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1 A bill to be entitled

2 An act relating to the judicial system; amending s.
3 25.073, F.S.; revising a definition for purposes of
4 retired justices or judges assigned to temporary duty;
5 amending s. 25.383, F.S.; removing provisions relating to
6 fees for certification and renewal of certification of
7 court reporters; amending s. 25.384, F.S.; expanding the
8 use of the Court Education Trust Fund; revising the title
9 of pt. I, ch. 27, F.S.; renumbering and amending s. 43.35,
10 F.S.; requiring witness coordination to be provided by the
11 state attorneys and public defenders; amending s. 27.02,
12 F.S.; restricting duties of state attorneys before circuit
13 and county courts; requiring the state attorney to provide
14 discovery materials to a defendant; providing for fees;
15 amending s. 27.04, F.S.; revising provisions relating to
16 summoning and examining witnesses for the state to cover
17 any violation of the law; amending s. 27.15, F.S.;
18 providing for payment of expenses for a state attorney to
19 assist in another circuit; amending s. 27.25, F.S.;
20 providing that state attorneys may employ personnel and
21 receive appropriations as authorized by the General
22 Appropriations Act; amending s. 27.34, F.S.; prohibiting
23 counties or municipalities from funding the state
24 attorneys' offices for prosecution of violations of
25 special laws or ordinances; eliminating provisions
26 authorizing the use of funds for certain civil and
27 criminal proceedings; eliminating provisions requiring
28 counties to provide certain services and pay certain fees,
29 expenses, and costs incurred by the state attorney;
30 amending s. 27.35, F.S.; providing that salaries of state



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31 attorneys shall be provided in the General Appropriations
32 Act; revising the title of pt. III, ch. 27, F.S.; creating
33 s. 27.40, F.S.; providing requirements for court-appointed
34 counsel; providing for circuit registries of private
35 attorneys; requiring annual fees; specifying
36 inapplicability to court-appointed counsel in
37 postconviction capital collateral cases; creating s.
38 27.42, F.S.; providing for the composition, staff,
39 responsibilities, and funding of circuit Article V
40 indigent services committees; requiring the preparation
41 and distribution of a statewide comparative budget report
42 relating to circuit Article V indigent services committees
43 by the Justice Administrative Commission; providing for
44 the appropriation of funds for attorney's fees and
45 expenses in criminal conflict cases and in child
46 dependency cases and other court-appointed counsel cases;
47 amending s. 27.51, F.S.; revising duties of the public
48 defender; specifying additional indigent persons for whom
49 the public defender is required to secure representation;
50 deleting provisions relating to limitations on
51 representation by public defenders in direct appeals of
52 death penalty cases; amending s. 27.52, F.S.; revising
53 provisions relating to determination of indigence;
54 requiring the clerk of the circuit court to make such
55 determination; providing for payment of application fees;
56 providing for deposit of recovered amounts into the
57 General Revenue Fund; providing for a payment program;
58 amending s. 27.53, F.S.; revising method of funding
59 offices of public defender; specifying that special
60 assistant public defenders are volunteer attorneys;



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61 amending s. 27.5301, F.S.; revising method of paying
62 salaries of public defenders; creating s. 27.5303, F.S.;
63 providing requirements for appointment of counsel in
64 conflict of interest of public defender; providing
65 criteria for determining whether a conflict of interest
66 exists; prohibiting withdrawal based solely on lack of
67 funding or excess workload; creating s. 27.5304, F.S.;
68 providing for compensation of private court-appointed
69 counsel; amending s. 27.54, F.S.; prohibiting counties or
70 municipalities from funding the public defenders' offices
71 for prosecution of violations of special laws or
72 ordinances; eliminating provisions requiring counties to
73 provide certain services and pay certain fees, expenses,
74 and costs incurred by the public defender; amending s.
75 27.562, F.S.; providing for disposition of funds collected
76 for legal assistance; amending s. 27.58, F.S.; revising
77 provisions relating to administration of public defender
78 services; amending s. 27.702, F.S.; conforming
79 terminology; amending s. 28.101, F.S.; authorizing an
80 increase in the service charge for filing for dissolution
81 of marriage; renumbering and amending s. 43.195, F.S.;
82 authorizing a clerk to dispose of items of physical
83 evidence in cases where no collateral attack is pending;
84 creating s. 28.215, F.S.; providing for pro se assistance;
85 amending s. 28.24, F.S.; prohibiting the clerk of the
86 court from charging court officials for copies of public
87 records; modifying the service charges for services
88 rendered by the clerk of the court in recording documents
89 and instruments and in performing certain other duties;
90 eliminating the charges for court attendance by each clerk



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91 or deputy clerk, court minutes, making and reporting
92 payrolls of jurors, issuing jury summons, and paying
93 witnesses and making and reporting payrolls; amending s.
94 28.2401, F.S.; authorizing an increase in various service
95 charges for probate matters; prohibiting county governing
96 authorities from imposing additional charges; creating s.
97 28.2402, F.S.; imposing a fee on a county or municipality
98 for filing a municipal code or ordinance violation in
99 court; amending s. 28.241, F.S.; authorizing an increase
100 in the fee for filing a civil action in circuit court;
101 requiring that a portion of the fee be remitted to the
102 Clerk of Court Operations Conference; providing a filing
103 fee for reopening a civil action, suit, or proceeding;
104 providing for a reduction in that fee for a petition to
105 modify a final judgment of dissolution; authorizing
106 increases in other filing fees; deleting provisions
107 authorizing a county to assess amounts in excess of
108 specified service charges; prohibiting additional fees,
109 charges, or costs; amending s. 28.245, F.S.; requiring
110 electronic transmittal of funds collected by the clerks of
111 court to the Department of Revenue; creating s. 28.246,
112 F.S.: providing requirements for payment of court-related
113 fees, charges, and costs; providing for collection by
114 private attorney or collection agent; creating s. 28.35,
115 F.S.; establishing the Clerk of Court Operations
116 Conference; providing membership; providing duties of the
117 conference, including recommending changes in court-
118 related fines, fees, service charges, and cost schedules
119 to the Legislature, establishing a process for review and
120 approval of proposed budgets submitted by the clerks of



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121 the court, certification of budget insufficiencies, and
122 publication of a schedule of maximum fines, fees, service
123 charges, and costs that may be charged; providing for a
124 clerk education program; requiring maintenance of a public
125 depository to receive funds for operations; requiring an
126 annual financial audit; creating s. 28.36, F.S.; providing
127 budget review and approval procedures for the court-
128 related functions of the clerks of the courts; creating s.
129 28.37, F.S.; providing for certain revenues collected by
130 the clerks to be remitted to the state to pay certain
131 costs of the state courts system; requiring the Department
132 of Revenue to adopt rules; amending s. 29.001, F.S.;
133 defining the elements of the state courts system;
134 providing for using state revenue to pay certain costs
135 associated with those elements; specifying expenses that
136 counties must pay; amending s. 29.004, F.S.; revising and
137 expanding the list of elements of the state courts system
138 to be provided from state revenues appropriated by general
139 law; amending s. 29.005, F.S.; revising and expanding the
140 list of elements of state attorneys' offices to be
141 provided from state revenues appropriated by general law;
142 amending s. 29.006, F.S.; revising and expanding the list
143 of elements of public defenders' offices to be provided
144 from state revenues appropriated by general law; amending
145 s. 29.007, F.S.; revising and expanding the list of
146 elements of court-appointed counsel to be provided from
147 state revenues appropriated by general law; amending s.
148 24, ch. 2000-237, Laws of Florida, to delay the effective
149 date of s. 29.008, F.S.; amending s. 29.008, F.S.,
150 relating to county funding of court-related functions;



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151 redefining terms; providing standards that facilities and
 152 communications systems and services must meet to qualify
 153 for funding; requiring that the integrated computer system
 154 be made capable of electronically exchanging certain data
 155 using specified means at certain levels by a specific
 156 date; providing for defining local requirements and
 157 adopting a budget therefor; creating s. 29.0085, F.S.;
 158 modifying county revenue and expenditure reporting
 159 requirements; creating s. 29.014, F.S.; creating the
 160 Article V Indigent Services Advisory Board; providing for
 161 appointment of members and terms; providing for
 162 organization; providing duties; creating ss. 29.015 and
 163 29.016, F.S.; establishing contingency funds for the
 164 Justice Administrative Commission and the judicial branch
 165 to alleviate deficits in due process services
 166 appropriation categories; providing requirements for
 167 utilization of the funds; amending s. 34.032, F.S.;
 168 providing for funding of arrest warrants for violation of
 169 county or municipal ordinances; amending s. 34.041, F.S.;
 170 providing for filing fees and costs in county courts;
 171 providing for disposition of funds collected; amending s.
 172 34.13, F.S.; requiring administration of oaths relating to
 173 violation of a municipal ordinance to be at municipal
 174 expense; amending s. 34.171, F.S.; requiring county
 175 funding of bailiff salaries; amending s. 34.181, F.S.,
 176 relating to branch courts; providing a cross reference;
 177 amending s. 34.191, F.S.; providing for collection and
 178 distribution of fines and forfeitures ; amending s.
 179 39.0134, F.S.; providing for compensation of appointed
 180 counsel in dependency proceedings; amending s. 39.4075,



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181 F.S.; requiring parties to contribute to the cost of
182 dependency mediation; amending s. 39.815, F.S.; revising a
183 cross reference; creating s. 40.001, F.S.; providing
184 authority and duties of the chief judge; amending s.
185 40.02, F.S., relating to selection of jury lists;
186 providing for performance of and payment for such duties;
187 amending s. 40.29, F.S.; revising provisions relating to
188 duty of clerks of court to make estimates and requisitions
189 for certain due process costs; amending s. 40.30, F.S.;
190 requiring the estimate and requisition for payment of
191 jurors and witnesses to be endorsed by the Justice
192 Administrative Commission or designee; updating
193 terminology; amending s. 43.16, F.S.; removing reference
194 to Justice Administrative Commission as part of the
195 judicial branch; expanding duties of the commission
196 relating to court-appointed counsel; amending s. 43.26,
197 F.S.; redesignating the presiding judge of the circuit as
198 the chief judge of the circuit; providing additional
199 powers of the chief judge; amending s. 44.108, F.S.;
200 deleting provisions authorizing a county to levy service
201 charges for court mediation and arbitration; assessing a
202 filing fee on court proceedings; depositing fees in the
203 Mediation and Arbitration Trust Fund; amending s. 49.10,
204 F.S.; removing a cross reference; amending s. 55.10, F.S.;
205 authorizing an increase in the fee for serving a
206 certificate of lien; amending s. 55.141, F.S.; conforming
207 a cross reference; amending s. 55.505, F.S.; authorizing
208 an increase in the service charge for recording a foreign
209 judgment; amending s. 57.081, F.S.; revising provisions
210 relating to costs and services provided to indigent



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211 persons; amending s. 57.085, F.S.; revising provisions
212 relating to waiver of prepayment of court costs and fees
213 for indigent prisoners; amending s. 61.14, F.S.;
214 authorizing an increase in certain fees assessed for
215 delinquency of child support and alimony; amending s.
216 61.181, F.S.; continuing the fee imposed on certain
217 payments of alimony and child support; amending s. 61.21,
218 F.S.; providing for authorization of parenting course by
219 the Department of Children and Family Services; amending
220 s. 77.28, F.S.; conforming a cross reference; amending s.
221 92.153, F.S.; providing maximum charges for documents
222 produced pursuant to subpoenas or records request issued
223 by the state attorney or the public defender; amending s.
224 92.231, F.S.; providing for payment of expert witness
225 fees; renumbering and amending s. 914.09, F.S.; providing
226 for compensation of witnesses summoned in two or more
227 criminal cases; amending s. 125.69, F.S.; providing
228 funding requirements with respect to prosecution of
229 violations of county ordinances; amending s. 142.01, F.S.;
230 providing for the clerk of the court to establish a fine
231 and forfeiture fund in each county to be used to pay the
232 costs of court-related functions; deleting provisions
233 authorizing counties to receive funds to pay the cost of
234 criminal prosecutions and transfer excess funds to the
235 county general fund; amending s. 142.02, F.S.; limiting
236 the use of county funds from a levy of a special tax to
237 pay for the cost of criminal prosecutions; amending s.
238 142.03, F.S.; requiring that fines and forfeitures be used
239 to pay the costs of court-related functions; amending s.
240 142.15, F.S.; requiring that fees collected by the sheriff



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241 be remitted to the clerk in the county where the crime was
242 alleged to have been committed; amending s. 142.16, F.S.;
243 requiring that fines and forfeitures be remitted to the
244 clerk in the county in which the case was adjudicated;
245 amending s. 145.022; prohibiting a county from
246 appropriating a salary to the clerk of the court based on
247 the fees collected; creating s. 162.30, F.S.; providing
248 for civil actions to enforce county and municipal
249 ordinances; amending ss. 197.532, 197.542, and 197.582,
250 F.S.; conforming cross references; amending s. 212.055,
251 F.S.; revising the definition of "infrastructure" for
252 purposes of the local government infrastructure surtax;
253 amending s. 212.20, F.S.; revising the distribution of the
254 proceeds from certain local-option taxes; amending s.
255 218.21, F.S.; revising the guaranteed entitlement of
256 municipalities to certain state revenue sharing; amending
257 s. 218.25, F.S.; allowing a county to assign, pledge, or
258 set aside certain funds as a trust for payment on
259 indebtedness; amending s. 218.35, F.S.; revising
260 requirements for budget preparation by the clerk of the
261 circuit court as county fee officer; amending s. 318.15,
262 F.S.; authorizing an increase in various fees for persons
263 failing to comply with civil penalties, attend driver
264 improvement school, or appear at a hearing; amending s.
265 318.18, F.S.; authorizing an increase in various fees for
266 penalties for noncriminal dispositions; creating
267 additional charges and fees to be paid to the clerk of the
268 court; authorizing an increase in the fee to dismiss
269 citations; providing for disposition of funds collected;
270 amending s. 318.21, F.S.; revising disposition of civil



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271 penalties collected by county courts; amending s. 318.325,
 272 F.S.; specifying jurisdiction and procedure for parking
 273 infractions; amending s. 322.245, F.S.; authorizing an
 274 increase in the delinquency fee for persons charged with
 275 specified criminal offenses who fail to comply with the
 276 directives of the court; amending s. 327.73, F.S.;
 277 authorizing an increase in the charge for court costs for
 278 failure to comply with the court's requirements or failure
 279 to pay specified civil penalties; amending s. 382.023,
 280 F.S.; authorizing an increase in the fee for dissolution
 281 of marriage; revising the portion to be retained by the
 282 circuit court and the portion remitted to the state, to
 283 conform; amending ss. 392.55, 392.56, and 394.473, F.S.;
 284 conforming terminology; amending s. 395.3025, F.S.;
 285 conforming cross references; amending s. 397.334, F.S.;
 286 making treatment-based drug court programs a county option
 287 and providing county funding requirements; amending s.
 288 712.06, F.S.; conforming cross references; amending s.
 289 713.24, F.S.; authorizing an increase in the fee for
 290 certain services performed by the clerk of the court in
 291 transferring liens; amending s. 721.83, F.S.; requiring
 292 filing fees and service charges to be paid separately for
 293 each defendant in a consolidated foreclosure action;
 294 amending s. 741.30, F.S., relating to domestic violence;
 295 providing for certain notice to petitioners relating to
 296 indigence; amending s. 744.3135, F.S.; authorizing an
 297 increase in the fee paid to the clerk of the court for
 298 processing guardian files; amending s. 744.365, F.S.;
 299 authorizing an increase in the fee paid to the clerk of
 300 the court for an inventory filed by a guardian; deleting



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301 provisions requiring that the county pay the auditing fee
 302 when such fee is waived by the court; amending s.
 303 744.3678, F.S.; authorizing an increase in the fees paid
 304 by the guardian to the clerk of the court for filing an
 305 annual financial return; prohibiting the clerk of the
 306 circuit court from billing the county for a waived fee;
 307 amending s. 775.083, F.S.; deleting provisions authorizing
 308 counties to impose and collect additional fines to be used
 309 to pay for local crime prevention programs; providing for
 310 the disposition of fines and costs; requiring funding of
 311 crime prevention programs in counties; amending s. 796.07,
 312 F.S.; conforming a reference; amending s. 914.11, F.S.;
 313 requiring the state to pay certain costs and expenses of
 314 indigent defendants presently unable to pay; amending s.
 315 916.107, F.S.; providing for right to treatment of
 316 forensic clients presently unable to pay; amending s.
 317 916.15, F.S., relating to involuntary commitment of
 318 defendant adjudicated not guilty by reason of insanity;
 319 providing for representation by the public defender if the
 320 defendant is indigent; amending s. 938.01, F.S., relating
 321 to Additional Court Cost Clearing Trust Fund; requiring
 322 payment of court costs; amending s. 938.03, F.S., relating
 323 to Crimes Compensation Trust Fund; requiring payment of
 324 additional court costs; amending s. 938.05, F.S.;
 325 directing court costs to be deposited in the clerk of the
 326 courts fine and forfeiture fund instead of the county
 327 trust fund; amending s. 938.06, F.S.; removing a
 328 restriction on local liability for payment of costs for
 329 crime stoppers programs; amending s. 938.19, F.S.;
 330 authorizing counties to fund teen courts; amending s.



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331 938.27, F.S.; revising provisions relating to judgment for
 332 costs on conviction; requiring payment of such costs;
 333 amending s. 938.29, F.S.; providing payment requirements
 334 for certain legal assistance; providing requirements for
 335 deposit and use of funds collected for attorney's fees and
 336 costs; amending s. 938.30, F.S.; specifying financial
 337 obligations in criminal cases; amending s. 938.35, F.S.;
 338 revising provisions for collection of court-related
 339 financial obligations; amending s. 939.06, F.S., relating
 340 to acquitted defendant not liable for costs; removing
 341 county obligation to pay; amending s. 939.08, F.S.;
 342 revising requirements for relating to certification of
 343 costs; amending s. 939.12, F.S.; providing for payment of
 344 costs against state in Supreme Court; reenacting s.
 345 943.053, F.S., relating to the dissemination of criminal
 346 justice information, to incorporate the amendments to ss.
 347 27.51 and 27.53, F.S.; amending s. 947.18, F.S.;
 348 conforming a reference; amending s. 948.03, F.S.;
 349 conforming a cross reference; amending s. 960.001, F.S.;
 350 conforming references; amending s. 984.08, F.S.;
 351 conforming terminology; amending s. 985.203, F.S.,
 352 relating to right to counsel; providing for imposition of
 353 costs of representation; amending ss. 985.215, 985.231,
 354 and 985.233, F.S.; conforming terminology; providing for a
 355 review of the Florida Accounting Information Resource
 356 subsystem and the Uniform Accounting System Manual with
 357 respect to Article V funding; requiring implementation of
 358 necessary revisions; providing for a study of county
 359 expenditures for court-related services; providing
 360 requirements; providing for reimbursement of travel costs;



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361 requiring a report; requiring a report on costs of court-
362 related services provided by the counties; providing
363 specific requirements; providing for reimbursement of
364 certain expenses; providing an appropriation; providing a
365 statement of important state interest; providing that the
366 transfer of the funding responsibility for the state
367 courts system shall not affect the validity of any
368 judicial or administrative proceeding pending on the day
369 of the transfer; providing that the entity providing
370 appropriations on and after July 1, 2004, shall be
371 considered the successor in interest to any existing
372 contracts, but is not responsible for funding or payment
373 of any service rendered or provided prior to July 1, 2004;
374 authorizing judicial acts to be taken or performed on any
375 day of the week, including Sundays and holidays;
376 authorizing surplus funds for teen courts to be used for
377 juvenile drug courts; repealing certain services charges
378 and fees imposed by counties prior to June 30, 2004;
379 requiring each clerk of the court to submit to the
380 Legislature a report identifying court-related functions
381 and associated costs for county fiscal year 2003-2004;
382 requiring each clerk of the court to notify the Clerk of
383 Court Operations Conference of the schedule of court-
384 related fees, service charges, and costs to be put into
385 effect July 1, 2004, and requiring the conference to
386 submit such information to the Legislature; repealing s.
387 25.402, F.S., relating to the County Article V Trust Fund;
388 repealing s. 27.005, F.S., relating to definitions
389 applicable to state attorneys and public defenders;
390 repealing s. 27.006, F.S., relating to court reporting



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391 services; repealing s. 27.271, F.S., relating to per diem
392 and mileage for state attorneys and assistant state
393 attorneys; repealing s. 27.33, F.S., relating to state
394 attorney submission of annual budget; repealing s.
395 27.3455, F.S., relating to annual statement of court-
396 related revenues and expenditures; repealing s. 27.36,
397 F.S., relating to the Office of Prosecution Coordination;
398 repealing s. 27.385, F.S., relating to state attorney
399 budget expenditures and expenditure reports; repealing s.
400 27.605, F.S., relating to public defender budget
401 expenditures and expenditure reports; repealing s. 29.002,
402 F.S., relating to the basis for funding the state courts
403 system; repealing s. 29.003, F.S., relating to the phase-
404 in schedule for court funding; repealing s. 29.009, F.S.,
405 relating to the contingency fund for criminal-related
406 costs of counties; repealing s. 29.011, F.S., relating to
407 conflict counsel pilot projects; repealing s. 34.201,
408 F.S., relating to the County Article V Trust Fund;
409 repealing s. 43.28, F.S., relating to county provision of
410 court facilities; repealing s. 50.071, F.S., relating to
411 court docket funds; repealing s. 57.091, F.S., relating to
412 costs refunded to counties in certain proceedings relating
413 to state prisoners; repealing s. 218.325, F.S., relating
414 to the uniform chart of accounts and financial reporting
415 for court and justice system costs and revenues; repealing
416 s. 914.06, F.S., relating to compensation of expert
417 witnesses in criminal cases; repealing s. 925.035, F.S.,
418 relating to appointment and compensation of an attorney in
419 capital cases and appeals from judgments imposing the
420 death penalty; repealing s. 925.036, F.S., relating to



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421 compensation of appointed counsel and prohibition against
 422 reassignment or subcontracting of case to another
 423 attorney; repealing s. 925.037, F.S., relating to
 424 reimbursement of counties for fees paid to appointed
 425 counsel and circuit conflict committees; repealing s.
 426 939.05, F.S., relating to discharge of insolvent defendant
 427 without payment of costs; repealing s. 939.07, F.S.,
 428 relating to payment of defendant's witnesses; repealing s.
 429 939.10, F.S., relating to duty of board of county
 430 commissioners to verify mileage and actual and necessary
 431 services and expenses; repealing s. 939.15, F.S., relating
 432 to costs paid by counties in cases of insolvency;
 433 providing for construction of the act in pari materia with
 434 laws enacted during the 2003 Regular Session of the
 435 Legislature; providing effective dates.

436

437 Be It Enacted by the Legislature of the State of Florida:

438

439 Section 1. Subsection (1) of section 25.073, Florida
 440 Statutes, is amended to read:

441 25.073 Retired justices or judges assigned to temporary
 442 duty; additional compensation; appropriation.--

443 (1) For purposes of this section, the term "retired
 444 justice" or "retired judge" means any former justice or judge
 445 who:

446 (a) Has not been defeated in seeking reelection to, or has
 447 not failed to be retained in seeking retention in, his or her
 448 last judicial office or was not defeated when last seeking
 449 election to judicial office; and

450 (b) Is not engaged in the practice of law.



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451 Section 2. Effective July 1, 2004, section 25.383, Florida
452 Statutes, is amended to read:

453 25.383 Standards for court reporters; procedures; rules of
454 professional conduct, discipline, and training; ~~fees.~~--The
455 Supreme Court shall establish minimum standards and procedures
456 for qualifications, certification, discipline, and training for
457 court reporters. ~~The Supreme Court is authorized to set fees to~~
458 ~~be charged to applicants for certification and renewal of~~
459 ~~certification. The revenues generated from such fees shall be~~
460 ~~used to offset the costs of administration of the certification~~
461 ~~process.~~ The Supreme Court may appoint or employ such personnel
462 as are necessary to assist the court in exercising its powers
463 and performing its duties under this section.

464 Section 3. Effective July 1, 2004, paragraph (a) of
465 subsection (2) of section 25.384, Florida Statutes, is amended
466 to read:

467 25.384 Court Education Trust Fund.--

468 (2)(a) The trust fund moneys shall be used to provide
469 judicial education and training for judges and other court
470 personnel as defined and determined by the Florida Court
471 Educational Council, ~~the State Courts Administrator and his or~~
472 ~~her staff, trial court administrators, and appellate court law~~
473 ~~clerks.~~ In addition, funds may be used for the development and
474 implementation of an educational program for the clerks of court
475 as set forth in s. 145.051(2).

476 Section 4. Part I of chapter 27, entitled "Definitions;
477 Court Reporters," is retitled as "Court Reporters; Witness
478 Coordination," and shall consist of sections 27.0055, 27.006,
479 27.0061, and 27.0065, Florida Statutes. This section shall take
480 effect July 1, 2004.



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481 Section 5. Effective July 1, 2004, section 43.35, Florida
482 Statutes, is renumbered as section 27.0065, Florida Statutes,
483 and amended to read:

484 27.0065 ~~43.35~~ Witness coordination ~~coordinating offices~~.--
485 Each state attorney and public defender ~~court administrator~~
486 ~~shall establish a witness coordinating office in each county~~
487 ~~within his or her judicial circuit. The office~~ shall be
488 responsible for:

489 (1) Coordinating court appearances, including pretrial
490 conferences and depositions, for all witnesses who are
491 subpoenaed in criminal cases, including law enforcement
492 personnel.

493 (2) Contacting witnesses and securing information
494 necessary to place a witness on an on-call status with regard to
495 his or her court appearance.

496 (3) Contacting witnesses to advise them not to report to
497 court in the event the case for which they have been subpoenaed
498 has been continued or has had a plea entered, or in the event
499 there is any other reason why their attendance is not required
500 on the dates they have been ordered to report.

501 (4) Contacting the employer of a witness, when necessary,
502 to confirm that the employee has been subpoenaed to appear in
503 court as a witness.

504
505 In addition, the state attorney or public defender ~~the office~~
506 may provide additional services to reduce time and wage losses
507 to a minimum for all witnesses.

508 Section 6. Effective July 1, 2004, section 27.02, Florida
509 Statutes, is amended to read:

510 27.02 Duties before court.--



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511 (1) The state attorney shall appear in the circuit and
512 county courts within his or her judicial circuit and prosecute
513 or defend on behalf of the state all suits, applications, or
514 motions, civil or criminal, in which the state is a party,
515 except as provided in chapters 39, 984, and 985. The intake
516 procedures of chapters 39, 984, and 985 shall apply as provided
517 therein. The state attorney shall not appear in the circuit and
518 county courts within his or her judicial circuit for the purpose
519 of prosecuting violations of special laws, unless expressly
520 authorized, or violations of county or municipal ordinances,
521 unless ancillary to a state prosecution and authorized by the
522 prosecuting attorney of the county.

523 (2) The state attorney shall provide to the defendant all
524 discovery materials required pursuant to the applicable rule of
525 procedure and may charge fees as provided for in s.
526 119.07(1)(a), not to exceed 15 cents per page for a copy of a
527 noncertified copy of a public record. However, these fees may be
528 deferred if the defendant has been determined to be indigent as
529 provided in s. 27.52.

