



LEGISLATIVE COMMITTEE MEETING

September 7, 2022

Jeffrey R. Smith, CPA, CGMA
INDIAN RIVER COUNTY
EXECUTIVE COUNCIL CHAIR

Tiffany Moore Russell, ESQ.
ORANGE COUNTY
VICE-CHAIR

Laura E. Roth, ESQ.
VOLUSIA COUNTY
SECRETARY/TREASURER



JOHN DEW
EXECUTIVE DIRECTOR

FIRM OF BOYD AND DURANT
GENERAL COUNSEL

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OKALOOSA COUNTY

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STACY BUTTERFIELD, CPA
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RON FICARROTTA
13TH JUDICIAL CIRCUIT JUDGE
SUPREME COURT APPOINTEE

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NIKKI ALVAREZ-SOWLES, ESQ.
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NASSAU COUNTY

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

LEGISLATIVE COMMITTEE MEETING

September 7, 2022

Meeting: 1:00 PM – 2: 00 PM, Eastern

WebEx Link: <https://flclerks.webex.com/flclerks/j.php?MTID=m8f77afbf614c812f79bc8b962e8f2769>

Meeting Code: 2305 315 3083, **Password:** CCOC

Conference Call: 1-866-469-3239, **Access Code:** 2305 315 3083

- 1) Call to Order and Approve Agenda..... Hon. Stacy Butterfield
- 2) Approve minutes from 8/21/21 Meeting Jason L. Welty
- 3) Legislative Budget Request..... Jason L. Welty
- 4) Recommended Changes to Fine & Fee Amounts and Distribution ... Jason L. Welty
- 5) Other Business..... Hon. Stacy Butterfield

Committee Members: Stacy Butterfield (Polk), Chair, Joseph Abruzzo (Palm Beach), Barry Baker (Suwannee), Tom W. Bexley (Flagler), Doug Chorvat, Jr. (Hernando), Angelina “Angel” M. Colonnese (Manatee), Gary J. Cooney (Lake), Nadia K. Daughtrey (DeSoto), Tara S. Green (Clay), J. K. “Jess” Irby (Alachua), Crystal K. Kinzel (Collier), Kevin Madok (Monroe), Michelle R. Miller (Saint Lucie), Gwendolyn Marshall Knight (Leon), Victoria L. Rogers (Hardee), Clayton O. Rooks (Jackson), Laura E. Roth (Volusia), Harvey Ruvin (Miami-Dade), Rachel Sadoff (Brevard), Donald Spencer (Santa Rosa), Cindy Stuart (Hillsborough), Angela Vick (Citrus)

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.

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Minutes of August 12, 2021, CCOC Legislative Committee Meeting

Committee Action: Review and approve with amendments as necessary.

The Legislative Committee of the Clerk of Courts Operation Corporation (CCOC) held a meeting via WebEx on August 12, 2021. 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 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 **red** and bold text.

1. Agenda Item 1 – Call to Order

Clerk Carolyn Timmann, Chair of the Legislative Committee called the meeting to order at 1:00 PM. Jason L. Welty, CCOC Deputy Executive Director, called the roll.

Present for meeting [via WebEx]: Honorable Carolyn Timmann, Chair; Honorable Joseph Abruzzo; Honorable Barry Baker; Honorable Tom Bexley; Honorable Doug Chorvat, Jr.; Honorable Gary J. Cooney, Exp.; Honorable Tara Green; Honorable Crystal Kinzel; Honorable Kevin Madok; Honorable Gwendolyn Marshall Knight; Honorable Harvey Ruvin, Esq.; Honorable Donald Spencer; Honorable Cindy Stuart;

Absent from the meeting: Honorable Laura Roth; Honorable Angela Vick

2. Agenda Item 2 – Approve Agenda

Clerk Carolyn Timmann opened the floor to review the agenda as presented.

A motion was made to approve the agenda by Clerk Carolyn Timmann and seconded by Clerk Gwendolyn Marshall Knight. The motion was adopted by consent.

3. Agenda Item 3 – Approve Minutes from the 1/22/21 Meeting

Chair Timmann opened the floor for review and approval of the minutes

A motion was made to approve the minutes by Clerk Marshall Knight and seconded by Clerk Baker. The motion was adopted unanimously.

4. Agenda Item 4 – Legislative Recap / Legislative Agenda Ideas

Chair Timmann explained the reasons behind two Legislative Committees, the FCCC, and the CCOC legislative committees. First, the CCOC and FCCC continue to work closely together, although they have separate functions. For instance, CCOC has specific duties outlined in the statute that this Legislative Committee handles.

