court shall pay to the clerk of
 105 | that court a filing fee of up to \$395 in all cases in which
 106 | there are not more than five defendants and an additional filing
 107 | fee of up to \$2.50 for each defendant in excess of five. Of the
 108 | first \$200 ~~\$280~~ in filing fees, ~~\$80 must be remitted by the~~
 109 | ~~clerk to the Department of Revenue for deposit into the General~~
 110 | ~~Revenue Fund,~~ \$195 must be remitted to the Department of Revenue
 111 | for deposit into the State Courts Revenue Trust Fund, \$4 ~~\$3.50~~
 112 | must be remitted to the Department of Revenue for deposit into

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113 | the Administrative Clerks of the Court Trust Fund within the
 114 | Department of Financial Services ~~Justice Administrative~~
 115 | ~~Commission~~ and used to fund the contract with the Florida Clerks
 116 | of Court Operations Corporation created in s. 28.35, and \$1
 117 | ~~\$1.50~~ must be remitted to the Department of Revenue for deposit
 118 | into the Administrative Trust Fund within the Department of
 119 | Financial Services to fund audits of individual clerks' court-
 120 | related expenditures ~~clerk budget reviews~~ conducted by the
 121 | Department of Financial Services. By the 10th of each month, the
 122 | clerk shall submit that portion of the filing fees collected in
 123 | the previous month that is in excess of one-twelfth of the
 124 | clerk's total budget ~~One third of any filing fees collected by~~
 125 | ~~the clerk of the circuit court in excess of \$100 must be~~
 126 | ~~remitted~~ to the Department of Revenue for deposit into the
 127 | Clerks of the Court Trust Fund ~~within the Justice Administrative~~
 128 | ~~Commission~~.

129 | b. The party instituting any civil action, suit, or
 130 | proceeding in the circuit court under chapter 39, chapter 61,
 131 | chapter 741, chapter 742, chapter 747, chapter 752, or chapter
 132 | 753 shall pay to the clerk of that court a filing fee of up to
 133 | \$295 in all cases in which there are not more than five
 134 | defendants and an additional filing fee of up to \$2.50 for each
 135 | defendant in excess of five. Of the first \$100 ~~\$180~~ in filing
 136 | fees, ~~\$80 must be remitted by the clerk to the Department of~~
 137 | ~~Revenue for deposit into the General Revenue Fund,~~ \$95 must be
 138 | remitted to the Department of Revenue for deposit into the State
 139 | Courts Revenue Trust Fund, \$4 ~~\$3.50~~ must be remitted to the
 140 | Department of Revenue for deposit into the Administrative Clerks

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141 | ~~of the Court~~ Trust Fund within the Department of Financial
 142 | Services ~~Justice Administrative Commission~~ and used to fund the
 143 | contract with the Florida Clerks of Court Operations Corporation
 144 | created in s. 28.35, and \$1 ~~\$1.50~~ must be remitted to the
 145 | Department of Revenue for deposit into the Administrative Trust
 146 | Fund within the Department of Financial Services to fund audits
 147 | of individual clerks' court-related expenditures ~~clerk budget~~
 148 | ~~reviews~~ conducted by the Department of Financial Services.

149 | c. An additional filing fee of \$4 shall be paid to the
 150 | clerk. The clerk shall remit \$3.50 to the Department of Revenue
 151 | for deposit into the Court Education Trust Fund and shall remit
 152 | 50 cents to the Department of Revenue for deposit into the
 153 | Administrative Clerks of the Court Trust Fund within the
 154 | Department of Financial Services ~~Justice Administrative~~
 155 | ~~Commission~~ to fund clerk education provided by the Florida
 156 | Clerks of Court Operations Corporation. An additional filing fee
 157 | of up to \$18 shall be paid by the party seeking each severance
 158 | that is granted. The clerk may impose an additional filing fee
 159 | of up to \$85 for all proceedings of garnishment, attachment,
 160 | replevin, and distress. Postal charges incurred by the clerk of
 161 | the circuit court in making service by certified or registered
 162 | mail on defendants or other parties shall be paid by the party
 163 | at whose instance service is made. Additional fees, charges, or
 164 | costs may not be added to the filing fees imposed under this
 165 | section, except as authorized in this section or by general law.

166 | 2.a. Notwithstanding the fees prescribed in subparagraph
 167 | 1., a party instituting a civil action in circuit court relating
 168 | to real property or mortgage foreclosure shall pay a graduated

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169 filing fee based on the value of the claim.

170 b. A party shall estimate in writing the amount in
 171 controversy of the claim upon filing the action. For purposes of
 172 this subparagraph, the value of a mortgage foreclosure action is
 173 based upon the principal due on the note secured by the
 174 mortgage, plus interest owed on the note and any moneys advanced
 175 by the lender for property taxes, insurance, and other advances
 176 secured by the mortgage, at the time of filing the foreclosure.
 177 The value shall also include the value of any tax certificates
 178 related to the property. In stating the value of a mortgage
 179 foreclosure claim, a party shall declare in writing the total
 180 value of the claim, as well as the individual elements of the
 181 value as prescribed in this sub-subparagraph.

182 c. In its order providing for the final disposition of the
 183 matter, the court shall identify the actual value of the claim.
 184 The clerk shall adjust the filing fee if there is a difference
 185 between the estimated amount in controversy and the actual value
 186 of the claim and collect any additional filing fee owed or
 187 provide a refund of excess filing fee paid.

