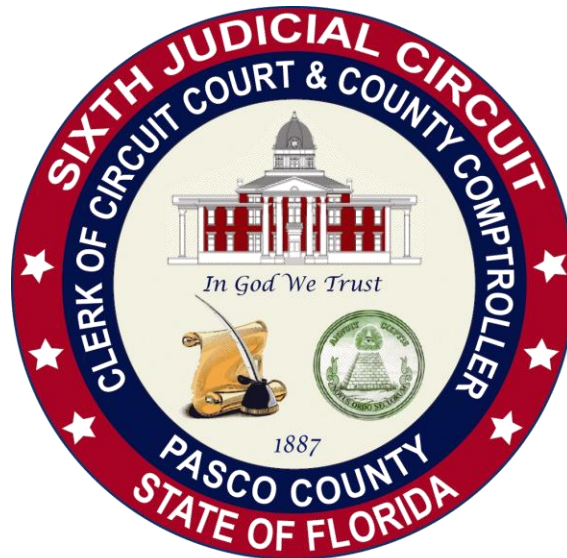


*Office of Paula S. O'Neil
Clerk & Comptroller
Pasco County, Florida*



*Annual Budget
Fiscal Year 2010-2011*

Excellence...Always

Office of Paula S. O'Neil Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011



Mailing Addresses:

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East Pasco Government Center
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West Pasco Government Center
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Jack Albert Records Retention Center
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Excellence...Always

*Paula S. O'Neil, Ph.D.
Clerk & Comptroller
Pasco County, Florida*

June 1, 2010

Honorable Chairman and Members of the
Board of County Commissioners
Pasco County, Florida
37918 Meridian Avenue
Dade City, Florida 33525

Dear Commissioners:

Pursuant to Section 129.03(2) of the Florida Statutes, please find details describing the funding needs to operate the Office of the Clerk of Circuit Court & County Comptroller for Fiscal Year 2010-2011.

This budget request is for \$2,860,063, a decrease of 1.3% from Fiscal Year 2009-2010. This decrease, combined with the reduction experienced last year, represents a two-year decrease of 12.58%. This funding is needed to provide services to the public, Board of County Commissioners, County Administrator, County Attorney, County departments, outside auditors, and numerous State, Federal, and regulatory agencies.

Our revenue sources continue to be affected by the economic recession, housing market, and legislative action. This is the second consecutive year of budget reductions for our Office despite a continued increase in customer needs and performance measure requirements.

This budget request represents the third consecutive year with no salary increases or adjustments for personnel. While your Clerk & Comptroller team participated in furloughs, increased employee health premiums, and voluntary part-time changes during this current fiscal year, no additional adjustments are budgeted for the 2010-2011 Fiscal Year.

On behalf of our dedicated team, let me thank you for your continued support and partnership.

Sincerely,

Paula S. O'Neil, Ph.D.

Office of Paula S. O'Neil
Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

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Clerk & Comptroller*

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Vision and Mission Statements

*Vision:
Excellence...Always*



*Mission Statement:
We serve with integrity,
professionalism, and
compassion as we safeguard
our customers' interests.*

Office of Paula S. O'Neil

Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

Budget Introduction and Summary

This budget proposal describes services provided by the Office of the Clerk of Circuit Court & County Comptroller (Clerk & Comptroller) in support of the Pasco County Board of County Commissioners (Board) and the Pasco Courts for the period October 1, 2010, through September 30, 2011. The Clerk & Comptroller provides essential services to the public, the justice system, and the Board. The Clerk & Comptroller, pursuant to the Constitution of the State of Florida (Appendix A) and Florida Statutes (Appendix B), serves as Clerk of the Circuit Court, Clerk of the County Court, ex-officio Clerk to the Board of County Commissioners, auditor, recorder, and custodian of all County funds.

The Office of the Clerk & Comptroller contains eight divisions, four operational and four supportive. The business operations are led by the Chief Operations Officer and the divisions include Criminal Courts, Civil Courts, Financial Services, and Records. The supportive functions are led by the Chief Administrative Officer and the divisions include Human Resources, Information Technology, and Budget. The Internal Audit Division reports directly to the Clerk & Comptroller. Refer to the Organizational Chart on page 2 for more details.

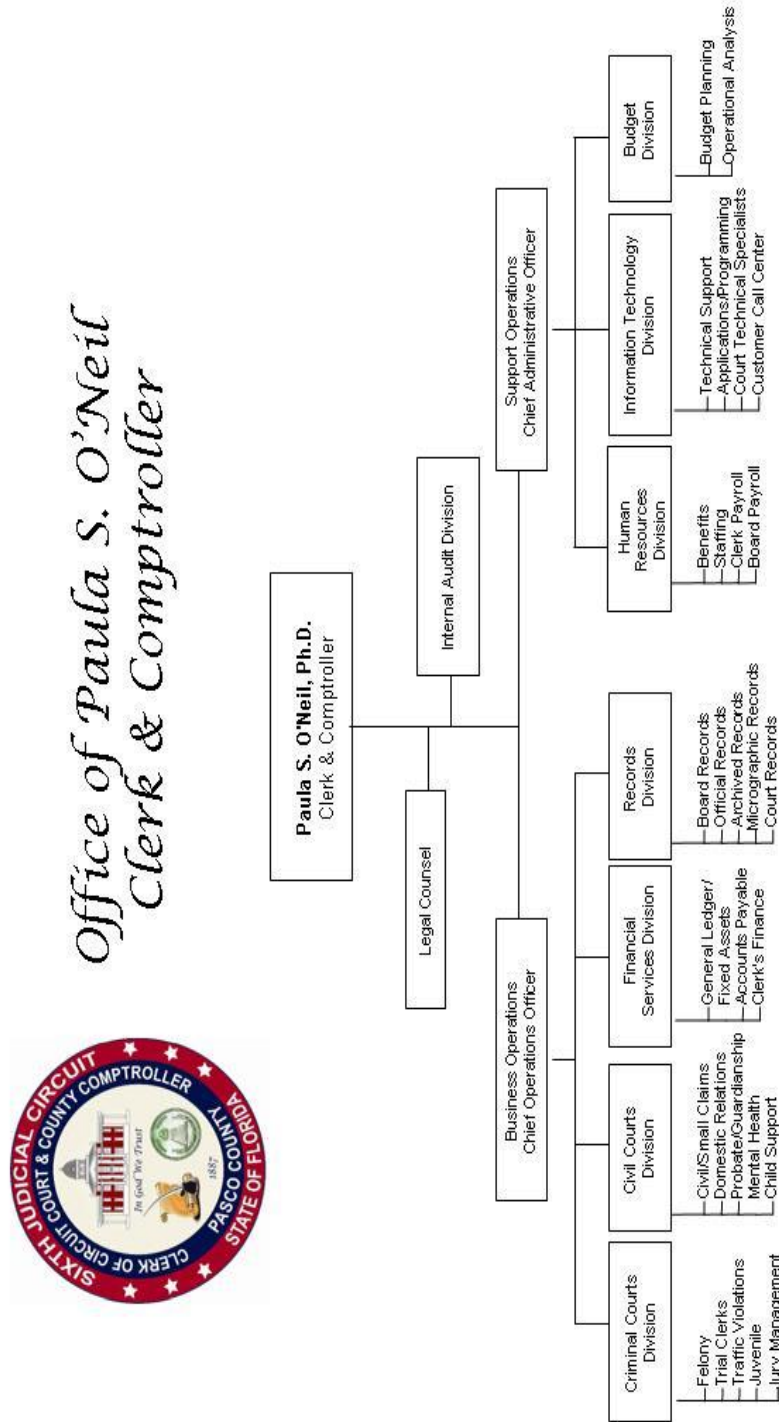
The basis for the Board-related funding request within this proposal includes the requirements of the services provided to the Board, including the operational interface with the Board's departments, and services provided by the Clerk & Comptroller to other agencies and the public. The allocation of budgeted projections is based on the number of direct and indirect full-time team members in each budget category and the corresponding percentage total. Where required, the costs of certain functions are restricted to particular revenue sources. The budget request for the Clerk to the Board was developed based on a full-time equivalent (FTE) allocation. In cases where Florida statutes mandate that the Board provide specific functions, such as communications and facilities, the projected costs have been included at 100% of budget estimates.

Information on other revenue sources and expenditure requirements are contained within this document. The primary challenge associated with this budget is decreased funding from revenue sources despite the increases in Board-related and court-related activity. Legislative impact, increases in foreclosures, decreased availability of Board funding due to ongoing shortfalls in ad valorem revenue, and retirements of seasoned team members are additional challenges. In response to these setbacks, our Office has placed an emphasis on working to examine processes that may be made more efficient and to identify, perhaps eliminate, processes that are not statutorily required. Because of current financial constraints, priorities have shifted more toward providing services that are required, and away from tasks that could be considered non-essential in difficult economic times. In aggregate, the Fiscal Year 2010-2011 operational budget totals \$29,372,553, including interfund transfers, inter- and intra-fund charges for services, and fund balances.

Office of Paula S. O'Neil Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

Organizational Chart



Office of Paula S. O'Neil

Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

Awards and Recognition

The Office of the Clerk & Comptroller was recognized with several awards in 2009. Acknowledgment of the efforts of the Office signifies the quality of work demonstrated by the dedicated and tireless team members who believe in Excellence...Always.

The National Association of Counties, the only national organization to represent counties in the United States, awarded a 2009 Achievement Award to Pasco County Clerk & Comptroller for Customer Flow Management in recognition of an effective and innovative program, which contributes to and enhances county government in the United States. Pasco County was one of only sixteen counties in Florida to receive this award. The customer flow management system incorporates reporting features that detail customer activities, including customer wait times and actual service times at counters, to allow decision-making based on facts, trends, and statistics. This system was invaluable to the Office during 2009, as resources were more limited than in the past. This was the fourth Achievement Award received by the Clerk & Comptroller in four years.

For the 26th year in a row, the Office received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada. This award program was established in 1945 to recognize state and local governments that go beyond the minimum requirements of generally accepted accounting principles by preparing comprehensive annual financial reports that demonstrate the spirit of transparency and full disclosure.

The Office of the Clerk & Comptroller was named the 2009 Best Place to Work by the Pasco Hernando Workforce Alliance. This award recognized that the Office “builds a culture committed to service by recognizing those who treat their customers with care.”

Two separate awards were received from local non-profits to recognize the efforts of the Office of the Clerk & Comptroller in regard to ending domestic violence and assisting with domestic violence awareness. In October of 2009, the East Pasco County Domestic & Sexual Violence Task Force recognized the Office with a Service Award for “going above and beyond.” They complimented our commitment to provide comprehensive services to victims of domestic and sexual violence, thereby creating a safer community in East Pasco. That same month, the West Pasco Domestic Violence Awareness Task Force recognized the efforts of team member Sam Plaganis for her many years of dedication to victims of domestic violence.

Office of Paula S. O'Neil

Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

Organizational Initiatives

New Initiatives

1. *Customer Call Center.* In response to severe budget cuts, the Office of the Clerk & Comptroller redistributed all telephone calls for the courts divisions into a Call Center in February 2010. Customer Call Specialists were selected from team members in Probate, Civil, Criminal, and Child Support and reassigned to the Call Center. The Call Center answered over 35,000 calls in the first two months of operation, addressing 92% of the calls without further assistance. The departments are able to concentrate on their workload without telephone call interruptions, processing court documents with greater focus and continuity.
2. *Supreme Court Workgroup Participation.* In an effort to ensure that Pasco County has a voice in electronic filing statewide, the Office of the Clerk & Comptroller participated in two Supreme Court Workgroups in 2009. The Probate Data Elements Workgroup developed electronic filing data elements for Probate, Guardianship, and Mental Health. The Dependency Data Elements Workgroup developed electronic filing data elements for dependency cases.
3. *Case Maintenance Information System Replacement.* The Clerk & Comptroller entered into a contractual agreement with the Florida Association of Court Clerks & Comptrollers Services Group, LLC (FACCSG) for a new case management information system named CLERICUS. This system will be used in 36 other Florida counties, enabling standardization of the impact of legislative changes and swift implementation of best practices. CLERICUS will replace many current systems, including the Criminal Justice Information System installed in 1977. This is a multi-year project involving all members of the justice system.
4. *Electronic Foreclosure Sales.* Beginning on November 23, 2009, the Office of the Clerk & Comptroller collaborated with Realforeclose.com to provide online foreclosure sales, taking sales from the courthouse steps to the Internet. This electronic process is designed to improve efficiencies and increase the amount of third-party bidders, with hopes of moving new residents into vacancies in Pasco neighborhoods.
5. *Juror Transportation and Accommodations.* In an effort to increase juror turnout, the Board agreed to allow complimentary fixed route transportation on Pasco County Public Transportation (PCPT). WiFi and lockers are available to jurors who bring their laptops and Pasco County Libraries includes the juror pool rooms in its circulation of books.

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6. *Electronic Account Payables.* The Clerk & Comptroller's Office, in conjunction with a vendor named 5280, has been working toward a state-of-the-art accounts payable automation imaging project that will handle purchase order, non-purchase order, and purchasing card processing. This process will enable team members of the Clerk & Comptroller and the Board to access current and historical invoices and payments simultaneously, and avoid the multiple distribution processes currently in place. The project's purpose is to increase efficiency through automation, visibility, and levels of control of the payment process.
7. *District Director for Florida Association Court Clerks & Comptrollers.* In order to ensure representation on a statewide basis with the Florida Association of Court Clerks & Comptrollers, the Clerk & Comptroller served on the Association's Board as District Director for District 6. Serving on the state's ePortal Committee and CLERICUS Committee enables Pasco to have a voice in the development of state-of-the-art products and assist with the establishment of best practices.
8. *Best Practices for Indigent Application Fee Collection.* In partnership with the Pinellas County Clerk of Circuit Court, Pasco Clerk & Comptroller established a best practice for the collection of the Public Defender Indigent Application Fee. This best practice will be presented at the Florida Association of Court Clerks & Comptrollers summer conference in 2010.
9. *Evidence Tracking System.* A new evidence tracking system was developed using the Court File tracking system, TrakMan. The efforts of Information Technology, Criminal Courts, Civil Courts, and Court Records combined to establish procedures for marking and tracking evidence utilizing the new system. Over 4,000 items of evidence were logged into the new system.

Ongoing Initiatives

1. *Performance Tracking.* In order to track performance, the Clerk & Comptroller's strategic planning process includes the use of ActiveStrategy Enterprise (ASE) software. There are three primary purposes for the ASE software. The first function is to host data gathered through the use of the Management Operating System (MOS) and display trend analyses. Second, ASE serves as a statistical portal for information that is routinely gathered for timeliness measures reported to the Clerks of Court Operations Corporation (CCOC). Third, ASE tracks the progress of strategic initiatives on a Balanced Scorecard. ASE contains a framework of linked, aligned scorecards that clarifies, communicates, and aligns the business strategy of the Clerk & Comptroller's Office. The primary objectives related to the strategic plan are (1) delivery of quality service, (2) promotion of a

Office of Paula S. O'Neil

Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

professional working environment, and (3) effectiveness and efficiency. These objectives contain approximately 1,000 common and unique measures that were created to gauge the progress being made toward achieving the goals of each objective. ASE continues to be utilized to automate and streamline the data gathering process associated with the integrated Management Operating System (iMOS) currently in use by the Clerk & Comptroller's office.

2. *Educational Brochures.* The Office of the Clerk & Comptroller facilitates educational brochures with cooperation from the Florida Bar Association for areas of law that initiate frequent questions. Brochures vary and some titles include *Wills, Landlord Tenant Actions, Divorce, Legal Aid, How to Find a Lawyer, Probate in Florida, Adoption in Florida, and Legal Guide for New Adults.* These informational brochures are available throughout the Clerk & Comptroller Office locations, law libraries, some law offices, and online. These brochures offer guidance and answer frequently asked questions, often alleviating wait times at the counters.
3. *Electronic Filing.* The Office of the Clerk & Comptroller submitted an updated eFiling Plan to the Supreme Court of Florida in March 2010 to facilitate moving electronic filing into all court case types in the office. Pasco's electronic filing system for Probate and Guardianship has processed the highest volume of cases and documents in the State of Florida and was recognized by the Florida Association of Counties with an Achievement Award for e-filing. More than 500 attorneys process documents electronically. Over 7,300 cases and 175,000 documents have been accepted electronically. The system has proven to substantially decrease the cycle time for processing court orders and enables attorneys to watch filings move through the court system.
4. *Emergency Protective Injunction Program.* To enhance the emergency protective injunction program, the Clerk & Comptroller has reached out to local not-for-profit agencies and local police departments for assistance. Collaboration with the Salvation Army Domestic Violence Shelter and Sunrise of Pasco County has increased victim assistance inside and outside the office. Cooperation from the Cities of Dade City and New Port Richey Police Departments gives additional options for victims to safely meet in Dade City and New Port Richey, rather than driving over to the Detention Center in Land O'Lakes.
5. *Imaging.* The Clerk & Comptroller began imaging traffic infraction cases in 2009. This new process enhances customer service by improving the availability of case details, reducing storage, and expediting case processing. These efforts prepare Pasco for future electronic transmission of traffic violation data from law enforcement agencies.

Office of Paula S. O'Neil
Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

6. *Public Access Enhancements.* Web access for customers continues to be enhanced. The most recent improvements have been to the jury section of the website, enabling prospective jurors to gather details about the juror requirements. In addition to the ability to check juror assignments by telephone, Internet access was created in 2010. Responses to juror email requests for postponement were also automated.
7. *Pro Se Filing.* Self service assistance functions have been enhanced on the Clerk & Comptroller's website. Complimenting the educational brochures, free access to family law and landlord tenant forms are available to the public and may be downloaded in the privacy of their homes. Pasco County Librarians have also been trained to assist customers with these features.
8. *Customer Flow Management.* The Office of the Clerk & Comptroller initiated a Customer Flow Management System to combine an automated Q-Matic system with customer displays, attorney priority service, customer wait time monitors, customer service time monitors, customer trend statistics, and office updates. This process improvement was awarded an Achievement Award from the National Association of Counties in 2009.
9. *Translation Assistance.* The Language Line telephone service helps the Clerk & Comptroller's Office assist customers who experience difficulty with the English language. This service averages approximately 30 calls per month and provides translation assistance in over 100 languages.
10. *Wireless Internet.* The Clerk & Comptroller's Office continues to have wireless Internet access points for public use in the Historic Courthouse, Pasco County Courthouse, West Pasco Judicial Center, East Pasco Government Center, West Pasco Government Center, East Pasco Records Center, and West Pasco Records Center. This provision allows public access to eFiled court cases and official records from all Clerk & Comptroller Office locations. This also enables jurors, attorneys, and customers to use the Internet on their personal laptops while visiting government buildings.
11. *Valentine's Day Group Weddings.* In celebration of the spirit of Cupid, the Clerk & Comptroller held the second group wedding ceremony in 2010. Twenty-three couples exchanged nuptials this year and one couple from 2009 celebrated their first anniversary at the public ceremony.
12. *Departmental Entry of Board Payroll Data.* Team members from the Board and Clerk & Comptroller collaborated to improve the efficiency of the legacy Board Payroll System. The goal of the workgroup was to decentralize payroll entry and

Office of Paula S. O'Neil

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implement NaviLine, an interface that allowed traditional DOS-based screens to resemble a Windows-based, user-friendly environment. Previously, worked time was recorded in hand-written form on *greenbar* paper and manually entered into the payroll system by the Office of the Clerk & Comptroller. The new process allows departments to complete payroll entry electronically and eliminated manual completion of and distribution of greenbar payroll forms. This process also extended time entry deadlines for unscheduled overtime, eliminating many payroll corrections and payment delays. The project was completed in 2010.

Strategic Initiatives

1. Deliver Quality Service
 - a. Establish tracking mechanism and performance measures using customer trends.
 - b. Increase customer engagement.
 - c. Track customer comments to customer service areas.
 - d. Establish training on compassionate customer service.
2. Promote a Professional Working Environment
 - a. Encourage training options and tuition reimbursement.
 - b. Hold office-wide in-service to emphasize integrity, professionalism, and compassion.
 - c. Participate with legal community on efforts to enhance professionalism.
 - d. Maintain close ties with local community and participate in local events and charities
3. Ensure Effectiveness and Efficiency
 - a. Install and implement Phase I of CLERICUS Case Maintenance System
 - b. Establish Business Reviews for Process Improvement Program

Key Objectives

- Provide for the general leadership of the Office of the Clerk & Comptroller.

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Clerk & Comptroller

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- Provide executive record-keeping support and special project support.
- Maintain and update Clerk's office policies and procedures.
- Ensure that all procurements of goods and services are legal.
- Ensure that the Human Resources function is operated in compliance with state and federal laws and regulations.
- Serve as District Director for Florida Association of Court Clerks & Comptrollers Association

Primary Objective

Continue to provide the general management of the Clerk and Comptroller's Office in a manner pursuant to Florida Statutes and in accordance with implemented policies and procedures.

Financial Policy, Guidelines, and Goals

The long-term goal of the Pasco County Office of Clerk & Comptroller is to submit a balanced budget so that it may operate in accordance with Florida Statutes while providing excellent service to customers. A *balanced budget* is one in which the total of estimated receipts, including balances brought forward, equals the total of estimated expenditures and reserves. Additionally, we strive to pay vendors in a timely manner and avoid spending beyond availability of funds.

As our Office continues to struggle with the loss of eighty-five positions in Fiscal Year 2008-2009 and the potential of future cuts imposed by the Legislature so that the state may also create a balanced budget, the following policies and guidelines were put in place:

- Budgets were prepared assuming no pay raises would be given during this fiscal year. Employees will still receive annual performance evaluations, however, on their anniversary dates.
- Operational spending should be maintained at the current reduced level for as long as possible without allowing performance measurements to fall below acceptable standards.
- Additional capital will not be purchased unless it is deemed operationally necessary.

Office of Paula S. O'Neil

Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

Short-Term Initiatives

In an effort to find greater operational efficiency, the following steps have been or will be taken so that accurate benchmarks could be established and better information could be gathered:

- *Reorganization of the Courts Division.* Two directors now oversee the Criminal and Civil sections separately. This has resulted in a more defined scope and improved communication among line personnel, supervisors and departments. With the implementation of the Call Center, team members are better able to focus on their area of expertise instead of remobilizing their efforts throughout the work day.
- Productivity will be measured and analyzed using a software program already in place. In its streamlined form, ActiveStrategy helps to identify areas of the organization that may be candidates for process improvement and potential savings. Analyses integrate financial information, payroll records, input from supervisors, statistics uploaded from operational systems and productivity data. They are then examined according to current and anticipated operating trends.
- The automation and electronic transmission of reports to external parties, offices or agencies helps to save on costs associated with paper, toner, and postage.
- Most technological items necessary for functionality and not restricted by manufacturers are to be replaced from a budgeted pool of funds. This is in lieu of contracting with maintenance providers for equipment that is relatively inexpensive to replace or that has a low failure rate. It is anticipated that as equipment ages, failure rates will increase; therefore, the pool of funds will need to be increased in coming years.

These short-term initiatives were heavily considered in the development of this year's annual budget, as their impact was immediate. The respective methods of their implementation, however, are subject to change, thereby creating some interim volatility.

