

The Florida Senate  
**HOUSE MESSAGE SUMMARY**

---

Prepared By: The Professional Staff of the Criminal and Civil Justice Appropriations Committee

---

[2009s2108.hms]

BILL: CS/CS/SB 2108, 1st Eng.

INTRODUCER: Way and Means Policy Steering Committee, Judiciary Committee, and Senator Pruitt

SUBJECT: Clerks of the Court

DATE: April 29, 2009

---

**Amendments Contained in Message:**

**House Amendment 1 – 153253** (body with title)

**Summary of Amendments Contained in Message:**

**House Amendment 1** is a strike-all amendment. It contains the provisions of SB 2108, plus the following:

- Deletes provisions revising who the courts purchase on-line services from for court cases. The amendment repeals that section, along with other outdated statutes requiring certain reports of the Supreme Court divisions.
- Splits the current \$5.00 from the circuit civil filing fee between the Department of Financial Services (\$1.50) for performing clerk audits and the Clerk of Courts Operations Corporation (\$3.50) for funding its operations.
- Strikes outdated language on clerks submitting 1/3rd of county filing fees to state. This language is no longer needed as the bill requires all clerk revenues to be remitted to the state.
- Exempts the Clerk of Courts Operations Corporation from chapter 120 (Administrative Procedures Act), F.S. Currently the corporation is not under chapter 120, F.S., and the other entities within the Justice Administrative Commission, are also not under chapter 120, F.S.
- Strikes outdated language on the Department of Revenue sweeping the clerks trust fund. This will be provided for in the General Appropriations Act.
- Adds House language on an efficiency study by OPPAGA of the clerk of court and the court system.
- Adds House language on a study by the Legislature's Technology Review Workgroup (TRW) of court and clerk information technology systems. Limits clerk of court information technology purchases during the period of the study.
- Clarifies that the Clerk of Courts Operations Corporation is housed within the Justice Administrative Commission but is not subject to the control of the commission and that the employees of the corporation must be under the Justice Administrative Commission's pay plan.

- 
- Adds a designee of the Senate President and the Speaker of the House of Representatives as ex-officio members of the Clerk of Courts Operations Corporation Executive Council.
  - Requires the Clerk of Courts Operations Corporation to prepare a legislative budget request pursuant to Chapter 216 for its operations.
  - Clarifies that for the state fiscal year 2009-10, the corporation shall release funds monthly to individual clerks based on the statewide total appropriated in the General Appropriations Act. Beginning in 2010-11, the new budgeting system required in the bill will be used to appropriate the clerks budgets.
  - Clarifies that employees of the Clerk of Courts Operations Corporation are not career service employees (no employees of the Justice Administrative Commission are under career service).