Clerk Timmann turned over the floor to Jason Welty, CCOC Deputy Executive Director. He discussed the 2021 Legislative Recap and the Legislative Agenda Ideas.

He began by thanking the legislative partners on the call. He continued by pointing out the 2021 Session was unusual; at the beginning of session, there was a \$3 billion budget gap. However, by the end of session, there was a \$6 billion surplus.

Mr. Welty recapped Legislative items of importance for the clerks, including:

- \$6.25 non-recurring general revenue for temporary staffing to help with the pandemic recovery plan.
- \$2.4 million in additional funding for 2021-2022 for Jury Management expenses.
- \$11.7million recurring general revenue for jury management.

No comments or questions were raised on Jason Welty's presentation

5. Agenda Item 5 – Other Business

Looking Forward

Chair Timmann asked Mr. Welty to discuss the issues for inclusion in the upcoming legislative budget request. The first issue is the reimbursement petitions for protection. This issue is a request for reimbursement of petitions related to domestic violence, dating violence, sexual violence, repeat violence, and stalking. For those five issues related to injunctions for protection, the statute allows the clerks to receive a \$40 reimbursement for each petition and the sheriff's office to receive \$20 of the \$40 reimbursement.

The estimated reimbursement amount is \$3.2 million.

There was discussion about including the injunctions for protection in the CCOC legislative agenda. Clerk Timmann pointed out that continuing to bring these issues forward accomplishes several goals. First, it provides us an opportunity to receive funding for the work that the clerks do and can talk about this critical piece of the work they do every day on behalf of constituents. Additionally, there was discussion about

how the CCOC interacted with the FCCC as some clerks also raised the injunction for protection issue at the FCCC Legislative Committee.

Clerk Chorvat moved to include the injunction for protection issue in the CCOC legislative agenda. Clerk Baker seconded the motion, and it was adopted without objection.

Pandemic Recovery Plan

The second issue for consideration for the CCOC legislative agenda was the Pandemic Recovery Plan. CCOC proposed the issue during the 2021 Session, and the Legislature funded it for \$6.25 million.

The Trial Court Budget Commission (TCBC) recommended a second year of funding for Pandemic Recovery funding. Mr. Welty recommended that the CCOC Legislative Committee approve the Pandemic Recovery Plan – Year 2, in line with the TCBC request for additional services for the Fiscal Year 2021-22.

Clerk Cooney moved to include the second year of Pandemic Recovery Plan Funding. Clerk Baker seconded the motion, and it was adopted without objection.

Jury Funding

The final issue for consideration for the 2022 CCOC legislative agenda was additional funding for jury management. Clerk Timmann explained this issue was similar to what occurred last year, where jury funds were reverted and appropriated for the same purpose. However, as things continue to develop with the pandemic and the impacts on court processes and jury is very difficult to predict this would provide additional flexibility for clerks.

Clerk Marshall Knight moved to include the jury management issue in the 2022 legislative agenda. Clerk Chorvat seconded the motion, and it was adopted without objection.

Other Items

Finally, Clerk Timmann discussed a couple of Other Business items. One issue was a referral by the FCCC Legislative Committee related to the uniform chart of accounts proposed by Clerk Doggett of Lee County.

Clerk Maloy requested the committee consider an issue tying budgets to the cost of inflation.

Clerk Burke brought up the issue of clerk funding when the Legislature creates new judgeships. There was a discussion about the issue. Clerk Timmann stated that this is an issue she has been working on for over a year. Clerk Timmann asked Jason Welty to comment further on this issue. Mr. Welty stated that he is working with the

Association on additional statutory language. This is an ongoing issue where the CCOC and FCCC will have close legislative agenda tied together.

Clerk Timmann asked the committee members for additional ideas or issues and opened the floor for public comment. **Clerk Chorvat made a motion to adjourn the meeting. Without any objection, Clerk Timmann adjourned the meeting at 2:02 PM.**

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AGENDA ITEM 3

DATE: September 7, 2022
SUBJECT: Legislative Budget Request
COMMITTEE ACTION: Information Only

OVERVIEW:

Section 28.35(2)(i), Florida Statutes requires the Clerks of Court Operations Corporation (CCOC) to annually prepare a budget request which provides the amount necessary for reimbursement of Baker Act, Marchman Act, and Sexually Violent Predators petitions and orders.