Office of Paula S. O'Neil
Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

**Summary of Major Revenues,
Expenditures and Fund Balances**

General Fund

<u>Description</u>	FY '08-'09 <u>Actual</u>	FY '09-'10 <u>Estimated</u>	FY '10-'11 <u>Budget</u>	<u>Dollar Change</u>	<u>% Change</u>
Beginning Fund Balance	842,778	242,681	550,884 *	308,203	127.00%
Revenues:					
Charges for Services	1,963,075	1,918,274	1,988,488	70,214	3.66%
Reimb. of Overhead	2,684,854	2,508,602	3,080,027	571,425	22.78%
Reimb. of Title IV-D	397,036	404,019	314,594	(89,425)	-22.13%
Interest & Other Income	275,623	237,554	260,564	23,010	9.69%
Board Transfer	3,271,556	2,897,733	2,860,063	(37,670)	-1.30%
Subtotal	8,592,144	7,966,182	8,503,736	537,554	6.75%
Expenditures:					
Personal Services	6,850,128	6,024,025	6,869,964 *	845,939	14.04%
Services & Materials	949,548	668,611	859,616	191,005	28.57%
Capital	49,826	0	40,611	40,611	
Overhead	305,446	419,820	878,554	458,734	109.27%
Interfund Transfers	1,037,293	545,523	405,875 *	(139,648)	-25.60%
Subtotal	9,192,241	7,657,979	9,054,620	1,396,641	18.24%
Ending Fund Balance	242,681	550,884	0	(550,884)	-100.00%

Table 1: Summary of General Fund Financing

Fines and Forfeitures Fund (Courts)

<u>Description</u>	FY '08-'09 <u>Actual</u>	FY '09-'10 <u>Estimated</u>	FY '10-'11 <u>Budget</u>	<u>Dollar Change</u>	<u>% Change</u>
Beginning Fund Balance	0	237,439	208,950 *	(28,489)	-12.00%
Revenues:					
Fines, Fees and Charges	12,343,319	5,261	0	(5,261)	-100.00%
Intergov'tl (CCOC Trust)	3,144,258	13,092,551	13,138,039	45,488	0.35%
Subtotal	15,487,577	13,097,812	13,138,039	40,227	0.31%
Expenditures:					
Personal Services	9,765,345	9,920,197	9,536,729 *	(383,468)	-3.87%
Services & Materials	967,620	777,387	1,131,502	354,115	45.55%
Capital	66,287	3,181	2,070	(1,111)	-34.93%
Overhead	2,673,444	2,425,536	2,676,688	251,152	10.35%
Excess Fees - Returned	1,777,442	0	0		
Subtotal	15,250,138	13,126,301	13,346,989	220,688	1.68%
Ending Fund Balance	237,439	208,950	0	(208,950)	-100.00%

Table 2: Summary of Fines and Forfeitures Fund Financing

*Budget will be amended to include fund balance adjustments upon finalization of FY '09-'10 financial statements

Office of Paula S. O'Neil
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Budget Proposal – Fiscal Year 2010-2011

Public Records Modernization Fund

<u>Description</u>	<u>FY '08-'09 Actual</u>	<u>FY '09-'10 Estimated</u>	<u>FY '10-'11 Budget</u>	<u>Dollar Change</u>	<u>% Change</u>
Beginning Fund Balance	1,948,762	1,796,589	1,870,877	74,288	4.13%
Revenues:					
Recording	200,095	191,535	192,636	1,101	0.57%
Interest & Other Income	-4,418	21,713	5,565	(16,148)	-74.37%
Subtotal	195,677	213,248	198,201	(15,047)	-7.06%
Expenditures:					
Services & Materials	295,128	138,960	1,149,882	1,010,922	727.49%
Capital	52,722	0	0	0	
Subtotal	347,850	138,960	1,149,882	1,010,922	727.49%
Ending Fund Balance	1,796,589	1,870,877	919,196	(951,681)	-50.87%

Table 3: Summary of Public Records Modernization Fund Financing

Records Modernization Article V (IT Operating)

<u>Description</u>	<u>FY '08-'09 Actual</u>	<u>FY '09-'10 Estimated</u>	<u>FY '10-'11 Budget</u>	<u>Dollar Change</u>	<u>% Change</u>
Beginning Fund Balance	1,501,598	208,526	268,629 *	60,103	28.82%
Revenues:					
Recording, Fines, Fees	700,517	1,000,357	948,662	(51,695)	-5.17%
Reimb. of Overhead	689,261	746,360	963,440	217,080	29.09%
Interfund Transfers	1,037,293	545,523	405,875 *	(139,648)	-25.60%
Interest & Other Income	34,981	4,283	815	(3,468)	-80.97%
Subtotal	2,462,052	2,296,523	2,318,792	22,269	0.97%
Expenditures:					
Personal Services	2,053,289	1,368,003	1,508,431 *	140,428	10.27%
Services & Materials	935,335	759,394	951,685 *	192,291	25.32%
Capital	755,090	25,957	18,000	(7,957)	-30.65%
Overhead	11,410	83,066	109,305	26,239	31.59%
Subtotal	3,755,124	2,236,420	2,587,421	351,001	15.69%
Ending Fund Balance	208,526	268,629	0	(268,629)	-100.00%

Table 4: Summary of Records Modernization Article V Fund Financing

*Budget will be amended to include fund balance adjustments upon finalization of FY '09-'10 financial statements

Office of Paula S. O'Neil *Clerk & Comptroller*

Budget Proposal – Fiscal Year 2010-2011

Self Insurance Fund

<u>Description</u>	<u>FY '08-'09 Actual</u>	<u>FY '09-'10 Estimated</u>	<u>FY '10-'11 Budget</u>	<u>Dollar Change</u>	<u>% Change</u>
Beginning Fund Balance	2,447,804	1,859,896	1,988,795	128,899	6.93%
Revenues:					
Employee Contributions	46,163	534,949	546,678	11,729	2.19%
Operating Funds	0	2,723,823	1,600,000	(1,123,823)	-41.26%
Interest & Other Income	6,209	119,542	92,147	(27,395)	-22.92%
Subtotal	52,372	3,378,314	2,238,825	(1,139,489)	-33.73%
Expenditures:					
Fixed Costs	0	606,752	575,000	(31,752)	-5.23%
Claims	606,531	2,535,083	2,546,641	11,558	0.46%
Contracted Services	33,750	107,580	115,000	7,420	6.90%
Subtotal	640,281	3,249,415	3,236,641	(12,774)	-0.39%
Ending Fund Balance	1,859,896	1,988,795	990,979	(997,816)	-50.17%

Table 5: Summary of Self Insurance Fund Financing

Revenue Policy, Trends, and Assumptions

Charges for services rendered by non-court personnel are collected to offset certain functions of the Clerk and Comptroller's Office; these fees are deposited into the (non-court) General Fund. Court-related activities are funded by an appropriation from the state and are deposited into the Fines and Forfeitures (Courts) Fund. In addition to charges for services, the General Fund is financed primarily by transfers from the Board of County Commissioners and reimbursement for overhead costs. General Fund overhead costs are distributed among departments that support the Board, Courts, and Information Technology, and are based on FTE allocations. The Records Modification Article V (IT Operating) Fund collects overhead costs associated with technological support only from the General Fund.

Each fund's revenues are calculated independently and based on a current three-month moving average in conjunction with year-to-year seasonal trends. The impact of fee increases, state appropriations, fluctuations in county revenues and court filings, local ordinance requirements, and customers' ability to pay are carefully considered in the application of such trends. During the recent two fiscal years, the Pasco County Clerk and Comptroller's Office has been faced with a challenge never before experienced – decreased funding from each of its three main sources of revenue: appropriations from the State of Florida, Board transfers, and income from recording services, which helps to support the General and Records Modernization (technology) Funds. As revenue projections are calculated, the following assumptions are taken into account:

Office of Paula S. O'Neil

Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

General Fund: Fluctuations in real estate activity and mortgage lending have great bearing on recording revenue; until these sectors of the economy improve or become less stagnant, we can expect that revenues will remain at a decreased level. Because property values generate ad valorem dollars for the Board, anticipated deficits in the County budget may again result in decreased fund availability.

Fines and Forfeitures (Courts) Fund: Effective July 1, 2009, the funding structure of the Clerks' appropriations was significantly changed by the Florida Legislature. All funds collected by the Clerks are now sent to the State for deposit into a trust fund. The Clerks are now part of the State appropriation process; the legislature determines the amount of funding that each Clerk is to receive to perform their court-related duties as outlined in Florida Statutes. Until state funding becomes more stable and anticipated appropriations improve, Court operations will continue to find greater efficiency while coping with the implementation of new laws, a smaller workforce, and the possibility that appropriations may once again be decreased. High unemployment rates can be correlated to customers' ability to pay fines, fees, and service charges; until unemployment rates fall, we anticipate that we will need to focus more of our resources on collection efforts.

Records Modification Fund(s): Like the General Fund, these funds rely heavily on recording revenues generated by transactions stemming from real estate and mortgage activity. Until economic conditions improve, revenues are likely to remain at a decreased level.

Self Insurance Fund: The viability of this fund depends on employee participation, contributions from operating funds, and a well-designed plan administered by third parties that subject the Clerk & Comptroller's Office to deep discounts. As costs of coverage and claims have risen, we have continued to monitor and adjust co-pays, deductibles, and out-of-pocket requirements.

Debt Service and Capital Expenditures

The Pasco County Clerk & Comptroller's Office has a practice of incurring no debt beyond the value of compensated absences. The Clerk & Comptroller's policy is to incur debt only for specific projects lasting more than one year and such a commitment is limited to available funding. There are no plans to incur debt during Fiscal Year 2010-2011.

Capital Expenditures, as defined in Appendix A, are for the acquisition or construction of physical assets with a life expectancy greater than one year and a cost greater than \$1,000. The Clerk & Comptroller's Office has included a total of \$60,681 for the following capital items:

Office of Paula S. O'Neil *Clerk & Comptroller*

Budget Proposal – Fiscal Year 2010-2011

- 1 Laser printer
- 1 Microfiche card cabinet
- 1 Wide format scanner
- 2 Mail machines (replacements)
- 3 Network switch (replacements, or to expand port availability)

Summary of Position Counts

<u>Description</u>	<u>Actual FY '08-'09</u>	<u>Actual FY '09-'10</u>	<u>Budgeted FY '10-'11</u>
Administration & Human Resources	18	14	14
Court-related	269	208	209
Call Center	0	19	20
Recording & Support Services	47	40	41
Finance	17	13	13
Information Technology	22	18	18
Board Support	41	33	34
Subtotal	414	345	349
Contracted (Temporary)	16	0	0
Total	430	345	349

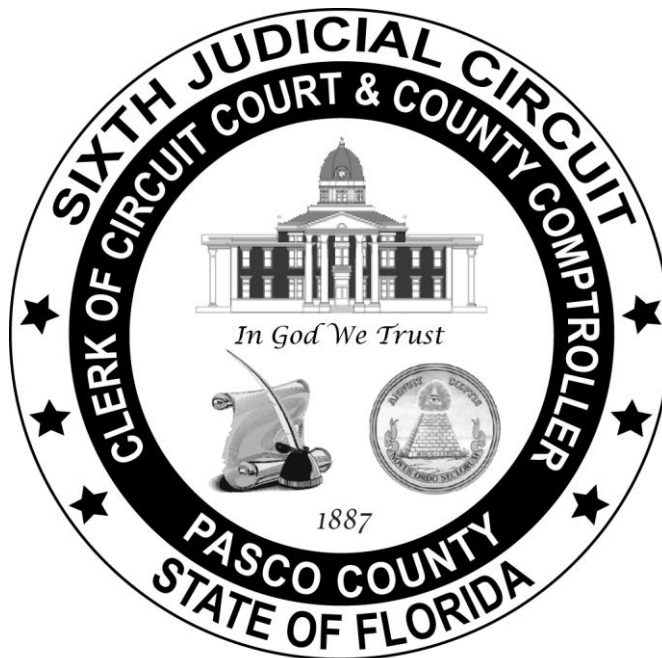
Table 6: Summary of Position Count (Unallocated)

Note: This table includes part-time positions

After experiencing a devastating loss of eighty-five positions in FY 2008-2009, the Pasco County Clerk & Comptroller's Office entered into a plan for reorganization, mostly within the Criminal and Civil Courts Divisions. A Call Center was created to alleviate the Courts' operational departments of the overwhelming call volume, and because of their extensive knowledge base, existing team members were used to staff it. The following team changes, in addition to those described on page 26, include:

Call Center Supervisor – At present, the Call Center is supervised by a team member borrowed from the IT Division. As the Call Center's duties become more established, this position will no longer be shared.

Court Records Clerk – With loss of several positions in the Court Records Department in Fiscal year 2008-2009, it was clear that an additional team member was required to help handle the high volume of file exchange.



CLERK TO THE BOARD

Office of Paula S. O'Neil
Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

Clerk to the Board Funding Request

Personnel:	
1100 Clerk's Salary	\$9,919
1200 Salaries	1,777,677
2100 FICA	134,711
2200 Retirement	213,554
2300 Group Insurance	282,749
2500 Unemployment	1,000
Subtotal	<u>\$2,419,610</u>
Operations:	
3100 Professional Services	\$7,314
3101 Microfilm Labor Charges	437
3400 Other Contracted Services	79,678
4000 Travel	5,523
4001 Registration	8,271
4100 Communications	19,953
4400 Rental	363
4601 Maintenance-Buildings	21
4602 Maintenance-Auto	564
4603 Maintenance-Office	68,664
4609 Maintenance-Software	62,657
4700 Printing	5,045
4920 Advertising	200
4950 Research/Tuition Reimb.	2,000
4951 Education and Training	254
4952 Awards	116
5100 Office Supplies	5,128
5101 Postage	15,767
5104 Duplicating	5,220
5105 Data Processing	2,087
5106 Uncapitalized Equipment	11,782
5107 Data Processing Software	74,810
5108 Microfilm Supplies	193
5109 Computer Office Supplies	9,336
5200 Operating Supplies	929
5201 Gas and Oil	29,116
5207 Clothing & Wearing Apparel	300
5401 Memberships	2,946
5402 Books	1,961
5403 Periodicals and Subscriptions	954
Subtotal	<u>\$421,589</u>
6402 Office Equipment	\$1,500
6403 Other Equipment	17,364
Subtotal	<u>\$18,864</u>
Total	<u>\$2,860,063</u>

Office of Paula S. O'Neil
Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

Personnel Allocations

The following table lists positions in Financial Services, Board Records, and Internal Audit totally allocated to the Board for Fiscal Year 2010-2011.

Accounting Specialist
Accounts Payable Supervisor
Board Records Clerks
Board Records Lead Clerk
Board Records Supervisor
Director of Internal Audit
Finance File Technician
Fixed Assets Accounting Clerks
General Ledger Accounting Clerk
General Ledger Specialist
General Ledger Supervisor
Grant Specialist
Grants/Contract Specialists
Internal Auditors
Lead Payroll Clerk
Payroll Clerk
Payroll Supervisor
Purchase Order Clerk
Utilities Accounting Clerk

Total Clerk to Board Personnel (FTEs): 31.8800

Table 7: Personnel

Note: Full-time equivalents (FTEs) are calculated on a 40-hour work week basis.

Office of Paula S. O'Neil
Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

Apportioned Personnel

The operating requirements of the Office of the Clerk & Comptroller require the provision of support functions for business operations. Where possible, costs for supportive services, such as Administration, Human Resources, and Information Technology, are shared and appropriately apportioned. In certain instances, Florida statutes require the apportionment of team members who perform specific functions.

Changes in Staffing Levels

Changes in apportioned positions between Fiscal Years 2009-2010 and 2010-2011 are partly due to reorganization and reassignments based on fluctuations in customer service needs. Legislative action, judicial requirements, performance standards, and accounting and reporting guidelines often require adjustments in work duties and assignments. Workload transitions and job task shifts within the Office enable a more efficient responsibility and accountability distribution, which is reflected in the table on the following page.

Office of Paula S. O'Neil

Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

The following is a list of positions apportioned for Fiscal Year 2010-2011 to the Clerk to the Board area of operations:

Applications Programming Manager	Lead Clerk's Finance Accounting Clerk
Archived Records Clerk	Mailroom Clerk
Archived Records Manager	Accounting & Financial Reporting Manager
Archived Records Specialists	Micrographic Supervisor
Archived Records Technician	Micrographic Technicians
Assistant Director of Finance	Official Records Clerks
Assistant Director of Human Resources	Official Records Data Technician
Asst. Director of Information Technology	Official Records Generalists
Assistant Director of Records	Official Records Specialist
Budget Analyst	Official Records Supervisor
Chief Administrative Officer	Official Records Technicians
Chief Operations Officer	Operations Security Technician
Clerk & Comptroller	Project Specialist
Clerk's Finance Accounting Clerks	Programmer
Clerk's Finance Supervisor	Programmer Analysts
Compensation/Benefits Specialist	Purchasing Specialist
Courier	Secretary to the Clerk
Database Administrator	Software Analyst
Director of Budgets/Operations	Sr. Financial Services Technical Specialist
Director of Financial Services	HR Resources Project Specialist
Director of Information Technology	Sr. Technical Support Analyst
Director of Records Management	Strategic Planner
HR Benefits Specialist	Technical Support Analyst
Human Resources Specialist	Technical Support Specialist
Human Resources Technician	Technical Support Technician
IT Project Coordinator	

Total Apportioned Personnel (FTEs): 9.10

Table 8: Apportioned Personnel

Note: Full-time equivalents (FTEs) are calculated on a 40-hour work week basis.

Office of Paula S. O'Neil

Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

Multi-Year Project – Financial System Replacement

It is important that the Board and Clerk address the replacement of the current financial system. The Financial Accounting System for Business and Education (FASBE) system was installed over 25 years ago and there are only a few users remaining on this system. In researching costs experienced by Clerks' Offices that have installed new systems within the last year, it would be prudent to budget an initial cost of approximately \$2 million and estimate annual maintenance costs of \$150,000. The following timeframe is suggested to facilitate this process:

Financial System Replacement Timeline

Phase 1: Project Management - Begin January 2011

- Identify stakeholders
- Document problem statement
- Create a team: Clerk, IT, Finance, OMB, Purchasing, Human Resources/Payroll, Administration, Internal Audit, Constitutional Officers, KPMG
- Define project structure
- Create project charter
- Create vision & scope statement for project
- Establish a statement of work
- Establish resource requirements
- Establish preliminary budget
- Document change control procedures
- Establish & maintain risk management plan
- Establish & maintain issue management plan
- Establish communication plan
- Establish quality assurance plan
- Establish a preliminary project plan
- Hire and/or assign a project manager and/or consulting group

Phase 2: Detail Requirements - March 2011

- Evaluate existing environment profiles of each agency. This includes: existing software & hardware system constraints, security & privacy policies, IT operations, legal and statutory guidelines.
- Assess possibility of hardware and software upgrades required and the costs associated with those requirements
- Identification of requirements and needs of each entity
- Review business requirements
- Identify future regulations:
 - GASB 54
 - Health care reform requirements
- Rank needs and requirements
- Summarize and prioritize

Office of Paula S. O'Neil
Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

- Phase 3: Identify Viable Vendors - May 2011**
Identify viable vendors. Resources include: FGFOA, GFOA, Clerks' Offices, FACC, Auditors
- Phase 4: Request for Information (RFI) - July 2011**
Develop a Request for Information (RFI)
Send RFIs to vendors
Q & A for vendors re: RFI
Response to Q & A for vendors re: RFI
Create a matrix of vendors' software capabilities
Evaluate RFIs
Schedule & conduct vendor demonstrations
- Phase 5: Budget - September 2012**
Develop preliminary budget; compare current costs to anticipated costs
- Phase 6: Request for Proposal (RFP) - November 2012**
Develop Request for Proposal (RFP)
Advertise RFP
Send RFPs to vendors
Q & A for vendors re: RFP
Response to Q & A for vendors re: RFP
Evaluate RFPs
Schedule & conduct vendor demonstrations; evaluate
- Phase 7: Vendor Selection – January 2012**
Select a vendor
Negotiate contract
Contract & Purchasing review approval
Vendor to provide timeline after gap analysis is reviewed
Vendor to provide hardware & software requirements
- Phase 8: Hardware & Software Requirement Analysis - March 2012**
Determine if Clerk's Office and/or other agencies have required minimums to run the new software package
Purchase any required hardware and software required to fulfill minimum requirements
- Phase 9: Develop Project Plan - May 2012**
Vendor & internal project team develop a preliminary task list & timeline
- Phase 10: Software and Configuration – July 2012**
Vendor to provide specs for any modifications
Vendor to provide database information and conversion ICD
Data mapping
Establish database

Office of Paula S. O'Neil
Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

Install software: Modules for General Ledger, Accounts Payable, Financial Reporting, Budget, Project Accounting, Fixed Assets, Payroll, Purchasing, Inventory, Imaging

Load any releases or new versions provided by the vendor

Phase 11: Data Conversion Preparation Process – September 2012

Write programs to convert existing data to mapping specs

Test loads of conversion data

Validate data loaded

Modify mapping and conversion programs as required

Once all issues resolved full test load of data

Validate data loaded

Perform application functional test

Phase 12: Interfaces – November 2012

Identify all interfaces required and if new programs will need to be designed or if the existing interfaces if they exist can be modified

Contact any vendors with interface requirements for quotes and modification timelines

For vendor interfaces - Deliver modified interfaces

For in-house interface write new/modify existing interface programs

Test interfaces

Validate interface data

Phase 13: User Training – January 2013

Identify functional areas for training

Identify users within each functional area to be trained

Create a training & mandatory practice schedule

Conduct training & mandatory practice

Phase 14: Production Readiness Review – March 2013

Phase 15: Final Data Conversion – May 2013

Phase 16: Go-Live – June 2013

Phase 17: Project Acceptance Review

Phase 18: Project Acceptance Sign-Off

Phase 19: Post-Implementation Support

Table 9: Financial System Replacement Timeline

Office of Paula S. O'Neil

Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

Summary of Team Changes

This budget represents a 1.3% decrease from the Fiscal Year 2009-2010 budget level. This is the second consecutive year with a reduced funding request.

One Internal Auditor position eliminated in 2009-2010 has been included in this request. The size of the audit team shrank from five members in 2008-2009 to only three members this year, and we have found that it is not a sufficient number to properly conduct internal audit controls. In addition to routine audits, such as inventories and cash fund counts, there are many Board-funded capital projects and grants that would appear on the audit schedule if resources permitted. While it has been the Office policy to perform follow-up audits within a year or two of a major audit, we have been unable to keep up with this practice with the limited size of the audit team.

One Assistant Director of Records position was added in 2010 and is included in this budget. The Records Division Director operated that division without an assistant; the Director changed, however, and several of the supervisors are planning retirement dates. Succession planning is required to maintain the integrity of the Official Records, Board Records, Micrographic Records, Archived Records, and Court Records.

The Clerk & Comptroller's Office was able to successfully reach the above percentage by increasing internal procedural efficiency and appropriately adjusting allocations to the Board for team members of the Clerk & Comptroller's Office who perform work in support of the Board of County Commissioners.

Any further cuts would result in increased difficulty maintaining the integrity and professionalism standards of the Office of the Clerk & Comptroller. Potential problems could include:

- Delays in the production of FASBE reports
- Delays in technical support for individual FASBE users
- Difficulty maintaining current response time with Board Payroll system
- Decrease in the timeliness and response to Board requests
- Delays in posting of meeting minutes for Board and committee meetings
- Delays in payments to vendors
- Delays in contractual review
- Risk of noncompliance with internal controls

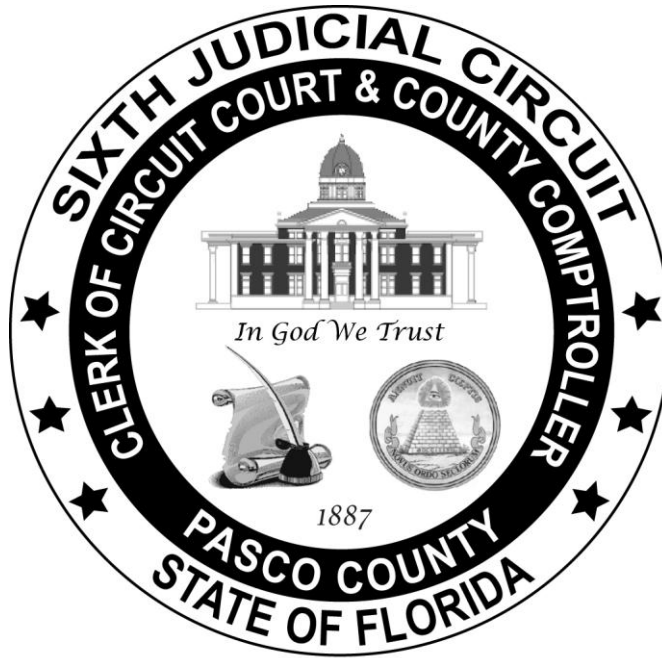
Office of Paula S. O'Neil
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Budget Proposal – Fiscal Year 2010-2011

The County Recorder function and certain duties as an agent for state and federal agencies are funded by user fees. As a Constitutional Officer, the budget for support of these operations will be filed in accordance with Section 218.35(4), Florida Statutes, by September 1, 2010, for the 2010-2011 Fiscal Year, or as otherwise directed by the Florida Legislature.

*Office of Paula S. O'Neil
Clerk & Comptroller*

Budget Proposal – Fiscal Year 2010-2011



OFFICE STRUCTURE

Office of Paula S. O'Neil *Clerk & Comptroller*

Budget Proposal – Fiscal Year 2010-2011

Office Structure

The Office of the Clerk of Circuit Court & County Comptroller (Clerk & Comptroller) provides essential services to the public, the justice system, and the Board. The Office contains eight divisions, four in Business Operations, three in Support Operations, and one Internal Audit. The Business Operations are led by the Chief Operations Officer and the divisions include Criminal Courts, Civil Courts, Financial Services, and Records. The Support Operations are led by the Chief Administrative Officer and the divisions include Human Resources, Information Technology, and Budget. The Internal Audit Division reports directly to the Clerk & Comptroller. Refer to the Organizational Chart on page 2 for more details.

