



LEGISLATIVE COMMITTEE MEETING

October 10, 2019

JD Peacock, II
OKALOOSA COUNTY
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Jeffrey R. Smith, CPA, CGMA
INDIAN RIVER COUNTY
VICE-CHAIR

Tiffany Moore Russell, Esq.
ORANGE COUNTY
SECRETARY/TREASURER



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2560-102 BARRINGTON CIRCLE | TALLAHASSEE, FLORIDA 32308 | PHONE 850.386.2223 | FAX 850.386.2224 | WWW.FLCCOC.ORG

CCOC LEGISLATIVE COMMITTEE MEETING

October 10, 2019
3:00 PM – 4:00 PM

WebEx: <https://flccoc.webex.com/flccoc/j.php?MTID=m248bd061c5d6b05d8c52b085c6590362>

Call-in Number: 1-415-655-0001, Meeting Number: 734 994 019

The Duties of the Corporation shall include: "Recommending to the Legislature changes in the amounts of the various court-related fines, fees, service charges, and costs established by law to ensure reasonable and adequate funding of the clerks of the court in the performance of their court-related functions."
S. 28.35 (2) (c), F.S.

Call to orderHon. Carolyn Timmann
Roll CallJason Welty

- 1) Introduction and Agenda ApprovalHon. Carolyn Timmann
- 2) Approve Minutes of September 26, 2018 Meeting.....Jason L. Welty
- 3) Florida Sunshine Law ReviewJason L. Welty
- 4) Revenue Enhancement Committee Funding Continuity Plan.....Hon. Tiffany Moore Russell
- 5) Bill Analysis ProcessJason L. Welty
- 6) Other BusinessHon. Carolyn Timmann

Committee Members: Honorable Carolyn Timmann, Chair; Honorable Barry Baker; Honorable Tom Bexley; Honorable Doug Chorvat, Jr.; Honorable Hunter Conrad, Esq.; Honorable Gary J. Cooney, Esq.; Honorable Tara S. Green; Honorable Crystal Kinzel; Honorable Kevin Madok, CPA; Honorable Gwendolyn Marshall; Honorable Laura Roth, Esq.; Honorable Harvey Ruvin, Esq.; Honorable Donald Spencer, and Honorable Angela Vick

Our Mission: As a governmental organization created by the Legislature, we evaluate Clerks' court-related budgetary needs, and recommend the fair and equitable allocation of resources needed to sustain court operations.

Stacy Butterfield, CPA
POLK COUNTY
EXECUTIVE COUNCIL CHAIR

Tara S. Green
CLAY COUNTY
VICE-CHAIR

JD Peacock, II
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PAT FRANK
HILLSBOROUGH COUNTY

TODD NEWTON
GILCHRIST COUNTY

PAULA S. O'NEIL, PH.D.
PASCO COUNTY

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Minutes of September 26, 2018, Legislative Committee Meeting

Committee Action: Review and approve with amendments as necessary.

The Legislative Committee of the Clerks of Court Operations Corporation (CCOC) held a meeting via conference call on September 26, 2018. An agenda and materials were distributed in advance of the meeting and posted on the CCOC website. Provided below is a summary of staff notes from the meeting. These staff notes are designed simply to document committee action, not to be a full record of committee discussions. All motions adopted by the committee are in **bold** text. All action items based on committee direction are in the **red** and bold text.

1. Call to Order and Introduction

The meeting was called to order at approximately 1:00 PM EDT. CCOC staff member Jason Welty called the roll. Members in attendance included: Chair Timmann, Clerk Baker, Clerk Conrad, Clerk Cooney, Clerk Green, Clerk Madok, Clerk Marshall, Clerk O'Neil, Clerk Roth, and Clerk Ruvin.

A quorum was in attendance.

2. Agenda Item 1 – Approve the Agenda

The motion was made by Clerk Marshall and seconded by Clerk Baker. The motion passed unanimously.

3. Agenda Item 2 – Approve the Minutes of December 19, 2017 Meeting

The minutes of the December 19, 2017 meeting were presented. No questions or comments were made.

A motion was made by Clerk O'Neil to approve the minutes and seconded by Clerk Baker. The motion passed unanimously.

4. Agenda Item 3 – Revenue Enhancement Committee Funding Continuity Plan

Members of the Legislative Committee were sent a draft of the Revenue Enhancement Committee report on funding options for review and approval.

Clerk Tiffany Moore Russell presented the report. The Revenue Enhancement Committee met by conference call on Tuesday September 11, 2018 and approved the Funding Continuity Plan that provides various recommendations to meet the CCOC statutory obligation.

The first set of recommendations came under the header of Funding for Public Safety Services with No Fees. These options relate to work that clerks do without receiving any filing fees, such as injunctions for protection, Baker Act cases and Marchman Act cases, and criminal cases.

There was discussion about the impact to general revenue and how that would impact the legislative success of these options.

The second set of recommendations came under the header of Administrative Changes. These options include changes to budgeting process such as allowing the clerks to keep unexpended funds as well as funds collected over the original budget projections.

A motion was made by Clerk Green to move the report to the Executive Council and allowing staff to make technical changes. A second was given by Clerk Marshall and Clerk Roth and the motion passed unanimously.