CCOC collects these subcase types on the monthly Output Report. To minimize the workload on clerks, CCOC will provide the Justice Administrative Commission (JAC) with each county's number of cases for the most recently completed fiscal year (CFY 2020-21). If the Legislature funds this issue during the 2023 Legislative Session, each county will receive the reimbursement in a quarterly distribution.

COMMITTEE ACTION: Information Only

LEAD STAFF: Jason L. Welty, CCOC Deputy Executive Director

ATTACHMENTS:

- 1) CFY 2020-21 Baker-Marchman-SVP Cases by County

County	Subcase Type	CFY 2020-21	Reimbursement Total
Alachua	Baker Act (SRS)	1,664	
Alachua	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	1	
Alachua	Substance Abuse Act (SRS)	95	
Alachua Total		1,760	\$ 70,400
Baker	Baker Act (SRS)	3	
Baker	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Baker	Substance Abuse Act (SRS)	25	
Baker Total		28	\$ 1,120
Bay	Baker Act (SRS)	372	
Bay	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Bay	Substance Abuse Act (SRS)	99	
Bay Total		471	\$ 18,840
Bradford	Baker Act (SRS)	8	
Bradford	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Bradford	Substance Abuse Act (SRS)	16	
Bradford Total		24	\$ 960
Brevard	Baker Act (SRS)	812	
Brevard	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	1	
Brevard	Substance Abuse Act (SRS)	191	
Brevard Total		1,004	\$ 40,160
Broward	Baker Act (SRS)	6,068	
Broward	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	4	
Broward	Substance Abuse Act (SRS)	750	
Broward Total		6,822	\$ 272,880
Calhoun	Baker Act (SRS)	2	
Calhoun	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Calhoun	Substance Abuse Act (SRS)	19	
Calhoun Total		21	\$ 840
Charlotte	Baker Act (SRS)	1,405	
Charlotte	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Charlotte	Substance Abuse Act (SRS)	110	
Charlotte Total		1,515	\$ 60,600
Citrus	Baker Act (SRS)	76	
Citrus	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	2	
Citrus	Substance Abuse Act (SRS)	98	
Citrus Total		176	\$ 7,040
Clay	Baker Act (SRS)	202	
Clay	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	1	
Clay	Substance Abuse Act (SRS)	41	
Clay Total		244	\$ 9,760
Collier	Baker Act (SRS)	836	
Collier	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	1	
Collier	Substance Abuse Act (SRS)	70	
Collier Total		907	\$ 36,280
Columbia	Baker Act (SRS)	550	
Columbia	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	1	
Columbia	Substance Abuse Act (SRS)	36	
Columbia Total		587	\$ 23,480
Desoto	Baker Act (SRS)	11	
Desoto	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	2	
Desoto	Substance Abuse Act (SRS)	11	
Desoto Total		24	\$ 960
Dixie	Baker Act (SRS)	9	
Dixie	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Dixie	Substance Abuse Act (SRS)	19	
Dixie Total		28	\$ 1,120

County	Subcase Type	CFY 2020-21	Reimbursement Total
Duval	Baker Act (SRS)	3,087	
Duval	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	7	
Duval	Substance Abuse Act (SRS)	332	
Duval Total		3,426	\$ 137,040
Escambia	Baker Act (SRS)	1,316	
Escambia	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	1	
Escambia	Substance Abuse Act (SRS)	242	
Escambia Total		1,559	\$ 62,360
Flagler	Baker Act (SRS)	36	
Flagler	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Flagler	Substance Abuse Act (SRS)	70	
Flagler Total		106	\$ 4,240
Franklin	Baker Act (SRS)	5	
Franklin	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Franklin	Substance Abuse Act (SRS)	11	
Franklin Total		16	\$ 640
Gadsden	Baker Act (SRS)	36	
Gadsden	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Gadsden	Substance Abuse Act (SRS)	18	
Gadsden Total		54	\$ 2,160
Gilchrist	Baker Act (SRS)	10	
Gilchrist	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Gilchrist	Substance Abuse Act (SRS)	-	
Gilchrist Total		10	\$ 400
Glades	Baker Act (SRS)	3	
Glades	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Glades	Substance Abuse Act (SRS)	16	
Glades Total		19	\$ 760
Gulf	Baker Act (SRS)	14	
Gulf	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Gulf	Substance Abuse Act (SRS)	8	
Gulf Total		22	\$ 880
Hamilton	Baker Act (SRS)	9	
Hamilton	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Hamilton	Substance Abuse Act (SRS)	3	
Hamilton Total		12	\$ 480
Hardee	Baker Act (SRS)	2	
Hardee	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Hardee	Substance Abuse Act (SRS)	26	
Hardee Total		28	\$ 1,120
Hendry	Baker Act (SRS)	9	
Hendry	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Hendry	Substance Abuse Act (SRS)	29	
Hendry Total		38	\$ 1,520
Hernando	Baker Act (SRS)	1,396	
Hernando	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	1	
Hernando	Substance Abuse Act (SRS)	78	
Hernando Total		1,475	\$ 59,000
Highlands	Baker Act (SRS)	37	
Highlands	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Highlands	Substance Abuse Act (SRS)	68	
Highlands Total		105	\$ 4,200
Hillsborough	Baker Act (SRS)	5,862	
Hillsborough	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	1	
Hillsborough	Substance Abuse Act (SRS)	1,063	
Hillsborough Total		6,926	\$ 277,040