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

189 (I) Three hundred and ninety-five dollars in all cases in
 190 which the value of the claim is \$50,000 or less and in which
 191 there are not more than five defendants. The party shall pay an
 192 additional filing fee of up to \$2.50 for each defendant in
 193 excess of five. Of the first \$200 ~~\$280~~ in filing fees, \$195 ~~\$275~~
 194 must be remitted by the clerk to the Department of Revenue for
 195 deposit into the General Revenue Fund, \$4 ~~\$3.50~~ must be remitted
 196 to the Department of Revenue for deposit into the Administrative

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197 | ~~Clerks of the Court~~ Trust Fund within the Department of
 198 | Financial Services ~~Justice Administrative Commission~~ and used to
 199 | fund the contract with the Florida Clerks of Court Operations
 200 | Corporation created in s. 28.35, and \$1 ~~\$1.50~~ must be remitted
 201 | to the Department of Revenue for deposit into the Administrative
 202 | Trust Fund within the Department of Financial Services to fund
 203 | audits of individual clerks' court-related expenditures ~~clerk~~
 204 | ~~budget reviews~~ conducted by the Department of Financial
 205 | Services;

206 | (II) Nine hundred dollars in all cases in which the value
 207 | of the claim is more than \$50,000 but less than \$250,000 and in
 208 | which there are not more than five defendants. The party shall
 209 | pay an additional filing fee of up to \$2.50 for each defendant
 210 | in excess of five. Of the first \$705 ~~\$785~~ in filing fees, \$700
 211 | ~~\$780~~ must be remitted by the clerk to the Department of Revenue
 212 | for deposit into the General Revenue Fund, \$4 ~~\$3.50~~ must be
 213 | remitted to the Department of Revenue for deposit into the
 214 | ~~Administrative Clerks of the Court~~ Trust Fund within the
 215 | Department of Financial Services ~~Justice Administrative~~
 216 | ~~Commission~~ and used to fund the contract with the Florida Clerks
 217 | of Court Operations Corporation created ~~described~~ in s. 28.35,
 218 | and \$1 ~~\$1.50~~ must be remitted to the Department of Revenue for
 219 | deposit into the Administrative Trust Fund within the Department
 220 | of Financial Services to fund audits of individual clerks'
 221 | court-related expenditures ~~clerk budget reviews~~ conducted by the
 222 | Department of Financial Services; or

223 | (III) One thousand nine hundred dollars in all cases in
 224 | which the value of the claim is \$250,000 or more and in which

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225 | there are not more than five defendants. The party shall pay an
 226 | additional filing fee of up to \$2.50 for each defendant in
 227 | excess of five. Of the first \$1,705 ~~\$1,785~~ in filing fees, \$930
 228 | ~~\$1,010~~ must be remitted by the clerk to the Department of
 229 | Revenue for deposit into the General Revenue Fund, \$770 must be
 230 | remitted to the Department of Revenue for deposit into the State
 231 | Courts Revenue Trust Fund, \$4 ~~\$3.50~~ must be remitted to the
 232 | Department of Revenue for deposit into the Administrative Clerks
 233 | ~~of the Court~~ Trust Fund within the Department of Financial
 234 | Services ~~Justice Administrative Commission~~ to fund the contract
 235 | with the Florida Clerks of Court Operations Corporation created
 236 | in s. 28.35, and \$1 ~~\$1.50~~ must be remitted to the Department of
 237 | Revenue for deposit into the Administrative Trust Fund within
 238 | the Department of Financial Services to fund audits of
 239 | individual clerks' court-related expenditures ~~clerk budget~~
 240 | ~~reviews~~ conducted by the Department of Financial Services.

241 | e. An additional filing fee of \$4 shall be paid to the
 242 | clerk. The clerk shall remit \$3.50 to the Department of Revenue
 243 | for deposit into the Court Education Trust Fund and shall remit
 244 | 50 cents to the Department of Revenue for deposit into the
 245 | Administrative Clerks of the Court Trust Fund within the
 246 | Department of Financial Services ~~Justice Administrative~~
 247 | ~~Commission~~ to fund clerk education provided by the Florida
 248 | Clerks of Court Operations Corporation. An additional filing fee
 249 | of up to \$18 shall be paid by the party seeking each severance
 250 | that is granted. The clerk may impose an additional filing fee
 251 | of up to \$85 for all proceedings of garnishment, attachment,
 252 | replevin, and distress. Postal charges incurred by the clerk of

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253 | the circuit court in making service by certified or registered
 254 | mail on defendants or other parties shall be paid by the party
 255 | at whose instance service is made. Additional fees, charges, or
 256 | costs may not be added to the filing fees imposed under this
 257 | section, except as authorized in this section or by general law.

258 | Section 4. Effective upon this act becoming a law, section
 259 | 28.2455, Florida Statutes, is repealed.

260 | Section 5. Paragraph (b) of subsection (5) of section
 261 | 28.246, Florida Statutes, is amended to read:

262 | 28.246 Payment of court-related fines or other monetary
 263 | penalties, fees, charges, and costs; partial payments;
 264 | distribution of funds.—

265 | (5) When receiving partial payment of fees, service
 266 | charges, court costs, and fines, clerks shall distribute funds
 267 | according to the following order of priority:

268 | (b) That portion of fees, service charges, court costs,
 269 | and fines required to be retained by the clerk of the court or
 270 | deposited into the Clerks of the Court Trust Fund within the
 271 | Department of Revenue ~~Justice Administrative Commission~~.

