# STABILIZING REVENUES FOR THE STATE COURTS SYSTEM AND CLERKS OF COURT

## Recommendations of the Revenue Stabilization Workgroup

*November 1, 2011*

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# EXECUTIVE SUMMARY

## I. Purpose of Project

In 2009, the Legislature made significant changes to the budgetary structure of the State Courts System (Courts) and the Circuit and County Clerks of Court (Clerks). The Legislature created the State Courts Revenue Trust Fund (SCRTF) for the Courts, funding it with higher filing fees, particularly those from mortgage foreclosures, and some fine revenues. The Legislature also provided that, effective July 1, 2009, the fines, fees, court costs, and service charges deposited in the Clerks of Court Trust Fund (CCTF) be sent to the state in order to be remitted back to the Clerks and that the Legislature appropriate the total amount of the budgets of the Clerks in the General Appropriations Act.

Due to the cash flow problems and the recent instability of revenue from court filing fees, revenues are not sufficient to support the Courts' and Clerks' appropriated budgets.

To address this problem, the Legislature, through proviso language, directed the Clerks of Court Operations Corporation and the Office of the State Courts Administrator to work together to develop recommendations to resolve the revenue problems the Courts and the Clerks are experiencing. The purpose of this project was to develop and recommend "appropriate Article V revenue streams to be directed to the State Courts Revenue Trust Fund and the Clerks of Court Trust Fund to eliminate problems with cash flow in both funds and to ensure revenue streams are adequate to support appropriations." In order to accomplish the requirements of the proviso language cooperatively, the Courts and Clerks created the Revenue Stabilization Workgroup (Workgroup), comprising an equal number of judges and clerks of court.

The Workgroup only considered Article V revenue in this stabilization proposal. The Workgroup excluded increases in filing fees and fines from consideration because Florida currently has some of the highest filing fees and fines in the nation, and because higher filing fees may impose financial barriers to people seeking access to the court.

## II. Legal Framework

With the exception of the State Constitution in 1868, Florida has incorporated an express provision guaranteeing a person's right of access to the courts in each of its constitutions. Florida has a legal framework in place providing that the Clerks are to be funded from adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions. Funding for the Courts is to be provided from state revenues, a portion of which is revenue derived from statutory fines, fees, service charges, and costs.

## III. Current Challenges

Under the current funding structure created by the Legislature, the funds collected by the Clerks from the prior month are sent to the state in order to be remitted back to the Clerks. This system creates three cash flow challenges for the Clerks: (1) insufficient revenue to fund the Clerks' appropriated budgets; (2) insufficient start-up funds at the beginning of each fiscal year; and (3) volatility of monthly revenue in relation to a constant expenditure need.

The Courts' revenue challenges result from the fact that the SCRTF, which supports almost 83 percent of the entire State Courts System, is heavily reliant on an extremely volatile source: foreclosure filing fee revenue. Due to the substantial decrease in the number of foreclosure filings between FY 2009-10 and FY 2010-11, revenues deposited into the SCRTF have fallen dramatically. In FY 2010-11, the appropriated budget greatly exceeded revenue collected every month.

Because of the significant problems both the Courts and the Clerks have been facing in accessing revenues sufficient to support their appropriated budgets, the Legislature and the Governor have been required to exercise their authority to cover the deficits through loans from other state funds and supplemental appropriations.

## IV. Revenue Currently Generated

Generally, the Clerks collect and remit to the DOR the following six types of Article V revenue: filing fees, fines, court costs, service charges, bond forfeitures, and interest. Additionally, two Article V revenue streams are collected outside of the general clerk remittance structure: filing fees and service charges in the Supreme Court and district courts of appeal and mediator certification and licensure fees.

The Workgroup examined the different Article V revenue streams and grouped them into the following categories: (1) Court Related Revenue Currently Remitted to the State Courts System and Clerks of Court, (2) Court Related Revenue Currently Remitted to General Revenue and Other Agencies' Trust Funds, and (3) Non-Court Related Revenue (Other Revenue NOT Generated by Performance of Functions by the State Courts System and Clerks of Court).

In FY 2010-11, one billion dollars of Article V revenue was collected and remitted to five general categories: just over $432 million was directed to the Clerks, almost $228 million to the Courts, $196 million to general revenue, close to $116 million to other agencies' trust funds, and $38 million to non-court related purposes.

Over 30 distinct state trust funds in approximately 18 state agencies receive Article V revenues. For instance, in a dissolution of marriage case, the filing fee is distributed to 10

different entities; the fine for speeding 15-19 MPH is distributed to 12 different entities, and the statutory base fine portion is parceled out to an additional 14 entities.

The complexity of remitting revenue by the Clerks to the Department of Revenue (DOR) is directly related to the number of "buckets" or earmarks that are identified in the statute governing the distribution of the revenue that is collected. Revenues from fines, fees, and other revenue streams are collected and placed in 1,626 different buckets. These collection buckets are sent by the Clerks to the DOR where they are rolled into 151 remittance buckets that are distributed by the DOR to various funds.

## V. Recommendations from the Workgroup

***Recommendation 1: Proposed Core Court System***

The work of the Courts and Clerks is inter-related, and each entity depends on the other to provide access to the courts as provided for in Florida's Constitution. Therefore, the Workgroup proposes that these two entities be considered the "Core Court System" for funding purposes.

***Recommendation 2: Proposed General Revenue Support for the State Courts***

The Workgroup emphasizes that the balance between what the state must pay as a general obligation of government and what the users should pay in order to access their court system should be carefully aligned so Florida citizens are always assured of their constitutional right of access to the courts without sale, denial, or delay. The Workgroup proposes that the cost for judges should remain a general obligation of Florida government; in addition, constitutional due process protections (e.g., the preparation of a record of trial court proceedings, provision of court interpreters for indigent defendants) and certain other costs (e.g., appellate court building leases, the activities of the Judicial Qualifications Commission) should be paid out of the General Revenue Fund.

***Recommendation 3: Proposed Operating Reserve***

The timing of revenue distribution creates a cash flow problem at the beginning of the fiscal year and other seasonal or volatile months. The Workgroup recommends an operating cash reserve (equal to 1/12 of the annual appropriation for the SCRTF and the CCTF, separately) on July 1st of the implementation year as a one-time distribution.

***Recommendation 4: Proposed Revenue Structure***

There are currently sufficient funds generated by the Courts and Clerks to fund the Core Court System. However, a significant amount of these revenues is being used to fund other (non-core court) state entities and programs. Initial distribution from revenues generated by the Core Court System should be made to fund the legislatively authorized budgets of the Courts and Clerks.

**The Workgroup's proposed revenue structure provides for a trade-off for the Core Court System of potential future revenue windfalls for the stability of a certain amount of monthly revenue distributions.**

***Recommendation 5: Redirect Filing Fees and Service Charges in the Supreme Court and District Courts of Appeal and the Mediator Certification and Licensure Fees to the SCRTF through the Department of Revenue***

Unlike all other Article V revenue, these fees are currently not remitted by the Clerks to the DOR. To ensure that all Article V revenues coming to the state are accounted for consistently and included in the proposed revenue structure, the process for remittance of these revenues should be the same as for the others.

## VI. Statutory Amendments Necessary to Implement Recommendations

1. Codify Core Court System funding structure in statutes.
2. Create Core Court System Clearing Trust Fund.
3. Redirect appellate court fees and service charges and mediator certification licensure fees to the SCRTF.
4. Adopt statutory language that directs the Department of Revenue to deposit court related Article V revenues into the Core Court System Clearing Trust Fund.

# SECTION ONE: INTRODUCTION

Two years ago, the Legislature made significant changes in the budgetary structure of the State Courts System and the Circuit and County Clerks of Court (Clerks). The State Courts Revenue Trust Fund (SCRTF) was created for the State Courts System (Courts). It was funded with higher filing fees, particularly those from mortgage foreclosures, and some fine revenues. The Legislature also provided that, effective July 1, 2009, the fines, fees, court costs, and service charges deposited in the Clerks of Court Trust Fund (CCTF) be sent to the state in order to be remitted back to the Clerks and that the Legislature appropriate the total amount of the budgets of the Clerks in the General Appropriations Act.

Foreclosure filings eventually became more than 75 percent of the Courts' funding. But when the number of foreclosure filings nationally and in Florida plunged late last year, what had been a surplus in the Courts' trust fund turned into a deficit. The Courts needed almost $54 million from other state funds in order to maintain operations during the 2010-11 fiscal year. Although there has been a slight uptick in foreclosure filings in the 2011-12 fiscal year, the most recent Article V Revenue Estimating Conference projected that revenues would fall short of the Courts' appropriated budgets again this year.

Legislative changes in the Clerks' funding process that became effective July 1, 2009, have created multiple challenges: (1) insufficient revenue to fund the Clerks' appropriated budgets; (2) insufficient start-up funds at the beginning of each fiscal year; and (3) volatility of monthly revenue in relation to a constant expenditure need. In FY 2010-11, the trust fund had a $50 million shortfall that was resolved by a "back of the bill" appropriation of $44.2 million in the 2011 General Appropriations Act and Clerks having to take further mid-year budget reductions for the remainder of the deficit. This year, the revenue shortfall in the trust fund is currently projected by the Revenue Estimating Conference to again be in excess of $50 million. In addition to there being insufficient start-up funds at the beginning of each fiscal year, the volatility of monthly revenues does not allow for even disbursement of one-twelfth of the annual appropriation each month, much less the quarterly disbursement provided for by statute.

## I. Proviso Language

During the 2011 Session, the Legislature, through proviso language, directed the Clerks of Court Operations Corporation (CCOC) and the Office of the State Courts Administrator (OSCA) to work together to develop recommendations to resolve the revenue problems that the State Courts System and Clerks of Court are experiencing. The proviso states:

> From the funds in Specific Appropriation 2986, the Office of the State Courts Administrator shall work with the Clerks of Court Operation Corporation to

jointly develop and recommend by November 1, 2011, to the chair of the Senate Budget Committee and the chair of the House of Representatives Appropriations Committee appropriate Article V revenue streams to be directed to the State Courts Revenue Trust Fund and the Clerks of Court Trust Fund to eliminate problems with cash flow in both funds and to ensure revenue streams are adequate to support appropriations.

## II. Workgroup

In order to accomplish the requirements of the proviso language cooperatively, the Revenue Stabilization Workgroup (Workgroup) was created, comprising an equal number of judges and clerks of court. Chief Justice Canady appointed six Judges (two district court of appeal judges, three circuit court judges, and one county court judge). Clerk Richard Weiss, Chair of the CCOC Executive Council, appointed six clerks of court. This composition provided an excellent opportunity for the Courts and the Clerks to work in partnership to address the problems both entities have faced with a lack of adequate revenue to support their appropriated budgets. The Workgroup was staffed jointly by the OSCA and the CCOC. Staff from the Florida Association of Court Clerks and Comptrollers (FACC) also assisted in the work. The Workgroup held its first meeting on July 15, 2011, and collaborated throughout the summer and fall in order to make recommendations to the Legislature by November 1, 2011.

## III. Scope of Project

At the initiation of the project, the Workgroup members discussed the revenue stabilization goal of the project as set forth by the Legislature and reached consensus on issues needing further research and analysis, as follows:

1) Types of Revenue Streams
   - What revenue streams are appropriate?
   - Do they provide the opportunity to continue on a long-term basis?
   - What is the degree of volatility of the revenue streams?

2) Amount of Revenue
   - What revenue streams produce sufficient funds to support and sustain the two trust funds?

3) Timing of the Revenue
   - What revenue streams would correct problems with cash flow?

4) Distribution of Revenue

5) Current Revenue Challenges for Courts and Clerks

The Workgroup also reviewed constitutional and statutory language related to funding the State Courts System and Clerks of Court. In addition, they were provided the Seven Principles for Stabilizing Court Funding, developed in January 2009 (see Appendix A).

The following sections of the report outline the current legal framework for funding the Courts and Clerks; the current revenue structure detailing the type, amount, distribution, and complexity of the revenue; the revenue challenges faced by the Courts and the Clerks; proposed revenue stabilization structure; proposed general revenue funding for the Courts; and implementation recommendations.

# SECTION TWO: LEGAL FRAMEWORK

## I. Access to Courts

With the exception of the State Constitution in 1868, Florida has incorporated an express provision guaranteeing a person's right of access to the courts in each of its constitutions. The history of the provision shows the courts' intention to construe the right broadly in order to guarantee broad accessibility to the courts for resolving disputes.[1] Thirty-eight (38) states currently have open courts provisions within their constitutions.[2] The general purpose of such provisions is to ensure that citizens are not "arbitrarily deprived of effective remedies designed to protect basic individual rights."[3]

Courts are a core function of government and, as such, should be primarily funded by general tax revenues. Floridians pay taxes to secure core governmental services. While user fees are contemplated in Florida's Constitution, such fees cannot be allowed to become a barrier to the public's access to justice. In order to preserve the constitutional right of access to the courts, raising filing fees is not always an option as higher filing fees may impose financial barriers to asserting claims or defenses in court. At the same time, some court users derive a special benefit from the courts and may be charged reasonable fees to partially offset the cost of the courts borne by the public at large. The benefit derived from the efficient administration of justice is not limited to those who utilize the system for litigation, but is enjoyed by all those who would suffer if there were no such system.

## II. State Courts System

The "State Courts System" is defined by statute. Section 29.001, Florida Statutes, provides that "for the purpose of implementing s. 14, Art. V of the State Constitution, the State Courts System is defined to include the enumerated elements of the Supreme Court, district courts of appeal, circuit courts, county courts, and certain supports thereto."

The current funding structure for the State Courts System was adopted in 1998 by the voters, amending part of Article V, Section 14 of the Florida Constitution (commonly known as

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[1] Psychiatric Associates v. Siegel, 610 So.2d 419, 424 (Fla. 1992).

[2] Erin K. Burke, *Note: Utah's Open Courts: Will Hikes in Civil Filing Fees Restrict Access to Justice?*, 2010 UTAH L. REV. 201, 201 n.1; Berry v. Beech Aircraft Corp., 717 P.2d 670, 674 (Utah 1985).

[3] Berry, 717 P.2d at 675; State v. Saunders, 25 A. 588, 589 (N.H. 1889) ("The incidental right to an adequate remedy for the infringement of a right derived from the unwritten law, is coeval with the right of which it is an incident.")

"Revision 7").[4] This revision required the state to be responsible for funding certain aspects of the State Courts System, including salaries for judges, state attorneys, public defenders, and court-appointed counsel.

> **Funding for the state courts system**, state attorneys' offices, public defenders' offices, and court-appointed counsel, except as otherwise provided in subsection (c), **shall be provided from state revenues** appropriated by general law. Art. V, s. 14. [Emphasis added.]

The revision also required counties to be responsible for maintenance, utilities, security, court facilities, and certain communication services.[5]

The 1998 Constitution Revision Commission, in its statement of intent, expressed the need for the state to fund all salaries, costs and expenses necessary to ensure the rights of the people to have access to a functioning and efficient judicial system. The Commission maintained that core functions and requirements statewide are the obligation of the state and not of individual localities. See *Constitutional Revision Commission Statement of Intent*, Appendix B.

Section 29.004, Florida Statutes, mirrors the requirement of the State Constitution that the State Courts System is to be funded from state revenues. Section 29.004 explicitly states that for purposes of implementing s. 14, Art. V of the State Constitution, the elements of the State Courts System are to be funded by state revenues appropriated by general law. In addition, section 28.37, Florida Statutes, provides that "pursuant to s. 14(b), Art. V of the State Constitution, selected salaries, costs, and expenses of the State Courts System and court-related functions shall be funded from **a portion of the revenues derived from statutory fines, fees, service charges, and costs** collected by the clerks of the court." [Emphasis added.]

## III. Clerks of Court

Section 14, Article V of Florida's Constitution addresses the matter of funding for the offices of the clerks of court and provides that:

> **All funding for the offices of the clerks of the circuit and county courts** performing court-related functions…**shall be provided by adequate and**

[4] The Revision 7 amendments to Section 14, Article V, provided for the funding of the clerks as follows: "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."

[5] Sections 29.008(1) and (2), Florida Statutes.

> **appropriate filing fees for judicial proceedings and service charges and costs** for performing court-related functions as required 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**. [Emphasis added.]

The Florida Clerks of Court Operations Corporation was created as a public corporation by the Legislature and is responsible for recommending to the Legislature changes in the various court-related fines, fees, service charges, and court costs established by law and for reviewing proposed budgets submitted by the clerks of court pursuant to section 28.36, Florida Statutes.[6]

The CCOC is administratively housed within the Justice Administrative Commission and is a budget entity within the Justice Administrative Commission. All clerks of the circuit court are required by law to be members of CCOC. Section 28.36, Florida Statutes, requires each clerk of court to prepare a budget request for the last quarter of the county fiscal year and the first three quarters of the next county fiscal year. The proposed budget is then prepared, summarized, and submitted by the clerk in each county to CCOC.

## IV. Trust Funds

### *State Courts Revenue Trust Fund*

In a special session in January 2009, the Legislature created the *State Courts Revenue Trust Fund* for the Courts, as well as trust funds for the state attorneys and the public defenders, all of which were supposed to create a more sustainable judicial system. Codified within section 29.22, Florida Statutes, the SCRTF was created "within the state courts system," and moneys credited to the trust fund are required to be used for the purposes of funding the activities of the State Courts System.[7] The instability of revenue from court filing fees, specifically mortgage foreclosure filing fees, for the SCRTF is fully discussed in Section Four of this report.

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[6] The functions assigned to CCOC are performed by an executive council pursuant to the plan of operation approved by the members. Other functions of the CCOC are listed in section 28.35(2), F.S., and include adopting a plan of operation; conducting the election of directors; developing and certifying a uniform system of performance measures and applicable performance standards for the functions specified in s. 28.35 (3)(a), F.S.; developing and conducting clerk education programs; and publishing a uniform schedule of actual fees, service charges, and costs charged by a clerk of the court pursuant to general law.

[7] Section 29.22, F.S.