530 Section 7. Section 27.04, Florida Statutes, is amended to
531 read:

532 27.04 Summoning and examining witnesses for state.--The
533 state attorney shall have summoned all witnesses required on
534 behalf of the state; and he or she is allowed the process of his
535 or her court to summon witnesses from throughout the state to
536 appear before the state attorney in or out of term time at such
537 convenient places in the state attorney's judicial circuit and
538 at such convenient times as may be designated in the summons, to
539 testify before him or her as to any violation of the ~~criminal~~
540 law upon which they may be interrogated, and he or she is



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541 empowered to administer oaths to all witnesses summoned to
 542 testify by the process of his or her court or who may
 543 voluntarily appear before the state attorney to testify as to
 544 any violation or violations of the ~~criminal~~ law.

545 Section 8. Subsection (2) of section 27.15, Florida
 546 Statutes, is amended to read:

547 27.15 State attorneys to assist in other circuits.--

548 (2) When any state attorney is required to go beyond the
 549 limits of the circuit in which he or she holds office to comply
 550 with this section or on other official business performed at the
 551 direction of the Governor, the expenses that would otherwise not
 552 have been incurred but for the executive assignment ~~incurred~~
 553 shall be borne by the state and shall be paid from the
 554 appropriation provided by the state for the state attorney who
 555 is being assisted in the discharge of his or her duties. Other
 556 costs attendant to the prosecution of such cases shall be paid
 557 by the entity obligated to pay the expense in the absence of an
 558 executive assignment ~~circuit courts.~~

559 Section 9. Effective July 1, 2004, subsections (1) and (5)
 560 of section 27.25, Florida Statutes, are amended to read:

561 27.25 State attorney authorized to employ personnel;
 562 funding formula.--

563 (1) The state attorney of each judicial circuit is
 564 authorized to employ and establish, in such number as is
 565 authorized by the General Appropriations Act ~~he or she shall~~
 566 ~~determine~~, assistant state attorneys, ~~investigators, and~~
 567 ~~clerical, secretarial,~~ and other staff pursuant to s. 29.005
 568 ~~personnel, who shall be paid from funds appropriated for that~~
 569 ~~purpose~~. The state attorneys of all judicial circuits shall
 570 jointly develop a coordinated classification and pay plan which



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571 shall be submitted on or before January 1 of each year to the
572 Justice Administrative Commission, the office of the President
573 of the Senate, and the office of the Speaker of the House of
574 Representatives. Such plan shall be developed in accordance with
575 policies and procedures of the Executive Office of the Governor
576 established pursuant to s. 216.181.

577 (5) The appropriations for the offices of state attorneys
578 shall be determined by a funding formula based on population and
579 such other factors as may be deemed appropriate in a manner to
580 be determined by this section ~~subsection~~ and the General ~~any~~
581 ~~subsequent~~ Appropriations Act.

582 Section 10. Effective July 1, 2004, section 27.34, Florida
583 Statutes, is amended to read:

584 27.34 Limitations on payment of salaries and other related
585 costs of state attorneys' offices other than by the state;
586 ~~limitations.--~~

587 (1) A ~~No~~ county or municipality may not contract with, or
588 ~~shall~~ appropriate or contribute funds to the operation of, the
589 various state attorneys for the prosecution of, ~~except that a~~
590 ~~county or municipality may appropriate or contribute funds to~~
591 ~~pay the salary of one assistant state attorney whose sole~~
592 ~~function shall be to prosecute~~ violations of special laws,
593 unless expressly authorized, or ordinances of the county or
594 municipality, unless ancillary to a state prosecution. ~~and may~~
595 ~~provide~~ Persons employed by the county or municipality may be
596 provided to the state attorney to serve as special investigators
597 pursuant to the provisions of s. 27.251. ~~However, any county or~~
598 ~~municipality may contract with the state attorney of the~~
599 ~~judicial circuit in which such county or municipality is located~~
600 ~~for the prosecution of violations of county or municipal~~



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601 ~~ordinances. In addition, a county or municipality may~~
602 ~~appropriate or contribute funds to pay the salary of one or more~~
603 ~~assistant state attorneys who are trained in the use of the~~
604 ~~civil and criminal provisions of the Florida RICO Act, chapter~~
605 ~~895, and whose sole function is to investigate and prosecute~~
606 ~~civil and criminal RICO actions when one or more offenses~~
607 ~~identified in s. 895.02(1)(a) occur within the boundaries of the~~
608 ~~municipality or county.~~

609 ~~(2) The state attorneys shall be provided by the counties~~
610 ~~within their judicial circuits with such office space,~~
611 ~~utilities, telephone service, custodial services, library~~
612 ~~services, transportation services, and communication services as~~
613 ~~may be necessary for the proper and efficient functioning of~~
614 ~~these offices, except as otherwise provided in the General~~
615 ~~Appropriations Act. The state attorney's office shall also be~~
616 ~~provided with pretrial consultation fees for expert or other~~
617 ~~potential witnesses consulted before trial by the state~~
618 ~~attorney; travel expenses incurred in criminal cases by a state~~
619 ~~attorney in connection with out-of-jurisdiction depositions;~~
620 ~~out-of-state travel expenses incurred by assistant state~~
621 ~~attorneys or by investigators of state attorneys while~~
622 ~~attempting to locate and interrogate witnesses for the state~~
623 ~~attorney in the prosecution of a criminal case; court reporter~~
624 ~~costs incurred by the state attorney during the course of an~~
625 ~~investigation and criminal prosecution which costs are certified~~
626 ~~by the state attorney as being useful and necessary in the~~
627 ~~prosecution, provided that nothing herein shall be construed to~~
628 ~~prohibit the county from contesting the reasonableness of the~~
629 ~~expenditure in the court wherein the criminal case is brought;~~
630 ~~postindictment and postinformation deposition costs incurred by~~



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631 ~~the state attorney during the course of a criminal prosecution~~
632 ~~of an insolvent defendant when such costs are certified by the~~
633 ~~state attorney as being useful and necessary in the prosecution,~~
634 ~~provided that nothing herein shall be construed to prohibit the~~
635 ~~county from contesting the reasonableness of the expenditure in~~
636 ~~the court wherein the criminal case is brought; and the cost of~~
637 ~~copying depositions of state witnesses taken by the public~~
638 ~~defender, court appointed counsel, or private retained counsel,~~
639 ~~when such costs are certified by the state attorney as being~~
640 ~~useful and necessary in the prosecution, provided that nothing~~
641 ~~herein shall be construed to prohibit the county from contesting~~
642 ~~the reasonableness of the expenditure in the court wherein the~~
643 ~~criminal case is brought. The office space to be provided by the~~
644 ~~counties shall not be less than the standards for space~~
645 ~~allotment adopted by the Department of Management Services, nor~~
646 ~~shall these services and office space be less than were provided~~
647 ~~in the prior fiscal year.~~

648 ~~(2)(3)~~ It is hereby prohibited for any state attorney to
649 receive from any county or municipality any supplemental salary.
650 ~~However in judicial circuits with a population of 1 million or~~
651 ~~more, state attorneys presently holding office and now receiving~~
652 ~~a county supplement may continue to receive a county salary~~
653 ~~supplement at the discretion of the counties for the remainder~~
654 ~~of their term of office.~~

655 ~~(3)(4)~~ Notwithstanding s. 27.25, the Chief Financial
656 Officer Insurance Commissioner may contract with the state
657 attorney of any judicial circuit of the state for the
658 prosecution of criminal violations of the Workers' Compensation
659 Law and related crimes if the Chief Financial Officer
660 contributes and may contribute funds for such purposes. Such



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661 contracts may provide for the training, salary, and expenses of
 662 one or more assistant state attorneys used in the prosecution of
 663 such crimes.

664 Section 11. Section 27.35, Florida Statutes, is amended to
 665 read:

666 27.35 Salaries of state attorneys.--

667 ~~(1) Each state attorney shall receive as salary the amount~~
 668 ~~provided in the General Appropriations Act subsection (2) and~~
 669 ~~subsequent appropriations acts.~~

670 ~~(2) The annual salaries for state attorneys shall be as~~
 671 ~~follows:~~

672 ~~(a) In those circuits having a population of 100,000 or~~
 673 ~~less \$28,000.~~

674 ~~(b) In those circuits having a population of more than~~
 675 ~~100,000 but less than 200,000 30,000.~~

676 ~~(c) In those circuits having a population of more than~~
 677 ~~200,000 32,000.~~

678 Section 12. Part III of chapter 27, entitled "Public
 679 Defenders," is retitled as "Public Defenders and Other Court-
 680 appointed Counsel," and shall consist of sections 27.40, 27.42,
 681 27.50, 27.51, 27.512, 27.52, 27.525, 27.53, 27.5301, 27.5302,
 682 27.5303, 27.5304, 27.54, 27.55, 27.561, 27.562, 27.58, and
 683 27.59, Florida Statutes. This section shall take effect July 1,
 684 2004.

685 Section 13. Effective July 1, 2004, section 27.40, Florida
 686 Statutes, is created to read:

687 27.40 Court-appointed counsel; circuit registries; minimum
 688 requirements; appointment by court.--

689 (1) Counsel shall be appointed to represent any individual
 690 in a criminal or civil proceeding entitled to court-appointed



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691 counsel under the Federal or State Constitution or as authorized
692 by general law. The court shall appoint a public defender to
693 represent indigent persons as authorized in s. 27.51. Private
694 counsel shall be appointed to represent indigents in those cases
695 in which provision is made for court-appointed counsel but the
696 public defender is unable to provide representation due to a
697 conflict of interest or is not authorized to provide
698 representation.

699 (2) Private counsel appointed by the court to provide
700 representation shall be selected from a registry established by
701 the circuit Article V indigent services committee or procured
702 through a competitive-bidding process.

703 (3) In utilizing a registry:

704 (a) Each circuit Article V indigent services committee
705 shall compile and maintain a list of attorneys in private
706 practice, by county and by category of cases. To be included on
707 a registry, attorneys shall certify that they meet any minimum
708 requirements established in general law for court appointment,
709 are available to represent indigent defendants in cases
710 requiring court appointment of private counsel, and are willing
711 to abide by the terms of the contract for services. Each
712 attorney on the registry shall be responsible for notifying the
713 circuit Article V indigent services committee of any change in
714 his or her status. Failure to comply with this requirement shall
715 be cause for removal from the registry until the requirement is
716 fulfilled.

717 (b) The court shall appoint attorneys in rotating order in
718 the order in which names appear on the applicable registry,
719 unless the court makes a finding of good cause on the record for
720 appointing an attorney out of order. An attorney not appointed



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721 in the order in which his or her name appears on the list shall
722 remain next in order.

723 (c) If it finds the number of attorneys on the registry in
724 a county or circuit for a particular category of cases is
725 inadequate, the circuit Article V indigent services committee
726 shall notify the chief judge of the particular circuit in
727 writing. The chief judge shall submit the names of at least
728 three private attorneys with relevant experience. The clerk of
729 court shall send an application to each of these attorneys to
730 register for appointment.

731 (d) Quarterly, beginning July 1, 2004, each circuit
732 Article V indigent services committee shall provide the Chief
733 Justice of the Supreme Court, the chief judge, the state
734 attorney and public defender in each judicial circuit, and the
735 clerk of court in each county with a current copy of each
736 registry.

737 (4) To be eligible for court appointment, an attorney must
738 be a member in good standing of The Florida Bar in addition to
739 any other qualifications specified by general law.

740 (5) The Justice Administrative Commission shall approve
741 uniform contract forms for use in procuring the services of
742 private court-appointed counsel based on the recommendations of
743 the Article V Indigent Services Advisory Board.

744 (6) After court appointment, the attorney must immediately
745 file a notice of appearance with the court indicating acceptance
746 of the appointment to represent the defendant.

747 (7)(a) An attorney appointed to represent a defendant or
748 other client is entitled to payment of attorney's fees and
749 expenses pursuant to s. 27.5304, only upon full performance by
750 the attorney of specified duties, approval of payment by the



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751 court, and attorney submission of a payment request to the
752 Justice Administrative Commission. If an attorney is permitted
753 to withdraw or is otherwise removed from representation prior to
754 full performance of the duties specified in this section, the
755 trial court shall approve payment of attorney's fees and costs
756 for work performed in an amount not to exceed the amounts
757 specified in s. 27.5304.

758 (b) The attorney shall maintain appropriate documentation,
759 including a current and detailed hourly accounting of time spent
760 representing the defendant or other client.

761 (8) Subject to the attorney-client, work-product
762 privilege, an attorney who withdraws or is removed from
763 representation shall deliver all files, notes, documents, and
764 research to the successor attorney within 15 days after
765 receiving notice from the successor attorney. The successor
766 attorney shall bear the cost of transmitting all files, notes,
767 documents, and research.

768 (9) A circuit Article V indigent services committee or any
769 interested person may advise the court of any circumstance
770 affecting the quality of representation, including, but not
771 limited to, false or fraudulent billing, misconduct, failure to
772 meet continuing legal education requirements, solicitation to
773 receive compensation from the defendant or other client the
774 attorney is appointed to represent, or failure to file
775 appropriate motions in a timely manner.

776 (10) This section does not apply to attorneys appointed to
777 represent persons in postconviction capital collateral cases
778 pursuant to part IV of this chapter.

779 Section 14. Effective July 1, 2004, section 27.42, Florida
780 Statutes, is created to read:



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781 27.42 Circuit Article V indigent services committees;
782 composition; staff; responsibilities; funding.--

783 (1) In each judicial circuit a circuit Article V indigent
784 services committee shall be established. The committee shall
785 consist of the following:

786 (a) The chief judge of the judicial circuit or the chief
787 judge's designee, who shall serve as the chair.

788 (b) The public defender of the judicial circuit.

789 (c) One experienced private criminal defense attorney
790 appointed by the chief judge to serve a 2-year term. During the
791 2-year term, the attorney is prohibited from serving as court-
792 appointed counsel.

793 (d) One experienced civil trial attorney appointed by the
794 chief judge, to serve a 2-year term. During the 2-year term, the
795 attorney is prohibited from serving as court-appointed counsel.

796 (2)(a) The responsibility of the circuit Article V
797 indigent services committee is to manage the appointment and
798 compensation of court-appointed counsel within a circuit
799 pursuant to ss. 27.40 and 27.5303. The circuit Article V
800 indigent services committee shall meet at least quarterly.

801 (b) The circuit Article V indigent services committee
802 shall maintain a registry pursuant to s. 27.40, unless procuring
803 counsel through a competitive-bidding process. The committee
804 shall apply the eligibility and performance standards set by the
805 Legislature, if any, after receiving recommendations from the
806 Article V Indigent Services Advisory Board, for the appropriate
807 category of case.

808 (c) The circuit Article V indigent services committee
809 shall develop a schedule of standard fees and expense allowances
810 for the various categories of cases, consistent with the



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811 standards adopted by the Legislature, if any, after receiving
812 recommendations from the Article V Indigent Services Advisory
813 Board.

814 (3) The Justice Administrative Commission shall prepare
815 and issue on a quarterly basis a statewide report comparing
816 actual year-to-date expenditures to budgeted amounts for the
817 circuit Article V indigent services committees in each of the
818 judicial circuits. Copies of these quarterly reports shall be
819 distributed to each circuit Article V indigent services
820 committee and to the President of the Senate and the Speaker of
821 the House of Representatives.

822 (4)(a) The funding and positions for the processing of
823 committees' fees and expenses shall be as appropriated to the
824 Justice Administrative Commission in the General Appropriations
825 Act.

826 (b) Funds for criminal conflict case fees and expenses
827 shall be appropriated by the Legislature in a separate
828 appropriations category within the Justice Administrative
829 Commission. These funds shall be allocated to each circuit as
830 prescribed in the General Appropriations Act.

831 (c) Separate funds for attorneys' fees and expenses in
832 conflict cases under chapter 394 shall be appropriated by the
833 Legislature in a separate appropriations category within the
834 Justice Administrative Commission.

835 (d) The Legislature shall appropriate separate funds for
836 attorneys' fees and expenses in child dependency cases and other
837 court-appointed counsel cases in a separate appropriations
838 category within the Justice Administrative Commission.

839 Section 15. Effective July 1, 2004, section 27.51, Florida
840 Statutes, is amended to read:



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841 27.51 Duties of public defender.--

842 (1) The public defender shall represent, without
 843 additional compensation, any person who is determined ~~by the~~
 844 ~~court~~ to be indigent as provided in s. 27.52 and who is:

845 (a) Under arrest for, or is charged with, a felony;

846 (b) Under arrest for, or is charged with, a misdemeanor
 847 authorized for prosecution by the state attorney, a violation of
 848 chapter 316 which is punishable by imprisonment, or criminal
 849 contempt, ~~or a violation of a municipal or county ordinance in~~
 850 ~~the county court~~, unless the court, prior to trial, files in the
 851 cause an order of no imprisonment which states that the
 852 defendant will not be imprisoned if he or she is convicted;

853 (c) Alleged to be a delinquent child pursuant to a
 854 petition filed before a circuit court; ~~or~~

855 (d) Sought by petition filed in such court to be
 856 involuntarily placed as a mentally ill person or sexually
 857 violent predator or involuntarily admitted to residential
 858 services as a person with developmental disabilities. However, a
 859 public defender does not have the authority to represent any
 860 person who is a plaintiff in a civil action brought under the
 861 Florida Rules of Civil Procedure, the Federal Rules of Civil
 862 Procedure, or the federal statutes, or who is a petitioner in an
 863 administrative proceeding challenging a rule under chapter 120,
 864 unless specifically authorized by statute; or

865 (e) Convicted and sentenced to death for purposes of
 866 prosecuting an appeal to the Supreme Court.

867 (2) The court may not appoint the public defender to
 868 represent, even on a temporary basis, any person who is not
 869 indigent. The court, however, may appoint private counsel in
 870 capital cases as provided in ss. 27.40 and 27.5303 ~~s. 925.035~~.



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871 (3) Each public defender shall serve on a full-time basis
872 and is prohibited from engaging in the private practice of law
873 while holding office. Assistant public defenders shall give
874 priority and preference to their duties as assistant public
875 defenders and shall not otherwise engage in the practice of
876 criminal law.

877 (4) The public defender for a judicial circuit enumerated
878 in this subsection shall, after the record on appeal is
879 transmitted to the appellate court by the office of the public
880 defender which handled the trial and if requested by any public
881 defender within the indicated appellate district, handle all
882 felony appeals to the state and federal courts required of the
883 official making such request:

884 (a) Public defender of the second judicial circuit, on
885 behalf of any public defender within the district comprising the
886 First District Court of Appeal.

887 (b) Public defender of the tenth judicial circuit, on
888 behalf of any public defender within the district comprising the
889 Second District Court of Appeal.

890 (c) Public defender of the eleventh judicial circuit, on
891 behalf of any public defender within the district comprising the
892 Third District Court of Appeal.

893 (d) Public defender of the fifteenth judicial circuit, on
894 behalf of any public defender within the district comprising the
895 Fourth District Court of Appeal.

896 (e) Public defender of the seventh judicial circuit, on
897 behalf of any public defender within the district comprising the
898 Fifth District Court of Appeal.

899 ~~(5) When the public defender for a judicial circuit~~
900 ~~enumerated in subsection (4) has represented at trial a person~~



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901 ~~sentenced to death, the public defender shall not represent that~~
902 ~~person in any direct appellate proceedings. That public defender~~
903 ~~shall notify the Florida Supreme Court within 10 days after~~
904 ~~filing a notice of appeal, and the Court shall appoint another~~
905 ~~public defender enumerated in subsection (4) to represent the~~
906 ~~person in any direct appellate proceedings.~~

907 (5)~~(6)~~(a) When direct appellate proceedings prosecuted by
908 a public defender on behalf of an accused and challenging a
909 judgment of conviction and sentence of death terminate in an
910 affirmance of such conviction and sentence, whether by the
911 Florida Supreme Court or by the United States Supreme Court or
912 by expiration of any deadline for filing such appeal in a state
913 or federal court, the public defender shall notify the accused
914 of his or her rights pursuant to Rule 3.850, Florida Rules of
915 Criminal Procedure, including any time limits pertinent thereto,
916 and shall advise such person that representation in any
917 collateral proceedings is the responsibility of the capital
918 collateral representative. The public defender shall then
919 forward all original files on the matter to the capital
920 collateral representative, retaining such copies for his or her
921 files as may be desired. However, the trial court shall retain
922 the power to appoint the public defender or other attorney not
923 employed by the capital collateral representative to represent
924 such person in proceedings for relief by executive clemency
925 pursuant to ss. 27.40 and 27.5303 ~~s. 925.035~~.

926 (b) It is the intent of the Legislature that any public
927 defender representing an inmate in any collateral proceedings in
928 any court on June 24, 1985, shall continue representation of
929 that inmate in all postconviction proceedings unless relieved of
930 responsibility from further representation by the court.



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931 ~~(6)(7)~~ A sum shall be appropriated to the public defender
 932 of each judicial circuit enumerated in subsection (4) for the
 933 employment of assistant public defenders and clerical employees
 934 and the payment of expenses incurred in cases on appeal.

935 Section 16. Effective July 1, 2004, section 27.52, Florida
 936 Statutes, is amended to read:

937 27.52 Determination of indigence ~~indigency~~.--

938 (1)(a) The clerk of the circuit court shall determine the
 939 indigence of each person applying for appointment of a
 940 determination of indigency for purposes of appointing the public
 941 defender or private or conflict attorney or any other court-
 942 related services based on indigence. This determination shall be
 943 made by the court, and may be made at any stage of the
 944 proceedings. Before appointing the public defender or a private
 945 ~~conflict~~ attorney, or providing any other court-related service
 946 based on indigence, the court shall receive the determination of
 947 indigence from the clerk. If the clerk has not made this
 948 determination at the time a person requests appointment of a
 949 public defender or private attorney or provision of any other
 950 court-related services, the court consider a completed affidavit
 951 that contains the financial information required under paragraph
 952 ~~(f)~~ and shall make a preliminary determination of indigence
 953 indigency, pending verification by the clerk indigency examiner.
 954 The applicant may seek review of the clerk's determination
 955 denying indigence in the court having jurisdiction over the
 956 matter at the next scheduled hearing.

957 (2)(a) Any person applying for appointment of a public
 958 defender or private attorney or any other court-related services
 959 based on indigence shall pay a \$40 application fee to the clerk



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960 of court and submit a completed affidavit containing the
961 financial information required under paragraph (f).

962 (b) The person shall pay the application fee at the time
963 the financial affidavit is filed or within 7 days thereafter. If
964 not paid within 7 days, the applicant shall be enrolled by the
965 clerk in a payment program to recover unpaid fees, in full, with
966 periodic payment amounts corresponding to the applicant's
967 ability to pay.

968 ~~(b) An accused person, or if applicable a parent or legal~~
969 ~~guardian of an accused minor or an accused adult tax dependent~~
970 ~~person, asserting indigency and requesting representation by the~~
971 ~~public defender or a conflict attorney, shall file with the~~
972 ~~court a completed affidavit containing the financial information~~
973 ~~required under paragraph (f) and stating that the affidavit is~~
974 ~~signed under oath and under penalty of perjury.~~

975 ~~(c) Each person who requests the appointment of the public~~
976 ~~defender or a conflict attorney shall pay to the clerk of the~~
977 ~~court an application fee of \$40, as ordered by the court, at the~~
978 ~~time the financial affidavit is filed, or within 7 days~~
979 ~~thereafter. If not paid within 7 days, the application fee shall~~
980 ~~be assessed at sentencing or at the final disposition of the~~
981 ~~case. The application fee shall be assessed for each affidavit~~
982 ~~filed against a defendant who requests appointment of the public~~
983 ~~defender or a conflict attorney. A defendant who is found to be~~
984 ~~indigent may not be refused counsel or any other court-related~~
985 ~~services based on indigence for failure to pay the application~~
986 ~~fee. The defendant shall pay a separate application fee for each~~
987 ~~affidavit filed.~~

988 (d) If the court finds that the accused person applying
989 for representation appears to be indigent based upon the



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990 financial affidavit required under paragraph (f), the court
 991 shall appoint the public defender or a private ~~conflict~~ attorney
 992 to provide representation. If the application fee is not paid
 993 prior to the disposition of the case, the clerk shall advise the
 994 sentencing judge of this fact and the court shall:

- 995 1. Assess the application fee as part of the sentence or
- 996 as a condition of probation; or
- 997 2. Assess the application fee pursuant to s. 938.29.

998
 999 If the clerk ~~indigency examiner~~ finds discrepancies between the
 1000 financial affidavit and his or her ~~the examiner's~~ investigation
 1001 of assets, the clerk ~~indigency examiner~~ shall submit the
 1002 information to the court and the court shall determine whether
 1003 the public defender or private ~~conflict~~ attorney shall continue
 1004 representation. The defendant may be heard regarding the
 1005 information discovered by the clerk ~~indigency examiner~~. If the
 1006 court, based on the information provided, determines that the
 1007 defendant is not indigent, the court shall order ~~that~~ the public
 1008 defender or private ~~conflict~~ attorney to discontinue
 1009 representation. Notwithstanding any provision of law or local
 1010 order to the contrary, the clerk of the court shall assign the
 1011 first \$40 of any ~~court-assessed~~ fees or costs ~~that are~~ paid by
 1012 an indigent defendant as payment of ~~for~~ the application fee. In
 1013 no event should a person ~~who is~~ found to be indigent be refused
 1014 counsel for failure to pay the fee.

1015 (e) All application fees shall be transferred monthly by
 1016 the clerk of the court to the Department of Revenue for deposit
 1017 to the Indigent Criminal Defense Trust Fund, administered by the
 1018 Justice Administrative Commission, to be used to supplement the
 1019 general revenue funds appropriated by the Legislature to the



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1020 public defenders. The clerk of the court may retain 2 percent of
 1021 application fees collected monthly for administrative costs
 1022 prior to remitting the remainder to the Department of Revenue.

1023 (f) The affidavit must contain the following financial
 1024 information and calculations as to the applicant's ~~accused~~
 1025 ~~person's~~ income:

1026 1. Net income.--Total salary and wages, minus deductions
 1027 required by law, including court-ordered support payments.

1028 2. Other income.--Including, but not limited to, social
 1029 security benefits, union funds, veterans' benefits, workers'
 1030 compensation, other regular support from absent family members,
 1031 public or private employee pensions, unemployment compensation,
 1032 dividends, interest, rent, trusts, and gifts.

1033 3. Assets.--Including, but not limited to, cash, savings
 1034 accounts, bank accounts, stocks, bonds, certificates of deposit,
 1035 equity in real estate, and equity in a boat or a motor vehicle
 1036 or in other tangible property.

1037 (g) The income of an applicant who is a ~~accused~~ minor or
 1038 an ~~accused~~ adult tax-dependent person who is substantially
 1039 supported by a parent or parents or by a guardian, or who
 1040 continues to be claimed as a dependent for tax purposes, shall
 1041 include the income of that dependent person's parent or parents
 1042 or guardian, except a parent or guardian who has an adverse
 1043 interest in the proceeding.

1044 (h) In addition to the financial information, the
 1045 affidavit must contain the following statement: "I, ... (name
 1046 of applicant ~~accused person~~) ..., agree to report any change in
 1047 my financial situation to the court ~~or to the indigency~~
 1048 ~~examiner.~~ "



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1049 (3)~~(2)~~(a) After reviewing the affidavit and questioning
 1050 the applicant ~~accused person~~, the clerk ~~court~~ shall make one of
 1051 the following determinations:

1052 1. The applicant ~~accused person~~ is indigent.