272 |
 273 | To offset processing costs, clerks may impose either a per-month
 274 | service charge pursuant to s. 28.24(26)(b) or a one-time
 275 | administrative processing service charge at the inception of the
 276 | payment plan pursuant to s. 28.24(26)(c).

277 | Section 6. Section 28.35, Florida Statutes, is amended to
 278 | read:

279 | 28.35 Florida Clerks of Court Operations Corporation.—

280 | (1) (a) The Florida Clerks of Court Operations Corporation

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281 is created as a public corporation organized to perform the
 282 functions specified in this section and s. 28.36 ~~and shall be~~
 283 ~~administratively housed within the Justice Administrative~~
 284 ~~Commission. The corporation shall be a budget entity within the~~
 285 ~~Justice Administrative Commission, and its employees shall be~~
 286 ~~considered state employees. The corporation is not subject to~~
 287 ~~control, supervision, or direction by the Justice Administrative~~
 288 ~~Commission in the performance of its duties, but the employees~~
 289 ~~of the corporation shall be governed by the classification plan~~
 290 ~~and salary and benefits plan of the Justice Administrative~~
 291 ~~Commission. The classification plan must have a separate chapter~~
 292 ~~for the corporation.~~ All clerks of the circuit court shall be
 293 members of the corporation and hold their position and authority
 294 in an ex officio capacity. The functions assigned to the
 295 corporation shall be performed by an executive council pursuant
 296 to the plan of operation approved by the members.

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

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309 system.

310 (c) The corporation shall be considered a political

311 subdivision of the state and shall be exempt from the corporate

312 income tax. The corporation is not subject to ~~the provisions of~~

313 chapter 120.

314 (d) The functions assigned to the corporation under this

315 section and ss. 28.36 and 28.37 are considered to be for a valid

316 public purpose.

317 (2) The duties of the corporation shall include the

318 following:

319 (a) Adopting a plan of operation.

320 (b) Conducting the election of an executive council

321 ~~directors~~ as required in paragraph (1) (b) ~~(1) (a)~~.

322 (c) Recommending to the Legislature changes in the amounts

323 of the various court-related fines, fees, service charges, and

324 ~~court~~ costs established by law to ensure reasonable and adequate

325 funding of the clerks of the court in the performance of their

326 court-related functions.

327 (d) Developing and certifying a uniform system of workload

328 ~~performance~~ measures and applicable workload performance

329 standards for the functions specified in paragraph (3) (a) and

330 ~~the service unit costs required in s. 28.36 and measures for~~

331 clerk workload performance in meeting the workload performance

332 standards. These workload measures and workload performance

333 standards shall be designed to facilitate an objective

334 determination of the performance of each clerk in accordance

335 with minimum standards for fiscal management, operational

336 efficiency, and effective collection of fines, fees, service

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337 charges, and court costs. The corporation shall develop the
 338 workload ~~performance~~ measures and workload performance standards
 339 in consultation with the Legislature ~~and the Supreme Court. The~~
 340 ~~Legislature may modify the clerk performance measures and~~
 341 ~~performance standards in legislation implementing the General~~
 342 ~~Appropriations Act or other law.~~ When the corporation finds a
 343 clerk has not met the workload performance standards, the
 344 corporation shall identify the nature of each deficiency and any
 345 corrective action recommended and taken by the affected clerk of
 346 the court. The corporation shall notify the Legislature ~~and the~~
 347 ~~Supreme Court~~ of any clerk not meeting workload performance
 348 standards and provide a copy of any corrective action plans. As
 349 used in this subsection, the term:

350 1. "Workload measures" means the measurement of the
 351 activities and frequency of the work required for the clerk to
 352 adequately perform the court-related duties of the office as
 353 defined by the Florida Clerks of Court Operations Corporation.

354 2. "Workload performance standards" means the standards
 355 developed to measure the timeliness and effectiveness of the
 356 activities that are accomplished by the clerk in the performance
 357 of the court-related duties of the office as defined by the
 358 Florida Clerks of Court Operations Corporation.

359 (e) Entering into a contract with the Department of
 360 Financial Services for the department to audit the court-related
 361 expenditures of individual clerks.

362 (f)-(e) Reviewing, certifying, and recommending proposed
 363 budgets submitted by clerks of the court pursuant to s. 28.36.
 364 As part of this process, the corporation shall:

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365 1. Calculate the minimum amount of revenue necessary for
 366 each clerk of the court to efficiently perform the list of
 367 court-related functions specified in paragraph (3) (a). The
 368 corporation shall apply the workload measures appropriate for
 369 determining the individual level of review required to fund the
 370 clerk's budget.

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

375 3. Conduct an annual base budget review and an annual
 376 budget exercise examining the total budget of each clerk of the
 377 court. The review shall examine revenues from all sources,
 378 expenses of court-related functions, and expenses of noncourt-
 379 related functions as necessary to determine that court-related
 380 revenues are not being used for noncourt-related purposes. The
 381 review and exercise shall identify potential targeted budget
 382 reductions in the percentage amount provided in Schedule VIII-B
 383 of the state's previous year's legislative budget instructions,
 384 as referenced in s. 216.023(3), or an equivalent schedule or
 385 instruction as may be adopted by the Legislature.

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

389 5. Identify those clerks projected to have court-related
 390 revenues insufficient to fund their anticipated court-related
 391 expenditures

392 6. Use revenue estimates based on the official estimate

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393 | for funds accruing to the Clerks of the Court Trust Fund made by
 394 | the Revenue Estimating Conference.