### *Clerks of Court Trust Fund*

Court-related fines, fees, service charges, and costs (except as otherwise provided) are remitted by each clerk to the Department of Revenue for deposit into the Clerks of Court Trust Fund within the Justice Administrative Commission. Funding for both CCOC and the Clerks' court-related operations is appropriated by the Legislature from the CCTF. Section 28.36(10)(a), Florida Statutes, states:

> Beginning in the 2010-2011 fiscal year, the corporation shall release appropriations to each clerk quarterly. If funds in the Clerks of Court Trust Fund are insufficient to provide a release in a quarter in a single release, the corporation may release partial amounts for that quarter so long as the total of those partial amounts does not exceed that quarter's release. **If funds in the Clerks of Court Trust Fund are insufficient for the first quarter release, the corporation may make a request to the Governor for a trust fund loan pursuant to chapter 215.** The amount of the first three releases shall be based on one quarter of the estimated budget for each clerk as identified in the General Appropriations Act.

Additional information on the collection, distribution, and timing of revenue with regard to the CCTF is discussed fully in Section Four of this report.

# SECTION THREE: CURRENT REVENUE STRUCTURE

## I. Type of Revenue

The Clerks have distinct court related and non-court related duties and functions and collect different types of revenue associated with each. Generally, the Clerks collect and remit to the Department of Revenue the following types of revenue:

| **Article V Revenue** | **Non-Article V Revenue** |
|---|---|
| Filing Fees | Documentary Stamps |
| Fines | Intangible Taxes |
| Court Costs | Child Support Collections |
| Service Charges | Returned Item Repayments |
| Bond Forfeitures | Interest |
| Interest | |

Additionally, there are two Article V revenue streams that are collected outside of the general clerk remittance structure: filing fees/service charges in the Supreme Court and district courts of appeal and mediator certification and licensure fees.

The Workgroup only considered Article V revenue in the stabilization proposal. It examined the different Article V revenue streams (see Appendix C) and grouped them into the following categories: (1) Court Related Revenue Currently Remitted to the State Courts System and Clerks of Court, (2) Court Related Revenue Currently Remitted to General Revenue and Other Agencies' Trust Funds, and (3) Non-Court Related Revenue (Other Revenue NOT Generated by Performance of Functions by the State Courts System and Clerks of Court). The chart below describes the types of revenues found in each category.

FY 2010-11 Article V and Other Revenue
Collected by the Clerks of Court and Remitted to DOR by Distribution and Type

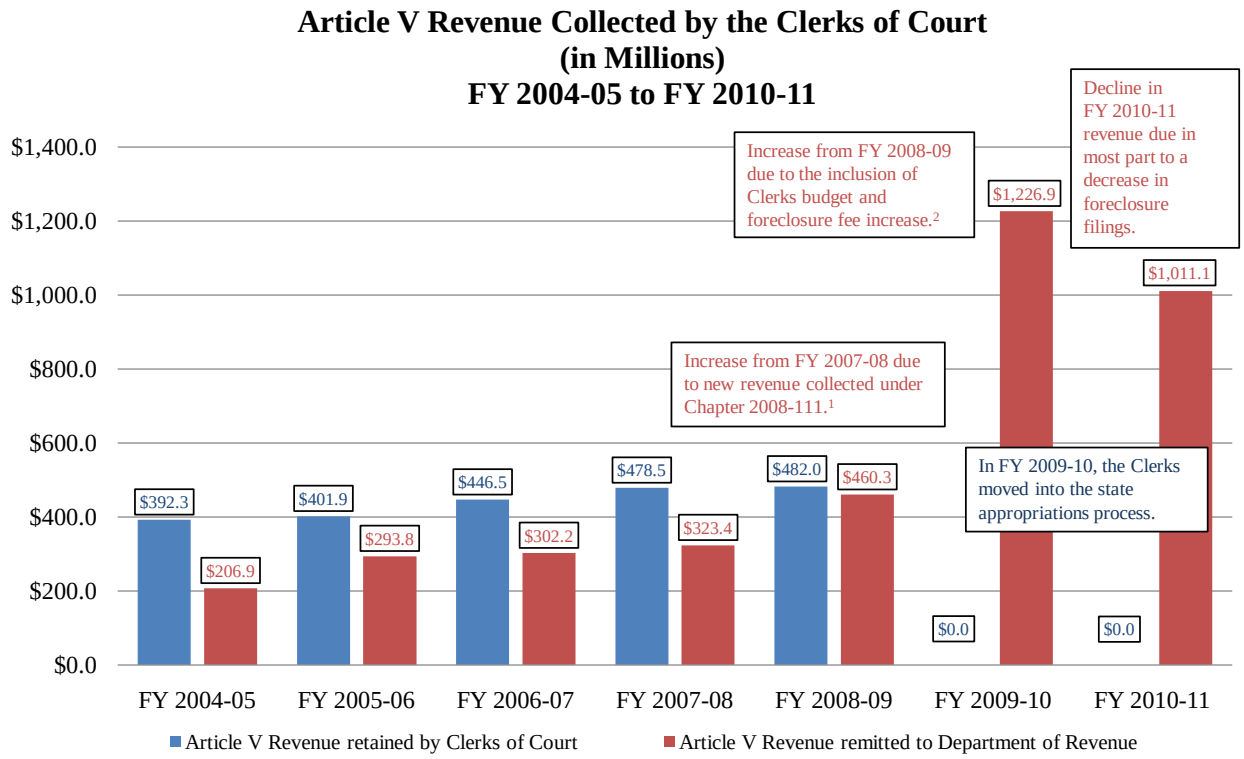
| Court Related Revenue Currently Remitted to the State Courts and the Clerks of Court | Court Related Revenue Currently Remitted to General Revenue and Other State Agencies | Other Revenue not Generated by the Activities Performed by the Courts or the Clerks of Courts |
|---|---|---|
| • Filing Fees<br>• Fines<br>• Court Costs<br>• Service Charges<br>• Bond Forfeitures<br>• Interest | • Filing Fees<br>• Fines<br>• Court Costs<br>• Service Charges | • Investigative Costs<br>• Cost Recovery by Other Entities<br>• Restitution<br>• Incarceration Costs<br>• Driving Record Transcript Charges<br>• Indigency Application Fee<br>• Attorney's Fees |

"Court related revenue" is defined as revenue generated by performance of the court related functions of the offices of the clerks of circuit and county court and the performance of the functions of the State Courts System, in the form of filing fees, fines, court costs, bond forfeitures, interest, and service charges.

Clerks also collect revenues that remain at the local level. Workgroup members determined that the revenue stabilization proposal should not include either local revenues or federal funds received by the Courts and the Clerks, so those two sources were excluded from further analysis. The Workgroup also determined that the scope of the project did not include a review of the adequacy of the appropriated budgets or appropriation methodologies.

## II. Amount of Revenue

In FY 2010-11, over $2.2 billion in revenue was collected by the Clerks and remitted to the Department of Revenue. One billion dollars of this revenue was Article V related. As can be seen in the following chart, over the last seven years, the Article V revenue has fluctuated for multiple reasons, some economic and others due to policy and budget decisions made by the Legislature.



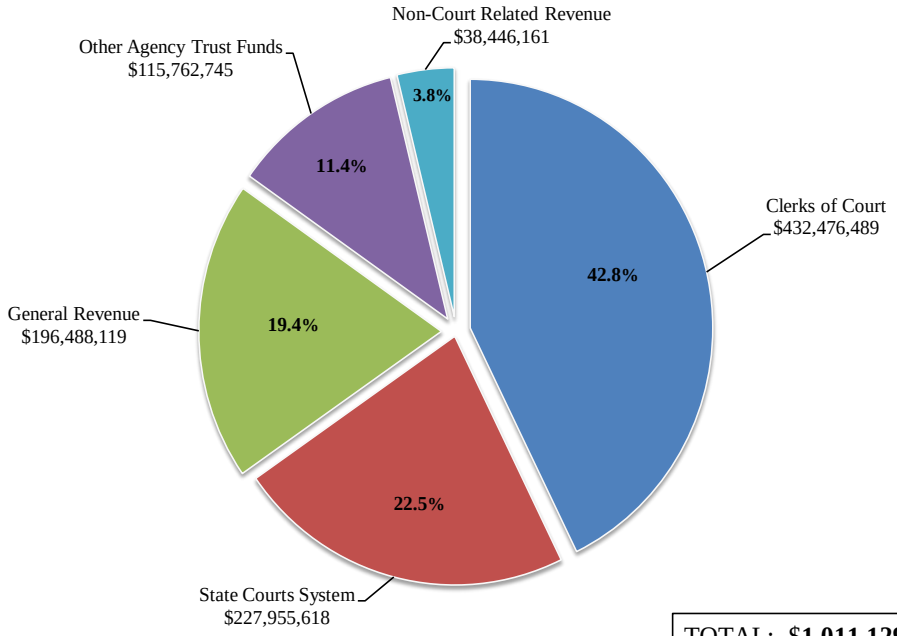

[1]The significant rise in Article V revenue remitted to the Department of Revenue in FY 2008-09 is due to new revenues collected under Ch. 2008-111, Laws of Florida.
[2]The large increase in Article V revenue remitted to the Department of Revenue for FY 2009-10 and beyond is due to the inclusion of the Clerks budget and new filing fee increases for foreclosure filings.
Note: Revenues presented in the chart include all Article V revenue (they are not only limited to the subset of revenues tracked by the Article V Revenue Estimating Conference). Article V revenue remitted to the Clerks of Court for FY10/11 does not include revenues remitted to DOR under 142.01(2) from unexpended budget and early remittance of June collections.
Source: Data provided by Department of Revenue and OSCA, Finance and Accounting.

The Workgroup members also looked at how Florida's filing fees and fines compared to other states. State courts across the nation have a variety of civil filing fee structures, such as a tiered fee based on type of case, amount in controversy, or population. Many states have statutes enabling counties to vary fees up to a maximum beyond the base filing fee. Many states have been considering and increasing civil filing fees to raise revenue for their courts. This comparison indicated that Florida currently has some of the highest filing fees and fines in the nation (see Appendix D). Therefore, the Workgroup determined that increases in filing fees and fines would not be recommended as part of the revenue stabilization proposal.

## III. Distribution of Revenue and Complexity of Remittance Structure

In FY 2010-11, the one billion dollars collected in Article V revenue was remitted to the five general categories shown in the pie chart below. Over $432 million was directed to the Clerks, almost $228 million to the Courts, $196 million to General Revenue, close to $116 million to other agencies' trust funds, and $38 million to non-court related purposes.

**Article V Revenue**
**Collected by the Clerks of Court and Remitted to Department of Revenue**
**by Distribution and Type FY 2010 - 11**




TOTAL: **$1,011,129,135**

*Totals may not be exact due to rounding.
Note: Court Related Revenue remitted to the Clerks of Court does not include revenues remitted to DOR under 142.01(2) from unexpended budget and early remittance of June collections. Total amount remitted to DOR under 142.01(2) is $442,824,942. This chart does not reflect appropriated budgets.

There are over 30 distinct state trust funds in approximately 18 state agencies that receive Article V revenues. To demonstrate how complex the filing fees and fine distribution have become over the years, two examples are provided involving a filing for a dissolution of marriage case and a speeding ticket.

| DISSOLUTION OF MARRIAGE DISTRIBUTION OF FILING FEE | |
|---|---|
| State Courts Revenue Trust Fund | $96.00 |
| General Revenue | $105.00 |
| Clerk of Court Trust Fund | $115.00 |
| Clerk of Court Operations Corporation | $3.50 |
| Department of Financial Services | $1.50 |
| Domestic Violence Trust Fund | $55.00 |
| Court Education Trust Fund | $3.50 |
| Clerk of Court Education | $0.50 |
| Displaced Homemaker Trust Fund | $12.50 |
| Child Welfare Training Trust Fund | $5.00 |
| **TOTAL:** | **$397.50** |

| SPEEDING 15-19 MPH | |
|---|---|
| Statutory Base Fine (See Distribution Below) | $150.00 |
| **ADD-ONS** | |
| Court Facilities Fund (BOCC) Optional with County Ordinance | $30.00 |
| Local Law Enforcement Education (BOCC) Optional with Ordinance | $2.00 |
| Additional Court Cost Clearing Trust Fund | $3.00 |
| Additional Court Cost - Clerk or to County if directed | $2.50 |
| Court Costs | $30.00 |
| Clerk of Court Trust Fund | $5.00 |
| Article V State Court Revenue Trust Fund | $5.00 |
| Article V State Attorney Revenue Trust Fund | $3.33 |
| Article V Public Defender Trust Fund | $1.67 |
| Administrative Fee Clerk of Court Trust Fund | $12.50 |
| State Radio Systems Surcharge | $3.00 |
| TOTAL FINE: | **$248.00** |

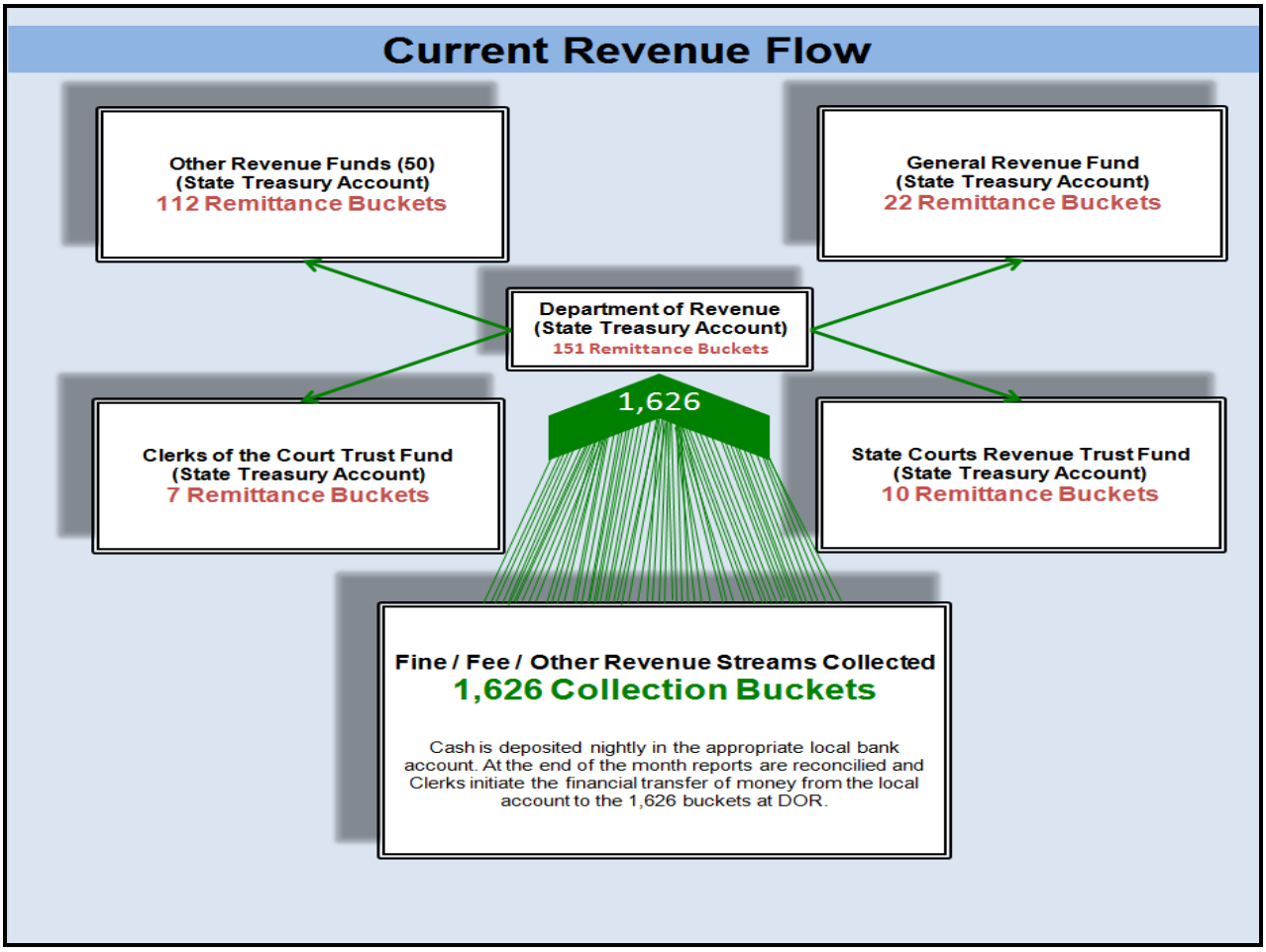
**DISTRIBUTION OF STATUTORY BASE FINE**

| | |
|---|---|
| 10% Fine Public Records Modernization Trust Fund | $15.00 |
| Child Welfare Trust Fund | $1.00 |
| Juvenile Justice Trust Fund | $1.00 |
| Radio Communication Program | $12.50 |
| Non-Game Wildlife Trust Fund | $4.00 |
| State Courts Revenue Trust Fund | $25.00 |
| General Revenue Fund | $18.85 |
| Emergency Medical Services Trust Fund | $6.59 |
| Additional Court Costs Clearing Trust Fund | $4.67 |
| Brain and Spinal Cord Injury Trust Fund | $7.50 |
| Florida Endowment Foundation | $1.83 |
| Clerk of Court Trust Fund | $0.46 |
| *Fine-Clerk Fee **OR** | *$51.61* |
| **Seminole or Miccosukee Tribe* ***OR*** | *$51.61* |
| **Municipality* ***AND*** | *$46.48* |
| **Clerk of Court Trust Fund* | *$ 5.12* |
| | **$150.00** |

Totals may not be exact due to rounding.

*The determination of whether the $51.61 of the fine is distributed to the Municipality, the Seminole Tribe or Miccosukee Tribe, or the County is dependent on the issuing authority.