1053 2. The applicant ~~accused person~~ is not indigent.

1054 (b) An applicant ~~accused person~~, including an applicant
 1055 who is a minor or an ~~or an accused minor's or accused~~ adult tax-
 1056 dependent person ~~person's parent or guardian~~, is indigent if:

1057 1. The income of the person is equal to or below 200 ~~250~~
 1058 percent of the then-current federal poverty guidelines
 1059 prescribed for the size of the household of the applicant
 1060 ~~accused~~ by the United States Department of Health and Human
 1061 Services or if the person is receiving Temporary Assistance for
 1062 Needy Families-Cash Assistance ~~Aid to Families with Dependent~~
 1063 ~~Children (AFDC)~~, poverty-related veterans' benefits, or
 1064 Supplemental Security Income (SSI); or

1065 2. The person is unable to pay for the services of an
 1066 attorney without substantial hardship to his or her family.

1067 (c) In determining whether an applicant ~~a defendant~~ is
 1068 indigent, the clerk ~~court~~ shall determine whether any of the
 1069 following facts exist, and the existence of any such fact
 1070 creates a presumption that the applicant ~~defendant~~ is not
 1071 indigent:

1072 1. The defendant has been released on bail in the amount
 1073 of \$5,000 or more.

1074 2. The defendant owns, or has equity in, any intangible or
 1075 tangible personal property or real property or the expectancy of
 1076 an interest in any such property.



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1077 3. The defendant retained private counsel immediately
 1078 before or after filing the affidavit asserting indigence
 1079 ~~indigency~~ pursuant to subsection (2) ~~(1)~~.

1080 (d) A nonindigent parent or legal guardian of an applicant
 1081 who is a ~~accused~~ minor or an ~~accused~~ adult tax-dependent person
 1082 shall furnish the minor or adult tax-dependent ~~dependent~~ person
 1083 with the necessary legal services and costs incident to a
 1084 delinquency proceeding or, upon transfer of such person for
 1085 criminal prosecution as an adult pursuant to chapter 985, a
 1086 criminal prosecution, in which the person has a right to legal
 1087 counsel under the Constitution of the United States or the
 1088 Constitution of the State of Florida. The failure of a parent or
 1089 legal guardian to furnish legal services and costs under this
 1090 section does not bar the appointment of legal counsel pursuant
 1091 to s. 27.40 or 27.5303 ~~27.53~~. When the public defender, a
 1092 special assistant public defender appointed pursuant to s.
 1093 27.53(2), or a ~~appointed~~ private attorney ~~legal counsel~~ is
 1094 appointed to represent a ~~an accused~~ minor or an ~~accused~~ adult
 1095 tax-dependent person in any proceeding in circuit court or in a
 1096 criminal proceeding in any other court, the parents or the legal
 1097 guardian shall be liable for payment of the fees, charges, and
 1098 costs of the ~~such~~ representation even if the person is a minor
 1099 being tried as an adult. Liability for the fees, charges, and
 1100 costs of the ~~such~~ representation shall ~~may~~ be imposed in the
 1101 form of a lien against the property of the nonindigent parents
 1102 or legal guardian of the ~~accused~~ minor or ~~accused~~ adult tax-
 1103 dependent person. The, which lien shall be ~~is~~ enforceable as
 1104 provided in s. 27.561 or s. 938.29. ~~The court shall determine~~
 1105 ~~the amount of the obligation; and, in determining the amount of~~



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1106 ~~the obligation, the court shall follow the procedure outlined by~~
 1107 ~~this section.~~

1108 (4)(3) If the trial court determines, ~~within 2 years after~~
 1109 ~~the determination of indigency,~~ that any applicant ~~accused~~ was
 1110 erroneously or improperly determined to be indigent, the state
 1111 attorney shall, in the name of the state, proceed against the
 1112 applicant ~~such accused~~ for the reasonable value of the services
 1113 rendered, ~~to the accused and~~ including all fees, charges, and
 1114 costs paid by the state ~~or county~~ in his or her behalf. Any
 1115 amount recovered shall be remitted to the Department of Revenue
 1116 for deposit into the General Revenue Fund ~~board of county~~
 1117 ~~commissioners of the county wherein the accused was tried. The~~
 1118 ~~funds shall be deposited in the fine and forfeiture fund of that~~
 1119 ~~county and be used to defray the expenses incurred by the county~~
 1120 ~~with respect to the defense of defendants in criminal~~
 1121 ~~prosecutions.~~

1122 (5) An individual determined to be indigent and seeking to
 1123 defer payment of fees, charges, or costs imposed by operation of
 1124 law or order of the court under this section or any other
 1125 provision of general law imposing fees, charges, or costs, shall
 1126 be enrolled by the clerk in a payment program to recover unpaid
 1127 costs in full, with periodic payment amounts corresponding to
 1128 the individual's ability to pay.

1129 Section 17. Effective July 1, 2004, section 27.53, Florida
 1130 Statutes, is amended to read:

1131 27.53 Appointment of assistants and other staff; method of
 1132 payment.--

1133 (1) The public defender of each judicial circuit is
 1134 authorized to employ and establish, in such numbers as
 1135 authorized by the General Appropriations Act ~~as he or she shall~~



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1136 ~~determine~~, assistant public defenders, ~~investigators~~, and other
1137 staff and personnel pursuant to s. 29.006, who shall be paid
1138 from funds appropriated for that purpose. Notwithstanding the
1139 provisions of s. 790.01, s. 790.02, or s. 790.25(2)(a), an
1140 investigator employed by a public defender, while actually
1141 carrying out official duties, is authorized to carry concealed
1142 weapons if the investigator complies with s. 790.25(3)(o).
1143 However, such investigators are not eligible for membership in
1144 the Special Risk Class of the Florida Retirement System. The
1145 public defenders of all judicial circuits shall jointly develop
1146 a coordinated classification and pay plan which shall be
1147 submitted on or before January 1 of each year to the Justice
1148 Administrative Commission, the office of the President of the
1149 Senate, and the office of the Speaker of the House of
1150 Representatives. Such plan shall be developed in accordance with
1151 policies and procedures of the Executive Office of the Governor
1152 established in s. 216.181. Each assistant public defender
1153 appointed by a public defender under this section shall serve at
1154 the pleasure of the public defender. Each investigator employed
1155 by a public defender shall have full authority to serve any
1156 witness subpoena or court order issued, by any court or judge
1157 within the judicial circuit served by such public defender, in a
1158 criminal case in which such public defender has been appointed
1159 to represent the accused.

1160 (2) Any member of The Florida Bar, in good standing, may
1161 volunteer ~~register his or her availability to the public~~
1162 ~~defender of any judicial circuit for acceptance of special~~
1163 ~~assignments~~ without salary to represent indigent defendants.
1164 Volunteer attorneys are to be ~~Such persons shall be listed and~~
1165 referred to as special assistant public defenders ~~and be paid a~~



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1166 ~~fee and costs and expenses as provided in s. 925.036.~~ A special
1167 assistant public defender may not reassign or subcontract a case
1168 to another attorney.

1169 ~~(3) If, at any time during the representation of two or~~
1170 ~~more indigents, the public defender determines that the~~
1171 ~~interests of those accused are so adverse or hostile that they~~
1172 ~~cannot all be counseled by the public defender or his or her~~
1173 ~~staff without conflict of interest, or that none can be~~
1174 ~~counseled by the public defender or his or her staff because of~~
1175 ~~conflict of interest, the public defender shall file a motion to~~
1176 ~~withdraw and move the court to appoint other counsel. The court~~
1177 ~~shall review and may inquire or conduct a hearing into the~~
1178 ~~adequacy of the public defender's representations regarding a~~
1179 ~~conflict of interest without requiring the disclosure of any~~
1180 ~~confidential communications. The court shall permit withdrawal~~
1181 ~~unless the court determines that the asserted conflict is not~~
1182 ~~prejudicial to the indigent client. If the court grants the~~
1183 ~~motion to withdraw, it may appoint one or more members of The~~
1184 ~~Florida Bar, who are in no way affiliated with the public~~
1185 ~~defender, in his or her capacity as such, or in his or her~~
1186 ~~private practice, to represent those accused. However, the trial~~
1187 ~~court shall appoint such other counsel upon its own motion when~~
1188 ~~the facts developed upon the face of the record and files in the~~
1189 ~~cause disclose such conflict. The court shall advise the~~
1190 ~~appropriate public defender and clerk of court, in writing, when~~
1191 ~~making such appointment and state the conflict prompting the~~
1192 ~~appointment. The appointed attorney shall be compensated as~~
1193 ~~provided in s. 925.036.~~

1194 ~~(3)(4)~~ The appropriations for the offices of public
1195 defender shall be determined by a funding formula and such other



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1196 factors as may be deemed appropriate in a manner to be
 1197 determined by this section ~~subsection~~ and the General ~~any~~
 1198 ~~subsequent~~ Appropriations Act.

1199 Section 18. Subsection (1) of section 27.5301, Florida
 1200 Statutes, is amended to read:

1201 27.5301 Salaries of public defenders and assistant public
 1202 defenders.--

1203 (1) The salaries of public defenders, ~~to be paid by the~~
 1204 ~~state~~, shall be as provided in the General Appropriations Act
 1205 and shall be paid in equal monthly installments.

1206 Section 19. Effective July 1, 2004, section 27.5303,
 1207 Florida Statutes, is created to read:

1208 27.5303 Public defenders; conflict of interest.--

1209 (1)(a) If, at any time during the representation of two or
 1210 more defendants, a public defender determines that the interests
 1211 of those accused are so adverse or hostile that they cannot all
 1212 be counseled by the public defender or his or her staff without
 1213 conflict of interest, or that none can be counseled by the
 1214 public defender or his or her staff because of a conflict of
 1215 interest, then the public defender shall file a motion to
 1216 withdraw and move the court to appoint other counsel. If
 1217 requested by the Justice Administrative Commission, the public
 1218 defender shall submit a copy of the motion to the Justice
 1219 Administrative Commission at the time it is filed with the
 1220 court. The Justice Administrative Commission shall have standing
 1221 to appear before the court to contest any motion to withdraw due
 1222 to a conflict of interest. The Justice Administrative Commission
 1223 may contract with other public or private entities or
 1224 individuals to appear before the court for the purpose of
 1225 contesting any motion to withdraw due to a conflict of interest.



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1226 The court shall review and may inquire or conduct a hearing into
1227 the adequacy of the public defender's representations regarding
1228 a conflict of interest without requiring the disclosure of any
1229 confidential communications. The court shall deny the motion to
1230 withdraw if the court finds the grounds for withdrawal are
1231 insufficient or the asserted conflict is not prejudicial to the
1232 indigent client. If the court grants the motion to withdraw, the
1233 court shall appoint one or more attorneys to represent the
1234 accused.

1235 (b) Upon its own motion, the court shall appoint such
1236 other counsel when the facts developed upon the face of the
1237 record and court files in the case disclose a conflict of
1238 interest. The court shall advise the appropriate public defender
1239 and clerk of court, in writing, with a copy to the Justice
1240 Administrative Commission, if so requested by the Justice
1241 Administrative Commission, when making the motion and appointing
1242 one or more attorneys to represent the accused. The court shall
1243 specify the basis for the conflict.

1244 (c) In no case shall the court approve a withdrawal by the
1245 public defender based solely upon inadequacy of funding or
1246 excess workload of the public defender.

1247 (d) In determining whether or not there is a conflict of
1248 interest, the public defender and the court shall apply the
1249 standards adopted by the Legislature after receiving
1250 recommendations from the Article V Indigent Services Advisory
1251 Board.

1252 (2) The court shall appoint conflict counsel pursuant to
1253 s. 27.40. The appointed attorney may not be affiliated with the
1254 public defender or any assistant public defender in his or her
1255 official capacity or any other private attorney appointed to



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1256 represent a codefendant. The public defender may not participate
1257 in case-related decisions, performance evaluations, or expense
1258 determinations in conflict cases.

1259 (3) Private court-appointed counsel shall be compensated
1260 as provided in s. 27.5304 in accordance with compensation
1261 standards adopted by the Legislature after receiving
1262 recommendations from the Article V Indigent Services Advisory
1263 Board.

1264 (4)(a) If a defendant is convicted and the death sentence
1265 is imposed, the appointed attorney shall continue representation
1266 through appeal to the Supreme Court. The attorney shall be
1267 compensated as provided in s. 27.5304. If the attorney first
1268 appointed is unable to handle the appeal, the court shall
1269 appoint another attorney and that attorney shall be compensated
1270 as provided in s. 27.5304.

1271 (b) The public defender or an attorney appointed pursuant
1272 to this section may be appointed by the court rendering the
1273 judgment imposing the death penalty to represent an indigent
1274 defendant who has applied for executive clemency as relief from
1275 the execution of the judgment imposing the death penalty.

1276 (c) When the appointed attorney in a capital case has
1277 completed the duties imposed by this section, the attorney shall
1278 file a written report in the trial court stating the duties
1279 performed by the attorney and apply for discharge.

1280 Section 20. Effective July 1, 2004, section 27.5304,
1281 Florida Statutes, is created to read:

1282 27.5304 Private court-appointed counsel; compensation.--

1283 (1) Private court-appointed counsel shall be compensated
1284 by the Justice Administrative Commission in accordance with
1285 standards adopted by the Legislature after receiving



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1286 recommendations from the Article V Indigent Services Advisory
1287 Board. However, compensation shall not exceed the maximum fee
1288 limits established by this section. The attorney also shall be
1289 reimbursed for reasonable and necessary expenses in accordance
1290 with s. 29.007. If the attorney is representing a defendant
1291 charged with more than one offense in the same case, the
1292 attorney shall be compensated at the rate provided for the most
1293 serious offense for which he or she represented the defendant.
1294 This section does not allow stacking of the fee limits
1295 established by this section.

1296 (2) Prior to filing a motion for an order approving
1297 payment of attorney's fees, costs, or related expenses, the
1298 private court-appointed counsel shall deliver a copy of the
1299 intended billing, together with supporting affidavits and all
1300 other necessary documentation, to the Justice Administrative
1301 Commission. The Justice Administrative Commission shall review
1302 the billings, affidavit, and documentation for completeness and
1303 compliance with contractual and statutory requirements. If the
1304 Justice Administrative Commission objects to any portion of the
1305 proposed billing, the objection and reasons therefor shall be
1306 communicated to the private court-appointed counsel. The private
1307 court-appointed counsel may thereafter file his or her motion
1308 for order approving payment of attorney's fees, costs, or
1309 related expenses together with supporting affidavits and all
1310 other necessary documentation. The motion must specify whether
1311 the Justice Administrative Commission objects to any portion of
1312 the billing or the sufficiency of documentation and, if so, the
1313 reasons therefor. A copy of the motion and attachments shall be
1314 served on the Justice Administrative Commission. The Justice
1315 Administrative Commission shall have standing to appear before



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1316 the court to contest any motion for order approving payment of
1317 attorney's fees, costs, or related expenses. The Justice
1318 Administrative Commission may contract with other public or
1319 private entities or individuals to appear before the court for
1320 the purpose of contesting any motion for order approving payment
1321 of attorney's fees, costs, or related expenses. The fact that
1322 the Justice Administrative Commission has not objected to any
1323 portion of the billing or to the sufficiency of the
1324 documentation is not binding on the court. The court retains
1325 primary authority and responsibility for determining the
1326 reasonableness of all billings for fees, costs, and related
1327 expenses, subject to statutory limitations.

1328 (3) The compensation for representation in a criminal
1329 proceeding shall not exceed the following:

1330 (a)1. For misdemeanors and juveniles represented at the
1331 trial level: \$1,000.

1332 2. For noncapital, nonlife felonies represented at the
1333 trial level: \$2,500.

1334 3. For life felonies represented at the trial level:
1335 \$3,000.

1336 4. For capital cases represented at the trial level:
1337 \$3,500.

1338 5. For representation on appeal: \$2,000.

1339 (b) If a death sentence is imposed and affirmed on appeal
1340 to the Supreme Court, the appointed attorney shall be allowed
1341 compensation, not to exceed \$1,000, for attorney's fees and
1342 costs incurred in representing the defendant as to an
1343 application for executive clemency, with compensation to be paid
1344 out of general revenue from funds budgeted to the Department of
1345 Corrections.



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1346 (4) By January 1, 2004, the Article V Indigent Services
 1347 Advisory Board shall recommend to the Legislature any
 1348 adjustments to existing compensation schedules for criminal
 1349 proceedings and any proposed compensation standards for private
 1350 attorneys providing representation in civil proceedings in which
 1351 private court-appointed counsel is required.

1352 (5) If counsel is entitled to receive compensation for
 1353 representation pursuant to court appointment in a termination of
 1354 parental rights proceeding under s. 39.0134, such compensation
 1355 shall not exceed \$1,000 at the trial level and \$2,500 at the
 1356 appellate level.

1357 (6) A private attorney appointed in lieu of the public
 1358 defender to represent an indigent defendant may not reassign or
 1359 subcontract the case to another attorney or allow another
 1360 attorney to appear at a critical stage of a case who does not
 1361 meet standards adopted by the Legislature after any
 1362 recommendations from the Article V Indigent Services Advisory
 1363 Board.

1364 Section 21. Effective July 1, 2004, section 27.54, Florida
 1365 Statutes, is amended to read:

1366 27.54 Limitation on payment of expenditures for public
 1367 defender's office other than by the state.--

1368 (1) All payments for the salary of the public defender and
 1369 the necessary expenses of office, including salaries of
 1370 assistants and staff, shall be considered as being for a valid
 1371 public purpose. Travel expenses shall be paid in accordance with
 1372 the provisions of s. 112.061.

1373 (2) A ~~Ne~~ county or municipality may not contract with, or
 1374 ~~shall~~ appropriate or contribute funds to, the operation of the
 1375 offices of the various public defenders for the purpose of



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1376 ~~defending, except that a county or municipality may appropriate~~
1377 ~~or contribute funds to:~~

1378 ~~(a) Pay the salary of one assistant public defender whose~~
1379 ~~sole function shall be to defend indigents charged with~~
1380 ~~violations of special laws, unless expressly authorized, or with~~
1381 ~~violations of ordinances of the county or municipality, unless~~
1382 ~~ancillary to a state prosecution.~~

1383 ~~(b) Employ legal and support staff to be supervised by the~~
1384 ~~public defender upon certification by the public defender that~~
1385 ~~inadequate resources will result in withdrawal from current~~
1386 ~~eases or inability to accept additional appointments.~~

1387 ~~(3) The public defenders shall be provided by the counties~~
1388 ~~within their judicial circuits with such office space,~~
1389 ~~utilities, telephone services, custodial services, library~~
1390 ~~services, transportation services, and communication services as~~
1391 ~~may be necessary for the proper and efficient functioning of~~
1392 ~~these offices, except as otherwise provided in the General~~
1393 ~~Appropriations Act. The public defender's offices shall also be~~
1394 ~~provided with pretrial consultation fees for expert or other~~
1395 ~~potential witnesses consulted before trial by the public~~
1396 ~~defender; travel expenses incurred in criminal cases by a public~~
1397 ~~defender in connection with out-of-jurisdiction depositions;~~
1398 ~~out-of-state and out-of-jurisdiction travel expenses incurred by~~
1399 ~~public defenders or by investigators of public defenders while~~
1400 ~~attempting to locate and interrogate witnesses for the public~~
1401 ~~defender in the defense of a criminal case; court reporter costs~~
1402 ~~incurred by the public defender during the course of an~~
1403 ~~investigation and criminal prosecution, which costs are~~
1404 ~~certified by the public defender as being useful and necessary~~
1405 ~~in the preparation of a criminal defense, provided that nothing~~



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1406 ~~herein shall be construed to prohibit the county from contesting~~
 1407 ~~the reasonableness of the expenditure in the court wherein the~~
 1408 ~~criminal case is brought; postindictment and postinformation~~
 1409 ~~deposition costs incurred by the public defender during the~~
 1410 ~~course of a criminal prosecution of an indigent defendant when~~
 1411 ~~such costs are certified by the public defender as being useful~~
 1412 ~~and necessary in the preparation of a criminal defense, provided~~
 1413 ~~that nothing herein shall be construed to prohibit the county~~
 1414 ~~from contesting the reasonableness of the expenditure in the~~
 1415 ~~court wherein the criminal case is brought; and the cost of~~
 1416 ~~copying depositions of defense witnesses taken by the state~~
 1417 ~~attorney when such costs are certified by the public defender as~~
 1418 ~~being useful and necessary in the preparation of a criminal~~
 1419 ~~defense, provided that nothing herein shall be construed to~~
 1420 ~~prohibit the county from contesting the reasonableness of the~~
 1421 ~~expenditure in the court wherein the criminal case is brought.~~
 1422 ~~The office space and utilities to be provided by the counties~~
 1423 ~~shall not be less than the standards for space allotment adopted~~
 1424 ~~by the Department of Management Services. The counties shall not~~
 1425 ~~provide less of these services than were provided in the~~
 1426 ~~previous fiscal year.~~

1427 ~~(3)(4)~~ No public defender or assistant public defender
 1428 shall receive from any county or municipality any supplemental
 1429 salary, except as provided in this section.

1430 Section 22. Effective July 1, 2004, section 27.562,
 1431 Florida Statutes, is amended to read:

1432 27.562 Disposition of funds.--All funds collected pursuant
 1433 to s. 938.29, except the application fee imposed under s. 27.52,
 1434 shall be remitted to the Department of Revenue for deposit into
 1435 the General Revenue Fund ~~board of county commissioners of the~~



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1436 ~~county in which the judgment was entered. Such funds shall be~~
 1437 ~~placed in the fine and forfeiture fund of that county to be used~~
 1438 ~~to defray the expenses incurred by the county in defense of~~
 1439 ~~criminal prosecutions.~~ All judgments entered pursuant to this
 1440 part shall be in the name of the state ~~county in which the~~
 1441 ~~judgment was rendered.~~

1442 Section 23. Effective July 1, 2004, section 27.58, Florida
 1443 Statutes, is amended to read:

1444 27.58 Administration of public defender services.--The
 1445 public defender of each judicial circuit of the state shall be
 1446 the chief administrator of all public defender services
 1447 authorized under s. 27.51 within the circuit ~~whether such~~
 1448 ~~services are rendered by the state or county public defenders.~~

1449 Section 24. Effective July 1, 2004, paragraph (b) of
 1450 subsection (3) of section 27.702, Florida Statutes, is amended
 1451 to read:

1452 27.702 Duties of the capital collateral regional counsel;
 1453 reports.--

1454 (3)

1455 (b) The court having jurisdiction over any nonindigent or
 1456 indigent-but-able-to-contribute defendant who has been receiving
 1457 the services of the capital collateral regional counsel may
 1458 assess attorney's fees and costs against the defendant at any
 1459 stage in the proceedings as the court may deem appropriate. The
 1460 determination of indigence ~~indigency or nonindigency~~ of any
 1461 defendant shall be made ~~by the court~~ pursuant to s. 27.52.

1462 Liability for the costs of such representation may be imposed in
 1463 the form of a lien against the property of the nonindigent or
 1464 indigent-but-able-to-contribute defendant, which lien shall be
 1465 enforceable as provided in s. 27.561 or s. 938.29.



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1466 Section 25. Effective July 1, 2004, subsection (2) of
 1467 section 28.101, Florida Statutes, is amended to read:

1468 28.101 Petitions and records of dissolution of marriage;
 1469 additional charges.--

1470 (2) Upon receipt of a final judgment of dissolution of
 1471 marriage for filing, and in addition to the filing charges in s.
 1472 28.241, the clerk may ~~shall~~ collect and receive a service charge
 1473 of up to \$10.50 ~~\$7~~ pursuant to s. 382.023 for the recording and
 1474 reporting of such final judgment of dissolution of marriage to
 1475 the Department of Health.

1476 Section 26. Section 43.195, Florida Statutes, is
 1477 renumbered as section 28.213, Florida Statutes, and amended to
 1478 read:

1479 28.213 ~~43.195~~ Disposal of physical evidence filed as
 1480 exhibits.--The clerk of any circuit court or county court may
 1481 dispose of items of physical evidence which have been held as
 1482 exhibits in excess of 3 years in cases on which no appeal, or
 1483 collateral attack, is pending or can be made. Items of evidence
 1484 having no monetary value which are designated by the clerk for
 1485 removal shall be disposed of as unusable refuse. Items of
 1486 evidence having a monetary value which are designated for
 1487 removal by the clerk shall be sold and the revenue placed in the
 1488 clerk's general revenue fund.

1489 Section 27. Effective July 1, 2004, section 28.215,
 1490 Florida Statutes, is created to read:

1491 28.215 Pro se assistance.--The clerk of the circuit court
 1492 shall provide ministerial assistance to pro se litigants.
 1493 Assistance shall not include the provision of legal advice.

1494 Section 28. Effective July 1, 2004, section 28.24, Florida
 1495 Statutes, is amended to read:



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1496 28.24 Service charges by clerk of the circuit court.--The
 1497 clerk of the circuit court may charge ~~shall make the following~~
 1498 ~~charges~~ for services rendered by the clerk's office in recording
 1499 documents and instruments and in performing the duties
 1500 enumerated in amounts not to exceed those specified in this
 1501 section. Notwithstanding any other provision of this section,
 1502 the clerk of the circuit court shall provide without charge to
 1503 any justice or judge, to any court staff acting on behalf of any
 1504 justice or judge, and to any state attorney or public defender
 1505 access to and copies of any public records, notwithstanding the
 1506 exempt or confidential nature of such public records, as
 1507 maintained by and in the custody of the clerk of the circuit
 1508 court as provided in general law and the Florida Rules of
 1509 Judicial Administration ~~However, in those counties where the~~
 1510 ~~clerk's office operates as a fiscal unit of the county pursuant~~
 1511 ~~to s. 145.022(1), the clerk shall not charge the county for such~~
 1512 ~~services.~~

1513
 1514 Charges

1515

1516	(1) For court attendance by each clerk or deputy clerk,	
1517	per day	
1518	\$75.00
1519	(2) For court minutes, per page.....	5.00
1520	(1)(3) For examining, comparing, correcting, verifying,	
1521	and certifying transcripts of record in appellate proceedings,	
1522	prepared by attorney for appellant or someone else other than	
1523	clerk per page.....	<u>4.50</u> 3.00
1524	(2)(4) For preparing, numbering, and indexing an original	
1525	record of appellate proceedings, per instrument.....	<u>3.00</u> 2.00



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1526 (3)~~(5)~~ For certifying copies of any instrument in the
 1527 public records.....1.50 ~~1.00~~
 1528 (4)~~(6)~~ For verifying any instrument presented for
 1529 certification prepared by someone other than clerk, per
 1530 page.....3.00 ~~2.00~~
 1531 ~~(7) For making and reporting payrolls of jurors to State~~
 1532 ~~Comptroller, per page, per copy.....5.00~~
 1533 (5)~~(8)~~(a) For making copies by photographic process of any
 1534 instrument in the public records consisting of pages of not more
 1535 than 14 inches by 8 1/2 inches, per page.....1.00
 1536 (b) For making copies by photographic process of any
 1537 instrument in the public records of more than 14 inches by 8 1/2
 1538 inches, per page.....5.00
 1539 (6)~~(9)~~ For making microfilm copies of any public records:
 1540 (a) 16 mm 100' microfilm roll.....37.50 ~~25.00~~
 1541 (b) 35 mm 100' microfilm roll.....52.50 ~~35.00~~
 1542 (c) Microfiche, per fiche.....3.00 ~~2.00~~
 1543 (7)~~(10)~~ For copying any instrument in the public records
 1544 by other than photographic process, per page.....6.00
 1545 ~~4.00~~
 1546 (8)~~(11)~~ For writing any paper other than herein
 1547 specifically mentioned, same as for copying, including signing
 1548 and sealing.....6.00 ~~4.00~~
 1549 (9)~~(12)~~ For indexing each entry not recorded.....1.00
 1550 (10)~~(13)~~ For receiving money into the registry of court:
 1551 (a)1. First \$500, percent.....3 ~~2~~
 1552 2. Each subsequent \$100, percent.....1.5 ~~1~~
 1553 (b) Eminent domain actions, per deposit....\$150.00 ~~\$100.00~~
 1554 (11)~~(14)~~ For examining, certifying, and recording plats
 1555 and for recording condominium exhibits larger than 14 inches by



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1556 8 1/2 inches:

1557 (a) First page.....30.00

1558 (b) Each additional page.....15.00

1559 (12)~~(15)~~ For recording, indexing, and filing any

1560 instrument not more than 14 inches by 8 1/2 inches, including

1561 required notice to property appraiser where applicable:

1562 (a) First page or fraction thereof.....5.00

1563 (b) Each additional page or fraction thereof.....4.00

1564 (c) For indexing instruments recorded in the official

1565 records which contain more than four names, per additional

1566 name.....1.00

1567 (d) An additional service charge shall be paid to the

1568 clerk of the circuit court to be deposited in the Public Records

1569 Modernization Trust Fund for each instrument listed in s.

1570 28.222, except judgments received from the courts and notices of

1571 lis pendens, recorded in the official records:

1572 1. First page.....1.00

1573 2. Each additional page.....0.50

1574

1575 Said fund shall be held in trust by the clerk and used

1576 exclusively for equipment and maintenance of equipment,

1577 personnel training, and technical assistance in modernizing the

1578 public records system of the office. In a county where the duty

1579 of maintaining official records exists in an office other than

1580 the office of the clerk of the circuit court, the clerk of the

1581 circuit court is entitled to 25 percent of the moneys deposited

1582 into the trust fund for equipment, maintenance of equipment,

1583 training, and technical assistance in modernizing the system for

1584 storing records in the office of the clerk of the circuit court.

