

By Commissioner Coxe

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1                   A proposal to amend  
2           Sections 14 and 16 of Article V of the State  
3           Constitution to require the state, rather than  
4           counties, to fund the cost of communications services  
5           for trial courts and to designate the clerk of the  
6           circuit court or county court as the official records  
7           custodian for court records.

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9   Be It Proposed by the Constitution Revision Commission of  
10 Florida:

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12           Sections 14 and 16 of Article V of the State Constitution  
13 are amended to read:

14                                   ARTICLE V

15                                   JUDICIARY

16           SECTION 14. Funding.—

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

23           (b) All funding for the offices of the clerks of the  
24 circuit and county courts performing court-related functions,  
25 except as otherwise provided in this subsection and subsection  
26 (c), shall be provided by adequate and appropriate filing fees  
27 for judicial proceedings and service charges and costs for  
28 performing court-related functions as required by general law.  
29 Selected salaries, costs, and expenses of the state courts  
30 system may be funded from appropriate filing fees for judicial  
31 proceedings and service charges and costs for performing court-  
32 related functions, as provided by general law. Where the

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33 requirements of either the United States Constitution or the  
34 Constitution of the State of Florida preclude the imposition of  
35 filing fees for judicial proceedings and service charges and  
36 costs for performing court-related functions sufficient to fund  
37 the court-related functions of the offices of the clerks of the  
38 circuit and county courts, the state shall provide, as  
39 determined by the legislature, adequate and appropriate  
40 supplemental funding from state revenues appropriated by general  
41 law.

42 (c) No county or municipality, except as provided in this  
43 subsection, shall be required to provide any funding for the  
44 state courts system, state attorneys' offices, public defenders'  
45 offices, court-appointed counsel or the offices of the clerks of  
46 the circuit and county courts performing court-related  
47 functions. Counties are ~~shall be~~ required to fund the cost of  
48 communications services, existing radio systems, and existing  
49 multi-agency criminal justice information systems for public  
50 defenders' offices, state attorneys' offices, and the offices of  
51 the clerks of the circuit and county courts performing court-  
52 related functions, and the cost of construction or lease,  
53 maintenance, utilities, and security of facilities for the trial  
54 courts, public defenders' offices, state attorneys' offices, and  
55 the offices of the clerks of the circuit and county courts  
56 performing court-related functions. Counties shall also pay  
57 reasonable and necessary salaries, costs, and expenses of the  
58 state courts system to meet local requirements as determined by  
59 general law. The state is required to fund the cost of  
60 communications services for the trial courts. For purposes of  
61 this subsection, the term "communications services" includes,

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62 but is not limited to, all technology.

63 (d) The judiciary shall have no power to fix  
64 appropriations.

65 SECTION 16. Clerks of the circuit courts.-

66 (a) There shall be in each county a clerk of the circuit  
67 court who shall be selected pursuant to the provisions of  
68 Article VIII section 1. Notwithstanding any other provision of  
69 the constitution, the duties of the clerk of the circuit court  
70 may be divided by special or general law between two officers,  
71 one serving as clerk of court and one serving as ex officio  
72 clerk of the board of county commissioners, auditor, recorder,  
73 and custodian of all county funds. There may be a clerk of the  
74 county court if authorized by general or special law.

75 (b) The clerk of the circuit court or county court are the  
76 official records custodian for court records. Court records must  
77 be stored, maintained, transmitted, and made available to the  
78 courts by the clerk in accordance with standards and  
79 requirements established by the supreme court.