5. Agenda Item 4 – Jury Funding Options

Jason Welty provided an overview of options for changing the jury funding process. The first option would remove JAC from the process and let CCOC handle the distribution of funds. Additionally, this option would change the process from an estimate/advance model and change it to a reimbursement model. The second option presented was a revenue swap that eliminated the direct appropriation from the General Appropriations Act and replaced it with a filing fee being directed to the clerks to make up the balance.

In addition to the options to change the jury funding process, there were two “glitch bill” options to expressly add the payment of jurors and costs of juror management to s. 28.35, F.S. to remove any ambiguity that clerks have the ability to pay for these costs out of their collected court-related revenues.

A motion was made by Clerk Cooney to eliminate Option 2 of the jury funding process from consideration. A second was made by Clerk Roth. The motion passed unanimously.

A motion was made by Clerk Marshall to move Option 1 forward to the Executive Council and allow staff to make technical changes. A second was made by Clerk Green. The motion passed unanimously.

A motion was made by Clerk Cooney to move the jury glitch Option 2 to the Executive Council. A second was made by Clerk Marshall. The motion passed unanimously.

6. Agenda Item 5 – Update on Florida Fiscal Outlook

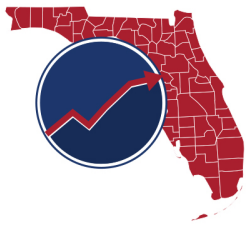
Jason Welty provided an update on the Florida Fiscal Outlook as presented by Office of Economic and Demographic Research (EDR)

7. Agenda Item 6 – Other Business

None brought forward.

A motion to adjourn was made by Clerk Green. The meeting was adjourned at 2:26 PM.

Lead Staff: Jason Welty, CCOC Budget and Communications Director



CCOC

FLORIDA CLERKS OF COURT OPERATIONS CORPORATION

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AGENDA ITEM 3

DATE: October 10, 2019
SUBJECT: Florida Sunshine Law Review
COMMITTEE ACTION: Informational Purposes Only

OVERVIEW:

Florida began its tradition of openness back in 1909 with the passage of Chapter 119 of the Florida Statutes or the "Public Records Law." This law provides that any records made or received by any public agency in the course of its official business are available for inspection unless specifically exempted by the Florida Legislature. Over the years, the definition of what constitutes "public records" has come to include not just traditional written documents such as papers, maps, and books, but also tapes, photographs, film, sound recordings, and records stored in computers.

Florida's Government-in-the-Sunshine Law was enacted in 1967. Today, the Sunshine Law regarding open government can be found in Chapter 286 of the Florida Statutes. These statutes establish a basic right of access to most meetings of boards, commissions and other governing bodies of state and local governmental agencies or authorities.

As one of the standing committees of the Clerks of Court Operations Corporation, the Legislative Committee will provide notice on the CCOC website of all meetings and conduct meetings in the Sunshine. If you want additional information or are interested in other resources available on public records and the Sunshine Law, please visit:

1. [The First Amendment Foundation](http://www.floridafaf.org/) - <http://www.floridafaf.org/>
2. [The Brechner Center for Freedom of Information](http://www.brechner.org/) - <http://www.brechner.org/>
3. [Executive Office of the Governor's Office of Open Government](http://www.flgov.com/open_government/) - http://www.flgov.com/open_government/

COMMITTEE ACTION: Informational Purposes Only

LEAD STAFF: Jason Welty, CCOC Budget and Communications Director

ATTACHMENTS:

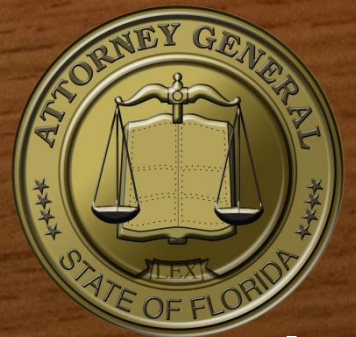
1. Open Government Overview

Our Mission: As a governmental organization created by the Legislature, we evaluate Clerks' court-related budgetary needs, and recommend the fair and equitable allocation of resources needed to sustain court operations.

OPEN GOVERNMENT OVERVIEW:

January 8, 2019

Patricia R. Gleason
Special Counsel for Open Government
Attorney General Ashley Moody



SUNSHINE LAW

- Florida's Government in the Sunshine Law provides a right of access to governmental proceedings at both the state and local levels. In the absence of statutory exemption, it applies to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action.

SCOPE OF THE SUNSHINE LAW

- Board members may not engage in private discussions with each other about board business, either in person or by telephoning, emailing, texting or any other type of electronic communication (i.e Facebook, blogs).



SCOPE OF THE SUNSHINE LAW

- While an individual board member is not prohibited from discussing board business with staff or a nonboard member, these individuals may not be used as a liaison to communicate information between board members. For example, a board member cannot ask staff to poll the other board members to determine their views on a board issue.

SCOPE OF THE SUNSHINE LAW

There are three basic requirements:

1. Meetings of public boards or commissions must be open to the public
2. Reasonable notice of such meetings must be provided; and
3. Minutes of the meetings must be prepared and open to public inspection.

SCOPE OF THE SUNSHINE LAW

- The Sunshine Law applies to advisory boards created pursuant to law or ordinance or otherwise established by public agencies or officials.