Administration

The Clerk & Comptroller provides the services required by the Florida Constitution, which include Clerk of the Circuit Court, Clerk of the County Court, County Comptroller, County Auditor, County Recorder, and Clerk/Ex-Officio Clerk to the Board of County Commissioners.

Key Objectives

- Provide leadership direction for the Office of the Clerk & Comptroller
- Monitor Business Operations for Civil Courts, Criminal Courts, Financial Services, and Records
- Monitor Support Operations for Human Resources, Information Technology, and Budget
- Oversee Internal Audit operation
- Work closely with legal counsel to ensure compliance with all federal laws and regulations, state statutes and rules, local ordinances, and Office policies and procedures

Primary Objective

- Continue to provide the general leadership for the Office of the Clerk & Comptroller with integrity, professionalism, and compassion with a vision of excellence...always.

Divisions in the Business Operations, Support Operations, and Internal Audit are described within the following pages.

Office of Paula S. O'Neil
Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

Business Operations – Civil Courts Division

The Civil Courts Division provides services for the public, the judiciary, law enforcement agencies, the Bar, the business community, legal aid programs, and other court-related local and state agencies. The Civil Courts Division handles court actions dealing with matters in Circuit Civil, Family Court, Child Support, County Civil, Small Claims, Probate, Guardianship, and Mental Health.

- Team members in this division open new cases, index parties on each case record, process interim filings, and close cases upon final disposition.
- They assist the public with and process emergency injunctions, simplified dissolution of marriages, mental health petitions, and small claims.
- Financial activities include receipting for payments and processing court registry deposits and disbursements.
- This team also tracks court-ordered events, processes indigent applications, assists pro se litigants, and issues summonses, notices, and subpoenas.
- They maintain physical and computerized case records, maintain court calendars, attend court, manage foreclosure actions and sales, process writs and executions, manage evidence, issue clerk default judgments, consolidate cases, manage eminent domain actions, prepare documents for recording in Official Records, process mass dismissals, process civil appeals, handle public record requests and inquiries, coordinate procedures with justice agencies, process collection notices and reports, audit guardianship reports, manage electronically-filed court documents, and maintain child support payment records
- They report statistical and compliance information to local and state agencies.

Technology has had a significant impact on our ability to manage this diverse and complex area of the court system. A few of these innovations are: a fully integrated electronic filing system for Probate and Guardianship cases; an online foreclosure auction service, which increased the third-party bidder pool; and Internet access to forms, which created an enhanced level of service, convenience to the public, and favorable impact on team members.

Office of Paula S. O'Neil

Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

Policies

- A commitment to deliver customer service of the highest quality, treating all customers with respect and compassion, and resolving all requests and transactions fully and expeditiously.
- A commitment to ensure that all processes are completed in an accurate and timely manner, safeguarding the integrity of court records guaranteeing complete and thorough records for the public and court.
- A commitment to the efficient and effective collection and maintenance of court-related data and the resulting issuance of accurate timely reports, as mandated and requested by local agencies, state agencies and the public.
- A commitment to safeguard all financial transactions and records by ensuring that our records accurately reflect all payments and receipts remitted by customers in compliance with court orders and statutory requirements.

Key Objectives

- Provide court processing services to the public and justice community in a highly efficient and effective manner.
- Focus on the implementation of technical and human resource innovations to maximize court services operations within the constraints of limited financial resources.
- Reduce unit processing team member ratios through the implementation of process improvement projects resulting in greater efficiencies wherever possible.
- Ensure the accurate and timely maintenance of court case records to provide customers with readily available information to support their efforts in managing case flow processing and demands.
- Enhance collections efforts to increase revenue through the utilization of collection agents and system enhancements.

Short-Term Goals

- Systematically implement process improvement to all processes in the Civil Court Division.
- Consolidate designated functional areas to maximize resources.

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Budget Proposal – Fiscal Year 2010-2011

- Enhance accuracy and timeliness to the processing of all services rendered by the Civil Courts Division.
- Consistently meet all state processing standards and criteria.
- Enhance the management of emergency petition procedures by coordinating efforts with law enforcement and community services.
- Enhance collection processing to improve revenue within the Civil Courts Division.
- Enhance the delivery of responsive customer services effectively identifying customer needs and providing appropriate services and community referrals.

Long-Term Goals

- Convert Civil Court Records to the new case maintenance system CLERICUS to maximize efficiencies and consolidate all court records and financial management.
- Expand the imaging of all court records to enhance records management efficiencies.
- Expand electronic case filing to all areas of the Civil Courts Division to provide automated services to the judiciary, court-related agencies, and the public.
- Create a culture of continuous process improvement.
- Capitalize and partner with community resources to support Civil Courts Division services.

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Budget Proposal – Fiscal Year 2010-2011

Business Operations – Criminal Courts Division

The Criminal Courts Division contains three departments, the Criminal Department, Traffic Department, and Trial Clerk Department. The responsibilities of the Criminal Courts Division include processing civil and criminal appeals, felonies, juvenile dependency, juvenile delinquency, misdemeanor, jury services, animal and marine violations, civil traffic infractions, criminal traffic, parking violations, and ordinance violations.

- Much of the criminal justice process occurs behind-the-scenes. Our team members provide assistance to attorneys, defendants, victims, and other members of the public. In addition, the team responds to daily inquiries from the public concerning details about criminal and traffic cases.
- Our team members work diligently to make certain that case files are current and remain available when requested by the public or needed in court.
- The Criminal Courts Division team members attend court sessions, prepare and maintain court calendars, create and maintain case dockets, safeguard evidence, receipt and record all documents filed within the Clerk's Office, and oversee jury selection. Additional responsibilities include money collection and disbursement for assessed court costs and fines and compilation of data required for numerous statistical reporting requirements.

The Criminal Courts Division of the Clerk & Comptroller's Office works closely with the Administrative Office of the Courts, the judiciary, the State Attorney's Office, the Public Defender's Office, local and state law enforcement agencies, Department of Children and Family Services, members of the Bar, and other criminal justice agencies. From the filing of arrest papers, the Criminal Courts Division team members are involved in the complex process of bringing an individual charged with a crime to justice. Justice is determined in the courtroom and thousands of notices (notifying individual of court hearings) are mailed each week by team members in our office. Hundreds of subpoenas are issued per month for witnesses in criminal and traffic proceedings, as well as summonses notifying individuals of pending court actions. In 2009, the Criminal Department issued 159,317 subpoenas, summonses, and notices. In 2009, the Criminal Courts Division docketed a total of 1,408,521 entries in the case maintenance system, which includes papers that were filed by customers and court rulings in proceedings.

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Budget Proposal – Fiscal Year 2010-2011

2009 Case Filings		
Case Type	# of cases filed in 2009	% +/- from 2008
Appeals	294	16%
Felony	8,954	-3%
Juvenile Delinquency	2,453	-14%
Juvenile Dependency	312	20%
Misdemeanor	9,480	-4%
Non-Criminal Infractions	239	-25%
Traffic Criminal	8,426	-2%
Ordinance Violations	4,775	182%
Traffic Infractions	58,318	-7%

Table 10: Criminal Court Activity

Key Objectives

Criminal Department

- The Criminal Department handles all appeals from convictions and court rulings from the circuit and county civil and criminal courts for Pasco County as part of the Sixth Judicial Circuit. This includes felonies, juvenile delinquency, juvenile dependency, misdemeanor, jury service, animal and marine infractions, and county and municipal ordinance violations, except for tobacco, smoking and parking.
- Circuit criminal receives and processes all felony affidavits of probable cause, grand jury indictments and arrest warrants.
- Juvenile delinquency and dependency cases are brought against or on behalf of children under the age of 18 because of their misconduct or neglect and/or mistreatment by those responsible for their care. Juvenile records are confidential under Florida law. Our team members work with the utmost care to hold these cases in confidence.

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- County criminal maintains the records of all misdemeanor arrests, certain non-criminal infractions (animal and marine violations), and county and municipal ordinance violations, except for tobacco, smoking, and parking.
- Jury management is performed through the Criminal Courts Division. Jurors are called to report to the Pasco County Courthouse in Dade City or the West Pasco Judicial Center in New Port Richey. The Clerk & Comptroller's Office works closely with the court to effectively support trial operations and assist the public in performing its civic responsibilities.

Traffic Department

- The Traffic Department handles all civil traffic infractions, criminal traffic violations, tobacco, smoking, parking and toll violations.
- The Traffic Department processes traffic citations issued by all law enforcement agencies in Pasco County including the Florida Highway Patrol. Payment methods include online, by telephone, by mail, or in person at one of our locations.
- Parking citations are written to a vehicle found in violation of a county or municipal ordinance or state statute, and, by law, are the responsibility of the registered owner of the vehicle. During 2009, the Traffic Department processed 2,658 parking citations and 547 disabled parking violations.
- In March 2009, the Traffic Department began scanning civil traffic infraction case documents. From the moment the citations are provided to our office by law enforcement to the time when the case closes, every document that enters the department is scanned. In 2009, the traffic department scanned 182,245 documents. Now, when assisting customers over the counter or over the phone, we can pull the imaged file up on our computers instead of having to pull the physical file. We also docket from the imaged document. Both of these advantages have increased efficiencies in the department. With the implementation of our new case maintenance system in 2011, we are looking to expand on this improvement by accepting the electronic transmission of civil traffic infractions directly from law enforcement agencies. This will allow the citation information to populate the electronic case file automatically.

Trial Clerk Department

- Team members in the Trial Clerk Department assist and support the judiciary with attendance at Criminal hearings and trials, County Civil final hearings, and Circuit Civil trials to maintain court records and secure evidence.

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- Responsibilities include court attendance, recordkeeping of court proceedings, preparation of court orders and auxiliary paperwork, tracking exhibits and evidence in the courtroom, and documentation of the chain of custody. The Trial Clerks support twelve circuit court judges, seven county court judges, six traffic hearing officers, and senior judges on occasion. In 2009, the Trial Clerks attended 120,048 circuit and county criminal court hearings and trials.
- Trial Clerks are trained to document and track thousands of pieces of evidence, which are maintained in the Pasco County Clerk & Comptroller's Office. They take every precaution in handling highly sensitive evidence to ensure its security and integrity. In 2009, 4,429 exhibits were introduced into evidence and 4,183 exhibits were admitted into evidence. Each piece of admitted evidence is taken into custody, logged into a tracking system, and secured according to statutory requirements.

Short-Term Goals

- Team members are mapping and scrubbing data held in the current case maintenance system in preparation for the implementation of CLERICUS. The Criminal Courts Division will be the first division that will move the case data into this new system.
- The scanned civil traffic infraction cases will be linked to each docket entry for quick and easy retrieval.
- Civil traffic citations will be electronically transferred into the case maintenance system through an optical character recognition feature.
- Integration of cashiering into the case maintenance system will automatically assess fines, costs, and charges.
- Integration of In-Court Processing System (ICPS) will eliminate redundant processes and allow case docketing during court.
- Integration of e-Recording will allow electronic submittal of executed judgment liens to Official Records
- Improve juror experience by adding library books and current periodicals

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Long-Term Goals

- Assist with the expansion of CLERICUS to other parts of the Office.
- Work closely with justice partners to improve electronic transfer of information.

Jury Activity for 2009	
Jurors summoned	37,096
Jurors appearing for service	10,340
Jurors at start of Voir Dire	5,881
Jurors served on trials	1,573

Table 11: Jury Activity

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Business Operations – Financial Services Division

Board Finance

Services provided by Financial Services to the Board include payment processing, accounting, imaging, financial reporting, and investment services. The Division of Financial Services is comprised of the Clerk & Comptroller's Finance Department, the General Ledger Department, and the Accounts Payable Department. The General Ledger and Accounts Payable Departments primarily provide services on behalf of the Board of County Commissioners.

The following is a summary of the Clerk & Comptroller's major activities performed on the Board's behalf:

- Maintenance of the books and records of all Board financial transactions, including the issuance of vendor checks, payroll checks, refund checks, and direct deposit receipts.
- Physical inventory and maintenance of related records for Board fixed assets.
- Participation in the administration of Board bonds and activities related to arbitrage rebate calculation.
- Pre-audit of all vendor payments requiring review of each purchase order and multiple invoices referencing the purchase order or contract. Frequently, a single purchase order may generate as many as 30 to 40 invoices; others may generate several hundred. Through the pre-audit function, all related contracts for Board departments are reviewed to insure compliance with Board policy, sound financial management, generally accepted accounting principles (GAAP), and the safeguarding of Board assets. Prior review by the Financial Services team of contracts obligating the Board further insures that timely compliance with Florida Statutes is incorporated. The Board is subject to the provisions of the Florida Prompt Payment Act F.S. 218.70. There were 2,607 purchase orders issued in Fiscal Year 2008-2009.
- Pre-audits of travel reimbursements for members of the Board of County Commissioners and all Board employees as well as travel related to contractual services provided to the Board.
- Preparation of financial reports for Board and County staff as well as state and federal agencies.
- Monitoring of financial compliance with state and federal grant funds, review of related financial reports, and continual examination of grant budget and expenditure activity. There were 83 different grants in Fiscal Year 2008-2009.

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- Investment of available funds in accordance with the Board's Investment Policy and Florida Statutes. Deposits include pooled cash, checking, and investment accounts with reconciliations that are performed on a daily basis.
- Preparation of the State of Florida, Annual Local Government Financial Report submitted to the Department of Financial Services, Bureau of Accounting; the County's Comprehensive Annual Financial Report submitted to the Government Finance Officers' Association (GFOA), the Auditor General, bond agencies and other concerned parties; reports of federal and certain state financial assistance in compliance with the Federal and State of Florida Single Audit Acts and Section 318.18(13) Florida Statutes Assessment of Additional Costs. These items are submitted to the Chief Judge of the Circuit, the Governor, President of the Senate, and Speaker of the House of Representatives.
- Scheduling and processing of documents generated from Board-supported areas for microfilming, imaging, storage, and destruction in compliance with Florida Statutes.
- Monitoring of all information systems from development through the entire system life cycle to insure that adequate audit controls and security are included. Aid in the identification of systems or procedures contributing to financially significant exposure or risk, and insure system and data integrity.
- Collection of revenues by the Clerk & Comptroller for deposit to the accounts of Pasco County. During Fiscal Year 2008-2009, revenues of \$2,874,767 were collected, accounted for, and deposited into the accounts of the Board of County Commissioners. An additional \$299,094 was remitted to the Sheriff's Office for the year ending September 30, 2009.
- Provision of information systems support for the accounting of all funds of the Board of County Commissioners.
- Team members monitor impact fee developer agreements that often provide various alternative methods for the developer to satisfy their financial obligation to the Board. This can take the form of completion of designated construction projects, refund of cash for designated expenditures, donation of land, buildings, etc. or utilization of outstanding credits. The developer transactions must be monitored and accounted for in order to assure compliance with the financial terms of the agreement. This monitoring process is labor intensive and demands a great deal of knowledge and expertise on the part of the Financial Services team.

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Clerk & Comptroller Finance

The Clerk & Comptroller's Finance Department provides financial services to the Clerk & Comptroller's Office, proper.

Key Objectives

- Provide the Clerk of the Circuit Court and County Comptroller with reasonable assurance that assets are safeguarded against loss from unauthorized use or disposition, and that all transactions are properly recorded to permit the preparation of financial statements in accordance with GAAP and audited annually.
- Provide cash management services, including the investment of excess operating funds of the Clerk & Comptroller in accordance with adopted policy and Florida Statutes.

Performance Measures and Workload

The following policies or procedures have been changed or implemented:

- Numerous legislative actions have required a host of procedural changes, including those affecting cashiering and the accounting for and reporting of financial activity.
- Implementation of Realauuction in November 2009 requiring intensive daily monitoring, reconciliation and processing of bidder and bank activity, including deposits, settlement of accounts, refunds, and disbursements to Court Registry. Realauuction activity since inception is as follows:
 - Number of bidders: 2,290
 - Amount of bidder deposits: \$5,393,339
 - Number of disbursements to Court Registry: 881
 - Amount of disbursements to Court Registry: \$2,126,086
 - Number of refunds issued: 51
 - Amount of refunds issued: \$465,980

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- Number of checks issued in 2009:

➤Operating	10,856
➤Registry	3,203
➤Jury/Witness	<u>19,833</u>
Total	<u>33,892</u>

Short-Term Goals

- Financial - Given the economic climate and the reduction in our resources, we will be implementing Lean Management principles and other effective methods, throughout the Division of Financial Services, as we look for ways to improve our efficiency, without losing sight of our legal responsibilities.
- Procedural - Policies and procedures of both the Clerk & Comptroller and the Board of County Commissioners will be reviewed and appropriately updated to reflect statutory and policy changes.

During Fiscal Year 2008-2009, the Clerk & Comptroller collected and distributed approximately \$94 million on behalf of state, county and municipal governments, in accordance with statutes, court orders, and local ordinances. Also included are amounts collected on behalf of the public in the form of restitution, child support and alimony payments, jury and witness payroll, and court registry. Current year activity for collections and disbursements is included in the section titled "Revenue Collection and Distribution" on page 65.

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Business Operations – Records Division

The Records Division includes Archived Records, Court Records, Official Records, Micrographic Records, and Board Records. The Records Division provides a systematic approach to controlling all phases of records life; it works to reduce paperwork proliferation, to provide efficient access to needed information, to dispose of obsolete records, to provide documentation of compliance with laws, ordinances and other regulations, and to maintain historical records. Departments include: Archived Records, Court Records, Official Records, Micrographic Records, and Board Records.

Key Objectives

- To sustain a highly efficient storage/retrieval and microfilm processing division for the historical public records and court data submitted to the Office of the Clerk & Comptroller.
- To meet the demands of the various agencies related to archival documents in an efficient and effective manner.
- To ensure the historical records are maintained in a proper climatic environment.

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Archived Records

The Archived Records Department of the Clerk & Comptroller's Office is responsible for the mail room, courier services, purchasing, office supplies, forms distribution, records, and evidence retention. Archived Records is the custodian for all inactive records and evidence maintained by our office. Archived Records cares for records following Chapter 119 of the Florida Statutes, which governs all aspects of public records, guaranteeing open access to all citizens. Records in these facilities include administrative records, files, and evidence, which are maintained from acceptance through destruction.

Key Objectives

- Maintain records of acceptance, retention and destruction of case files from the court area and administrative records throughout the office. These records are retained by The Florida Rules of Judicial Administration as well as GS1SL and GS11 records schedules issued by the Florida Department of State for each type of individual record.
- Retain evidence as defined in the Florida Rules of Judicial Administration and Florida Statutes for the court area in a secure environment while providing efficient and effective tracking from acceptance through destruction.
- Processing incoming mail in both Dade City and New Port Richey; picking it up, sorting by division, creating a check listing and delivering the opened mail to each department. Outgoing mail is metered and prepared for pickup by Access Mail who provides us with a reduced rate of postage. Large and flat rate parcels are delivered to the post office by team members.
- Acting as the purchasing agent for the Clerk & Comptroller's office to provide the best value for operating supplies, forms and equipment.
- The Courier provides transport across the county every day. The courier delivers interoffice mail, supplies and files as needed to promote and expedite work flow for the public we serve.

Performance Measures and Workload

Records accepted into the Records Center are measured by box or case file. Individual files are requested by departments for examination, files are sent to the requesting department, and then returned to the original storage box. White label boxes containing miscellaneous documentation are received from each department,

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retention schedules are checked and destruction is performed when the retention time is met.

Incoming and outgoing mail is tracked by the piece. The Archived Records Department strives to deliver each piece of mail received each morning to the correct department. Outgoing mail is metered for postage at a reduced rate and then posted through Access Mail.

The Purchasing Specialist shops the web for the best rates on bulk items such as paper and office supplies that are inventoried and distributed. Items requisitioned are reviewed to assure that the best value is obtained. Invoices are scrutinized to assure that items are received in good order at the agreed pricing levels.

The Clerk's courier provides daily transportation for items from building to building throughout the county.

F/Y	Evidence Accepted	Destruction In Tons	Incoming Mail	Outgoing Mail	Purchase Orders	Courier Items
04/05	871	9	97,591	332,913	484	18,440
05/06	1,148	23	95,480	347,797	490	15,457
06/07	1,178	73	84,473	336,284	466	15,705
07/08	1,364	60	71,582	333,954	448	17,363
08/09	1,041	47	64,118	311,776	252	15,232

Table 12: Archived Records Activity

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Court Records

The Court Records Department is the custodian of active court files for the Clerk & Comptrollers Office. Public records are maintained per Florida Statutes in such a manner as to protect the court file and make it available for public viewing. The Court Records department is responsible from the opening of a court file to the final disposition of the case. Case files are the major responsibility and function of the Court Records Department. Filing must be done constantly and in a timely manner to insure the quick retrieval of case documents. Court Records is also responsible for pulling court files for judges' calendars and transporting them twice a day to the courthouses on both the east and west sides of the county. Emergency runs are made as necessary for court proceedings. A public viewing area is provided in the Court Records department to make sure that public access, as well as file security, is maintained. Court Records maintains accurate tracking through the TrakMan court tracking system to allow instant file location.

Key Objectives

- File court case documents quickly and correctly to insure quick access and location of information. Maintain accurate file tracking through the TrakMan court tracking system.
- Provide case files for corresponding calendars for Judges. Perform special runs to provide Judges with files for emergency hearings.
- Provide citizens, Public Defender, State Attorney, Attorney General in and out of state, Court Administration, private attorneys, Department of Revenue, law enforcement in and out of state, plaintiffs and defendants with files for review and for copies as requested and allowed by Florida Statute.

Performance Measures and Workload

The Court Records Department runs on a 24-hour rule. Documents received will be in the court file within 24 hours. This task is seemingly impossible at times when challenged with other departments' "catch up" methods; however, team members pride themselves on keeping a strict schedule. Inches of paper are measured as they arrive for filing via courier, and work is distributed from there.

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Court Records Activity

Year	Inches Filed	Calendars Pulled	Courier Runs	Files Created
2008	18,247	88,649	4,337	37,447
2009	21,396	87,955	3,932	25,429

Table 13: Court Records Activity

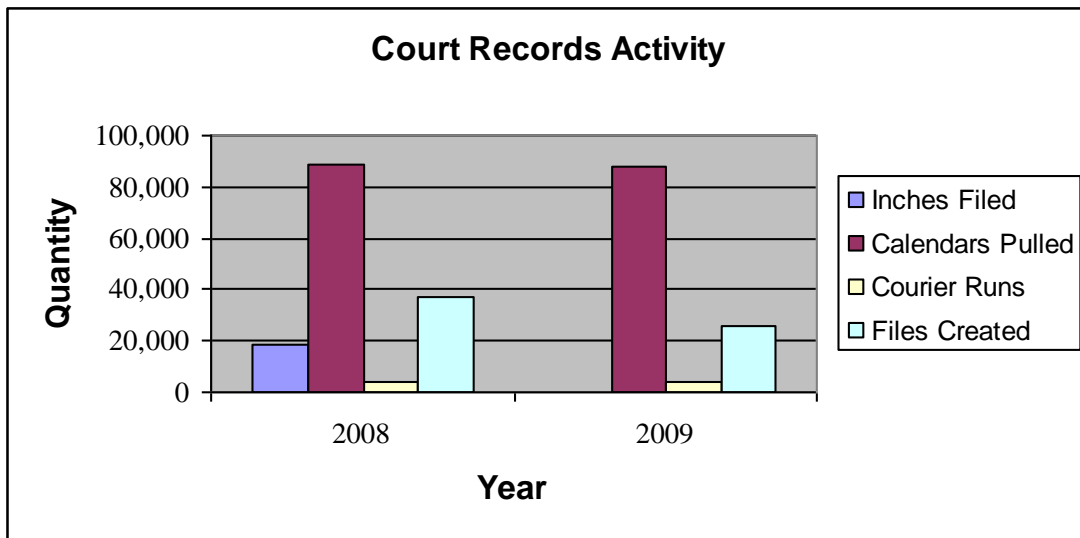


Figure 1: Courts Records Activity

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Official Records

The Clerk & Comptroller is the custodian of the Official Records for Pasco County. The Official Records Department accepts documents for recording into the official records and collects state documentary stamps, intangible taxes and fees associated with submitted documents per Florida Statutes. Documents are scanned when presented at the front counter and immediately returned to the customer. Images of documents are indexed and verified to provide easy retrieval both on the web and in the office. Court documents are submitted to be recorded in the official records. This department is also responsible for issuing marriage licenses and performing marriage ceremonies, accepting and processing passport applications, processing Tax Deed applications and conducting Tax Deed Sales where property is sold to the highest bidder and assisting customers in various capacities.

