

myth vs. facts

MYTH: Clerks receive a bigger piece of the “budget pie.”

FACTS: Clerks receive no piece of the state “budget pie.” In fact, Clerks receive no funding through the state appropriations process at all. Rather, they are self-supported as required by the Florida Constitution. Per Florida law, Clerks fund their court-related functions through the collection of various filing fees and service charges. The law further states that Clerks’ annual budgets will be based on projected collections. However, when collections do not meet revenues, Clerks must adjust their budgets downward. Currently, in this failing economy, Florida Clerks are facing a median statewide revenue decline of 13 percent or more.

MYTH: There is no oversight of the Clerks’ budgets.

FACTS: While the Clerks’ budget structure is outlined in the Florida Constitution, the law also builds additional oversight mechanisms into their budgeting process. The Florida Clerks of Court Operations Corporation (FLCCOC) certifies the Clerks’ budgets and submits them to the House of Representatives and the Florida Senate. The certified budgets are made available to the public on the FLCCOC Web site. Clerks’ budgets are audited by external county auditors and the reported to the state’s Chief Financial Officer. Additionally, the Department of Financial Services reviews Clerks’ budgets and audits the Clerks’ expenditures. If it is determined that a Clerk has expended funds not specifically authorized by statute, then that Clerk must repay the state.

MYTH: Clerks keep all the money they collect.

FACTS: The Florida Constitution and state law dictate where the money Clerks collect goes and how it is spent. The funds collected by the state’s Clerks are used to support local governments and state trust funds, including the General Revenue fund. Clerks are only allowed to keep enough to cover their approved budgets.

MYTH: Clerks have extra money in their budgets that can be spread around to the rest of the court system.

FACTS: Just like everyone else in the Florida court system, and in the nation, Clerks are suffering from the economic downturn. The overall number of court filings and traffic tickets are down resulting in fewer dollars collected. With fee revenues dropping – and Clerks statewide facing a median revenue decline of 13 percent or more – some Clerks have had to lay people off, institute furloughs and consider reductions in services. Continued decreases in Clerks’ funding and staffs will only further strain an already overburdened court system.

MYTH: Clerks do not provide the judicial branch with access to accurate court case data.

FACTS: Clerks maintain their own local court case maintenance systems to serve the needs of the judiciary in each circuit. Collectively, these systems have been tied together to create a statewide system known as the Comprehensive Case Information System (CCIS). Thanks to the free CCIS service, more than 9,000 active users enjoy updated and streamlined access to statewide court case information. In fact, the judicial branch uses the CCIS to feed information into its own case management system. The Clerks fully support efforts to improve the accuracy of data entered into the CCIS; however, clear, uniform guidelines for data collection and entry must be established by the Florida Supreme Court. Currently, each judge establishes his or her own preferred protocol for data recording, which contributes to a lack of statewide consistency.