SCOPE OF THE SUNSHINE LAW

- Staff meetings are not normally subject to the Sunshine Law.
- However, staff committees may be subject to the Sunshine Law if they are deemed to be part of the “decision making process” as opposed to traditional staff functions like factfinding or information gathering.

SCOPE OF THE SUNSHINE LAW

- Only the Legislature may create an exemption from the Sunshine Law (by a two-thirds vote). Exemptions are strictly construed.
- An exemption from the Public Records Law does not allow a board to close a meeting. Instead, a specific exemption from the Sunshine Law is required.

BOARD MEETINGS

- While boards may adopt reasonable rules and policies to ensure orderly conduct of meetings, the Sunshine law does not allow boards to ban nondisruptive videotaping, tape recording, or photography at public meetings.

BOARD MEETINGS

- Section 286.0114, F.S., provides, subject to listed exceptions, that boards must allow an opportunity for the public to be heard before the board takes official action on a proposition. The statute does not prohibit boards from “maintaining orderly conduct or proper decorum in a public meeting.”

PENALTIES

- Civil action
- Criminal penalties
- Suspension or removal from office

PUBLIC RECORDS LAW

- Florida's Public Records Act, Chapter 119, Florida Statutes, provides a right of access to records of state and local governments as well as to private entities acting on their behalf.
- If material falls within the definition of "public record" it must be disclosed to the public unless there is a statutory exemption.

THE TERM “PUBLIC RECORDS” MEANS:

- a) All “documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material, regardless of the physical form, characteristics, or means of transmission” (**includes electronic communications like text messages, emails**).
- b) Made or received pursuant to law or ordinance or in connection with the transaction of official business
- c) By any agency [including a private entity acting ‘on behalf of’ a public agency]
- d) Which are used to perpetuate, communicate, or formalize knowledge.

PROVIDING PUBLIC RECORDS

- a) Public records cannot be withheld at the request of the sender
- b) A requestor is not required to show a “legitimate” or “noncommercial interest” as a condition of access
- c) A request cannot be denied because it is “overbroad”
- d) Unless authorized by another statute, an agency may not require that public records requests be in writing or require the requester to identify himself or herself

PROVIDING PUBLIC RECORDS

- The Public Records Act does not contain a specific time limit (such as 24 hours or 10 days).
- The Florida Supreme Court has stated that the only delay in producing records permitted under the statute is the reasonable time allowed the custodian to retrieve the record and redact those portions of the record the custodian asserts are exempt.

FEES

- Chapter 119 authorizes the custodian to charge a fee of up to 15 cents per one-sided copy for copies that are 14 inches by 8 1/2 inches or less. An additional 5 cents may be charged for two-sided copies. For other copies, the charge is the actual cost of duplication of the record. Actual cost of duplication means the cost of the material and supplies used to duplicate the record but does not include labor or overhead cost.

FEES

- In addition to the actual cost of duplication, an agency may impose a reasonable service charge for the actual cost of extensive labor and information technology required due to the large volume of a request.



RETENTION

- All public records must be retained in accordance with retention schedules approved by the Department of State
- Even exempt records must be retained

PENALTIES FOR NONCOMPLIANCE

- A. Criminal penalties
- B. Civil action
- C. Attorney's fees



ADDITIONAL RESOURCES

- Office of Attorney General Ashley Moody website:
<http://www.myfloridalegal.com>
- First Amendment Foundation website:
<http://www.floridafaf.org>



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AGENDA ITEM 4

DATE: October 10, 2019
SUBJECT: Revenue Enhancement Committee Funding Continuity Plan
COMMITTEE ACTION: Approve the Funding Continuity Plan

OVERVIEW:

The CCOC Revenue Enhancement/New Funding Model Committee met by conference call on Wednesday, September 11, 2019, to consider the 2020 Funding Continuity Plan. The Plan provides various recommendations to the legislature for providing adequate funding to the clerks and would meet the CCOC statutory obligation to "recommend to the Legislature changes in the amounts of the various court-related fines, fees, service charges, and costs established by law to ensure reasonable and adequate funding of the clerks of the court in the performance of their court-related functions."

The recommendations are found in the attached report. Chair Tiffany Moore Russell will present the recommendations in the report to the Legislative Committee for consideration.

If adopted, the Report would be sent to the next meeting of the CCOC Executive Council for their consideration.

COMMITTEE ACTION: Approve the Funding Continuity Plan

LEAD STAFF: Jason Welty, CCOC Budget and Communications Director

ATTACHMENTS:

1. 2020 Funding Continuity Plan



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CLERKS OF COURT FUNDING MODEL

The funding for the Clerks of Court is governed by the Florida Constitution and state statute. It is critical to maintain adequately funded Clerks in order to maintain Florida's judicial system. Specifically, the Constitution states:

ARTICLE V, 14(b), Florida Constitution

All funding for the offices of the clerks of the circuit and county courts performing court-related functions, except as otherwise provided in this subsection and subsection (c), shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law. Selected salaries, costs, and expenses of the state courts system may be funded from appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions, as provided by general law. Where the requirements of either the United States Constitution or the Constitution of the State of Florida preclude the imposition of filing fees for judicial proceedings and service charges and costs for performing court-related functions sufficient to fund the court-related functions of the offices of the clerks of the circuit and county courts, the state shall provide, as determined by the Legislature, adequate and appropriate supplemental funding from state revenues appropriated by general law.