1585 The fund may not be used for the payment of travel expenses,



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1586 membership dues, bank charges, staff-recruitment costs, salaries
 1587 or benefits of employees, construction costs, general operating
 1588 expenses, or other costs not directly related to obtaining and
 1589 maintaining equipment for public records systems or for the
 1590 purchase of furniture or office supplies and equipment not
 1591 related to the storage of records. On or before December 1,
 1592 1995, and on or before December 1 of each year immediately
 1593 preceding each year during which the trust fund is scheduled for
 1594 legislative review under s. 19(f)(2), Art. III of the State
 1595 Constitution, each clerk of the circuit court shall file a
 1596 report on the Public Records Modernization Trust Fund with the
 1597 President of the Senate and the Speaker of the House of
 1598 Representatives. The report must itemize each expenditure made
 1599 from the trust fund since the last report was filed; each
 1600 obligation payable from the trust fund on that date; and the
 1601 percentage of funds expended for each of the following:
 1602 equipment, maintenance of equipment, personnel training, and
 1603 technical assistance. The report must indicate the nature of the
 1604 system each clerk uses to store, maintain, and retrieve public
 1605 records and the degree to which the system has been upgraded
 1606 since the creation of the trust fund.

1607 (13)~~(16)~~ Oath, administering, attesting, and sealing, not
 1608 otherwise provided for herein.....3.00 ~~2.00~~

1609 (14)~~(17)~~ For validating certificates, any authorized
 1610 bonds,
 1611 each.....3.00 ~~2.00~~

1612 (15)~~(18)~~ For preparing affidavit of domicile.....5.00

1613 (16)~~(19)~~ For exemplified certificates, including signing
 1614 and sealing.....6.00 ~~4.00~~

1615 (17)~~(20)~~ For authenticated certificates, including signing



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1616	and sealing.....	<u>6.00</u>	4.00
1617	(18) <u>(21)</u> (a) For issuing and filing a subpoena for a		
1618	witness, not otherwise provided for herein (includes writing,		
1619	preparing, signing, and sealing).....	<u>6.00</u>	4.00
1620	(b) For signing and sealing only.....	<u>1.50</u>	1.00
1621	(22) For issuing venire facias (includes writing,		
1622	preparing, signing, and sealing).....	5.00	
1623	(23) For paying of witnesses and making and reporting		
1624	payroll to State Comptroller, per copy, per page.....	5.00	
1625	(19) <u>(24)</u> For approving bond.....	<u>7.50</u>	5.00
1626	(20) <u>(25)</u> For searching of records, for each year's		
1627	search.....	<u>1.50</u>	1.00
1628	(21) <u>(26)</u> For processing an application for a tax deed sale		
1629	(includes application, sale, issuance, and preparation of tax		
1630	deed, and disbursement of proceeds of sale), other than excess		
1631	proceeds.....	60.00	
1632	(22) <u>(27)</u> For disbursement of excess proceeds of tax deed		
1633	sale, first \$100 or fraction thereof.....	10.00	
1634	(23) <u>(28)</u> Upon receipt of an application for a marriage		
1635	license, for preparing and administering of oath; issuing,		
1636	sealing, and recording of the marriage license; and providing a		
1637	certified copy.....	<u>30.00</u>	20.00
1638	(24) <u>(29)</u> For solemnizing matrimony.....	<u>30.00</u>	20.00
1639	(25) <u>(30)</u> For sealing any court file or expungement of any		
1640	record.....	<u>37.50</u>	25.00
1641	(26) <u>(31)</u> For receiving and disbursing all restitution		
1642	payments, per payment.....	<u>3.00</u>	2.00
1643	(27) <u>(32)</u> Postal charges incurred by the clerk of the		
1644	circuit court in any mailing by certified or registered mail		
1645	shall be paid by the party at whose instance the mailing is		



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made.

~~(28)(33)~~ For furnishing an electronic copy of information contained in a computer database: a fee as provided for in chapter 119.

Section 29. Effective July 1, 2004, section 28.2401, Florida Statutes, is amended to read:

28.2401 Service charges in probate matters.--

(1) Except when otherwise provided, the clerk may impose service charges for the following services, not to exceed the following amounts shall be:

(a) 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 and family administration.....\$100 ~~\$20.00~~

(b) Caveat.....\$35 ~~15.00~~

(c) Petition and order to admit foreign wills, authenticated copies, exemplified copies, or transcript to record.....\$100 ~~30.00~~

(d) For disposition of personal property without administration.....\$100 ~~20.00~~

(e) Summary administration -- estates valued at \$1,000 or more.....\$200 ~~35.00~~

(f) Summary Family administration -- estates valued at less than \$1,000.....\$100
~~45.00~~

(g) Formal administration, guardianship, ancillary,



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1676 curatorship, or conservatorship proceedings.....\$250 75.00

1677 (h) Guardianship proceedings of person
 1678 only.....\$100 25.00

1679 (i) Veterans' guardianship pursuant to chapter
 1680 744.....\$100 25.00

1681 (j) Exemplified certificates.....\$6 4.00

1682 (k) Petition for determination of
 1683 incompetency.....\$100.00 25.00

1684 (2) Upon application by the clerk and a showing of
 1685 extraordinary circumstances, the service charges set forth in
 1686 this section may be increased in an individual matter by order
 1687 of the circuit court before which the matter is pending, to more
 1688 adequately compensate for the services performed.

1689 (3) ~~Service charges in excess of those fixed in this~~
 1690 ~~section may be imposed by the governing authority of the county~~
 1691 ~~by ordinance, or by special or local law, to provide and~~
 1692 ~~maintain facilities, including a law library; to or local law,~~
 1693 ~~to provide and maintain facilities, including a law library; to~~
 1694 ~~provide and maintain equipment; or to provide or maintain a~~
 1695 ~~legal aid program. Service charges other than those fixed in~~
 1696 ~~this section shall be governed by s. 28.24.~~ An additional
 1697 service charge of \$2.50 on petitions seeking summary
 1698 administration, family administration, formal administration,
 1699 ancillary administration, guardianship, curatorship, and
 1700 conservatorship shall be paid to the clerk. The clerk shall
 1701 transfer the \$2.50 to the Department of Revenue for deposit into
 1702 the Court Education Trust Fund. No additional fees, charges, or
 1703 costs shall be added to the service charges imposed under this
 1704 section, except as authorized by general law.

1705 (4) Recording shall be required for all petitions opening



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1706 and closing an estate; petitions regarding real estate; and
1707 orders, letters, bonds, oaths, wills, proofs of wills, returns,
1708 and such other papers as the judge shall deem advisable to
1709 record or that shall be required to be recorded under the
1710 Florida Probate Law.

1711 Section 30. Effective July 1, 2004, section 28.2402,
1712 Florida Statutes, is created to read:

1713 28.2402 Additional costs for performance of clerk court-
1714 related functions.--The sum of \$200 shall be assessed to a
1715 county or municipality when filing a county or municipal code or
1716 ordinance violation in court. The \$200 fee shall be paid to the
1717 clerk of the circuit and county court for performing court-
1718 related functions.

1719 Section 31. Subsection (1) of section 28.241, Florida
1720 Statutes, is amended to read:

1721 28.241 Filing charges for trial and appellate
1722 proceedings.--

1723 (1)(a) The party instituting any civil action, suit, or
1724 proceeding in the circuit court shall pay to the clerk of that
1725 court a service charge of \$40 in all cases in which there are
1726 not more than five defendants and an additional service charge
1727 of \$2 for each defendant in excess of five. An additional
1728 service charge of \$10 shall be paid by the party seeking each
1729 severance that is granted. An additional service charge of \$35
1730 shall be paid to the clerk for all proceedings of garnishment,
1731 attachment, replevin, and distress. An additional service charge
1732 of \$8 shall be paid to the clerk for each civil action filed, \$7
1733 of such charge to be remitted by the clerk to the Department of
1734 Revenue for deposit into the General Revenue Fund unallocated.
1735 An additional charge of \$2.50 shall be paid to the clerk for



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1736 each civil action brought in circuit or county court, to be
1737 remitted by the clerk to the Department of Revenue for deposit
1738 into the Court Education Trust Fund. Service charges in excess
1739 of those herein fixed may be imposed by the governing authority
1740 of the county by ordinance or by special or local law; and such
1741 excess shall be expended as provided by such ordinance or any
1742 special or local law, now or hereafter in force, to provide and
1743 maintain facilities, including a law library, for the use of the
1744 courts of the county wherein the service charges are collected;
1745 to provide and maintain equipment; or for a legal aid program in
1746 such county. In addition, the county is authorized to impose, by
1747 ordinance or by special or local law, a fee of up to \$15 for
1748 each civil action filed, for the establishment, maintenance, or
1749 supplementation of a public guardian pursuant to ss. 744.701-
1750 744.708, inclusive. Postal charges incurred by the clerk of the
1751 circuit court in making service by certified or registered mail
1752 on defendants or other parties shall be paid by the party at
1753 whose instance service is made. That part of the within fixed or
1754 allowable service charges which is not by local or special law
1755 applied to the special purposes shall constitute the total
1756 service charges of the clerk of such court for all services
1757 performed by him or her in civil actions, suits, or proceedings.
1758 The sum of all service charges and fees permitted under this
1759 subsection may not exceed \$200; however, the \$200 cap may be
1760 increased to \$210 in order to provide for the establishment,
1761 maintenance, or supplementation of a public guardian as
1762 indicated in this subsection.

1763 (b) A party reopening any civil action, suit, or
1764 proceeding in the circuit court shall pay to the clerk of that
1765 court a filing fee of \$50. Of fees collected for any civil



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1766 action, suit, or proceeding reopened in the circuit court
 1767 between July 1, 2003, and June 30, 2004, the clerk shall remit
 1768 \$49 of each \$50 collected to the Department of Revenue for
 1769 deposit into the Department of Revenue Clerks of the Court Trust
 1770 Fund and shall retain the remaining \$1 for administrative costs.
 1771 In the case of a petition for modification of a final judgment
 1772 of dissolution, the amount of the fee paid pursuant to s. 44.108
 1773 shall be deducted from the portion of the fee required in this
 1774 paragraph which is not retained by the clerk. For purposes of
 1775 this section, a case is reopened when a case previously reported
 1776 as disposed of is resubmitted to a court.

1777 Section 32. Effective July 1, 2004, section 28.241,
 1778 Florida Statutes, as amended by section 30 of this act, is
 1779 amended to read:

1780 28.241 Filing fees ~~charges~~ for trial and appellate
 1781 proceedings.--

1782 (1)(a) The party instituting any civil action, suit, or
 1783 proceeding in the circuit court shall pay to the clerk of that
 1784 court a filing fee ~~a service charge~~ of up to \$250 ~~\$40~~ in all
 1785 cases in which there are not more than five defendants and an
 1786 additional filing fee ~~service charge~~ of up to \$2 for each
 1787 defendant in excess of five. Of the first \$57.50 in filing fees,
 1788 \$50 must be remitted by the clerk to the Department of Revenue
 1789 for deposit into the General Revenue Fund; \$5 must be remitted
 1790 to the Clerk of Court Operations Conference; and \$2.50 shall be
 1791 paid to the clerk for each civil action brought in circuit or
 1792 county court, to be remitted by the clerk to the Department of
 1793 Revenue for deposit into the Court Education Trust Fund. One-
 1794 third of any filing fees collected by the clerk of the circuit
 1795 court in excess of \$57.50 shall be remitted to the Department of



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1796 Revenue for deposit into the Department of Revenue Clerks of the
 1797 Court Trust Fund. An additional filing fee ~~service charge~~ of up
 1798 to \$15 ~~\$10~~ shall be paid by the party seeking each severance
 1799 that is granted. The clerk may impose an additional filing fee
 1800 ~~service charge~~ of up to \$75 ~~\$35~~ shall be paid to the clerk for
 1801 all proceedings of garnishment, attachment, replevin, and
 1802 distress. ~~An additional service charge of \$8 shall be paid to~~
 1803 ~~the clerk for each civil action filed, \$7 of such charge to be~~
 1804 ~~remitted by the clerk to the Department of Revenue for deposit~~
 1805 ~~into the General Revenue Fund unallocated. An additional charge~~
 1806 ~~of \$2.50 shall be paid to the clerk for each civil action~~
 1807 ~~brought in circuit or county court, to be remitted by the clerk~~
 1808 ~~to the Department of Revenue for deposit into the Court~~
 1809 ~~Education Trust Fund. Service charges in excess of those herein~~
 1810 ~~fixed may be imposed by the governing authority of the county by~~
 1811 ~~ordinance or by special or local law; and such excess shall be~~
 1812 ~~expended as provided by such ordinance or any special or local~~
 1813 ~~law, now or hereafter in force, to provide and maintain~~
 1814 ~~facilities, including a law library, for the use of the courts~~
 1815 ~~of the county wherein the service charges are collected; to~~
 1816 ~~provide and maintain equipment; or for a legal aid program in~~
 1817 ~~such county. In addition, the county is authorized to impose, by~~
 1818 ~~ordinance or by special or local law, a fee of up to \$15 for~~
 1819 ~~each civil action filed, for the establishment, maintenance, or~~
 1820 ~~supplementation of a public guardian pursuant to ss. 744.701-~~
 1821 ~~744.708, inclusive. Postal charges incurred by the clerk of the~~
 1822 ~~circuit court in making service by certified or registered mail~~
 1823 ~~on defendants or other parties shall be paid by the party at~~
 1824 ~~whose instance service is made. No additional fees, charges, or~~
 1825 ~~costs shall be added to the filing fees imposed under this~~



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1826 section, except as authorized by general law. ~~That part of the~~
1827 ~~within fixed or allowable service charges which is not by local~~
1828 ~~or special law applied to the special purposes shall constitute~~
1829 ~~the total service charges of the clerk of such court for all~~
1830 ~~services performed by him or her in civil actions, suits, or~~
1831 ~~proceedings. The sum of all service charges and fees permitted~~
1832 ~~under this subsection may not exceed \$200; however, the \$200 cap~~
1833 ~~may be increased to \$210 in order to provide for the~~
1834 ~~establishment, maintenance, or supplementation of a public~~
1835 ~~guardian as indicated in this subsection.~~

1836 (b) A party reopening any civil action, suit, or
1837 proceeding in the circuit court shall pay to the clerk of ~~that~~
1838 court a filing fee set by the clerk in an amount not to exceed
1839 ~~of \$50. Of fees collected for any civil action, suit, or~~
1840 ~~proceeding reopened in the circuit court between July 1, 2003,~~
1841 ~~and June 30, 2004, the clerk shall remit \$49 of each \$50~~
1842 ~~collected to the Department of Revenue for deposit into the~~
1843 ~~Department of Revenue Clerks of the Court Trust Fund and shall~~
1844 ~~retain the remaining \$1 for administrative costs. In the case of~~
1845 ~~a petition for modification of a final judgment of dissolution,~~
1846 ~~the amount of the fee paid pursuant to s. 44.108 shall be~~
1847 ~~deducted from the portion of the fee required in this paragraph~~
1848 ~~which is not retained by the clerk. For purposes of this~~
1849 ~~section, a case is reopened when a case previously reported as~~
1850 ~~disposed of is resubmitted to a court and includes petitions for~~
1851 ~~modification of a final judgment of dissolution.~~

1852 ~~(2) The clerk of the circuit court of any county in the~~
1853 ~~state who operates his or her office from fees and service~~
1854 ~~charges collected, as opposed to budgeted allocations from~~
1855 ~~county general revenue, shall be paid by the county as service~~



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1856 ~~charges for all services to be performed by him or her in any~~
 1857 ~~criminal or juvenile action or proceeding in such court, in lieu~~
 1858 ~~of all other service charges heretofore charged, except as~~
 1859 ~~hereinafter provided, the sum of \$40 for each defendant or~~
 1860 ~~juvenile. However, in cases involving capital punishment the~~
 1861 ~~charge shall be \$50. In any county where a law creates a law~~
 1862 ~~library fund or other special fund, this charge may be increased~~
 1863 ~~for that purpose by a special or local law or an ordinance. The~~
 1864 ~~sum of all service charges and fees permitted under this~~
 1865 ~~subsection may not exceed \$200.~~

1866 ~~(2)(3)~~ Upon the institution of any appellate proceeding
 1867 from any inferior court to the circuit court of any such county
 1868 or from the circuit court to an appellate court of the state,
 1869 the clerk shall charge and collect from the party or parties
 1870 instituting such appellate proceedings a service charge of up to
 1871 \$250 ~~\$75~~ for filing a notice of appeal from an inferior court or
 1872 ~~and \$50~~ for filing a notice of appeal to a higher court.

1873 ~~(3)(4)~~ A filing ~~service charge or a fee~~ may not be imposed
 1874 upon a party for responding by pleading, motion, or other paper
 1875 to a civil or criminal action, suit, proceeding, or appeal in a
 1876 circuit court.

1877 ~~(4)(5)~~ The fees prescribed in this section do not include
 1878 the service charges required by law for the clerk as provided in
 1879 s. 28.24 or by other sections of the Florida Statutes. Filing
 1880 fees ~~Service charges~~ authorized by this section may not be added
 1881 to any civil penalty imposed by chapter 316 or chapter 318.

1882 Section 33. Effective July 1, 2004, section 28.245,
 1883 Florida Statutes, is amended to read:

1884 28.245 Transmittal of funds to Department of Revenue;
 1885 uniform remittance form required.--Notwithstanding any other



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1886 provision of law, all moneys collected by the clerks of the
1887 court for subsequent distribution must be transmitted
1888 electronically to ~~a state agency or to the Supreme Court~~ ~~must be~~
1889 ~~transmitted to~~ the Department of Revenue for appropriate
1890 distribution. A uniform remittance form provided by the
1891 Department of Revenue detailing the specific amounts due each
1892 fund must accompany such submittal.

1893 Section 34. Section 28.246, Florida Statutes, is created
1894 to read:

1895 28.246 Payment of court-related fees, charges, and costs;
1896 partial payments; distribution of funds.--

1897 (1) Beginning July 1, 2003, the clerk of the circuit court
1898 shall report the following information to the Legislature and
1899 the Clerk of Court Operations Conference on a form developed by
1900 the Department of Financial Services:

1901 (a) The total amount of mandatory fees, services charges,
1902 and costs; the total amount actually assessed; the total amount
1903 discharged or waived; and the total amount collected.

1904 (b) The maximum amount of discretionary fees, service
1905 charges, and costs authorized; the total amount actually
1906 assessed; the total amount discharged or waived; and the total
1907 amount collected.

1908 (c) The total amount of mandatory fines and other monetary
1909 penalties; the total amount assessed; the total amount
1910 discharged or waived; and the total amount collected.

1911 (d) The maximum amount of mandatory fines and other
1912 monetary penalties; the total amount assessed; the total amount
1913 discharged or waived; and the total amount collected.

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1915 The clerk shall submit the report on a quarterly basis 30 days
1916 after the end of the quarter for the period from July 1, 2003
1917 through June 30, 2004, and on an annual basis thereafter, 60
1918 days after the end of the county fiscal year.

1919 (2) The clerk of the circuit court shall establish and
1920 maintain a system of accounts receivable for court-related fees,
1921 charges, and costs.

1922 (3) Court costs, fines, and other dispositional
1923 assessments shall be enforced by the courts, collected by the
1924 clerks of the circuit and county courts, and disbursed in
1925 accordance with authorizations and procedures as established by
1926 general law. Each clerk of the circuit court shall enter into a
1927 payment plan with defendants determined to be indigent and
1928 demonstrating an inability to pay court-related fees, charges,
1929 and costs in full.

1930 (4) The clerk of the circuit court shall accept partial
1931 payments for unpaid court-related fees, charges, and costs in
1932 accordance with the terms of an established payment plan.

1933 (5) When receiving partial payment of fees, service
1934 charges, court costs, and fines, clerks shall distribute funds
1935 according to the following order of priority:

1936 (a) That portion of fees, services charges, court costs,
1937 and fines payable to the clerk for the operations of the clerk
1938 and to be remitted to the state for deposit into the General
1939 Revenue Fund.

1940 (b) That portion of fees, service charges, court costs,
1941 and fines payable to state trust funds, allocated on a pro rata
1942 basis among the various authorized funds if the total collection
1943 amount is insufficient to fully fund all such funds as provided
1944 by law.



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1945 (c) That portion of fees, service charges, court costs,
 1946 and fines payable to counties, municipalities, or other local
 1947 entities, allocated on a pro rata basis among the various
 1948 authorized recipients if the total collection amount is
 1949 insufficient to fully fund all such recipients as provided by
 1950 law.

1951
 1952 To offset processing costs, clerks may retain up to 1 percent of
 1953 all collections of fees, service charges, court costs, and fines
 1954 payable to other entities, except where otherwise provided in
 1955 general law.

1956 (6) A clerk of court may pursue the collection of any
 1957 fees, fines, court costs, or other costs imposed by the court
 1958 which remain unpaid for 90 days or more, or refer such
 1959 collection to a private attorney who is a member in good
 1960 standing of The Florida Bar or collection agent who is
 1961 registered and in good standing pursuant to chapter 559. In
 1962 pursuing the collection of such unpaid financial obligations
 1963 through a private attorney or collection agent, the clerk of the
 1964 court must determine this is cost effective and follow
 1965 applicable procurement practices.

1966 Section 35. Section 28.35, Florida Statutes, is created to
 1967 read:

1968 28.35 Clerk of Court Operations Conference.--

1969 (1) The Clerk of Court Operations Conference is created
 1970 and shall be composed of:

1971 (a) Eight clerks elected by the clerks of the courts for a
 1972 term of 2 years, with two clerks from counties of fewer than
 1973 100,000 residents, two clerks from counties of at least 100,000
 1974 residents but fewer than 500,000 residents, two clerks from



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1975 counties of at least 500,000 residents but fewer than 1 million
 1976 residents, and two clerks from counties of more than 1 million
 1977 residents.

1978 (b) The Chief Justice of the Supreme Court or his or her
 1979 designee.

1980 (2) The duties of the conference shall include:

1981 (a) Periodically recommending to the Legislature changes
 1982 in the various court-related fines, fees, service charges, and
 1983 cost schedules established by law to ensure reasonable and
 1984 adequate funding of the clerks of the court in the performance
 1985 of their court-related functions.

1986 (b) Establishing a process for the review and approval of
 1987 court-related proposed budgets submitted by clerks of the court
 1988 pursuant to s. 28.36.

1989 (c) Certifying to the Legislature, the Governor, the Chief
 1990 Financial Officer, and the Department of Revenue which clerks of
 1991 court will have court-related revenues insufficient to fund the
 1992 anticipated court-related functions of their offices and the
 1993 actions taken to resolve any deficits pursuant to s. 28.36.

1994 (d) Developing and approving a system of performance
 1995 accountability measurements and performance standards for each
 1996 clerk of the court. These measures must assess the fiscal
 1997 management, efficient operations, and effective collection of
 1998 fines, fees, service charges, and costs using data reported in
 1999 28.246 as well as other data.

2000 (e) Publishing a schedule of maximum fines, fees, service
 2001 charges, and costs that may be charged by a clerk of the court
 2002 for court-related functions pursuant to general law that
 2003 reflects any adjustments based on changes in the Consumer Price
 2004 Index. Effective July 1, 2004, the schedule shall reflect the



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2005 maximum fines, fees, service charges, and costs established by
 2006 general law. The schedule may be adjusted on or after October 1,
 2007 2005, and no more frequently than annually thereafter, by the
 2008 average percentage change in the Consumer Price Index issued by
 2009 the United States Department of Labor since the last adjustment
 2010 by the conference. Any adjustment to the schedule authorized in
 2011 this paragraph must be affirmatively approved by a majority of
 2012 the clerks of the circuit courts before such adjustments may
 2013 take effect.

2014 (3) The Clerk of Court Operations Conference shall
 2015 maintain a public depository to receive funds for its
 2016 operations. The Clerk of Court Operations Conference shall
 2017 receive a portion of the fees collected by the clerk for filing
 2018 a civil action in circuit court as specified in s. 28.241. These
 2019 funds shall be available to the conference for the performance
 2020 of the duties and responsibilities as set forth in this section.
 2021 The conference may hire staff and pay for other expenses from
 2022 this fund only as necessary to perform the official duties and
 2023 responsibilities of the conference as described in this section.

2024 (4) The Clerk of Court Operations Conference shall submit
 2025 an annual audited financial statement to the Auditor General in
 2026 a form and manner prescribed by the Auditor General. The Auditor
 2027 General shall conduct an annual audit of the operations of the
 2028 conference, including the use of funds and compliance with the
 2029 provisions of this section and ss. 28.36 and 28.37.

2030 Section 36. Section 28.36, Florida Statutes, is created to
 2031 read:

2032 28.36 Budget review and approval procedure.--There is
 2033 established a budget procedure for the court-related functions
 2034 of the clerks of the court.



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2035 (1) For the period July 1, 2004, through September 30,
2036 2004, and for each county fiscal year ending September 30
2037 thereafter, each clerk of the court shall prepare a budget
2038 relating solely to the performance of the court-related
2039 functions.