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

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

399 | (h) Beginning August 1, 2014, and each August 1
 400 | thereafter, submitting to the Legislative Budget Commission, as
 401 | provided in s. 11.90, its proposed budget and the information
 402 | described in paragraph (f), as well as the authorized budgets
 403 | for each clerk of the court and the corporation. Before October
 404 | 1 of each year beginning in 2014, the Legislative Budget
 405 | Commission shall consider the submitted budgets and shall
 406 | approve, disapprove, or amend and approve the corporation's
 407 | budget and shall approve, disapprove, or amend and approve the
 408 | total of the clerks' combined budgets or any individual clerk's
 409 | budget. If the Legislative Budget Commission fails to approve or
 410 | amend and approve the corporation's budget or the clerks'
 411 | combined budgets before October 1, the clerk shall continue to
 412 | perform the court-related functions based upon the clerk's
 413 | authorized budget for the previous county fiscal year.

414 | (3) (a) The list of court-related functions that clerks may
 415 | fund from filing fees, service charges, costs, and fines is
 416 | ~~perform~~ are limited to those functions expressly authorized by
 417 | law or court rule. Those functions include the following: case
 418 | maintenance; records management; court preparation and
 419 | attendance; processing the assignment, reopening, and
 420 | reassignment of cases; processing of appeals; collection and

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421 distribution of fines, fees, service charges, and court costs;
 422 processing of bond forfeiture payments; payment of jurors and
 423 witnesses; payment of expenses for meals or lodging provided to
 424 jurors; data collection and reporting; processing of jurors;
 425 determinations of indigent status; and paying reasonable
 426 administrative support costs to enable the clerk of the court to
 427 carry out these court-related functions.

428 (b) The list of court-related functions that clerks may
 429 not fund from filing fees, service charges, costs, and fines
 430 includes ~~state appropriations include:~~

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

439 (4) The corporation shall ~~prepare a legislative budget~~
 440 ~~request for the resources necessary to perform its duties,~~
 441 ~~submit the request pursuant to chapter 216, and be funded~~
 442 pursuant a contract with the Chief Financial Officer. Funds
 443 shall be provided to the Chief Financial Officer for such
 444 purpose as appropriated by general law. Such funds shall be
 445 available to the corporation for the performance of the duties
 446 and responsibilities set forth in this section ~~as a budget~~
 447 ~~entity in the General Appropriations Act.~~ The corporation may
 448 hire staff and pay other expenses from such funds ~~state~~

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449 ~~appropriations~~ as necessary to perform the official duties and
 450 responsibilities of the corporation as described in this section
 451 ~~by law.~~

452 (5) Certified public accountants conducting audits of
 453 counties pursuant to s. 218.39 shall report, as part of the
 454 audit, whether ~~or not~~ the clerks of the courts have complied
 455 with the requirements of this section and s. 28.36. In addition,
 456 each clerk of court shall forward a copy of the ~~portion of the~~
 457 financial audit ~~relating to the court-related duties of the~~
 458 ~~clerk of court~~ to the Florida Clerks of Court Operations
 459 Corporation ~~Supreme Court~~. The Auditor General shall develop a
 460 compliance supplement for the audit of compliance with the
 461 budgets and applicable workload performance standards certified
 462 by the corporation.

463 Section 7. Section 28.36, Florida Statutes, is amended to
 464 read:

465 28.36 Budget procedure.—There is established a budget
 466 procedure ~~for preparing budget requests for funding~~ for the
 467 court-related functions of the clerks of the court.

468 (1) Only those functions listed in s. 28.35(3)(a) may be
 469 funded from fees, service charges, costs, and fines retained by
 470 the clerks of the court ~~Each clerk of court shall prepare a~~
 471 ~~budget request for the last quarter of the county fiscal year~~
 472 ~~and the first three quarters of the next county fiscal year. The~~
 473 ~~proposed budget shall be prepared, summarized, and submitted by~~
 474 ~~the clerk in each county to the Florida Clerks of Court~~
 475 ~~Operations Corporation in the manner and form prescribed by the~~
 476 ~~corporation to meet the requirements of law. Each clerk shall~~

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477 ~~forward a copy of his or her budget request to the Supreme~~
 478 ~~Court. The budget requests must be provided to the corporation~~
 479 ~~by October 1 of each year.~~

480 ~~(2) Each clerk shall include in his or her budget request~~
 481 ~~a projection of the amount of court-related fees, service~~
 482 ~~charges, and any other court-related clerk fees which will be~~
 483 ~~collected during the proposed budget period. If the corporation~~
 484 ~~determines that the proposed budget is limited to the standard~~
 485 ~~list of court-related functions in s. 28.35(3) (a) and the~~
 486 ~~projected court-related revenues are less than the proposed~~
 487 ~~budget, the clerk shall increase all fees, service charges, and~~
 488 ~~any other court-related clerk fees and charges to the maximum~~
 489 ~~amounts specified by law or the amount necessary to resolve the~~
 490 ~~deficit, whichever is less.~~

491 ~~(2)(3) Each proposed budget shall further conform to the~~
 492 ~~following requirements clerk shall include in his or her budget~~
 493 ~~request the number of personnel and the proposed budget for each~~
 494 ~~of the following core services:~~

