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CS/HB 925, Engrossed 1

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1
 2 An act relating to clerks of the court; amending s.
 3 28.37, F.S.; authorizing the cumulative excess of
 4 funds to be used in the development of the total
 5 combined budgets of the clerks of the court; amending
 6 ss. 28.35 and 28.36, F.S.; conforming provisions to
 7 changes made by the act; amending s. 50.0311, F.S.;
 8 revising the definition of the term "publicly
 9 accessible website"; amending s. 318.18, F.S.;
 10 providing exceptions to requirements that certain
 11 civil penalties be remitted to school districts;
 12 amending s. 318.21, F.S.; increasing the percentage of
 13 certain penalties which must be deposited into the
 14 fine and forfeiture fund and decreasing the percentage
 15 of certain penalties that must be paid to a
 16 municipality; providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Paragraph (b) of subsection (4) of section
 21 28.37, Florida Statutes, is amended to read:

22 28.37 Fines, fees, service charges, and costs remitted to
 23 the state.—

24 (4)

25 (b) ~~No later than February 1, 2022, and each February 1~~

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26 ~~thereafter, the Department of Revenue shall transfer 50 percent~~
 27 ~~of The cumulative excess of the original revenue projection from~~
 28 ~~the Clerks of the Court Trust Fund to the General Revenue Fund.~~
 29 ~~The remaining 50 percent in the Clerks of the Court Trust Fund~~
 30 may be used in the development of the total combined budgets of
 31 the clerks of the court as provided in s. 28.35(2)(f)6. However,
 32 a minimum of 10 percent of ~~the clerk-retained portion of the~~
 33 cumulative excess ~~amount~~ must be held in reserve until such
 34 funds reach an amount equal to at least 16 percent of the total
 35 budget authority from the current county fiscal year, as
 36 provided in s. 28.36(3)(a).

37 Section 2. Paragraph (f) of subsection (2) of section
 38 28.35, Florida Statutes, is amended to read:

39 28.35 Florida Clerks of Court Operations Corporation.—

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

42 (f) Approving the proposed budgets submitted by clerks of
 43 the court pursuant to s. 28.36. The corporation must ensure that
 44 the total combined budgets of the clerks of the court do not
 45 exceed the total estimated revenues from fees, service charges,
 46 court costs, and fines for court-related functions available for
 47 court-related expenditures as determined by the most recent
 48 Revenue Estimating Conference, plus the total of unspent
 49 budgeted funds for court-related functions carried forward by
 50 the clerks of the court from the previous county fiscal year,

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51 plus the cumulative excess as provided in ~~balance of funds~~
52 ~~remaining in the Clerks of the Court Trust Fund after the~~
53 ~~transfer of funds to the General Revenue Fund required pursuant~~
54 ~~to~~ s. 28.37(4)(b), and plus any appropriations for court-related
55 functions. The corporation may amend any individual clerk of the
56 court budget to ensure compliance with this paragraph and must
57 consider performance measures, workload performance standards,
58 workload measures, and expense data before modifying the budget.
59 As part of this process, the corporation shall:

60 1. Calculate the minimum amount of revenue necessary for
61 each clerk of the court to efficiently perform the list of
62 court-related functions specified in paragraph (3)(a). The
63 corporation shall apply the workload measures appropriate for
64 determining the individual level of review required to fund the
65 clerk's budget.

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

70 3. Conduct an annual base budget review and an annual
71 budget exercise examining the total budget of each clerk of the
72 court. The review shall examine revenues from all sources,
73 expenses of court-related functions, and expenses of noncourt-
74 related functions as necessary to determine that court-related
75 revenues are not being used for noncourt-related purposes. The

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76 review and exercise shall identify potential targeted budget
 77 reductions in the percentage amount provided in Schedule VIII-B
 78 of the state's previous year's legislative budget instructions,
 79 as referenced in s. 216.023(3), or an equivalent schedule or
 80 instruction as may be adopted by the Legislature.

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

84 5. Identify those clerks projected to have court-related
 85 revenues insufficient to fund their anticipated court-related
 86 expenditures.