2040 (2) Each proposed budget shall conform to the following
2041 requirements:

2042 (a) On May 1, 2004, for the fiscal period of July 1, 2004,
2043 through September 30, 2004, and on or before August 1 for each
2044 fiscal year thereafter, the proposed budget shall be prepared,
2045 summarized, and submitted by the clerk in each county to the
2046 Clerk of Court Operations Conference in the manner and form
2047 prescribed by the conference. The proposed budget must provide
2048 detailed information on the anticipated revenues available and
2049 expenditures necessary for the performance of the court-related
2050 functions of the clerk's office for the county fiscal year
2051 beginning the following October 1.

2052 (b) The proposed budget must be balanced, such that the
2053 total of the estimated revenues available must equal or exceed
2054 the total of the anticipated expenditures. These revenues
2055 include the following: cash balances brought forward from the
2056 prior fiscal period; supplemental revenue that may be requested
2057 pursuant to subsection (3); and the contingency reserve
2058 authorized in paragraph (c). The anticipated expenditures must
2059 be itemized as required by the Clerk of Court Operations
2060 Conference.

2061 (c) The proposed budget may include a contingency reserve
2062 not to exceed 10 percent of the total budget.

2063 (3) If a clerk of the court estimates that available
2064 revenues are insufficient to meet the anticipated expenditures



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2065 for the court-related functions performed by his or her office,
2066 the clerk must report the budget deficit to the Clerk of Court
2067 Operations Conference in the manner and form prescribed by the
2068 conference. The conference shall determine whether the clerk is
2069 meeting his or her performance standards for the current year
2070 relating to fiscal management, efficient operations, and the
2071 effective collection of fines, fees, service charges, and costs.

2072 (a) If the conference determines that a clerk is meeting
2073 his or her performance standards for fiscal management;
2074 efficient operations; and effective collection of fines, fees,
2075 service charges, and costs; and a deficit is projected, that
2076 clerk shall increase all fines, fees, service charges, and costs
2077 to the maximum amounts specified by law or the amount necessary
2078 to resolve the deficit, whichever is less. If, after increasing
2079 such fines, fees, service charges, and costs, a budget deficit
2080 is still projected, the conference shall certify a deficit and
2081 notify the Department of Revenue that that clerk is authorized
2082 to retain revenues, in an amount necessary to fully fund the
2083 projected deficit, which he or she would otherwise be required
2084 to remit to the Department of Revenue for deposit into the
2085 Department of Revenue Clerks of the Court Trust Fund pursuant to
2086 s. 28.37. If a budget deficit is projected after retaining all
2087 of the collections from court-related fines, fees, service
2088 charges, and costs, the conference shall certify the deficit
2089 amount to the Chief Financial Officer. An amount equal to the
2090 deficit is hereby appropriated each year from the Department of
2091 Revenue Clerks of the Court Trust Fund, without further
2092 legislative action, period after period, until altered or
2093 revoked by the Legislature. The Department of Revenue is
2094 directed to make a monthly distribution of equal amounts to each



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2095 clerk certified to have a deficit until the Clerk of Court
 2096 Operations Conference certifies a different amount to be
 2097 distributed.

2098 (b) The Clerk of Court Operations Conference shall notify
 2099 the Governor, the President of the Senate, and the Speaker of
 2100 the House of Representatives prior to taking actions specified
 2101 in this subsection. The notification shall include a
 2102 certification by the conference that all of the conditions in
 2103 this subsection have been met.

2104 (4) The Clerk of Court Operations Conference must approve
 2105 the court-related budget for each clerk in the state, and shall
 2106 certify to the Legislature by October 15 of each year, the
 2107 proposed budget amount approved for each clerk's budget; the
 2108 revenue projection supporting each clerk's budget; each clerk
 2109 who must retain some or all of the state's share of fines, fees,
 2110 service charges, and costs; the amount to be paid from the
 2111 Department of Revenue Clerks of the Court Trust Fund to each
 2112 clerk; and the performance measures and standards approved by
 2113 the conference for each clerk.

2114 (5)(a) For the county fiscal year October 1, 2004, through
 2115 September 30, 2005, the maximum annual budget amount that may be
 2116 authorized by the Clerk of Court Operations Conference for each
 2117 clerk may not exceed 103 percent of the clerk's actual
 2118 expenditures for the prior county fiscal year for court-related
 2119 functions that are required by law effective July 1, 2004. The
 2120 conference shall use the clerk's actual expenditures for the
 2121 prior county fiscal year for court-related functions as reported
 2122 by the Chief Financial Officer based on the county financial
 2123 reporting required under s. 218.32.

2124 (b) For the county fiscal year 2005-2006, the maximum



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2125 budget amount that may be authorized by the conference for each
2126 clerk budget shall be the approved budget for county fiscal year
2127 2004-2005 adjusted by the projected percentage change in revenue
2128 between the county fiscal years 2004-2005 and 2005-2006.

2129 (c) For the county fiscal years 2006-2007 and thereafter,
2130 the maximum budget amount that may be authorized by the
2131 conference for each clerk shall be established by first rebasing
2132 the prior fiscal year budget to reflect the actual percentage
2133 change in the prior fiscal year revenue and then adjusting the
2134 rebased prior fiscal year budget by the projected percentage
2135 change in revenue for the proposed budget year. The rebasing
2136 calculations and maximum annual budget calculations shall be as
2137 follows:

2138 1. For county fiscal year 2006-2007, the approved budget
2139 for county fiscal year 2004-2005 shall be adjusted for the
2140 actual percentage change in revenue between the two 12-month
2141 periods ending June 30, 2005, and June 30, 2006. This result is
2142 the rebased budget for the county fiscal year 2005-2006. Then
2143 the rebased budget for the county fiscal year 2005-2006 shall be
2144 adjusted by the projected percentage change in revenue between
2145 the county fiscal years 2005-2006 and 2006-2007. This result
2146 shall be the maximum annual budget amount that may be authorized
2147 by the conference for each clerk for the county fiscal year
2148 2006-2007.

2149 2. For county fiscal year 2007-2008, the rebased budget
2150 for county fiscal year 2005-2006 shall be adjusted for the
2151 actual percentage change in revenue between the two 12-month
2152 periods ending June 30, 2006, and June 30, 2007. This result is
2153 the rebased budget for the county fiscal year 2006-2007. The
2154 rebased budget for county fiscal year 2006-2007 shall be



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2155 adjusted by the projected percentage change in revenue between
2156 the county fiscal years 2006-2007 and 2007-2008. This result
2157 shall be the maximum annual budget amount that may be authorized
2158 by the conference for each clerk budget for county fiscal year
2159 2007-2008.

2160 3. For county fiscal years 2008-2009 and thereafter, the
2161 maximum budget amount that may be authorized by the conference
2162 for each clerk budget shall be calculated as the rebased budget
2163 for the prior county fiscal year adjusted by the projected
2164 percentage change in revenues between the prior county fiscal
2165 year and the county fiscal year for which the maximum budget
2166 amount is being authorized. The rebased budget for the prior
2167 county fiscal year shall always be calculated by adjusting the
2168 rebased budget for the year preceding the prior county fiscal
2169 year by the actual percentage change in revenues between the 12-
2170 month period ending June 30 of the year preceding the prior
2171 county fiscal year and the 12-month period ending June 30 of the
2172 prior county fiscal year.

2173 (6) The Clerk of Court Operations Conference may submit
2174 proposed legislation to the Governor, the President of the
2175 Senate, and the Speaker of the House of Representatives no later
2176 than November 1 in any year for approval of clerk budget request
2177 amounts exceeding the restrictions in this section for the
2178 following October 1. If proposed legislation is recommended, the
2179 conference shall also submit supporting justification with
2180 sufficient detail to identify the specific proposed expenditures
2181 that would cause the limitations to be exceeded for each
2182 affected clerk and the estimated fiscal impact on state
2183 revenues.



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2184 Section 37. Section 28.37, Florida Statutes, is created to
2185 read:

2186 28.37 Fines, fees, service charges, and costs remitted to
2187 the state.--

2188 (1) Pursuant to s. 14(b), Art. V of the State
2189 Constitution, selected salaries, costs, and expenses of the
2190 state courts system and court-related functions shall be funded
2191 from a portion of the revenues derived from statutory fines,
2192 fees, service charges, and costs collected by the clerks of the
2193 court.

2194 (2) Beginning July 1, 2004, one-third of all fines, fees,
2195 service charges, and costs, other than those provided in ss.
2196 28.241 and 34.041, collected by the clerks of the court during
2197 the prior month for the performance of court-related functions
2198 shall be remitted to the Department of Revenue for deposit in
2199 the Department of Revenue Clerks of the Court Trust Fund. These
2200 collections do not include funding received for the operation of
2201 the Title IV-D child support collections and disbursement
2202 program. The clerk of the court shall remit the revenues
2203 collected during the prior month due to the state on or before
2204 the 5th day of each month. The Department of Revenue shall make
2205 a monthly transfer of the funds in the Department of Revenue
2206 Clerks of the Court Trust Fund that are not needed to resolve
2207 clerk of the court budget deficits, as specified in s. 28.36, to
2208 the General Revenue Fund.

2209 (3) Beginning January 1, 2005, for the period July 1,
2210 2004, through September 30, 2004, and each January 1 thereafter
2211 for the preceding county fiscal year of October 1 through
2212 September 30, the clerk of the court must remit to the
2213 Department of Revenue for deposit in the General Revenue Fund



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2214 the cumulative excess of all statutory fines, fees, service
 2215 charges, and costs collected for the clerk's court-related
 2216 functions over the amount needed to meet the approved budget
 2217 amounts established under s. 28.36.

2218 (4) The Department of Revenue shall adopt rules governing
 2219 the remittance of the funds to be transferred to the General
 2220 Revenue Fund under this section, the required forms and
 2221 procedures, and penalties for failure to comply. The department
 2222 shall collect any funds that the Clerk of Court Operations
 2223 Conference determines upon investigation were due on January 1
 2224 but not remitted to the department.

2225 Section 38. Effective July 1, 2004, section 29.001,
 2226 Florida Statutes, is amended to read:

2227 29.001 ~~Intent~~; State courts system ~~essential~~ elements and
 2228 ~~definitions; funding through filing fees, service charges, and~~
 2229 ~~costs; county responsibilities.--~~

2230 ~~(1) It is the intent of the Legislature that,~~ For the
 2231 purpose of implementing s. 14, Art. V of the State Constitution,
 2232 the state courts system ~~is~~ be defined to include the enumerated
 2233 ~~essential~~ elements of the Supreme Court, district courts of
 2234 appeal, circuit courts, county courts, and certain ~~essential~~
 2235 supports thereto. ~~Similarly,~~ The offices of public defenders
 2236 and state attorneys ~~shall include those essential elements as~~
 2237 ~~determined by general law. Further, the state attorneys' offices~~
 2238 are defined to include the enumerated ~~essential~~ elements of the
 2239 20 state attorneys' offices and the enumerated ~~public defenders'~~
 2240 ~~offices are defined to include the essential~~ elements of the 20
 2241 public defenders' offices. Court-appointed counsel are defined
 2242 to include the enumerated elements for ~~as~~ counsel appointed to
 2243 ensure due process in criminal and civil proceedings in



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2244 accordance with state and federal constitutional guarantees.
2245 Funding for the state courts system, the state attorneys'
2246 offices, the public defenders' offices, and court-appointed
2247 counsel shall be provided from state revenues appropriated by
2248 general law.

2249 ~~(2) All funding for the court-related functions of the~~
2250 ~~offices of the clerks of the circuit and county courts shall be~~
2251 ~~provided by adequate and appropriate filing fees for judicial~~
2252 ~~proceedings and service charges and costs for performing court-~~
2253 ~~related functions.~~

2254 ~~(3) Pursuant to general law, Counties shall be required to~~
2255 ~~fund the cost of communications services, existing radio~~
2256 ~~systems, existing multiagency criminal justice information~~
2257 ~~systems, and the cost of construction or lease, maintenance,~~
2258 ~~utilities, and security of facilities for the circuit courts and~~
2259 ~~county courts, public defenders' offices, state attorneys'~~
2260 ~~offices, and the offices of the clerks of the circuit and county~~
2261 ~~courts, as defined by general law. In addition, the counties~~
2262 ~~will continue to fund existing elements of the state courts~~
2263 ~~system, state attorneys' offices, public defenders' offices,~~
2264 ~~court-appointed counsel, and the offices of the clerks of the~~
2265 ~~circuit and county courts performing court-related functions,~~
2266 ~~consistent with current law and practice, until such time as the~~
2267 ~~Legislature expressly assumes the responsibility for funding~~
2268 ~~those elements. Counties will fund the cost of criminal cases~~
2269 ~~filed by the Office of Statewide Prosecution. Additionally, the~~
2270 ~~Legislature will define by general law those local requirements~~
2271 ~~of the state courts system for which the counties must pay~~
2272 ~~reasonable and necessary salaries, costs, and expenses.~~



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2273 ~~(2)(4)~~ Although a program or function currently may be
 2274 funded by the state or prescribed or established in general law,
 2275 this does not designate the program or function as an ~~essential~~
 2276 element of the state courts system, state attorneys' offices,
 2277 public defenders' offices, or the offices of the circuit and
 2278 county court clerks performing court-related functions as
 2279 described in s. 14, Art. V of the State Constitution.

2280 Section 39. Effective July 1, 2004, section 29.004,
 2281 Florida Statutes, is amended to read:

2282 29.004 State courts system.--For purposes of implementing
 2283 s. 14, Art. V of the State Constitution, the ~~essential~~ elements
 2284 of the state courts system to be provided from state revenues
 2285 appropriated by general law are as follows:

2286 (1) Judges appointed or elected pursuant to chapters 25,
 2287 26, 34, and 35, ~~and essential staff, expenses, and costs as~~
 2288 ~~determined by general law.~~

2289 (2) Juror compensation and expenses ~~and reasonable juror~~
 2290 ~~accommodations when necessary.~~

2291 (3) Reasonable court reporting and transcription services
 2292 necessary to meet constitutional requirements.

2293 ~~(4) Auxiliary aids and services for qualified individuals~~
 2294 ~~with a disability which are necessary to ensure access to the~~
 2295 ~~courts. Such auxiliary aids and services include, but are not~~
 2296 ~~limited to, sign language interpreters, translators, real-time~~
 2297 ~~transcription services for individuals who are hearing impaired,~~
 2298 ~~and assistive listening devices. This section does not include~~
 2299 ~~physical modifications to court facilities; noncourtroom~~
 2300 ~~communication services; or other accommodations, auxiliary aids,~~
 2301 ~~or services for which the counties are responsible pursuant to~~
 2302 ~~s. 14, Art. V of the State Constitution.~~



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2303 (4)~~(5)~~ Construction or lease of facilities, maintenance,
 2304 utilities, and security for the district courts of appeal and
 2305 the Supreme Court.

2306 (5)~~(6)~~ Court foreign language and sign-language
 2307 interpreters and translators essential to comply with
 2308 constitutional requirements.

2309 (6) Expert witnesses not requested by any party which are
 2310 appointed by the court pursuant to an express grant of statutory
 2311 authority.

2312 (7) Judicial assistants, law clerks, and resource
 2313 materials.

2314 (8) Masters and hearing officers.

2315 (9) Court administration.

2316 (10) Case management. Case management includes:

2317 (a) Initial review and evaluation of cases, including
 2318 assignment of cases to court divisions or dockets.

2319 (b) Case monitoring, tracking, and coordination.

2320 (c) Scheduling of judicial events.

2321 (d) Service referral, coordination, monitoring, and
 2322 tracking for treatment-based drug court programs under s.
 2323 397.334.

2324
 2325 Case management may not include costs associated with the
 2326 application of therapeutic jurisprudence principles by the
 2327 courts. Case management also may not include case intake and
 2328 records management conducted by the clerk of court.

2329 (11) Mediation and arbitration, limited to trial court
 2330 referral of a pending judicial case to a mediator or a court-
 2331 related mediation program, or to an arbitrator or a court
 2332 related arbitration program, for the limited purpose of



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2333 encouraging and assisting the litigants in partially or
2334 completely settling the case prior to adjudication on the merits
2335 by the court. This does not include citizen dispute settlement
2336 centers under s. 44.201 and community arbitration programs under
2337 s. 985.304.

2338 (12) Basic legal materials reasonably accessible to the
2339 public other than a public law library. These materials may be
2340 provided in a courthouse facility or any library facility.

2341 (13)(7) Staff and expenses of The Judicial Qualifications
2342 Commission.

2343 (14) Offices of the appellate clerks and marshals and
2344 appellate law libraries.

2345 Section 40. Effective July 1, 2004, section 29.005,
2346 Florida Statutes, is amended to read:

2347 29.005 State attorneys' offices and prosecution expenses.-
2348 -For purposes of implementing s. 14, Art. V of the State
2349 Constitution, the ~~essential~~ elements of the state attorneys'
2350 offices to be provided from state revenues appropriated by
2351 general law are as follows:

2352 (1) The state attorney of each judicial circuit and
2353 assistant state attorneys and other ~~essential~~ staff as
2354 determined by general law.

2355 (2) Reasonable court reporting and transcription services
2356 necessary to meet constitutional or statutory requirements,
2357 including the cost of transcribing and copying depositions of
2358 witnesses and the cost of foreign-language and sign-language
2359 interpreters and translators.

2360 (3) Witnesses, including expert witnesses, summoned to
2361 appear for an investigation, preliminary hearing, or trial in a
2362 criminal case when the witnesses are summoned by a state



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2363 attorney, and any other expert witnesses the state attorney
 2364 deems necessary for the performance of his or her duties.

2365 (4) Mental health professionals ~~who are~~ appointed pursuant
 2366 to s. 394.473 and required in a court hearing involving an
 2367 indigent, ~~and~~ mental health professionals ~~expert witnesses who~~
 2368 ~~are~~ appointed pursuant to s. 916.115(2) and required in a court
 2369 hearing involving an indigent.

2370 (5) Reasonable transportation services in the performance
 2371 of constitutional and statutory responsibilities.

2372 (6) Travel expenses reimbursable under s. 112.061
 2373 reasonably necessary in the performance of constitutional and
 2374 statutory responsibilities.

2375 (7) Reasonable library and electronic legal research
 2376 services, other than a public law library.

2377 (8) Reasonable pretrial consultation fees and costs.

2378 Section 41. Effective July 1, 2004, section 29.006,
 2379 Florida Statutes, is amended to read:

2380 29.006 Public defenders and indigent defense costs.--For
 2381 purposes of implementing s. 14, Art. V of the State
 2382 Constitution, the ~~essential~~ elements of the public defenders'
 2383 offices to be provided from state revenues appropriated by
 2384 general law are as follows:

2385 (1) The public defender of each judicial circuit and
 2386 assistant public defenders and other ~~essential~~ staff as
 2387 determined by general law.

2388 (2) Reasonable court reporting and transcription services
 2389 necessary to meet constitutional or statutory requirements,
 2390 including the cost of transcribing and copying depositions of
 2391 witnesses and the cost of foreign-language and sign-language
 2392 interpreters and translators.



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2393 (3) Witnesses, including expert witnesses, summoned to
 2394 appear for an investigation, preliminary hearing, or trial in a
 2395 criminal case when the witnesses are summoned on behalf of an
 2396 indigent defendant, and any other expert witnesses approved by
 2397 the court.†

2398 (4) Mental health professionals ~~who are~~ appointed pursuant
 2399 to s. 394.473 and required in a court hearing involving an
 2400 indigent,† and mental health professionals ~~expert witnesses who~~
 2401 ~~are~~ appointed pursuant to s. 916.115(2) and required in a court
 2402 hearing involving an indigent.

2403 (5) Reasonable transportation services in the performance
 2404 of constitutional and statutory responsibilities.

2405 (6) Travel expenses reimbursable under s. 112.061
 2406 reasonably necessary in the performance of constitutional and
 2407 statutory responsibilities.

2408 (7) Reasonable library and electronic legal research
 2409 services, other than a public law library.

2410 (8) Reasonable pretrial consultation fees and costs.

2411 Section 42. Effective July 1, 2004, section 29.007,
 2412 Florida Statutes, is amended to read:

2413 29.007 Court-appointed counsel.--For purposes of
 2414 implementing s. 14, Art. V of the State Constitution, the
 2415 ~~essential~~ elements of court-appointed counsel to be provided
 2416 from state revenues appropriated by general law are as follows:

2417 (1) Private attorneys appointed ~~assigned~~ by the court to
 2418 handle cases where the defendant is indigent and cannot be
 2419 represented by the public defender under ss. 27.42 and 27.53.

2420 (2) Private attorneys appointed by the court to represent
 2421 indigents or other classes of litigants in civil proceedings
 2422 requiring court-appointed counsel in accordance with state and



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2423 federal constitutional guarantees and federal and state
 2424 statutes.

2425 (3) Reasonable court reporting and transcription services
 2426 necessary to meet constitutional or statutory requirements,
 2427 including the cost of transcribing and copying depositions of
 2428 witnesses and the cost of foreign-language and sign-language
 2429 interpreters and translators.

2430 (4) Witnesses, including expert witnesses, summoned to
 2431 appear for an investigation, preliminary hearing, or trial in a
 2432 ~~criminal~~ case when the witnesses are summoned on behalf of an
 2433 indigent, and any other expert witnesses approved by the court.
 2434 ~~defendant;~~

2435 (5) Mental health professionals ~~who are~~ appointed pursuant
 2436 to s. 394.473 and required in a court hearing involving an
 2437 indigent, ~~and~~ mental health professionals ~~expert witnesses who~~
 2438 ~~are~~ appointed pursuant to s. 916.115(2) and required in a court
 2439 hearing involving an indigent.

2440 (6) Reasonable pretrial consultation fees and costs.

2441 (7) Travel expenses reimbursable under s. 112.061
 2442 reasonably necessary in the performance of constitutional and
 2443 statutory responsibilities.

2444 ~~(5) Investigating and assessing the indigency of any~~
 2445 ~~person who seeks a waiver of court costs and fees, or any~~
 2446 ~~portion thereof, or applies for representation by a public~~
 2447 ~~defender or private attorney.~~

2448 Section 43. Effective upon this act becoming a law,
 2449 section 24 of chapter 2000-237, Laws of Florida, as amended by
 2450 section 1 of chapter 2001-265, Laws of Florida, is amended to
 2451 read:



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2452 Section 24. This act shall take effect upon becoming a
 2453 law, except for section 8 of this act, which shall take effect
 2454 July 1, 2004 ~~2003~~.

2455 Section 44. Effective July 1, 2004, section 29.008,
 2456 Florida Statutes, is amended to read:

2457 29.008 County funding of court-related functions.--

2458 (1) Counties are required by s. 14, Art. V of the State
 2459 Constitution to fund the cost of communications services,
 2460 existing radio systems, existing multiagency criminal justice
 2461 information systems, and the cost of construction or lease,
 2462 maintenance, utilities, and security of facilities for the
 2463 circuit and county courts, public defenders' offices, state
 2464 attorneys' offices, and the offices of the clerks of the circuit
 2465 and county courts performing court-related functions. For
 2466 purposes of implementing these requirements, the term:

2467 (a) "Facility" means reasonable and necessary buildings
 2468 and space, structures, real estate, easements, and related
 2469 interests in real estate, including, but not limited to, those
 2470 for the purpose of housing personnel, equipment, or functions of
 2471 the circuit or county courts, public defenders' offices, state
 2472 attorneys' offices, and court-related functions of the office of
 2473 the clerks of the circuit and county courts and all storage. The
 2474 term also includes access to parking for such facilities in
 2475 connection with such court-related functions that may be
 2476 available free or from a private provider or a local government
 2477 for a fee. The office space provided by a county may not be less
 2478 than the standards for space allotment adopted by the Department
 2479 of Management Services. County funding must include physical
 2480 modifications and improvements to all facilities as are required
 2481 for compliance with the Americans with Disabilities Act. Upon



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2482 mutual agreement of a county and the affected entity in this
2483 paragraph, the office space provided by the county may vary from
2484 the standards for space allotment adopted by the Department of
2485 Management Services. This section applies only to facilities
2486 that are leased, or on which construction commences, after June
2487 30, 2003.

2488 (b) "Construction or lease" includes, but is not limited
2489 to, all reasonable and necessary costs of the acquisition or
2490 lease of facilities, equipment, and furnishings for all judicial
2491 officers, staff, jurors, volunteers of a tenant agency, and the
2492 public for the circuit and county courts, the public defenders'
2493 offices, state attorneys' offices, and for performing the court-
2494 related functions of the offices of the clerks of the circuit
2495 and county courts. This includes expenses related to financing
2496 such facilities and the existing and future cost and bonded
2497 indebtedness associated with placing the facilities in use.

2498 (c) "Maintenance" includes, but is not limited to, all
2499 reasonable and necessary costs of custodial and groundskeeping
2500 services and renovation and reconstruction as needed to
2501 accommodate functions for the circuit and county courts, the
2502 public defenders' offices, and state attorneys' offices and for
2503 performing the court-related functions of the offices of the
2504 clerks of the circuit and county court and for maintaining the
2505 facilities in a condition appropriate and safe for the use
2506 intended.

2507 (d) "Utilities" means all electricity services for light,
2508 heat, or power; natural or manufactured gas services for light,
2509 heat, or power; water and wastewater services and systems,
2510 stormwater or runoff services and systems, sewer services and
2511 systems, all costs or fees associated with these services and



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2512 systems, and any costs or fees associated with the mitigation of
2513 environmental impacts directly related to the facility.

2514 (e) "Security" includes but is not limited to, all
2515 reasonable and necessary costs of services of law enforcement
2516 officers or licensed security guards and all electronic,
2517 cellular, or digital monitoring and screening devices necessary
2518 to ensure the safety and security of all persons visiting or
2519 working in a facility; to provide for security of the facility,
2520 including protection of property owned by the county or the
2521 state; and for security of prisoners brought to any facility.
2522 This includes bailiffs while providing courtroom and other
2523 security for each judge and other quasi-judicial officers.

2524 (f) "Communications ~~systems or communications~~ services"
2525 are defined as any reasonable and necessary transmission,
2526 emission, and reception of signs, signals, writings, images, and
2527 sounds of intelligence of any nature by wire, radio, optical, or
2528 other electromagnetic systems and includes all facilities and
2529 equipment owned, leased, or used by judges, clerks, public
2530 defenders, state attorneys, and all staff of the state courts
2531 system, state attorneys' offices, public defenders' offices, and
2532 clerks of the circuit and county courts performing court-related
2533 functions. Such system or services shall include, but not be
2534 limited to:

2535 1. Telephone system infrastructure, including computer
2536 lines, telephone switching equipment, and maintenance. Each
2537 county shall continue to provide access to a local carrier for
2538 local and long distance service and shall pay for the local
2539 service. Telephone equipment, including facsimile, video
2540 teleconferencing, and pagers, owned by the counties shall be
2541 transferred to the state at no charge, effective July 1, 2004



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2542 ~~Telephone services and equipment, including facsimile, wireless~~
2543 ~~communications, video teleconferencing, pagers, computer lines,~~
2544 ~~and telephone switching equipment and the maintenance, supplies,~~
2545 ~~hardware, software, and line charges, including local and long-~~
2546 ~~distance toll charges, and support staff or services necessary~~
2547 ~~for operation.~~

2548 2. All computer systems and equipment, including computer
2549 hardware and software, modems, printers, wiring, network
2550 connections, maintenance, support staff or services, training,
2551 supplies, and line charges necessary for an integrated computer
2552 system to support the operations and management of the state
2553 courts system, the offices of the public defenders, the offices
2554 of the state attorneys, and the offices of the clerks of the
2555 circuit and county courts and the capability to connect those
2556 entities and reporting data to the state as required for the
2557 transmission of revenue, performance accountability, case
2558 management, data collection, budgeting, and auditing purposes.
2559 The integrated computer system shall be operational by January
2560 1, 2006, and, at a minimum, must be able to electronically
2561 exchange judicial case background, sentencing guidelines and
2562 scoresheets, and video evidence information stored in integrated
2563 case-management systems over secure networks.