495 ~~(a) On or before June 1 of each year beginning in 2014,~~
 496 ~~the proposed budget shall be prepared, summarized, and submitted~~
 497 ~~by the clerk in each county to the Florida Clerks of Court~~
 498 ~~Operations Corporation in the manner and form prescribed by the~~
 499 ~~corporation. The proposed budget must provide detailed~~
 500 ~~information on the anticipated revenues available and~~
 501 ~~expenditures necessary for the performance of the court-related~~
 502 ~~functions listed in s. 28.35(3) (a) of the clerk's office for the~~
 503 ~~county fiscal year beginning October 1.~~

504 ~~(b) The proposed budget must be balanced such that the~~

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505 total of the estimated revenues available equals or exceeds the
 506 total of the anticipated expenditures. Such revenues include
 507 revenue projected to be received from fees, services charges,
 508 costs, and fines for court-related functions during the fiscal
 509 period covered by the budget. The anticipated expenditures must
 510 be itemized as required by the corporation.

- 511 ~~(a) Circuit criminal.~~
- 512 ~~(b) County criminal.~~
- 513 ~~(c) Juvenile delinquency.~~
- 514 ~~(d) Criminal traffic.~~
- 515 ~~(e) Circuit civil.~~
- 516 ~~(f) County civil.~~
- 517 ~~(g) Civil traffic.~~
- 518 ~~(h) Probate.~~
- 519 ~~(i) Family.~~
- 520 ~~(j) Juvenile dependency.~~

521
 522 ~~Central administrative costs shall be allocated among the core-~~
 523 ~~services categories.~~

524 (3) If a clerk of the court estimates that available funds
 525 plus projected revenues from fines, fees, service charges, and
 526 costs for court-related services are insufficient to meet the
 527 anticipated expenditures for the standard list of court-related
 528 functions in s. 28.35(3) (a) performed by his or her office, the
 529 clerk must report the revenue deficit to the corporation in the
 530 manner and form prescribed by the corporation. The corporation
 531 shall verify that the proposed budget is limited to the standard
 532 list of court-related functions in s. 28.35(3) (a). If the

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533 | corporation verifies that a revenue deficit is projected, the
 534 | corporation shall certify a revenue deficit and notify the
 535 | Department of Revenue that the clerk is authorized to retain
 536 | revenues, in an amount necessary to fully fund the projected
 537 | revenue deficit, which he or she would otherwise be required to
 538 | remit to the Department of Revenue for deposit into the
 539 | department's Clerks of the Court Trust Fund pursuant to s.
 540 | 28.37. If a revenue deficit is projected for that clerk after
 541 | retaining all of the projected collections from the court-
 542 | related fines, fees, service charges, and costs, the corporation
 543 | shall certify the amount of the revenue deficit to the Executive
 544 | Office of the Governor and request release authority for funds
 545 | from the department's Clerks of the Court Trust Fund.
 546 | Notwithstanding s. 216.192 relating to the release of funds, the
 547 | Executive Office of the Governor may approve the release of
 548 | funds in accordance with the notice, review, and objection
 549 | procedures set forth in s. 216.177 and shall provide notice to
 550 | the Chief Financial Officer. The Department of Revenue shall
 551 | request monthly distributions from the Chief Financial Officer
 552 | in equal amounts to each clerk certified to have a revenue
 553 | deficit, in accordance with the releases approved by the
 554 | Governor.

555 | (4) The Legislative Budget Commission may approve
 556 | increases to the previously authorized budgets approved for
 557 | individual clerks of the court pursuant to section 28.35 for
 558 | court-related functions, if:

559 | (a) The additional budget authority is necessary to pay
 560 | the cost of performing new or additional functions required by

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561 | changes in law or court rule; or

562 | (b) The additional budget authority is necessary to pay
 563 | the cost of supporting increases in the number of judges or
 564 | magistrates authorized by the Legislature.

565 | ~~(4) The budget request must identify the service units to~~
 566 | ~~be provided within each core service. The service units shall be~~
 567 | ~~developed by the corporation, in consultation with the Supreme~~
 568 | ~~Court, the Chief Financial Officer, and the appropriations~~
 569 | ~~committees of the Senate and the House of Representatives.~~

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

573 | ~~(6) The corporation shall review each individual clerk's~~
 574 | ~~prior-year expenditures, projected revenue, proposed unit costs,~~
 575 | ~~and the proposed budget for each of the core services~~
 576 | ~~categories. The corporation shall compare each clerk's prior-~~
 577 | ~~year expenditures and unit costs for core services with a peer~~
 578 | ~~group of clerks' offices having a population of a similar size~~
 579 | ~~and a similar number of case filings. If the corporation finds~~
 580 | ~~that the expenditures, unit costs, or proposed budget of a clerk~~
 581 | ~~is significantly higher than those of clerks in that clerk's~~
 582 | ~~peer group, the corporation shall require the clerk to submit~~
 583 | ~~documentation justifying the difference in each core-services~~
 584 | ~~category. Justification for higher expenditures may include, but~~
 585 | ~~is not limited to, collective bargaining agreements, county~~
 586 | ~~civil service agreements, and the number and distribution of~~
 587 | ~~courthouses served by the clerk. If the expenditures and unit~~
 588 | ~~costs are not justified, the corporation shall recommend a~~

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589 ~~reduction in the funding for that core-services category in the~~
 590 ~~budget request to an amount similar to the peer group of clerks~~
 591 ~~or to an amount that the corporation determines is justified.~~

592 ~~(7) The corporation shall complete its review and~~
 593 ~~adjustments to the clerks' budget requests and make its~~
 594 ~~recommendations to the Legislature and the Supreme Court by~~
 595 ~~December 1 each year.~~