As can be seen in the chart below, the complexity of remitting revenue by the Clerks to the Department of Revenue is directly related to the number of "buckets" or earmarks that are identified in statute governing the distribution of the revenue that is collected. Revenues from fines, fees, and other revenue streams are collected and placed in 1,626 different buckets. These collection buckets are sent by the Clerks up to the DOR where they are rolled into 151 remittance buckets that are distributed by the DOR to various funds, including the CCTF, the SCRTF, General Revenue Fund, and other revenue funds. The number of buckets has grown over the years, and now there are 1,626 unique revenue stream buckets that the Clerks must fill each month. In FY 2010-11, the amount of court related revenue remitted to these buckets (excluding the Courts and Clerks) ranged from $2,591 in the Department of Transportation Grants and Donation Trust Fund to $18,279,813 in the Crimes Compensation Trust Fund. Additionally, for some of these funds, this court related revenue represents less than 1 percent of the total revenue received in the trust fund each year.



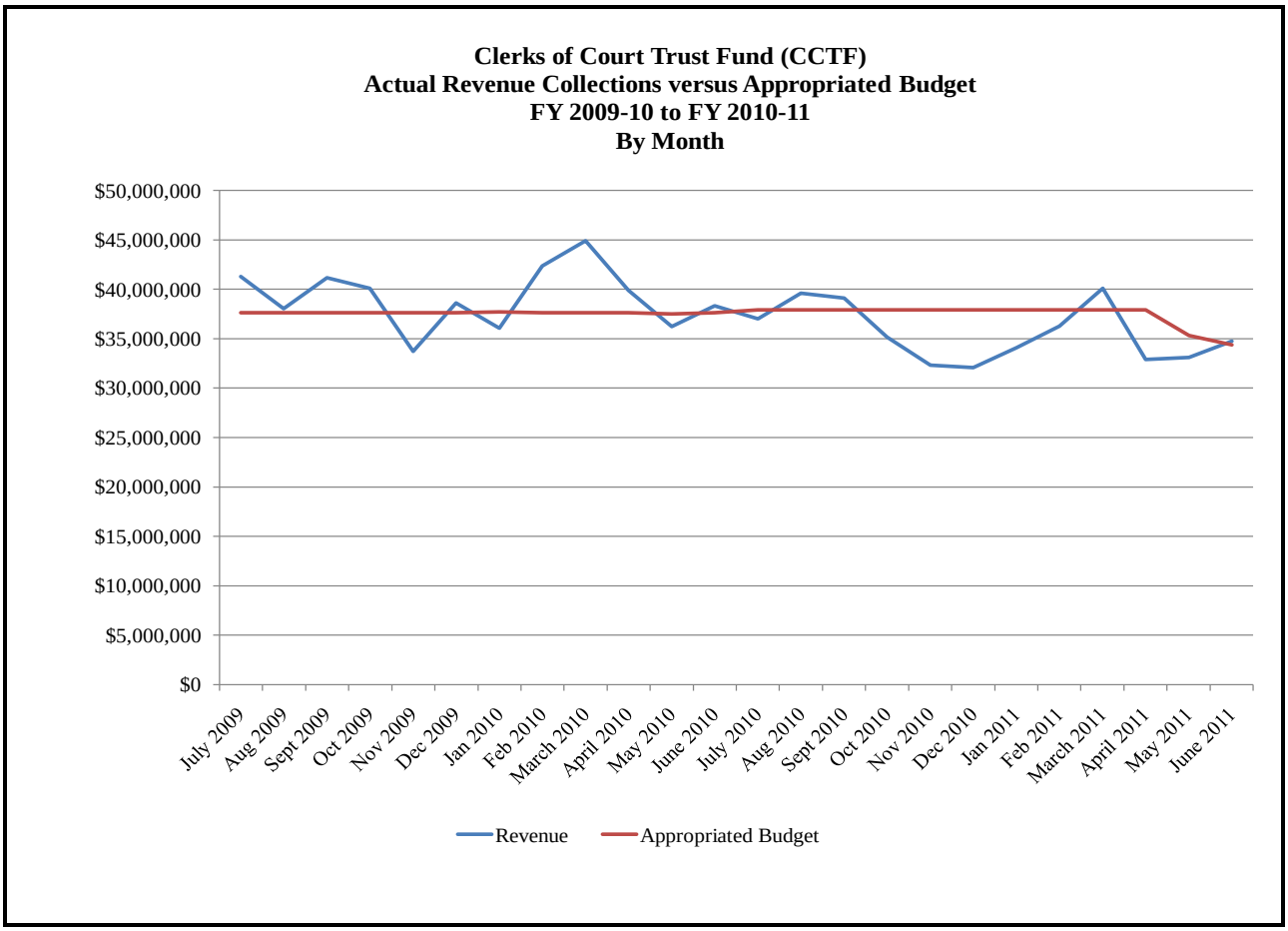

The Workgroup discussed whether making recommendations to the Legislature on reducing the complexity of the revenue structure was part of the stabilization project, but ultimately decided it was not.

# SECTION FOUR: REVENUE CHALLENGES

## I. Clerks' Revenue Challenges

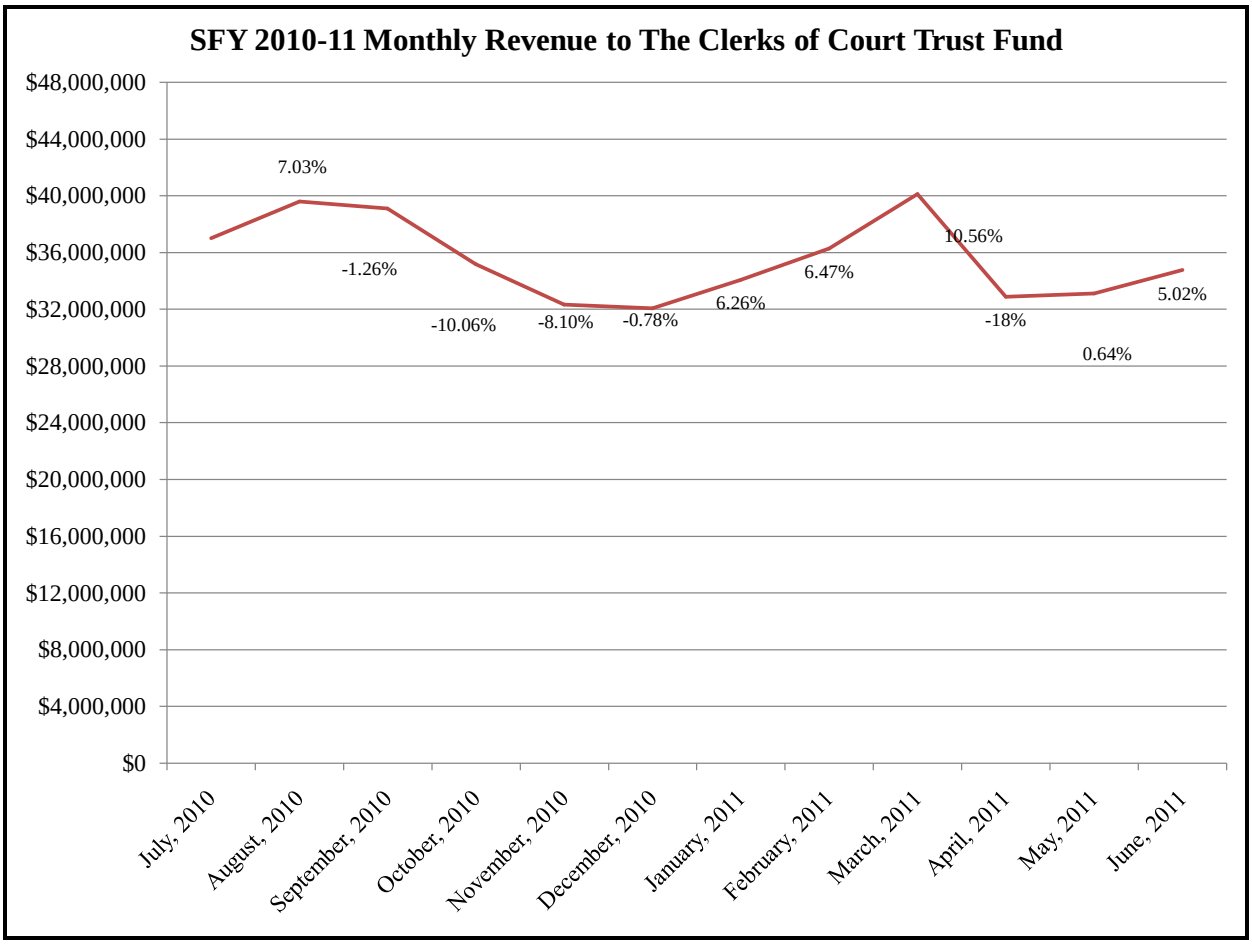
As noted previously, under the current funding structure created by the Legislature, the Clerks are funded from fines, fees, court costs, and service charges collected from the prior month and sent to the state in order to be remitted back to the Clerks. This system creates three cash flow challenges for the Clerks: (1) insufficient revenue to fund the Clerks' appropriated budgets; (2) insufficient start-up funds at the beginning of each fiscal year; and (3) volatility of monthly revenue in relation to a constant expenditure need.

The first challenge is insufficient revenue to support Clerks. Added to the difficulties mentioned above is the required payment to the state of an 8 percent general revenue service charge for the CCTF. When the Clerks are operating in a deficit posture during certain months, the requirement to pay the service charge worsens the deficit and prevents a full allocation to both the individual Clerks' budgets and to the state. While the Clerks in SFY 2010-11 did have sufficient revenue to pay their budget expenditures, the CCOC did not have sufficient dollars to pay the 8 percent general revenue service charge until the 2011 Legislature provided the dollars to pay it. And it again is expected in SFY 2011-12 that the Clerks and the CCOC will experience a shortfall in revenues to pay both Clerks' budgets and the 8 percent general revenue service charge. (See chart below.)




The second challenge involves the necessity for Clerks to have sufficient start-up dollars at the beginning of each fiscal year. When the funding system was created, the Legislature determined that the CCTF would be swept at the end of the state fiscal year. This requirement leaves no start-up dollars for the Clerks for the next fiscal year. Subsequently, monies collected by Clerks from the last month of the prior fiscal year are not available for Clerks until nearly two weeks after the beginning of the fiscal year. The Legislature, in both SFY 2009-10 and SFY 2010-11, provided a start-up loan to the Clerks to help resolve this issue. In SFY 2011-12, the Legislature authorized that the CCTF would not be swept for one year so the Clerks could use those dollars for the start-up of the fiscal year.

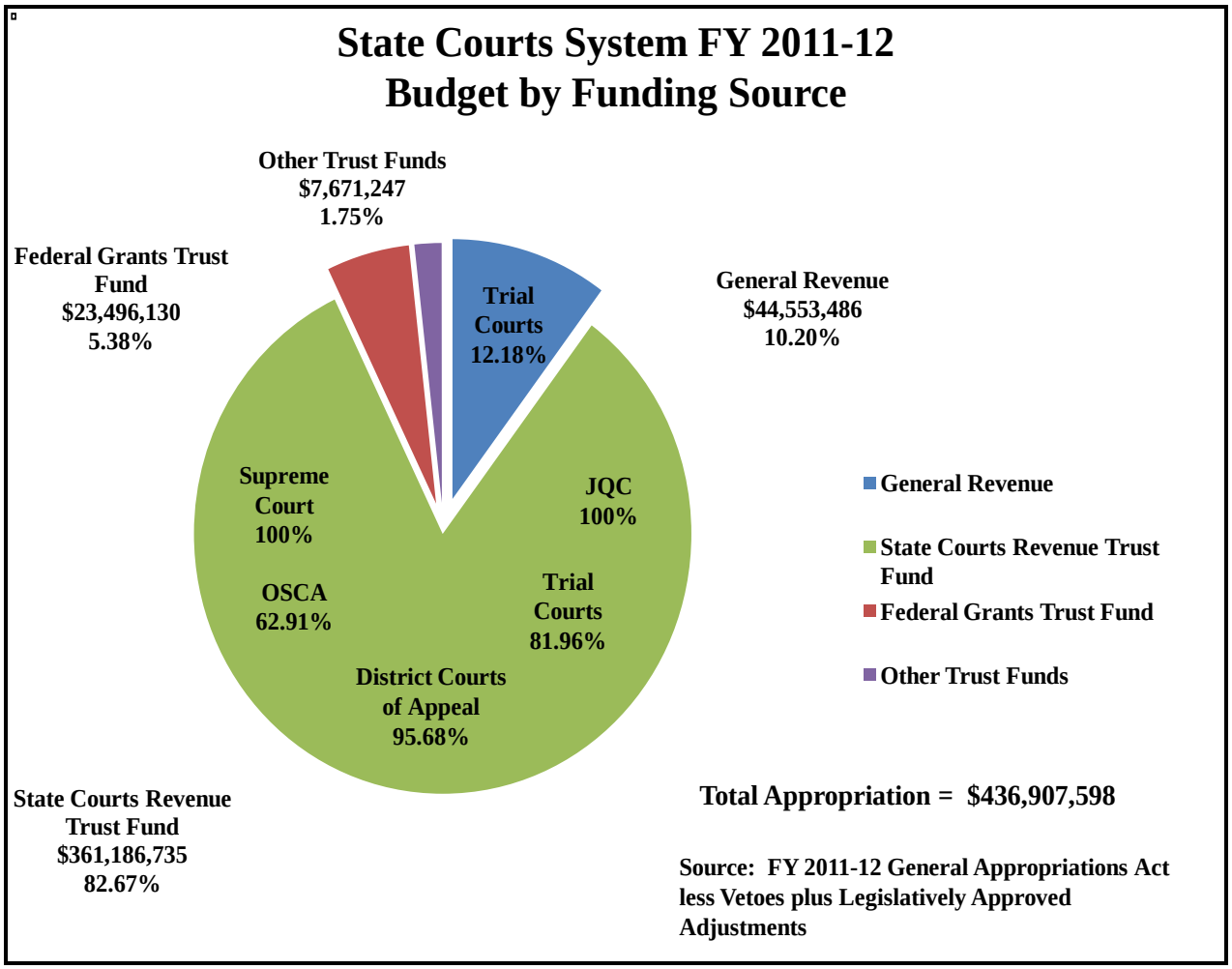
The third challenge with cash flow stems from the volatility of revenues versus a consistent expenditure need. The amount of revenues coming to Clerks largely depends on the number of cases filed. The number of cases coming into the court system fluctuates month to month for a variety of reasons outside the control of the Courts or the Clerks. As a result, Clerks will have less revenues coming into their offices in some months than is needed to fund their operations. In months when filings and revenues increase, the Clerks often have been operating in a deficit situation for several months.



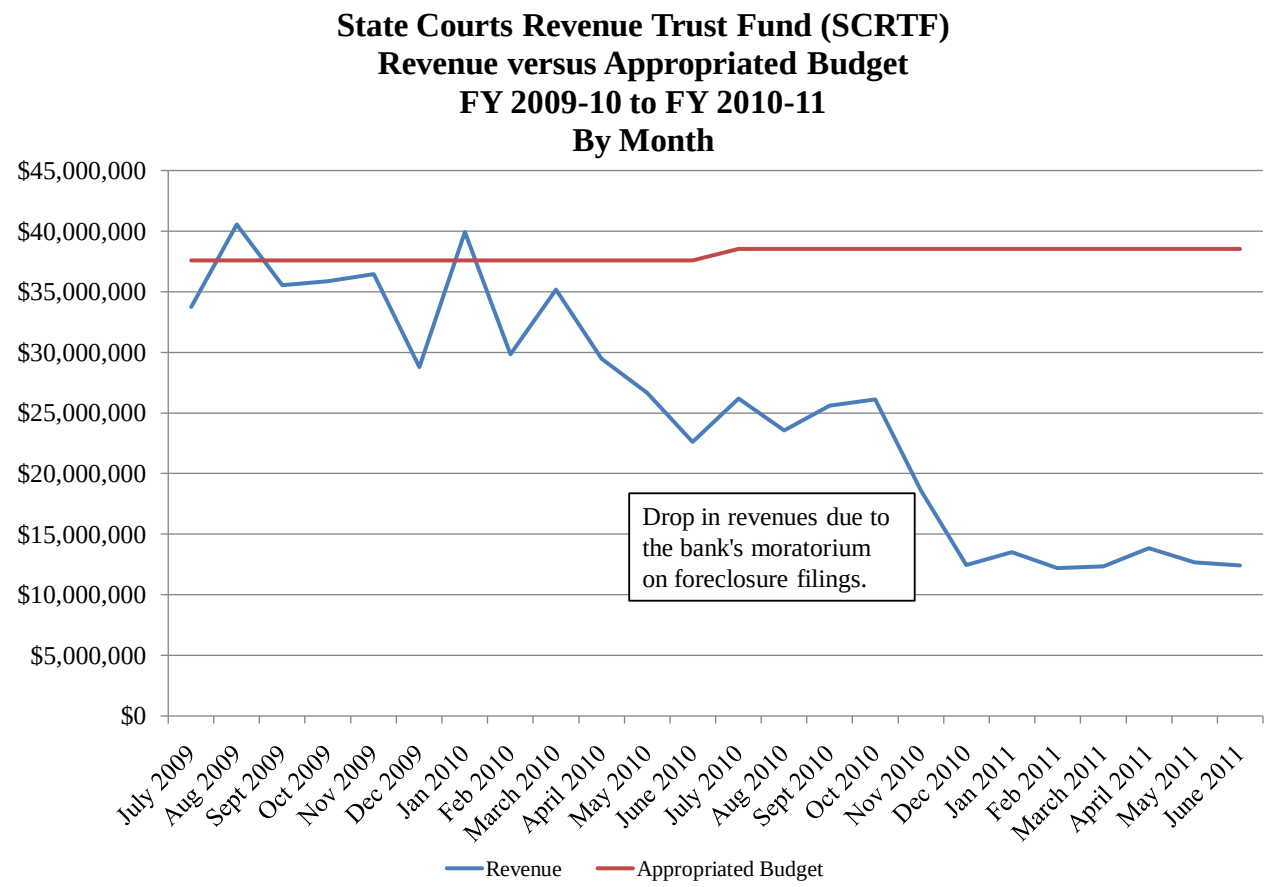

## II. Courts' Revenue Challenges

The Courts' revenue challenges are a result of the fact that the SCRTF is funded almost exclusively by foreclosure filing fee revenue and the heavy reliance of the Courts on the SCRTF budget.