87 6. Use revenue estimates based on the official estimate
 88 for funds from fees, service charges, court costs, and fines for
 89 court-related functions accruing to the clerks of the court made
 90 by the Revenue Estimating Conference, as well as any unspent
 91 budgeted funds for court-related functions carried forward by
 92 the clerks of the court from the previous county fiscal year and
 93 the cumulative excess as provided in ~~balance of funds remaining~~
 94 ~~in the Clerks of the Court Trust Fund after the transfer of~~
 95 ~~funds to the General Revenue Fund required pursuant to s.~~
 96 28.37(4)(b), plus any appropriations for the purpose of funding
 97 court-related functions.

98 7. Identify pay and benefit increases in any proposed
 99 clerk budget, including, but not limited to, cost of living
 100 increases, merit increases, and bonuses.

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101 8. Identify increases in anticipated expenditures in any
 102 clerk budget that exceeds the current year budget by more than 3
 103 percent.

104 9. Identify the budget of any clerk which exceeds the
 105 average budget of similarly situated clerks by more than 10
 106 percent.

107
 108 For the purposes of this paragraph, the term "unspent budgeted
 109 funds for court-related functions" means undisbursed funds
 110 included in the clerks of the courts budgets for court-related
 111 functions established pursuant to this section and s. 28.36.

112 Section 3. Paragraph (b) of subsection (2) and paragraph
 113 (a) of subsection (3) of section 28.36, Florida Statutes, are
 114 amended to read:

115 28.36 Budget procedure.—There is established a budget
 116 procedure for the court-related functions of the clerks of the
 117 court.

118 (2) Each proposed budget shall further conform to the
 119 following requirements:

120 (b) The proposed budget must be balanced such that the
 121 total of the estimated revenues available equals or exceeds the
 122 total of the anticipated expenditures. Such revenues include
 123 revenue projected to be received from fees, service charges,
 124 court costs, and fines for court-related functions during the
 125 fiscal period covered by the budget, plus the total of unspent

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126 budgeted funds for court-related functions carried forward by
 127 the clerk of the court from the previous county fiscal year and
 128 the cumulative excess as provided in ~~plus the portion of the~~
 129 ~~balance of funds remaining in the Clerks of the Court Trust Fund~~
 130 ~~after the transfer of funds to the General Revenue Fund required~~
 131 ~~pursuant to~~ s. 28.37(4) (b) which has been allocated to each
 132 respective clerk of the court by the Florida Clerks of Court
 133 Operations Corporation. For the purposes of this paragraph, the
 134 term "unspent budgeted funds for court-related functions" means
 135 undisbursed funds included in the clerk of the courts' budget
 136 for court related functions established pursuant to s. 28.35 and
 137 this section. The anticipated expenditures must be itemized as
 138 required by the corporation.

139 (3) (a) The Florida Clerks of Court Operations Corporation
 140 shall establish and manage a reserve for contingencies within
 141 the Clerks of the Court Trust Fund which must consist of an
 142 amount not to exceed 16 percent of the total budget authority
 143 for the clerks of court during the current county fiscal year,
 144 to be carried forward at the end of the fiscal year. Funds to be
 145 held in reserve include the ~~transfers of~~ cumulative excess, as
 146 provided in s. 28.37(4) (b), ~~from the Clerks of the Court Trust~~
 147 ~~Fund~~ and may also include revenues provided by law or moneys
 148 appropriated by the Legislature.

149 Section 4. Subsection (2) of section 50.0311, Florida
 150 Statutes, is amended to read:

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151 50.0311 Publication of advertisements and public notices
 152 on a publicly accessible website and governmental access
 153 channels.—

154 (2) For purposes of notices and advertisements required
 155 under s. 50.011, the term "publicly accessible website" means a
 156 county's official website or other private website designated by
 157 the county for the publication of legal notices and
 158 advertisements that is accessible via the Internet. For legal
 159 notices and advertisements regarding real property required
 160 under s. 50.011 by a clerk of the circuit court or county
 161 comptroller, the term "publicly accessible website" means such
 162 entity's website, a private website designated by such entity, a
 163 county's official website, or a private website designated by
 164 the county in which such entity is located. All advertisements
 165 and public notices published on a website as provided in this
 166 chapter must be in searchable form and indicate the date on
 167 which the advertisement or public notice was first published on
 168 the website.