County	Subcase Type	CFY 2020-21	Reimbursement Total
Holmes	Baker Act (SRS)	14	
Holmes	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Holmes	Substance Abuse Act (SRS)	23	
Holmes Total		37	\$ 1,480
Indian River	Baker Act (SRS)	198	
Indian River	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Indian River	Substance Abuse Act (SRS)	46	
Indian River Total		244	\$ 9,760
Jackson	Baker Act (SRS)	38	
Jackson	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Jackson	Substance Abuse Act (SRS)	39	
Jackson Total		77	\$ 3,080
Jefferson	Baker Act (SRS)	7	
Jefferson	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Jefferson	Substance Abuse Act (SRS)	2	
Jefferson Total		9	\$ 360
Lafayette	Baker Act (SRS)	5	
Lafayette	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Lafayette	Substance Abuse Act (SRS)	3	
Lafayette Total		8	\$ 320
Lake	Baker Act (SRS)	459	
Lake	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	4	
Lake	Substance Abuse Act (SRS)	110	
Lake Total		573	\$ 22,920
Lee	Baker Act (SRS)	2,440	
Lee	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	1	
Lee	Substance Abuse Act (SRS)	92	
Lee Total		2,533	\$ 101,320
Leon	Baker Act (SRS)	1,212	
Leon	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	1	
Leon	Substance Abuse Act (SRS)	98	
Leon Total		1,311	\$ 52,440
Levy	Baker Act (SRS)	20	
Levy	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Levy	Substance Abuse Act (SRS)	27	
Levy Total		47	\$ 1,880
Liberty	Baker Act (SRS)	9	
Liberty	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Liberty	Substance Abuse Act (SRS)	11	
Liberty Total		20	\$ 800
Madison	Baker Act (SRS)	31	
Madison	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Madison	Substance Abuse Act (SRS)	-	
Madison Total		31	\$ 1,240
Manatee	Baker Act (SRS)	686	
Manatee	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	2	
Manatee	Substance Abuse Act (SRS)	147	
Manatee Total		835	\$ 33,400
Marion	Baker Act (SRS)	506	
Marion	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	1	
Marion	Substance Abuse Act (SRS)	229	
Marion Total		736	\$ 29,440
Martin	Baker Act (SRS)	140	
Martin	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Martin	Substance Abuse Act (SRS)	53	
Martin Total		193	\$ 7,720