To ensure Clerks are adequately funded, the Legislature authorizes the Clerks to retain revenue from statutorily created fines, fees, court costs, penalties, service charges, and forfeitures. Additionally, the Legislature provides General Revenue funds to cover the costs of juror management functions for the Clerks. These revenues form the basis of the Clerk's yearly budget and the Legislature tasked the Florida Clerks of Court Operations Corporation (CCOC) with setting Clerks' budgets and tracking revenues. Additionally, the Legislature tasked the CCOC with the responsibility of recommending to the Legislature changes in the amounts of the various court-related fines, fees, service charges, and costs established by law to ensure reasonable and adequate funding of the Clerks of the Court in the performance of their court-related functions.

FUNDING CONTINUITY PLAN

FUNDING CONTINUITY PLAN

To meet its statutory duty, the CCOC created a Revenue Enhancement Committee in its Plan of Operations to review all of the court-related fines, fees, service charges, and costs established by law. The Revenue Enhancement Committee is responsible for developing the Funding Continuity Plan to make recommendations to the Legislature. This plan provides a menu of options recommended by the Clerks to ensure reasonable and adequate funding of the Clerks of Court.

THE SERVICE OF THE CLERKS OF COURT

Clerks provide critical public safety and commerce services to the citizens of Florida. As an integral part of the justice system, Clerks are responsible for managing and preserving judicial records and providing those records timely to the Court for the administration of justice. However, revenues for providing these services are not adequate to be able to meet the needs of the citizens they serve. As an example, the current budget model depends on the traffic division to fund the criminal division, which puts public safety at risk as the number of traffic citations decrease across the state.

In recent years, there has been a substantial decrease in the number of traffic citations issued. The population is up, the economy is up, and the number of drivers is up, but traffic citations are down. This trend is driving revenues that fund the Clerks' public safety related services down dramatically. The misalignment of budget to workload is unsustainable and dangerous for the people Clerks serve.

Effective and efficient criminal and civil justice systems are of the utmost concern to Clerks. Clerks are contending with increasing requests for information from various stakeholders and the public. As a partner in the criminal justice system, the Clerks serve judges, law enforcement, state attorneys, and public defenders and must provide timely and accurate data. The possibility of a criminal defendant being released inadvertently poses a significant risk to public safety; therefore, inadequate funding hinders the ability of Clerks to continue to ensure the reliability and accuracy of the data.

There are also many factors outside of the control of the Clerks that are increasing costs. These unfunded variables include:

- The fiscal impact to Clerks from state policy decisions and changes
- Judicial and Administrative Orders (at both the State and Local levels)
- Increases in health insurance costs and in statutorily-mandated FRS contributions

The current revenue-based funding model does not take into account fixed costs of operating the Clerks' offices, which makes the Funding Continuity Plan a valuable tool for the Clerks when working with our partners in the Legislature.

FUNDING CONTINUITY PLAN

LEGISLATIVE ACCOMPLISHMENTS

Prior to 2019, the CCOC could not approve budgets that exceeded the revenue estimates provided by the Revenue Estimating Conference (REC) regardless of needs or costs. The Legislature adopted two changes recommended in the 2019 Funding Continuity Plan during the 2019 Legislative Session. These changes will help diversify the revenue available to the Clerks when building their budgets.

The first recommendation adopted by the Legislature was the elimination of the automatic sweep of the Clerks of Court Trust Fund. The Legislature provided additional authority to use revenues that exceeded the official revenue estimates provided by the REC in the following fiscal year. Revenue received by the Clerks is not static from year to year; an upswing in one year may turn to a downswing in the next depending on the number of traffic citations or civil case filings. These swings make stable and predictable budgeting for the Clerks an impossibility. The elimination of the automatic sweep of the trust fund will allow Clerks to use revenues that are collected in one year to help offset any downturns in the following year.

The second recommendation adopted by the Legislature from the 2019 Funding Continuity Plan was authorization to carry forward unspent budget authority from the previous fiscal year. Each year, the Clerks expend between 97 – 98 percent of their budget authority, which is consistent with most public entities. Authorizing this unexpended carry-forward amount to be included as a source of funding will allow the Clerks to pay for necessary projects and stabilize funding from one year to the next.

LIST OF OPTIONS

Currently, available revenues are below what Clerks indicate is needed to sufficiently fund services for the public. **The Clerks' CFY 2019-20 approved revenue-limited budget is \$458.5 million; however, the approved budget is \$10 million less than the Clerks' budget request, which continues to put public safety at risk and threatens to slow down commerce in Florida's economy.**

The following menu of options represents this body's efforts to assist the Legislature by identifying ways to provide adequate funding to carry out Clerks' extensive statutory responsibilities.

FUNDING CONTINUITY PLAN

Funding for Public Safety Services with No Fees**1. Risk Protection Orders****(\$370,000)**

During the 2018 session, the Legislature created the Risk Protection Order Act to prevent individuals who are at a substantial risk of harming themselves or others from accessing firearms or ammunition by allowing law enforcement officers to obtain a court order temporarily restricting a person's access to firearms or ammunition.