Key Objectives

- Accept documents over the counter and through the mail for inclusion in the Official Records, record documents, produce images and index documents for retrieval both on the web and in the Office libraries
- Provide copies and assist the general public; provide scan and hand service for documents that are walked in, allowing customers to leave with their original documents.
- Issue marriage licenses, recording and certifying licenses when returned for recording into the Official Records.
- Accept and process passport applications; process expedited passport applications when requested.
- Record subdivision plat maps and Department of Transportation right-of-way maps.
- Tax deed sales are held in the Official Records Office on a monthly basis. The clerk receives applications and performs statutory requirements to bring the properties to sale. Tax deed sales administered by the Clerk & Comptroller's Office have returned approximately \$1,450,000 to the county coffers in the past seven (7) years, resulting in thousands of dollars in property being returned to the tax rolls.

Performance Measures and Workload

The Recording Department is responsible for assisting customers as they come into the department to perform various tasks. Customers include, but are not

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limited to, the attorneys, title companies and the general public. The workload is variable, dependent upon housing sales, economic stability and court cases filed. All official documents are recorded on the day they are received if they are submitted with the correct information and fees.

Year	Documents	Marriage Licenses	Passports	Customers Assisted
2005	277,938	2,595	5,004	67,505
2006	257,329	2,864	6,330	70,609
2007	211,089	2,705	10,144	82,613
2008	184,189	2,723	7,047	66,522
2009	187,398	2,386	5,854	58,158

Table 14: Official Records Activity

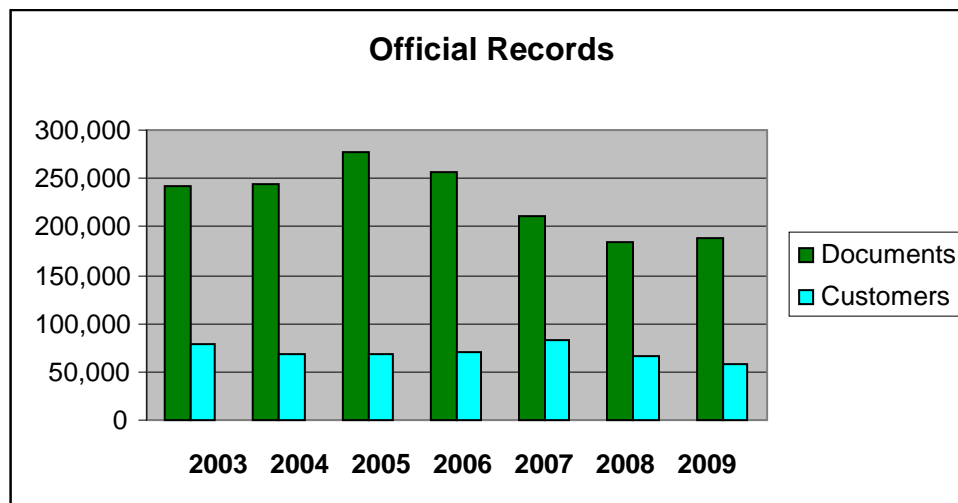


Figure 2: Official Records Activity

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Micrographic Records

The Clerk & Comptroller's Micrographic Records Department is responsible for microfilming and imaging documents to produce permanent archival records while retaining the best quality possible. All film produced is of archival quality and meets the standards set forth in Chapter 1A-26, Florida Administrative Code, developed by the National Archives and Record Service and the standards of the American National Standards Institute (ANSI). Images that are filmed and scanned include the official records, various court cases, and personnel files. This procedure includes preparing, imaging, processing, duplicating, creating optical images of documents and storing archival quality film. The Microfilm Department produces two types of media storage, micrographic and optical imaging. Optical imaging is a key component to expanding e-filing options, and paperless storage and makes the viewing of documents possible through the web.

Key Objectives

- Preparing, filming and processing documents for microfilming and imaging. Processing film for archival storage and duplicating information that may be sold to outside customers.
- Providing the best quality of duplicated images and film possible. Verifying and inspecting images and film to insure the best possible quality of image to meet permanent media storage specifications set by the state.
- A hybrid system is used to record the Official Records documents. Scanned images of the documents are converted to microfilm without using traditional filming procedures. This practice utilizes the best of two worlds: digital format for accessible storage and analog format for archival storage.
- Permanent retention that the criminal felony files have necessitates two storage options: housing the files or microfilming the papers. The required cubic feet for these two storage options is so substantially different; it presents microfilm as an efficient choice.

Performance Measures and Workload

The Microfilm Department is the quality control for imaging and filming that takes place in the Records Division. They provide services to the Records Division and other departments in the Clerk & Comptroller's Office as well as some outside agencies. The number of pages filmed each year depicts their outstanding performance. The quality of the images produced is excellent.

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Year	Digital Images Converted to Film	Pages Filmed
2005	1,201,210	123,984
2006	1,107,089	394,506
2007	787,228	951,715
2008	531,321	990,922
2009	500,550	908,557

Table 15: Imaging and Conversions

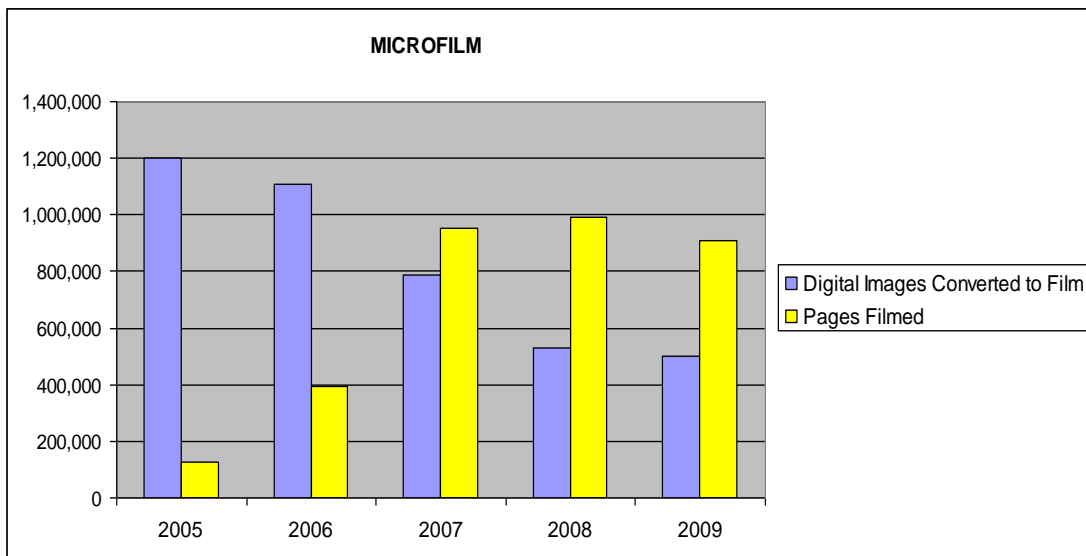


Figure 3: Digital Images

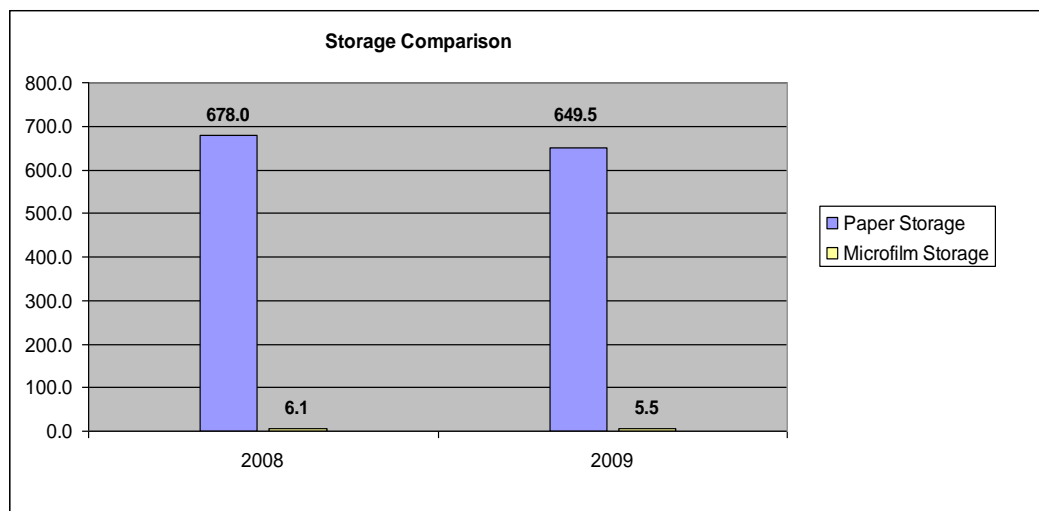


Figure 4: Storage Comparison

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Board Records

The main function of the Board Records Department is to fulfill the statutory responsibility of record keeper and custodian for the Board of County Commissioners. Team members receive and maintain all resolutions, ordinances, contracts, and other documents approved by the Board. The Board Clerks also clerk and process documentation for other Boards and committees as required by statute or Board directive. The Board Records Department serves as Clerk to the Value Adjustment Board per Florida Statute. Because of the Department of Revenue's guidelines, handling the duties of the Value Adjustment Board has become a full-time job and has prompted the formation of a separate functional area.

Key Objectives

- Maintain all records of the Board of County Commissioners according to Florida Statute.
- Attend meetings as Clerk to the Board, audio record the meetings, process all documentation according to Board direction and complete the minutes of the meeting.
- Clerk and prepare minutes of various other boards and committees according to Florida Statute or Board direction.
- Serve as Clerk to the Value Adjustment Board by accepting, processing, and scheduling petitions according to the Department of Revenue's guidelines and by Florida Statutes.

Performance Measures and Workload

- The Board Records Department serves as Clerk to the Board of County Commissioners by attending meetings, recording the audio portion of the meeting, process documentation, prepare minutes, and image all documents into the Board Records imaging system.
- The Board Records Department assists the public, attorneys, County Commissioners, County departments, other Constitutional Offices, and other Clerk's departments in providing copies of documents, copies of audio CDs from meetings, and completing research, which at times can be quite extensive.
- The Board Clerks also prepare verbatim transcripts when requested by citizens or County Staff.

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- The following committees, councils and boards require the services of Board Records: Citizens Advisory Committee on the Comprehensive Plan, Citizens Ordinance Review Committee, Construction Licensing Board of Adjustments and Appeals, Construction Code Enforcement Board, Consumer Affairs Board, Criminal Justice Information System Advisory Board, Development Review Committee, Educational Facilities Authority, Emergency Medical Services Advisory Board, Environmental Land Acquisition Selection Committee, Government Operations Committee, Health Facility Authority, Impact Fee Advisory Committee, Metropolitan Planning Organization, Planning Commission, Public Library Cooperative Board, Public Safety Coordinating Council, Rural Ordinance Review Committee, Tourist Development Council, Transportation Disadvantaged Local Coordinating Board, Value Adjustment Board, and various subcommittees of the Board. Official records of the proceedings and notifications of actions are provided.
- Attendance at all meetings and workshops of the Board of County Commissioners and its committees for the purpose of recording, indexing and distributing official minutes. The Clerk & Comptroller is also the custodian of the official county seal, resolutions, contracts, and ordinances of the Board of County Commissioners.
- During Fiscal Year 2008-2009, Board Records clerked 145 meetings, processed 7,832 documents, 524 contracts, and 29 ordinances. As a result of the meetings, 86,005 pages were imaged, 34,175 copies were made for the public, and 294 verbatim pages were provided to requestors. Board Records processed 1,115 separate petitions for the Value Adjustment Board.
- Day and evening meetings are held at various sites throughout the County, requiring additional travel and overtime. The time spent at meetings is misleading when compared to the amount of time needed to prepare and complete the related documentation; every hour of meeting time generates from one to ten hours of office work time, depending upon the depth of the minutes, the level of associated documentation, the need for verbatim transcripts, and the meeting location.
- The Optical Imaging System permits electronic document retrieval of Commission and other Board minutes at the Official Records Libraries in the Clerk & Comptroller's Office on both the east and west sides of the County. Imaging enhances public and Board department access to and retrieval of Board meeting minutes and the associated documents.
- Internet access is provided to the Official Records Indices (OR) for the County. In 2009, there were 187,398 documents recorded, which included 500,550 pages and 663,596 indexed names.

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Year	Total # Pages Imaged	Documents Previewed	Meetings Clerked	Contracts	Resolutions	VAB Petitions	Ordinances
2008/09	86,005	7,832	145	524	392	1,115	29
2007/08	66,478	3,688	182	593	395	1,137	66
2006/07	84,265	4,695	170	704	365	2,380	35
2005/06	95,451	4,422	169	656	354	1,304	50
2004/05	81,853	4,464	194	663	343	742	39

Table 16: Board Records Activity

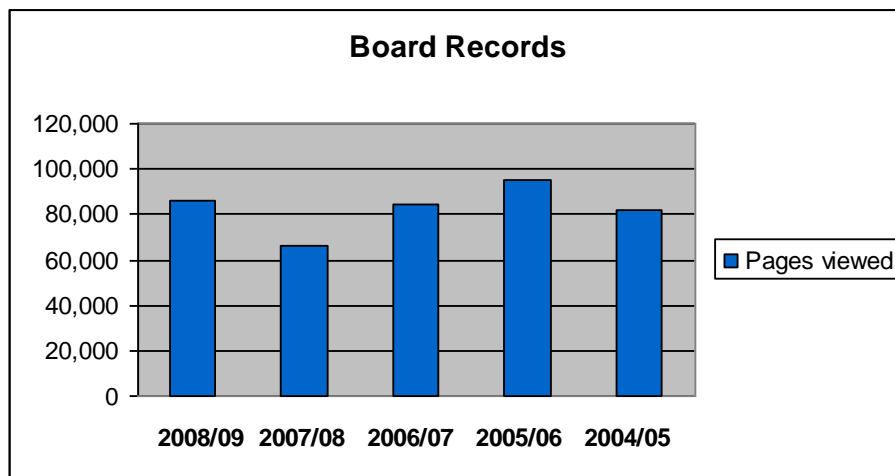


Figure 5: Board Records Pages Viewed

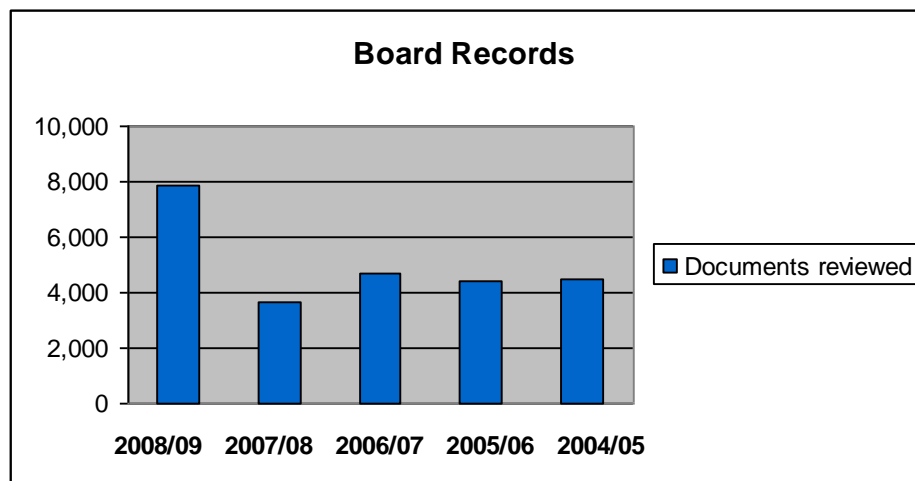


Figure 6: Board Records Documents Viewed

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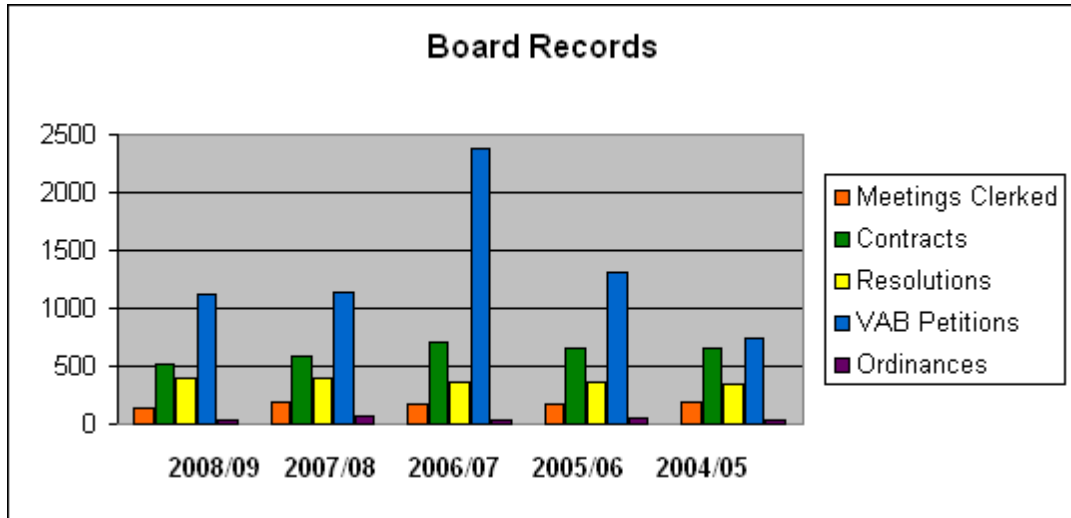


Figure 7: Board Records Activity

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Support Operations – Information Technology Division

The Information Technology Division is comprised of Application Programming and Support, Court Technical Specialists, Customer Call Center and Technical Support. Each department is described below, along with details of their responsibilities. Following the descriptions are major initiatives for this Division.

Application Programming and Support

- Our team in this area includes analysts, programmers and project team members. Their main responsibilities include supporting purchased or acquired applications, designing and writing new applications, documenting, testing, training, and implementing purchased and team-developed applications.
- We do a careful analysis of all new application requests to determine if they can be developed in-house or if the application needs to be purchased. The determining factors include size and scope, technical abilities of our team members, timing and, of course, cost. We are always searching for the most cost effective and efficient way of doing business. This is an area that we feel pays for itself in the dollars saved by not paying outside vendors annual maintenance contracts. What the Clerk & Comptroller's Office saves annually far exceeds the labor costs of this department.
- During the past year, the IT Division implemented a new Official Records application that is state-of-the-art and was developed by our own team members. We estimate that the application took the equivalent of three years of labor to develop at a cost of approximately \$180,000.
- During the same time period, the Legislature passed laws regarding the redaction of certain types of information from the Official Records System such as social security numbers, bank account numbers, etc. Our office developed the redaction software with existing team members, and completed the redaction process well ahead of the mandated deadlines.
- Another mandate was passed by the Legislature to redact similar information from court records. We will leverage the redaction software that was created for Official Records and use it for the courts project, saving the tax payers of Pasco County millions of dollars.
- This department is now in the process of working with the conversion to the CLERICUS application. While the scope of this software project is much larger than what could be developed in-house, the IT Division is doing most of the auxiliary work involved in the conversion to the new application. Millions of legacy court records need to be standardized and moved, interfaces need to be written to move data between various related applications, and the existing

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450 reports that are in our old system need to be verified as necessary and rewritten in the new system. Most counties pay the vendor to do this type of auxiliary work, adding millions of dollars to the cost of conversion. This is another situation where the Pasco Clerk & Comptroller's Office looks for the most cost-effective and efficient solution. At present, the IT team has at least 20 active projects.

Court Technical Specialists

- This group is responsible for creating mandated reports for the state; their programs generate most of the reports for the judiciary and the management of the Clerk & Comptroller's Office.
- The Court Technical Specialists are also working with the team that is doing the conversion from our current case maintenance systems to the new, fully-integrated CLERICUS Case Maintenance System. Without their in-depth knowledge of our court operations and their expertise in all areas of our court departments, a conversion of this nature would be extremely difficult.

Customer Call Center

- To answer the demand for increased efficiency, the IT Division opened a Customer Call Center on February 15, 2010, and in its first two months of operation, responded to 35,101 calls. The Customer Call Center Specialists answered 92.27% of customer inquiries, and provided assistance to those customers without having to transfer those calls to any court-related departments. The Clerk's Office was able to install the Call Center without having to hire a single new employee.
- An internal study of incoming calls was done, and the duration of each call type was measured. The number of hours each department spent on telephone calls each day was calculated, and that number was rounded down to the number of full-time team members that would be needed to answer the telephone by department. Team members were transferred from operational departments into the Customer Call Center, which is dedicated to helping every customer that dials in. Every person in our call center is highly trained in their area of expertise, and capable of serving our customers in a professional and efficient manner.

Technical Support

- The IT Technical Support Department manages, maintains and safeguards the IT hardware resources and data used within the Clerk's Office. The department is tasked with managing and maintaining the physical and virtual personal computers, thin clients, printers, physical and virtual computer servers running many varied operating systems, network storage area

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networks (SAN-disk storage), wired and wireless networking equipment and their associated network links, firewalls, and the various other pieces of equipment necessary to support the Clerk & Comptroller's Office.

- Seven technical support team members support the Clerk's team (approximately 320 team members) and all the servers, PCs and printers (approximately 90 servers and hundreds of physical PCs). The Technical Support Team also maintains most of the security access to the various user applications hosted on the Clerk's network, as well as the security of many non-Clerk users that utilize the various systems managed by the Clerk's Team. The non-Clerk users use the financial system, Court Case Information System (CCIS) data portal, and the County mainframe-based Traffic System. The team handles the operational needs of the servers by performing and overseeing the backups of all the systems and user software upgrades; they are usually the first people that are contacted when there are problems. The Tech Support Team is also responsible for managing our basic network and server infrastructure, and for making sure that our networks remain available.
- In an effort to extend the usable lives of our personal computers, memory was upgraded so that they could run the newer, larger applications that require more memory to operate. Many hardware and software support contracts were cancelled; instead, the Clerk & Comptroller's Office now maintains a pool account for many hardware items that may require repairs on a time and materials basis. This is a fraction of the cost of maintaining maintenance agreements on all computer equipment. Maintenance vendors were also switched to more economical, but highly-rated ones. Money has been saved by repairing PCs and small UPS units in-house, using inexpensive parts salvaged from equipment that is non-functioning, outdated, or removed from service.
- The network supporting the automated systems maintained by the Clerk & Comptroller's Office continues to be cleaned and upgraded to allow greater storage for imaging and other advanced electronic document management.

Key Objectives

- Preparation for CLERICUS, replacing legacy system used since 1977. Highlights include a commitment to continual compliance with Florida Statutes, built-in state reporting features, integration with Clerk's Document Management System, integration with e-filing and Pro Se, standard interfaces for data sharing with law enforcement booking systems, courtroom recording systems, judicial calendaring system, In-Court Processing System (ICPS), and Jail Interface (Livescan).

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Budget Proposal – Fiscal Year 2010-2011

- In general, changes to programming have been continual due to Article V, Revision 7, Administrative Orders, and legislative changes.
- Interfaces for the County's Great Plains customer care and billing system software with the Clerk & Comptroller's FASBE accounting software. The activity in the Great Plains software will be coded to an account number and nightly batches will be created to facilitate posting in FASBE. The interface will include the processing of utility billing, receipts, refund checks, NSF checks, and laser printing of utility refund checks. It is estimated that the interface will eliminate approximately sixty journal entries per year together with the preparation of backup materials. Testing of the interface continues with implementation currently expected to occur in October 2009.
- Establish merchant accounts with Bank of America to support electronic payments through the Internet. This effort will also include Interactive Voice Response (IVR) telephone payments, and the use of check readers to reduce the number of NSF (non-sufficient fund) checks. Credit cards will be verified through a service provided by VeriSign. This system will initially be used for utility payments, and then for Paving Assessments, Elderly Nutrition, Central Permitting, Ambulance Billing and Animal Services. This project has been delayed due to considerations involving the Utilities Department. Implementation is now expected in 2011.
- Team members are working with the Development Services Division to establish an interface for funds received through its Govern software. This project is in the design stages and an expected implementation date is yet to be determined.

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Budget Proposal – Fiscal Year 2010-2011

Support Operations – Human Resources Division

The Human Resources Division is responsible for recruitment, staffing, benefits, Board and Clerk & Comptroller payroll, strategic planning, training, and volunteers.

- Processing of County bi-weekly payroll for employees working both 4-day and 5-day work weeks, such as EMS shift employees paid bi-weekly over a 28-day cycle and employees with continually revised work schedules based on demand for service (i.e., landfill; part-time employees and part-time temporary employees).
- Manual calculations and/or verification of overtime, worker's compensation, sick leave, vacation leave and other leave, as provided by the Career Service Manual of Pasco County, are completed for each payroll.
- Additional duties include entering deductions for all medical and life insurance premiums, taxes, Florida State Retirement System contributions, domestic support deductions, deferred compensation, garnishments and tax levies, and all other individual payroll adjustments or deductions resulting from policy changes made by the Board of County Commissioners.
- Reconciling and paying 20 Insurance invoices, 4 Deferred Compensation invoices, 9 Garnishments, 73 domestic support payments, US Savings Bonds, Firefighter Benevolent Assoc, IAFF Local 4420, United Way, FRS Pension, and Dade City Firefighter Pension. Bi-weekly payrolls are pre-audited and processed for an average of 2,110 employees of the Board.