As the chart below represents, almost 83 percent of the State Courts System is funded from the SCRTF. This fund pays for all levels of the court system, even though the revenue comes from user fees and fines from the trial courts. In fact, in FY 2009-10, 80 percent of the SCRTF came from foreclosure filing fee revenue (foreclosure cases accounts for only eight percent of the total workload in the State Courts System), which has proven to be very volatile.




Revenues deposited into the SCRTF fell dramatically between FY 2009-10 and FY 2010-11 (due to the number of foreclosure filings decreasing), while the SCRTF appropriated budget increased sharply on July 1, 2010, due to a fund shift by the Legislature, moving an additional $88.5 million of the Courts' budget from general revenue to the SCRTF. In FY 2010-11, the appropriated budget greatly exceeded revenue every month. The chart below shows the magnitude of the monthly revenues and budget gap. It does not include any transactions involving the loans made to the Courts or repayments, transfers, or refunds.




Note: Revenues as reported in the Department of Revenue Consolidation Report, OSCA, Finance and Accounting, and OSCA, Budget. Revenues do not include other transactions such as loans, transfers, and refunds. Appropriated Budget as reported in the General Appropriations Act. For illustrative purposes the Appropriated Budget represents 1/12 of the annual amount.

Due to the significant problems faced by both the Courts and the Clerks in having revenues sufficient to support their appropriated budgets, the Legislature and the Governor have been required to exercise their authority to cover the deficits through loans from other state funds and supplemental appropriations as described in the chart below:

| STATE COURTS SYSTEM | |
|---|---|
| **FY 2010-11 State Courts Revenue Trust Fund** | |
| 1) Transfer from Other Court Trust Fund: Court Education Trust Fund | $2,000,000 |
| 2) Transfer from Other Court Trust Fund: Mediation & Arbitration Trust Fund | $12,000,000 |
| 3) Temporary Loan from State Treasury | $19,487,027 |
| 4) Expenditures Transferred to Administrative Trust Fund | $355,752 |
| 5) Supplemental Appropriation (for repayment of loan and for covering the shortfall) | $38,900,000 |
| 6) Loan Repayment to State Treasury | ($19,487,027) |
| **TOTAL** | **$53,255,752** |
| | |
| **FY 2011-12 State Courts Revenue Trust Fund** | |
| 1) Loan Received July 1, 2011 | $54,000,000 |
| 2) Loan Requested September 28, 2011 | $45,600,000 |
| **TOTAL (Outstanding Loan Obligation)** | **$99,600,000** |

| CLERKS OF COURT | |
|---|---|
| **FY 2009-10 Clerks of Court Trust Fund** | |
| 1) Temporary Loan from State Treasury | $35,000,000 |
| 2) Transfer from State Courts Revenue Trust Fund | $18,600,000 |
| 3) Loan Repayment to State Treasury | ($35,000,000) |
| **TOTAL** | **$18,600,000** |
| | |
| **FY 2010-11 Clerks of Court Trust Fund** | |
| 1) Temporary Loan from State Treasury | $18,807,513 |
| 2) Supplemental Appropriation (for payment of 8% GR Service Charge and Repayment of $18.8 million loan) | $44,200,000 |
| 3) Loan Repayment to State Treasury | ($18,807,513) |
| **TOTAL** | **$44,200,000** |

Note: It is anticipated that the Clerks of Court will request a loan in FY 2011-12 to cover a projected deficit of $50 million.

# SECTION FIVE: REVENUE STABILIZATION RECOMMENDATIONS

## I. Guiding Principles

The Workgroup used the following guiding principles to frame its Revenue Stabilization Proposal:

- Follow the constitutional intent by using court generated revenue to fund the Core Court System.
- The goal of the project of the Revenue Stabilization Project is to stabilize the funding for the Core Court System.
- There are certain State Courts System costs more appropriately funded from General Revenue.
- The funding structure should provide an adequate level of revenue to support the appropriated budgets of the Core Court System with potential for adjustment.
- Increased filing fees, fines, service charges, and court costs should not be considered.
- Revenue should be distinguished between court related revenue and non-court related revenue to identify appropriate revenue streams to fund the Core Court System. This distinction should be based on whether the funds were generated by the Core Court System through the performance of the court related functions of the offices of the Clerks of Circuit and County Court and the performance of the functions of the State Courts System.
- The revenue structure should eliminate the cash flow problems at the beginning of and throughout the fiscal year.
- The revenue structure should provide for an operating reserve for the State Courts System and Clerks of Court.
- The solution should be simple to explain and implement.

## II. Proposed Core Court System

The court related functions of the State Courts System and Clerks of Court are detailed in sections 29.004 and 28.35 (3)(a), F.S., respectively. This work is inter-related, and each entity depends on the other to provide access to the courts as provided for in Florida's Constitution. In regard to funding stabilization, the Workgroup proposes that these two entities be considered as the "Core Court System."

The Workgroup developed the following definitions to clarify this new concept:

1) "Core Court System" is defined as entities that perform the Core Court System functions. Such functions are funded by both court related revenue and general revenue.

2) "Core Court System Functions" encompass the elements enumerated in s. 29.004, F.S., that are performed by the State Courts System, as defined in s. 29.001(1), F.S., and court-related functions of the Offices of the Clerks of the Circuit and County Courts, as defined in s. 28.35(3)(a), F.S.

3) "Court Related Revenue" is defined as revenue generated by the performance of the court related functions of the Offices of the Clerks of Circuit and County Court and the performance of the functions of the State Courts System, in the form of filing fees, fines, court costs, bond forfeitures, interest, service charges, and any other costs and reimbursements as allowed by law.

Using these definitions, the Workgroup grouped the different Article V revenue streams into the following categories: 1) Court Related Revenue Currently Remitted to the Core Court System (State Courts System and Clerks of Court), 2) Court Related Revenue Currently NOT Remitted to the Core Court System (General Revenue and Other Agencies Trust Funds), and 3) Non-Court Related Revenue (Other Revenue NOT Consistent with the Definitions Above). The chart below reflects how the one billion dollars collected in FY 2010-11 is distributed within the three categories described above. In addition to the trust funds and general revenue that are specifically earmarked in statute to receive these funds, general revenue also receives an additional revenue flow from the 8 percent general revenue service charge that most agencies' trust funds are required to pay. The amount of revenue generated for general revenue is estimated at an additional $65.2 million, which brings the total revenue generated by Article V revenue streams for general revenue to almost $262 million.

FY 2010-11 Article V Court Related and Non-Court Related Revenue
Collected by the Clerks of Court and Remitted to DOR by Distribution and Type

| Type | Total | Court Related Revenue Remitted to the Core Court System | | Court Related Revenue NOT Remitted to the Core Court System | | Non-Court Related Revenue |
|---|---|---|---|---|---|---|
| | | Clerks of Court | State Courts System | General Revenue | Other Agency Trust Funds | |
| **Filing Fees** | **$418,775,500** | $152,097,591 | $201,485,873 | $58,457,767 | $6,734,268 | |
| **Fines** | **$271,008,073** | $92,023,115 | $25,865,767 | $83,902,997 | $68,746,720 | $469,473 |
| **Court Costs** | **$131,247,380** | $95,810,073 | | $258,594 | $35,178,713 | |
| **Service Charges** | **$151,797,528** | $80,148,318 | $603,979 | $53,868,761 | $5,103,044 | $12,073,426 |
| **Bond Forfeitures** | **$11,274,838** | $11,274,838 | | | | |
| **Interest** | **$1,122,554** | $1,122,554 | | | | |
| **Other** | **$25,903,262** | | | | | $25,903,262 |
| **Total** | **$1,011,129,135** | **$432,476,489** | **$227,955,619** | **$196,488,119** | **$115,762,745** | **$38,446,161** |

| | |
|---|---|
| Estimated 8% General Revenue service charge from the Clerks of Court, State Court System, other agency trust funds, and non-court related revenue. | $65,171,281 |
| **General Revenue Grand Total** | **$261,659,401** |

*Totals may not be exact due to rounding.
Note: Court Related Revenue remitted to the Clerks of Court does not include revenues remitted to DOR under 142.01(2) from unexpended budget and early remittance of June collections. Total amount remitted to DOR under 142.01(2) is $442,824,942.

## III. Proposed General Revenue Support for the State Courts

There are certain State Courts System costs that are more appropriately funded from general revenue. As was outlined in the legal framework section of this report, the balance between what the state must pay as a general obligation of government and what the users should pay in order to access their court system should be carefully aligned so Florida citizens are always assured of their constitutional right of access to the courts without sale, denial, or delay. The Workgroup proposes that the cost for judges should remain a general obligation of Florida government. Additionally, constitutional due process protections, such as the preparation of a record of trial court proceedings and provision of court interpreters for indigent defendants, and other costs, such as appellate court building leases and the activities of the Judicial Qualifications Commission, should not be paid from trial court user fees but should be paid out of the General Revenue Fund.

## IV. Proposed Operating Reserve

The timing of revenue distribution creates a cash flow problem at the beginning of the fiscal year and other seasonal or volatile months. The Workgroup recommends an operating cash reserve (equal to 1/12 of the annual appropriation for the State Courts System and the Clerks of Court, separately) on July 1st of the implementation year as a one-time distribution. The operating cash reserve could be accessed in those situations when the monthly distribution of cash from the Core Court System Clearing Trust Fund is not available in time to meet financial obligations. Once accessed, it would be replenished as needed in subsequent months or years. To help assure there is still sufficient cash for the Core Court System due to cash flow problems, any surplus dollars in a given month that would go to general revenue should be held and distributed instead on a quarterly basis to the state. This allows another method for the operating cash reserve to be replenished in surplus months so as to overcome the cash flow problems from volatile months.

## V. Proposed Revenue Structure

The Core Court System generates revenue for the state through the performance of the court related functions of the Offices of the Clerks of Circuit and County Court and the performance of the functions of the State Courts System, in the form of filing fees, fines, court costs, bond forfeitures, interest, service charges, and any other costs and reimbursements as allowed by law. There are currently sufficient funds generated by the Courts and Clerks to fund the Core Court System. However, a significant amount of these revenues are being used to fund other (non-core court) state entities and programs. Initial distribution from revenues generated by the Core Court System should be made to fund the legislatively authorized budgets of the Courts and Clerks.

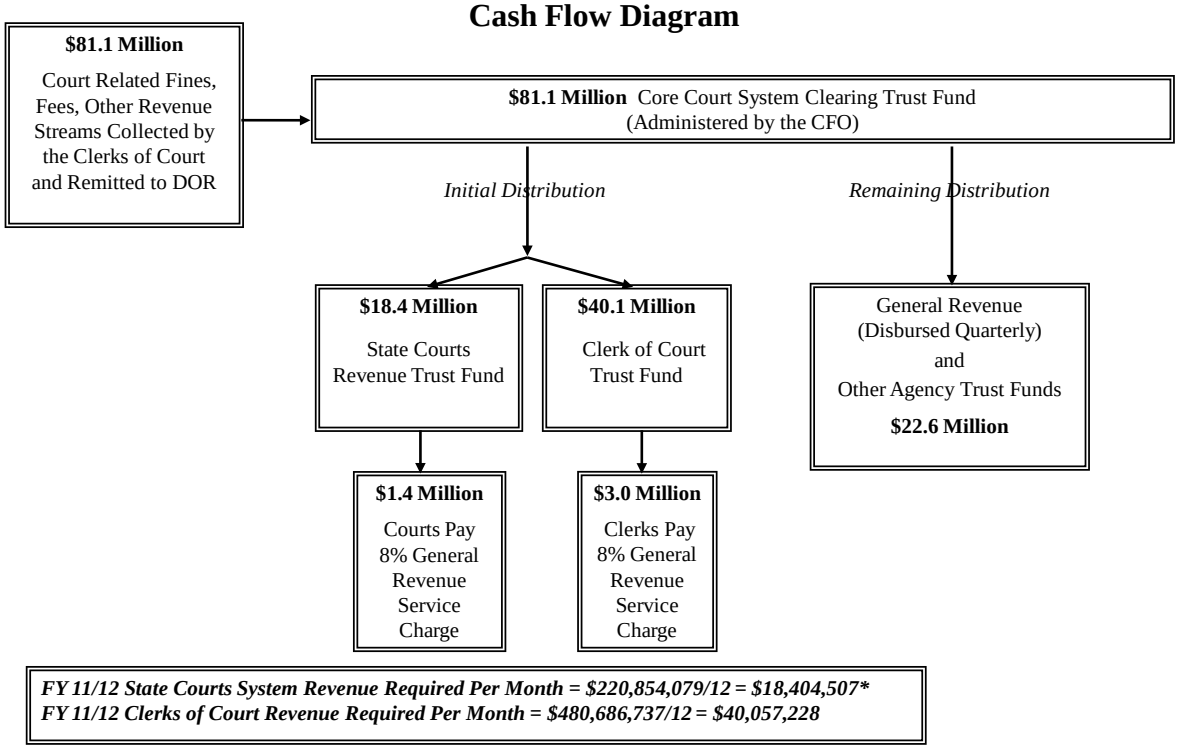
This initial distribution could be accomplished as follows:

- On July 1 of the implementation year, an operating cash reserve equal to one-twelfth of the legislative appropriation plus the corresponding allowance for the 8 percent general revenue service charge, would be deposited in the SCRTF and the CCTF.
- Court related revenue collected by the Clerks would be submitted to the DOR by the 10th day of the month immediately after the month in which the moneys are collected.
- The DOR would transfer all monies collected to a newly-created Core Court System Clearing Trust Fund. This trust fund would be administered by the Office of the Chief Financial Officer (CFO).

- The amount of total cash transferred to the Core Court System entities would be equal to the amount of the legislative appropriation plus an allowance for the 8 percent general revenue service charge), and that amount would be calculated by the CFO.
- The amount of monthly cash directed to the Core Court System entities would be equal to one-twelfth of the legislative appropriation plus the corresponding allowance for the 8 percent general revenue service charge *(s. 215.20, F.S.),* and that amount would be calculated by the CFO.
- The CFO would transfer the calculated monthly cash amounts to the Core Court System entities.
- Remaining funds in the Core Court System Clearing Trust Fund would be distributed to the General Revenue Fund and other agency trust funds as determined by the Legislature.

The chart below shows a cash flow diagram example for a monthly collection/distribution of the revenue based on this proposal:

**Example of an $81.1 Million Monthly Revenue Collection Cash Flow Diagram**




Note: Estimates based on actual revenues collected in FY 2010-11.

*The State Court System revenue required calculation is based on the proposal that certain due process costs and judges' salaries ($175.5 million ) be paid from General Revenue.

Because the statutory construction of the revenue distribution is unchanged in this proposal, revenues remitted in excess of the monthly distribution to the Core Court System will flow to other trust funds (agency trust funds and general revenue funds) as currently outlined in statute. Any excess revenues that would have previously been directed to the State Courts Revenue Trust Fund or the Clerks of the Court Trust Fund would be remitted to the General Revenue Fund on a quarterly basis. This proposed revenue structure provides for a trade-off for the Core Court System of potential future revenue windfalls for the stability of a certain amount of monthly revenue distributions.

If revenue collections come in short so that the other agencies and the General Revenue Fund are unable to receive their full amount due, the following policy options could be considered by the Legislature to distribute remaining revenues:

- **Option 1 -** Other agency trust funds would receive their revenue as outlined in statute, and the General Revenue Fund would absorb the shortage. If there are not enough revenues for all trust funds to receive what was due, the trust funds would receive a proportional amount and general revenue would not receive any revenue.
- **Option 2 -** Other agency trust funds and the General Revenue Fund would get a proportional distribution of the revenue available.
- **Option 3 -** If there are not enough funds for all trust funds to receive what was due, other agency trust funds would receive their revenue based on priority order set in statute.

## VI. Redirect Filing Fees and Service Charges in the Supreme Court and District Courts of Appeal and Mediator Certification and Licensure Fees to the SCRTF through the Department of Revenue

Unlike all other Article V revenue, these fees are currently not remitted by the Clerks to the Department of Revenue. To ensure that all Article V revenues coming to the state are accounted for consistently and included in the proposed revenue structure, the process for remittance of these revenues should be the same as for the others.

# VII. Statutory Amendments Necessary to Implement Recommendations

1. Codify Core Court System funding structure in statutes.
2. Create Core Court System Clearing Trust Fund.
3. Redirect appellate court fees and service charges and mediator certification licensure fees.
4. Adopt statutory language that directs the Department of Revenue to deposit court related Article V revenues into the Core Court System Clearing Trust Fund.

# APPENDICES

**A. Seven Principles for Stabilizing Court Funding**

**B. Statement of Intent by Sundberg and Mills Regarding Amendment to Constitution**

**C. DOR Report Detailing Revenue Streams**

**D. Other State Filing Fees and Fines Comparison**

# APPENDIX A – SEVEN PRINCIPLES FOR STABILIZING COURT FUNDING

## Seven Principles for Stabilizing Court Funding

**January 2009**

**INTRODUCTION:**

For a number of reasons, the judicial branch is particularly vulnerable to economic instability. The State Courts System consumes a very small part of the state budget – only 0.7% of the total – even though it handles millions of cases every year. At the same time, most of the court system's budget – 87% – is devoted to salaries. And more than half of the salary dollars – 53% – must be used to pay the salaries of judges, those constitutional officers without whom the judicial branch could not exist. The remaining portion of salary dollars is used to fund essential support and professional operational functions that are critically important to administering an efficient and effective court system. Because the total number of judges is set by state law, it is a fixed allocation in the court system's budget. Consequently, budget reductions disproportionately erode the funding for staff support necessary for courts to perform their constitutional mandates.

Also, unlike other parts of government, the court system does not have the scale or range of activities and projects to absorb significant budget cuts because it has a very specific, circumscribed mission: judges, magistrates, and court support personnel are there for only one essential purpose – to ensure that society has a forum for the peaceful and orderly resolution of disputes in a timely manner. Without judges, magistrates, and court support staff, society would be deprived of fundamental constitutional due process for those whose rights could be taken away and there would be no safeguard to ensure adherence to the laws made and executed by the other two branches. Truly, there would be no mechanism to prevent the state from falling into lawlessness.