- This option assumes the Legislature would provide a \$195 filing fee per case from general revenue. This filing fee does not include law enforcement agency costs.
- Clerks support this public policy, but without a stable funding source, the Clerks will not be able to timely perform the tasks set forth in the new legislation. In counties where law enforcement is substantially using this new petition, Clerks have had to pull staff away from other duties in order to ensure these petitions are being timely filed and staffed before a judge. There is a very real possibility of a negative impact on public safety if the Clerks are unable to process these petitions by the law enforcement community in a timely and efficient manner.

2. Injunctions for protection for the five types of interpersonal violence: domestic, dating, repeat, sexual violence, and stalking.**(\$16.1 million)**

Injunctions for protection from violence are critically important to ensuring public safety. As such, many Clerks operate 24/7 staffing to ensure these injunctions are timely processed. Without these services, victims of violence may suffer additional victimization.

- Currently, Clerks perform these services at no cost to the petitioners and the Clerks support this good public policy. These services include assisting those individuals requesting injunctions, which is time-consuming and labor-intensive.
- This option assumes the Legislature would provide a \$195 filing fee per case from general revenue. This filing fee does not include law enforcement agency costs.
 - It should also be noted that this reimbursement should be additional funding for this activity on a statewide basis. **Revenue for this option should not reduce funds already allocated to other agencies or shelters within the state who perform related/ancillary duties.**

3. Baker Act and Marchman Act**(\$11.6 million)**

The Baker Act and Marchman Act are designed to protect the public and individuals that are displaying behavior that will cause serious bodily harm to oneself or others and individuals that have lost self-control with respect to substance abuse. It is important to provide timely service to petitioners so that individuals subject to the Baker Act or Marchman Act do not cause harm to themselves or others.

- Currently, Clerks perform these services at no cost to the petitioners and the Clerks support this good public policy. Clerks must efficiently process involuntary admissions for the Baker Act and Marchman Act to uphold public safety.

FUNDING CONTINUITY PLAN

- This option assumes the Legislature would provide a \$195 filing fee per case from general revenue. This filing fee does not include law enforcement agency costs.
 - It should also be noted that this reimbursement should be additional funding for this activity on a statewide basis. **Revenue for this option should not reduce funds already allocated to other agencies or receiving facilities within the state who perform related duties.**

4. Injunction for protection for vulnerable adults

(Indeterminate Positive)

During the 2018 session, the Legislature created a cause of action for an injunction prohibiting exploitation of a vulnerable adult. The law requires Clerks to assist petitioners in filling out the forms and sets a sliding-scale fee for filing a petition. The law also allows Clerks to request a reimbursement for the processing of petitions, but only if funding is made available in the General Appropriations Act (GAA).

- Funding has not been made available for similar injunctions and was not appropriated in the 2018 or 2019 GAA.
- Many of the petitioners are indigent and, while the law set a sliding-scale fee, that fee is waived for indigent petitioners.
- Similar to injunctions for protection against violence, the Clerks support this public policy, but without a stable funding source, the Clerks will not be able to timely perform the tasks set forth in the new legislation.

5. Civil Indigency Case Cost Reimbursement

(\$10.8 million)

Applicants who file civil cases, particularly dissolutions of marriage, and are determined to be indigent are not required to pay the statutory filing fees associated with the various case types being filed. The Clerks believe that every person deserves access to the court system and those without means to pay should not be denied access. However, the Clerks must have staff available and, without adequate funding, these cases could suffer consequently.

- This option assumes the Legislature would provide reimbursement of the statutory filing fee that is waived in these cases (\$135-\$195 per case) from general revenue for the Clerks to aid those that need access to the judiciary and will allow the Clerks to provide those services timely and equitably.

6. Criminal Justice Data Transparency Initiative

(Indeterminate Positive)

During the 2018 session, the Legislature created a uniform criminal justice data collection process to promote criminal justice data transparency.

- The Clerks maintain many of the data elements required by the new law; however, there are costs associated with gathering and sending this information to the central data collection agency that was not funded in the legislation.

FUNDING CONTINUITY PLAN

- The Clerks support this public policy, but without a stable funding source, the Clerks will not be able to timely perform the tasks set forth in the new legislation or ensure the accuracy of data that is collected.

7. Criminal Case Cost Reimbursement

(Between \$58.4 million and \$79.5 million)

State agencies do not pay a filing fee for cases they file or for any copies or other services Clerks perform for court-related activities. The Clerks services to these agencies is labor intensive and extremely vital to ensuring justice.

- This option provides for reimbursement from the state through an annual general revenue appropriation based on estimated filings for the year. If not provided as part of the appropriation above, agencies would also be required to pay for copies and other services at the statutory rates set for all other customers in s. 28.24, F.S., including records on appeal.
- Responsibility for collecting amounts owed on these cases will remain with the Clerks. Performance standards currently in place, as well as certifications of minimal collections efforts by Clerks, are to be maintained and monitored for compliance.
- Under this option, criminal collections would be remitted back to general revenue.

