

Committee Substitute for  
Committee Substitute for Senate Bill No. 2108

An act relating to the clerks of court; amending s. 28.241, F.S.; redirecting a portion of certain civil filing fees to the Clerks of the Court Trust Fund within the Justice Administrative Commission; revising a requirement that a portion of such fees be deposited into the Department of Financial Services Administrative Trust Fund for a specified purpose; eliminating a requirement that a portion of such fees be deposited into the Clerks of the Court Trust Fund; conforming terminology to changes made by the act; amending s. 28.246, F.S.; conforming terminology to changes made by the act; requiring the clerk to refer certain unpaid accounts to a private attorney or a collection agent; amending s. 28.35, F.S.; providing for the Florida Clerks of Court Operations Corporation to be administratively housed within the Justice Administrative Commission; providing that the corporation is not subject to control, supervision, or direction by the commission; requiring employees of the corporation to be governed by the classification, salary, and benefits plan of the commission in a separate chapter; providing for legislative designees to the corporation's executive council; requiring the Chief Justice of the Supreme Court to designate a member of the corporation's executive council to represent the state courts system; deleting provisions exempting the corporation from ch. 287, F.S., relating to procurement, and from ch. 120, F.S., relating to administrative procedures; revising the duties of the corporation; requiring that the corporation develop measures and standards for reviewing the performance of clerks of court and notify the Legislature and the Supreme Court of any clerk not meeting the standards; conforming cross-references; deleting provisions relating to the certification of the amount of the proposed budget for each clerk; providing for the clerks of court to be funded pursuant to state appropriations rather than from filing fees, service charges, court costs, and fines; providing for the corporation to be funded pursuant to the General Appropriations Act rather than a contract with the Chief Financial Officer; requiring the corporation to submit a legislative budget request; revising requirements for the audits of clerks of court; amending s. 28.36, F.S.; providing a procedure for the clerks of court to prepare budget requests for submission to the Florida Clerks of Court Operations Corporation, with a copy to the Supreme Court; providing requirements for the budget requests; requiring the corporation to determine whether projected court-related revenues are less than the proposed budget for a clerk; requiring that a clerk increase fees and service charges to resolve a deficit; requiring the corporation to compare a clerk's expenditures and costs with the clerk's peer group and for the clerk to submit documentation justifying higher expenditures; requiring that the corporation and the Chief Financial Officer review the clerks' budget requests and make recommendations to the Legislature; authorizing the Chief Financial Officer to conduct,

and the Chief Justice of the Supreme Court to request, an audit of the corporation or a clerk of court; providing for the Legislature to make appropriations for the budgets of the clerks; requiring that the corporation release appropriations; specifying criteria for such release; deleting obsolete provisions; deleting provisions authorizing the Legislative Budget Commission to approve budgets; amending s. 28.37, F.S.; clarifying the requirement for depositing court-related fines, fees, service charges, and costs into the Clerks of the Court Trust Fund within the Justice Administrative Commission; requiring that a specified percentage of all court-related fines collected by the clerk be deposited into the clerk's Public Records Modernization Trust Fund and used exclusively for additional court-related operational needs and programs; deleting obsolete provisions relating to the funding of the clerks of court; amending s. 28.43, F.S.; conforming terminology to changes made by the act; amending s. 34.041, F.S., relating to filing fees; conforming provisions to changes made by the act; amending s. 43.16, F.S., relating to the duties of the Justice Administrative Commission; conforming provisions to the transfer of the Florida Clerks of Court Operations Corporation to the commission; amending s. 43.27, F.S.; requiring that the clerk of court obtain the consent of the chief judge of the circuit concerning the clerk's office hours; amending s. 45.035, F.S.; revising the service charge for certain sales conducted by electronic means; requiring the service charge to be paid by the winning bidder; amending s. 110.205, F.S.; providing that positions in the Florida Clerks of Court Operations Corporation are excluded from career service exemption; amending s. 142.01, F.S.; requiring the deposit of revenues received in the fine and forfeiture funds of the clerks of court into the Clerks of the Court Trust Fund within the Justice Administrative Commission; amending s. 197.542, F.S.; adding the costs to conduct an electronic tax deed sale to certain other costs which must be paid by the certificate holder; amending s. 213.131, F.S.; conforming terminology and provisions to changes made by the act; amending s. 216.011, F.S.; redefining the term "state agency" for purposes of the fiscal affairs of the state to include the Florida Clerks of Court Operations Corporation; amending s. 318.18, F.S.; authorizing certain local governments to impose a surcharge on certain infractions or violations to repay bonds relating to court facilities; requiring a clerk of court to report the amount of surcharge collections; requiring that the clerks of court submit financial data to the Executive Office of the Governor; requiring the Office of Program Policy Analysis and Government Accountability, in consultation with the Chief Financial Officer and the Auditor General, to provide a report regarding the operation and relationship of the clerks of court and the courts to the Legislature by a specified date; providing report requirements; requiring the Technology Review Workgroup to develop a proposed plan for identifying and recommending options for implementing the integrated computer system and submit the plan to the Legislature by a specified date; providing plan requirements; providing specified restrictions for the purchase of computer software and hardware; providing an exception; transferring the Clerks of the Court Trust

Fund from the Department of Revenue to the Justice Administrative Commission; providing a finding that the act fulfills an important state interest; repealing ss. 25.311, 25.321, 25.331, 25.361, and 25.381, F.S., relating to the distribution and resupply of copies of the reports of decisions of the Supreme Court and district court of appeals, the declaration that such reports remain the public property of the state, the authorization of the Supreme Court to obtain state publications for exchange purposes, and the publication, purchase, and distribution of the reports of the opinions of the Supreme Court and the district courts of appeal, respectively; providing an effective date.