In order to maintain the timely administration of justice and to preserve the viability of the court system, new budgeting practices must be adopted to better stabilize the operations of the courts during times of economic crisis. Outlined below are seven principles for stabilizing court

funding. These principles are offered to address both the immediate crisis and solutions for long-term, sustainable funding stability for a truly unified state courts system.

**PRINCIPLE ONE:**

*The elements of the State Courts System codified in section 29.001, Florida Statutes, should be adequately funded by the State to ensure the guarantee of court access by Florida's citizens.*

The court system has developed a statement of need that defines what is reasonable and necessary to fund the elements of the court system and ensure adequate and equitable funding for all courts in every part of the state. Adequate and equitable funding has been compromised by the recent budget reductions. Funding should be restored through a combination of general revenue and trust funds.

For the purpose of analysis, resources that fund Florida's courts can be considered as going into one of four distinct categories:

- Adjudication – resources that directly contribute to processing cases through the court system;
- Due process – resources that directly protect the fundamental constitutional and legal rights of court litigants;
- Governance – resources that perform critical oversight, direction, work processes, logistics, and operations management for the branch; and
- Infrastructure – resources that provide for technology, access to legal resources, and safe and clean environments for staff and the public as they conduct court business.

But in the real world, it takes an interdependent combination of these four categories for Florida's court system to manage its workload.

Without sufficient funding in each of these four areas, Florida's state court system cannot operate efficiently and effectively. The common purpose linking all of these elements is the ability to process cases through the court system expeditiously without compromising quality and shortchanging the public good. Cases must have a presiding judicial officer with the ability to thoroughly research the law and provide a ruling. Litigants must have their rights protected throughout the court process. All stakeholders in the court process must be able to carry out case activities in secure facilities. Officers in the court system must have a management structure that ensures that payroll is processed, contracts are administered, and training is provided. Thus, without any one of these elements, the court process falters.

When funds are not there for staff who provide adjudication and administrative support, their tasks are left for judges to handle. The cost associated with using judges to cover this workload is significantly higher than the expense of the essential complement of non-judge resources. When their adjudication and administrative support is eliminated, judges are diverted away from

the most difficult adjudicative functions – and that means cases take longer and access to the court is diminished, thereby potentially placing the due process rights of litigants in jeopardy and compromising public safety.

**PRINCIPLE TWO:**

*Court fees assessed and paid by Florida's citizens to access their court system should be dedicated to the court system, as already provided for by state law.*

Section 28.37(1), Florida Statutes, states: "Pursuant to s. 14(b), Art. V of the State Constitution, selected salaries, costs, and expenses of the state courts system shall be funded from a portion of the revenues derived from statutory fines, fees, service charges, and costs collected by the clerks of court." In reality, only a small portion of filing fee revenue is dedicated to the courts to support mediation and judicial education programs. The rest of the revenues – from fees, fines, and costs that are not being held by the clerks to fund their offices – is going into Florida's general revenue fund to fund the general purposes of Florida government.

In Florida's system of government, user fees are commonly dedicated back to those functions of government being used by a citizen paying the fee. It is an easily understood, widely accepted, common sense concept. But the filing fees that court users are paying are not being allocated to the courts. As a consequence of the budget reductions that have occurred, citizens are beginning to experience unreasonable delays in having their cases addressed. A vivid example of this phenomenon is the mortgage foreclosure crisis. Filings have increased from FY 2005-06 to FY 2007-08 by 396%. Clearance rates have dropped to 41%. The fee revenue generated by those additional foreclosure filings could be used by the courts to expand their capacity to process cases more quickly. But that is not happening because the revenue is going to the clerks of court and to the State's general revenue fund. In short, people continue to pay filing fees for timely justice, but the justice they are receiving is being delayed.

**PRINCIPLE THREE:**

*Unless adequate safeguards are in place, court-related revenue other than filing fee revenue (revenue derived from fines, service charges, and costs) should not be dedicated to court funding but used to support other justice system partners.*

One of the reforms brought about by the 1972 amendment to Article V of Florida's Constitution was the elimination of the courts' reliance on fines for funding. A return to such cash register justice would be a step backward for Florida.

Filing fees are a more appropriate source of revenue for the courts because they are more directly related to court workload and activity. Such funding is also considered more of a reasonable user fee and is paid by those who are choosing to avail themselves of court services. Filing fees

are paid by litigants who can afford those costs. Those who cannot afford the costs still have access to court under protections provided by law.

Penalties and fines rely on judicial discretion to establish the severity of the monetary punishment. Isolating the discretion of a judge to impose reasonable punishment from the funding of the court prevents any pressure on judges to impose fines to fund the court budget.

**PRINCIPLE FOUR:**

*All current court-related revenue being collected should be reevaluated to determine what portion of current filing fee revenue should be dedicated to court funding.*

In addition to the filing fee revenue being directed into the State's general revenue fund, a substantial portion is being held by court clerks to pay for the court record keeping functions performed by the clerks. Pursuant to Article V, section 14(b), of the state constitution, the offices of the clerks of court are funded through filing fees, fines, service charges, and court costs. However, the clerks' budgets are not appropriated by the Legislature, but are instead overseen by a corporation created in section 28.35, Florida Statutes – The Florida Clerk of Court Operations Corporation – that reviews and certifies clerks' budgets as prescribed by law. All trial court clerks are members of the corporation whose functions are carried out by an executive council comprised of eight clerks of court elected by the member clerks of court. For those clerks who project the revenue within their county will be insufficient to fund their court-related activities, the statutory process established for the certification of the clerks' budgets provides for the shortfall to be funded from revenue "surpluses" from other counties. Further, the maximum budget amounts authorized for the clerks' court-related activities are a function of the total amount of revenue anticipated in a given fiscal year. (See s. 28.36, Fla. Stat.)

The Legislature should review the current distribution of filing fees to determine whether additional filing fee revenue currently distributed to the State's general revenue and to support clerks should be shifted to support court operations.

**PRINCIPLE FIVE:**

*Additional or increased filing fees should be considered, but only after an adequate review of the distribution of the current filing fee revenue has been made.*

Any additional fees should be assessed only if there is no chilling effect on Florida citizens' right of access to the court system, and only in an amount necessary to properly fund court operations so that access is assured.

The funding gap between what Florida courts need and what they get exists even though Florida currently charges an initial civil filing fee that ranks second highest in the nation. Those two facts together underscore the need to reassess the distribution of filing fee revenue.

If such additional fees are instituted, studies from other states indicate that the following sorts of fees are fairly common:

- An increased filing fee to reopen cases for dissolution and child support (non Title IV-D). These modifications often take as much or more judicial time and court resources than the initial filing. Requests for waivers of such fees based on the parties' ability to pay should be allowed.
- A filing fee for all repeat violence cases. Very few of the cases currently being filed are legitimate claims of repeat violence. Litigants are filing many different types of complaints under the repeat violence category to avoid a filing fee. Fifty-six percent (56%) of the current cases are dismissed either prior to or after the hearing. Imposition of this fee would increase docket efficiency by reducing the number of cases inappropriately filed, allowing judges more time to hear legitimate issues of domestic, dating, and sexual violence.
- A new filing fee for selected motions that involve significant judicial workload in the civil and probate divisions of court. This new fee would help offset costs but also might help discourage the filing of unproductive motions; for example, unwarranted discovery motions. Judges would be able to award costs to the prevailing party so as not to discourage meritorious motions. A majority of the other states already impose some form of fees on selected motions.
- A sliding scale fee for probate and guardianship cases based on case value. Probate and guardianship cases involving substantial amounts of property require a significant amount of court resources which could be partially offset by a sliding scale fee.
- New fees in the appellate courts for pre-opinion and post-opinion motions, a new fee for *amicus curiae* briefs, a fee increase for cross appeal/joinder/intervenor filings, and a new service charge for file review. These fees and service charges would help offset the cost of court resources required to address these filings and services.
- A reschedule fee in civil cases when hearings are cancelled without reasonable notice. If adequate notice is not given, judges' staff do not have time to arrange for other cases to be scheduled during that vacated block of time. The new fee would also discourage the practice of cancelling without adequate notice.

**PRINCIPLE SIX:**

*Some components of the State Courts System are more appropriately funded from the general fund and should remain so.*

The balance between what the state must pay as a general obligation of government and what users should pay in order to access their court system should be carefully considered as part of the stabilization of court funding and, once properly determined, the balance needs to be carefully guarded so Florida citizens are always assured of their constitutional right of access to the courts without sale, denial, or delay.

In particular, the cost for judges should remain as a general obligation of Florida government. The process for determining the number of judges Florida needs is based in Article V, Section 9,

of the Florida Constitution. The constitution requires the Supreme Court to certify the need to the Legislature, which has the ultimate power to decide how many judgeships to establish. Given that prerogative of the Legislature, it would be inappropriate to tie that process to the revenue in a trust fund.

The operating and staff resources needed to keep the courts functioning can be paid from trust funds and, once a baseline is set, should only need adjusting based on workload growth, which would be accompanied by growth in filing fee revenue.

**PRINCIPLE SEVEN:**

*State Court Trust Funds are the appropriate depositories for court filing fee revenue.*

The State Courts System Operating Trust Fund is established in section 25.3844, Florida Statutes, "…for use as a depository of fees and related revenue for the purpose of supporting the program operations of the judicial branch and for such other purposes as may be appropriate…."

The Legislature could also establish a new trust fund to be used as a depository solely for filing fee revenue.

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In addition to this short paper, more detailed background information is available at www.flcourts.org on the following topics:

- *A Brief Description and History of the State Courts and Their Constitutional Mandates*
- *Detailed Descriptions and Funding Methodologies for the Essential Adjudicative Elements, Due Process Elements, Governance Elements, and Infrastructure Elements that Comprise the State Courts System*

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# APPENDIX B – STATEMENT OF INTENT BY SUNDBERG AND MILLS REGARDING AMENDMENT TO CONSTITUTION

## Statement of Intent by Sundberg and Mills Regarding Amendment to Article V, Section 14

*Note: Commissioner Alan Sundberg sponsored the amendment and Commissioner Jon Mills chaired the 1998 Constitution Revision Commission Article V Subcommittee.*

A. Section 14(a). Section 14(a) requires the state to fund the state courts system, state attorneys' offices, public defenders' offices and court-appointed counsel, except as provided in subsection (c). It is the intent of the proposers that the state be primarily responsible for funding the state courts system, state attorneys' offices and public defenders' offices, and wholly responsible for funding court-appointed counsel and related costs necessary to ensure the protection of due process rights. Subsection (a) requires the state to:

(1) Provide all funding for the state courts system, except as provided in subsection (c). As used in section 14, it is the intent of the proposers that the term "state courts system" be construed to mean the supreme court, district courts of appeal, circuit courts, county courts as well as any additional courts hereafter constitutionally created, and all divisions thereof. The state's obligation includes, but is not limited to, funding for all core functions and requirements of the state courts system and all other court-related functions and requirements which are statewide in nature. It is further the intent of the proposers that the state fund all salaries, costs and expenses of the state courts system necessary to ensure the rights of people to have access to a functioning and efficient judicial system. The state's funding obligation pursuant to subsection (a) includes, but is not limited to funding for justices, judges, judicial assistants, law clerks, court administrators, and their respective staffs and related costs including, but not limited to, office expenses and equipment, telephone services, operating costs, legal research, information technology resources except as provided in subsection (c), transportation and travel. The state shall continue to provide all funding for construction or lease, utilities, maintenance and security of facilities for the supreme court and district courts of appeals;

(2) Provide all funding for salaries, expenses and costs of the state attorneys' offices, public defenders' offices, except as provided in subsection (c), and court-appointed counsel including, but not limited to, office expenses and equipment, telephone services, operating costs, legal research, information technology resources except as provided in subsection (c), transportation and travel. As used in section 14, court-appointed counsel means counsel appointed in criminal and civil proceedings;

(3) Provide all necessary funding for court reporting/recording and transcripts, deposition costs, experts and other witnesses, consultants, interpreters,

investigative services, mental health, scientific medical or other necessary testing services and evaluations as required by the state attorneys, public defenders and indigent litigants, and all funding necessary to provide a trial guaranteed by either the United States Constitution or the Constitution of the State of Florida; and

(4) Provide any other funding that may be required by the United States Constitution or the Constitution of the State of Florida for the administration of justice.

It is further the intent of the proposers that the legislature ensure that the state courts system as well as appropriations for costs that must be incurred to ensure the rights of people under the United States Constitution or the Constitution of the State of Florida are protected from the across-the-board reductions which have been the traditional response to revenue shortfalls. The proposers also recognize that costs necessary to ensure due process rights including, but not limited to, court-appointed counsel, expert witness fees, court reporting services, and court interpreters can vary unpredictably from year to year. Given this reality, it is the intent of the proposers that the legislature adopt a procedure to provide adequate supplemental funding for the state courts system, state attorneys and public defenders in the event that appropriations in a given year, notwithstanding diligent efforts to achieve efficiencies, are insufficient.

B. Section 14(b). Section 14(b) provides that all funding for the offices of the clerks of the circuit and county courts performing court-related functions shall, except as otherwise provided in subsections (b) and (c), be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions (hereinafter "filing fees, service charges and costs") which are collected and retained by the offices of the clerks of the circuit and county courts. Where the requirements of either the United States Constitution or the Constitution of the State of Florida preclude the imposition of filing fees, service charges and costs sufficient to fund the court-related functions of the offices of the clerks of the circuit and county courts, subsection (b) requires the state to provide adequate and appropriate supplemental funding from state revenues appropriated by general law.

It is the intent of the proposers that the legislature, when developing the schedule of filing fees, service charges and costs, adopt: (1) a procedure to fund the offices of the clerks of the circuit and county courts when filing fees, service charges and costs are insufficient to cover the court-related salaries, costs and expenses of the offices of the clerks of the circuit and county courts in a given fiscal year; and (2) a procedure for the disposition of filing fees, service charges and costs retained by the offices of the clerks of the circuit and county courts which, at the end of any fiscal year, exceed the court-related salaries, costs and expenses of the offices of the clerks of the circuit and county courts during the preceding fiscal year.

It is further the intent of the proposers that the legislature, when developing the schedule of reasonable and adequate filing fees, service charges and costs, review the court-related operations of the offices of the clerks of the circuit and county courts and make an independent determination as to what should be the reasonable cost to perform the court-related operations of

the clerks' offices. The drafters of subsection (b) recognize that there currently exists significant disparities among what the various clerks' offices spend to perform the same functions. The determination by the legislature as to the appropriate level of spending should not entail an acceptance of the current level of spending by the clerks' offices throughout the state to perform court-related functions. Rather, it is the intent of this proposal that the clerks be held accountable and responsible to a costs standard which is independently established by the legislature.

Subsection (b) also provides that 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. In this regard it is intended that the legislature provide certain types of funding for the state courts system from appropriate filing fees, service charges and costs. Some examples of current revenue streams to the state courts of this nature include civil fees that go into the Court Education Trust Fund and the Mediation and Arbitration Trust Fund or local option fees used for purposes not inconsistent with other provisions of the proposed amendment.

C. Section 14(c). Section 14(c) provides that no county or municipality shall, except as provided in subsection (c), be obligated to provide any funding for the state courts system, state attorneys' offices, public defenders' offices, court-appointed counsel or the offices of the clerks of the circuit and county courts performing court-related functions. Pursuant to subsection (c), counties are required to fund the following costs:

(1) Communication services. Subsection (c) requires counties to fund the costs of communications services. It is the intent of the proposers that communications services be limited to reasonable and necessary data communications-related cabling, hardware and software, and telephone system equipment and infrastructure not inconsistent with that utilized by each county within a given judicial circuit;

(2) Existing radio systems. The counties' obligation to pay for radio systems is limited to those multi-agency radio systems in existence and funded by the counties on the date of adoption of this amendment;

(3) Existing multi-agency criminal justice information system. With the exception of existing multi-agency criminal justice information systems in existence or being implemented on the date of adoption of this amendment and currently funded by counties, counties are not obligated to fund information systems. As used herein, a multi-agency criminal justice information system means network cabling, hardware and software infrastructure required for efficient and effective support and integration of information system, and the applications within which this information resides, serving elements of the criminal justice system at the local level in each county or judicial circuit;

(4) Construction or lease, maintenance, utilities and security of facilities. Subsection (c) requires counties to fund the cost of adequate and necessary construction or

lease, maintenance, utilities and security of facilities for the trial courts, public defenders' offices, state attorneys' offices, and offices of the clerks of the circuit and county courts. As used in subsection (c), it is the intent of the proposers that:

(a) "utilities" be limited to fuel, water and electricity;

(b) "maintenance" be interpreted to mean preventative and corrective facilities renovation, repair and upkeep, custodial services and waste collection services. Service levels shall not be less than those provided by each county for its own services and programs;

(c) "construction" shall include land acquisition, planning and design costs; construction costs for new facilities, the renovation or refurbishment of existing facilities, cabling or wiring for communications and technology, and fixtures and furnishings which are appropriate and customary for courtrooms, hearing rooms, jury facilities and other public areas in courthouses; and

(d) "security" shall mean all personnel, equipment and other costs reasonably necessary to secure the public and court-related personnel in leased and county-owned facilities for the trial courts, state attorneys, public defenders, and clerks of the circuit and county courts performing court-related functions; and

(5) Local Requirements. Subsection (c) also requires counties to pay for the reasonable and necessary salaries, costs and expenses of the state courts system to meet local requirements. A local requirement exists where there are special circumstances in a given circuit or county which have resulted in or necessitate implementation of specialized programs or the commitment of resources which would not generally be required in other circuits such as where a county adopts a local program, enacts a local ordinance or pursues extraordinary activities which have a substantial financial or operational impact upon a given circuit. Examples may include, but are not limited to, specialized support personnel, staffing and resources for video arraignments, pretrial release programs or misdemeanant probation. Core functions and requirements of the state courts system and other court-related functions and requirements which are statewide in nature cannot be local requirements. Further, it is the intent of the proposers that any function or requirement of the state courts system which is mandated by general law of statewide application cannot be a local requirement.