Administrative Changes

1. Establish a Clerk of Court Revenue Stabilization fund within the Clerks of Court Trust Fund.

The Clerks have very little protection from the unpredictable assessment and collection of the fines, fees, service charges, and court costs that make-up the basis for the statewide budget.

- This option would require the Clerks to maintain a stabilization amount in the Clerks of Court Trust Fund to insulate the Clerks' budgets from the unpredictable nature of collections.
- The establishment of a stabilization amount would come from revenue collected by the Clerks.



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SUPREME COURT APPOINTEE

ANGELINA "ANGEL"
COLONNESO, ESQ.
MANATEE COUNTY
SENATE APPOINTEE

VACANT
HOUSE APPOINTEE

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EXECUTIVE DIRECTOR

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AGENDA ITEM 5

DATE: October 10, 2019
SUBJECT: Bill Analysis Process
COMMITTEE ACTION: Informational Purposes Only

OVERVIEW:

Each year, CCOC receives on average over 40 fiscal impact bill analyses requests from the Legislature. In addition, CCOC provided fiscal impacts for clerk funding bills and other legislation that was deemed of interest to clerks. The CCOC is responsive to all legislative requests and there is increased communication and coordination with the FCCC legislative team.

The Process:

- CCOC receives a request for bill analysis (direct from Legislature or indirect by clerks' request)
- CCOC begins tracking that legislation
- Jason Welty sends a request for input to the Legislative Analysis Team and the Legislative Committee
- As responses are provided to CCOC from clerks' staff, CCOC prepares a draft analysis for review
- Draft analyses are sent to Chair Timmann for review
- Chair Timmann coordinates communication and receives input from the FCCC Legislative Team
- CCOC then submits bill analysis to the Legislature via a web portal, if request came from Legislature.

COMMITTEE ACTION: Informational Purposes Only

LEAD STAFF: Jason Welty, CCOC Budget and Communications Director

ATTACHMENTS:

1. Bill Tracking - Analyses and Impacts

Bills By Folder

Sorted by Folder Name

2- Analysis

HB 47	Risk Protection Orders Risk Protection Orders: Allows an individual who has biological or legal parent-child relationship with, who is legal guardian of, or who is spouse or sibling of a person to seek a risk protection order. Effective Date: July 1, 2020 Current Committee of Reference: Criminal Justice Subcommittee 8/12/2019 HOUSE Filed 9/23/2019 HOUSE Referred to Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee 9/23/2019 HOUSE Now in Criminal Justice Subcommittee Identical SB 114 Risk Protection Orders (Berman)	Stark
SB 114	Risk Protection Orders Risk Protection Orders; Redefining the term "petitioner" to include an individual who has a biological or legal parent-child relationship with, who is a legal guardian of, or who is a spouse or sibling of a respondent, etc. Effective Date: 7/1/2020 Current Committee of Reference: Infrastructure and Security 8/6/2019 SENATE Filed 8/16/2019 SENATE Referred to Infrastructure and Security; Judiciary; Rules Identical HB 47 Risk Protection Orders (Stark)	Berman
SB 162	Public Records Public Records; Requiring a court to assess the reasonable costs of enforcement against an agency upon the court's determination in an action for a declaratory judgment that certain records are not subject to a public records exemption, etc. Effective Date: 7/1/2020 Current Committee of Reference: Governmental Oversight and Accountability 8/20/2019 SENATE Filed 9/19/2019 SENATE Referred to Governmental Oversight and Accountability; Judiciary; Rules 10/7/2019 SENATE On Committee agenda - Governmental Oversight and Accountability, 10/14/19, 2:30 pm, 301 S	Perry
HB 195	Public Records Public Records: Prohibits agency that receives request to inspect or copy record from responding to such request by filing civil action against individual or entity making request. Effective Date: July 1, 2020 Current Committee of Reference: Oversight, Transparency & Public Management Subcommittee 9/18/2019 HOUSE Filed 9/25/2019 HOUSE Referred to Oversight, Transparency & Public Management Subcommittee; Civil Justice Subcommittee; State Affairs Committee 9/25/2019 HOUSE Now in Oversight, Transparency & Public Management Subcommittee	Rodrigues (R)
SB 196	Electronic Payment of Governmental Fees Electronic Payment of Governmental Fees; Requiring clerks of the circuit court to provide an electronic option for payment of court-related fines and other fees; requiring an agency subject to ch. 119, F.S., to provide an electronic option for payment of fees associated with a public records request, etc. Effective Date: 1/1/2021 Current Committee of Reference: Judiciary 8/27/2019 SENATE Filed 9/19/2019 SENATE Referred to Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations	Taddeo
HB 211	Courts Courts: Specifies certain exemptions from court-related fees & charges apply to certain entities; requires court to waive court costs or filing fees for certain proceedings involving public guardians; provides certain examination report related to annual guardianship plans may be prepared by physician assistant or advanced practice registered nurse. Effective Date: July 1, 2020 Current Committee of Reference: No Current Committee 9/20/2019 HOUSE Filed Identical SB 344 Courts (Bradley)	Fernandez-Barquin
SB 344	Courts Courts; Specifying that certain exemptions from court-related fees and charges apply to certain entities; requiring the court to waive any court costs or filing fees for certain proceedings involving public guardians; providing that a certain examination report related to annual guardianship plans may be prepared by a physician assistant or an advanced practice registered nurse under certain circumstances, etc. Effective Date: 7/1/2020 Current Committee of Reference: No Current Committee 9/18/2019 SENATE Filed Identical HB 211 Courts (Fernandez-Barquin)	Bradley
SB 400	Elder Abuse Fatality Review Teams Elder Abuse Fatality Review Teams; Authorizing the establishment of elder abuse fatality review teams in each judicial circuit, to be housed, for administrative purposes only, in the Department of Elderly Affairs; authorizing elder abuse fatality review teams in existence on a certain date to continue to exist; requiring each review team to annually submit to the department by a certain date a summary report containing specified information; providing immunity from monetary liability for review team members under certain conditions, etc. Effective Date: 7/1/2020 Current Committee of Reference: No Current Committee 9/30/2019 SENATE Filed Identical	Gibson

