

facts

The Role of the Clerk of Court

- The Florida Constitution requires that there “shall be in each county a clerk of the circuit court.”
- Clerks of Court serve county governments and support the state court system, including circuit and county courts.
- Of their many functions, Clerks act as custodians of public records, protectors of public funds and collectors of court-related fines and fees.
- Elected by the people, Clerks of Court play an essential role in our free and democratic society.
- Clerks are independent, constitutional officers who provide vital checks and balances within the judicial branch and within county government.

The Importance of Remaining Independent of the Judiciary

- The Clerks of Court were intentionally created in the Constitution to have a separate role and independent accountability from judges.
- As elected officials, Clerks of Court answer first and foremost to the public and put the public’s interests ahead of all others.
- While judges are a key constituency Clerks serve, the office of the Clerks of Court is the public’s initial point of contact when entering the court system.
- Citizens’ case files and court records should not be handled by an employee of the judges, but by an impartial officer of the court who answers to the public.

How Clerks Are Funded & Budgeted

- Unlike the court system and other system stakeholders, Clerks of Court receive no funding through the state appropriations process.
- As mandated by the Florida Constitution, Clerks are self-supporting. Their court-related operations are funded through revenues from court-related fines, fees, filing fees and service charges.
- Clerks build budgets based on the amount of money they project they will collect. When collections fail to meet projections, Clerks must make adjustments to accommodate the lack in cash revenue.
- Additionally, Clerks’ approved budgets merely reflect a maximum allowable expenditure. However, many Clerks do not spend to their allowable budgets and remand any remaining dollars to the state. From fiscal year 2004-05 to 2007-08, the Clerks sent back to the state nearly \$81 million.

Where Collections Go

- The allocation of funds collected by the Clerks of Court is outlined in Florida Statutes.
- These collections not only fund Clerks’ operations, but also help fund state and local governments.
- From fiscal year 2004-05 to date, the Clerks have remitted to the state more than \$1.4 billion in court-related funding.
- Also since fiscal year 2004-05 to date, the Clerks have sent more than \$786 million to the state’s General Revenue fund.

Economic Downturn Impacting Clerks’ Budgets

- The failing economy has impacted Clerks’ budgets with a projected median statewide revenue decline of 13 percent or more resulting from a decrease in the number of court filing fees and traffic tickets.
- Ninety percent of Clerks’ budgets cover staffing and personnel costs.
- With fee revenues dropping, Clerks are facing potential layoffs and reductions in services just to stay afloat.
- These layoffs could affect the already overburdened court system, delaying filings and contributing to the backlog.