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Budget Proposal – Fiscal Year 2010-2011

Support Operations – Budget Division

The Office of the Clerk & Comptroller has a complex budget structure, as individual budgets are based on projected revenue and integrated according to the anticipated needs of the organization. The Clerk's funding sources and budgetary approval process have evolved to become specific to functional responsibility. Portions of the Clerk's budget have different expenditure rules and different approval authorities:

- The State of Florida: Court-related services are funded from a portion of the court fines and fees collected by the Clerk, with the remainder of monies going primarily to fund judicial operations throughout the state.
- Pasco County Board of County Commissioners: This revenue is used to account for Clerk functions that support the Pasco County Board of County Commissioners (BoCC), such as Clerk and Accountant to the Board, County Auditor and Comptroller. This is funded solely by transfers from the Board.
- Recording and Other Non-Court Funding: Fees generated by functions of the County Recorder, such as recording legal instruments, maintaining official records, issuing marriage licenses, performing marriage ceremonies, and processing passport applications.

Key Objectives

- To present and load a balanced budget into the FASBE system by October 1st each year, comprised of three sub-budgets that are submitted throughout the year: Court-related, fee-funded, and Board-funded
- To analyze and identify areas of the organization that may be candidates for process improvement and potential savings; such analyses are performed by coupling financial information found in FASBE with productivity data collected in ActiveStrategy, and by working to create efficiencies according to current and anticipated operating trends
- To enhance the annual Budget Document according to Government Finance Officers Association (GFOA) guidelines

Office of Paula S. O'Neil

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Budget Proposal – Fiscal Year 2010-2011

Support Operations – Internal Audit Division

The Internal Audit Division provides an independent, objective assurance and consulting activity designed to add value and improve the organization's operations for the Clerk & Comptroller and Board of County Commissioners. To assist the organizations in accomplishing its objectives, the Internal Audit Division provides a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

Key Objectives

The key objective of the Internal Audit Division is to conduct audits of Board departments and Clerk & Comptroller activities in an efficient and effective manner. This service operates as a management tool to continue to establish and maintain effective internal controls. Reviews are conducted to ensure that resources are utilized efficiently and effectively and that valid and reliable data are obtained and maintained. The Internal Auditors look for compliance with policies, procedures, applicable laws, regulations, and methods to ensure that resources are safeguarded against waste, loss, and misuse. Prevention and detection of fraud are also focuses of the Internal Audit Division.

Performance Measures and Workload

The Internal Audit Division conducts audits of Board departments in order to determine adherence to established policies and procedures in the collection, disbursement, and accounting for Board funds. Team members verify compliance with contractual obligations, policies, procedures, and reporting requirements in accordance with local, state, and federal guidelines, regulations, and laws. Additionally, the efficiency, operational effectiveness, and internal controls in use in the departments of the Board are also reviewed.

Office of Paula S. O'Neil
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Budget Proposal – Fiscal Year 2010-2011

Completed Audits

Fiscal Year Ending	Total Audits	Management Requests	Regular Scheduled (risk-based)	Annual Basis
2006 Actual	9	4	1	4
2007 Actual	9	1	4	4
2008 Actual	6	1	2	3
2009 Actual	7	3	2	2
2010 Projected	6	3	1	2
2011 Projected	7	3	2	2

Table 17: Completed Audits

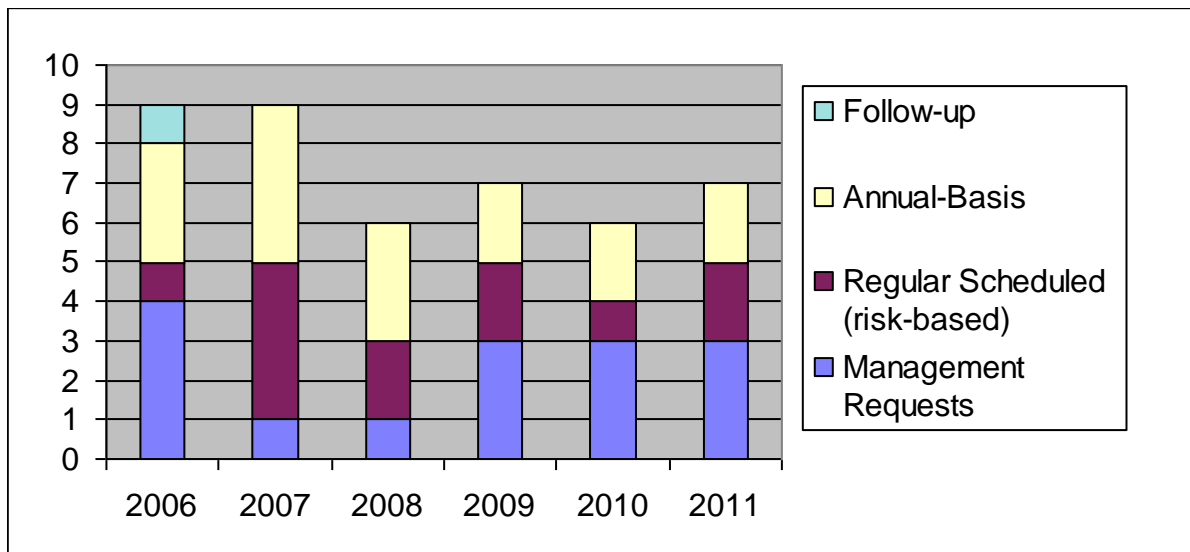
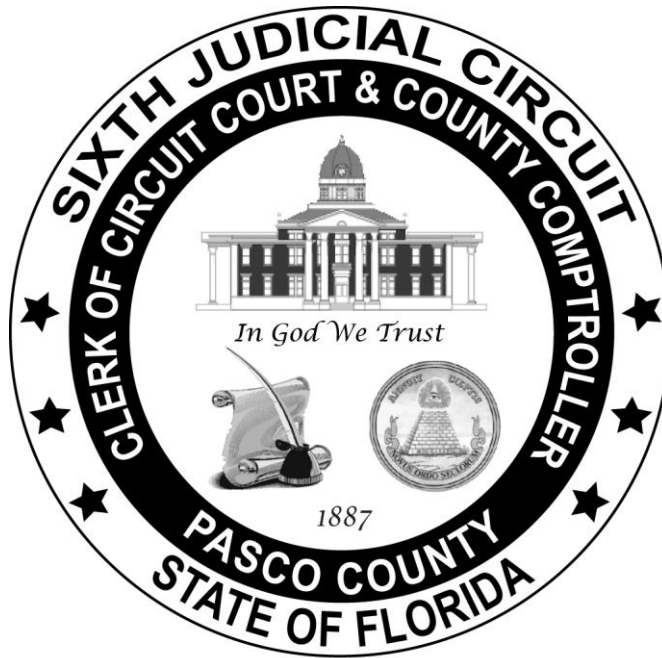


Figure 8: Completed Audits

*Office of Paula S. O'Neil
Clerk & Comptroller*

Budget Proposal – Fiscal Year 2010-2011



**REVENUE COLLECTION AND DISTRIBUTION
BY THE OFFICE OF
THE CLERK & COMPTROLLER**

Office of Paula S. O'Neil
Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

Revenues Collected by the Clerk & Comptroller
(Excluding Board Interest Earnings)

October 1 – September 30

	<u>FY 2006-2007</u>	<u>FY 2007-2008</u>	<u>FY 2008-2009</u>
Distributed To Units of Government and Individuals:			
Board of County Commissioners	\$ 3,686,116	\$ 3,066,860	\$ 2,874,767
Pasco County Sheriff	322,272	294,521	299,094
Pasco County Municipalities	352,420	371,094	352,946
State of Florida	69,536,502	38,376,380	25,702,754
By Court Action:			
Court Registry	18,401,468	11,185,194	41,682,876
Restitution	360,060	247,745	243,592
Jury and Witness	119,924	116,889	58,612
School Impact Fees	12,979,762	7,130,227	5,642,713
Other Agencies	474,149	678,716	314,104
Total Revenue Collected on Behalf of Other Units of Government and Individuals:	<u><u>\$ 106,232,673</u></u>	<u><u>\$ 61,467,626</u></u>	<u><u>\$ 77,171,458</u></u>
Distributed to Recipients of Child Support and Alimony --			
Child Support and Alimony Collected and Disbursed:	<u><u>\$ 1,968,996</u></u>	<u><u>\$ 1,982,020</u></u>	<u><u>\$ 1,913,546</u></u>

Totals are subject to rounding and audit adjustments, if any.

Office of Paula S. O'Neil Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

Interest Earnings (Loss) – Board Accounts

			Oct - Mar *
	FY2007-2008	FY2008-2009	FY 2009-2010
General	\$ 774,613	\$ (215,663)	\$ 182,723
Municipal Service	(5,293)	(15,824)	32,821
Local Option Gas Tax	674,814	(253,963)	237,031
Building Inspections and Permitting Funds	29,293	(5,303)	4,398
West Pasco Law Library	135	(40)	121
East Pasco Law Library	931	(217)	367
Road and Bridge	38,279	(6,304)	7,666
Tree Fund	10,097	(3,573)	5,875
Lake Padgett R & B and Recreation Units	-	-	-
Quail Hollow Village MTSU	577	(189)	-
Municipal Fire Service Unit	173,014	(37,926)	31,202
Office of State Courts Administrator	649	-	324
Criminal Justice (FDLE)	(237)	-	54
American Recovery & Reinvestment Act	-	-	218
Penny for Pasco	199,631	(61,301)	140,887
Park Development	12,026	(1,873)	1,223
Education	1,146	(337)	572
1/2 Cent Sales Tax Series 2003	3,923	(1,741)	2,339
1/2 Cent Sales Tax CIP	80,459	(47,392)	65,198
Guaranteed Entitlement CIP	26,528	-	-
Capital Improvements	209,775	(114,545)	92,108
Tommytown Capital	-	-	-
Refunding Improvement Revenue Bonds, Series 1996	2,519	-	-
Tommytown Debt Service	-	-	-
Guaranteed Ent I & S Series 2003	9,118	(1,740)	5,929
Local Option Gas Tax I & S - Series 1989	7,341	-	-
Gas Tax Rev Refund I & S 2002	1,543	(3,241)	2,770
Solid Waste	756,357	(44,012)	113,472
Equipment Service	100,497	(37,804)	75,599
County Insurance	78,237	(23,516)	55,732
Lighting District	17,888	(6,427)	9,415
Law Enforcement	3,759	(471)	1,226
Pasco Water & Sewer Unit	5,274,604	2,458,358	2,011,095
East Pasco and Forest Hills Utilities	-	-	-
Transportation Impact Fee	1,380,345	(416,741)	623,799
911 Emergency Management Service	24,832	(9,482)	22,829
Drug Programs	1,972	(92)	171
Tourist Development Tax	98,849	(30,449)	53,460
Paving Assessment	75,309	(16,660)	35,125
Intergovernmental Radio Communication	11,292	(3,909)	7,593
Williamsburg West - MSTU	340	(129)	168
Court Facilities F.S. 939.18	20,777	(7,512)	18,156
Department of Children & Families	-	-	37
Housing Programs	21,987	(2,803)	5,979
Florida Boating Improvement Program	8,132	(2,517)	5,027
Teen Court	4,602	(1,872)	2,190
Combat Impact Fee	77,760	(21,948)	34,403
Park Impact Fee (East, West, Central)	183,189	(55,543)	100,000
Concurrency Fund	6,940	(2,095)	4,838
Rescue Impact Fee	54,180	(15,289)	26,988
Hurricane Impact Fee	2,840	(1,093)	1,615
Stormwater Management	25,380	(23,300)	56,428
Library Impact Fee	13,969	(4,045)	8,390
U.S. Department of Justice	-	-	797
TOTALS: Current FY - First six months:			\$ 4,088,779
Completed fiscal years:	\$ 10,494,922	\$ 959,477	

*This number represents six months of activity in the current fiscal year.

Totals subject to rounding and audit adjustments, if any.

Office of Paula S. O'Neil
Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

**Revenues Deposited in Board Funds
for Deposit to the Accounts of Pasco County**

	<u>FY 2007-2008</u>	<u>FY 2008-2009</u>	<u>Oct - Mar*</u> <u>FY 2009-2010</u>
County Local Ordinance Violations		\$ 2,091	
Circuit Court Fines/Costs			123
Animal Control Ordinance Violations	1,780	1,170	750
Crime Prevention	84,226	107,136	71,321
Substance Abuse Surcharge	14,513	16,113	8,613
Traffic Fines - Infractions	41,341	53,642	18,134
School Crossing Guard	9,206	13,261	4,518
Handicap Parking - Improvements	26,996	19,734	7,750
Teen Court Assessment	202,845	192,493	85,054
Drug Abuse Assessment	426	357	307
Intergovernmental Radio Comm. Program	356,248	340,352	157,716
Court Facilities	834,094	834,273	622,526
Law Libraries	121,598	116,357	60,597
Cost Recovery 34.045 (1) C	9,950	29,820	3,320
Guardian Investigation Fees	5,067	4,602	0
Courts Self-help Packets	21,098	14,053	2,672
Driver Education	133,788	123,803	59,597
Domestic Violence	32,336	32,533	21,390
Judgement for Cost of Conviction		766	484
Prostitution - Civil Penalty - County	1,000	5,050	195
BCC \$2 Recording Fee	836,476	606,295	284,550
Legal Aid	120,729	115,545	60,646
BCC Innovations	120,741	115,544	60,630
Juvenile Programs	53,033	54,316	28,265
Miscellaneous Revenue due to Article V**	39,370	75,461	63,130
TOTALS: Current FY - First six months:			\$ 1,622,288
Completed fiscal years:	\$ 3,066,860	\$ 2,874,767	

*This number represents six months of activity in the current fiscal year.

** Sheriff Transportation Costs, Investigative Costs, and Sheriff Fee

Totals subject to rounding and audit adjustments, if any.

Office of Paula S. O'Neil
Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

**Revenues Collected and Processed by
the Clerk & Comptroller
and Remitted to the Sheriff**

	<u>FY 2007-2008</u>	<u>FY 2008-2009</u>	<u>Oct - Mar*</u> <u>FY 2009-2010</u>
Law Enforcement & School Guard Crossing Programs			
Current FY - First six months:			\$ 157,690
Completed fiscal years:	\$ 294,521	\$ 299,094	

*This number represents six months of activity in the current fiscal year.

Totals subject to rounding and audit adjustments, if any.

Office of Paula S. O'Neil
Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

**Revenues Collected and Processed by
the Clerk & Comptroller
and Remitted to Municipalities**

	<u>FY 2007-2008</u>	<u>FY 2008-2009</u>	<u>Oct - Mar *</u> <u>FY 2009-2010</u>
City of New Port Richey			
Fines	\$ 148,989	\$ 157,149	\$ 74,282
Law Enforcement Training	5,352	4,259	2,061
 City of Port Richey			
Fines	95,149	85,263	58,731
Law Enforcement Training	4,569	5,209	4,418
 City of Zephyrhills			
Fines	83,848	75,678	31,414
Law Enforcement Training	4,653	4,413	2,941
 City of Dade City			
Fines	25,295	18,517	8,679
Law Enforcement Training	1,484	1,504	867
 City of San Antonio			
Fines	1,458	535	306
Law Enforcement Training	118	28	16
 Town of St. Leo			
Fines	165	373	40
Law Enforcement Training	14	18	8
 TOTALS: Current FY - first six months:			<u><u>\$ 183,763</u></u>
Completed fiscal years:	<u><u>\$ 371,094</u></u>	<u><u>\$ 352,946</u></u>	

*This number represents six months of activity in the current fiscal year.

Totals subject to rounding and audit adjustments, if any.

Office of Paula S. O'Neil
Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

**Revenues Collected through
Court-Related Activities
and Distributed to State Agencies**

	FY 2007-2008	FY 2008-2009	Oct - Mar** FY 2009-2010
Court Education Trust Fund	\$ 88,250	\$ 76,676	\$ 24,729
Child Welfare Training Trust Fund	53,582	48,997	23,819
Juvenile Justice Training Trust Fund	43,994	40,998	19,736
Displaced Homemaker Trust Fund	32,615	28,379	14,022
Epilepsy Services Trust Fund	42,215	33,888	17,839
Florida Department of Health	87,724	74,837	37,207
Additional Court Cost - Clearing Trust Fund	286,402	247,108	110,326
Highway Safety Operating Trust Fund	223,390	202,356	105,102
General Revenue Fund of the State	1,622,334	1,849,991	602,691
Emergency Medical Service Trust Fund	231,341	185,173	77,675
Brain & Spinal Cord Injury Rehab. Trust Fund	290,638	235,989	102,671
Victims of Crimes Compensation Trust Fund	488,869	471,750	251,784
Dept. of Law Enforcement Operating Trust Fund	58,697	52,175	30,815
Court Mediation/Arbitration Trust Fund	114,578	368,581	117,169
Nongame Fish and Wildlife Trust Fund	52,673	44,780	18,583
Child Support Enforcement Trust Fund	31,185	32,391	15,205
Department of Children & Families	68,400	55,993	29,725
Indigent Criminal Defense Trust Fund	264,711	244,466	165,742
Department of Education	1,948	1,928	796
Crime Stoppers Trust Fund	27,508	28,957	14,891
Florida Endowment Foundation for Voc. Rehab.	59,567	45,623	18,312
Marine Resources Conservation Trust Fund	10,793	8,451	1,232
Criminal Justice Standards Trust Fund	45,740	42,993	20,041
Family Courts Trust Fund	233,854	197,182	100,493
Clerks of the Court Trust Fund	25	-	
Domestic Violence Trust Fund	22,903	25,486	12,988
Rape Crisis Trust Fund	73,216	25,569	21,765
State Attn. Office	30,038	284,012	175,468
Recording Costs - Various State Agencies	2,166	5,238	662
SunPass Program	24,407	9,742	6,476
Department of Revenue	277,345	359,550	101,883
Crimes Against Minors Trust Fund	829	1,414	462
Department of Financial Services	74,853	59,945	3,799
Solid Waste Management Trust Fund	2,049	2,303	950
Total Court-Related Revenues			
Remitted to State Agencies:	\$ 4,968,839	\$ 5,392,921	\$ 2,245,058

Office of Paula S. O'Neil
Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

**Revenues Collected and Processed by
the Clerk & Comptroller
and Remitted to the School Board***

	<u>FY 2007-2008</u>	<u>FY 2008-2009</u>	<u>Oct - Mar** FY 2009-2010</u>
Impact Fees			
Current FY - First six months:			\$ 2,260,850
Completed fiscal years:	<u>\$ 7,130,227</u>	<u>\$ 5,642,713</u>	

* The total amount collected from inception, net of Clerk's fees, on behalf of the School Board is \$92,425,396.

**This number represents six months of activity in the current fiscal year.

Totals subject to rounding and audit adjustments, if any.

Office of Paula S. O'Neil
Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

**Revenues Collected and Processed by
the Clerk & Comptroller
and Remitted to Other Agencies**

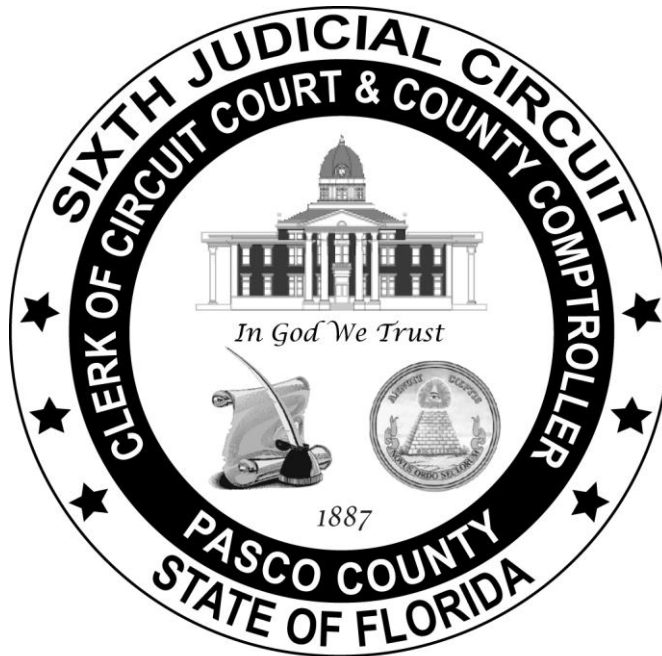
	<u>FY 2007-2008</u>	<u>FY 2008-2009</u>	<u>Oct - Mar*</u> <u>FY 2009-2010</u>
Other Agencies:			
FACC and Comptrollers, Inc.	\$ 41,824	\$ 30,622	\$ 14,228
Tax Deed and Applications - Other	636,892	283,482	146,282
Bay Area Legal Services			437,799
TOTALS: Current FY - First six months:			<u><u>\$ 598,309</u></u>
Completed fiscal years:	<u><u>\$ 678,716</u></u>	<u><u>\$ 314,104</u></u>	

*This number represents six months of activity in the current fiscal year.

Totals subject to rounding and audit adjustments, if any.

*Office of Paula S. O'Neil
Clerk & Comptroller*

Budget Proposal – Fiscal Year 2010-2011



APPENDICES

Office of Paula S. O'Neil
Clerk & Comptroller

Budget Proposal – Fiscal Year 2010-2011

Appendix A: Glossary of Terms

Balanced Budget - The total of estimated receipts, including balances brought forward, shall equal the total of estimated expenditures and reserves.

Board of County Commissioners - The governing body of Pasco County, composed of five persons elected by constituents from districts across the County.

Budget - A financial plan for a specified period of time (fiscal year) that matches proposed expenditures with anticipated revenues.

Budget Message - A brief, written statement presented by the Clerk & Comptroller to explain principal budget issues.

Capital Expenditures - Appropriations for the acquisition or construction of physical assets with a life expectancy greater than one year and a cost greater than \$1,000.

Constitutional Officer(s) - Elected officials that are funded in part or in total by the Board of County Commissioners, but maintain autonomy of their own offices. The five Constitutional Officers in Pasco County are the Clerk & Comptroller, Property Appraiser, Sheriff, Supervisor of Elections, and Tax Collector.

County Administrator - The Chief Executive Officer of the County, appointed by the Board of County Commissioners.

Deficit - The excess of expenditures over revenues during the fiscal year.

Expenditures - Decrease in fund financial resources for the procurement of assets or the cost of goods and/or services received.

Fiscal Year - The annual accounting period; the County Fiscal Year runs from October 1st through September 30th, while the state fiscal year runs from July 1st through June 30th.

Fund - Money set aside and accounted for separately in order to ensure that the money is spent for a specific purpose.

Fund Balance - The amount available within a fund at the close of a fiscal period, which can be carried over as a source of available funding for the succeeding fiscal period.

Office of Paula S. O'Neil
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Budget Proposal – Fiscal Year 2010-2011

General Fund - The governmental accounting fund supported by ad valorem (property) taxes, licenses and permits, service charges, and other general revenue to provide County-wide operating services. This may be referred to as the operating fund.

Grant - A contribution of assets (usually cash) by one governmental unit or organization to another, given for a specified purpose.

Indirect Costs - Costs associated with, but not directly attributed to, the provision of a product or service. These are usually costs incurred by administrative departments in support of operating departments.

Interfund Transfers - Budgeted amounts transferred from one fund to another fund. These represent “double counting” of expenditures. Therefore, these amounts are deducted from the total County operating budget to calculate the “net” budget.

Less Charges - Short title for “Less Charges to Other Departments/Funds.” A credit given to the operating department, which represents work completed on behalf of another department or fund. Its offset is a charge to the affected department or fund; the result is to show associated project costs properly allocated.

Line Item Budget - A budget that lists each account category separately along with the dollar amount budgeted for each account, such as office supplies, overtime, or capital purchases.

Operating Expenditures - Also known as operating and maintenance costs, these are expenditures for day-to-day operations, such as office supplies, maintenance of equipment, and travel. Capital costs are excluded.

Revenues – Income received from normal business activities.

Office of Paula S. O'Neil
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Budget Proposal – Fiscal Year 2010-2011

Appendix B: Florida Constitution Article V

ARTICLE V. JUDICIARY

SECTION 14. (b) 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. 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.

(c) No county or municipality, except as provided in this subsection, shall be required 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. Counties shall be required to fund the cost of communications services, existing radio systems, existing multi-agency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the trial courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall also pay reasonable and necessary salaries, costs, and expenses of the state courts system to meet local requirements as determined by general law.