County	Subcase Type	CFY 2020-21	Reimbursement Total
Miami-Dade	Baker Act (SRS)	4,781	
Miami-Dade	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	6	
Miami-Dade	Substance Abuse Act (SRS)	819	
Miami-Dade Total		5,606	\$ 224,240
Monroe	Baker Act (SRS)	69	
Monroe	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Monroe	Substance Abuse Act (SRS)	41	
Monroe Total		110	\$ 4,400
Nassau	Baker Act (SRS)	20	
Nassau	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Nassau	Substance Abuse Act (SRS)	33	
Nassau Total		53	\$ 2,120
Okaloosa	Baker Act (SRS)	521	
Okaloosa	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Okaloosa	Substance Abuse Act (SRS)	57	
Okaloosa Total		578	\$ 23,120
Okeechobee	Baker Act (SRS)	14	
Okeechobee	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Okeechobee	Substance Abuse Act (SRS)	36	
Okeechobee Total		50	\$ 2,000
Orange	Baker Act (SRS)	5,979	
Orange	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	2	
Orange	Substance Abuse Act (SRS)	317	
Orange Total		6,298	\$ 251,920
Osceola	Baker Act (SRS)	213	
Osceola	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	2	
Osceola	Substance Abuse Act (SRS)	168	
Osceola Total		383	\$ 15,320
Palm Beach	Baker Act (SRS)	2,710	
Palm Beach	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	5	
Palm Beach	Substance Abuse Act (SRS)	745	
Palm Beach Total		3,460	\$ 138,400
Pasco	Baker Act (SRS)	3,131	
Pasco	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Pasco	Substance Abuse Act (SRS)	329	
Pasco Total		3,460	\$ 138,400
Pinellas	Baker Act (SRS)	4,024	
Pinellas	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	3	
Pinellas	Substance Abuse Act (SRS)	132	
Pinellas Total		4,159	\$ 166,360
Polk	Baker Act (SRS)	2,281	
Polk	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	1	
Polk	Substance Abuse Act (SRS)	346	
Polk Total		2,628	\$ 105,120
Putnam	Baker Act (SRS)	22	
Putnam	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Putnam	Substance Abuse Act (SRS)	79	
Putnam Total		101	\$ 4,040
Saint Johns	Baker Act (SRS)	279	
Saint Johns	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	1	
Saint Johns	Substance Abuse Act (SRS)	60	
Saint Johns Total		340	\$ 13,600
Saint Lucie	Baker Act (SRS)	713	
Saint Lucie	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Saint Lucie	Substance Abuse Act (SRS)	84	
Saint Lucie Total		797	\$ 31,880

County	Subcase Type	CFY 2020-21	Reimbursement Total
Santa Rosa	Baker Act (SRS)	70	
Santa Rosa	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Santa Rosa	Substance Abuse Act (SRS)	40	
Santa Rosa Total		110	\$ 4,400
Sarasota	Baker Act (SRS)	1,888	
Sarasota	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Sarasota	Substance Abuse Act (SRS)	843	
Sarasota Total		2,731	\$ 109,240
Seminole	Baker Act (SRS)	705	
Seminole	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Seminole	Substance Abuse Act (SRS)	295	
Seminole Total		1,000	\$ 40,000
Sumter	Baker Act (SRS)	33	
Sumter	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Sumter	Substance Abuse Act (SRS)	15	
Sumter Total		48	\$ 1,920
Suwannee	Baker Act (SRS)	23	
Suwannee	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	1	
Suwannee	Substance Abuse Act (SRS)	27	
Suwannee Total		51	\$ 2,040
Taylor	Baker Act (SRS)	15	
Taylor	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Taylor	Substance Abuse Act (SRS)	36	
Taylor Total		51	\$ 2,040
Union	Baker Act (SRS)	-	
Union	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Union	Substance Abuse Act (SRS)	7	
Union Total		7	\$ 280
Volusia	Baker Act (SRS)	1,236	
Volusia	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	3	
Volusia	Substance Abuse Act (SRS)	665	
Volusia Total		1,904	\$ 76,160
Wakulla	Baker Act (SRS)	14	
Wakulla	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Wakulla	Substance Abuse Act (SRS)	23	
Wakulla Total		37	\$ 1,480
Walton	Baker Act (SRS)	42	
Walton	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Walton	Substance Abuse Act (SRS)	41	
Walton Total		83	\$ 3,320
Washington	Baker Act (SRS)	21	
Washington	Involuntary Civil Commitment of Sexually Violent Predators (SRS)	-	
Washington	Substance Abuse Act (SRS)	13	
Washington Total		34	\$ 1,360

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HARVEY RUVIN, ESQ.
MIAMI-DADE COUNTY

TODD NEWTON
GILCHRIST COUNTY

STACY BUTTERFIELD, CPA
POLK COUNTY

RON FICARROTTA
13TH JUDICIAL CIRCUIT JUDGE
SUPREME COURT APPOINTEE

KEN BURKE, CPA
PINELLAS COUNTY
HOUSE APPOINTEE

NIKKI ALVAREZ-SOWLES, ESQ.
PASCO COUNTY
SENATE APPOINTEE

JOHN CRAWFORD
NASSAU COUNTY

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AGENDA ITEM 4

DATE: September 7, 2022
SUBJECT: Recommended Changes to Fine & Fee Amounts and Distribution
COMMITTEE ACTION: Information Only

OVERVIEW:

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. The Legislature also allows the clerks to retain unspent budget and shares half of the cumulative excess with the clerks. Additionally, the Legislature provides General Revenue funds to cover the costs of juror management functions and recently provided funding to assist with the Pandemic Recovery Plan. These revenues form the basis of the clerk's yearly budget.