596 ~~(8) The Chief Financial Officer shall review the proposed~~
 597 ~~unit costs associated with each clerk of court's budget request~~
 598 ~~and make recommendations to the Legislature. The Chief Financial~~
 599 ~~Officer may conduct any audit of the corporation or a clerk of~~
 600 ~~court as authorized by law. The Chief Justice of the Supreme~~
 601 ~~Court may request an audit of the corporation or any clerk of~~
 602 ~~court by the Chief Financial Officer.~~

603 ~~(9) The Legislature shall appropriate the total amount for~~
 604 ~~the budgets of the clerks in the General Appropriations Act. The~~
 605 ~~Legislature may reject or modify any or all of the unit costs~~
 606 ~~recommended by the corporation. If the Legislature does not~~
 607 ~~specify the unit costs in the General Appropriations Act or~~
 608 ~~other law, the unit costs recommended by the corporation shall~~
 609 ~~be the official unit costs for that budget period.~~

610 ~~(10) (a) Beginning in the 2010-2011 fiscal year, the~~
 611 ~~corporation shall release appropriations to each clerk~~
 612 ~~quarterly. If funds in the Clerks of Court Trust Fund are~~
 613 ~~insufficient to provide a release in a quarter in a single~~
 614 ~~release, the corporation may release partial amounts for that~~
 615 ~~quarter so long as the total of those partial amounts does not~~
 616 ~~exceed that quarter's release. If funds in the Clerks of Court~~

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617 ~~Trust Fund are insufficient for the first quarter release, the~~
 618 ~~corporation may make a request to the Governor for a trust fund~~
 619 ~~loan pursuant to chapter 215. The amount of the first three~~
 620 ~~releases shall be based on one quarter of the estimated budget~~
 621 ~~for each clerk as identified in the General Appropriations Act.~~

622 ~~(b) The corporation shall estimate the fourth quarter's~~
 623 ~~number of units to be performed by each clerk. The amount of the~~
 624 ~~fourth quarter release shall be based on the approved unit cost~~
 625 ~~times the estimated number of units of the fourth quarter with~~
 626 ~~the following adjustment: the fourth quarter release shall be~~
 627 ~~adjusted based on the first three quarter's actual number of~~
 628 ~~service units provided as reported to the corporation by each~~
 629 ~~clerk. If the clerk has performed fewer service units in the~~
 630 ~~first three quarters of the year compared to three quarters of~~
 631 ~~the estimated number of service units in the General~~
 632 ~~Appropriations Act, the corporation shall decrease the fourth-~~
 633 ~~quarter release. The amount of the decrease shall equal the~~
 634 ~~amount of the difference between the estimated number of service~~
 635 ~~units for the first three quarters and the actual number of~~
 636 ~~service units provided in the first three quarters times the~~
 637 ~~approved unit cost.~~

638 ~~(c) No adjustment for the fourth-quarter release shall be~~
 639 ~~made if the clerk has performed more units than the estimate for~~
 640 ~~the first three quarters.~~

641 ~~(d) If the clerk performs fewer units in the fourth~~
 642 ~~quarter than estimated by the corporation, the corporation shall~~
 643 ~~decrease the first-quarter release for the clerk in the next~~
 644 ~~fiscal year by the amount of the difference between the~~

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645 ~~estimated number of service units for the fourth quarter and the~~
 646 ~~actual number of service units performed in that quarter times~~
 647 ~~the approved unit cost.~~

648 ~~(c) The total of all releases to the clerks of court may~~
 649 ~~not exceed the amount appropriated in the General Appropriations~~
 650 ~~Act. If, during the year, the corporation determines that the~~
 651 ~~projected releases of appropriations for service units will~~
 652 ~~exceed the estimate used in the General Appropriations Act and~~
 653 ~~result in statewide expenditures greater than the amount~~
 654 ~~appropriated by law, the corporation shall reduce all service~~
 655 ~~unit costs of all clerks by the amount necessary to ensure that~~
 656 ~~service units are funded within the total amount appropriated to~~
 657 ~~the clerks of court. If such action is necessary, the~~
 658 ~~corporation shall notify the Legislative Budget Commission. If~~
 659 ~~the Legislative Budget Commission objects to the adjustments,~~
 660 ~~the Legislative Budget Commission shall adjust all service unit~~
 661 ~~costs by the amount necessary to ensure that projected units of~~
 662 ~~service are funded within the total amount appropriated to the~~
 663 ~~clerks of court at its next scheduled meeting.~~

664 ~~(11) The corporation may submit proposed legislation to~~
 665 ~~the Governor, the President of the Senate, and the Speaker of~~
 666 ~~the House of Representatives relating to the preparation of~~
 667 ~~budget requests of the clerks of court.~~

668 Section 8. Section 28.365, Florida Statutes, is created to
 669 read:

670 28.365 Procurement.—The clerks of the court and the
 671 Florida Clerks of Court Operations Corporation are subject to
 672 the procurement requirements and limitations of chapter 287 for

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673 | expenditures made pursuant to the budget provided for in ss.
 674 | 28.35 and 28.36.

675 | Section 9. Section 28.37, Florida Statutes, is amended to
 676 | read:

677 | 28.37 Fines, fees, service charges, and costs remitted to
 678 | the state.—

679 | (1) Pursuant to s. 14(b), Art. V of the State
 680 | Constitution, selected salaries, costs, and expenses of the
 681 | state courts system and court-related functions shall be funded
 682 | from a portion of the revenues derived from statutory fines,
 683 | fees, service charges, and costs collected by the clerks of the
 684 | court.