SECTION 16. Clerks of the circuit courts.--There shall be in each county a clerk of the circuit court who shall be selected pursuant to the provisions of Article VIII section 1. Notwithstanding any other provision of the constitution, the duties of the clerk of the circuit court may be divided by special or general law between two officers, one serving as clerk of court and one serving as ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds. There may be a clerk of the county court if authorized by general or special law.

History.--S.J.R. 52-D, 1971; adopted 1972.

ARTICLE VIII LOCAL GOVERNMENT

SECTION 1. Counties

- (d) **COUNTY OFFICERS.** There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds.

<http://www.leg.state.fl.us/Statutes/index.cfm?Tab=statutes&submenu=-1&CFID=150592415&CFTOKEN=63884075>

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Appendix C: Florida Statutes Chapter 28

CHAPTER 28: CLERKS OF THE CIRCUIT COURTS

28.001 Definitions.--As used in this chapter:

(1) "Official records" means each instrument that the clerk of the circuit court is required or authorized to record in one general series called "Official Records" as provided for in s. 28.222.

(2) "Public records" has the same meaning as in s. 119.011 and includes each official record.

History.--s. 1, ch. 94-348; s. 1, ch. 99-259.

28.01 Bond of circuit court clerks; small counties.--In each county of the state having a population of 150,000 or less according to the last state census, the clerk of the circuit court shall give bond as required by the board of county commissioners of the county, to be filed with the clerk of the circuit court and be conditioned upon the faithful discharge of the duties of office.

History.--ss. 1, 3, ch. 3724, 1887; RS 1381; GS 1821; RGS 3066; CGL 4847; s. 1, ch. 17754, 1937; s. 1, ch. 20719, 1941; ss. 10, 12, 35, ch. 69-106; s. 152, ch. 95-147; s. 12, ch. 95-312; s. 7, ch. 98-34.

28.02 Bond of circuit court clerks; large counties.--In each county of the state having a population in excess of 150,000 according to the last state census, the clerk of the circuit court shall give bond as required by the board of county commissioners of the county, to be filed with the clerk of the circuit court and be conditioned upon the faithful discharge of the duties of office.

History.--ss. 1, 3, ch. 3724, 1887; RS 1381; GS 1821; RGS 3066; CGL 4847; s. 1, ch. 17754, 1937; s. 1, ch. 20719, 1941; ss. 10, 12, 35, ch. 69-106; s. 153, ch. 95-147; s. 13, ch. 95-312; s. 8, ch. 98-34.

28.03 Obligation of sureties.--Each surety upon such bond may bind himself or herself for a specified sum, but the aggregate amount for which the sureties shall bind themselves shall not be less than the penalty of the bond.

History.--s. 9, ch. 3724, 1887; RS 934; GS 1822; RGS 3067; CGL 4848; s. 2, ch. 17754, 1937; s. 1, ch. 20719, 1941; s. 154, ch. 95-147.

28.04 Justification of sureties.--Each surety upon such bond shall make affidavit that the surety is a resident of the county for which the clerk is to be commissioned, and that he or she has sufficient visible property therein unencumbered and not exempt from sale under legal process to make good his or her bond.

History.--s. 10, ch. 3724, 1887; RS 935; GS 1823; RGS 3068; CGL 4849; s. 3, ch. 17754, 1937; s. 1, ch. 20719, 1941; s. 155, ch. 95-147.

28.05 Surety companies.--The provisions of ss. 28.01-28.04 as to number of sureties, affidavits of residence and justification of same, shall not apply to solvent surety companies authorized to do business and execute bonds in this state.

History.--GS 1824; RGS 3069; CGL 4850; s. 4, ch. 17754, 1937; s. 1, ch. 20719, 1941.

28.06 Power of clerk to appoint deputies.--The clerk of the circuit court may appoint a deputy or deputies, for whose acts the clerk shall be liable, and the said deputies shall have and exercise each

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and every power of whatsoever nature and kind as the clerk may exercise, excepting the power to appoint a deputy or deputies.

History.--s. 1, Feb. 12, 1834; s. 1, ch. 254, 1849; RS 1384; GS 1825; RGS 3070; CGL 4851; s. 1, ch. 21956, 1943; s. 156, ch. 95-147.

28.07 Place of office.--The clerk of the circuit court shall keep his or her office at the county seat. If the clerk finds a need for branch offices, they may be located in the county at places other than the county seat. Instruments presented for recording in the Official Records may be accepted and filed for that purpose at any branch office designated by the governing body of the county for the recording of instruments pursuant to s. 1, Art. VIII of the State Constitution. One or more deputy clerks authorized to issue process may be employed for such branch offices. The Official Records of the county must be kept at the county seat. Other records and books must be kept within the county but need not be kept at the county seat.

History.--s. 3, Feb. 12, 1834; RS 1385; GS 1826; RGS 3071; CGL 4852; s. 1, ch. 57-281; s. 1, ch. 87-190; ss. 2, 10, ch. 94-348; s. 2, ch. 99-259.

28.071 Clerk's seal.--Each clerk shall provide a seal which shall have inscribed thereon substantially the words:

"Circuit Court"

"Clerk," "(Name of county)"

which shall be the official seal of the clerk of the circuit court in that county for authentication of all documents or instruments. It may be an imprint or impression type seal and shall be registered with the Department of State.

History.--s. 1, ch. 70-134; s. 1, ch. 70-439.

28.08 Place of residence.--The clerk of the circuit court, or a deputy, shall reside at the county seat or within 2 miles thereof.

History.--s. 1, ch. 1851, 1871; RS 1386; GS 1827; RGS 3072; CGL 4853.

28.09 Clerk ad interim.--In the case of vacancy occurring in the office of a clerk of the circuit court by death, resignation, or other cause, the judge of that court shall appoint a clerk ad interim, who shall assume all the responsibilities, perform all the duties, and receive the same compensation for the time being as if he or she had been duly appointed to fill the office; and the clerk shall give such bond and security for the faithful performance of duties as required by the board of county commissioners.

History.--s. 1, ch. 722, 1855; RS 1393; GS 1838; RGS 3083; CGL 4866; s. 157, ch. 95-147; s. 9, ch. 98-34.

28.101 Petitions and records of dissolution of marriage; additional charges.--

(1) When a party petitions for a dissolution of marriage, in addition to the filing charges in s. 28.241, the clerk shall collect and receive:

(a) A charge of \$5. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the Department of Revenue for deposit in the Child Welfare Training Trust Fund created in s. 402.40.

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(b) A charge of \$5. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the Department of Revenue for deposit in the Displaced Homemaker Trust Fund created in s. 446.50. If a petitioner does not have sufficient funds with which to pay this fee and signs an affidavit so stating, all or a portion of the fee shall be waived subject to a subsequent order of the court relative to the payment of the fee.

(c) A charge of \$55. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the Department of Revenue for deposit in the Domestic Violence Trust Fund. 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.

(d) A charge of \$32.50. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph as follows:

1. An amount of \$7.50 to the Department of Revenue for deposit in the Displaced Homemaker Trust Fund.

2. An amount of \$25 to the Department of Revenue for deposit in the General Revenue Fund.

(2) Upon receipt of a final judgment of dissolution of marriage for filing, and in addition to the filing charges in s. 28.241, the clerk may collect and receive a service charge of up to \$10.50 pursuant to s. 382.023 for the recording and reporting of such final judgment of dissolution of marriage to the Department of Health.

History.--s. 2, ch. 67-520; s. 2, ch. 70-134; s. 1, ch. 70-439; s. 1, ch. 73-300; s. 9, ch. 83-217; s. 103, ch. 86-220; s. 1, ch. 87-145; s. 25, ch. 87-387; s. 7, ch. 88-98; s. 2, ch. 88-181; s. 12, ch. 94-134; s. 12, ch. 94-135; s. 54, ch. 96-418; s. 82, ch. 97-237; s. 14, ch. 98-403; s. 13, ch. 99-2; s. 5, ch. 99-243; s. 4, ch. 2001-122; s. 25, ch. 2003-402; s. 3, ch. 2004-251; s. 14, ch. 2004-265.

28.12 Clerk of the board of county commissioners.--The clerk of the circuit court shall be clerk and accountant of the board of county commissioners. He or she shall keep the minutes and accounts and perform such other duties as provided by law. The clerk shall have custody of the seal and affix the same to any paper or instrument as required by law.

History.--RS 1392; GS 1836; RGS 3081; CGL 4864; s. 3, ch. 70-134; s. 158, ch. 95-147.

28.13 To keep papers.--The clerk of the circuit court shall keep all papers filed in the clerk's office with the utmost care and security, arranged in appropriate files (endorsing upon each the time when the same was filed), and shall not permit any attorney or other person to take papers once filed out of the office of the clerk without leave of the court, except as is hereinafter provided by law.

History.--s. 59, Nov. 18, 1828; RS 1389; GS 1830; RGS 3075; CGL 4856; s. 1, ch. 89-297; s. 159, ch. 95-147.

28.14 Records, judgments, orders, and decrees prior to circuit courts.--All the records, judgments, orders, and decrees of the several circuit courts, in the respective counties, made and entered before July 28th, 1868, shall be taken and held to be the records, judgments, orders, and decrees of the circuit courts as established in said counties July 28th, 1868, and may be amended and enforced according to law and the practice of said courts.

History.--s. 9, ch. 1629, 1869; RS 1402; GS 1853; RGS 3098; CGL 4882.

28.15 Records from superior courts.--The files, rolls and books of record of the superior courts of the several districts of the Territory of Florida remaining in the clerk's offices of the respective

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counties, so far as the same, by the concurrence of the Congress and the Legislature of this state, may relate to matters of appropriate state authority and jurisdiction, are placed in the custody and under the control of the circuit courts of this state in the respective counties thereof, where the said superior courts were held and the records kept, and shall be deemed, held and taken to be files, rolls and records of the said circuit courts; and the said circuit courts may lawfully have and exercise such judicial cognizance and power over them as the said courts may lawfully have and exercise over their own files, rolls and records.

History.--s. 2, ch. 520, 1853; RS 1403; GS 1854; RGS 3099; CGL 4883.

28.16 Certain records from prior county courts.--All the records, judgments and orders in the several county courts, in the respective counties, made and entered prior to May 4th, 1875, where the amount sued upon exceeded the sum of \$100, shall be held, deemed and taken to be files, rolls and records of the circuit court and the said circuit court may lawfully have and exercise such cognizance and power over them as said courts may lawfully have and exercise over its own files, rolls and records.

History.--s. 1, ch. 3004, 1877; RS 1404-1406; s. 1, ch. 4725, 1899; GS 1855-1858; RGS 3100-3103; CGL 4884-4887.

28.211 Clerk to keep docket.--The clerk of the circuit court shall keep a progress docket in which he or she shall note the filing of each pleading, motion, or other paper and any step taken by him or her in connection with each action, appeal, or other proceeding before the court. The clerk may keep separate progress dockets for civil and criminal matters. The clerk shall keep an alphabetical index, direct and inverse, for the docket.

History.--s. 1, ch. 71-4; s. 160, ch. 95-147.

28.212 Minutes of court proceedings.--The clerk may keep minutes of court proceedings. The action of the court shall be noted in the minutes, but orders and judgments shall not be recorded in the minutes.

History.--s. 1, ch. 72-320.

28.213 Disposal of physical evidence filed as exhibits.--The clerk of any circuit court or county court may dispose of items of physical evidence which have been held as exhibits in excess of 3 years in cases on which no appeal, or collateral attack, is pending or can be made. Items of evidence having no monetary value which are designated by the clerk for removal shall be disposed of as unusable refuse. Items of evidence having a monetary value which are designated for removal by the clerk shall be sold and the revenue placed in the clerk's general revenue fund.

History.--s. 1, ch. 72-7; s. 21, ch. 73-333; s. 2, ch. 89-176; s. 26, ch. 2003-402.

Note.--Former s. 43.195.

28.215 Pro se assistance.--The clerk of the circuit court shall provide ministerial assistance to pro se litigants. Assistance shall not include the provision of legal advice.

History.--s. 27, ch. 2003-402.

28.222 Clerk to be county recorder.--

(1) The clerk of the circuit court shall be the recorder of all instruments that he or she may be required or authorized by law to record in the county where he or she is clerk.

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(2) The clerk of the circuit court shall record all instruments in one general series called "Official Records." He or she shall keep a register in which he or she shall enter at the time of filing the filing number of each instrument filed for record, the date and hour of filing, the kind of instrument, and the names of the parties to the instrument. The clerk shall maintain a general alphabetical index, direct and inverse, of all instruments filed for record. The register of Official Records must be available at each office where official records may be filed.

(3) The clerk of the circuit court shall record the following kinds of instruments presented to him or her for recording, upon payment of the service charges prescribed by law:

(a) Deeds, leases, bills of sale, agreements, mortgages, notices or claims of lien, notices of levy, tax warrants, tax executions, and other instruments relating to the ownership, transfer, or encumbrance of or claims against real or personal property or any interest in it; extensions, assignments, releases, cancellations, or satisfactions of mortgages and liens; and powers of attorney relating to any of the instruments.

(b) Notices of lis pendens, including notices of an action pending in a United States court having jurisdiction in this state.

(c) Judgments, including certified copies of judgments, entered by any court of this state or by a United States court having jurisdiction in this state and assignments, releases, and satisfactions of the judgments.

(d) That portion of a certificate of discharge, separation, or service which indicates the character of discharge, separation, or service of any citizen of this state with respect to the military, air, or naval forces of the United States. Each certificate shall be recorded without cost to the veteran, but the clerk shall receive from the board of county commissioners or other governing body of the county the service charge prescribed by law for the recording.

(e) Notices of liens for taxes payable to the United States and other liens in favor of the United States, and certificates discharging, partially discharging, or releasing the liens, in accordance with the laws of the United States.

(f) Certified copies of petitions, with schedules omitted, commencing proceedings under the Bankruptcy Act of the United States, decrees of adjudication in the proceedings, and orders approving the bonds of trustees appointed in the proceedings.

(g) Certified copies of death certificates authorized for issuance by the Department of Health which exclude the information that is confidential under s. 382.008, and certified copies of death certificates issued by another state whether or not they exclude the information described as confidential in s. 382.008.

(h) Any other instruments required or authorized by law to be recorded.

(4) Any reference in these statutes to the filing of instruments affecting title to real or personal property with the clerk of the circuit court shall mean recording of the instruments.

(5) The clerk of the circuit court may maintain a separate book for maps, plats, and drawings recorded pursuant to chapters 177, 253, and 337.

(6) All instruments recorded in the Official Records shall always be open to the public, under the supervision of the clerk, for the purpose of inspection thereof and of making extracts therefrom; but

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the clerk shall not be required to perform any service in connection with such inspection or making of extracts without payment of service charges as provided in s. 28.24.

History.--ss. 2, 4, ch. 71-4; s. 24, ch. 81-259; s. 2, ch. 84-114; s. 2, ch. 92-25; s. 1, ch. 93-42; s. 100, ch. 94-119; s. 11, ch. 94-348; s. 1324, ch. 95-147; s. 2, ch. 95-214; s. 83, ch. 97-237; s. 3, ch. 99-259.

¹**Note.**--Replaced by the 1978 Bankruptcy Code.

28.22205 Electronic filing process.--Each clerk of court shall implement an electronic filing process. The purpose of the electronic filing process is to reduce judicial costs in the office of the clerk and the judiciary, increase timeliness in the processing of cases, and provide the judiciary with case-related information to allow for improved judicial case management. The Legislature requests that, no later than July 1, 2009, the Supreme Court set statewide standards for electronic filing to be used by the clerks of court to implement electronic filing. The standards should specify the required information for the duties of the clerks of court and the judiciary for case management. The clerks of court shall begin implementation no later than October 1, 2009. The Florida Clerks of Court Operations Corporation shall report to the President of the Senate and the Speaker of the House of Representatives by March 1, 2010, on the status of implementing electronic filing. The report shall include the detailed status of each clerk office's implementation of an electronic filing process, and for those clerks who have not fully implemented electronic filing by March 1, 2010, a description of the additional steps needed and a projected timeline for full implementation. Revenues provided to counties and the clerk of court under s. 28.24(12)(e) for information technology may also be used to implement electronic filing processes.

History.--s. 16, ch. 2009-61.

28.2221 Electronic access to official records.--

(1) The Legislature finds that a proper and legitimate state purpose is served by providing the public with access to public records and information on the Internet. The Legislature further finds that a proper and legitimate state purpose is also served by preventing disclosure of records and information made exempt by law from public disclosure.

(2) No later than January 1, 2002, the county recorder in each county shall provide a current index of documents recorded in the official records of the county for the period beginning no later than January 1, 1990, on a publicly available Internet website which shall also contain a document requisition point for obtaining images or copies of the documents reflected in the index and which has the capability of electronically providing the index data to a central statewide search site. The index shall be limited to grantor and grantee names, party names, date, book and page number, comments, and type of record.

(3) Each county recorder shall use appropriate Internet security measures to ensure that no person has the ability to alter or to modify records placed on the Internet by the county recorder.

(4) Unless otherwise provided by law, no information retrieved electronically pursuant to this section shall be admissible in court as an authenticated document.

(5)(a) No county recorder or clerk of the court may place an image or copy of a public record, including an official record, on a publicly available Internet website for general public display if that image or copy is of a military discharge; death certificate; or a court file, record, or paper relating to matters or cases governed by the Florida Rules of Family Law, the Florida Rules of Juvenile Procedure, or the Florida Probate Rules.

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(b) Any records specified in this subsection made available by the county recorder or clerk of the court on a publicly available Internet website for general public display prior to June 5, 2002, must be removed if the affected party identifies the record and requests that it be removed. Such request must be in writing and delivered by mail, facsimile, or electronic transmission, or in person to the county recorder or clerk of the court. The request must specify the identification page number of the document to be removed. No fee may be charged for the removal of a document pursuant to such request.

(c) No later than 30 days after June 5, 2002, notice of the right of any affected party to request removal of records pursuant to this subsection shall be conspicuously and clearly displayed by the county recorder or clerk of the court on the publicly available Internet website on which images or copies of the county's public records are placed and in the office of each county recorder or clerk of the court. In addition, no later than 30 days after June 5, 2002, the county recorder or the clerk of the court must have published, on two separate dates, a notice of such right in a newspaper of general circulation in the county where the county recorder's office is located as provided for in chapter 50. Such notice must contain appropriate instructions for making the removal request in person, by mail, by facsimile, or by electronic transmission. The notice shall state, in substantially similar form, that any person has a right to request that a county recorder or clerk of the court remove an image or copy of a public record, including an official record, from a publicly available Internet website if that image or copy is of a military discharge; death certificate; or a court file, record, or paper relating to matters or cases governed by the Florida Rules of Family Law, the Florida Rules of Juvenile Procedure, or the Florida Probate Rules. Such request must be made in writing and delivered by mail, facsimile, or electronic transmission, or in person to the county recorder or clerk of the court. The request must identify the document identification page number of the document to be removed. No fee will be charged for the removal of a document pursuant to such request.

(d) Any affected person may petition the circuit court for an order directing compliance with this subsection.

(e) By January 1, 2006, each county recorder or clerk of the court shall provide for electronic retrieval, at a minimum, of images of documents referenced as the index required to be maintained on the county's official records website by this section.

History.--s. 2, ch. 2000-164; s. 2, ch. 2002-302.

28.2222 Public records capital improvement plan.--On or before December 1 of each year immediately preceding each year in which the Public Records Modernization Trust Fund is scheduled for review under s. 19(f)(2), Art. III of the State Constitution, each clerk of the circuit court shall file a 4-year capital improvement plan with the President of the Senate and the Speaker of the House of Representatives. The plan must specify the clerk's goals for modernizing and improving the storage of, and public access to, public records and must state the manner in which moneys from the trust fund will be expended to obtain the stated objectives. The plan must specify the methodology used to determine the projected cost to implement the plan and to determine the projected revenue to meet the cost. Each capital improvement plan must state the progress made in fulfilling the objectives listed in the previously filed capital improvement plan and must state the manner in which moneys from the trust fund were expended to reach those objectives.

History.--s. 6, ch. 95-214; s. 5, ch. 2006-1.

28.223 Probate records; recordation.--

(1) The clerk of the circuit shall record all wills and codicils admitted to probate, orders revoking the probate of any wills and codicils, letters of administration, orders affecting or describing real property,

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final orders, orders of final discharge, and orders of guardianship filed in the clerk's office. No other petitions, pleadings, papers, or other orders relating to probate matters shall be recorded except on the written direction of the court. The direction may be by incorporation in the order of the words "To be recorded," or words to that effect. Failure to record an order or a judgment shall not affect its validity.

(2) The clerk shall record all instruments under this section in Official Records and index them in the same manner as prescribed in s. 28.222.

(3) All records of a court of this state heretofore exercising probate jurisdiction shall be placed, and remain, in the custody of the clerk and shall be the records of the circuit court. The circuit court may exercise judicial cognizance and power over them as it may over its own records.

(4) Certified transcripts of the whole or any part of probate or administration proceedings in any court of this state or of any foreign state or country may be recorded. If the certified copy is not a part of a pending probate proceeding in the court, the person causing it to be recorded shall pay the costs of recordation.

(5) The recording of any instrument required or permitted to be recorded under this section in a pending probate or administration proceeding in the county shall be included in the fees prescribed in s. 28.2401.

History.--s. 2, ch. 74-106; s. 1, ch. 77-174; s. 161, ch. 95-147; s. 20, ch. 95-401.

28.231 Service charges by clerks of courts.--The clerk of any state appellate or county or state trial court shall receive as compensation for similar services the same charges as provided in this chapter for the clerk of the circuit court.

History.--s. 39, ch. 70-134.

28.235 Advance payments by clerk of circuit court.--The clerk of the circuit court is authorized to make advance payments on behalf of the county for goods and services, including, but not limited to, maintenance agreements and subscriptions, pursuant to rules or procedures adopted by the Chief Financial Officer for advance payments of invoices submitted to agencies of the state.

History.--s. 12, ch. 94-348; s. 89, ch. 2003-261.

28.24 Service charges by clerk of the circuit court.--The clerk of the circuit court shall charge for services rendered by the clerk's office in recording documents and instruments and in performing the duties enumerated in amounts not to exceed those specified in this section. Notwithstanding any other provision of this section, the clerk of the circuit court shall provide without charge to the state attorney, public defender, guardian ad litem, public guardian, attorney ad litem, criminal conflict and civil regional counsel, and private court-appointed counsel paid by the state, and to the authorized staff acting on behalf of each, access to and a copy of any public record, if the requesting party is entitled by law to view the exempt or confidential record, as maintained by and in the custody of the clerk of the circuit court as provided in general law and the Florida Rules of Judicial Administration. The clerk of the circuit court may provide the requested public record in an electronic format in lieu of a paper format when capable of being accessed by the requesting entity.

Charges

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- (1) For examining, comparing, correcting, verifying, and certifying transcripts of record in appellate proceedings, prepared by attorney for appellant or someone else other than clerk, per page 5.00
- (2) For preparing, numbering, and indexing an original record of appellate proceedings, per instrument 3.50
- (3) For certifying copies of any instrument in the public records 2.00
- (4) For verifying any instrument presented for certification prepared by someone other than clerk, per page 3.50
- (5)(a) For making copies by photographic process of any instrument in the public records consisting of pages of not more than 14 inches by 8¹/₂ inches, per page 1.00
- (b) For making copies by photographic process of any instrument in the public records of more than 14 inches by 8¹/₂ inches, per page 5.00
- (6) For making microfilm copies of any public records:
 - (a) 16 mm 100' microfilm roll 42.00
 - (b) 35 mm 100' microfilm roll 60.00
 - (c) Microfiche, per fiche 3.50
- (7) For copying any instrument in the public records by other than photographic process, per page 6.00
- (8) For writing any paper other than herein specifically mentioned, same as for copying, including signing and sealing 7.00
- (9) For indexing each entry not recorded 1.00
- (10) For receiving money into the registry of court:
 - (a)1. First \$500, percent 3
 - 2. Each subsequent \$100, percent 1.5
 - (b) Eminent domain actions, per deposit 170.00
- (11) For examining, certifying, and recording plats and for recording condominium exhibits larger than 14 inches by 8¹/₂ inches:
 - (a) First page 30.00
 - (b) Each additional page 15.00
- (12) For recording, indexing, and filing any instrument not more than 14 inches by 8¹/₂ inches, including required notice to property appraiser where applicable:
 - (a) First page or fraction thereof 5.00
 - (b) Each additional page or fraction thereof 4.00

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(c) For indexing instruments recorded in the official records which contain more than four names, per additional name 1.00

(d) An additional service charge shall be paid to the clerk of the circuit court to be deposited in the Public Records Modernization Trust Fund for each instrument listed in s. 28.222, except judgments received from the courts and notices of lis pendens, recorded in the official records:

1. First page 1.00

2. Each additional page 0.50

Said fund shall be held in trust by the clerk and used exclusively for equipment and maintenance of equipment, personnel training, and technical assistance in modernizing the public records system of the office. In a county where the duty of maintaining official records exists in an office other than the office of the clerk of the circuit court, the clerk of the circuit court is entitled to 25 percent of the moneys deposited into the trust fund for equipment, maintenance of equipment, training, and technical assistance in modernizing the system for storing records in the office of the clerk of the circuit court. The fund may not be used for the payment of travel expenses, membership dues, bank charges, staff-recruitment costs, salaries or benefits of employees, construction costs, general operating expenses, or other costs not directly related to obtaining and maintaining equipment for public records systems or for the purchase of furniture or office supplies and equipment not related to the storage of records. On or before December 1, 1995, and on or before December 1 of each year immediately preceding each year during which the trust fund is scheduled for legislative review under s. 19(f)(2), Art. III of the State Constitution, each clerk of the circuit court shall file a report on the Public Records Modernization Trust Fund with the President of the Senate and the Speaker of the House of Representatives. The report must itemize each expenditure made from the trust fund since the last report was filed; each obligation payable from the trust fund on that date; and the percentage of funds expended for each of the following: equipment, maintenance of equipment, personnel training, and technical assistance. The report must indicate the nature of the system each clerk uses to store, maintain, and retrieve public records and the degree to which the system has been upgraded since the creation of the trust fund.