The proposers recognize that over the years the counties have borne an increasingly large proportion of the costs of the state courts system as well as other costs such as court-appointed counsel, witness fees and court reporting services because of, among other reasons, shortfalls in revenues at the state level. It is the intent of the proposers that local needs which are caused by reduced or inadequate allocations by the state for the state courts system, either as a result of

a decrease in the dollars allocated, an insufficient increase in the dollars allocated or a percentage reduction relative to other statewide allocations, do not create local requirements.

# APPENDIX C – DOR REPORT DETAILING REVENUE STREAMS

**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 318.18(11)(d) | $3 additional court cost for non-criminal traffic infractions (distributed pursuant to s. 938.01) | ADDITIONAL COURT COST CLEARING TF | $110,191 | DCF - Family Services Domestic Violence Trust Fund for the domestic violence program. | Not Core Court | Court Cost |
| 318.18(11)(d) | $3 additional court cost for non-criminal traffic infractions (distributed pursuant to s. 938.01) | ADDITIONAL COURT COST CLEARING TF | $408,357 | FDLE - Law Enforcement Operating Trust Fund for the Criminal Justice Grant Program. | Not Core Court | Court Cost |
| 318.18(11)(d) | $3 additional court cost for non-criminal traffic infractions (distributed pursuant to s. 938.01) | ADDITIONAL COURT COST CLEARING TF | $5,963,310 | FDLE - Crimial Justice Standards Training Trust Fund. | Not Core Court | Court Cost |
| 318.21(2)(c) | 5.1% of remainder of civil penalties received pursuant to Ch. 318 | ADDITIONAL COURT COST CLEARING TF | $4,724,794 | FDLE - Criminal justice purposes -Crimial Justice Standards and Training TF. | Not Core Court | Fine |
| 318.21(2)(c) | 5.1% of remainder of civil penalties received pursuant to Ch. 318 | ADDITIONAL COURT COST CLEARING TF | $323,546 | FDLE - Criminal justice purposes - Operating TF Criminal Justice Grant Program. | Not Core Court | Fine |
| 318.21(2)(c) | 5.1% of remainder of civil penalties received pursuant to Ch. 318 | ADDITIONAL COURT COST CLEARING TF | $87,306 | DCF - Criminal justice purposes - DV TF for DV programs. | Not Core Court | Fine |
| 327.73(11)(b) | $3 additional court cost for non-criminal boating infractions (distributed pursuant to s. 938.01) | ADDITIONAL COURT COST CLEARING TF | $3,008 | FDLE - Operating Trust Fund for the Criminal Justice Grant Program | Not Core Court | Court Cost |
| 327.73(11)(b) | $3 additional court cost for non-criminal boating infractions (distributed pursuant to s. 938.01) | ADDITIONAL COURT COST CLEARING TF | $43,919 | FDLE - Ninety-two percent goes to the Criminal Justice Standards and Training Trust Fund | Not Core Court | Court Cost |

Prepared by OSCA Resource Planning and The CCOC

**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 327.73(11)(b) | $3 additional court cost for non-criminal boating infractions (distributed pursuant to s. 938.01) | ADDITIONAL COURT COST CLEARING TF | $811 | DCF - One and seven-tenths percent goes to the Domestic Violence Trust Fund | Not Core Court | Court Cost |
| 938.01(1)(a) | $3 additional court cost assessed against persons convicted for violation of state penal or criminal statute, or a municipal or county ordinance; additional $3 | ADDITIONAL COURT COST CLEARING TF | $1,563,622 | FDLE - Enforcement Criminal Justice Standards and Training TF for FDLE for training | Not Core Court | Court Cost |
| 938.01(1)(a) | $3 additional court cost assessed against persons convicted for violation of state penal or criminal statute, or a municipal or county ordinance; additional $3 | ADDITIONAL COURT COST CLEARING TF | $107,074 | FDLE - Operating TF for the Criminal Justice Grant Program. | Not Core Court | Court Cost |
| 938.01(1)(a) | $3 additional court cost assessed against persons convicted for violation of state penal or criminal statute, or a municipal or county ordinance; additional $3 | ADDITIONAL COURT COST CLEARING TF | $28,893 | DCF - Domestice Violence TF. Funds shelters, hotline, information, training, counseling, and community education. | Not Core Court | Court Cost |
| 938.27(7) | Investigative costs recovered - Department of Agriculture & Consumer Services | AGRICULTURAL LAW ENFORCEMENT TR | $2,551 | DACS - Investigative costs that are recovered shall be returned to the appropriate investigative agency that incurred the expense. | Not Court Related Revenue | Other |
| 938.27(7) | Investigative costs recovered - Department of Business & Professional Regulation | ALCOHOLIC BEVERAGE AND TOBACCO REFUNDS | $1,152 | DBPR - Investigative costs that are recovered shall be returned to the appropriate investigative agency that incurred the expense. | Not Court Related Revenue | Other |
| 318.18(7) | $25 Fine plus unpaid tolls due (Turnpike/Sunpass Service Center) | AUDIT & WARRANT CLEARING TF | $469,133 | DOT - To credit the Turnpike Enterprise | Not Court Related Revenue | Fine |

Prepared by OSCA Resource Planning and The CCOC

**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 318.21(2)(e) | 2% of remainder of civil penalties received pursuant to Ch. 318 | AUDIT & WARRANT CLEARING TF | $1,806,688 | SBA - Florida Endowment Foundation for Vocational Rehabilitation. (Principle managed by SBA and proceeds distributed by the foundation.) | Not Core Court | Fine |
| 318.21(5) | 60% of additional fine under s. 318.21(3)(d) for violation of s. 316.1303 | AUDIT & WARRANT CLEARING TF | $28,275 | SBA - For deposit in the endowment fund for the Florida Endowment Foundation for Vocational Rehabilitation. (SBA Manages the principle, and the foundation distributes the interest earned.) | Not Core Court | Fine |
| 938.27(7) | Investigative costs recovered - Department of Revenue | AUDIT & WARRANT CLEARING TF | $8,003 | DOR - Investigative costs that are recovered shall be returned to the appropriate investigative agency. | Not Court Related Revenue | Other |
| 316.0083(1)(b)3.b. | $3 of the $158 for violation of s. 316.074(1) or s. 316.075(1)(c)1. | BRAIN & SPINAL CORD INJURY PROGRAM TF | $85,496 | DOH - For deposit into the Brain and Spinal Cord Injury Trust Fund. Proceeds of the infractions in the Brain and Spinal Cord Injury Trust Fund shall be distributed quarterly to the Miami Project to Cure Paralysis and shall be used for brain and spinal cord research. | Not Core Court | Fine |
| 316.0083(1)(b)3.b. | $3 of the $158 for violation of s. 316.074(1) or s. 316.075(1)(c)1. | BRAIN & SPINAL CORD INJURY PROGRAM TF | $728,321 | DOH - For deposit into the Brain and Spinal Cord Injury Trust Fund. Proceeds of the infractions in the Brain and Spinal Cord Injury Trust Fund shall be distributed quarterly to the Miami Project to Cure Paralysis and shall be used for brain and spinal cord research. | Not Core Court | Fine |

Prepared by OSCA Resource Planning and The CCOC

**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 318.18(15)(a)1. | Remaining $ 3 of $158 civil penalty for violation of ss. 316.075(1)(c)1 or 316.074(1) | BRAIN & SPINAL CORD INJURY PROGRAM TF | $112,355 | DOH - for deposit into the Brain and Spinal Cord Injury Trust Fund. Proceeds of the infractions in the Brain and Spinal Cord Injury Trust Fund shall be distributed quarterly to the Miami Project to Cure Paralysis and shall be used for brain and spinal cord research. | Not Core Court | Fine |
| 318.21(2)(d) | 8.2% of remainder of civil penalties received pursuant to Ch. 318 | BRAIN & SPINAL CORD INJURY PROGRAM TF | $3,053,436 | DOH - For deposit into the Brain and Spinal Cord Injury Trust Fund. Proceeds of the infractions in the Brain and Spinal Cord Injury Trust Fund shall be distributed quarterly to the Miami Project to Cure Paralysis and shall be used for brain and spinal cord research. | Not Core Court | Fine |
| 938.07 | $60 of additional $135 court cost for each violation - driving or boating under the influence | BRAIN & SPINAL CORD INJURY PROGRAM TF | $588,391 | DOH - For deposit into the Brain and Spinal Cord Injury Trust Fund. Proceeds of the infractions in the Brain and Spinal Cord Injury Trust Fund shall be distributed quarterly to the Miami Project to Cure Paralysis and shall be used for brain and spinal cord research. | Not Core Court | Court Cost |
| 318.21(2)(d) | 8.2% of remainder of civil penalties received pursuant to Ch. 319 | BRAIN & SPINAL CORD INJURY REHAB TF | $4,445,742 | DOH - for deposit into the Brain and Spinal Cord Injury Trust Fund. Proceeds of the infractions in the Brain and Spinal Cord Injury Trust Fund shall be distributed quarterly to the Miami Project to Cure Paralysis and shall be used for brain and spinal cord research. | Not Core Court | Fine |

Prepared by OSCA Resource Planning and The CCOC

**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 938.07 | $60 of additional $135 court cost for each violation - driving or boating under the influence | BRAIN & SPINAL CORD INJURY REHAB TF | $893,839 | DOH - for deposit into the Brain and Spinal Cord Injury Trust Fund. Proceeds of the infractions in the Brain and Spinal Cord Injury Trust Fund shall be distributed quarterly to the Miami Project to Cure Paralysis and shall be used for brain and spinal cord research. | Not Core Court | Court Cost |
| 327.35(9) | $57 ($60 less 5%) fee for conviction of s. 327.35(1) - BUI | BRAIN AND SPINAL CORD INJURY PROGRAM TF | $7,180 | DOH - for deposit into the Brain and Spinal Cord Injury Trust Fund. Proceeds of the infractions in the Brain and Spinal Cord Injury Trust Fund shall be distributed quarterly to the Miami Project to Cure Paralysis and shall be used for brain and spinal cord research. | Not Core Court | Fine |
| 327.35(9) | $57 ($60 less 5%) fee for conviction of s. 327.35(1) - BUI | BRAIN AND SPINAL CORD INJURY REHAB TF | $8,334 | DOH - for deposit into the Brain and Spinal Cord Injury Trust Fund. Proceeds of the infractions in the Brain and Spinal Cord Injury Trust Fund shall be distributed quarterly to the Miami Project to Cure Paralysis and shall be used for brain and spinal cord research. | Not Core Court | Fine |
| 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) | CHILD WELFARE TRAINING TF | $514,092 | DCF - Purpose of funding a comprehensive system of child welfare training. The funds are used to train persons who provide child wellfare services. | Not Core Court | Court Cost |
| 318.21(1) | $1 of civil penalty per violation; operating a motor vehicle in violation of s. 316.646 (Juvenile Justice Training Trust Fund) | CHILD WELFARE TRAINING TF | $1,575,761 | DCF - Purpose of funding a comprehensive system of child welfare training. The funds are used to train persons who provide child wellfare services. | Not Core Court | Fine |

Prepared by OSCA Resource Planning and The CCOC

**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 28.101(1)(a) | $5 additional charge for petitions for dissolution of marriage | CHILD WELFARE TRAINING TF | $398,555 | DCF - Purpose of funding a comprehensive system of child welfare training. The funds are used to train persons who provide child wellfare services. | Not Core Court | Fee |
| 28.241(1)(a)1.a. | One-third (1/3) of filing fees in excess of $100 for circuit civil action | CLERK OF COURT CLEARING TF | $880 | CCOC - To fund the Clerks of Court Operations Corporation. | Core Court | Fee |
| 28.241(1)(a)1.a. | $3.50 of first $265 in filing fees for circuit civil action | CLERK OF COURT CLEARING TF | $586,724 | CCOC - To fund the Clerks of Court Operations Corporation. | Core Court | Fee |
| 28.241(1)(a)1.b. | $3.50 of first $165 in filing fees for circuit civil action | CLERK OF COURT CLEARING TF | $273,535 | CCOC - To fund the Clerks of Court Operations Corporation. | Core Court | Fee |
| 28.241(1)(a)1.c. & e. | $0.50 of additional $4 filing fee for circuit civil action | CLERK OF COURT CLEARING TF | $196,045 | CCOC - To fund the Clerks of Court Operations Corporation. | Core Court | Fee |
| 28.241(1)(a)2.d. | $3.50 in filing fees for circuit civil action relating to real property or mortgage foreclosure | CLERK OF COURT CLEARING TF | $648,812 | CCOC - To fund the Clerks of Court Operations Corporation. | Core Court | Fee |
| 34.041(1)(b) | $0.50 of additional $4 filing fee for county civil action | CLERK OF COURT CLEARING TF | $226,989 | CCOC - To fund the Clerks of Court Operations Corporation. | Core Court | Fee |
| 142.01(2) | All revenues received in fine and forfeiture fund - Fines | CLERK OF COURT CLEARING TF | $92,023,115 | CCOC - To fund the Clerks of Court Operations Corporation. | Core Court | Fine |
| 142.01(2) | All revenues received in fine and forfeiture fund - Forfeitures | CLERK OF COURT CLEARING TF | $11,274,838 | CCOC - To fund the Clerks of Court Operations Corporation. | Core Court | Forfeiture |
| 142.01(2) | All revenues received in fine and forfeiture fund - Filing fees | CLERK OF COURT CLEARING TF | $150,164,606 | CCOC - To fund the Clerks of Court Operations Corporation. | Core Court | Fee |
| 142.01(2) | All revenues received in fine and forfeiture fund - Service Charge | CLERK OF COURT CLEARING TF | $80,148,318 | CCOC - To fund the Clerks of Court Operations Corporation. | Core Court | Service Charge |

Prepared by OSCA Resource Planning and The CCOC

**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 142.01(2) | All revenues received in fine and forfeiture fund - Interest | CLERK OF COURT CLEARING TF | $1,122,554 | CCOC - To fund the Clerks of Court Operations Corporation. | Core Court | Interest |
| 142.01(2) | All revenues received in fine and forfeiture fund - Court Cost | CLERK OF COURT CLEARING TF | $95,810,073 | CCOC - To fund the Clerks of Court Operations Corporation. | Core Court | Court Cost |
| 28.2401(3) | $3.50 of additional $4 service charge in probate matters | COURT EDUCATION TF | $182,063 | SCS - The trust fund money shall be used to provide education and training for judges and other court personnel as defined and determined by the Florida Court Educational Council. | Core Court | Fee |
| 28.241(1)(a)1.c. & e. | $3.50 of additional $4 filing fee for circuit civil action | COURT EDUCATION TF | $1,366,043 | SCS - The trust fund money shall be used to provide education and training for judges and other court personnel as defined and determined by the Florida Court Educational Council. | Core Court | Fee |
| 34.041(1)(b) | $3.50 of additional $4 filing fee for county civil claims | COURT EDUCATION TF | $1,508,477 | SCS - The trust fund money shall be used to provide education and training for judges and other court personnel as defined and determined by the Florida Court Educational Council. | Core Court | Fee |
| 28.241(1)(a)1. | $15 of the filing fees for circuit civil action | COURT MEDIATION & ARBITRATION TF | $3,798,409 | State Court Revenue Trust Fund is created within the State Court System. Money credited to the trust fund shall be used for the purpose of funding the activities of the State Court System. | Core Court | Fee |
| 28.241(1)(a)2.d. | $15 in filing fees for circuit civil action relating to real property or mortgage foreclosure | COURT MEDIATION & ARBITRATION TF | $2,190,405 | State Court Revenue Trust Fund is created within the State Court System. Money credited to the trust fund shall be used for the purpose of funding the activities of the State Court System. | Core Court | Fee |

Prepared by OSCA Resource Planning and The CCOC

**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 34.041(1)(b) | First $10 of the filing fees for county civil claims under subparagraph 34.041(1)(a)7 | COURT MEDIATION & ARBITRATION TF | $1,292,804 | State Court Revenue Trust Fund is created within the State Court System. Money credited to the trust fund shall be used for the purpose of funding the activities of the State Court System. | Core Court | Fee |
| 34.041(1)(b) | $15 of the filing fees for county civil claims under subparagraph 34.041(1)(a)4 | COURT MEDIATION & ARBITRATION TF | $3,385,875 | State Court Revenue Trust Fund is created within the State Court System. Money credited to the trust fund shall be used for the purpose of funding the activities of the State Court System. | Core Court | Fee |
| 44.108(1) | $1 filing fee on all circuit and county proceedings to fund mediation and arbitration services | COURT MEDIATION & ARBITRATION TF | $951,275 | State Court Revenue Trust Fund is created within the State Court System. Money credited to the trust fund shall be used for the purpose of funding the activities of the State Court System. | Core Court | Fee |
| 44.108(2) | Fees collected for court-ordered mediation services provided by circuit court's mediation program | COURT MEDIATION & ARBITRATION TF | $3,198,476 | State Court Revenue Trust Fund is created within the State Court System. Money credited to the trust fund shall be used for the purpose of funding the activities of the State Court System. | Core Court | Fee |
| 938.06 | $17 ($20 less $3) additional court cost for any criminal offense | CRIME STOPPERS TF | $1,400,791 | OAG - Funds Crime Stoppers and their crime fighting programs within the units of a local government of the state. | Not Core Court | Court Cost |
| 938.06 | $17 ($20 less $3) additional surcharge/court cost for any criminal offense | CRIME STOPPERS TF | $2,521,789 | OAG - Funds Crime Stoppers and their crime fighting programs within the units of a local government of the state. | Not Core Court | Court Cost |
| 938.03(4) | $49 ($50 less $1) additional court cost assessed against any person pleading guilty or nolo contender to, or being convicted of or adjudicated delinquent for | CRIMES COMPENSATION TF | $15,453,642 | OAG - To compensate victims of crime. | Not Core Court | Court Cost |

