

By Commissioner Kruppenbacher

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1 A proposal to amend
2 Section 14 of Article V of the State Constitution to
3 require the Legislature to provide by general law for
4 the payment of filing fees, service charges, and other
5 costs for certain judicial proceedings; to require the
6 clerks of the circuit and county courts to submit an
7 annual cumulative budget for performing court-related
8 functions to the Legislature; and to authorize the
9 clerks of the circuit and county courts to appeal to
10 the Governor and Cabinet if the Legislature fails to
11 take certain action regarding a budget deficit.

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13 Be It Proposed by the Constitution Revision Commission of
14 Florida:

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16 Section 14 of Article V of the State Constitution is
17 amended to read:

18 ARTICLE V

19 JUDICIARY

20 SECTION 14. Funding.—

21 (a) All justices and judges shall be compensated only by
22 state salaries fixed by general law. Funding for the state
23 courts system, state attorneys' offices, public defenders'
24 offices, and court-appointed counsel, except as otherwise
25 provided in subsection (c), shall be provided from state
26 revenues appropriated by general law.

27 (b) All funding for the offices of the clerks of the
28 circuit and county courts performing court-related functions,
29 except as otherwise provided in this subsection and subsection
30 (c), shall be provided by adequate and appropriate filing fees
31 for judicial proceedings and service charges and costs for
32 performing court-related functions as required by general law.

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33 By general law, the legislature shall provide for the payment of
34 filing fees, service charges, and other costs for judicial
35 proceedings in criminal and other cases where the parties
36 participating do not pay filing fees. Such payment must be
37 sufficient to offset the cost of the clerks' services in those
38 cases. Selected salaries, costs, and expenses of the state
39 courts system may be funded from appropriate filing fees for
40 judicial proceedings and service charges and costs for
41 performing court-related functions, as provided by general law.
42 Where the requirements of either the United States Constitution
43 or the Constitution of the State of Florida preclude the
44 imposition of filing fees for judicial proceedings and service
45 charges and costs for performing court-related functions
46 sufficient to fund the court-related functions of the offices of
47 the clerks of the circuit and county courts, the state shall
48 provide, as determined by the legislature, adequate and
49 appropriate supplemental funding from state revenues
50 appropriated by general law. The clerks of the circuit and
51 county courts shall annually submit a cumulative budget for
52 performing court-related functions to the legislature, including
53 any projected deficit based on the most recent official
54 consensus estimate of fines and service charges set by general
55 law that are available to fund the budgets of the clerks. If the
56 legislature fails to address such deficit during the next
57 regular legislative session following submission of the budget,
58 the clerks of the circuit and county courts may file an appeal
59 by petitioning the governor and cabinet to conduct a budget
60 hearing, to determine the amount of any deficit, and to request
61 relief from the legislature from unobligated moneys in the state

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62 treasury.

63 (c) No county or municipality, except as provided in this
64 subsection, shall be required to provide any funding for the
65 state courts system, state attorneys' offices, public defenders'
66 offices, court-appointed counsel or the offices of the clerks of
67 the circuit and county courts performing court-related
68 functions. Counties shall be required to fund the cost of
69 communications services, existing radio systems, existing multi-
70 agency criminal justice information systems, and the cost of
71 construction or lease, maintenance, utilities, and security of
72 facilities for the trial courts, public defenders' offices,
73 state attorneys' offices, and the offices of the clerks of the
74 circuit and county courts performing court-related functions.
75 Counties shall also pay reasonable and necessary salaries,
76 costs, and expenses of the state courts system to meet local
77 requirements as determined by general law.

78 (d) The judiciary shall have no power to fix
79 appropriations.