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

Section 1. Subsections (1) and (2) of section 28.241, Florida Statutes, are amended to read:

28.241 Filing fees for trial and appellate proceedings.—

(1)(a) The party instituting any civil action, suit, or proceeding in the circuit court shall pay to the clerk of that court a filing fee of up to \$295 in all cases in which there are not more than five defendants and an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$85 in filing fees, \$80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, ~~\$3.50~~ and \$5 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission and used Department of Financial Services' Administrative Trust Fund to fund the ~~contract with the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services.~~ The next \$15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund. One-third of any filing fees collected by the clerk of the circuit court in excess of \$100 shall be remitted to the Department of Revenue for deposit into the ~~Department of Revenue~~ Clerks of the Court Trust Fund within the Justice Administrative Commission. An additional filing fee of \$4 shall be paid to the clerk. The clerk shall remit \$3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the ~~Clerks of the Court Department of Financial Services Administrative Trust Fund~~ Clerks of the Court Department of Financial Services Administrative Trust Fund within the Justice Administrative Commission to fund clerk education. An additional filing fee of up to \$18 shall be paid by the party seeking each severance that is granted. The clerk may impose an additional filing fee of up to \$85 for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. No additional fees, charges, or costs shall be added to the filing fees imposed under this section, except as authorized herein or by general law.

(b) A party reopening any civil action, suit, or proceeding in the circuit court shall pay to the clerk of court a filing fee set by the clerk in an amount not to exceed \$50. For purposes of this section, a case is reopened when a case previously reported as disposed of is resubmitted to a court and includes petitions for modification of a final judgment of dissolution. A party is exempt from paying the fee for any of the following:

1. A writ of garnishment;
2. A writ of replevin;
3. A distress writ;
4. A writ of attachment;
5. A motion for rehearing filed within 10 days;
6. A motion for attorney's fees filed within 30 days after entry of a judgment or final order;
7. A motion for dismissal filed after a mediation agreement has been filed;
8. A disposition of personal property without administration;
9. Any probate case prior to the discharge of a personal representative;
10. Any guardianship pleading prior to discharge;
11. Any mental health pleading;
12. Motions to withdraw by attorneys;
13. Motions exclusively for the enforcement of child support orders;
14. A petition for credit of child support;
15. A Notice of Intent to Relocate and any order issuing as a result of an uncontested relocation;
16. Stipulations;
17. Responsive pleadings; or
18. Cases in which there is no initial filing fee.

(c) Any party other than a party described in paragraph (a) who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, or third-party complaint shall pay the clerk of court a fee of \$295. The clerk shall remit the fee to the Department of Revenue for deposit into the General Revenue Fund.

(d) The clerk of court shall collect a service charge of \$10 for issuing a summons. The clerk shall assess the fee against the party seeking to have the summons issued.

(2) Upon the institution of any appellate proceeding from any lower court to the circuit court of any such county, including appeals filed by a county or municipality as provided in s. 34.041(5), or from the circuit court to an appellate court of the state, the clerk shall charge and collect from the party or parties instituting such appellate proceedings a filing fee not to exceed \$280 for filing a notice of appeal from the county court to the circuit court and, in addition to the filing fee required under s. 25.241 or s. 35.22, \$100 for filing a notice of appeal from the circuit court to the district court of appeal or to the Supreme Court. If the party is determined to be indigent, the clerk shall defer payment of the fee. The clerk shall remit the first \$80 to the Department of Revenue for deposit into the General Revenue Fund. ~~One-third of the fee collected by the clerk in excess of \$80 also shall be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund.~~

Section 2. Paragraph (b) of subsection (5) and subsection (6) of section 28.246, Florida Statutes, are amended to read:

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

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

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

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

(6) A clerk of court shall ~~may~~ pursue the collection of any fees, service charges, fines, court costs, and liens for the payment of attorney's fees and costs pursuant to s. 938.29 which remain unpaid after ~~for~~ 90 days by referring or more, or refer the account to a private attorney who is a member in good standing of The Florida Bar or collection agent who is registered and in good standing pursuant to chapter 559. In pursuing the collection of such unpaid financial obligations through a private attorney or collection agent, the clerk of the court must have attempted to collect the unpaid amount through a collection court, collections docket, or other collections process, if any, established by the court, find this to be cost-effective and follow any applicable procurement practices. The collection fee, including any reasonable attorney's fee, paid to any attorney or collection agent retained by the clerk may be added to the balance owed in an amount not to exceed 40 percent of the amount owed at the time the account is referred to the attorney or agent for collection.

Section 3. Section 28.35, Florida Statutes, is amended to read:

## 28.35 Florida Clerks of Court Operations Corporation.—

(1)(a) ~~The Florida Clerks of Court Operations Corporation is hereby created as a public corporation organized to perform the functions specified in this section and s. 28.36 and shall be administratively housed within the Justice Administrative Commission. The corporation shall be a budget entity within the Justice Administrative Commission, and its employees shall be considered state employees. The corporation is not subject to control, supervision, or direction by the Justice Administrative Commission in the performance of its duties, but the employees of the corporation shall be governed by the classification plan and salary and benefits plan of the Justice Administrative Commission. The classification plan must have a separate chapter for the corporation.~~ All clerks of the circuit court shall be members of the corporation and hold their position and authority in an ex officio capacity. The functions assigned to the corporation shall be performed by an executive council pursuant to the plan of operation approved by the members.