Prepared by OSCA Resource Planning and The CCOC

**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 938.04 | 5% of additional imposed fine surcharge/court cost for any criminal offense | CRIMES COMPENSATION TF | $2,352,596 | OAG - To compensate victims of crime. | Not Core Court | Fine |
| 316.126 | $30 fine for violation of Move Over Act | CRIMES COMPENSATION TF | $464,757 | OAG - To compensate victims of crime. | Not Core Court | Fine |
| 775.0835(1) | Up to $10,000 fine for guilty or nolo plea, or conviction of misdemeanor, felony resulting in death | CRIMES COMPENSATION TF | $8,819 | OAG - To compensate victims of crime. | Not Core Court | Fine |
| 960.17(4) | Obligation of restitution when award constitutes debt owed to state; victim compensation | CRIMES COMPENSATION TF | $96,782 | OAG - To compensate victims of crime. | Not Court Related Revenue | Other |
| 960.28 | Restitution equal to compensation paid to medical provider for cost of victim's initial forensic physical exam | CRIMES COMPENSATION TF | $1,271 | OAG - To compensate victims of crime. | Not Court Related Revenue | Other |
| 960.293 | Payment for damages and losses for incarceration costs and other correctional costs ($50 per day up to $250,000) | CRIMES COMPENSATION TF | $1,237,203 | OAG - To compensate victims of crime. | Not Court Related Revenue | Other |
| 938.27(7) | Investigative costs recovered - Department of Environmental Protection | DEP Operating TF | $468 | DEP - Investigative costs that are recovered shall be returned to the appropriate investigative agency that incurred the expense. | Not Court Related Revenue | Other |
| 318.18(15) | Remaining $65 of $125 civil penalty for violation of ss. 316.075(1)(c)1 or 316.074(1) | DEPARTMENT OF HEALTH ADMINISTRATIVE TF | $291,315 | DOH - For the deposit into the Administrative Trust Fund of the Department of Health. | Not Core Court | Fine |
| 318.18(15)(a)1. | Remaining $65 of $158 civil penalty for violation of ss. 316.075(1)(c)1 or 316.074(1) | DEPARTMENT OF HEALTH ADMINISTRATIVE TF | $2,887,497 | DOH - For the deposit into the Administrative Trust Fund of the Department of Health. | Not Core Court | Fine |

Prepared by OSCA Resource Planning and The CCOC

**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 28.2401(3) | $0.50 of additional $4 service charge in probate matters | DEPT OF FINANCIAL SERVICES ADMIN TF | $41,350 | DFS - To fund Clerk education. | Not Core Court | Fee |
| 28.241(1)(a)1.a. | $1.50 of first $265 in filing fees for circuit civil action | DEPT OF FINANCIAL SERVICES ADMIN TF | $246,007 | DFS - To fund clerk budget reviews conducted by the DFS. | Not Core Court | Fee |
| 28.241(1)(a)1.b. | $1.50 of first $165 in filing fees for circuit civil action | DEPT OF FINANCIAL SERVICES ADMIN TF | $120,477 | DFS - To fund clerk budget reviews conducted by the DFS. | Not Core Court | Fee |
| 28.241(1)(a)2.d. | $1.50 in filing fees for circuit civil action relating to real property or mortgage foreclosure | DEPT OF FINANCIAL SERVICES ADMIN TF | $262,363 | DFS - To fund clerk budget reviews conducted by the DFS. | Not Core Court | Fee |
| 316.0083(1)(b)3.b. | $10 of the $158 for violation of s. 316.074(1) or s. 316.075(1)(c)1. | DEPT OF HEALTH ADMIN TF | $308,159 | DOH - For the deposit into the Administrative Trust Fund of the Department of Health. | Not Core Court | Fine |
| 316.0083(1)(b)3.b. | $10 of the $158 for violation of s. 316.074(1) or s. 316.075(1)(c)1. | DEPT OF HEALTH ADMIN TF | $2,379,860 | DOH - For the deposit into the Administrative Trust Fund of the Department of Health. | Not Core Court | Fine |
| 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) | DEPT OF HEALTH ADMIN TF | $16,282 | DOH - For the deposit into the Administrative Trust Fund of the Department of Health. | Not Core Court | Fine |
| 318.18(20) | $65 penalty for violation of ss. 316.191 or s. 316.192 | DEPT OF HEALTH ADMIN TF | $35,095 | DOH - For the deposit into the Administrative Trust Fund of the Department of Health. | Not Core Court | Fine |
| 318.18(3)(h) | Civil penalty imposed per 318.18(3)(h) | DEPT OF HEALTH ADMIN TF | $47 | DOH - For the deposit into the Administrative Trust Fund of the Department of Health. | Not Core Court | Fine |
| 318.18(5)(c) | $65 penalty for violation of ss. 316.172(1)(a) or (b) | DEPT OF HEALTH ADMIN TF | $15,086 | DOH - For the deposit into the Administrative Trust Fund of the Department of Health. | Not Core Court | Fine |

Prepared by OSCA Resource Planning and The CCOC

**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 318.18(3)(e) | 50% of $50 civil penalty imposed upon persons cited for exceeding the speed limit in an enhanced penalty zone pursuant to 318.18(3)(e). | DEPT OF HEALTH ADMIN TF | 339.47 | DOH - For the deposit into the Administrative Trust Fund of the Department of Health. | Not Core Court | Fine |
| 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) | DEPT OF HEALTH EMERGENCY MEDICAL SERVICE | $206,103 | DOH - Provides financial support to certified trauma centers to assure the availability and accessibility of trauma services throughout the state. | Not Core Court | Fine |
| 318.18(20) | $65 penalty for violation of ss. 316.191 or s. 316.192 | DEPT OF HEALTH EMERGENCY MEDICAL SERVICE | $412,628 | DOH - Provides financial support to certified trauma centers to assure the availability and accessibility of trauma services throughout the state. | Not Core Court | Fine |
| 318.18(3)(h) | Civil penalty imposed per 318.18(3)(h) | DEPT OF HEALTH EMERGENCY MEDICAL SERVICE | $4,585 | DOH - Provides financial support to certified trauma centers to assure the availability and accessibility of trauma services throughout the state. | Not Core Court | Fine |
| 318.18(5)(c) | $65 penalty for violation of ss. 316.172(1)(a) or (b) | DEPT OF HEALTH EMERGENCY MEDICAL SERVICE | $134,697 | DOH - Provides financial support to certified trauma centers to assure the availability and accessibility of trauma services throughout the state. | Not Core Court | Fine |
| 938.27(7) | Investigative costs recovered - Department of Financial Services | DFS Operating TF | $37,527 | DFS - Investigative costs that are recovered shall be returned to the appropriate investigative agency that incurred the expense. | Not Court Related Revenue | Other |

Prepared by OSCA Resource Planning and The CCOC

**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 28.101(1)(b) | $5 additional charge for petitions for dissolution of marriage | DISPLACED HOMEMAKER TF | $401,532 | AWI - Administration of the displaced homemaker program and to fund displaced homemaker service programs. The program contracts with nonprofits to provide necessary training, counseling, and services for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life. | Not Core Court | Fee |
| 28.101(1)(d) | $7.50 of additional $32.50 charge for petitions for dissolution of marriage | DISPLACED HOMEMAKER TF | $575,886 | AWI - Administration of the displaced homemaker program and to fund displaced homemaker service programs. The program contracts with nonprofits to provide necessary training, counseling, and services for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life. | Not Core Court | Fee |
| 741.01(3) | $7.50 additional increased fee for marriage license | DISPLACED HOMEMAKER TF | $944,214 | AWI - Administration of the displaced homemaker program and to fund displaced homemaker service programs. The program contracts with nonprofits to provide necessary training, counseling, and services for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life. | Not Core Court | Service Charge |
| 28.101(1)(c) | $55 additional charge for petitions for dissolution of marriage | DOMESTIC VIOLENCE TF | $4,226,487 | DCF - Such funds which are generated shall be directed to the Department of Children and Family Services for the specific purpose of funding domestic violence centers. | Not Core Court | Fee |

Prepared by OSCA Resource Planning and The CCOC

**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 741.01(2) | $25 increased fee for marriage license | DOMESTIC VIOLENCE TF | $3,500,725 | DCF - Such funds which are generated shall be directed to the Department of Children and Family Services for the specific purpose of funding domestic violence centers. | Not Core Court | Service Charge |
| 741.30(9)(a) | Assessment or fine collected to enforce compliance with domestic violence injunction | DOMESTIC VIOLENCE TF | $16,052 | DCF - Such funds which are generated shall be directed to the Department of Children and Family Services for the specific purpose of funding domestic violence centers. | Not Core Court | Fine |
| 938.08 | $85 of additional $201 surcharge for violation of certain sections of Chs. 784 and 794 to fund programs in domestic violence | DOMESTIC VIOLENCE TF | $805,864 | DCF - Such funds which are generated shall be directed to the Department of Children and Family Services for the specific purpose of funding domestic violence centers. | Not Core Court | Court Cost |
| 403.1651(2)(a) | Moneys recovered by the state as a result of actions against any person for violation of Ch. 373 or Ch. 403; environmental control | ECOSYSTEM MGMT & RESTORATION TF | $340 | DEP -Funding the detailed planning for and implementation of programs for the management and restoration of ecosystems | Not Court Related Revenue | Fine |
| 316.061 & 316.192 | $5 additional fine for leaving scene of accident, reckless driving | EMERGENCY MEDICAL SERVICES TF | $60,679 | DOH - Provides financial support to certified trauma centers to assure the availability and accessibility of trauma services throughout the state. | Not Core Court | Fine |
| 318.21(2)(b) | 7.2% of remainder of civil penalties received pursuant to Ch. 318 | EMERGENCY MEDICAL SERVICES TF | $6,470,554 | DOH - Provides financial support to certified trauma centers to assure the availability and accessibility of trauma services throughout the state. | Not Core Court | Fine |
| 938.07 | $25 of additional $135 court cost for each violation - driving or boating under the influence | EMERGENCY MEDICAL SERVICES TF | $712,227 | DOH - Provides financial support to certified trauma centers to assure the availability and accessibility of trauma services throughout the state. | Not Core Court | Court Cost |

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**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 318.21(6) | $5 of civil penalty for each violation of s. 316.613 or s. 316.614 | EPILEPSY SERVICES TF | $1,710,573 | DOH - For the care and assistance of persons with epilepsy and promote and assist in the continued development and expansion of programs for the case management, diagnosis, care, and treatment of such persons, including required pharmaceuticals, medical procedures, and techniques which will have a positive effect in the care and treatment of persons with epilepsy. | Not Core Court | Fine |
| 938.07 | $50 of additional $135 court cost for each violation - driving or boating under the influence | FDLE OPERATING TF | $1,359,787 | FDLE - For conducting criminal analysis in laboratories across the state. | Not Core Court | Court Cost |
| 938.25 | $100 additional court cost for guilty or nolo contendere plea, or conviction for violation of s. 893.13 - controlled substances | FDLE OPERATING TF | $706,809 | FDLE - Investigative costs that are recovered shall be returned to the appropriate investigative agency that incurred the expense. | Not Core Court | Court Cost |
| 938.27(7) | Investigative costs recovered - Department of Law Enforcement | FORFEITURE AND INVESTIGATIVE SUPPORT TF | $44,800 | FDLE - To fund the cost of investigations. | Not Court Related Revenue | Other |
| 938.27(7) | Investigative costs recovered - Fish & Wildlife Conservation Commission | FWC Operating TF | $22,210 | FWC - Investigative costs that are recovered shall be returned to the appropriate investigative agency that incurred the expense. | Not Court Related Revenue | Other |
| 27.52(7)(b) | 75% of any amount recovered by state attorney for fraudulent indigency claims in criminal proceedings | GENERAL REVENUE | $26,826 | General State Budget | Not Core Court | Court Cost |
| 28.101(1)(d) | $25 of additional $32.50 charge for petitions for dissolution of marriage | GENERAL REVENUE | $1,932,224 | General State Budget | Not Core Court | Fee |

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**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 28.241(1)(a)1. | $80 in filing fees for circuit civil action | GENERAL REVENUE | $20,041,255 | General State Budget | Not Core Court | Fee |
| 28.241(1)(a)2.d. | $80 in filing fees for circuit civil action relating to real property or mortgage foreclosure | GENERAL REVENUE | $11,417,786 | General State Budget | Not Core Court | Fee |
| 28.241(1)(c)1. | $295 or $395 counterclaim filing fee for circuit civil action | GENERAL REVENUE | $3,709,557 | General State Budget | Not Core Court | Fee |
| 28.241(1)(c)2. | $295 counterclaim filing fee for circuit civil action | GENERAL REVENUE | $1,435,923 | General State Budget | Not Core Court | Fee |
| 28.241(2) | First $80 of $280 (or $80) appellate filing fee | GENERAL REVENUE | $396,332 | General State Budget | Not Core Court | Fee |
| 28.241(6) | $100 fee for attorneys appearing pro hac vice in circuit court | GENERAL REVENUE | $163,129 | General State Budget | Not Core Court | Fee |
| 34.041(1)(b) | First $80 of up to $295 filing fee for county civil claims of more than $2,500 | GENERAL REVENUE | $17,129,607 | General State Budget | Not Core Court | Fee |
| 34.041(1)(c) | $295 counterclaim filing fee for county civil action | GENERAL REVENUE | $497,066 | General State Budget | Not Core Court | Fee |
| 34.041(8) | $100 fee for attorneys appearing pro hac vice in county court | GENERAL REVENUE | $2,088 | General State Budget | Not Core Court | Fee |
| 57.082(6) | 75% of any amount recovered by state attorney for fraudulent indigency claims in civil proceedings | GENERAL REVENUE | $231,768 | General State Budget | Not Core Court | Court Cost |

Prepared by OSCA Resource Planning and The CCOC

**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 316.0083(1)(b)3. b. | $100 of the $158 for violation of s. 316.074(1) or s. 316.075(1)(c)1. | GENERAL REVENUE | $5,373 | General State Budget | Not Core Court | Fine |
| 316.0083(1)(b)3. b. | $70 of the $158 for violation of s. 316.074(1) or s. 316.075(1)(c)1. | GENERAL REVENUE | $2,000,319 | General State Budget | Not Core Court | Fine |
| 316.0083(1)(b)3. b. | $70 of the $158 for violation of s. 316.074(1) or s. 316.075(1)(c)1. | GENERAL REVENUE | $16,666,670 | General State Budget | Not Core Court | Fine |
| 318.18(15)(a)1. | Remaining $30 of $158 civil penalty for violation of ss. 316.075(1)(c)1 or 316.074(1) | GENERAL REVENUE | $1,142,407 | General State Budget | Not Core Court | Fine |
| 318.21(2)(a) | 20.6% of remainder of civil penalties received pursuant to Ch. 318 | GENERAL REVENUE | $18,227,043 | General State Budget | Not Core Court | Fine |
| 775.083(1)(g) | Fine imposed when adjudication is withheld | GENERAL REVENUE | $4,936,478 | General State Budget | Not Core Court | Fine |
| Ch. 2008-111, Laws of Florida | Additional Revenue pursuant to Chp. 2008-111 - DUI | GENERAL REVENUE | $2,424,637 | General State Budget | Not Core Court | Fine |
| Ch. 2008-111, Laws of Florida | Additional Revenue pursuant to Chp. 2008-111 - Summons | GENERAL REVENUE | $16,303,590 | General State Budget | Not Core Court | Service Charge |
| Ch. 2008-111, Laws of Florida | Additional Revenue pursuant to Chp. 2008-111 - Traffic Administration | GENERAL REVENUE | $30,767,801 | General State Budget | Not Core Court | Fine |
| Ch. 2008-111, Laws of Florida | Additional Revenue pursuant to Chp. 2008-111 - All other | GENERAL REVENUE | $34,112,128 | General State Budget | Not Core Court | Service Charge |
| 25.241(5), 35.22(6), 28.241(2) | Filing Fees DCA and Supreme Court | GENERAL REVENUE | $1,732,800 | General State Budget | Not Core Court | Fee |
| 25.241(5), 35.22(6), 28.241(2) | Service Charges DCA and Supreme Court | GENERAL REVENUE | $295,312 | General State Budget | Not Core Court | Service Charge |

Prepared by OSCA Resource Planning and The CCOC

**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 318.18(3)(e) | 50% of $50 civil penalty imposed upon persons cited for exceeding the speed limit in an enhanced penalty zone pursuant to 318.18(3)(e). | GENERAL REVENUE | $339 | General State Budget | Not Core Court | Fine |
| 318.18(8)(a) | $6.50 of additional $16 civil penalty for failure to comply with court requirements or pay specified penalties within 30 days | GENERAL REVENUE | $7,731,931 | General State Budget | Not Core Court | Fine |
| 741.01(4) | $25 additional fee upon receipt of application for marriage license | GENERAL REVENUE | $3,157,731 | General State Budget | Not Core Court | Service Charge |
| 318.21(4) | 40% of additional fine under s. 318.18(3)(e) for violation of s. 316.1301 | DOE GRANTS & DONTATIONS TF | $2,591 | DOE - For the deposit into the Grants and Donations Trust Fund of the Division of Blind Services. | Not Core Court | Fine |
| 938.1 | $100 of additional $151 court cost imposed for certain crimes | GRANTS & DONTATIONS TF | $72,938 | DCF - To fund children's advocacy centers. | Not Core Court | Court Cost |
| 938.1 | $50 of additional $151 court cost imposed for certain crimes | GRANTS & DONTATIONS TF | $20,761 | DCF - Funds Guardian ad Litem Program which consists of volunteers in 20 local programs, who act as advocates for children in specific legal situations. | Not Core Court | Court Cost |
| 938.23(2) | Additional assessment in amount up to the amount of fine authorized for drug or alcohol offense | GRANTS & DONTATIONS TF | $9,878 | DCF - Provides services to reduce the occurrence, severity, and disabling effects of substance abuse problems. | Not Core Court | Fine |
| 318.15 | $22.50 of service charge for reinstatement of driver license (non-criminal) | HIGHWAY SAFETY OPERATING TF | $3,416,247 | DHSMV - Used to fund the general operations of the Department of Highway Safety and Motor Vehicles. | Not Court Related Revenue | Service Charge |