Section 28.35(2)(c)1., Florida Statutes requires the Clerks of Court Operations Corporation (CCOC) to recommend to the Legislature changes in the amounts and distribution 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 CCOC Budget Committee reviewed the clerks' budgets and established a recurring Needs-Based Budget of \$481.2 million. Currently, the Revenue Estimating Conference projects \$441.0 million available to the clerks for the fiscal year.

Two Options: Changes to the Distribution or Changes in the Amounts

Changes to the Distribution

Fines, fees, service charges, and court costs fund the services clerks provide to the public. The Legislature sets the fines, fees, service charges, and court costs and provides the clerks with a percentage of each. Some distribution tables are simple, and others can be complex.

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.

AGENDA ITEM 4 – RECOMMENDED CHANGES TO FINE & FEE AMOUNTS AND DISTRIBUTION

For instance, for Small Claims less than \$100, the filing fee is \$55, of which the State Court Revenue Trust Fund gets \$1, the Court Education Trust Fun receives \$3.50, the DFS Administrative Trust Fund receives \$0.50, and the clerk retains the remaining \$50. This distribution is simple, straightforward, and easy to understand.

The distribution of civil traffic is substantially more complex.

<u>SPEEDING 10-14 MPH</u>	<u>Amount</u>
COURT FACILITIES FUND (BOCC) <i>Optional with Co. Ordinance</i>	\$30.00
LOCAL LAW ENFORCEMENT EDU (BOCC) <i>Optional with Ordinance</i>	\$2.00
ADDITIONAL COURT COSTS CLEARING TRUST FUND	\$3.00
ADDITIONAL COURT COST - CLERK or to County if directed	\$2.50
COURT COSTS	\$30.00
GENERAL REVENUE FUND	\$5.00
ART V/STATE COURTS REVENUE TRUST FUND	\$5.00
ART V/STATE ATTYS REVENUE TRUST FUND	\$3.33
ART V/INDIGENT CRIMINAL DEF REVENUE TRUST FUND	\$1.67
GENERAL REVENUE FUND	\$12.50
STATE RADIO SYSTEM SURCHARGE	\$3.00
STATUTORY BASE FINE	\$100.00
TOTAL CIVIL PENALTY	\$198.00
DISTRIBUTE STATUTORY BASE FINE AS FOLLOWS:	
TEN PERCENT FINE/FINE & FORFEITURE FUND	\$10.00
CHILD WELFARE TRUST FUND	\$1.00
JUVENILE JUSTICE TRUST FUND	\$1.00
RADIO COMMUNICATIONS PROG.	\$12.50
NON-GAME WILDLIFE FUND	\$3.00
OF THE REMAINDER OF THE FINE:	
GENERAL REVENUE FUND	20.6%
EMERGENCY MED. SERVICES	7.2%
ADD. COURT COSTS	5.1%
BRAIN & SPINAL CORD	8.2%
DIVISION of VOC REHAB	2.0%
CLERK OF THE COURT	0.5%
FINE-CLERK FEE OR	56.4%
SEMINOLE or MICCOSUKEE TRIBE	56.4%
MUNICIPALITY	50.8%
CLERK OF THE COURT	5.6%

AGENDA ITEM 4 – RECOMMENDED CHANGES TO FINE & FEE AMOUNTS AND DISTRIBUTION

One option the Legislative Committee could consider taking to the Executive Council would be the option of significantly simplifying the distribution of a particular fine or fee or a group of fines and fees and letting the clerk retain those fines and fees.

For example, attached is the distribution of fines from civil traffic citations by the receiving trust fund. These trust funds have little nexus between the traffic citation and the work necessary to process these citations. However, the Legislature created some fines for the express purpose of funding the public policies they wanted at the time.

If the Legislature were to redistribute a portion of this funding from the current recipients to the clerks, it could adequately fund the clerks' Needs-Based Budget.

Changes in the Amounts

The second option the Legislative Committee can consider is a change in the filing fees. Florida's Constitution provides that all funding for the clerks performing court-related functions 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. The Legislature has not increased filing fees since 2008 and 2009.

Generally, the circuit civil filing fee is \$400, and the county civil fee is \$300. As an alternative to a redistribution of current revenue from state trust funds, the CCOC Legislative Committee could recommend a filing fee increase to the Legislature to help close the gap between the projected revenue and the clerks' Needs-Based Budget.