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

(c) ~~The corporation shall be considered a political subdivision of the state and shall be exempt from the corporate income tax. The corporation is not subject to the procurement provisions of chapter 287 and policies and decisions of the corporation relating to incurring debt, levying assessments, and the sale, issuance, continuation, terms, and claims under corporation policies, and all services relating thereto, are not subject to the provisions of chapter 120.~~

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

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

(a) Adopting a plan of operation.

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

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

~~(d) Pursuant to contract with the Chief Financial Officer, establishing a process for the review and certification of proposed court-related budgets~~

submitted by clerks of the court for completeness and compliance with this section and ss. 28.36 and 28.37. This process shall be designed and be of sufficient detail to permit independent verification and validation of the budget certification. The contract shall specify the process to be used in determining compliance by the corporation with this section and ss. 28.36 and 28.37.

~~(d)~~(e) Developing and certifying a uniform system of performance measures and applicable performance standards for the functions specified in paragraph (3)(a) and the service unit costs required in s. 28.36 paragraph ~~(4)(a)~~ and measures for clerk performance in meeting the performance standards. These measures and standards shall be designed to facilitate an objective determination of the performance of each clerk in accordance with minimum standards for fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs. The corporation shall develop the performance measures and performance standards in consultation with the Legislature and the Supreme Court. The Legislature may modify the clerk performance measures and performance standards in legislation implementing the General Appropriations Act or other law. When the corporation finds a clerk has not met the performance standards, the corporation shall identify the nature of each deficiency and any corrective action recommended and taken by the affected clerk of the court. The corporation shall notify the Legislature and the Supreme Court of any clerk not meeting performance standards and provide a copy of any corrective action plans.

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

1. Calculate the maximum authorized annual budget pursuant to the requirements of s. 28.36.
2. Identify those proposed budgets exceeding the maximum annual budget pursuant to s. 28.36(5) for the standard list of court-related functions specified in paragraph (4)(a).
3. Identify those proposed budgets containing funding for items not included on the standard list of court-related functions specified in paragraph (4)(a).
4. Identify those clerks projected to have court-related revenues insufficient to fund their anticipated court-related expenditures.

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

~~(g)~~(h) Publishing a uniform schedule of actual fees, service charges, and costs charged by a clerk of the court for court-related functions pursuant to general law.

~~(3)(a)~~ The Clerks of Court Operations Corporation shall certify to the President of the Senate, the Speaker of the House of Representatives, the

~~Chief Financial Officer, and the Department of Revenue by October 15 of each year, the amount of the proposed budget certified for each clerk; the revenue projection supporting each clerk's budget; each clerk eligible to retain some or all of the state's share of fines, fees, service charges, and costs; the amount to be paid to each clerk from the Clerks of the Court Trust Fund within the Department of Revenue; the performance measures and standards approved by the corporation for each clerk; and the performance of each clerk in meeting the performance standards.~~

~~(b) Prior to December 1 of each year, the Chief Financial Officer shall review the certifications made by the corporation for the purpose of determining compliance with the approved process and report its findings to the President of the Senate, the Speaker of the House of Representatives and to the Department of Revenue. To determine compliance with this process, the Chief Financial Officer may examine the budgets submitted to the corporation by the clerks.~~

~~(3)(4)(a) The list of court-related functions that clerks may perform are fund from filing fees, service charges, court costs, and fines shall be limited to those functions expressly authorized by law or court rule. Those functions must include the following: case maintenance; records management; court preparation and attendance; processing the assignment, reopening, and re-assignment of cases; processing of appeals; collection and distribution of fines, fees, service charges, and court costs; processing of bond forfeiture payments; payment of jurors and witnesses; payment of expenses for meals or lodging provided to jurors; data collection and reporting; processing of jurors; determinations of indigent status; and reasonable administrative support costs to enable the clerk of the court to carry out these court-related functions.~~

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

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

~~(4)(5) The corporation shall prepare a legislative budget request for the resources necessary to perform its duties, submit the request pursuant to chapter 216, and be funded as a budget entity in the General Appropriations Act pursuant to contract with the Chief Financial Officer. Funds shall be provided to the Chief Financial Officer for this purpose as appropriated by general law. These funds shall be available to the corporation for the performance of the duties and responsibilities as set forth in this section. The corporation may hire staff and pay other expenses from state appropriations~~



these funds as necessary to perform the official duties and responsibilities of the corporation as described by law in this section.

~~(5)(6)(a)~~ The corporation shall submit an annual audited financial statement to the Auditor General in a form and manner prescribed by the Auditor General. The Auditor General shall conduct an annual audit of the operations of the corporation, including the use of funds and compliance with the provisions of this section and ss. 28.36 and 28.37.