Prepared by OSCA Resource Planning and The CCOC

**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 318.18(8)(a) | $9.50 of additional $16 civil penalty for failure to comply with court requirements or pay specified penalties within 30 days | HIGHWAY SAFETY OPERATING TF | $11,994,113 | DHSMV - Used to fund the general operations of the Department of Highway Safety and Motor Vehicles. | Not Core Court | Fine |
| 322.20(11) | Fees for driving record transcripts, copies and record location assistance | HIGHWAY SAFETY OPERATING TF | $128,707 | DHSMV - Used to fund the general operations of the Department of Highway Safety and Motor Vehicles. | Not Court Related Revenue | Service Charge |
| 322.20(11) | Fees for driving record transcripts, copies and record location assistance (remit every 5 days) | HIGHWAY SAFETY OPERATING TF | $620,664 | DHSMV - Used to fund the general operations of the Department of Highway Safety and Motor Vehicles. | Not Court Related Revenue | Service Charge |
| 322.29 | $22.50 service charge for reinstatement of driver license (criminal) | HIGHWAY SAFETY OPERATING TF | $88,562 | DHSMV - Used to fund the general operations of the Department of Highway Safety and Motor Vehicles. | Not Court Related Revenue | Service Charge |
| 39.0134(2) | All attorney's fees and cost collected under s. 39.0134 | INDIGENT CIVIL DEFENSE TF | $60,132 | JAC - Pays for part of costs incurred while defending a person who is eligible for court-appointed representation. | Not Court Related Revenue | Other |
| 57.082(1)(d) | $45 ($50 less 10%) application fee | INDIGENT CIVIL DEFENSE TF | $52,153 | JAC - Pays for part of costs incurred while defending a person who is eligible for court-appointed representation. | Not Court Related Revenue | Other |
| 27.52(1) | $49.00 ($50 less 2%) application fee for petition for indigency | INDIGENT CRIMINAL DEFENSE TF | $7,819,247 | JAC - Pays for part of costs incurred while defending a person who is eligible for court-appointed representation. | Not Court Related Revenue | Service Charge |
| 27.562 | All funds collected pursuant to s. 938.29 if not already paid pursuant to s. 27.52(1)(d) | INDIGENT CRIMINAL DEFENSE TF | $6,968,290 | JAC - Pays for part of costs incurred while defending a person who is eligible for court-appointed representation. | Not Court Related Revenue | Other |

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**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 938.27(7) | Investigative costs recovered - Department of Environmental Protection | INLAND PROTECTION TF | $2,927 | DEP - Pays for remediation of incidents of Inland contamination related to the storage of petroleum and petroleum products in order to protect the public health, safety, and welfare and to minimize environmental damage. | Not Court Related Revenue | Other |
| 27.52(7)(b) | 25% of any amount recovered by state attorney for fraudulent indigency claims in criminal proceedings | JAC GRANTS AND DONATIONS TF | $22,515 | JAC - Pay for services rendered; including fees and charges paid by the State Attorney. | Not Core Court | Court Cost |
| 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) | JUVENILE WELFARE TRAINING TF | $425,670 | DJJ - For the benefit and Welfare of Juveniles committed to or detained in facilities operated by the department or by private vendors contracting with the department. | Not Core Court | Court Cost |
| 318.21(1) | $1 of civil penalty per violation; operating a motor vehicle in violation of s. 316.646 (Juvenile Justice Training Trust Fund) | JUVENILE WELFARE TRAINING TF | $1,612,943 | DJJ - For the benefit and Welfare of Juveniles committed to or detained in facilities operated by the department or by private vendors contracting with the department. | Not Core Court | Fine |
| 318.18(17) | $3 surcharge assessed on all 318.17 criminal offenses and all ch. 316 noncriminal moving violations | Law Enforcement Radio System TF | $5,144,711 | DOH - To be used by the department to construct, maintain, or support the system. | Not Core Court | Fine |
| 327.35215(5)(a) | $500 for violation of 327.352 - failure to submit to blood/breath/urine test (BUI) - arrest made by any state law enforcement officer | MARINE RESOURCES CONSERVATION TF | $9,298 | FWC - Used to directly enhance the ability of law enforcement officers to perform law enforcement functions on state waters. | Not Core Court | Fine |

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**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 327.73(8) | All fees & civil penalties assessed and collected, non-criminal infractions, vessels | MARINE RESOURCES CONSERVATION TF | $591,348 | FWC - Used to directly enhance the ability of law enforcement officers to perform law enforcement functions on state waters. | Not Core Court | Fine |
| 379.2431 | Penalties assessed - protection of marine animals | MARINE RESOURCES CONSERVATION TF | $7,132 | FWC - Used to directly enhance the ability of law enforcement officers to perform law enforcement functions on state waters. | Not Core Court | Fine |
| 379.407(1) | Penalties for violation of Ch. 379 | MARINE RESOURCES CONSERVATION TF | $93,646 | FWC - Used to directly enhance the ability of law enforcement officers to perform law enforcement functions on state waters. | Not Core Court | Fine |
| 379.407(2) | Additional penalties for major violations - saltwater fisheries | MARINE RESOURCES CONSERVATION TF | $4,997 | FWC - Used to directly enhance the ability of law enforcement officers to perform law enforcement functions on state waters. | Not Core Court | Fine |
| 379.407(3) | Penalties assessed for use of illegal nets | MARINE RESOURCES CONSERVATION TF | $916 | FWC - Used to directly enhance the ability of law enforcement officers to perform law enforcement functions on state waters. | Not Core Court | Fine |
| 318.21(7) | Fines assessed under s. 318.18(3) for unlawful speed | NONGAME WILDLIFE TF | $2,183,277 | FWC - For monitoring, research, management, and public awareness of all Wildlife species in order to guarantee that self-sustaining populations be conserved. | Not Core Court | Fine |
| 379.2203(3) | All fines, penalties, bail forfeitures for violations regarding endangered or threatened species (379.3014, 379.409, 379.4115) | NONGAME WILDLIFE TF | $8,241 | FWC - For monitoring, research, management, and public awareness of all Wildlife species in order to guarantee that self-sustaining populations be conserved. | Not Core Court | Fine |

Prepared by OSCA Resource Planning and The CCOC

**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 382.023 | 57% of up to $10.50 fee for filing a final judgment of dissolution of marriage - cost of records maintenance | PLANNING AND EVALUATION TF | $461,613 | DOH - To defray part of the cost of maintaining the dissolution-of-marriage records. | Not Core Court | Fee |
| 741.02 | $4 additional fee upon receipt of application for marriage license; defrays part of cost of maintaining marriage records | PLANNING AND EVALUATION TF | $658,105 | DOH - To defray part of the cost of maintaining the dissolution-of-marriage records. | Not Core Court | Service Charge |
| 569.11(6) | 80% of civil penalties received for underage purchase or possession of tobacco products | PROJECTS, CONTRACTS & GRANTS TF | $49,543 | DOE - To provide for teacher training and for research and evaluation to reduce and prevent the use of tobacco products by children. | Not Core Court | Fine |
| 318.18(19)(c) | $1.67 of the $10 fine for ll noncriminal moving and nonmoving traffic violations under chapter 316, 320 & 322. | PUBLIC DEFENDERS REVENUE TRUST FUND | $4,045,813 | JAC - Funds activities of the Public Defender. | Not Core Court | Fine |
| 938.085 | $150 of additional $151 surcharge for violation of certain sections of Chs. 784 and 794 to fund rape crisis centers | RAPE CRISIS PROGRAM TF | $1,450,412 | DOH - To Fund rape crisis centers. | Not Core Court | Court Cost |
| 938.27(7) | Investigative costs recovered - Department of Highway Safety & Motor Vehicles | RESTITUTION FOR INVESTIGATIVE COST | $25,598 | DHSMV - Investigative costs that are recovered shall be returned to the appropriate investigative agency that incurred the expense. | Not Court Related Revenue | Other |
| 403.413(6)(a) | $50 of $100 civil penalty for dumping litter in violation of s. 403.413(4) | SOLID WASTE MANAGEMENT TF | $77,301 | DEP - Funds operations of the department, grant programs, and training programs. | Not Core Court | Fine |

Prepared by OSCA Resource Planning and The CCOC

**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 938.27(8) | Any costs collected by State Attorney (s. 938.27 - judgment for costs on conviction) | ST ATTY GRANTS & DONATIONS TF | $1,438,830 | JAC - Pays for actual expenses incurred in investigating and prosecuting criminal cases, including salaries of permanent employees. | Not Court Related Revenue | Other |
| 318.18(19)(b) | $3.33 of the $10 fine for ll noncriminal moving and nonmoving traffic violations under chapter 316, 320 & 322. | STATE ATTORNEYS REVENUE TRUST FUND | $8,086,791 | JAC - Funds activities of the State Attorneys. | Not Core Court | Fine |
| 938.27(8) | Any costs collected by State Attorney (s. 938.27 - judgment for costs on conviction) | STATE ATTORNEYS REVENUE TRUST FUND | $15,709,191 | JAC - Funds activities of the State Attorneys. | Not Court Related Revenue | Other |
| 28.2401(1) | $115 of each filing fee collected under paragraph (1)(a), (1)(c) - (i), and (1)(k) in probate matters | STATE COURTS REVENUE TF | $6,503,035 | State Court Revenue Trust Fund is created within the State Court System. Money credited to the trust fund shall be used for the purpose of funding the activities of the State Court System. | Core Court | Fee |
| 28.241(1)(a)1.a. | $180 of first $265 in filing fees for circuit civil action | STATE COURTS REVENUE TF | $31,250,109 | State Court Revenue Trust Fund is created within the State Court System. Money credited to the trust fund shall be used for the purpose of funding the activities of the State Court System. | Core Court | Fee |
| 28.241(1)(a)1.b. | $80 of first $165 in filing fees for circuit civil action | STATE COURTS REVENUE TF | $6,619,491 | State Court Revenue Trust Fund is created within the State Court System. Money credited to the trust fund shall be used for the purpose of funding the activities of the State Court System. | Core Court | Fee |
| 28.241(1)(a)2.d. | $180 in filing fees for circuit civil action relating to real property or mortgage foreclosure | STATE COURTS REVENUE TF | $3,155,467 | State Court Revenue Trust Fund is created within the State Court System. Money credited to the trust fund shall be used for the purpose of funding the activities of the State Court System. | Core Court | Fee |

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**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 28.241(1)(a)2.d. | $685 in filing fees for circuit civil action relating to real property or mortgage foreclosure | STATE COURTS REVENUE TF | $69,878,100 | State Court Revenue Trust Fund is created within the State Court System. Money credited to the trust fund shall be used for the purpose of funding the activities of the State Court System. | Core Court | Fee |
| 28.241(1)(a)2.d. | $1,685 in filing fees for circuit civil action relating to real property or mortgage foreclosure | STATE COURTS REVENUE TF | $65,414,098 | State Court Revenue Trust Fund is created within the State Court System. Money credited to the trust fund shall be used for the purpose of funding the activities of the State Court System. | Core Court | Fee |
| 28.241(1)(c)2. | $100 / $605 / $1,605 counterclaim filing fee for circuit civil action | STATE COURTS REVENUE TF | $449,196 | State Court Revenue Trust Fund is created within the State Court System. Money credited to the trust fund shall be used for the purpose of funding the activities of the State Court System. | Core Court | Fee |
| 318.14(9) | 18% of the civil penalty imposed under s. 318.18(3) if basic driver improvement school elected post February 1, 2009 | STATE COURTS REVENUE TF | $5,962,906 | State Court Revenue Trust Fund is created within the State Court System. Money credited to the trust fund shall be used for the purpose of funding the activities of the State Court System. | Core Court | Fine |
| 318.18(19)(a) | $5 of the $10 fine for all noncriminal moving and nonmoving traffic violations under chapter 316, 320 & 322. | STATE COURTS REVENUE TF | $12,292,038 | State Court Revenue Trust Fund is created within the State Court System. Money credited to the trust fund shall be used for the purpose of funding the activities of the State Court System. | Core Court | Fine |
| 318.21(20) | $25 increase in fines assessed under s. 318.18(3) for unlawful speed | STATE COURTS REVENUE TF | $7,152,567 | State Court Revenue Trust Fund is created within the State Court System. Money credited to the trust fund shall be used for the purpose of funding the activities of the State Court System. | Core Court | Fine |

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**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 775.083(1)(g) | Fine imposed when adjudication is withheld | STATE COURTS REVENUE TF | $458,255 | State Court Revenue Trust Fund is created within the State Court System. Money credited to the trust fund shall be used for the purpose of funding the activities of the State Court System. | Core Court | Fine |
| Chp. 2010-134 Section 13, L.O.F. | $50 administration fee per trustee deed for each deed recorded pursuant to the trustee foreclosure procedures set forth in ss. 721.855 and 721.856, F.S. | STATE COURTS REVENUE TF | $100 | State Court Revenue Trust Fund is created within the State Court System. Money credited to the trust fund shall be used for the purpose of funding the activities of the State Court System. | Core Court | Service Charge |
| 25.241(5), 35.22(6), 28.241(2) | Filing Fees - Court Tech (DCA/SC) $50 | STATE COURTS REVENUE TF | $342,550 | State Court Revenue Trust Fund is created within the State Court System. Money credited to the trust fund shall be used for the purpose of funding the activities of the State Court System. | Core Court | Fee |
| 44.106 | Mediation Certifications | STATE COURTS REVENUE TF | $603,879 | State Court Revenue Trust Fund is created within the State Court System. Money credited to the trust fund shall be used for the purpose of funding the activities of the State Court System. | Core Court | Service Charge |
| 379.403 | $250 fine for each criminal violation of Ch. 379 while in violation of Ch. 810 (illegal hunting while trespassing) | STATE GAME TF | $6,818 | FWC - Shall be used by the commission as it shall deem fit in carrying out the provisions hereof. | Not Core Court | Fine |
| 775.089 | Restitution : Loss Damage or Injury | STATE GAME TF | $38,548 | FWC - Shall be used by the commission as it shall deem fit in carrying out the provisions hereof. | Not Court Related Revenue | Other |

Prepared by OSCA Resource Planning and The CCOC

**FY 2010-11 Article V Court-Related and Non-Court Related Revenue Collected by the Clerks and Remitted to DOR (By Distribution Line)**

| Cite | Detail | Trust Fund FY 2010-11 | Amount | Purpose | Currently 1. Core Court 2. Not Core Court 3. Not Court Related Revenue | Type |
|---|---|---|---|---|---|---|
| 258.008 | Prohibited Activities; penalties for noncriminal infractions | STATE PARK TF | $48,481 | DEP - Division of Recreation and Parks for the administration, improvement and maintenance of state parks and for the acquisition and development of lands hereafter acquired for state park purposes. | Not Core Court | Fine |
| 316.2065 | $15 non-criminal penalty for each violation of bicycle regulations | STATE TRANSPORTATION TF | $5,927 | DHSMV - For bicycle education and training. | Not Core Court | Fine |
| 938.27(7) | Investigative costs recovered - Department of Transportation | STATE TRANSPORTATION TF | $29,151 | DOT - Monies shall be used for transportation purposes, as provided by law, under the direction of the Department of Transportation. | Not Court Related Revenue | Other |
| 938.27(7) | Investigative costs recovered - Office of Statewide Prosecutor | SWP GRANTS & DONATIONS TF | $126,474 | OAG - Investigative costs that are recovered shall be returned to the appropriate investigative agency that incurred the expense. | Not Court Related Revenue | Other |

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# APPENDIX D – OTHER STATE FILING FEES AND FINES COMPARISON

## OTHER STATES' FILING FEES

| | Real Property Foreclosure (Value > $250,000) | Circuit Civil | Dissolution of Marriage | Probate (Formal Administration) | Small Claims (Claims >2,500) |
|---|---|---|---|---|---|
| Florida | $1,905.00 | $400.00 | $397.50 | $400.00 | $300.00 |
| New York | $210.00 | $210.00 | $210.00 | Based on Size of Estate | $20.00 (Claims > 1,000) |
| New Jersey | $200.00 | $200.00 | $250.00 | $200.00 | $15.00 |
| Ohio | $350.00 | $225.00 | $175.00 | $151.00 (Full Administration) | $72.00 |
| California | N/A | $395.00 | $395.00 | $395.00 | $50.00 (Claims $1,500 - $5,000) |
| Texas | N/A | $217.00 (10 or fewer plaintiffs) | With Children $265.00 Without Children $235.00 | $276.00 | $31.00 (Claims < $10,000) |
| Pennsylvania | N/A | $316.48 | $316.98 | $150.00 | $100.00 (Claims $2,000 - $10,000) |
| Illinois | $337.00 | $337.00 | $329.00 | (Under $15,000) $159.00 (Over $15,000) $319.00 | $177.00 (Claims $1,000 – $2,500) |

Note: Filing fee amounts for states other than Florida are provided by the National Center for State Court (Year 2010) or obtained directly from clerk's fee schedule.
Note: Other states' filing fees reflect fees in courts of general jurisdiction in specific counties of the identified states.
Note: Information provided in the above-table is accurate as of July 15, 2011.

## OTHER STATES' FINE LEVELS

| | Florida | California | New York | Texas |
|---|---|---|---|---|
| Speeding Fine levels | 6 – 9 MPH Over $123.00<br>10 – 14 MPH Over $198.00<br>15 – 19 MPH Over $248.00 | 1-15 MPH Over $146.00<br>16 – 25 MPH Over $266.38<br>26 and Over $380.00 | Up to 10 MPH Over $90 – $150.00<br>11 – 30 MPH Over $180 - $300.00<br>30 and Over $360 - $600.00 | 5 – 10 MPH Over $143.00<br>10 – 15 MPH Over $194.00<br>20 – 30 MPH Over $301.00 |

Source: Speeding fine data was obtained from the clerks of court for California, New York, and Texas.
Note: Information provided in the above table is accurate as of July 15, 2011.