

Committee Substitute for Senate Bill No. 2348

An act relating to trust funds; amending s. 25.241, F.S.; directing that certain fees be deposited into the Operating Trust Fund of the state court system; amending s. 25.383, F.S.; directing that certain fees be deposited into the Operating Trust Fund of the state courts system; creating s. 25.3844, F.S.; creating the Operating Trust Fund within the state courts system; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; amending s. 29.0195, F.S.; directing that certain fees be deposited into the Operating Trust Fund of the state courts system; amending s. 35.22, F.S.; directing that certain fees be deposited into the Operating Trust Fund of the state courts system; providing an effective date.

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

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

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

(5) The Clerk of the Supreme Court is hereby required to prepare a statement of all fees collected each month and remit such statement, together with all fees collected by him or her, to the Chief Financial Officer. The Chief Financial Officer shall deposit \$250 of each \$300 filing fee and all other fees collected into the General Revenue Fund. The Chief Financial Officer shall deposit \$50 of each filing fee collected into the state court's Operating Grants and Donations Trust Fund to fund court improvement projects as authorized in the General Appropriations Act.

Section 2. Section 25.383, Florida Statutes, is amended to read:

25.383 Standards for court reporters; procedures; rules of professional conduct, discipline, and training.—The Supreme Court shall establish minimum standards and procedures for qualifications, certification, discipline, and training for court reporters. The Supreme Court shall determine the amount of fees to charge applicants for certification and renewal of certification. Fees shall be set in an amount necessary to recover the full cost of administering the certification process. All proceeds from fees collected pursuant to this section shall be deposited into the Operating Grants and Donations Trust Fund within the state courts. The Supreme Court may appoint or employ such personnel as are necessary to assist the court in exercising its powers and performing its duties under this section.

Section 3. Section 25.3844, Florida Statutes, is created to read:

25.3844 Operating Trust Fund.—

(1) The Operating Trust Fund is created within the state courts system.

(2) The fund is established for use as a depository of fees and related revenue for the purpose of supporting the program operations of the judicial branch and for such other purposes as may be appropriate, and shall be expended only pursuant to legislative appropriation or an approved amendment to the agency's operating budget pursuant to the provisions of chapter 216.

(3) In accordance with s. 19(f)(2), Art. III of the State Constitution, the Operating Trust Fund shall, unless terminated sooner, be terminated on July 1, 2010. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).

Section 4. Section 29.0195, Florida Statutes, is amended to read:

29.0195 Recovery of expenditures for state-funded services.—The trial court administrator of each circuit shall recover expenditures for state-funded services when those services have been furnished to a user of the state court system who possesses the present ability to pay. The rate of compensation for such services shall be the actual cost of the services, including the cost of recovery. The trial court administrator shall deposit moneys recovered under this section in the ~~Operating Grants and Donations~~ Trust Fund within the state court system. The trial court administrator shall recover the costs of court reporter services and transcription; court interpreter services, including translation; and any other service for which state funds were used to provide a product or service within the circuit. This section does not authorize cost recovery from entities described in ss. 29.005, 29.006, and 29.007.

Section 5. Subsection (6) of section 35.22, Florida Statutes, is amended to read:

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

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

Section 6. This act shall take effect July 1, 2006.

Approved by the Governor May 25, 2006.

Filed in Office Secretary of State May 25, 2006.