(b) Certified public accountants conducting audits of counties pursuant to s. 218.39 shall report, as part of the audit, whether or not the clerks of the courts have complied with the requirements of this section and s. 28.36. In addition, each clerk of court shall forward a copy of the portion of the financial audit relating to the court-related duties of the clerk of court to the Supreme Court budgets certified by the Florida Clerk of Courts Operations Corporation pursuant to the budget review process pursuant to contract with the Chief Financial Officer and with the performance standards developed and certified pursuant to this section. The Auditor General shall develop a compliance supplement for the audit of compliance with the budgets and applicable performance standards certified by the corporation.

Section 4. Section 28.36, Florida Statutes, is amended to read:

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

(1) Each clerk of court shall prepare a budget request for the last quarter of the county fiscal year and the first three quarters of the next county fiscal year. The proposed budget shall be prepared, summarized, and submitted by the clerk in each county to the Florida Clerks of Court Operations Corporation in the manner and form prescribed by the corporation to meet the requirements of law. Each clerk shall forward a copy of his or her budget request to the Supreme Court. The budget requests must be provided to the corporation by October 1 of each year.

~~(1) Only those functions on the standard list developed pursuant to s. 28.35(4)(a) may be funded from fees, service charges, court costs, and fines retained by the clerks of the court. No clerk may use fees, service charges, court costs, and fines in excess of the maximum budget amounts as established in subsection (5).~~

~~(2) For the period July 1, 2004, through September 30, 2004, and for each county fiscal year ending September 30 thereafter, each clerk of the court shall prepare a budget relating solely to the performance of the standard list of court-related functions pursuant to s. 28.35(4)(a).~~

~~(3) Each proposed budget shall further conform to the following requirements:~~

~~(a) On or before August 15 for each fiscal year thereafter, the proposed budget shall be prepared, summarized, and submitted by the clerk in each county to the Clerks of Court Operations Corporation in the manner and~~

form prescribed by the corporation. The proposed budget must provide detailed information on the anticipated revenues available and expenditures necessary for the performance of the standard list of court-related functions of the clerk's office developed pursuant to s. 28.35(4)(a) for the county fiscal year beginning the following October 1.

~~(b) The proposed budget must be balanced, such that the total of the estimated revenues available must equal or exceed the total of the anticipated expenditures. These revenues include the following: cash balances brought forward from the prior fiscal period; revenue projected to be received from fees, service charges, court costs, and fines for court-related functions during the fiscal period covered by the budget; and supplemental revenue that may be requested pursuant to subsection (4). The anticipated expenditures must be itemized as required by the corporation, pursuant to contract with the Chief Financial Officer.~~

~~(c) The proposed budget may include a contingency reserve not to exceed 10 percent of the total budget, provided that, overall, the proposed budget does not exceed the limits prescribed in subsection (5).~~

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

(2)(a) Each clerk shall include in his or her budget request a projection of the amount of court-related fees, service charges, and any other court-related clerk fees which will be collected during the proposed budget period. If the corporation determines ~~verifies~~ that the proposed budget is limited to the standard list of court-related functions in s. 28.35(3)(a) ~~s. 28.35(4)(a)~~ and the projected court-related revenues are less than the proposed budget, ~~the a revenue deficit is projected,~~ a clerk ~~seeking to retain revenues pursuant to this subsection~~ shall increase all fees, service charges, and any other court-related clerk fees and charges to the maximum amounts specified by law or the amount necessary to resolve the deficit, whichever is less.

(3) Each clerk shall include in his or her budget request the number of personnel and the proposed budget for each of the following core services:

(a) Case processing.

(b) Financial processing.

(c) Jury management.

(d) Information and reporting.

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

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

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

(6) The corporation shall review each individual clerk's prior-year expenditures, projected revenue, proposed unit costs, and the proposed budget for each of the core-services categories. The corporation shall compare each clerk's prior-year expenditures and unit costs for core services with a peer group of clerks' offices having a population of a similar size and a similar number of case filings. If the corporation finds that the expenditures, unit costs, or proposed budget of a clerk are significantly higher than those of clerks in that clerk's peer group, the corporation shall require the clerk to submit documentation justifying the difference in each core-services category. Justification for higher expenditures may include, but are not limited to, collective bargaining agreements, county civil service agreements, and the number and distribution of courthouses served by the clerk. If the expenditures and unit costs are not justified, the corporation shall recommend a reduction in the funding for that core-services category in the budget request to an amount similar to the peer group of clerks or to an amount that the corporation determines is justified.

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

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

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

(10) For the 2009-2010 fiscal year, the corporation shall release appropriations in an amount equal to one-twelfth of each clerk's approved budget each month. The statewide total appropriation for the 2009-2010 fiscal year shall be set in the General Appropriations Act. The corporation shall determine the amount of each clerk of court budget, but the statewide total of

such amounts may not exceed the amount listed in the General Appropriations Act. Beginning in the 2010-2011 fiscal year, the corporation shall release appropriations to each clerk quarterly. The amount of the release shall be based on the prior quarter's performance of service units identified in the four core services and the established unit costs for each clerk. If, after increasing fees, service charges, and any other court-related clerk fees and charges to the maximum amounts specified by law, a revenue deficit is still projected, the corporation shall, pursuant to the terms of the contract with the Chief Financial Officer, certify a revenue deficit and notify the Department of Revenue that the clerk is authorized to retain revenues, in an amount necessary to fully fund the projected revenue deficit, which he or she would otherwise be required to remit to the Department of Revenue for deposit into the Department of Revenue Clerks of the Court Trust Fund pursuant to s. 28.37. If a revenue deficit is projected for that clerk after retaining all of the projected collections from the court-related fines, fees, service charges, and costs, the Department of Revenue shall certify the amount of the revenue deficit amount to the Executive Office of the Governor and request release authority for funds appropriated for this purpose from the Department of Revenue Clerks of the Court Trust Fund. Notwithstanding provisions of s. 216.192 related to the release of funds, the Executive Office of the Governor may approve the release of funds appropriated to resolve projected revenue deficits in accordance with the notice, review, and objection procedures set forth in s. 216.177 and shall provide notice to the Chief Financial Officer. The Department of Revenue is directed to request monthly distributions from the Chief Financial Officer in equal amounts to each clerk certified to have a revenue deficit, in accordance with the releases approved by the Governor.