[HB 253](#) Elder Abuse Fatality Review Teams (Driskell)[SB 404](#) **Parental Consent for Abortion** Stargel

Parental Consent for Abortion; Creating the "Parental Consent for Abortion Act"; prohibiting a physician from performing an abortion on a minor unless the physician has been presented with consent from the minor's parent or guardian, as appropriate; providing an exception for a medical emergency; authorizing a minor to petition any circuit court in which the minor resides for a waiver of consent required to obtain an abortion, etc. Effective Date: 7/1/2020

Current Committee of Reference: No Current Committee

9/30/2019 SENATE Filed

Linked[SB 406](#) Public Records/Minor's Petition to Waive Consent/Abortion (Stargel)[HB 6003](#) **Firearms** Hill

Firearms: Removes provisions authorizing seizure of firearms from persons in certain circumstances, prohibition on firearms ownership or possession until removal of firearm possession & firearm ownership disability, prohibition on persons younger than 21 years of age from purchasing firearms, certain exemptions from firearms purchase waiting period, ban on bump-fire stock, & statute authorizing risk protection orders. Effective Date: upon becoming a law

Current Committee of Reference: Criminal Justice Subcommittee

8/9/2019 HOUSE Filed

9/23/2019 HOUSE Referred to Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

9/23/2019 HOUSE Now in Criminal Justice Subcommittee

3- Impact[HB 63](#) **Pub. Rec./County Attorneys and Assistant County Attorneys** Maggard

Pub. Rec./County Attorneys and Assistant County Attorneys: Provides exemption from public records requirements for personal identifying & location information of current & former county attorneys & assistant county attorneys & names & personal identifying & location information of spouses & children of such attorneys; provides statement of public necessity. Effective Date: July 1, 2020

Current Committee of Reference: Oversight, Transparency & Public Management Subcommittee

8/15/2019 HOUSE Filed

9/23/2019 HOUSE Referred to Oversight, Transparency & Public Management Subcommittee; Civil Justice Subcommittee; State Affairs Committee

9/23/2019 HOUSE Now in Oversight, Transparency & Public Management Subcommittee

Identical[SB 248](#) Public Records/County Attorneys and Assistant County Attorneys (Hooper)[SB 128](#) **Public Records/Judicial Assistants** Wright

Public Records/Judicial Assistants; Providing an exemption from public records requirements for certain identifying and location information of current and former judicial assistants and their spouses and children; providing a statement of public necessity, etc. Effective Date: 7/1/2020

Current Committee of Reference: Governmental Oversight and Accountability

9/17/2019 SENATE Favorable by Judiciary; 6 Yeas, 0 Nays

9/17/2019 SENATE Now in Governmental Oversight and Accountability

10/7/2019 SENATE On Committee agenda - Governmental Oversight and Accountability, 10/14/19, 2:30 pm, 301 S

[HB 145](#) **Pub. Rec./Emergency Room Health Care Practitioners** Grieco

Pub. Rec./Emergency Room Health Care Practitioners: Provides exemption from public records requirements for personal identifying & location information of current or former emergency room health care practitioners & spouses & children of such practitioners; provides statement of public necessity. Effective Date: upon becoming a law

Current Committee of Reference: Health Quality Subcommittee

9/11/2019 HOUSE Filed

9/23/2019 HOUSE Referred to Health Quality Subcommittee; Oversight, Transparency & Public Management Subcommittee; Health & Human Services Committee

9/23/2019 HOUSE Now in Health Quality Subcommittee

[SB 248](#) **Public Records/County Attorneys and Assistant County Attorneys** Hooper

Public Records/County Attorneys and Assistant County Attorneys; Providing an exemption from public records requirements for the personal identifying and location information of current and former county attorneys and assistant county attorneys and the names and personal identifying and location information of the spouses and children of such attorneys; providing a statement of public necessity, etc. Effective Date: 7/1/2020

Current Committee of Reference: Judiciary

9/10/2019 SENATE Filed

9/19/2019 SENATE Referred to Judiciary; Governmental Oversight and Accountability; Rules

Identical[HB 63](#) Pub. Rec./County Attorneys and Assistant County Attorneys (Maggard)[HB 249](#) **Use of Wireless Communications Devices While Driving** Slosberg