(e) An additional service charge of \$4 per page shall be paid to the clerk of the circuit court for each instrument listed in s. 28.222, except judgments received from the courts and notices of lis pendens, recorded in the official records. From the additional \$4 service charge collected:

1. If the counties maintain legal responsibility for the costs of the court-related technology needs as defined in s. 29.008(1)(f)2. and (h), 10 cents shall be distributed to the Florida Association of Court Clerks and Comptroller, Inc., for the cost of development, implementation, operation, and maintenance of the clerks' Comprehensive Case Information System, in which system all clerks shall participate on or before January 1, 2006; \$1.90 shall be retained by the clerk to be deposited in the Public Records Modernization Trust Fund and used exclusively for funding court-related technology needs of the clerk as defined in s. 29.008(1)(f)2. and (h); and \$2 shall be distributed to the board of county commissioners to be used exclusively to fund court-related technology, and court technology needs as defined in s. 29.008(1)(f)2. and (h) for the state trial courts, state attorney, public defender, and criminal conflict and civil regional counsel in that county. If the counties maintain legal responsibility for the costs of the court-related technology needs as defined in s. 29.008(1)(f)2. and (h), notwithstanding any other provision of law, the county is not required to provide additional funding beyond that provided herein for the court-related technology needs of the clerk as defined in s. 29.008(1)(f)2. and (h). All court records and official records are the property of the State of Florida, including any records generated as part of the Comprehensive Case Information System funded pursuant to this paragraph and the clerk of court is designated as the custodian of such records,

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except in a county where the duty of maintaining official records exists in a county office other than the clerk of court or comptroller, such county office is designated the custodian of all official records, and the clerk of court is designated the custodian of all court records. The clerk of court or any entity acting on behalf of the clerk of court, including an association, shall not charge a fee to any agency as defined in s. 119.011, the Legislature, or the State Court System for copies of records generated by the Comprehensive Case Information System or held by the clerk of court or any entity acting on behalf of the clerk of court, including an association.

2. If the state becomes legally responsible for the costs of court-related technology needs as defined in s. 29.008(1)(f)2. and (h), whether by operation of general law or by court order, \$4 shall be remitted to the Department of Revenue for deposit into the General Revenue Fund.

(13) Oath, administering, attesting, and sealing, not otherwise provided for herein 3.50

(14) For validating certificates, any authorized bonds, each 3.50

(15) For preparing affidavit of domicile 5.00

(16) For exemplified certificates, including signing and sealing 7.00

(17) For authenticated certificates, including signing and sealing 7.00

(18)(a) For issuing and filing a subpoena for a witness, not otherwise provided for herein (includes writing, preparing, signing, and sealing) 7.00

(b) For signing and sealing only 2.00

(19) For approving bond 8.50

(20) For searching of records, for each year's search 2.00

(21) For processing an application for a tax deed sale (includes application, sale, issuance, and preparation of tax deed, and disbursement of proceeds of sale), other than excess proceeds 60.00

(22) For disbursement of excess proceeds of tax deed sale, first \$100 or fraction thereof 10.00

(23) Upon receipt of an application for a marriage license, for preparing and administering of oath; issuing, sealing, and recording of the marriage license; and providing a certified copy 30.00

(24) For solemnizing matrimony 30.00

(25) For sealing any court file or expungement of any record 42.00

(26)(a) For receiving and disbursing all restitution payments, per payment 3.50

(b) For receiving and disbursing all partial payments, other than restitution payments, for which an administrative processing service charge is not imposed pursuant to s. 28.246, per month 5.00

(c) For setting up a payment plan, a one-time administrative processing charge in lieu of a per month charge under paragraph (b) 25.00

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(27) Postal charges incurred by the clerk of the circuit court in any mailing by certified or registered mail shall be paid by the party at whose instance the mailing is made.

(28) For furnishing an electronic copy of information contained in a computer database: a fee as provided for in chapter 119.

History.--s. 1, ch. 3106, 1879; RS 1394; GS 1839; RGS 3084; ss. 1, 2, ch. 11893, 1927; CGL 4867; s. 2, ch. 29749, 1955; s. 1, ch. 63-45; s. 5, ch. 70-134; s. 1, ch. 77-284; s. 1, ch. 78-367; s. 1, ch. 79-266; s. 12, ch. 79-400; s. 1, ch. 82-205; s. 35, ch. 85-180; s. 2, ch. 85-249; s. 22, ch. 87-95; s. 2, ch. 87-145; s. 1, ch. 88-176; s. 1, ch. 92-200; ss. 5, 13, ch. 94-348; s. 5, ch. 95-214; s. 2, ch. 2000-144; s. 90, ch. 2003-261; s. 28, ch. 2003-402; s. 16, ch. 2004-265; s. 6, ch. 2005-236; s. 14, ch. 2007-62; s. 6, ch. 2008-111.

28.2401 Service charges and filing fees in probate matters.--

(1) Except when otherwise provided, the clerk may impose service charges or filing fees for the following services or filings, not to exceed the following amounts:

(a) Fee for the opening of any estate of one document or more, including, but not limited to, petitions and orders to approve settlement of minor's claims; to open a safe-deposit box; to enter rooms and places; for the determination of heirs, if not formal administration; and for a foreign guardian to manage property of a nonresident; but not to include issuance of letters or order of summary administration \$230

(b) Charge for caveat \$40

(c) Fee for petition and order to admit foreign wills, authenticated copies, exemplified copies, or transcript to record \$230

(d) Fee for disposition of personal property without administration \$230

(e) Fee for summary administration--estates valued at \$1,000 or more \$340

(f) Fee for summary administration--estates valued at less than \$1,000 \$230

(g) Fee for formal administration, guardianship, ancillary, curatorship, or conservatorship proceedings \$395

(h) Fee for guardianship proceedings of person only \$230

(i) Fee for veterans' guardianship pursuant to chapter 744 \$230

(j) Charge for exemplified certificates \$7

(k) Fee for petition for determination of incompetency \$230

The clerk shall remit \$115 of each filing fee collected under paragraphs (a), (c)-(i), and (k) to the Department of Revenue for deposit into the State Courts Revenue Trust Fund.

(2) Upon application by the clerk and a showing of extraordinary circumstances, the service charges or filing fees set forth in this section may be increased in an individual matter by order of the circuit court before which the matter is pending, to more adequately compensate for the services performed or filings made.

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(3) An additional service charge of \$4 on petitions seeking summary administration, formal administration, ancillary administration, guardianship, curatorship, and conservatorship shall be paid to the clerk. The clerk shall transfer \$3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall transfer 50 cents to the Department of Revenue for deposit into the Department of Financial Services' Administrative Trust Fund to fund clerk education. No additional fees, charges, or costs shall be added to the service charges or filing fees imposed under this section, except as authorized by general law.

(4) Recording shall be required for all petitions opening and closing an estate; petitions regarding real estate; and orders, letters, bonds, oaths, wills, proofs of wills, returns, and such other papers as the judge shall deem advisable to record or that shall be required to be recorded under the Florida Probate Code.

History.--s. 5, ch. 1981, 1874; s. 2, ch. 3888, 1889; RS 1592, 1596; GS 2056, 2060; RGS 3347, 3351; CGL 5200, 5204; s. 1, ch. 19174, 1939; CGL 1940 Supp. 2877(115); s. 1, ch. 21960, 1943; s. 1, ch. 28152, 1953; s. 1, ch. 65-430; s. 1, ch. 72-397; s. 16, ch. 73-333; s. 2, ch. 77-284; s. 2, ch. 78-367; s. 13, ch. 79-400; s. 25, ch. 81-259; s. 3, ch. 87-145; s. 5, ch. 91-152; s. 1, ch. 93-268; s. 2, ch. 96-209; s. 5, ch. 2001-122; s. 29, ch. 2003-402; s. 2, ch. 2004-5; s. 17, ch. 2004-265; s. 7, ch. 2008-111; s. 4, ch. 2009-61.

Note.--Former s. 36.17.

28.2402 Cost recovery; use of the circuit court for ordinance or special law violations.--

(1)(a) In lieu of payment of a filing fee under s. 28.241, a filing fee of \$10 shall be paid by a county or municipality when filing a county or municipal ordinance violation or violation of a special law in circuit court. This fee shall be paid to the clerk of the court for performing court-related functions. A county or municipality is not required to pay more than one filing fee for a single filing against a single defendant that contains multiple alleged violations. A filing fee, other than that imposed under this section, may not be assessed for initiating an enforcement proceeding in circuit court for a violation of a county or municipal code or ordinance or a violation of a special law. The filing fee shall not apply to instances in which a county or municipality has contracted with the state, or has been delegated by the state, responsibility for enforcing state operations, policies, or requirements under s. 125.69, s. 166.0415, or chapter 162.

(b) No other filing fee may be assessed for filing the violation in circuit court. If a person contests the violation in court, the court shall assess \$40 in costs against the nonprevailing party. The county or municipality shall be considered the prevailing party when there is a finding of violation to any count or lesser included offense of the charge. Costs recovered pursuant to this paragraph shall be deposited into the clerk's fine and forfeiture fund established pursuant to s. 142.01.

(2) To offset costs incurred by the clerks of the court in performing court-related functions associated with the processing of violations of special laws and municipal ordinances, 10 percent of the total amount of fines paid to each municipality for special law or ordinance violations filed in circuit court shall be retained by the clerk of the court for deposit into the clerk's fine and forfeiture fund established pursuant to s. 142.01, except for fines a portion of which the clerk of the court retains pursuant to any other provision of state law. A municipality does not include the unincorporated areas, if any, of a government created pursuant to s. 6(e), Art. VIII of the State Constitution.

History.--s. 30, ch. 2003-402; s. 18, ch. 2004-265; s. 7, ch. 2005-236.

28.241 Filing fees for trial and appellate proceedings.--

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¹(1)(a)1.a. Except as provided in sub-subparagraph b. and subparagraph 2., the party instituting any civil action, suit, or proceeding in the circuit court shall pay to the clerk of that court a filing fee of up to \$395 in all cases in which there are not more than five defendants and an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$265 in filing fees, \$80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, \$180 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, \$3.50 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission and used to fund the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services. The next \$15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund. One third of any filing fees collected by the clerk of the circuit court in excess of \$100 shall be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission.

b. The party instituting any civil action, suit, or proceeding in the circuit court under chapter 39, chapter 61, chapter 741, chapter 742, chapter 747, chapter 752, or chapter 753 shall pay to the clerk of that court a filing fee of up to \$295 in all cases in which there are not more than five defendants and an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$165 in filing fees, \$80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, \$80 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, \$3.50 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission and used to fund the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services. The next \$15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund.

c. An additional filing fee of \$4 shall be paid to the clerk. The clerk shall remit \$3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission to fund clerk education. An additional filing fee of up to \$18 shall be paid by the party seeking each severance that is granted. The clerk may impose an additional filing fee of up to \$85 for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. No additional fees, charges, or costs shall be added to the filing fees imposed under this section, except as authorized in this section or by general law.

2.a. Notwithstanding the fees prescribed in subparagraph 1., a party instituting a civil action in circuit court relating to real property or mortgage foreclosure shall pay a graduated filing fee based on the value of the claim.

b. A party shall estimate in writing the amount in controversy of the claim upon filing the action. For purposes of this subparagraph, the value of a mortgage foreclosure action is based upon the principal due on the note secured by the mortgage, plus interest owed on the note and any moneys advanced by the lender for property taxes, insurance, and other advances secured by the mortgage, at the time of filing the foreclosure. The value shall also include the value of any tax certificates related to the property. In stating the value of a mortgage foreclosure claim, a party shall declare in writing the total

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value of the claim, as well as the individual elements of the value as prescribed in this sub-subparagraph.

c. In its order providing for the final disposition of the matter, the court shall identify the actual value of the claim. The clerk shall adjust the filing fee if there is a difference between the estimated amount in controversy and the actual value of the claim and collect any additional filing fee owed or provide a refund of excess filing fee paid.

d. The party shall pay a filing fee of:

(I) Three hundred and ninety-five dollars in all cases in which the value of the claim is \$50,000 or less and in which there are not more than five defendants. The party shall pay an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$265 in filing fees, \$80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, \$180 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, \$3.50 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission and used to fund the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services. The next \$15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund;

(II) Nine hundred dollars in all cases in which the value of the claim is more than \$50,000 but less than \$250,000 and in which there are not more than five defendants. The party shall pay an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$770 in filing fees, \$80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, \$685 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, \$3.50 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission and used to fund the Florida Clerks of Court Operations Corporation described in s. 28.35, and \$1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services. The next \$15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund; or

(III) One thousand nine hundred dollars in all cases in which the value of the claim is \$250,000 or more and in which there are not more than five defendants. The party shall pay an additional filing fee of up to \$2.50 for each defendant in excess of five. Of the first \$1,770 in filing fees, \$80 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, \$1,685 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, \$3.50 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission to fund the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1.50 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk budget reviews conducted by the Department of Financial Services. The next \$15 of the filing fee collected shall be deposited in the state courts' Mediation and Arbitration Trust Fund.

e. An additional filing fee of \$4 shall be paid to the clerk. The clerk shall remit \$3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission to fund clerk education. An additional filing fee of up to \$18 shall be paid by the party seeking each severance that is granted. The clerk may impose an additional filing fee of up to \$85 for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants

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or other parties shall be paid by the party at whose instance service is made. No additional fees, charges, or costs shall be added to the filing fees imposed under this section, except as authorized in this section or by general law.

(b) A party reopening any civil action, suit, or proceeding in the circuit court shall pay to the clerk of court a filing fee set by the clerk in an amount not to exceed \$50. For purposes of this section, a case is reopened when a case previously reported as disposed of is resubmitted to a court and includes petitions for modification of a final judgment of dissolution. A party is exempt from paying the fee for any of the following:

1. A writ of garnishment;
2. A writ of replevin;
3. A distress writ;
4. A writ of attachment;
5. A motion for rehearing filed within 10 days;
6. A motion for attorney's fees filed within 30 days after entry of a judgment or final order;
7. A motion for dismissal filed after a mediation agreement has been filed;
8. A disposition of personal property without administration;
9. Any probate case prior to the discharge of a personal representative;
10. Any guardianship pleading prior to discharge;
11. Any mental health pleading;
12. Motions to withdraw by attorneys;
13. Motions exclusively for the enforcement of child support orders;
14. A petition for credit of child support;
15. A Notice of Intent to Relocate and any order issuing as a result of an uncontested relocation;
16. Stipulations;
17. Responsive pleadings; or
18. Cases in which there is no initial filing fee.

(c)1. A party in addition to a party described in sub-subparagraph (a)1.a. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint shall pay the clerk of court a fee of \$395. A party in addition to a party described in sub-subparagraph (a)1.b. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint shall pay the clerk of court a fee of \$295. The clerk shall remit the fee to the Department of Revenue for deposit into the General Revenue Fund.

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2. A party in addition to a party described in subparagraph (a)2. who files a pleading in an original civil action in circuit court for affirmative relief by cross-claim, counterclaim, counterpetition, or third-party complaint shall pay the clerk of court a graduated fee of:

- a. Three hundred and ninety-five dollars in all cases in which the value of the pleading is \$50,000 or less;
- b. Nine hundred dollars in all cases in which the value of the pleading is more than \$50,000 but less than \$250,000; or
- c. One thousand nine hundred dollars in all cases in which the value of the pleading is \$250,000 or more.

The clerk shall remit the fees collected under this subparagraph to the Department of Revenue for deposit into the General Revenue Fund, except that the clerk shall remit \$100 of the fee collected under sub-subparagraph a., \$605 of the fee collected under sub-subparagraph b., and \$1,605 of the fee collected under sub-subparagraph c. to the Department of Revenue for deposit into the State Courts Revenue Trust Fund.

(d) The clerk of court shall collect a service charge of \$10 for issuing a summons. The clerk shall assess the fee against the party seeking to have the summons issued.

(2) Upon the institution of any appellate proceeding from any lower court to the circuit court of any such county, including appeals filed by a county or municipality as provided in s. 34.041(5), or from the circuit court to an appellate court of the state, the clerk shall charge and collect from the party or parties instituting such appellate proceedings a filing fee not to exceed \$280 for filing a notice of appeal from the county court to the circuit court and, in addition to the filing fee required under s. 25.241 or s. 35.22, \$100 for filing a notice of appeal from the circuit court to the district court of appeal or to the Supreme Court. If the party is determined to be indigent, the clerk shall defer payment of the fee. The clerk shall remit the first \$80 to the Department of Revenue for deposit into the General Revenue Fund.

(3) A filing fee may not be imposed upon a party for responding by pleading, motion, or other paper to a civil or criminal action, suit, proceeding, or appeal in a circuit court.

(4) The fees prescribed in this section do not include the service charges required by law for the clerk as provided in s. 28.24 or by other sections of the Florida Statutes. Filing fees authorized by this section may not be added to any civil penalty imposed by chapter 316 or chapter 318.

(5) Filing fees for the institution or reopening of any civil action, suit, or proceeding in county court shall be charged and collected as provided in s. 34.041.

(6) From each attorney appearing pro hac vice, the clerk of the circuit court shall collect a fee of \$100 for deposit into the General Revenue Fund.

History.--ss. 3, 4, 5, 6, 7, 8, ch. 26931, 1951; ss. 3, 4, 5, ch. 29749, 1955; ss. 1, 2, ch. 57-322; s. 1, ch. 63-47; s. 1, ch. 63-43; s. 6, ch. 70-134; s. 1, ch. 74-154; s. 4, ch. 75-124; s. 1, ch. 77-174; s. 3, ch. 77-284; s. 2, ch. 82-168; s. 2, ch. 82-205; s. 10, ch. 83-217; s. 122, ch. 86-220; s. 4, ch. 87-145; s. 1, ch. 87-231; s. 2, ch. 88-176; s. 6, ch. 89-290; s. 1, ch. 90-181; s. 69, ch. 90-271; s. 3, ch. 91-152; s. 162, ch. 95-147; s. 3, ch. 96-209; s. 1, ch. 96-350; s. 14, ch. 96-354; s. 1, ch. 97-155; s. 12, ch. 99-277; s. 6, ch. 2001-122; s. 2, ch. 2002-55; ss. 31, 32, ch. 2003-402; s. 19, ch. 2004-265; s. 3, ch. 2006-245; s. 8, ch. 2008-111; ss. 5, 20, ch. 2009-61; s. 1, ch. 2009-204.

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¹**Note.**--Section 20, ch. 2009-61, provides that:

"(1) It is the intent of the Legislature that, if this act and CS for CS for Senate Bill 2108, as enacted during the 2009 Regular Session or an extension thereof, both become law, the Division of Statutory Revision shall read the acts together and, to the extent feasible, give full effect to the amendments made by this act to ss. 28.241(1)(a) and 34.041(1)(b), Florida Statutes, and the amendments made to those paragraphs by CS for CS for Senate Bill 2108. However, it is further the intent of the Legislature that, if both acts become law, the amendments made by CS for CS for Senate Bill 2108 with respect to the distribution of filing fees to the Clerks of the Court Trust Fund, rather than the Department of Financial Services' Administrative Trust Fund, and the use of those funds to fund the Florida Clerks of Court Operations Corporation, shall prevail. To that end, where this act refers in its amendments to ss. 28.241(1)(a) and 34.041(1)(b), Florida Statutes, to the distribution of filing fees to the Department of Financial Services' Administrative Trust Fund, it is the intent of the Legislature that the Division of Statutory Revision change those references to the Clerks of the Court Trust Fund and conform the use of those funds, including within both the existing and new language of those paragraphs contained in this act, consistent with CS for CS for Senate Bill 2108. It is further the intent of the Legislature that, if both acts become law, the division change references to the distribution of \$5 of filing fees under s. 28.241(1)(a), Florida Statutes, including within both the existing and new language of that paragraph contained in this act, to reflect the distribution instead of \$3.50 and \$1.50, respectively, to the Clerks of Court Trust Fund and the Administrative Trust Fund within the Department of Financial Services, consistent with CS for CS for Senate Bill 2108.

"(2) This section shall take effect June 1, 2009."

28.242 Service charges retained when case laid in wrong venue.--The service charge paid by law to the clerk or judge of the court wherein a case is laid in the wrong venue shall be retained by him or her on the transfer thereof. The charge received by the clerk or judge upon the filing of the case is earned as of the time of filing, and another service charge shall be required of the person filing the action in another venue in accordance with the statutes applicable in the county or district to which transferred. If the service charge is not paid within 30 days from transfer, the action may be dismissed without prejudice.

History.--s. 1, ch. 59-300; s. 43, ch. 67-254; s. 7, ch. 70-134; s. 163, ch. 95-147.

Note.--Former s. 53.17(3).

28.243 Personal liability for accepting checks.--

(1) A check received by the office of a clerk of a court or comptroller which is tendered to him or her in payment for any services, collection of fines and forfeitures, sale of documentary stamps, recording of documents and instruments, collection of legal fees, or any other duties relating to his or her office and which is returned by the bank upon which the check is drawn shall be the personal liability of the clerk or comptroller unless the clerk or comptroller, after due diligence to collect the returned check, forwards the returned check to the state attorney of the circuit where the check was drawn for prosecution.

(2) Notwithstanding the provisions of subsection (1), the office of a clerk of a court or comptroller may accept personal checks drawn on any bank or similar financial institution in the United States for the payment of traffic fines and related court costs, and the clerk or comptroller shall not incur any personal liability for the acceptance of such checks. Any such check received by the office of a clerk of a court or comptroller which is returned by the bank upon which the check is drawn may be forwarded to the state attorney of the circuit where the check was presented for prosecution. The clerk or comptroller shall not be subject to the provisions of s. 832.07(2).

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History.--s. 1, ch. 75-176; s. 1, ch. 83-277; s. 164, ch. 95-147.

28.244 Refunds.--A clerk of the circuit court or a filing officer of another office where records are filed who receives payment for services provided and thereafter determines that an overpayment has occurred shall refund to the person who made the payment the amount of any overpayment that exceeds \$5. If the amount of the overpayment is \$5 or less, the clerk of the circuit court or a filing officer of another office where records are filed is not required to refund the amount of the overpayment unless the person who made the overpayment makes a written request.

History.--s. 1, ch. 96-209.

28.245 Transmittal of funds to Department of Revenue; uniform remittance form required.--Notwithstanding any other provision of law, all moneys collected by the clerks of the court as part of the clerk's court-related functions for subsequent distribution to any state entity must be transmitted electronically, by the 20th day of the month immediately following the month in which the moneys are collected, to the Department of Revenue for appropriate distribution. A uniform remittance form provided by the Department of Revenue detailing the specific amounts due each fund must accompany such submittal. All moneys collected by the clerks of court for remittance to any entity must be distributed pursuant to the law in effect at the time of collection.

History.--s. 2, ch. 2001-122; s. 33, ch. 2003-402; s. 20, ch. 2004-265; s. 8, ch. 2005-236.

28.2455 Transfer of trust funds in excess of amount needed for clerk budgets.--By June 20th of each year, the Florida Clerks of Court Operations Corporation shall identify the amount of funds in the Clerks of Court Trust Fund in excess of the amount needed to fund the approved clerk of court budgets for the current state fiscal year. The Justice Administrative Commission shall transfer the amount identified by the corporation from the Clerks of Court Trust Fund to the General Revenue Fund by June 25th of each year.