~~(b) If the Chief Financial Officer finds the court-related budget proposed by a clerk includes functions not included in the standard list of court-related functions in s. 28.35(4)(a), the Chief Financial Officer shall notify the clerk of the amount of the proposed budget not eligible to be funded from fees, service charges, costs, and fines for court-related functions and shall identify appropriate corrective measures to ensure budget integrity. The clerk shall then immediately discontinue all ineligible expenditures of court-related funds for this purpose and reimburse the Clerks of the Court Trust Fund for any previously ineligible expenditures made for non-court-related functions, and shall implement any corrective actions identified by the Chief Financial Officer.~~

~~(5)(a) For the county fiscal year October 1, 2004, through September 30, 2005, the maximum annual budget amount for the standard list of court-related functions of the clerks of court in s. 28.35(4)(a) that may be funded from fees, service charges, court costs, and fines retained by the clerks of the court shall not exceed:~~

~~1. One hundred and three percent of the clerk's estimated expenditures for the prior county fiscal year; or~~

~~2. One hundred and five percent of the clerk's estimated expenditures for the prior county fiscal year for those clerks in counties that for calendar years 1998-2002 experienced an average annual increase of at least 5 per-~~

cent in both population and case filings for all case types as reported through the Summary Reporting System used by the state courts system.

(b) ~~For the county fiscal year 2005-2006, the maximum budget amount for the standard list of court-related functions of the clerks of court in s. 28.35(4)(a) that may be funded from fees, service charges, court costs, and fines retained by the clerks of the court shall be the approved budget for county fiscal year 2004-2005 adjusted by the projected percentage change in revenue between the county fiscal years 2004-2005 and 2005-2006.~~

(c) ~~For the county fiscal years 2006-2007 and thereafter, the maximum budget amount for the standard list of court-related functions of the clerks of court in s. 28.35(4)(a) that may be funded from fees, service charges, court costs, and fines retained by the clerks of the court shall be established by first rebasing the prior fiscal year budget to reflect the actual percentage change in the prior fiscal year revenue and then adjusting the rebased prior fiscal year budget by the projected percentage change in revenue for the proposed budget year. The rebasing calculations and maximum annual budget calculations shall be as follows:~~

1. ~~For county fiscal year 2006-2007, the approved budget for county fiscal year 2004-2005 shall be adjusted for the actual percentage change in revenue between the two 12-month periods ending June 30, 2005, and June 30, 2006. This result is the rebased budget for the county fiscal year 2005-2006. Then the rebased budget for the county fiscal year 2005-2006 shall be adjusted by the projected percentage change in revenue between the county fiscal years 2005-2006 and 2006-2007. This result shall be the maximum annual budget amount for the standard list of court-related functions of the clerks of court in s. 28.35(4)(a) that may be funded from fees, service charges, court costs, and fines retained by the clerks of the court for each clerk for the county fiscal year 2006-2007.~~

2. ~~For county fiscal year 2007-2008, the rebased budget for county fiscal year 2005-2006 shall be adjusted for the actual percentage change in revenue between the two 12-month periods ending June 30, 2006, and June 30, 2007. This result is the rebased budget for the county fiscal year 2006-2007. The rebased budget for county fiscal year 2006-2007 shall be adjusted by the projected percentage change in revenue between the county fiscal years 2006-2007 and 2007-2008. This result shall be the maximum annual budget amount for the standard list of court-related functions of the clerks of court in s. 28.35(4)(a) that may be funded from fees, service charges, court costs, and fines retained by the clerks of the court for county fiscal year 2007-2008.~~

3. ~~For county fiscal years 2008-2009 and thereafter, the maximum budget amount for the standard list of court-related functions of the clerks of court in s. 28.35(4)(a) that may be funded from fees, service charges, court costs, and fines retained by the clerks of the court shall be calculated as the rebased budget for the prior county fiscal year adjusted by the projected percentage change in revenues between the prior county fiscal year and the county fiscal year for which the maximum budget amount is being authorized. The rebased budget for the prior county fiscal year shall always be calculated by adjusting the rebased budget for the year preceding the prior~~

county fiscal year by the actual percentage change in revenues between the 12-month period ending June 30 of the year preceding the prior county fiscal year and the 12-month period ending June 30 of the prior county fiscal year.