FY	Court Type	Total Cases	Ten Percent Filing Fee Increase	Additional Revenue Collected by Clerks
19	Circuit Civil	215,054	8,602,160	
19	County Civil	631,921	18,957,630	\$27,559,790
20	Circuit Civil	182,186	7,287,440	
20	County Civil	634,807	19,044,210	\$26,331,650
21	Circuit Civil	174,518	6,980,720	
21	County Civil	904,336	27,130,080	\$34,110,800
22*	Circuit Civil	130,914	5,236,560	
22*	County Civil	639,411	19,182,330	\$24,418,890

*Through July 2022

COMMITTEE ACTION: Recommend a solution to adequately fund the deficit between the revenue available and the recurring Needs-based Budget.

LEAD STAFF: Jason L. Welty, CCOC Deputy Executive Director

ATTACHMENTS:

- 1) Distribution of Civil Traffic Revenues CY 2019 & CY 2021

TF	CITATION	Description	CY2019	CY2021
ADDITIONAL COURT COSTS - TF	318.21(2)(c)	5.1% of remainder of civil penalties received pursuant to Ch. 318	\$ 2,919,582.67	\$ 2,957,090.35
ADDITIONAL COURT COSTS - TF	318.18(11)(d)	\$3 additional court cost for non-criminal traffic infractions (distributed pursuant to s. 938.01)	\$ 4,714,803.91	\$ 4,266,293.33
BRAIN & SPINAL CORD INJURY PROGRAM TF	318.21(2)(d)	8.2% of remainder of civil penalties received pursuant to Ch. 318	\$ 4,713,706.62	\$ 4,756,530.54
BRAIN & SPINAL CORD INJURY PROGRAM TF	318.18(15)(a)1.	Remaining \$ 3 of \$158 civil penalty for violation of ss. 316.075(1)(c)1 or 316.074(1)	\$ 174,921.44	\$ 176,479.39
BRAIN & SPINAL CORD INJURY PROGRAM TF	316.0083(1)(b)3.b.	\$3 of the \$158 for violation of s. 316.074(1) or s. 316.075(1)(c)1.	\$ 437,458.32	\$ 369,131.75
BRAIN & SPINAL CORD INJURY PROGRAM TF	316.0083(1)(b)3.b.	3. \$3 of the \$158 for violation of s. 316.074(1) or s. 316.075(1)(c)1.	\$ 1,854,544.13	\$ 1,950,216.63
CHILD WELFARE TRAINING TF	318.21(1)	\$1 of civil penalty per violation; operating a motor vehicle in violation of s. 316.646 (Child Welfare Training Trust Fund)	\$ 974,428.63	\$ 955,631.00
CHILD WELFARE TRAINING TF	318.14(10)(b)	\$1 of court costs per violation; operating a motor vehicle in violation of s. 316.646 (Child Welfare Training Trust Fund)	\$ 298,363.70	\$ 276,280.87
CLERK OF COURT TF	318.18(7)	\$25 Fine plus unpaid tolls due (Turnpike/Sunpass Service Center)	\$ 109,279.83	\$ 43,891.61
CRIMES COMPENSATION TF	316.126	\$30 fine for violation of Move Over Act	\$ 344,465.34	\$ 284,803.67
DOE GRANTS AND DONATIONS TF	318.21(5)	60% of additional fine under s. 318.21(3)(d) for violation of s. 316.1303	\$ 3,163.71	\$ 459.89
DOE GRANTS AND DONATIONS TF	318.21(4)	40% of additional fine under s. 318.18(3)(e) for violation of s. 316.1301	\$ 778.35	\$ 3,404.75
DOE GRANTS AND DONATIONS TF	318.21(2)(e)	2% of remainder of civil penalties received pursuant to Ch. 318	\$ 1,157,407.86	\$ 1,171,825.85
EMERGENCY MEDICAL SERVICES TF	318.21(2)(b)	7.2% of remainder of civil penalties received pursuant to Ch. 318	\$ 4,204,800.21	\$ 4,261,351.94
EMERGENCY MEDICAL SERVICES TF	318.18(5)(c)	\$65 penalty for violation of ss. 316.172(1)(a) or (b)	\$ 195,878.27	\$ 122,842.09
EMERGENCY MEDICAL SERVICES TF	318.18(3)(h)	Civil penalty imposed per 318.18(3)(h)	\$ 22,663.56	\$ 11,537.26
EMERGENCY MEDICAL SERVICES TF	318.18(20)	\$65 penalty for violation of ss. 316.191 or s. 316.192	\$ 582,974.35	\$ 731,476.48
EMERGENCY MEDICAL SERVICES TF	318.18(15)(a)1.	Remaining \$65 of \$158 civil penalty for violation of ss. 316.075(1)(c)1 or 316.074(1)	\$ 1,590,804.17	\$ 1,550,419.70
EMERGENCY MEDICAL SERVICES TF	318.14(5)	\$500 & \$1,000 mandatory civil penalties imposed upon persons required to appear before a designated official pursuant to ss. 318.19(1) or (2)	\$ 280,253.45	\$ 232,844.24