169 Section 5. Paragraphs (a) and (b) of subsection (5) of
 170 section 318.18, Florida Statutes, are amended to read:

171 318.18 Amount of penalties.—The penalties required for a
 172 noncriminal disposition pursuant to s. 318.14 or a criminal
 173 offense listed in s. 318.17 are as follows:

174 (5) (a) 1. Except as provided in subparagraph 2., \$200 for a
 175 violation of s. 316.172(1) (a), failure to stop for a school bus.

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176 If, at a hearing, the alleged offender is found to have
177 committed this offense, the court shall impose a minimum civil
178 penalty of \$200. In addition to this penalty, for a second or
179 subsequent offense within a period of 5 years, the department
180 shall suspend the driver license of the person for not less than
181 180 days and not more than 1 year.

182 2. If a violation of s. 316.172(1)(a) is enforced by a
183 school bus infraction detection system pursuant to s. 316.173,
184 the penalty of \$200 shall be imposed. If, at an administrative
185 hearing contesting a notice of violation or uniform traffic
186 citation, the alleged offender is found to have committed this
187 offense, a minimum civil penalty of \$200 shall be imposed.
188 Notwithstanding any other provision of law except s. 28.37(6),
189 the civil penalties assessed under this subparagraph resulting
190 from a notice of violation or uniform traffic citation shall be
191 remitted to the school district at least monthly and used
192 pursuant to s. 316.173(8).

193 (b)1. Except as provided in subparagraph 2., \$400 for a
194 violation of s. 316.172(1)(b), passing a school bus on the side
195 that children enter and exit when the school bus displays a stop
196 signal. If, at a hearing, the alleged offender is found to have
197 committed this offense, the court shall impose a minimum civil
198 penalty of \$400.

199 2. If a violation of s. 316.172(1)(b) is enforced by a
200 school bus infraction detection system pursuant to s. 316.173,

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201 the penalty under this subparagraph is a minimum of \$200. If, at
 202 a hearing contesting a notice of violation or uniform traffic
 203 citation, the alleged offender is found to have committed this
 204 offense, the court shall impose a minimum civil penalty of \$200.
 205 Notwithstanding any other provision of law except s. 28.37(6),
 206 the civil penalties assessed under this subparagraph resulting
 207 from notice of violation or uniform traffic citation shall be
 208 remitted to the school district at least monthly and used
 209 pursuant to s. 316.173(8).

210 3. In addition to this penalty, for a second or subsequent
 211 offense within a period of 5 years, the department shall suspend
 212 the driver license of the person for not less than 360 days and
 213 not more than 2 years.

214 Section 6. Paragraph (g) of subsection (2) of section
 215 318.21, Florida Statutes, is amended to read:

216 318.21 Disposition of civil penalties by county courts.—
 217 All civil penalties received by a county court pursuant to the
 218 provisions of this chapter shall be distributed and paid monthly
 219 as follows:

220 (2) Of the remainder:

221 (g)1. If the violation occurred within a special
 222 improvement district of the Seminole Indian Tribe or Miccosukee
 223 Indian Tribe, 56.4 percent shall be paid to that special
 224 improvement district.

225 2. If the violation occurred within a municipality, 28.2

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226 | ~~50.8~~ percent shall be paid to that municipality and 28.2 ~~5.6~~
 227 | percent shall be deposited into the fine and forfeiture ~~trust~~
 228 | fund established pursuant to s. 142.01.

229 | 3. If the violation occurred within the unincorporated
 230 | area of a county, including the unincorporated areas, if any, of
 231 | a government created pursuant to s. 6(e), Art. VIII of the State
 232 | Constitution, that is not within a special improvement district
 233 | of the Seminole Indian Tribe or Miccosukee Indian Tribe, ~~56.4~~
 234 | percent shall be deposited into the fine and forfeiture fund
 235 | established pursuant to s. 142.01.

236 | Section 7. This act shall take effect July 1, 2026.