~~(6) The Legislative Budget Commission may approve increases to the maximum annual budgets approved for individual clerks of the court pursuant to this section for court-related duties, if either of the following conditions exist:~~

~~(a) The additional funding is necessary to pay the cost of performing new or additional functions required by changes in law or court rule. Before the Legislative Budget Commission may approve an increase in the maximum annual budget of any clerk under this paragraph, the Clerk of the Court Operations Corporation must provide the Legislative Budget Commission with a statement of the impact of the proposed budget changes on state revenues, and evidence that the respective clerk of the court is meeting or exceeding the established performance standards for measures on the fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs.~~

~~(b) The additional funding is necessary to pay the cost of supporting increases in the number of judges or magistrates authorized by the Legislature. Before the Legislative Budget Commission may approve an increase in the maximum annual budget of any clerk under this paragraph, the Clerk of the Court Operations Corporation must provide the Legislative Budget Commission with a statement of the impact of the proposed budget changes on state revenues; evidence that the respective clerk of the court is meeting or exceeding the established performance standards for measures on the fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs; and a proposed staffing model, including the cost and number of staff necessary to support each new judge or magistrate.~~

~~The total amount of increases approved by the Legislative Budget Commission for each county fiscal year shall not exceed an amount equal to 2 percent of the maximum annual budgets approved pursuant to this section for all clerks, in the aggregate, for that same county fiscal year.~~

~~(11)(7) The corporation may submit proposed legislation to the Governor, the President of the Senate, and the Speaker of the House of Representatives relating to the preparation of budget requests of the clerks of court no later than November 1 in any year for approval of clerk budget request amounts exceeding the restrictions in this section for the following October 1. If proposed legislation is recommended, the corporation shall also submit supporting justification with sufficient detail to identify the specific proposed expenditures that would cause the limitations to be exceeded for each affected clerk and the estimated fiscal impact on state revenues.~~

Section 5. Section 28.37, Florida Statutes, is amended to read:

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

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

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

~~(2) Beginning August 1, 2004, except as otherwise provided in ss. 28.241 and 34.041, one-third of all fines, fees, service charges, and costs collected by the clerks of the court during the prior month for the performance of court-related functions shall be remitted to the Department of Revenue for deposit in the Department of Revenue Clerks of the Court Trust Fund. These collections do not include funding received for the operation of the Title IV-D child support collections and disbursement program. The clerk of the court shall remit the revenues collected during the prior month due to the state on or before the 20th day of each month. The Department of Revenue shall make a monthly transfer of the funds in the Department of Revenue Clerks of the Court Trust Fund that are not needed to resolve clerk of the court revenue deficits, as specified in s. 28.36, to the General Revenue Fund.~~

~~(3) For the period of October 1, 2003, to June 30, 2004, those clerks operating as fee officers for court-related services shall determine the amount of fees collected and expenses generated for court-related services. Any excess fees generated during this period shall be remitted to the county on December 31, 2004. However, any billings for payment of due process services rendered before July 1, 2004, may be paid by the clerk from these funds. Due process services shall include, but not be limited to, court reporter services, court interpreter services, expert witness services, mental health evaluations, and court-appointed counsel services. In addition, any deficit experienced by the clerk for court-related services during the period from October 1, 2003, to June 30, 2004, shall be funded by the county.~~

~~(4) Beginning January 1, 2005, for the period July 1, 2004, through September 30, 2004, and each January 1 thereafter for the preceding county fiscal year of October 1 through September 30, the clerk of the court must remit to the Department of Revenue for deposit in the General Revenue Fund the cumulative excess of all fees, service charges, court costs, and fines retained by the clerks of the court, plus any funds received by the clerks of the court from the Department of Revenue Clerk of the Court Trust Fund under s. 28.36(4)(a), over the amount needed to meet the approved budget amounts established under s. 28.36.~~

~~(5) The Department of Revenue shall collect any funds that the corporation determines upon investigation were due on January 1 but not remitted to the department.~~

Section 6. Subsection (1) of section 28.43, Florida Statutes, is amended to read:

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

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

Section 7. Paragraph (b) of subsection (1) of section 34.041, Florida Statutes, is amended to read:

34.041 Filing fees.—

(1)

(b) The first \$80 of the filing fee collected under subparagraph (a)4. shall be remitted to the Department of Revenue for deposit into the General Revenue Fund. The next \$15 of the filing fee collected under subparagraph (a)4., and the first \$15 of each filing fee collected under subparagraph (a)6., shall be deposited in the state courts' Mediation and Arbitration Trust Fund. ~~One-third of any filing fees collected by the clerk under this section in excess of the first \$95 collected under subparagraph (a)4. shall be remitted to the Department of Revenue for deposit into the Department of Revenue Clerks of the Court Trust Fund.~~ An additional filing fee of \$4 shall be paid to the clerk. The clerk shall transfer \$3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall transfer 50 cents to the Department of Revenue for deposit into the Clerks of the Court Department of Financial Services' Administrative Trust Fund within the Justice Administrative Commission to fund clerk education. Postal charges incurred by the clerk of the county court in making service by mail on defendants or other parties shall be paid by the party at whose instance service is made. Except as provided herein, filing fees and service charges for performing duties of the clerk relating to the county court shall be as provided in ss. 28.24 and 28.241. Except as otherwise provided herein, all filing fees shall be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission ~~retained as fee income of the office of the clerk of circuit court.~~ Filing fees imposed by this section may not be added to any penalty imposed by chapter 316 or chapter 318.