685 | (2) Beginning November 1, 2013, that portion of all fines,
 686 | fees, service charges, and costs collected by the clerks of the
 687 | court for the previous month that is in excess of one-twelfth of
 688 | the clerks' total budget for the performance of court-related
 689 | functions shall be remitted to the Department of Revenue for
 690 | deposit into the Clerks of the Court Trust Fund. Such
 691 | collections do not include funding received for the operation of
 692 | the Title IV-D child support collections and disbursement
 693 | program. The clerk of the court shall remit the revenues
 694 | collected during the previous month due to the state on or
 695 | before the 10th day of each month.

696 | (3) No later than January 25, 2015, and each January 25
 697 | thereafter for the previous county fiscal year, the clerks of
 698 | court, in consultation with the Florida Clerks of Court
 699 | Operations Corporation, shall remit to the Department of Revenue
 700 | for deposit in the General Revenue Fund the cumulative excess of

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701 all fines, fees, service charges, and costs retained by the
 702 clerks of the court, plus any funds received by the clerks of
 703 the court from the Clerks of the Court Trust Fund under s.
 704 28.36(3), that exceed the amount needed to meet their authorized
 705 budget amounts established under s. 28.35, and the Florida
 706 Clerks of Court Operations Corporation shall remit to the
 707 Department of Revenue for deposit in the General Revenue Fund
 708 the cumulative excess of all fines, fees, service charges, and
 709 costs retained in the Clerks of the Court Trust Fund. However,
 710 if the official estimate for funds accruing to the Clerks of the
 711 Court Trust Fund made by the Revenue Estimating Conference for
 712 the current fiscal year or the next fiscal year included in the
 713 estimate is less than the cumulative amount of authorized
 714 budgets from the Clerks of the Court Trust Fund for the current
 715 fiscal year, the Department of Revenue shall deposit the
 716 difference in the Clerks of the Court Trust Fund rather than in
 717 the General Revenue Fund.

718 (4) The Department of Revenue shall collect any funds that
 719 the Florida Clerks of Court Operations Corporation determines
 720 upon investigation were due no later than January 20 but not
 721 remitted to the department.

722 (5)-(2) ~~Ten~~ Except as otherwise provided in ss. 28.241 and
 723 34.041, all court-related fines, fees, service charges, and
 724 costs are considered state funds and shall be remitted by the
 725 clerk to the Department of Revenue for deposit into the Clerks
 726 of the Court Trust Fund within the Justice Administrative
 727 Commission. However, 10 percent of all court-related fines
 728 collected by the clerk, except for penalties or fines

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729 distributed to counties or municipalities under s.
 730 316.0083(1)(b)3. or s. 318.18(15)(a), shall be deposited into
 731 the clerk's Public Records Modernization Trust Fund to be used
 732 exclusively for additional clerk court-related operational needs
 733 and program enhancements.

734 Section 10. Paragraph (b) of subsection (1) of section
 735 34.041, Florida Statutes, is amended, and paragraph (a) of that
 736 subsection is published, to read:

737 34.041 Filing fees.—

738 (1)(a) Filing fees are due at the time a party files a
 739 pleading to initiate a proceeding or files a pleading for
 740 relief. Reopen fees are due at the time a party files a pleading
 741 to reopen a proceeding if at least 90 days have elapsed since
 742 the filing of a final order or final judgment with the clerk. If
 743 a fee is not paid upon the filing of the pleading as required
 744 under this section, the clerk shall pursue collection of the fee
 745 pursuant to s. 28.246. Upon the institution of any civil action,
 746 suit, or proceeding in county court, the party shall pay the
 747 following filing fee, not to exceed:

- 748 1. For all claims less than \$100.....\$50.
- 749 2. For all claims of \$100 or more but not more than \$500\$75.
- 750 3. For all claims of more than \$500 but not more than
- 751 \$2,500.....\$170.
- 752 4. For all claims of more than \$2,500.....\$295.
- 753 5. In addition, for all proceedings of garnishment,
- 754 attachment, replevin, and distress.....\$85.
- 755 6. Notwithstanding subparagraphs 3. and 5., for all claims
- 756 of not more than \$1,000 filed simultaneously with an action for

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757 replevin of property that is the subject of the claim.....\$125.

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

759

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

763 (b) ~~The first \$80 of the filing fee collected under~~
 764 ~~subparagraph (a)4. shall be remitted to the Department of~~
 765 ~~Revenue for deposit into the General Revenue Fund. The next \$15~~
 766 of the filing fee collected under subparagraph (a)4.7 and the
 767 first \$10 of the filing fee collected under subparagraph (a)7.7
 768 shall be deposited in the State Courts Revenue Trust Fund. By
 769 the 10th day of each month, the clerk shall submit that portion
 770 of the fees collected in the previous month that is in excess of
 771 one-twelfth of the clerk's total budget for the performance of
 772 court-related functions to the Department of Revenue for deposit
 773 into the Clerks of the Court Trust Fund. An additional filing
 774 fee of \$4 shall be paid to the clerk. The clerk shall transfer
 775 \$3.50 to the Department of Revenue for deposit into the Court
 776 Education Trust Fund and shall transfer 50 cents to the
 777 Department of Revenue for deposit into the Administrative Clerks
 778 ~~of the Court~~ Trust Fund within the Department of Financial
 779 Services ~~Justice Administrative Commission~~ to fund clerk
 780 education provided by the Florida Clerks of Court Operations
 781 Corporation. Postal charges incurred by the clerk of the county
 782 court in making service by mail on defendants or other parties
 783 shall be paid by the party at whose instance service is made.
 784 Except as provided in this section ~~herein~~, filing fees and