TF	CITATION	Description	CY2019	CY2021
EMERGENCY MEDICAL SERVICES TF	316.306(5)	Fine for using a wireless communications device in a handheld manner while driving in a School or Work zone as defined in s. 316.003(101)	\$ 520.00	\$ 29,765.23
EMERGENCY MEDICAL SERVICES TF	316.061 & 316.192	\$5 additional fine for leaving scene of accident, reckless driving	\$ 60,216.67	\$ 67,740.13
EMERGENCY MEDICAL SERVICES TF	316.0083(1)(b)3.a.&b.	\$10 of the \$158 for violation of s. 316.074(1) or s. 316.075(1)(c)1.	\$ 1,567,860.79	\$ 1,365,502.07
EMERGENCY MEDICAL SERVICES TF	316.0083(1)(b)3.a.&b.	2. \$10 of the \$158 for violation of s. 316.074(1) or s. 316.075(1)(c)1.	\$ 6,181,792.40	\$ 6,500,496.73
EPILEPSY SERVICES TF	318.21(6)	\$5 of civil penalty for each violation of s. 316.613 or s. 316.614	\$ 407,397.98	\$ 333,712.54
GENERAL REVENUE	318.21(2)(a)	20.6% of remainder of civil penalties received pursuant to Ch. 318	\$ 11,556,990.79	\$ 11,916,976.69
GENERAL REVENUE	318.18(15)(a)1.	Remaining \$30 of \$158 civil penalty for violation of ss. 316.075(1)(c)1 or 316.074(1)	\$ 1,771,432.10	\$ 1,784,233.75
GENERAL REVENUE	316.0083(1)(b)3.b.	\$100 of the \$158 for violation of s. 316.074(1) or s. 316.075(1)(c)1.	\$ 18.00	
GENERAL REVENUE	316.0083(1)(b)3.b.	\$70 of the \$158 for violation of s. 316.074(1) or s. 316.075(1)(c)1.	\$ 10,689,107.58	\$ 8,892,241.66
GENERAL REVENUE	316.0083(1)(b)3.b.	1. \$70 of the \$158 for violation of s. 316.074(1) or s. 316.075(1)(c)1.	\$ 43,272,659.85	\$ 45,479,016.32
INDIGENT CRIMINAL DEFENSE TF	318.18(19)(c)	\$1.67 of the \$10 fine for all noncriminal moving and nonmoving traffic violations under chapter 316, 320 & 322.	\$ 2,849,952.90	\$ 2,604,725.08
JUVENILE WELFARE TRAINING TF	318.21(1)	\$1 of civil penalty per violation; operating a motor vehicle in violation of s. 316.646 (Juvenile Justice Training Trust Fund)	\$ 988,560.89	\$ 964,186.58
JUVENILE WELFARE TRAINING TF	318.14(10)(b)	\$1 of court costs per violation; operating a motor vehicle in violation of s. 316.646 (Juvenile Justice Training Trust Fund)	\$ 268,912.46	\$ 269,878.68
NONGAME WILDLIFE TF	318.21(7)	Fines assessed under s. 318.18(3) for unlawful speed	\$ 1,295,428.42	\$ 1,289,357.22
PUBLIC DEFENDERS REVENUE TRUST FUND	318.18(19)(c)	\$1.67 of the \$10 fine for all noncriminal moving and nonmoving traffic violations under chapter 316, 320 & 322.		
STATE ATTORNEYS REVENUE TRUST FUND	318.18(19)(b)	\$3.33 of the \$10 fine for all noncriminal moving and nonmoving traffic violations under chapter 316, 320 & 322.	\$ 5,788,572.57	\$ 5,219,668.31
STATE TRANSPORTATION TF	316.2065	\$15 non-criminal penalty for each violation of bicycle regulations	\$ 1,610.38	\$ 2,316.17
Grand Total			\$ 111,281,312.30	\$ 110,842,328.50