Section 8. Subsection (5) of section 43.16, Florida Statutes, is amended to read:

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

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

(a) The maintenance of a central state office for administrative services and assistance when possible to and on behalf of the state attorneys and



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

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

Section 9. Section 43.27, Florida Statutes, is amended to read:

43.27 Office hours of clerks of court.—With the advice and consent of the chief judge of the circuit, the clerks of the courts of the several counties may establish the hours during which the office of clerk may be open to the public. The hours should conform as nearly as possible to the customary weekday hours of business prevailing in the county. The clerk may prescribe that the office be open such additional hours as public needs require. The clerk of court may not close any office of the clerk of court during customary weekday hours without the consent of the chief judge of the circuit.

Section 10. Subsection (3) of section 45.035, Florida Statutes, as amended by section 3 of chapter 2009-21, Laws of Florida, is amended to read:

45.035 Clerk's fees.—In addition to other fees or service charges authorized by law, the clerk shall receive service charges related to the judicial sales procedure set forth in ss. 45.031-45.034 and this section:

(3) If the sale is conducted by electronic means, as provided in s. 45.031(10), the clerk shall receive an additional a service charge not to exceed of \$70 ~~as provided in subsection (1)~~ for services in conducting or contracting for the electronic sale, which service charge shall be assessed as costs and paid by the winning bidder shall be advanced by the plaintiff before the sale. If the clerk requires advance electronic deposits to secure the right to bid, such deposits shall not be subject to the fee under s. 28.24(10). The portion of an advance deposit from a winning bidder required by s. 45.031(3) shall, upon acceptance of the winning bid, be subject to the fee under s. 28.24(10).

Section 11. Paragraph (y) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

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

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

Section 12. Section 142.01, Florida Statutes, is amended to read:

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

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

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

~~(b)(2)~~ That portion of civil penalties directed to this fund pursuant to s. 318.21.

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

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

~~(e)(5)~~ Fines and forfeitures pursuant to s. 34.191.

~~(f)(6)~~ All other revenues received by the clerk as revenue authorized by law to be retained by the clerk.

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

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

Section 13. Subsection (4) of section 197.542, Florida Statutes, is amended to read:

197.542 Sale at public auction.—

(4)(a) A clerk may conduct electronic tax deed sales in lieu of public outcry. The clerk must comply with the procedures provided in this chapter,

except that electronic proxy bidding shall be allowed and the clerk may require bidders to advance sufficient funds to pay the deposit required by subsection (2). The clerk shall provide access to the electronic sale by computer terminals open to the public at a designated location. A clerk who conducts such electronic sales may receive electronic deposits and payments related to the sale. The portion of an advance deposit from a winning bidder required by subsection (2) shall, upon acceptance of the winning bid, be subject to the fee under s. 28.24(10).

(b) Nothing in this subsection shall be construed to restrict or limit the authority of a charter county from conducting electronic tax deed sales. In a charter county where the clerk of the circuit court does not conduct all electronic sales, the charter county shall be permitted to receive electronic deposits and payments related to sales it conducts, as well as to subject the winning bidder to a fee, consistent with the schedule in s. 28.24(10).

(c) The costs of electronic tax deed sales shall be added to the charges for the costs of sale under subsection (1) and paid by the certificateholder when filing an application for a tax deed.

Section 14. Section 213.131, Florida Statutes, is amended to read:

~~213.131 Department of Revenue Clerks of the Court Trust Fund within the Justice Administrative Commission.—The Department of Revenue Clerks of the Court Trust Fund is created within the Justice Administrative Commission Department of Revenue. Funds received by the department from the clerks of court shall be credited to the trust fund as provided in ch. 2001-122, Laws of Florida, to be used for the purposes set forth in such legislation.~~

Section 15. Paragraph (qq) of subsection (1) of section 216.011, Florida Statutes, is amended to read:

216.011 Definitions.—

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

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

Section 16. Subsection (13) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(13)(a) In addition to any penalties imposed for noncriminal traffic infractions pursuant to this chapter or imposed for criminal violations listed in s. 318.17, a board of county commissioners or any unit of local government ~~that which~~ is consolidated as provided by s. 9, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the Constitution of 1968:

1.(a) May impose by ordinance a surcharge of up to ~~\$30~~ \$15 for any infraction or violation to fund state court facilities. The court shall not waive this surcharge. Up to 25 percent of the revenue from such surcharge may be used to support local law libraries provided that the county or unit of local government provides a level of service equal to that provided prior to July 1, 2004, which shall include the continuation of library facilities located in or near the county courthouse or any annex to the courthouse annexes.

2.(b) ~~May, if such board or unit That~~ imposed increased fees or service charges by ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the purpose of securing payment of the principal and interest on bonds issued by the county before July 1, 2003, to finance state court facilities, ~~may~~ impose by ordinance a surcharge for any infraction or violation for the exclusive purpose of securing payment of the principal and interest on bonds issued by the county before July 1, 2003, to fund state court facilities until the date of stated maturity. The court shall not waive this surcharge. Such surcharge may not exceed an amount per violation calculated as the quotient of the maximum annual payment of the principal and interest on the bonds as of July 1, 2003, divided by the number of traffic citations for county fiscal year 2002-2003 certified as paid by the clerk of the court of the county. Such quotient shall be rounded up to the next highest dollar amount. The bonds may be refunded only if savings will be realized on payments of debt service and the refunding bonds are scheduled to mature on the same date or before the bonds being refunded. Notwithstanding any of the foregoing provisions of this ~~subparagraph~~ paragraph that limit the use of surcharge revenues, if the revenues generated as a result of the adoption of this ordinance exceed the debt service on the bonds, the surplus revenues may be used to pay down the debt service on the bonds; fund other state-court-facility construction projects as may be certified by the chief judge as necessary to address unexpected growth in caseloads, emergency requirements to accommodate public access, threats to the safety of the public, judges, staff, and litigants, or other exigent circumstances; or support local law libraries in or near the county courthouse or any annex to the courthouse annexes.

