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LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Steube) recommended the following:

Senate Amendment (with title amendment)

Between lines 80 and 81

insert:

Section 1. Subsection (1) of section 29.008, Florida Statutes, is amended to read:

29.008 County funding of court-related functions.—

(1) Counties are required by s. 14, Art. V of the State Constitution to fund the cost of communications services, existing radio systems, existing multiagency criminal justice



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11 information systems, and the cost of construction or lease,
12 maintenance, utilities, and security of facilities for the
13 circuit and county courts, public defenders' offices, state
14 attorneys' offices, guardian ad litem offices, and the offices
15 of the clerks of the circuit and county courts performing court-
16 related functions. For purposes of this section, the term
17 "circuit and county courts" includes the offices and staffing of
18 the guardian ad litem programs, and the term "public defenders'
19 offices" includes the offices of criminal conflict and civil
20 regional counsel. The county designated under s. 35.05(1) as the
21 headquarters for each appellate district shall fund these costs
22 for the appellate division of the public defender's office in
23 that county. For purposes of implementing these requirements,
24 the term:

25 (a) "Facility" means reasonable and necessary buildings and
26 office space and appurtenant equipment and furnishings,
27 structures, real estate, easements, and related interests in
28 real estate, including, but not limited to, those for the
29 purpose of housing legal materials for use by the general public
30 and personnel, equipment, or functions of the circuit or county
31 courts, public defenders' offices, state attorneys' offices, and
32 court-related functions of the office of the clerks of the
33 circuit and county courts and all storage. The term "facility"
34 includes all wiring necessary for court reporting services. The
35 term also includes access to parking for such facilities in
36 connection with such court-related functions that may be
37 available free or from a private provider or a local government
38 for a fee. The office space provided by a county may not be less
39 than the standards for space allotment adopted by the Department



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40 of Management Services, except this requirement applies only to
41 facilities that are leased, or on which construction commences,
42 after June 30, 2003. County funding must include physical
43 modifications and improvements to all facilities as are required
44 for compliance with the Americans with Disabilities Act. Upon
45 mutual agreement of a county and the affected entity in this
46 paragraph, the office space provided by the county may vary from
47 the standards for space allotment adopted by the Department of
48 Management Services.

49 1. As of July 1, 2005, equipment and furnishings shall be
50 limited to that appropriate and customary for courtrooms,
51 hearing rooms, jury facilities, and other public areas in
52 courthouses and any other facility occupied by the courts, state
53 attorneys, public defenders, guardians ad litem, and criminal
54 conflict and civil regional counsel. Court reporting equipment
55 in these areas or facilities is not a responsibility of the
56 county.

57 2. Equipment and furnishings under this paragraph in
58 existence and owned by counties on July 1, 2005, except for that
59 in the possession of the clerks, for areas other than
60 courtrooms, hearing rooms, jury facilities, and other public
61 areas in courthouses and any other facility occupied by the
62 courts, state attorneys, and public defenders, shall be
63 transferred to the state at no charge. This provision does not
64 apply to any communications services as defined in paragraph
65 (f).

66 (b) "Construction or lease" includes, but is not limited
67 to, all reasonable and necessary costs of the acquisition or
68 lease of facilities for all judicial officers, staff, jurors,



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69 volunteers of a tenant agency, and the public for the circuit
70 and county courts, the public defenders' offices, state
71 attorneys' offices, and for performing the court-related
72 functions of the offices of the clerks of the circuit and county
73 courts. This includes expenses related to financing such
74 facilities and the existing and future cost and bonded
75 indebtedness associated with placing the facilities in use.

76 (c) "Maintenance" includes, but is not limited to, all
77 reasonable and necessary costs of custodial and groundskeeping
78 services and renovation and reconstruction as needed to
79 accommodate functions for the circuit and county courts, the
80 public defenders' offices, and state attorneys' offices and for
81 performing the court-related functions of the offices of the
82 clerks of the circuit and county court and for maintaining the
83 facilities in a condition appropriate and safe for the use
84 intended.

85 (d) "Utilities" means all electricity services for light,
86 heat, and power; natural or manufactured gas services for light,
87 heat, and power; water and wastewater services and systems,
88 stormwater or runoff services and systems, sewer services and
89 systems, all costs or fees associated with these services and
90 systems, and any costs or fees associated with the mitigation of
91 environmental impacts directly related to the facility.

92 (e) "Security" includes but is not limited to, all
93 reasonable and necessary costs of services of law enforcement
94 officers or licensed security guards and all electronic,
95 cellular, or digital monitoring and screening devices necessary
96 to ensure the safety and security of all persons visiting or
97 working in a facility; to provide for security of the facility,



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98 including protection of property owned by the county or the
99 state; and for security of prisoners brought to any facility.
100 This includes bailiffs while providing courtroom and other
101 security for each judge and other quasi-judicial officers.