History.--s. 15, ch. 2009-61.

28.246 Payment of court-related fees, charges, and costs; partial payments; distribution of funds.--

(1) The clerk of the circuit court shall report the following information to the Legislature and the Florida Clerks of Court Operations Corporation on a form developed by the Department of Financial Services:

(a) The total amount of mandatory fees, service charges, and costs; the total amount actually assessed; the total amount discharged, waived, or otherwise not assessed; and the total amount collected.

(b) The amount of discretionary fees, service charges, and costs assessed; the total amount discharged; and the total amount collected.

(c) The total amount of mandatory fines and other monetary penalties; the total amount assessed; the total amount discharged, waived, or otherwise not assessed; and the total amount collected.

(d) The amount of discretionary fines and other monetary penalties assessed; the amount discharged; and the total amount collected.

If provided to the clerk of court by the judge, the clerk, in reporting the amount assessed, shall separately identify the amount assessed pursuant to s. 938.30 as community service; assessed by

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reducing the amount to a judgment or lien; satisfied by time served; or other. The form developed by the Chief Financial Officer shall include separate entries for recording these amounts. The clerk shall submit the report on an annual basis 60 days after the end of the county fiscal year.

(2) The clerk of the circuit court shall establish and maintain a system of accounts receivable for court-related fees, charges, and costs.

(3) Court costs, fines, and other dispositional assessments shall be enforced by order of the courts, collected by the clerks of the circuit and county courts, and disbursed in accordance with authorizations and procedures as established by general law.

(4) The clerk of the circuit court shall accept partial payments for court-related fees, service charges, costs, and fines in accordance with the terms of an established payment plan. An individual seeking to defer payment of fees, service charges, costs, or fines imposed by operation of law or order of the court under any provision of general law shall apply to the clerk for enrollment in a payment plan. The clerk shall enter into a payment plan with an individual who the court determines is indigent for costs. A monthly payment amount, calculated based upon all fees and all anticipated costs, is presumed to correspond to the person's ability to pay if the amount does not exceed 2 percent of the person's annual net income, as defined in s. 27.52(1), divided by 12. The court may review the reasonableness of the payment plan.

(5) When receiving partial payment of fees, service charges, court costs, and fines, clerks shall distribute funds according to the following order of priority:

(a) That portion of fees, service charges, court costs, and fines to be remitted to the state for deposit into the General Revenue Fund.

(b) That portion of fees, service charges, court costs, and fines which are required to be retained by the clerk of the court or deposited into the Clerks of the Court Trust Fund within the Justice Administrative Commission.

(c) That portion of fees, service charges, court costs, and fines payable to state trust funds, allocated on a pro rata basis among the various authorized funds if the total collection amount is insufficient to fully fund all such funds as provided by law.

(d) That portion of fees, service charges, court costs, and fines payable to counties, municipalities, or other local entities, allocated on a pro rata basis among the various authorized recipients if the total collection amount is insufficient to fully fund all such recipients as provided by law.

To offset processing costs, clerks may impose either a per-month service charge pursuant to s. 28.24(26)(b) or a one-time administrative processing service charge at the inception of the payment plan pursuant to s. 28.24(26)(c).

(6) A clerk of court shall pursue the collection of any fees, service charges, fines, court costs, and liens for the payment of attorney's fees and costs pursuant to s. 938.29 which remain unpaid after 90 days by referring the account to a private attorney who is a member in good standing of The Florida Bar or collection agent who is registered and in good standing pursuant to chapter 559. In pursuing the collection of such unpaid financial obligations through a private attorney or collection agent, the clerk of the court must have attempted to collect the unpaid amount through a collection court, collections docket, or other collections process, if any, established by the court, find this to be cost-effective and follow any applicable procurement practices. The collection fee, including any reasonable attorney's fee, paid to any attorney or collection agent retained by the clerk may be added

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to the balance owed in an amount not to exceed 40 percent of the amount owed at the time the account is referred to the attorney or agent for collection.

History.--s. 34, ch. 2003-402; s. 21, ch. 2004-265; s. 1, ch. 2005-2; s. 9, ch. 2005-236; s. 2, ch. 2009-204.

28.29 Recording of orders and judgments.--Orders of dismissal and final judgments of the courts in civil actions shall be recorded in official records. Other orders shall be recorded only on written direction of the court. The direction may be by incorporation in the order of the words "To be recorded" or words to that effect. Failure to record an order or judgment shall not affect its validity. The certified copy of a judgment, required under s. 55.10 to become a lien on real property, shall be recorded only when presented for recording with the statutory service charge.

History.--ss. 1-3, ch. 23825, 1947; s. 3, ch. 71-4; s. 2, ch. 72-320.

28.30 Records; destruction; reproduction; electronic recordkeeping.--

(1) The purpose of this section and s. 28.31 is to make available for the use of the clerks of the circuit court of the several counties of the state sufficient space to enable them to efficiently administer the affairs of office.

(2) The clerk of the circuit court of each county of the state is authorized to destroy and dispose of public records pursuant to the rules adopted by the Division of Library and Information Services of the Department of State pursuant to s. 257.36.

(3) Each clerk of the circuit court is authorized to photograph, microphotograph, or reproduce on film, or to maintain in an electronic recordkeeping system, any public record that the clerk may select. Such photographs, microphotographs, or other reproductions on film or reproductions from an electronic recordkeeping system shall be admissible in evidence with the same force and effect as the originals. Duly certified or authenticated reproductions of such photographs, microphotographs, reproductions on film, or reproductions from an electronic recordkeeping system shall be admitted in evidence equally with the original photographs, microphotographs, reproductions on film, or reproductions from an electronic recordkeeping system.

(4) The clerk of the circuit court shall follow procedures for electronic recordkeeping in accordance with rules adopted by the Division of Library and Information Services of the Department of State.

(5) Except when otherwise provided by law or applicable rule, a document that is submitted to the clerk of the circuit court by electronic transmission is deemed filed when the document is received and the date and time are acknowledged by the clerk, as opposed to the date and time of transmission. The clerk is not liable for malfunctions or errors occurring in the transmission of documents for filing by electronic means.

History.--ss. 1, 2, 3, 4, ch. 25433, 1949; s. 8, ch. 69-82; s. 6, ch. 94-348.

28.31 Notice to county commissioners of intent to destroy; approval of board.--The clerk of the circuit court shall notify the board of county commissioners of the clerk's county in writing a reasonable time in advance of his or her intention to destroy such records and if for any reason the board of county commissioners of such county shall request the clerk to withhold destruction of such records the clerk shall refrain until such time as he or she obtains approval of such board.

History.--s. 5, ch. 25433, 1949; s. 165, ch. 95-147.

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28.32 Destruction of certain instruments.--After the expiration of 20 years from the date of the execution of any bond or other instrument held by the clerk of the circuit court or a sheriff of any of the several counties of the state, which said instrument was executed to secure the performance or nonperformance of any act or matter and no proceeding of any type is pending involving said instrument any of the several clerks of the circuit courts or sheriffs of the state are hereby authorized, empowered and directed to cancel said instruments and to destroy the same upon making appropriate notation of the destruction and disposition thereof upon any remaining records pertaining thereto.

History.--s. 1, ch. 25502, 1949.

28.33 Investment of county funds by the clerk of the circuit court.--The clerk of the circuit court in each county shall invest county funds in excess of those required to meet expenses as provided in s. 218.415. No clerk investing such funds shall be liable for the loss of any interest when circumstances require the withdrawal of funds placed in a time deposit and needed for immediate payment of county obligations. Except for interest earned on moneys deposited in the registry of the court, all interest accruing from moneys deposited shall be deemed income of the county and may be expended as receipts of the county as approved by the board of county commissioners pursuant to chapter 129. The clerk may invest moneys deposited in the registry of the court and shall retain as income of the office of the clerk and as a reasonable investment management fee 10 percent of the interest accruing on those funds with the balance of such interest being allocated in accordance with the interest of the depositors.

History.--s. 1, ch. 73-282; s. 1, ch. 82-117; s. 166, ch. 95-147; s. 7, ch. 2000-264; s. 6, ch. 2009-61.

28.34 Salary discrimination based on gender or race; review within the county and circuit courts.--Each clerk of the court shall undertake an annual review of compensation, race, and gender employment policies for all persons employed or appointed by the clerk. Within the context of comparable positions, skills, experience, and responsibility, any inequities found to exist on the basis of gender or race shall be eliminated.

History.--s. 6, ch. 91-74; s. 14, ch. 94-348.

28.345 Exemption from court-related fees and charges.--Notwithstanding any other provision of this chapter or law to the contrary, judges and those court staff acting on behalf of judges, state attorneys, guardians ad litem, public guardians, attorneys ad litem, court-appointed private counsel, criminal conflict and civil regional counsel, and public defenders, acting in their official capacity, and state agencies, are exempt from all court-related fees and charges assessed by the clerks of the circuit courts.

History.--s. 35, ch. 2003-402; s. 22, ch. 2004-265; s. 10, ch. 2005-236; s. 15, ch. 2007-62.

28.35 Florida Clerks of Court Operations Corporation.--

(1)(a) The Florida Clerks of Court Operations Corporation is created as a public corporation organized to perform the functions specified in this section and s. 28.36 and shall be administratively housed within the Justice Administrative Commission. The corporation shall be a budget entity within the Justice Administrative Commission, and its employees shall be considered state employees. The corporation is not subject to control, supervision, or direction by the Justice Administrative Commission in the performance of its duties, but the employees of the corporation shall be governed by the classification plan and salary and benefits plan of the Justice Administrative Commission. The classification plan must have a separate chapter for the corporation. All clerks of the circuit court shall be members of the corporation and hold their position and authority in an ex officio capacity. The

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functions assigned to the corporation shall be performed by an executive council pursuant to the plan of operation approved by the members.

(b) The executive council shall be composed of eight clerks of the court elected by the clerks of the courts for a term of 2 years, with two clerks from counties with a population of fewer than 100,000, two clerks from counties with a population of at least 100,000 but fewer than 500,000, two clerks from counties with a population of at least 500,000 but fewer than 1 million, and two clerks from counties with a population of more than 1 million. The executive council shall also include, as ex officio members, a designee of the President of the Senate and a designee of the Speaker of the House of Representatives. The Chief Justice of the Supreme Court shall designate one additional member to represent the state courts system.

(c) The corporation shall be considered a political subdivision of the state and shall be exempt from the corporate income tax. The corporation is not subject to the provisions of chapter 120.

(d) The functions assigned to the corporation under this section and ss. 28.36 and 28.37 are considered to be for a valid public purpose.

(2) The duties of the corporation shall include the following:

(a) Adopting a plan of operation.

(b) Conducting the election of directors as required in paragraph (1)(a).

(c) Recommending to the Legislature changes in the various court-related fines, fees, service charges, and court costs established by law.

(d) Developing and certifying a uniform system of performance measures and applicable performance standards for the functions specified in paragraph (3)(a) and the service unit costs required in s. 28.36 and measures for clerk performance in meeting the performance standards. These measures and standards shall be designed to facilitate an objective determination of the performance of each clerk in accordance with minimum standards for fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs. The corporation shall develop the performance measures and performance standards in consultation with the Legislature and the Supreme Court. The Legislature may modify the clerk performance measures and performance standards in legislation implementing the General Appropriations Act or other law. When the corporation finds a clerk has not met the performance standards, the corporation shall identify the nature of each deficiency and any corrective action recommended and taken by the affected clerk of the court. The corporation shall notify the Legislature and the Supreme Court of any clerk not meeting performance standards and provide a copy of any corrective action plans.

(e) Reviewing proposed budgets submitted by clerks of the court pursuant to s. 28.36.

(f) Developing and conducting clerk education programs.

(g) Publishing a uniform schedule of actual fees, service charges, and costs charged by a clerk of the court pursuant to general law.

(3)(a) The court-related functions that clerks may perform are limited to those functions expressly authorized by law or court rule. Those functions include the following: case maintenance; records management; court preparation and attendance; processing the assignment, reopening, and reassignment of cases; processing of appeals; collection and distribution of fines, fees, service charges, and court costs; processing of bond forfeiture payments; payment of jurors and witnesses;

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payment of expenses for meals or lodging provided to jurors; data collection and reporting; processing of jurors; determinations of indigent status; and reasonable administrative support to enable the clerk of the court to carry out these court-related functions.

(b) The functions that clerks may not fund from state appropriations include:

1. Those functions not specified within paragraph (a).
2. Functions assigned by administrative orders which are not required for the clerk to perform the functions in paragraph (a).
3. Enhanced levels of service which are not required for the clerk to perform the functions in paragraph (a).
4. Functions identified as local requirements in law or local optional programs.

(4) The corporation shall prepare a legislative budget request for the resources necessary to perform its duties, submit the request pursuant to chapter 216, and be funded as a budget entity in the General Appropriations Act. The corporation may hire staff and pay other expenses from state appropriations as necessary to perform the official duties and responsibilities of the corporation as described by law.

(5)(a) The corporation shall submit an annual audited financial statement to the Auditor General in a form and manner prescribed by the Auditor General. The Auditor General shall conduct an annual audit of the operations of the corporation, including the use of funds and compliance with the provisions of this section and ss. 28.36 and 28.37.

(b) Certified public accountants conducting audits of counties pursuant to s. 218.39 shall report, as part of the audit, whether or not the clerks of the courts have complied with the requirements of this section and s. 28.36. In addition, each clerk of court shall forward a copy of the portion of the financial audit relating to the court-related duties of the clerk of court to the Supreme Court. The Auditor General shall develop a compliance supplement for the audit of compliance with the budgets and applicable performance standards certified by the corporation.

History.--s. 36, ch. 2003-402; s. 23, ch. 2004-265; s. 2, ch. 2005-2; s. 2, ch. 2006-312; s. 9, ch. 2008-111; s. 3, ch. 2009-204.

28.36 Budget procedure.--There is established a budget procedure for preparing budget requests for funding for the court-related functions of the clerks of the court.

(1) Each clerk of court shall 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 shall be prepared, summarized, and submitted by the clerk in each county to the Florida Clerks of Court Operations Corporation in the manner and form prescribed by the corporation to meet the requirements of law. Each clerk shall forward a copy of his or her budget request to the Supreme Court. The budget requests must be provided to the corporation by October 1 of each year.

(2) Each clerk shall include in his or her budget request a projection of the amount of court-related fees, service charges, and any other court-related clerk fees which will be collected during the proposed budget period. If the corporation determines that the proposed budget is limited to the standard list of court-related functions in s. 28.35(3)(a) and the projected court-related revenues are less than the proposed budget, the clerk shall increase all fees, service charges, and any other court-

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related clerk fees and charges to the maximum amounts specified by law or the amount necessary to resolve the deficit, whichever is less.

(3) Each clerk shall include in his or her budget request the number of personnel and the proposed budget for each of the following core services:

- (a) Case processing.
- (b) Financial processing.
- (c) Jury management.
- (d) Information and reporting.

Central administrative costs shall be allocated among the core-services categories.

(4) The budget request must identify the service units to be provided within each core service. The service units shall be developed by the corporation, in consultation with the Supreme Court, the Chief Financial Officer, and the appropriations committees of the Senate and the House of Representatives.

(5) The budget request must propose a unit cost for each service unit. The corporation shall provide a copy of each clerk's budget request to the Supreme Court.

(6) The corporation shall review each individual clerk's prior-year expenditures, projected revenue, proposed unit costs, and the proposed budget for each of the core-services categories. The corporation shall compare each clerk's prior-year expenditures and unit costs for core services with a peer group of clerks' offices having a population of a similar size and a similar number of case filings. If the corporation finds that the expenditures, unit costs, or proposed budget of a clerk is significantly higher than those of clerks in that clerk's peer group, the corporation shall require the clerk to submit documentation justifying the difference in each core-services category. Justification for higher expenditures may include, but is not limited to, collective bargaining agreements, county civil service agreements, and the number and distribution of courthouses served by the clerk. If the expenditures and unit costs are not justified, the corporation shall recommend a reduction in the funding for that core-services category in the budget request to an amount similar to the peer group of clerks or to an amount that the corporation determines is justified.

(7) The corporation shall complete its review and adjustments to the clerks' budget requests and make its recommendations to the Legislature and the Supreme Court by December 1 each year.

(8) The Chief Financial Officer shall review the proposed unit costs associated with each clerk of court's budget request and make recommendations to the Legislature. The Chief Financial Officer may conduct any audit of the corporation or a clerk of court as authorized by law. The Chief Justice of the Supreme Court may request an audit of the corporation or any clerk of court by the Chief Financial Officer.

(9) The Legislature shall appropriate the total amount for the budgets of the clerks in the General Appropriations Act. The Legislature may reject or modify any or all of the unit costs recommended by the corporation. If the Legislature does not specify the unit costs in the General Appropriations Act or other law, the unit costs recommended by the corporation shall be the official unit costs for that budget period.

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(10) For the 2009-2010 fiscal year, the corporation shall release appropriations in an amount equal to one-twelfth of each clerk's approved budget each month. The statewide total appropriation for the 2009-2010 fiscal year shall be set in the General Appropriations Act. The corporation shall determine the amount of each clerk of court budget, but the statewide total of such amounts may not exceed the amount listed in the General Appropriations Act. Beginning in the 2010-2011 fiscal year, the corporation shall release appropriations to each clerk quarterly. The amount of the release shall be based on the prior quarter's performance of service units identified in the four core services and the established unit costs for each clerk.

(11) The corporation may submit proposed legislation to the Governor, the President of the Senate, and the Speaker of the House of Representatives relating to the preparation of budget requests of the clerks of court.

History.--s. 37, ch. 2003-402; s. 24, ch. 2004-265; s. 3, ch. 2005-2; s. 11, ch. 2005-236; s. 10, ch. 2008-111; s. 4, ch. 2009-204.

28.37 Fines, fees, service charges, and costs remitted to the state.--

(1) 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.

(2) Except as otherwise provided in ss. 28.241 and 34.041, all court-related fines, fees, service charges, and costs are considered state funds and shall be remitted by the clerk to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission. However, 10 percent of all court-related fines collected by the clerk shall be deposited into the clerk's Public Records Modernization Trust Fund to be used exclusively for additional clerk court-related operational needs and program enhancements.

History.--s. 38, ch. 2003-402; s. 25, ch. 2004-265; s. 12, ch. 2005-236; s. 5, ch. 2009-204.

¹28.39 Fees by ordinance and special law abolished.--Fees, service charges, and costs imposed by the governing authority of counties by ordinance and special law pursuant to authority granted in ss. 28.2401, 28.241, 34.041, 938.17, and 938.19, on or before June 30, 2004, are repealed and abolished effective July 1, 2004.

History.--s. 149, ch. 2003-402; s. 91, ch. 2004-265.

¹Note.--Also published at s. 34.205.

28.42 Manual of court-related filing fees, charges, costs, and fines.--No later than July 1, 2004, the Office of the State Courts Administrator shall prepare and disseminate a manual of court-related filing fees, service charges, costs, and fines imposed pursuant to state law, organized by county for each type of action and offense and classified as either mandatory or discretionary. The Office of the State Courts Administrator shall disseminate this manual to the chief judge, state attorney, public defender, and court administrator in each circuit and to the clerk of the court in each county. The Office of the State Courts Administrator shall update and disseminate this manual on July 1 of each year thereafter.

History.--s. 98, ch. 2004-265.

28.43 Adoption of rules relating to ss. 28.35, 28.36, and 28.37.--

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(1) The Department of Revenue may adopt rules necessary to carry out its responsibilities in ss. 28.35, 28.36, and 28.37. The rules shall include forms and procedures for transferring funds from the clerks of the court to the Clerks of the Court Trust Fund within the Justice Administrative Commission.

(2) The Department of Financial Services may adopt rules as necessary to carry out its responsibilities under ss. 28.35, 28.36, and 28.37.

History.--s. 100, ch. 2004-265; s. 6, ch. 2009-204.

28.44 Clerk discontinuance of court-related functions.--

(1) No function of the clerk of court being performed in support of the trial courts by the individual clerks of court on July 1, 2004, may be discontinued or substantially modified on a unilateral basis except pursuant to this section. A clerk of court may discontinue performing a function performed in support of the trial court only if:

(a) The chief judge of the circuit has consented in writing to the discontinuance or substantial modification of the function performed in support of the trial court; or

(b) The clerk of court has given written notice of the intention to substantially modify or discontinue a function performed in support of the trial court at least 1 year before the effective date of the discontinuance or substantial modification of the function.

(2) "Substantial modification" of a function performed in support of the trial court means a modification which has the effect of reducing the level of services provided to the trial court.

History.--s. 13, ch. 2005-236.

28.45 Provision of financial data to Executive Office of the Governor.--Each clerk of court shall provide financial data concerning his or her expenditures for court-related duties, including expenditures for court-related information technology, to the Executive Office of the Governor for the purposes contained in ch. 2009-74, Laws of Florida, or similar legislation.

History.--s. 17, ch. 2009-204

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0028/ch0028.htm

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Appendix D: Fiscal Year 2010-2011 Budget Calendar

- 1/18 - 2/6 **Budget Team** enters basic operational budgets into the Clerk's Budget Database on the P:/ drive (4-digit fiscal year = 2012). Subtotals will be entered for Other Services, Materials and Supplies, and Capital according to prior year expenditures. Personal Services costs will be calculated by the Budget Team later in the budget cycle.
- 1/28 **Deadline for Directors** to contact IT regarding *general, non-position specific* computer needs and costs (e.g., PCs, printers, personal software, etc.). Please email hardware and software requests to Dave Rounds, Director of IT, and Mike Stubbs, Asst. Director of IT. Be sure to copy Chris Mettler, Director of Budgets, and Budget Analyst. (Subject to revision upon determination of County deadlines.)
- 1/28 **Deadline for Directors** to email all requests for renovations to walls, work spaces, additional phones, or data lines, etc. to Debra Troconis, HR Project Specialist. Please copy Chris Mettler, and Kevin Fulford, Chief Administrative Officer. (Subject to revision upon determination of County deadlines.)
- 1/28 **Deadline for Directors** to email software or program change requests for networked PCs or County IBM systems to Dave Rounds and Mike Stubbs. Please copy Chris Mettler. (Subject to revision upon determination of County deadlines.)
- 2/4 **Deadline for Directors** to email staffing requests for new positions or reclassifications (with expected hire dates) to Chris Mettler, and Kevin Fulford. **These requests should itemize all associated computer and/or specialized equipment needs.** No late submissions will be considered; early submission is encouraged.
- 2/7 - 3/4 **Directors and Supervisors** have open access to the Clerk's BudgetEntry2003 folder in P:/Budget (4-digit year = 2012); review and/or change amounts for Other Services, Materials and Supplies, and Capital. Please email a list of all budgetary changes to Chris Mettler; include account numbers, quantities, unit costs, and descriptions. If budget entries should not have been calculated according to past or current year expenditure trends, please offer a reason or revised methodology.
- 3/4 **Clerk's budget system on the P:/ drive is closed at 5:00 p.m.**
- 3/18 **Directors** email updated departmental narrative and quantitative information to Chris Mettler.

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- 3/28 **Director of Budgets** submits revenue estimates and preliminary budget to Clerk & Comptroller for review.
- 4/11 - 4/21 If necessary, individual budget meetings may be held with Clerk & Comptroller, Directors, Chief Officers and Budget Team.
- 5/9 - 5/20 **Director of Budgets** reviews final budget proposal and budget document with Clerk & Comptroller.
- 5/31 **Dr. Paula S. O'Neil, Clerk & Comptroller**, submits request for Board-related budget to the Pasco County Board of County Commissioners.
- 8/15 **Director of Budgets** emails pertinent pages from the SFY '11-'12 CCOC (Courts) budget template to Directors and/or key teammates for projected filings, defendants, docket entries, etc.
- 8/19 **Director of Budgets** submits fee-funded budget to Clerk & Comptroller for review.
- 8/31 **Director of Budgets** hand carries fee-funded budget to Board Records.
- 9/1 - 9/15 **Budget Team and/or Chief Officers** attend CCOC budget training (Webinars).
- 9/2 **Directors and/or key teammates** email Courts SFY '11-'12 Courts projections to Chris Mettler for entry into CCOC budget template.
- 9/6 - 9/16 **Director of Budgets** reviews SFY '11-'12 Courts budget with Clerk & Comptroller and/or Chief Officers; certification is signed by Clerk & Comptroller.
- 9/30 **Director of Budgets** emails SFY '11-'12 Courts budget to the CCOC.
- 10/31 - 11/10 **(Tentative): Clerk & Comptroller, Chief Officer(s), and Director of Budgets** attend CCOC budget hearings (presentation).
- 12/1 **Deadline for CCOC** to submit aggregate SFY '11-'12 Courts budget to Legislative Budget Commission (LBC).