3. May impose by ordinance a surcharge for any infraction or violation for the exclusive purpose of securing payment of the principal and interest on bonds issued by the county on or after July 1, 2009, to fund state court facilities until the stated date of maturity. The court may not waive this surcharge. The surcharge may not exceed an amount per violation calculated as the quotient of the maximum annual payment of the principal and interest on the bonds, divided by the number of traffic citations certified as paid by the clerk of the court of the county on August 15 of each year. The

quotient shall be rounded up to the next highest dollar amount. The bonds may be refunded if savings are realized on payments of debt service and the refunding bonds are scheduled to mature on or before the maturity date of the bonds being refunded. If the revenues generated as a result of the adoption of the ordinance exceed the debt service on the bonds, the surplus revenues may be used to pay the debt service on the bonds; to fund other state court facility construction projects certified by the chief judge as necessary to address unexpected growth in caseloads, emergency requirements to accommodate public access, threats to the safety of the public, judges, staff, and litigants, or other exigent circumstances; or to support local law libraries in or near the county courthouse or any annex to the courthouse.

(b) A county may not impose both of the surcharges authorized under subparagraphs (a)1., 2., and 3. paragraphs (a) and (b) concurrently. The clerk of court shall report, no later than 30 days after the end of the quarter, the amount of funds collected under this subsection during each quarter of the fiscal year. The clerk shall submit the report, in a format developed by the Office of State Courts Administrator, to the chief judge of the circuit, the Governor, the President of the Senate, and the Speaker of the House of Representatives, and the board of county commissioners.

Section 17. Each clerk of court shall provide financial data concerning his or her expenditures for court-related duties, including expenditures for court-related information technology, to the Executive Office of the Governor for the purposes contained in SB 1796 or similar legislation.

Section 18. (1) By January 15, 2010, the Office of Program Policy Analysis and Government Accountability, in consultation with the Chief Financial Officer and the Auditor General, shall provide a report to the President of the Senate and the Speaker of the House of Representatives regarding the operation and functions of the clerks of court and the courts. The Office of Program Policy Analysis and Government Accountability shall examine who is performing each court-related function, how each function is funded, and how efficiently these functions are performed. The clerks of court, the Florida Clerks of Court Operations Corporation, and the state courts system are directed to cooperate fully with the office and, upon request, provide any and all information necessary to the review without cost or delay. The report shall describe in detail the base budget for each of the clerks and for the state courts system and report on the overall efficiency of the current process. Administrative overhead shall be calculated separately, and any apparent means to reduce such overhead shall be explored and included in the report. The study shall list each court-related function, a recommendation on who should perform the function, and a recommendation for how to pay for such function.

(2) The Technology Review Workgroup shall develop a proposed plan for identifying and recommending options for implementing the integrated computer system established in s. 29.008(1)(f)2., Florida Statutes. The plan shall describe the approaches and processes for evaluating the existing computer systems and data-sharing networks of the state courts system and the clerks of the court; identifying the required business and technical requirements; reliably estimating the cost, work, and change requirements;

and examining the use of the funds collected under s. 28.24(12)(e), Florida Statutes. The plan may also address any necessary policy, operational, fiscal, or technical changes, including, but not limited to, potential changes to the distribution and use of funds collected under s. 28.24(12)(e), Florida Statutes, that may be needed in order to manage, implement, and operate an integrated computer system. The plan shall be submitted to the President of the Senate and the Speaker of the House of Representatives no later than February 1, 2010. The clerks of court, the Florida Clerks of Court Operations Corporation, and the state courts system are directed to cooperate fully with the workgroup and provide any and all information necessary for the completion of the project without cost or delay upon request. The workgroup shall work in conjunction with the Auditor General and consider the results of the plans, studies, and reports of the Office of Program Policy Analysis and Government Accountability under subsection (1). Until July 1, 2011, a clerk may not purchase any new software unless a clerk is already obligated by a contract for new software entered into before May 1, 2009. A clerk may purchase regular and necessary upgrades to existing software if otherwise budgeted. Until July 1, 2011, a clerk may not purchase any computer hardware unless a clerk is already obligated by a contract for new hardware entered into before May 1, 2009. However, a clerk may purchase hardware necessary to replace broken equipment or necessary to equip new staff and only if otherwise budgeted. A clerk may apply to the Florida Clerks of Court Operations Corporation for a limited and specific exception to these purchasing limits. The corporation shall report all such exceptions to the President of the Senate and the Speaker of the House of Representatives.

Section 19. The Clerks of the Court Trust Fund within the Department of Revenue, FLAIR number 73-2-588, is transferred along with all balances and obligations to the Justice Administrative Commission.

Section 20. The Legislature finds and declares that this act fulfills an important state interest.

Section 21. Sections 25.311, 25.321, 25.331, 25.361, and 25.381, Florida Statutes, are repealed.

Section 22. This act shall take effect upon becoming a law.

Approved by the Governor June 18, 2009.

Filed in Office Secretary of State June 18, 2009.