2564 3. ~~Postage, printed documents, radio, Courier messenger~~
2565 ~~and subpoena services, support services, all maintenance,~~
2566 ~~supplies, and line charges.~~

2567 4. Auxiliary aids and services for qualified individuals
2568 with a disability which are necessary to ensure access to the
2569 courts. Such auxiliary aids and services include, but are not
2570 limited to, real-time transcription services for individuals who



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2571 are hearing impaired, and assistive listening devices and the
2572 equipment necessary to implement such accommodations.

2573 (g) "Existing radio systems" includes, but is not limited
2574 to, law enforcement radio systems that are used by the circuit
2575 and county courts, the offices of the public defenders, the
2576 offices of the state attorneys, and for court-related functions
2577 of the offices of the clerks of the circuit and county courts.
2578 This includes radio systems that were operational or under
2579 contract at the time Revision No. 7, 1998, to Art. V of the
2580 State Constitution was adopted and any enhancements made
2581 thereafter, the maintenance of those systems, and the personnel
2582 and supplies necessary for operation.

2583 (h) "Existing multiagency criminal justice information
2584 systems" includes, but is not limited to, those components of
2585 the multiagency criminal justice information system as defined
2586 in s. 943.045, supporting the offices of the circuit or county
2587 courts, the public defenders' offices, the state attorneys'
2588 offices, or those portions of the offices of the clerks of the
2589 circuit and county courts performing court-related functions
2590 that are used to carry out the court-related activities of those
2591 entities. This includes upgrades and maintenance of the current
2592 equipment, maintenance and upgrades of supporting technology
2593 infrastructure and associated staff, and services and expenses
2594 to assure continued information sharing and reporting of
2595 information to the state. The counties shall also provide
2596 additional information technology services, hardware, and
2597 software as needed for new judges and staff of the state courts
2598 system, state attorneys' offices, public defenders' offices, and
2599 the offices of the clerks of the circuit and county courts
2600 performing court-related functions.



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2601 (2) Counties shall pay reasonable and necessary salaries,
2602 costs, and expenses of the state courts system, including
2603 associated staff and expenses, to meet local requirements as
2604 ~~determined by general law.~~

2605 (a) Local requirements are those specialized programs,
2606 nonjudicial staff, and other expenses associated with
2607 specialized court programs, specialized prosecution needs,
2608 specialized defense needs, or resources required of a local
2609 jurisdiction as a result of special factors or circumstances.

2610 Local requirements exist:

2611 1. When imposed pursuant to an express statutory
2612 directive, based on such factors as provided in paragraph (b);
2613 or

2614 2. When:

2615 a. The county has enacted an ordinance, adopted a local
2616 program, or funded activities with a financial or operational
2617 impact on the circuit or a county within the circuit; or

2618 b. Circumstances in a given circuit or county result in or
2619 necessitate implementation of specialized programs, the
2620 provision of nonjudicial staff and expenses to specialized court
2621 programs, special prosecution needs, specialized defense needs,
2622 or the commitment of resources to the court's jurisdiction.

2623 (b) Factors and circumstances resulting in the
2624 establishment of a local requirement include, but are not
2625 limited to:

2626 1. Geographic factors;

2627 2. Demographic factors;

2628 3. Labor market forces;

2629 4. The number and location of court facilities; or



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2630 5. The volume, severity, complexity, or mix of court
2631 cases.

2632 (c) Local requirements under subparagraph (a)2. must be
2633 determined by the following method:

2634 1. The chief judge of the circuit, in conjunction with the
2635 state attorney and the public defender only on matters that
2636 impact their offices, shall identify all local requirements
2637 within the circuit or within each county in the circuit and
2638 shall identify the reasonable and necessary salaries, costs, and
2639 expenses to meet these local requirements.

2640 2. On or before June 1 of each year, the chief judge shall
2641 submit to the board of county commissioners a tentative budget
2642 request for local requirements for the ensuing fiscal year. The
2643 tentative budget must certify a listing of all local
2644 requirements and the reasonable and necessary salaries, costs,
2645 and expenses for each local requirement. The board of county
2646 commissioners may, by resolution, require the certification to
2647 be submitted earlier.

2648 3. The board of county commissioners shall thereafter
2649 treat the certification in accordance with the county's
2650 budgetary procedures. A board of county commissioners may:

2651 a. Determine whether to provide funding, and to what
2652 extent it will provide funding, for salaries, costs, and
2653 expenses under this section;

2654 b. Require a county finance officer to conduct a preaudit
2655 review of any county funds provided under this section prior to
2656 disbursement;

2657 c. Require review or audit of funds expended under this
2658 section by the appropriate county office; and



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2659 d. Provide additional financial support for the courts
2660 system, state attorneys, or public defenders.

2661 (d) Counties may satisfy these requirements by entering
2662 into interlocal agreements for the collective funding of these
2663 reasonable and necessary salaries, costs, and expenses.

2664 (3) The following shall be considered a local requirement
2665 pursuant to subparagraph (2)(a)1.:

2666 (a) Legal aid programs. Counties with a population of less
2667 than 75,000 are exempt from this requirement.

2668 (b) Alternative sanctions coordinators pursuant to ss.
2669 984.09 and 985.216.

2670 Section 45. Effective July 1, 2004, section 29.0085,
2671 Florida Statutes, is created to read:

2672 29.0085 Annual statement of certain revenues and
2673 expenditures.--

2674 (1) Each county shall submit annually to the Chief
2675 Financial Officer a statement of revenues and expenditures as
2676 set forth in this section in the form and manner prescribed by
2677 the Chief Financial Officer in consultation with the Legislative
2678 Committee on Intergovernmental Relations, provided that such
2679 statement identify total county expenditures on each of the
2680 services outlined in s. 29.008.

2681 (2)(a) Within 6 months of the close of the local
2682 government fiscal year, each county shall submit to the Chief
2683 Financial Officer a statement of compliance from its independent
2684 certified public accountant, engaged pursuant to s. 218.39, that
2685 the certified statement of expenditures was in accordance with
2686 s. 29.008 and this section. All discrepancies noted by the
2687 independent certified public accountant shall be included in the
2688 statement furnished by the county to the Chief Financial



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2689 Officer.

2690 (b) If the Chief Financial Officer determines that
2691 additional auditing procedures are appropriate because:

2692 1. The county failed to submit timely its annual
2693 statement;

2694 2. Discrepancies were noted by the independent certified
2695 public accountant; or

2696 3. The county failed to file before March 31 of each year
2697 the certified public accountant statement of compliance, the
2698 Chief Financial Officer may send his or her personnel or
2699 contract for services to bring the county into compliance. The
2700 costs incurred by the Chief Financial Officer shall be paid
2701 promptly by the county upon certification by the Chief Financial
2702 Officer.

2703 (c) Where the Chief Financial Officer elects to utilize
2704 the services of an independent contractor, such certification by
2705 the Chief Financial Officer may require the county to make
2706 direct payment to a contractor. Any funds owed by a county in
2707 such matters shall be recovered pursuant to s. 17.04 or s.
2708 17.041.

2709 (3) The Chief Financial Officer shall adopt any rules
2710 necessary to implement his or her responsibilities pursuant to
2711 this section.

2712 Section 46. Effective July 1, 2004, section 29.0095,
2713 Florida Statutes, is created to read:

2714 29.0095 Budget expenditure reports.--

2715 (1) The chief judge of each circuit shall, by October 1 of
2716 each fiscal year, submit an itemized report to the Governor, the
2717 President of the Senate, and the Speaker of the House of
2718 Representatives showing the amount of state funds expended



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2719 during the previous fiscal year ending in June for each of the
2720 items enumerated in s. 29.004 that pertain to circuit and county
2721 courts.

2722 (2) Each state attorney shall, by October 1 of each fiscal
2723 year, submit an itemized report to the Governor, the President
2724 of the Senate, and the Speaker of the House of Representatives
2725 showing the amount of state funds expended during the previous
2726 fiscal year ending in June for each of the items enumerated in
2727 s. 29.005.

2728 (3) Each public defender shall, by October 1 of each
2729 fiscal year, submit an itemized report to the Governor, the
2730 President of the Senate, and the Speaker of the House of
2731 Representatives showing the amount of state funds expended
2732 during the previous fiscal year ending in June for each of the
2733 items enumerated in s. 29.006.

2734 (4) The Legislative Budget Commission shall prescribe the
2735 format of the report required by this section in consultation
2736 with the Chief Justice and the Justice Administrative
2737 Commission.

2738 Section 47. Section 29.014, Florida Statutes, is created
2739 to read:

2740 29.014 Article V Indigent Services Advisory Board.--

2741 (1) There is created the Article V Indigent Services
2742 Advisory Board. The board shall exist for the purpose of
2743 advising the Legislature in establishing qualifications and
2744 compensation standards governing the expenditure of state
2745 appropriated funds for those providing state-funded due process
2746 services for indigents provided through the courts, state
2747 attorneys, public defenders, and private court-appointed
2748 counsel. These services include, but are not limited to, court-



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2749 appointed counsel, court reporting and transcription services,
2750 interpreter services, and expert witnesses. Standards
2751 recommended by the Board shall take into account local
2752 variations and market conditions and availability of attorneys
2753 and other service providers. The board shall also exist for the
2754 purpose of advising the Legislature on cost containment
2755 strategies and policies.

2756 (2) The board shall be composed of twelve members,
2757 appointed as follows:

2758 (a) The Governor shall appoint three members as follows:
2759 one state attorney, one public defender, and one clerk of court.

2760 (b) The President of the Senate and the Speaker of the
2761 House of Representatives shall each appoint three members. Of
2762 the members appointed by the President of the Senate one shall
2763 be a county commissioner and one shall be an attorney in private
2764 practice with significant criminal trial experience. Of the
2765 members appointed by the Speaker of the House of Representatives
2766 one shall be a county commissioner and one shall be an attorney
2767 in private practice with significant civil trial experience. The
2768 President of the Senate and the Speaker of the House of
2769 Representatives may each appoint a member from their respective
2770 chambers.

2771 (c) The Chief Justice of the Supreme Court shall appoint
2772 three members as follows: three trial court judges,
2773 representing a cross-section of small, medium, and large
2774 circuits, different regions of the state, and court divisions.
2775 Appointments shall be made effective July 1, 2003.

2776 (3) Members shall be appointed for 4-year terms, except
2777 for an appointment to fill an unexpired term, in which event the
2778 appointment shall be for the remainder of the unexpired term



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2779 only. In the case where a member must hold office to be
2780 qualified for board membership, the member's term shall also
2781 expire upon failure to maintain the office, whichever occurs
2782 first.

2783 (4) The members shall elect a chairperson annually and
2784 shall meet at the call of the chairperson, at the request of a
2785 majority of the membership, or at the request of the President
2786 of the Senate or the Speaker of the House of Representatives.
2787 Members shall serve without pay but shall be entitled to
2788 reimbursement for their expenses in carrying out their duties as
2789 provided in s. 112.061. Public officer members shall be
2790 reimbursed through the budget entity through which they are
2791 compensated.

2792 (5) The board shall:

2793 (a) Recommend qualifications for those providing
2794 authorized state-funded due process services, including
2795 qualifications for state-funded court reporters, interpreters,
2796 and private court-appointed counsel, in addition to those set
2797 forth in s. 27.40. At a minimum, the board shall incorporate
2798 into the eligibility and performance standards for court-
2799 appointed counsel requirements relating to length of membership
2800 in The Florida Bar, continuing legal education, and relevant
2801 trial experience. At a minimum, the experience standards for
2802 criminal cases must require participation in three criminal
2803 trials for an attorney to be eligible for a third-degree felony
2804 case and five criminal trials to be eligible for a case
2805 involving a felony of the second degree or a higher degree.

2806 (b) Recommend any needed adjustments to existing
2807 compensation standards for private court-appointed counsel and
2808 other providers of due process services pursuant to s. 27.5304.



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2809 (c) Identify due process services for indigents that
2810 should be included on the state contract and bid competitively
2811 on a circuit, region, or statewide basis.

2812 (d) Recommend statewide contracting standards for
2813 procurement of state-funded due process services and developing
2814 uniform contract forms for use in procuring services.

2815 (e) Advise the Legislature on strategies and policies to
2816 contain costs.

2817 (f) Recommend uniform standards to be applied by the
2818 public defender and the court in determining whether or not
2819 there is a conflict of interest pursuant to s. 27.5303.

2820 (6) To aid in the transition to full implementation of
2821 Revision 7 to Article V, the board shall issue its initial
2822 recommendations by November 1, 2003. Thereafter, the board shall
2823 issue any additional recommendations or revisions thereto by
2824 September 1 of each year.

2825 (7) In preparing budgets and entering into contractual
2826 arrangements for the procurement of state-funded due process
2827 services for fiscal year 2004-2005, the Chief Justice and the
2828 circuit Article V indigent services committees are authorized
2829 and encouraged to consider the advice and recommendations of the
2830 board.

2831 (8) The Justice Administrative Commission shall provide
2832 staff support to the board.

2833 Section 48. Effective July 1, 2004, section 29.015,
2834 Florida Statutes, is created to read:

2835 29.015 Contingency fund; limitation of authority to
2836 transfer funds in contracted due process services appropriation
2837 categories.--

2838 (1) An appropriation may be provided in the General



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2839 Appropriations Act in the Justice Administrative Commission to
2840 serve as a contingency fund for the purpose of alleviating
2841 deficits in contracted due process services appropriation
2842 categories, including private court-appointed counsel
2843 appropriation categories, that may occur from time to time due
2844 to extraordinary events that lead to unexpected expenditures.

2845 (2) In the event that a state attorney or public defender
2846 incurs a deficit in a contracted due process services
2847 appropriation category, the following steps shall be taken in
2848 order:

2849 (a) The state attorney or public defender shall first
2850 attempt to identify surplus funds from other appropriation
2851 categories within his or her office and submit a budget
2852 amendment pursuant to chapter 216 to transfer funds from within
2853 the office.

2854 (b) In the event that the state attorney or public
2855 defender is unable to identify surplus funds from within his or
2856 her office, he or she shall certify this to the Justice
2857 Administrative Commission along with a complete explanation of
2858 the circumstances which led to the deficit and steps the office
2859 has taken to reduce or alleviate the deficit. The Justice
2860 Administrative Commission shall inquire as to whether any other
2861 office has surplus funds in its contracted due process services
2862 appropriation categories which can be transferred to the office
2863 that is experiencing the deficit. If other offices indicate that
2864 surplus funds are available, the Justice Administrative
2865 Commission shall request a budget amendment to transfer funds
2866 from the office or offices to alleviate the deficit upon
2867 agreement of the contributing office or offices.

2868 (c) If no office indicates that surplus funds are



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2869 available to alleviate the deficit, the Justice Administrative
2870 Commission may request a budget amendment to transfer funds from
2871 the contingency fund. Such transfers shall be in accordance with
2872 all applicable provisions of chapter 216 and shall be subject to
2873 review and approval by the Legislative Budget Commission. The
2874 Justice Administrative Commission shall submit the documentation
2875 provided by the office explaining the circumstances that led to
2876 the deficit and the steps taken by the office and the Justice
2877 Administrative Commission to identify surplus funds to the
2878 Legislative Budget Commission.

2879 (3) In the event that there is a deficit in a statewide
2880 contracted due process services appropriation category provided
2881 for private court-appointed counsel necessary due to withdrawal
2882 of the public defender due to an ethical conflict, the following
2883 steps shall be taken in order:

2884 (a) The Justice Administrative Commission shall first
2885 attempt to identify surplus funds from other contracted due
2886 process services appropriation categories within the Justice
2887 Administrative Commission and submit a budget amendment pursuant
2888 to chapter 216 to transfer funds from within the commission.

2889 (b) In the event that the Justice Administrative
2890 Commission is unable to identify surplus funds from within the
2891 commission, the commission shall inquire of each of the public
2892 defenders as to whether any office has surplus funds in its
2893 contracted due process services appropriations categories which
2894 can be transferred. If any public defender office or offices
2895 indicate that surplus funds are available, the Justice
2896 Administrative Commission shall request a budget amendment to
2897 transfer funds from the office or offices to alleviate the
2898 deficit upon agreement of the contributing office or offices.



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2899 (c) If no public defender office has surplus funds
2900 available to alleviate the deficit, the Justice Administrative
2901 commission may request a budget amendment to transfer funds from
2902 the contingency fund. Such transfers shall be in accordance with
2903 all applicable provisions of chapter 216 and shall be subject to
2904 review and approval by the Legislative Budget Commission. The
2905 Justice Administrative Commission shall submit the documentation
2906 provided by the office explaining the circumstances that led to
2907 the deficit and the steps taken by the Justice Administrative
2908 Commission to identify surplus funds to the Legislative Budget
2909 Commission.

2910 (4) In the event that there is a deficit in a statewide
2911 appropriation category provided for private court-appointed
2912 counsel other than for conflict counsel as described in
2913 subsection (3), the following steps shall be taken in order:

2914 (a) The Justice Administrative Commission shall first
2915 attempt to identify surplus funds from other contracted due
2916 process services appropriation categories within the Justice
2917 Administrative Commission and submit a budget amendment pursuant
2918 to chapter 216 to transfer funds from within the commission.

2919 (b) In the event that the Justice Administrative
2920 Commission is unable to identify surplus funds from within the
2921 commission, the commission may submit a budget amendment to
2922 transfer funds from the contingency fund. Such transfers shall
2923 be in accordance with all applicable provisions of chapter 216
2924 and shall be subject to review and approval by the Legislative
2925 Budget Commission. The Justice Administrative Commission shall
2926 submit documentation explaining the circumstances that led to
2927 the deficit and the steps taken to identify surplus funds to the
2928 Legislative Budget Commission.



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2929 (5) Notwithstanding any provisions in chapter 216 to the
2930 contrary, no office shall transfer funds from a contracted due
2931 process services appropriation category or from a contingency
2932 fund category authorized in this section except as specifically
2933 authorized in this section. In addition, funds shall not be
2934 transferred from a state attorney office to alleviate a deficit
2935 in a public defender office and funds shall not be transferred
2936 from a public defender office to alleviate a deficit in a state
2937 attorney office.

2938 Section 49. Effective July 1, 2004, section 29.016,
2939 Florida Statutes, is created to read:

2940 29.016 Contingency fund; judicial branch.--

2941 (1) An appropriation may be provided in the General
2942 Appropriations Act for the judicial branch to serve as a
2943 contingency fund to alleviate deficits in contracted due process
2944 services appropriation categories, including private court-
2945 appointed counsel categories, that may occur from time to time
2946 due to extraordinary events that lead to unexpected
2947 expenditures.

2948 (2) In the event that a chief judge incurs such a deficit,
2949 the following steps shall be taken in order:

2950 (a) The chief judge shall attempt to identify surplus
2951 funds from other appropriation categories within his or her
2952 circuit and submit a request to the Chief Justice for a budget
2953 amendment pursuant to chapter 216 to transfer funds from within
2954 the circuit budget.

2955 (b) In the event that the chief judge is unable to
2956 identify surplus funds from within his or her circuit, he or she
2957 shall certify this to the Office of the State Courts
2958 Administrator along with a complete explanation of the



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2959 circumstances which led to the deficit and steps taken to reduce
2960 or alleviate the deficit. The Office of the State Courts
2961 Administrator shall inquire as to whether any other circuit has
2962 surplus funds in its contracted due process service
2963 appropriation categories which can be transferred to the circuit
2964 that is experiencing the deficit. If other circuits indicate
2965 that surplus funds are available, the Office of the State Courts
2966 Administrator shall notify the Trial Court Budget Commission
2967 established within the judicial branch by Rule of Judicial
2968 Administration. The Trial Court Budget Commission shall make
2969 recommendations to the Chief Justice to alleviate the deficit.
2970 The Chief Justice may authorize a transfer of funds among
2971 circuits to alleviate the deficit.

2972 (3) If no other circuits indicate that surplus funds are
2973 available to alleviate the deficit, the Trial Court Budget
2974 Commission may request the Chief Justice to request a budget
2975 amendment to transfer funds from the contingency fund. Such
2976 transfers shall be requested subject to the notice and review
2977 requirements set forth in s. 216.177. The Office of the State
2978 Courts Administrator shall include in the budget amendment
2979 documentation provided by the chief judge explaining the
2980 circumstances that led to the deficit and the steps taken to
2981 identify surplus funds to alleviate the deficit.

2982 (4) Notwithstanding any provisions in chapter 216 to the
2983 contrary, no circuit shall transfer funds from a contracted due
2984 process services appropriation category or from a contingency
2985 fund category authorized in this section except as specifically
2986 authorized in this section.

2987 Section 50. Effective July 1, 2004, subsection (2) of
2988 section 34.032, Florida Statutes, is amended to read:



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2989 34.032 Power of clerk to appoint deputies.--

2990 (2) Any deputy county court clerk appointed for the sole
 2991 purpose of issuing arrest warrants for violation of chapter 316
 2992 or county or municipal ordinances triable in the county courts
 2993 shall have and exercise only those powers of the clerk which are
 2994 required to achieve such limited purpose, and those arrest
 2995 warrants issued for violation of county or municipal ordinances
 2996 shall be funded by the county or municipality which approved the
 2997 ordinance.

2998 Section 51. Effective July 1, 2004, section 34.041,
 2999 Florida Statutes, is amended to read:

3000 34.041 Filing fees ~~Service charges and costs.~~--

3001 (1) Upon the institution of any civil action or proceeding
 3002 in county court, the clerk of court may require the plaintiff,
 3003 when filing an action or proceeding, to ~~shall~~ pay the following
 3004 filing fee, not to exceed service charges:

3005 (a) For all claims less than \$100.....~~\$50.~~~~\$10.00.~~

3006 (b) For all claims of \$100 or more but not more than \$500
 3007 \$2,500.....~~\$75.~~~~25.00.~~

3008 (c) For all claims of \$500 or more but not more than
 3009 \$2,500.....~~\$150.~~

3010 (d)~~(e)~~ For all claims of more than \$2,500.....~~\$250.~~~~40.00.~~

3011 (e)~~(d)~~ In addition, for all proceedings of garnishment,
 3012 attachment, replevin, and distress.....~~\$75.~~~~35.00.~~

3013 (f)~~(e)~~ For removal of tenant action.....~~\$75.~~~~35.00.~~

3014
 3015 The first \$50 of the filing fee collected under paragraph (d)
 3016 shall be remitted to the Department of Revenue for deposit into
 3017 the General Revenue Fund. One-third of any filing fees collected
 3018 by the clerk under paragraph (d) in excess of the first \$50



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3019 shall be remitted to the Department of Revenue for deposit into
3020 the Department of Revenue Clerks of the Court Trust Fund. Postal
3021 charges incurred by the clerk of the county court in making
3022 service by mail on defendants or other parties shall be paid by
3023 the party at whose instance service is made. Except as provided
3024 herein, filing fees and service charges for performing duties of
3025 the clerk relating to the county court shall be as provided in
3026 ss. 28.24 and 28.241. ~~Service charges in excess of those herein~~
3027 ~~fixed may be imposed by the governing authority of the county by~~
3028 ~~ordinance or by special or local law, and such excess shall be~~
3029 ~~expended as provided by such ordinance or any special or local~~
3030 ~~law now or hereafter in force to provide and maintain~~
3031 ~~facilities, including a law library, for the use of the county~~
3032 ~~court in the county in which the charge is collected; to provide~~
3033 ~~and maintain equipment; or for a legal aid program.~~ Except as
3034 otherwise provided herein, all filing fees shall be retained as
3035 fee income of the office of the clerk of circuit court. Filing
3036 fees ~~Service charges~~ imposed by this section may not be added to
3037 any penalty imposed by chapter 316 or chapter 318. ~~The sum of~~
3038 ~~all service charges and fees permitted under this subsection may~~
3039 ~~not exceed \$200.~~

3040 (2) ~~The judge shall have full discretionary power to waive~~
3041 ~~the prepayment of costs or the payment of costs accruing during~~
3042 ~~the action upon the sworn written statement of the plaintiff and~~
3043 ~~upon other satisfactory evidence of the plaintiff's inability to~~
3044 ~~pay such costs. When costs are so waived, the notation to be~~
3045 ~~made on the records shall be "Prepayment of costs waived," or~~
3046 ~~"Costs waived." The term "pauper" or "in forma pauperis" shall~~
3047 ~~not be employed.~~ If a party shall fail to pay accrued costs,
3048 though able to do so, the judge shall have power to deny that



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3049 party the right to file any new case while such costs remain
3050 unpaid and, likewise, to deny such litigant the right to proceed
3051 further in any case pending. ~~The award of other court costs~~
3052 ~~shall be according to the discretion of the judge who may~~
3053 ~~include therein the reasonable costs of bonds and undertakings~~
3054 ~~and other reasonable court costs incident to the suit incurred~~
3055 ~~by either party.~~

3056 (3) In criminal proceedings in county courts, costs shall
3057 be taxed against a person in county court upon conviction or
3058 estreature pursuant to chapter 939. ~~The provisions of s.~~
3059 ~~28.241(2) shall not apply to criminal proceedings in county~~
3060 ~~court.~~

3061 (4) Upon the institution of any appellate proceeding from
3062 the county court to the circuit court, there shall be charged
3063 and collected from the party or parties instituting such
3064 appellate proceedings, including appeals filed by a county or
3065 municipality, filing fees ~~a service charge~~ as provided in
3066 chapter 28.

3067 (5) A charge or a fee may not be imposed upon a party for
3068 responding by pleading, motion, or other paper to a civil or
3069 criminal action, suit, or proceeding in a county court or to an
3070 appeal to the circuit court.

3071 (6) For purposes of this section, "plaintiff" includes a
3072 county or municipality filing any civil action.

3073 ~~(6) In addition to the filing fees provided in subsection~~
3074 ~~(1), in all civil cases, the sum of \$7.00 per case shall be paid~~
3075 ~~by the plaintiff when filing an action for the purpose of~~
3076 ~~funding the court costs. Such funds shall be remitted by the~~
3077 ~~clerk to the Department of Revenue for deposit to the General~~
3078 ~~Revenue Fund.~~



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3079 Section 52. Subsection (6) of section 34.13, Florida
3080 Statutes, is amended to read:

3081 34.13 Method of prosecution.--

3082 (6) Any circuit court clerk acting as clerk of the county
3083 court, or any deputy county court clerk appointed for the sole
3084 purpose of issuing arrest warrants, or any county court clerk,
3085 may, at municipal expense, administer an oath to and take
3086 affidavit of any person charging another person with a violation
3087 of a municipal ordinance and may issue a warrant on the usual
3088 form, making it returnable to the appropriate county court
3089 judge. The authority granted to a clerk or deputy clerk under
3090 this section shall be subordinate to that of any state judge.