Use of Wireless Communications Devices While Driving: Revises short title & legislative intent; prohibits operation of motor vehicle while holding or touching wireless communications device; provides exceptions; revises circumstances under which certain information may be admissible as evidence in proceeding to determine whether violation has been committed; revises procedures for collection & reporting by DHSMV of information recorded on citation; conforms provisions relating to use of wireless communications devices in school & work zones. Effective Date: October 1, 2020

Current Committee of Reference: No Current Committee

9/30/2019 HOUSE Filed

[HB 253](#) **Elder Abuse Fatality Review Teams** Driskell

Elder Abuse Fatality Review Teams: Authorizes establishment of elder abuse fatality review teams in each judicial circuit to review deaths of elderly persons under certain circumstances; provides for membership, operations, meetings, & duties of review teams; provides reporting requirements; provides immunity from monetary liability under certain conditions. Effective Date: July 1, 2020

Current Committee of Reference: No Current Committee

9/30/2019 HOUSE Filed

Identical

[SB 400](#) Elder Abuse Fatality Review Teams (Gibson)

[HB 267](#) **Pub. Rec./Abortion** Grall

Pub. Rec./Abortion: Expands existing public records exemption to include information identifying pregnant minor that is contained in court records relating to such minor's petition to waive consent requirements to obtain abortion; provides for future legislative review & repeal of expanded exemption; provides for reversion of specified language if exemption is not saved from repeal; provides statement of public necessity. Effective Date: on the same date that HB 265 or similar legislation takes effect

Current Committee of Reference: No Current Committee

10/1/2019 HOUSE Filed

Linked

[HB 265](#) Abortion (Grall)

[SB 346](#) **Controlled Substances** Bradley

Controlled Substances; Prohibiting the purchase or possession of less than a certain amount of specified substances; authorizing a court to impose a sentence other than a mandatory minimum term of imprisonment and mandatory fine for a person convicted of trafficking if the court makes certain findings on the record; requiring that a custodial interrogation conducted at a place of detention in connection with certain offenses be electronically recorded in its entirety; providing exceptions to the electronic recording requirement; revising the circumstances under which a wrongfully incarcerated person is eligible for compensation, etc. Effective Date: 7/1/2020

Current Committee of Reference: No Current Committee

9/18/2019 SENATE Filed

Compare

[HB 259](#) Compensation for Wrongful Incarceration (DuBose)

[SB 468](#) Mandatory Sentences (Brandes)

[SB 378](#) **Motor Vehicle Insurance** Lee

Motor Vehicle Insurance; Repealing provisions which comprise the Florida Motor Vehicle No-Fault Law; revising the motor vehicle insurance coverages that an applicant must show to register certain vehicles with the Department of Highway Safety and Motor Vehicles; revising garage liability insurance requirements for motor vehicle dealer applicants; revising minimum liability coverage requirements for motor vehicle owners or operators, etc. CLAIM: \$83,651 Effective Date: Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect January 1, 2021

Current Committee of Reference: No Current Committee

9/25/2019 SENATE Filed

[SB 400](#) **Elder Abuse Fatality Review Teams** Gibson

Elder Abuse Fatality Review Teams; Authorizing the establishment of elder abuse fatality review teams in each judicial circuit, to be housed, for administrative purposes only, in the Department of Elderly Affairs; authorizing elder abuse fatality review teams in existence on a certain date to continue to exist; requiring each review team to annually submit to the department by a certain date a summary report containing specified information; providing immunity from monetary liability for review team members under certain conditions, etc. Effective Date: 7/1/2020

Current Committee of Reference: No Current Committee

9/30/2019 SENATE Filed

Identical

[HB 253](#) Elder Abuse Fatality Review Teams (Driskell)

[SB 404](#) **Parental Consent for Abortion** Stargel

Parental Consent for Abortion; Creating the "Parental Consent for Abortion Act"; prohibiting a physician from performing an abortion on a minor unless the physician has been presented with consent from the minor's parent or guardian, as appropriate; providing an exception for a medical emergency; authorizing a minor to petition any circuit court in which the minor resides for a waiver of consent required to obtain an abortion, etc. Effective Date: 7/1/2020

Current Committee of Reference: No Current Committee

9/30/2019 SENATE Filed

Linked

[SB 406](#) Public Records/Minor's Petition to Waive Consent/Abortion (Stargel)

[SB 406](#) **Public Records/Minor's Petition to Waive Consent/Abortion** Stargel

Public Records/Minor's Petition to Waive Consent/Abortion; Providing a public records exemption for information that could identify a minor which is contained in a record held by the court relating to the minor's petition to waive consent requirements to obtain an abortion; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity, etc. Effective Date: On the same date that SB 404 or similar legislation takes effect if such legislation is adopted in the same legislative session or an extension thereof and becomes a law

Current Committee of Reference: No Current Committee

9/30/2019 SENATE Filed

Linked

[SB 404](#) Parental Consent for Abortion (Stargel)

[SB 468](#) **Mandatory Sentences** Brandes

Mandatory Sentences; Authorizing a court to impose a sentence other than a mandatory minimum term of imprisonment and mandatory fine for a person convicted of trafficking if the court makes certain findings on the record, etc. Effective Date: 7/1/2020

Current Committee of Reference: No Current Committee

10/7/2019 SENATE Filed

Compare

[SB 346](#) Controlled Substances (Bradley)