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

794 Section 11. Subsection (5) of section 43.16, Florida
 795 Statutes, is amended to read:

796 43.16 Justice Administrative Commission; membership,
 797 powers and duties.—

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

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

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

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813 | transmittals to the Chief Financial Officer and automated
 814 | systems plans, but will forward such items ~~same~~ to the
 815 | commission for recording and submission to the proper state
 816 | officer. However, when requested by a state attorney, a public
 817 | defender, a criminal conflict and civil regional counsel, or the
 818 | Guardian Ad Litem Program, the commission will either assist in
 819 | the preparation of budget requests, voucher schedules, and other
 820 | forms and reports or accomplish the entire project involved.

821 | Section 12. Paragraph (x) of subsection (2) of section
 822 | 110.205, Florida Statutes, is amended to read:

823 | 110.205 Career service; exemptions.—

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

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

833 | Section 13. Section 142.01, Florida Statutes, is amended
 834 | to read:

835 | 142.01 Fine and forfeiture fund; disposition of revenue;
 836 | clerk of the circuit court.—

837 | (1) There shall be established by the clerk of the circuit
 838 | court in each county of this state a separate fund to be known
 839 | as the fine and forfeiture fund for use by the clerk of the
 840 | circuit court in performing court-related functions. The fund

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841 shall consist of the following:

842 (a) Fines and penalties pursuant to ss. 28.2402(2),
843 34.045(2), 316.193, 327.35, 327.72, 379.2203(1), and 775.083(1).

844 (b) That portion of civil penalties directed to this fund
845 pursuant to s. 318.21.

846 (c) Court costs pursuant to ss. 28.2402(1)(b),
847 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a) and
848 (11)(a), and 938.05(3).

849 (d) Proceeds from forfeited bail bonds, unclaimed bonds,
850 unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a),
851 379.2203(1), and 903.26(3)(a).

852 (e) Fines and forfeitures pursuant to s. 34.191.

853 (f) Filing fees received pursuant to ss. 28.241 and 34.041,
854 unless the disposition of such fees is otherwise required by
855 law.

856 (g) ~~(f)~~ All other revenues received by the clerk as revenue
857 authorized by law to be retained by the clerk.

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

864 ~~(3)~~ Notwithstanding the provisions of this section, all
865 fines and forfeitures arising from operation of the provisions
866 of s. 318.1215 shall be disbursed in accordance with that
867 section.

868 Section 14. Section 213.131, Florida Statutes, is amended

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869 to read:

870 213.131 Clerks of the Court Trust Fund within the
 871 Department of Revenue ~~Justice Administrative Commission~~.—The
 872 Clerks of the Court Trust Fund is created within the Department
 873 of Revenue ~~Justice Administrative Commission~~.

874 Section 15. Subsection (2) of section 215.22, Florida
 875 Statutes, is amended to read:

876 215.22 Certain income and certain trust funds exempt.—

877 (2) Moneys and income of a revenue nature shared with
 878 political subdivisions or received from taxes or fees authorized
 879 to be levied by any political subdivision, including moneys from
 880 service charges, fees, costs, and fines deposited into the
 881 Clerks of the Court Trust Fund within the Department of Revenue,
 882 shall be exempt from the deduction required by s. 215.20(1).

883 Section 16. Paragraph (qq) of subsection (1) of section
 884 216.011, Florida Statutes, is amended to read:

885 216.011 Definitions.—

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

889 (qq) "State agency" or "agency" means any official,
 890 officer, commission, board, authority, council, committee, or
 891 department of the executive branch of state government. For
 892 purposes of this chapter and chapter 215, "state agency" or
 893 "agency" includes, but is not limited to, state attorneys,
 894 public defenders, criminal conflict and civil regional counsel,
 895 capital collateral regional counsel, ~~the Florida Clerks of Court~~
 896 ~~Operations Corporation,~~ the Justice Administrative Commission,

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897 the Florida Housing Finance Corporation, and the Florida Public
 898 Service Commission. Solely for the purposes of implementing s.
 899 19(h), Art. III of the State Constitution, the terms "state
 900 agency" or "agency" include the judicial branch.

901 Section 17. For the period of July 1, 2013, through
 902 September 30, 2013, the authorized budget for the clerks of the
 903 circuit court shall be \$110,845,078 and the authorized budget
 904 for the Florida Clerks of Court Operations Corporation shall be
 905 \$405,412. The Florida Clerks of Court Operations Corporation
 906 shall determine budget amounts for the individual clerks for
 907 that period. For the county fiscal year beginning October 1,
 908 2013, and ending September 30, 2014, the authorized budget for
 909 the clerks of the circuit court shall be \$443,380,312 and the
 910 authorized budget for the Florida Clerks of Court Operations
 911 Corporation shall be \$1,621,648. The Florida Clerks of Court
 912 Operations Corporation shall determine budget amounts for the
 913 individual clerks for that period.

914 Section 18. Except as otherwise expressly provided in this
 915 act and except for this section, which shall take effect upon
 916 this act becoming a law, this act shall take effect July 1,
 917 2013.