102 (f) "Communications services" are defined as any reasonable
103 and necessary transmission, emission, and reception of signs,
104 signals, writings, images, and sounds of intelligence of any
105 nature by wire, radio, optical, audio equipment, or other
106 electromagnetic systems and includes all facilities and
107 equipment owned, leased, or used by judges, clerks, public
108 defenders, state attorneys, guardians ad litem, criminal
109 conflict and civil regional counsel, and all staff of the state
110 courts system, state attorneys' offices, public defenders'
111 offices, and clerks of the circuit and county courts performing
112 court-related functions. Such system or services shall include,
113 but not be limited to:

114 1. Telephone system infrastructure, including computer
115 lines, telephone switching equipment, and maintenance, and
116 facsimile equipment, wireless communications, cellular
117 telephones, pagers, and video teleconferencing equipment and
118 line charges. Each county shall continue to provide access to a
119 local carrier for local and long distance service and shall pay
120 toll charges for local and long distance service.

121 2. All computer networks, systems and equipment, including
122 computer hardware and software, modems, printers, wiring,
123 network connections, maintenance, support staff or services
124 including any county-funded support staff located in the offices
125 of the circuit court, county courts, state attorneys, public
126 defenders, guardians ad litem, and criminal conflict and civil



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127 regional counsel; training, supplies, and line charges necessary
128 for an integrated computer system to support the operations and
129 management of the state courts system, the offices of the public
130 defenders, the offices of the state attorneys, the guardian ad
131 litem offices, the offices of criminal conflict and civil
132 regional counsel, and the offices of the clerks of the circuit
133 and county courts; and the capability to connect those entities
134 and reporting data to the state as required for the transmission
135 of revenue, performance accountability, case management, data
136 collection, budgeting, and auditing purposes. The integrated
137 computer system shall be operational by July 1, 2006, and, at a
138 minimum, permit the exchange of financial, performance
139 accountability, case management, case disposition, and other
140 data across multiple state and county information systems
141 involving multiple users at both the state level and within each
142 judicial circuit and be able to electronically exchange judicial
143 case background data, sentencing scoresheets, and video evidence
144 information stored in integrated case management systems over
145 secure networks. Once the integrated system becomes operational,
146 counties may reject requests to purchase communications services
147 included in this subparagraph not in compliance with standards,
148 protocols, or processes adopted by the board established
149 pursuant to former s. 29.0086.

150 3. Courier messenger and subpoena services.

151 4. Auxiliary aids and services for qualified individuals
152 with a disability which are necessary to ensure access to the
153 courts. Such auxiliary aids and services include, but are not
154 limited to, sign language interpretation services required under
155 the federal Americans with Disabilities Act other than services



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156 required to satisfy due-process requirements and identified as a
157 state funding responsibility pursuant to ss. 29.004, 29.005,
158 29.006, and 29.007, real-time transcription services for
159 individuals who are hearing impaired, and assistive listening
160 devices and the equipment necessary to implement such
161 accommodations.

162 (g) "Existing radio systems" includes, but is not limited
163 to, law enforcement radio systems that are used by the circuit
164 and county courts, the offices of the public defenders, the
165 offices of the state attorneys, and for court-related functions
166 of the offices of the clerks of the circuit and county courts.
167 This includes radio systems that were operational or under
168 contract at the time Revision No. 7, 1998, to Art. V of the
169 State Constitution was adopted and any enhancements made
170 thereafter, the maintenance of those systems, and the personnel
171 and supplies necessary for operation.

172 (h) "Existing multiagency criminal justice information
173 systems" includes, but is not limited to, those components of
174 the multiagency criminal justice information system as defined
175 in s. 943.045, supporting the offices of the circuit or county
176 courts, the public defenders' offices, the state attorneys'
177 offices, or those portions of the offices of the clerks of the
178 circuit and county courts performing court-related functions
179 that are used to carry out the court-related activities of those
180 entities. This includes upgrades and maintenance of the current
181 equipment, maintenance and upgrades of supporting technology
182 infrastructure and associated staff, and services and expenses
183 to assure continued information sharing and reporting of
184 information to the state. The counties shall also provide



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185 additional information technology services, hardware, and
186 software as needed for new judges and staff of the state courts
187 system, state attorneys' offices, public defenders' offices,
188 guardian ad litem offices, and the offices of the clerks of the
189 circuit and county courts performing court-related functions.

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191 This subsection applies only to matters relating to court
192 funding and may not be construed to enhance, limit, or define
193 the authority of any court.

194

195 ===== T I T L E A M E N D M E N T =====

196 And the title is amended as follows:

197 Delete line 23

198 and insert:

199 Circuit Court; amending s. 29.008, F.S.; providing
200 applicability and construction; amending s. 34.01,
201 F.S.; increasing the