3091 Section 53. Effective July 1, 2004, section 34.171,
3092 Florida Statutes, is amended to read:

3093 34.171 Salaries and expenses.--~~Unless the state shall pay~~
3094 ~~such expenses,~~ The county shall pay all reasonable salaries of
3095 ~~bailiffs, secretaries, and assistants of the circuit and county~~
3096 ~~courts and all reasonable expenses of the offices of circuit and~~
3097 ~~county court judges.~~

3098 Section 54. Effective July 1, 2004, subsection (2) of
3099 section 34.181, Florida Statutes, is amended to read:

3100 34.181 Branch courts.--

3101 (2) Any municipality or county which so applies shall be
3102 required to provide the appropriate physical facilities as
3103 defined in s. 29.008 in which the county court may hold court.

3104 Section 55. Effective July 1, 2004, section 34.191,
3105 Florida Statutes, is amended to read:

3106 34.191 Fines and, forfeitures, ~~and costs~~.--

3107 ~~(1)~~ All fines and forfeitures arising from offenses tried
3108 in the county court shall be collected and accounted for by the



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3109 clerk of the court ~~and deposited in a special trust account.~~ All
3110 fines and forfeitures received from violations of ~~ordinances or~~
3111 ~~misdemeanors committed within a county, or of municipal~~
3112 ordinances committed within a municipality within the
3113 territorial jurisdiction of the county court, shall be paid
3114 monthly to the ~~county or municipality respectively~~ except as
3115 provided in s. 318.21 or s. 943.25. All other fines and
3116 forfeitures collected by the clerk shall be considered income of
3117 the office of the clerk for use in performing court-related
3118 duties of the office.

3119 ~~(2) All court costs assessed in county court must be paid~~
3120 ~~to and retained by the county, except as provided in s. 943.25~~
3121 ~~and subsection (3) of this section.~~

3122 ~~(3) If a municipality incurs any cost of operation of the~~
3123 ~~county court, including any cost of prosecution, it may apply to~~
3124 ~~the chief judge of the circuit for an order directing the county~~
3125 ~~to distribute reasonable court costs to the municipality. If not~~
3126 ~~satisfied with the order of the chief judge, the municipality~~
3127 ~~may apply to the Supreme Court for an order apportioning the~~
3128 ~~costs.~~

3129 ~~(4) The board of county commissioners may assign the~~
3130 ~~collection of fines, court costs, and other costs imposed by the~~
3131 ~~court that are past due for 90 days or more to a private~~
3132 ~~attorney or collection agency that is licensed or registered in~~
3133 ~~this state, if the board of county commissioners determines that~~
3134 ~~the assignment is cost-effective and follows established bid~~
3135 ~~practices. The board of county commissioners may authorize a fee~~
3136 ~~to be added to the outstanding balance to offset any collection~~
3137 ~~costs that will be incurred.~~



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3138 Section 56. Effective July 1, 2004, section 39.0134,
 3139 Florida Statutes, is amended to read:

3140 39.0134 Appointed counsel; compensation.--

3141 ~~(1)~~ If counsel is entitled to receive compensation for
 3142 representation pursuant to a court appointment in a dependency
 3143 proceeding pursuant to this chapter, ~~such~~ compensation shall be
 3144 paid in accordance with s. 27.5304 ~~established by each county.~~

3145 The state ~~county~~ may acquire and enforce a lien upon court-
 3146 ordered payment of attorney's fees and costs in accordance with
 3147 s. 984.08.

3148 ~~(2) If counsel is entitled to receive compensation for~~
 3149 ~~representation pursuant to court appointment in a termination of~~
 3150 ~~parental rights proceeding, such compensation shall not exceed~~
 3151 ~~\$1,000 at the trial level and \$2,500 at the appellate level.~~

3152 Section 57. Subsection (3) of section 39.4075, Florida
 3153 Statutes, is amended to read:

3154 39.4075 Referral of a dependency case to mediation.--

3155 (3) The department shall advise the parties that they are
 3156 responsible for contributing to the cost of the dependency
 3157 mediation ~~to the extent of their ability to pay.~~

3158 Section 58. Effective July 1, 2004, subsection (1) of
 3159 section 39.815, Florida Statutes, is amended to read:

3160 39.815 Appeal.--

3161 (1) Any child, any parent or guardian ad litem of any
 3162 child, any other party to the proceeding who is affected by an
 3163 order of the court, or the department may appeal to the
 3164 appropriate district court of appeal within the time and in the
 3165 manner prescribed by the Florida Rules of Appellate Procedure.
 3166 The district court of appeal shall give an appeal from an order
 3167 terminating parental rights priority in docketing and shall



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3168 render a decision on the appeal as expeditiously as possible.
 3169 Appointed counsel shall be compensated as provided in s.
 3170 27.5304(5) ~~39.0134~~.

3171 Section 59. Effective July 1, 2004, section 40.001,
 3172 Florida Statutes, is created to read:

3173 40.001 Chief judge; authority; duties.--The chief judge of
 3174 each judicial circuit is vested with overall authority and
 3175 responsibility for the management, operation, and oversight of
 3176 the jury system within his or her circuit. However, in
 3177 accordance with this chapter and chapter 905, the clerk of the
 3178 circuit court has specific responsibilities regarding the
 3179 processing of jurors, including, but not limited to,
 3180 qualifications, summons, selection lists, reporting, and
 3181 compensation of jurors. The clerk of the circuit court may
 3182 contract with the chief judge for the court's assistance in the
 3183 provision of services to process jurors. The chief judge may
 3184 also designate to the clerk of the circuit court additional
 3185 duties consistent with established uniform standards of jury
 3186 management practices that the Supreme Court may adopt by rule or
 3187 issue through administrative order.

3188 Section 60. Effective July 1, 2004, subsection (3) of
 3189 section 40.02, Florida Statutes, is amended to read:

3190 40.02 Selection of jury lists.--

3191 (3) The clerk of the court shall ~~chief judge may designate~~
 3192 ~~the court administrator to~~ perform the duties set forth in this
 3193 section and in ss. 40.221, 40.23, and 40.231 in counties having
 3194 an approved, computerized jury selection system, the provisions
 3195 of any special law or general law of local application to the
 3196 contrary notwithstanding. However, the chief judge may designate
 3197 the court administrator to perform these duties if the county



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3198 provides funding to the court administrator to provide the
 3199 personnel and other costs associated with jury services.

3200 Section 61. Effective July 1, 2004, subsection (1) of
 3201 section 40.29, Florida Statutes, is amended to read:

3202 40.29 Clerks to make estimates and requisitions for
 3203 certain due process costs estimate amount for pay of jurors and
 3204 witnesses and make requisition.--

3205 (1) The clerk of the court in and for any county shall
 3206 make an estimate of the amount necessary during any quarterly
 3207 fiscal period beginning July 1 and during each succeeding
 3208 quarterly fiscal period for the payment by the state of juror
 3209 compensation and expenses; court reporter, interpreter, and
 3210 translator services; witnesses, including expert witnesses;
 3211 mental health professionals; and private court-appointed
 3212 counsel, each in accordance with the applicable requirements of
 3213 ss. 29.005, 29.006, and 29.007. The clerk of such court:

3214 ~~(a) Jurors in the circuit court and the county court;~~

3215 ~~(b) Witnesses before the grand jury;~~

3216 ~~(c) Witnesses summoned to appear for an investigation,~~
 3217 ~~preliminary hearing, or trial in a criminal case when the~~
 3218 ~~witnesses are summoned by a state attorney or on behalf of an~~
 3219 ~~indigent defendant;~~

3220 ~~(d) Mental health professionals who are appointed pursuant~~
 3221 ~~to s. 394.473 and required in a court hearing involving an~~
 3222 ~~indigent; and~~

3223 ~~(e) Expert witnesses who are appointed pursuant to s.~~
 3224 ~~916.115(2) and required in a court hearing involving an~~
 3225 ~~indigent;~~

3226



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3227 ~~and~~ shall forward each such estimate to the Justice
 3228 Administrative Commission State Courts Administrator no later
 3229 than the date scheduled by the Justice Administrative Commission
 3230 State Courts Administrator. At the time of any forwarding of
 3231 such estimate, the clerk of such court shall make a requisition
 3232 upon the Justice Administrative Commission State Courts
 3233 Administrator for the amount of such estimate; and the Justice
 3234 Administrative Commission State Courts Administrator may reduce
 3235 the amount upon finding that the costs are unreasonable,
 3236 inconsistent with applicable contractual terms, or inconsistent
 3237 with compensation standards established by general law if in his
 3238 or her judgment the requisition is excessive.

3239 Section 62. Effective July 1, 2004, section 40.30, Florida
 3240 Statutes, is amended to read:

3241 40.30 Requisition endorsed by Justice Administrative
 3242 Commission State Courts Administrator or designee.--Upon receipt
 3243 of such estimate and the requisition from the clerk of the court
 3244 pursuant to s. 40.29, the Justice Administrative Commission
 3245 State Courts Administrator or designee shall endorse the amount
 3246 deemed that he or she may deem necessary for payment to the
 3247 state the pay of jurors and witnesses during the quarterly
 3248 fiscal period and shall submit a request for payment to the
 3249 Chief Financial Officer Comptroller.

3250 Section 63. Subsections (1) and (5) of section 43.16,
 3251 Florida Statutes, are amended to read:

3252 43.16 Justice Administrative Commission; membership,
 3253 powers and duties.--

3254 (1) There is hereby created a Justice Administrative
 3255 Commission ~~of the Judicial Branch of Florida~~, with headquarters
 3256 located in the state capital. The necessary office space for use



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3257 of the commission shall be furnished by the proper state agency
 3258 in charge of state buildings.

3259 (5) The duties of the commission shall include, but not be
 3260 limited to, the following:

3261 (a) The maintenance of a central state office for
 3262 administrative services and assistance when possible to and on
 3263 behalf of the state attorneys and public defenders of Florida,
 3264 the office of capital collateral representative of Florida, and
 3265 the Judicial Qualifications Commission.

3266 (b) Each state attorney and public defender and the
 3267 Judicial Qualifications Commission shall continue to prepare
 3268 necessary budgets, vouchers which represent valid claims for
 3269 reimbursement by the state for authorized expenses, and other
 3270 things incidental to the proper administrative operation of the
 3271 office, such as revenue transmittals to the Chief Financial
 3272 Officer and treasurer, automated systems plans, ~~etc.~~, but will
 3273 forward same to the commission for recording and submission to
 3274 the proper state officer. However, when requested by a state
 3275 attorney or a public defender or the Judicial Qualifications
 3276 Commission, the commission will either assist in the preparation
 3277 of budget requests, voucher schedules, and other forms and
 3278 reports or accomplish the entire project involved.

3279 Section 64. Section 43.26, Florida Statutes, is amended to
 3280 read:

3281 43.26 Chief Presiding judge of circuit; selection;
 3282 powers.--

3283 (1) The chief presiding judge of each judicial circuit,
 3284 who shall be a circuit judge, shall exercise administrative
 3285 supervision over all the trial courts within the judicial
 3286 circuit and over the judges and other officers of such courts.



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3287 (2) The chief ~~presiding~~ judge of the circuit shall have
3288 the power:

3289 (a) To assign judges to any division of the court ~~the~~
3290 ~~trial of civil or criminal cases, to preliminary hearings, or to~~
3291 ~~divisions~~ and to determine the length of the assignment;

3292 ~~(b) To assign clerks and bailiffs;~~

3293 (b)(e) To regulate use of courtrooms;

3294 (c)(d) To supervise dockets and calendars;

3295 (d)(e) To require attendance of state attorneys,
3296 ~~prosecutors and public defenders, clerks, bailiffs, and all~~
3297 other officers of the court; and

3298 (e)(f) To do everything necessary to promote the prompt
3299 and efficient administration of justice in the courts over which
3300 he or she is chief judge ~~presides~~.

3301 (f) To delegate to the trial court administrator, by
3302 administrative order, the authority to bind the circuit in
3303 contract.

3304 (g) To manage, operate, and oversee the jury system as
3305 provided in s. 40.001.

3306 (3) The chief ~~presiding~~ judge shall be responsible to the
3307 Chief Justice of the Supreme Court for such information as may
3308 be required by the Chief Justice, including, but not limited to,
3309 caseload, status of dockets, and disposition of cases in the
3310 courts over which he or she presides.

3311 ~~(4) The presiding judge of the circuit shall be selected~~
3312 ~~by a majority of the judges subject to this section in that~~
3313 ~~circuit for a term of 2 years. The presiding judge may succeed~~
3314 ~~himself or herself for successive terms.~~

3315 (4)(5) Failure of any judge, clerk, prosecutor, public
3316 defender, or other officer of the court to comply with an order



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3317 or directive of the chief ~~presiding~~ judge under this section
 3318 shall constitute neglect of duty for which such officer may be
 3319 suspended from office as provided by law.

3320 ~~(5)-(6)~~ There may be a trial court administrator ~~an~~
 3321 ~~executive assistant to the presiding judge~~ who shall perform
 3322 such duties as the chief ~~presiding~~ judge may direct.

3323 Section 65. Effective July 1, 2004, section 44.108,
 3324 Florida Statutes, is amended to read:

3325 44.108 Funding of mediation and arbitration.--Mediation
 3326 should be accessible to all parties regardless of financial
 3327 status. A filing fee of \$1 is levied on all proceedings in the
 3328 circuit or county courts to fund mediation and arbitration
 3329 services which are the responsibility of the Supreme Court
 3330 pursuant to the provisions of s. 44.106. The clerk of the court
 3331 shall forward the monies collected to the Department of Revenue
 3332 for deposit in the state courts' Mediation and Arbitration Trust
 3333 Fund. Each board of county commissioners may support mediation
 3334 ~~and arbitration services by appropriating moneys from county~~
 3335 ~~revenues and by:~~

3336 ~~(1) Levying, in addition to other service charges levied~~
 3337 ~~by law, a service charge of no more than \$5 on any circuit court~~
 3338 ~~proceeding, which shall be deposited in the court's mediation-~~
 3339 ~~arbitration account fund under the supervision of the chief~~
 3340 ~~judge of the circuit in which the county is located; and~~

3341 ~~(2) Levying, in addition to other service charges levied~~
 3342 ~~by law, a service charge of no more than \$5 on any county court~~
 3343 ~~proceeding, which shall be deposited in the county's mediation-~~
 3344 ~~arbitration account fund to be used to fund county civil~~
 3345 ~~mediation services under the supervision of the chief judge of~~
 3346 ~~the circuit in which the county is located.~~



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3347 ~~(3) Levying, in addition to other service charges levied~~
3348 ~~by law, a service charge of no more than \$45 on any petition for~~
3349 ~~a modification of a final judgment of dissolution, which shall~~
3350 ~~be deposited in the court's family mediation account fund to be~~
3351 ~~used to fund family mediation services under the supervision of~~
3352 ~~the chief judge of the circuit in which the county is located.~~

3353 ~~(4) If a board of county commissioners levies the service~~
3354 ~~charge authorized in subsection (1), subsection (2), or~~
3355 ~~subsection (3), the clerk of the court shall forward \$1 of each~~
3356 ~~charge to the Department of Revenue for deposit in the state~~
3357 ~~mediation and arbitration trust fund which is hereby~~
3358 ~~established. Such fund shall be used by the Supreme Court to~~
3359 ~~carry out its responsibilities set forth in s. 44.106.~~

3360 Section 66. Paragraph (b) of subsection (1) of section
3361 49.10, Florida Statutes, is amended to read:

3362 49.10 Notice of action, publication, proof.--

3363 (1)

3364 (b) In proceedings described in s. 49.011(4), (10), and
3365 (11), ~~except in those counties where, pursuant to s. 50.071(3),~~
3366 ~~notices are by law required to be published by designated record~~
3367 ~~newspaper,~~ the clerk of the court shall post notices of action
3368 in the manner prescribed by s. 49.11 when such notices are
3369 required of persons authorized to proceed as indigent insolvent
3370 ~~and poverty-stricken persons~~ under s. 57.081.

3371 Section 67. Effective July 1, 2004, subsection (5) of
3372 section 55.10, Florida Statutes, is amended to read:

3373 55.10 Judgments, orders, and decrees; lien of all,
3374 generally; extension of liens; transfer of liens to other
3375 security.--



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3376 (5) Any lien claimed under this section may be
3377 transferred, by any person having an interest in the real
3378 property upon which the lien is imposed or the contract under
3379 which the lien is claimed, from such real property to other
3380 security by either depositing in the clerk's office a sum of
3381 money or filing in the clerk's office a bond executed as surety
3382 by a surety insurer licensed to do business in this state. Such
3383 deposit or bond shall be in an amount equal to the amount
3384 demanded in such claim of lien plus interest thereon at the
3385 legal rate for 3 years plus \$500 to apply on any court costs
3386 which may be taxed in any proceeding to enforce said lien. Such
3387 deposit or bond shall be conditioned to pay any judgment, order,
3388 or decree which may be rendered for the satisfaction of the lien
3389 for which such claim of lien was recorded and costs plus \$500
3390 for court costs. Upon such deposit being made or such bond being
3391 filed, the clerk shall make and record a certificate showing the
3392 transfer of the lien from the real property to the security and
3393 mail a copy thereof by registered or certified mail to the
3394 lienor named in the claim of lien so transferred, at the address
3395 stated therein. Upon the filing of the certificate of transfer,
3396 the real property shall thereupon be released from the lien
3397 claimed, and such lien shall be transferred to said security.
3398 The clerk shall be entitled to a fee of up to \$15 ~~\$10~~ for making
3399 and serving the certificate. If the transaction involves the
3400 transfer of multiple liens, an additional charge of up to \$7.50
3401 ~~\$5~~ for each additional lien shall be charged. Any number of
3402 liens may be transferred to one such security.

3403 Section 68. Effective July 1, 2004, subsection (2) of
3404 section 55.141, Florida Statutes, is amended to read:



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3405 55.141 Satisfaction of judgments and decrees; duties of
3406 clerk and judge.--

3407 (2) Upon such payment, the clerk, or the judge if there is
3408 no clerk, shall issue his or her receipt therefor and shall
3409 record a satisfaction of judgment, provided by the judgment
3410 holder, upon payment of the recording charge prescribed in s.
3411 28.24(12)~~(15)~~ plus the necessary costs of mailing to the clerk
3412 or judge. The clerk or judge shall formally notify the owner of
3413 record of such judgment or decree, if such person and his or her
3414 address are known to the clerk or judge receiving such payment,
3415 and, upon request therefor, shall pay over to the person
3416 entitled, or to his or her order, the full amount of the payment
3417 so received, less his or her fees for issuing execution on such
3418 judgment or decree, if any has been issued, and less his or her
3419 fees for receiving into and paying out of the registry of the
3420 court such payment, together with the fees of the clerk for
3421 receiving into and paying such money out of the registry of the
3422 court.

3423 Section 69. Effective July 1, 2004, subsection (3) of
3424 section 55.505, Florida Statutes, is amended to read:

3425 55.505 Notice of recording; prerequisite to enforcement.--

3426 (3) No execution or other process for enforcement of a
3427 foreign judgment recorded hereunder shall issue until 30 days
3428 after the mailing of notice by the clerk and payment of a
3429 service charge of up to \$37.50 ~~\$25~~ to the clerk. When an action
3430 authorized in s. 55.509(1) is filed, it acts as an automatic
3431 stay of the effect of this section.

3432 Section 70. Effective July 1, 2004, subsection (1) of
3433 section 57.081, Florida Statutes, is amended to read:



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3434 57.081 Costs; right to proceed where prepayment of costs
3435 waived.--

3436 (1) Any indigent person, except a prisoner as defined in
3437 s. 57.085, who is a party or intervenor in any judicial or
3438 administrative agency proceeding or who initiates such
3439 proceeding shall receive the services of the courts, sheriffs,
3440 and clerks, with respect to such proceedings, despite his or her
3441 present inability to pay for these services ~~without charge~~. Such
3442 services are limited to filing fees; service of process;
3443 certified copies of orders or final judgments; a single
3444 photocopy of any court pleading, record, or instrument filed
3445 with the clerk; examining fees; mediation services and fees;
3446 private court-appointed counsel fees; subpoena fees and
3447 services; service charges for collecting and disbursing funds;
3448 and any other cost or service arising out of pending litigation.
3449 In any appeal from an administrative agency decision, for which
3450 the clerk is responsible for preparing the transcript, the clerk
3451 shall record ~~waive~~ the cost of preparing the transcripts and the
3452 cost for copies of any exhibits in the record. Prepayment of
3453 costs to any court, clerk, or sheriff is not required in any
3454 action if the party has obtained ~~from the clerk~~ in each
3455 proceeding a certification of indigence in accordance with s.
3456 27.52 ~~indigency, based on an affidavit of the applicant claiming~~
3457 ~~that the applicant is indigent and unable to pay the charges~~
3458 ~~otherwise payable by law to any of such officers, providing the~~
3459 ~~details of the applicant's financial condition, and containing a~~
3460 ~~statement that certifies that no person has been paid or~~
3461 ~~promised any payment of any remuneration by the applicant for~~
3462 ~~services performed on behalf of the applicant in connection with~~
3463 ~~the action or proceeding. However, when the person is~~



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3464 ~~represented by an attorney, the person need not file an~~
 3465 ~~affidavit in order to be exempt from payment of charges under~~
 3466 ~~this subsection. A represented person is exempt from charges~~
 3467 ~~under this subsection if the attorney of such person files a~~
 3468 ~~written certificate, signed by the attorney, certifying that the~~
 3469 ~~attorney has made an investigation to ascertain the financial~~
 3470 ~~condition of the client and has found the client to be indigent;~~
 3471 ~~that the attorney has investigated the nature of the applicant's~~
 3472 ~~position and in the attorney's opinion it is meritorious as a~~
 3473 ~~matter of law; and that the attorney has not been paid or~~
 3474 ~~promised payment of any remuneration for services and intends to~~
 3475 ~~act as attorney for the applicant without compensation. On the~~
 3476 ~~failure or refusal of the clerk to issue a certificate of~~
 3477 ~~indigency, the applicant is entitled to a review of the~~
 3478 ~~application for the certificate by the court having jurisdiction~~
 3479 ~~of the cause of action.~~

3480 Section 71. Effective July 1, 2004, subsections (2), (3),
 3481 (4), (5), and (8) of section 57.085, Florida Statutes, are
 3482 amended to read:

3483 57.085 Waiver of prepayment of court costs and fees for
 3484 indigent prisoners.--

3485 (2) When a prisoner who is intervening in or initiating a
 3486 judicial proceeding seeks to defer the waiver of prepayment of
 3487 court costs and fees because of indigence ~~indigency~~, the
 3488 prisoner must file an affidavit of indigence ~~indigency~~ with the
 3489 appropriate clerk of the court. The affidavit must contain
 3490 complete information about the prisoner's identity; the nature
 3491 and amount of the prisoner's income; all real property owned by
 3492 the prisoner; all tangible and intangible property worth more
 3493 than \$100 which is owned by the prisoner; the amount of cash



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3494 held by the prisoner; the balance of any checking, savings, or
 3495 money market account held by the prisoner; the prisoner's
 3496 dependents, including their names and ages; the prisoner's
 3497 debts, including the name of each debtor and the amount owed to
 3498 each debtor; and the prisoner's monthly expenses. The prisoner
 3499 must certify in the affidavit whether the prisoner has been
 3500 adjudicated indigent under this section, certified indigent
 3501 under s. 57.081, or authorized to proceed as an indigent under
 3502 28 U.S.C. s. 1915 by a federal court. The prisoner must attach
 3503 to the affidavit a photocopy of the prisoner's trust account
 3504 records for the preceding 6 months or for the length of the
 3505 prisoner's incarceration, whichever period is shorter. The
 3506 affidavit must contain the following statements: "I am unable to
 3507 pay court costs and fees. Under penalty of perjury, I swear or
 3508 affirm that all statements in this affidavit are true and
 3509 complete."

3510 (3) Before a prisoner may receive a deferral waiver of
 3511 prepayment of any court costs and fees for an action brought
 3512 under this section, the clerk of court must review the affidavit
 3513 ~~of indigency~~ and certify ~~adjudicate~~ the prisoner is indigent.

3514 (4) When the clerk has issued a certificate of indigence
 3515 under this section ~~a court adjudicates a prisoner indigent but~~
 3516 ~~concludes, from the affidavit of indigency or other information,~~
 3517 ~~that~~ the prisoner is able to pay part of the court costs and
 3518 fees required by law, the court shall order the prisoner to
 3519 make, prior to service of process, an initial partial payment of
 3520 those court costs and fees. The initial partial payment must
 3521 total at least 20 percent of the average monthly balance of the
 3522 prisoner's trust account for the preceding 6 months or for the



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3523 length of the prisoner's incarceration, whichever period is
3524 shorter.

3525 (5) When the clerk has issued a certificate of indigence a
3526 ~~court adjudicates a prisoner indigent~~ under this section, the
3527 court shall order the prisoner to make monthly payments of no
3528 less than 20 percent of the balance of the prisoner's trust
3529 account as payment of court costs and fees. When a court orders
3530 such payment, the Department of Corrections or the local
3531 detention facility shall place a lien on the inmate's trust
3532 account for the full amount of the court costs and fees, and
3533 shall withdraw money maintained in that trust account and
3534 forward the money, when the balance exceeds \$10, to the
3535 appropriate clerk of the court until the prisoner's court costs
3536 and fees are paid in full.

3537 (8) In any judicial proceeding in which a certificate of
3538 indigence has been issued to a prisoner ~~has been adjudicated~~
3539 ~~indigent and has been granted a full or partial waiver of court~~
3540 ~~costs and fees~~, the court may at any time dismiss the prisoner's
3541 action, in whole or in part, upon a finding that:

3542 (a) The prisoner's claim of indigence ~~indigency~~ is false
3543 or misleading;

3544 (b) The prisoner provided false or misleading information
3545 regarding another judicial or administrative proceeding in which
3546 the prisoner was a party;

3547 (c) The prisoner failed to pay court costs and fees
3548 ~~assessed~~ under this section despite having the ability to pay;
3549 or

3550 (d) The prisoner's action or a portion of the action is
3551 frivolous or malicious.



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3552 Section 72. Effective July 1, 2004, paragraphs (d), (e),
 3553 and (f) of subsection (6) of section 61.14, Florida Statutes,
 3554 are amended to read:

3555 61.14 Enforcement and modification of support,
 3556 maintenance, or alimony agreements or orders.--

3557 (6)

3558 (d) The court shall hear the obligor's motion to contest
 3559 the impending judgment within 15 days after the date of the
 3560 filing of the motion. Upon the court's denial of the obligor's
 3561 motion, the amount of the delinquency and all other amounts
 3562 which thereafter become due, together with costs and a fee of up
 3563 to \$7.50 ~~\$5~~, become a final judgment by operation of law against
 3564 the obligor. The depository shall charge interest at the rate
 3565 established in s. 55.03 on all judgments for support.

3566 (e) If the obligor fails to file a motion to contest the
 3567 impending judgment within the time limit prescribed in paragraph
 3568 (c) and fails to pay the amount of the delinquency and all other
 3569 amounts which thereafter become due, together with costs and a
 3570 fee of up to \$7.50 ~~\$5~~, such amounts become a final judgment by
 3571 operation of law against the obligor at the expiration of the
 3572 time for filing a motion to contest the impending judgment.

3573 (f)1. Upon request of any person, the local depository
 3574 shall issue, upon payment of a fee of up to \$7.50 ~~\$5~~, a payoff
 3575 statement of the total amount due under the judgment at the time
 3576 of the request. The statement may be relied upon by the person
 3577 for up to 30 days from the time it is issued unless proof of
 3578 satisfaction of the judgment is provided.

3579 2. When the depository records show that the obligor's
 3580 account is current, the depository shall record a satisfaction
 3581 of the judgment upon request of any interested person and upon



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3582 receipt of the appropriate recording fee. Any person shall be
3583 entitled to rely upon the recording of the satisfaction.

3584 3. The local depository, at the direction of the
3585 department, or the obligee in a non-IV-D case, may partially
3586 release the judgment as to specific real property, and the
3587 depository shall record a partial release upon receipt of the
3588 appropriate recording fee.

3589 4. The local depository is not liable for errors in its
3590 recordkeeping, except when an error is a result of unlawful
3591 activity or gross negligence by the clerk or his or her
3592 employees.

3593 Section 73. Paragraph (b) of subsection (2) of section
3594 61.181, Florida Statutes, is amended to read:

3595 61.181 Depository for alimony transactions, support,
3596 maintenance, and support payments; fees.--

3597 (2)

3598 (b)1. For the period of July 1, 1992, through June 30,
3599 2004 ~~2003~~, The fee imposed in paragraph (a) shall be increased
3600 to 4 percent of the support payments which the party is
3601 obligated to pay, except that no fee shall be more than \$5.25.
3602 The fee shall be considered by the court in determining the
3603 amount of support that the obligor is, or may be, required to
3604 pay. Notwithstanding the provisions of s. 145.022, 75 percent of
3605 the additional revenues generated by this paragraph shall be
3606 remitted monthly to the Clerk of the Court Child Support
3607 Enforcement Collection System Trust Fund administered by the
3608 department as provided in subparagraph 2. These funds shall be
3609 used exclusively for the development, implementation, and
3610 operation of the Clerk of the Court Child Support Enforcement
3611 Collection System to be operated by the depositories, including



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3612 the automation of civil case information necessary for the State
3613 Case Registry. The department shall contract with the Florida
3614 Association of Court Clerks and the depositories to design,
3615 establish, operate, upgrade, and maintain the automation of the
3616 depositories to include, but not be limited to, the provision of
3617 on-line electronic transfer of information to the IV-D agency as
3618 otherwise required by this chapter. The department's obligation
3619 to fund the automation of the depositories is limited to the
3620 state share of funds available in the Clerk of the Court Child
3621 Support Enforcement Collection System Trust Fund. Each
3622 depository created under this section shall fully participate in
3623 the Clerk of the Court Child Support Enforcement Collection
3624 System and transmit data in a readable format as required by the
3625 contract between the Florida Association of Court Clerks and the
3626 department.

3627 2. Moneys to be remitted to the department by the
3628 depository shall be done daily by electronic funds transfer and
3629 calculated as follows:

3630 a. For each support payment of less than \$33, 18.75 cents.

3631 b. For each support payment between \$33 and \$140, an
3632 amount equal to 18.75 percent of the fee charged.

3633 c. For each support payment in excess of \$140, 18.75
3634 cents.

3635 3. The fees established by this section shall be set forth
3636 and included in every order of support entered by a court of
3637 this state which requires payment to be made into the
3638 depository.

3639 Section 74. Subsections (2) and (6) of section 61.21,
3640 Florida Statutes, are amended to read:



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3641 61.21 Parenting course authorized; fees; required
3642 attendance authorized; contempt.--

3643 (2) The Department of Children and Family Services All
3644 ~~judicial circuits in the state~~ shall approve a parenting course
3645 which shall be a course of a minimum of 4 hours designed to
3646 educate, train, and assist divorcing parents in regard to the
3647 consequences of divorce on parents and children.

3648 (a) The parenting course referred to in this section shall
3649 be named the Parent Education and Family Stabilization Course
3650 and may include, but need not be limited to, the following
3651 topics as they relate to court actions between parents involving
3652 custody, care, visitation, and support of a child or children:

3653 1. Legal aspects of deciding child-related issues between
3654 parents.

3655 2. Emotional aspects of separation and divorce on adults.

3656 3. Emotional aspects of separation and divorce on
3657 children.

3658 4. Family relationships and family dynamics.

3659 5. Financial responsibilities to a child or children.

3660 6. Issues regarding spousal or child abuse and neglect.

3661 7. Skill-based relationship education that may be
3662 generalized to parenting, workplace, school, neighborhood, and
3663 civic relationships.

3664 (b) Information regarding spousal and child abuse and
3665 neglect shall be included in every parent education and family
3666 stabilization course. A list of local agencies that provide
3667 assistance with such issues shall also be provided.

3668 (c) The parent education and family stabilization course
3669 shall be educational in nature and shall not be designed to



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3670 provide individual mental health therapy for parents or
 3671 children, or individual legal advice to parents or children.

3672 (d) Course providers shall not solicit participants from
 3673 the sessions they conduct to become private clients or patients.

3674 (e) Course providers shall not give individual legal
 3675 advice or mental health therapy.

3676 (6) The department shall provide each judicial circuit
 3677 with ~~may establish~~ a list of approved registry of course
 3678 providers and sites at which the parent education and family
 3679 stabilization course required by this section may be completed.
 3680 The department ~~court~~ shall also include on ~~within~~ the list
 3681 ~~registry~~ of course providers and sites at least one site in each
 3682 circuit at which the parent education and family stabilization
 3683 course may be completed on a sliding fee scale, if available.

3684 Section 75. Effective July 1, 2004, section 77.28, Florida
 3685 Statutes, is amended to read:

3686 77.28 Garnishment; attorney's fees, costs, expenses;
 3687 deposit required.--Before issuance of any writ of garnishment,
 3688 the party applying for it shall deposit \$100 in the registry of
 3689 the court which shall be paid to the garnishee on the
 3690 garnishee's demand at any time after the service of the writ for
 3691 the payment or part payment of his or her attorney's fee which
 3692 the garnishee expends or agrees to expend in obtaining
 3693 representation in response to the writ. At the time of deposit,
 3694 the clerk shall collect the statutory fee provided by s.
 3695 28.24(10)(13) in addition to the \$100 deposited into the
 3696 registry of the court. On rendering final judgment, the court
 3697 shall determine the garnishee's costs and expenses, including a
 3698 reasonable attorney's fee, and in the event of a judgment in
 3699 favor of the plaintiff, the amount shall be subject to offset by



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3700 the garnishee against the defendant whose property or debt owing
 3701 is being garnished. In addition, the court shall tax the
 3702 garnishee's costs and expenses as costs. Plaintiff may recover
 3703 in this manner the sum advanced by plaintiff and paid into
 3704 registry of court, and if the amount allowed by the court is
 3705 greater than the amount of the deposit, together with any
 3706 offset, judgment for the garnishee shall be entered against the
 3707 party against whom the costs are taxed for the deficiency.

3708 Section 76. Paragraph (a) of subsection (2) of section
 3709 92.153, Florida Statutes, is amended to read:

3710 92.153 Production of documents by witnesses; reimbursement
 3711 of costs.--

3712 (2) REIMBURSEMENT OF A DISINTERESTED WITNESS.--

3713 (a) In any proceeding, a disinterested witness shall be
 3714 paid for any costs the witness reasonably incurs either directly
 3715 or indirectly in producing, searching for, reproducing, or
 3716 transporting documents pursuant to a summons; however, the cost
 3717 of documents produced pursuant to a subpoena or records request
 3718 by a state attorney or public defender may not exceed 15 cents
 3719 per page and \$10 per hour for research or retrieval.

3720 Section 77. Effective July 1, 2004, section 92.231,
 3721 Florida Statutes, is amended to read:

3722 92.231 Expert witnesses; fee.--

3723 (1) The term "expert witness" as used herein shall apply
 3724 to any witness who offers himself or herself in the trial of any
 3725 ~~civil~~ action as an expert witness or who is subpoenaed to
 3726 testify in such capacity before a state attorney in the
 3727 investigation of a criminal matter, or before a grand jury, and
 3728 who is permitted by the court to qualify and testify as such,
 3729 upon any matter pending before any court.



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3730 (2) Any expert or skilled witness who shall have testified
3731 in any cause shall be allowed a witness fee including the cost
3732 of any exhibits used by such witness in an the amount agreed to
3733 by the parties of \$10 per hour or such amount as the trial judge
3734 may deem reasonable, and the same shall be taxed as costs. In
3735 instances where services are provided for the state, including
3736 for state-paid private court-appointed counsel, payment from
3737 state funds shall be in accordance with standards adopted by the
3738 Legislature after receiving recommendations from the Article V
3739 Indigent Services Advisory Board.

3740 (3) In a criminal case in which the state or an indigent
3741 defendant requires the services of an expert witness whose
3742 opinion is relevant to the issues of the case, the expert
3743 witness shall be compensated in accordance with standards
3744 adopted by the Legislature after receiving recommendations from
3745 the Article V Indigent Services Advisory Board.

3746 Section 78. Section 914.09, Florida Statutes, is
3747 renumbered as section 92.233, Florida Statutes, and amended to
3748 read:

3749 92.233 914.09 Compensation of witness summoned in two or
3750 more criminal cases.--A witness subpoenaed in two or more
3751 criminal cases pending at the same time shall be paid one charge
3752 for per diem and mileage, but when the costs are taxed against
3753 the defendant, a witness may charge the full amount in each
3754 case.

3755 Section 79. Effective July 1, 2004, section 125.69,
3756 Florida Statutes, is amended to read:

3757 125.69 Penalties; enforcement by code inspectors.--

3758 (1) Violations of county ordinances shall be prosecuted in
3759 the same manner as misdemeanors are prosecuted. Such violations



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3760 shall be prosecuted in the name of the county ~~state~~ in a court
3761 having jurisdiction of misdemeanors by the prosecuting attorney
3762 thereof and upon conviction shall be punished by a fine not to
3763 exceed \$500 or by imprisonment in the county jail not to exceed
3764 60 days or by both such fine and imprisonment. However, a county
3765 may specify, by ordinance, a violation of a county ordinance
3766 which is punishable by a fine in an amount exceeding \$500, but
3767 not exceeding \$2,000 a day, if the county must have authority to
3768 punish a violation of that ordinance by a fine in an amount
3769 greater than \$500 in order for the county to carry out a
3770 federally mandated program.

3771 (2) For the purpose of prosecuting violations of special
3772 laws and county ordinances notwithstanding the prosecutorial
3773 authority of the state attorney pursuant to s. 27.02(1), the
3774 board of county commissioners of each county and the governing
3775 board of each charter county may designate as the county's
3776 prosecuting attorney an attorney employed by the county or a
3777 contract attorney. Subject to the control and oversight of the
3778 appointing authority, such attorney may employ assistants as
3779 necessary. Such person shall have all powers exercisable by the
3780 state attorney in the prosecution of violations of county
3781 ordinances under this section as of June 30, 2004. Such person
3782 shall be subject to suspension and removal by the Governor and
3783 Senate from the exercise of prosecutorial powers in the same
3784 manner as state attorneys.

3785 (3) Each county is authorized and required to pay any
3786 attorney appointed by the court to represent a defendant
3787 prosecuted under this section if the provision of an attorney at
3788 public expense is required by the Constitution of the United
3789 States or the Constitution of the State of Florida and if the



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3790 party is indigent as established pursuant to s. 27.52. In such
3791 cases, the court shall appoint counsel to represent the
3792 defendant in accordance with s. 27.40, and shall order the
3793 county to pay the reasonable fees, expenses, and costs of such
3794 defense.

3795 (4) The county shall bear all court fees and costs of any
3796 prosecution under this section, and may, if it prevails, recover
3797 the court fees and costs paid by it and the fees and expenses
3798 paid to court-appointed counsel as part of its judgment. The
3799 state shall bear no expense of actions brought under this
3800 section except those that it would bear in an ordinary civil
3801 action between private parties in county court.

3802 (5)(2) The board of county commissioners of each county
3803 may designate its agents or employees as code inspectors whose
3804 duty it is to assure code compliance. Any person designated as a
3805 code inspector may issue citations for violations of county
3806 codes and ordinances, respectively, or subsequent amendments
3807 thereto, when such code inspector has actual knowledge that a
3808 violation has been committed.

3809 (a) Prior to issuing a citation, a code inspector shall
3810 provide notice to the violator that the violator has committed a
3811 violation of a code or ordinance and shall establish a
3812 reasonable time period within which the violator must correct
3813 the violation. Such time period shall be no more than 30 days.
3814 If, upon personal investigation, a code inspector finds that the
3815 violator has not corrected the violation within the time period,
3816 a code inspector may issue a citation to the violator. A code
3817 inspector does not have to provide the violator with a
3818 reasonable time period to correct the violation prior to issuing
3819 a citation and may immediately issue a citation if the code



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3820 inspector has reason to believe that the violation presents a
3821 serious threat to the public health, safety, or welfare, or if
3822 the violation is irreparable or irreversible.

3823 (b) A citation issued by a code inspector shall state the
3824 date and time of issuance, name and address of the person in
3825 violation, date of the violation, section of the codes or
3826 ordinances, or subsequent amendments thereto, violated, name of
3827 the code inspector, and date and time when the violator shall
3828 appear in county court.

3829 (c) If a repeat violation is found subsequent to the
3830 issuance of a citation, the code inspector is not required to
3831 give the violator a reasonable time to correct the violation and
3832 may immediately issue a citation. For purposes of this
3833 subsection, the term "repeat violation" means a violation of a
3834 provision of a code or ordinance by a person who has previously
3835 been found to have violated the same provision within 5 years
3836 prior to the violation, notwithstanding the violations occurred
3837 at different locations.

3838 (d) If the owner of property which is subject to an
3839 enforcement proceeding before county court transfers ownership
3840 of such property between the time the initial citation or
3841 citations are issued and the date the violator has been summoned
3842 to appear in county court, such owner shall:

3843 1. Disclose, in writing, the existence and the nature of
3844 the proceeding to the prospective transferee.

3845 2. Deliver to the prospective transferee a copy of the
3846 pleadings, notices, and other materials relating to the county
3847 court proceeding received by the transferor.

3848 3. Disclose, in writing, to the prospective transferee
3849 that the new owner will be responsible for compliance with the



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3850 applicable code and with orders issued in the county court
3851 proceeding.

3852 4. File a notice with the code enforcement official of the
3853 transfer of the property, with the identity and address of the
3854 new owner and copies of the disclosures made to the new owner,
3855 within 5 days after the date of the transfer.

3856

3857 A failure to make the disclosure described in subparagraphs 1.,
3858 2., and 3. before the transfer creates a rebuttable presumption
3859 of fraud. If the property is transferred before the date the
3860 violator has been summoned to appear in county court, the
3861 proceeding shall not be dismissed but the new owner will be
3862 substituted as the party of record and thereafter provided a
3863 reasonable period of time to correct the violation before the
3864 continuation of proceedings in county court.

3865 (e) If the code inspector has reason to believe a
3866 violation or the condition causing the violation presents a
3867 serious threat to the public health, safety, and welfare or if
3868 the violation is irreparable or irreversible in nature, or if
3869 after attempts under this section to bring a repeat violation
3870 into compliance with a provision of a code or ordinance prove
3871 unsuccessful, the local governing body may make all reasonable
3872 repairs which are required to bring the property into compliance
3873 and charge the owner with the reasonable cost of the repairs
3874 along with the fine imposed pursuant to this section. Making
3875 such repairs does not create a continuing obligation on the part
3876 of the local governing body to make further repairs or to
3877 maintain the property and does not create any liability against
3878 the local governing body for any damages to the property if such
3879 repairs were completed in good faith.



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3880 (f) Nothing in this subsection shall be construed to
 3881 authorize any person designated as a code inspector to perform
 3882 any function or duties of a law enforcement officer other than
 3883 as specified in this subsection. A code inspector shall not make
 3884 physical arrests or take any person into custody and shall be
 3885 exempt from requirements relating to the Special Risk Class of
 3886 the Florida Retirement System, bonding, and the Criminal Justice
 3887 Standards and Training Commission, as defined and provided by
 3888 general law.

3889 (g) The provisions of this subsection shall not apply to
 3890 the enforcement pursuant to ss. 553.79 and 553.80 of the Florida
 3891 Building Code adopted pursuant to s. 553.73 as applied to
 3892 construction, provided that a building permit is either not
 3893 required or has been issued by the county.

3894 (h) The provisions of this subsection may be used by a
 3895 county in lieu of the provisions of part II of chapter 162.

3896 (i) The provisions of this subsection are additional or
 3897 supplemental means of enforcing county codes and ordinances.
 3898 Except as provided in paragraph (h), nothing in this subsection
 3899 shall prohibit a county from enforcing its codes or ordinances
 3900 by any other means.

3901 Section 80. Effective July 1, 2004, section 142.01,
 3902 Florida Statutes, is amended to read:

3903 142.01 Fine and forfeiture fund ~~contents~~.--There shall be
 3904 established by the clerk of the circuit court in each every
 3905 county of this state a separate fund to be known as the fine and
 3906 forfeiture fund for use by the clerk of the circuit court in
 3907 performing court-related functions. The ~~Said~~ fund shall consist
 3908 of all fines and forfeitures collected by the clerk of the court
 3909 for violations of in the county under the penal or traffic laws



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3910 of the state, except those fines imposed under s. 775.0835(1);
 3911 allocations of court costs and civil penalties pursuant to ss.
 3912 318.18 and 318.21; and assessments imposed under ss. 938.21,
 3913 938.23, and 938.25; and all costs refunded to the county. ~~all~~
 3914 ~~funds arising from the hire or other disposition of convicts;~~
 3915 ~~and the proceeds of any special tax that may be levied by the~~
 3916 ~~county commissioners for expenses of criminal prosecutions. Said~~
 3917 ~~funds shall be paid out only for criminal expenses, fees, and~~
 3918 ~~costs, where the crime was committed in the county and the fees~~
 3919 ~~and costs are a legal claim against the county, in accordance~~
 3920 ~~with the provisions of this chapter. Any surplus funds remaining~~
 3921 ~~in the fine and forfeiture fund at the end of a fiscal year may~~
 3922 ~~be transferred to the county general fund.~~

3923 Section 81. Effective July 1, 2004, section 142.02,
 3924 Florida Statutes, is amended to read:

3925 142.02 Levy of a special tax.--The board of county
 3926 commissioners of every county may levy a special tax, not to
 3927 exceed 2 mills, upon the real and personal property of the
 3928 respective counties, to be assessed and collected as other
 3929 county taxes are assessed and collected, for such costs of
 3930 criminal prosecutions. Proceeds of the special tax funds shall
 3931 be paid out only for criminal expenses, fees, and costs, if the
 3932 crime was committed in the county, and the fees and costs are a
 3933 legal claim against the county, in accordance with the
 3934 provisions of this chapter. Any surplus funds remaining from the
 3935 tax to fund criminal prosecutions at the end of a fiscal year
 3936 may be transferred to the county general revenue fund.

3937 Section 82. Effective July 1, 2004, section 142.03,
 3938 Florida Statutes, is amended to read:



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3939 142.03 Disposition of fines, forfeitures, and civil
 3940 penalties.--Except as to fines, forfeitures, and civil penalties
 3941 collected in cases involving violations of municipal ordinances,
 3942 violations of chapter 316 committed within a municipality, or
 3943 infractions under the provisions of chapter 318 committed within
 3944 a municipality, in which cases such fines, forfeitures, and
 3945 civil penalties shall be fully paid monthly to the appropriate
 3946 municipality as provided in ss. 34.191, 316.660, and 318.21, and
 3947 except as to fines imposed under s. 775.0835(1), and assessments
 3948 imposed under ss. 938.21, 938.23, and 938.25, all fines imposed
 3949 under the penal laws of this state in all other cases, and the
 3950 proceeds of all forfeited bail bonds or recognizances in all
 3951 other cases, shall be paid into the fine and forfeiture fund of
 3952 the clerk of the county in which the indictment was found or the
 3953 prosecution commenced, and judgment must be entered therefor in
 3954 favor of the state for the use by the clerk of the circuit court
 3955 in performing court-related functions ~~of the particular county.~~

3956 Section 83. Effective July 1, 2004, section 142.15,
 3957 Florida Statutes, is amended to read:

3958 142.15 Prisoner confined in different county.--Where the
 3959 prisoner is confined in the jail of a different county from the
 3960 one in which the crime was committed, then the sheriff's bill
 3961 for feeding such prisoner shall be presented to the board of
 3962 county commissioners of the county in which the crime is alleged
 3963 to have been committed, and paid by such county. If the sheriff
 3964 should subsequently collect any such fees for feeding a
 3965 prisoner, he or she shall pay the same to the county in which
 3966 the crime is alleged to have been committed ~~depository, to go~~
 3967 ~~into the fine and forfeiture fund. The county commissioners~~
 3968 ~~shall see that there is always set aside and retained in the~~



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3969 ~~fine and forfeiture fund out of the moneys collected from the~~
3970 ~~special tax authorized to be collected for such fund, enough~~
3971 ~~cash to pay for keeping and feeding such prisoners.~~

3972 Section 84. Effective July 1, 2004, section 142.16,
3973 Florida Statutes, is amended to read:

3974 142.16 Change of venue.--In case of change of venue in any
3975 case, all fines and forfeitures in such case go to the clerk in
3976 the county in which the case was adjudicated ~~indictment was~~
3977 ~~found, and the fees of all officers and witnesses are a charge~~
3978 ~~upon the county in which the indictment was found, in like~~
3979 ~~manner as if the trial had not been removed. All costs and fees~~
3980 ~~arising from the coroner's inquest shall be a charge upon the~~
3981 ~~county where the inquest is held, and shall be payable from the~~
3982 ~~general revenue fund of the county.~~

3983 Section 85. Effective July 1, 2004, subsection (3) of
3984 section 145.022, Florida Statutes, is amended to read:

3985 145.022 Guaranteed salary upon resolution of board of
3986 county commissioners.--

3987 (3) This section shall not apply to county property
3988 appraisers or clerks of the circuit and county courts in the
3989 performance of their court-related functions.

3990 Section 86. Effective July 1, 2004, section 162.30,
3991 Florida Statutes, is created to read:

3992 162.30 Civil actions to enforce county and municipal
3993 ordinances.--In addition to other provisions of law authorizing
3994 the enforcement of county and municipal codes and ordinances, a
3995 county or municipality may enforce any violation of a county or
3996 municipal code or ordinance by filing a civil action in the same
3997 manner as instituting a civil action. The action shall be
3998 brought in county or circuit court, whichever is appropriate



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3999 depending upon the relief sought. Counties and municipalities
 4000 are authorized and required to pay any counsel appointed by the
 4001 court to represent a private party in such action if the
 4002 provision of counsel at public expense is required by the
 4003 Constitution of the United States or the Constitution of the
 4004 State of Florida and if the party is indigent as established
 4005 pursuant to s. 27.52. The county or municipality shall bear all
 4006 court fees and costs of any such action, and may, if it
 4007 prevails, recover the court fees and costs and expense of the
 4008 court-appointed counsel as part of its judgment. The state shall
 4009 bear no expense of actions brought under this section except
 4010 those that it would bear in an ordinary civil action between
 4011 private parties in county court.

4012 Section 87. Effective July 1, 2004, section 197.532,
 4013 Florida Statutes, is amended to read:

4014 197.532 Fees for mailing additional notices, when
 4015 application is made by holder.--When the certificateholder makes
 4016 a written request of the clerk and furnishes the names and
 4017 addresses at the time of the filing of the application, the
 4018 clerk shall send a copy of the notice referred to in s. 197.522
 4019 to anyone to whom the certificateholder may request him or her
 4020 to send it, and the clerk shall include in such notice the
 4021 statement required in s. 197.522. The certificateholder shall
 4022 pay the clerk the service charges as prescribed in s.
 4023 28.24(5)~~(8)~~ for preparing and mailing each copy of notice
 4024 requested by the holder. When the charges are made, they shall
 4025 be added by the clerk to the amount required to redeem the land
 4026 from sale.

4027 Section 88. Effective July 1, 2004, subsection (3) of
 4028 section 197.542, Florida Statutes, is amended to read:



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4029 197.542 Sale at public auction.--

4030 (3) If the sale is canceled for any reason, the clerk
4031 shall immediately readvertise the sale to be held no later than
4032 30 days after the date the sale was canceled. Only one
4033 advertisement is necessary. No further notice is required. The
4034 amount of the statutory (opening) bid shall be increased by the
4035 cost of advertising, additional clerk's fees as provided for in
4036 s. 28.24(21)~~(26)~~, and interest as provided for in subsection
4037 (1). The clerk shall receive full payment prior to the issuance
4038 of the tax deed.

4039 Section 89. Effective July 1, 2004, subsection (2) of
4040 section 197.582, Florida Statutes, is amended to read:

4041 197.582 Disbursement of proceeds of sale.--

4042 (2) If the property is purchased for an amount in excess
4043 of the statutory bid of the certificateholder, the excess shall
4044 be paid over and disbursed by the clerk. If the property
4045 purchased is homestead property and the statutory bid includes
4046 an amount equal to at least one-half of the assessed value of
4047 the homestead, that amount shall be treated as excess and
4048 distributed in the same manner. The clerk shall distribute the
4049 excess to the governmental units for the payment of any lien of
4050 record held by a governmental unit against the property. In the
4051 event the excess is not sufficient to pay all of such liens in
4052 full, the excess shall then be paid to each governmental unit
4053 pro rata. If, after all liens of record of the governmental
4054 units upon the property are paid in full, there remains a
4055 balance of undistributed funds, the balance of the purchase
4056 price shall be retained by the clerk for the benefit of the
4057 persons described in s. 197.522(1)(a), as their interests may
4058 appear. The clerk shall mail notices to such persons notifying



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4059 them of the funds held for their benefit. Any service charges,
 4060 at the same rate as prescribed in s. 28.24(10)~~(13)~~, and costs of
 4061 mailing notices shall be paid out of the excess balance held by
 4062 the clerk. Excess proceeds shall be held and disbursed in the
 4063 same manner as unclaimed redemption moneys in s. 197.473. In the
 4064 event excess proceeds are not sufficient to cover the service
 4065 charges and mailing costs, the clerk shall receive the total
 4066 amount of excess proceeds as a service charge.

4067 Section 90. Effective July 1, 2004, paragraph (d) of
 4068 subsection (2) of section 212.055, Florida Statutes, is amended
 4069 to read:

4070 212.055 Discretionary sales surtaxes; legislative intent;
 4071 authorization and use of proceeds.--It is the legislative intent
 4072 that any authorization for imposition of a discretionary sales
 4073 surtax shall be published in the Florida Statutes as a
 4074 subsection of this section, irrespective of the duration of the
 4075 levy. Each enactment shall specify the types of counties
 4076 authorized to levy; the rate or rates which may be imposed; the
 4077 maximum length of time the surtax may be imposed, if any; the
 4078 procedure which must be followed to secure voter approval, if
 4079 required; the purpose for which the proceeds may be expended;
 4080 and such other requirements as the Legislature may provide.
 4081 Taxable transactions and administrative procedures shall be as
 4082 provided in s. 212.054.

4083 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.

4084 (d)1. The proceeds of the surtax authorized by this
 4085 subsection and any interest accrued thereto shall be expended by
 4086 the school district or within the county and municipalities
 4087 within the county, or, in the case of a negotiated joint county
 4088 agreement, within another county, to finance, plan, and



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4089 construct infrastructure and to acquire land for public
4090 recreation or conservation or protection of natural resources
4091 and to finance the closure of county-owned or municipally owned
4092 solid waste landfills that are already closed or are required to
4093 close by order of the Department of Environmental Protection.
4094 Any use of such proceeds or interest for purposes of landfill
4095 closure prior to July 1, 1993, is ratified. Neither the proceeds
4096 nor any interest accrued thereto shall be used for operational
4097 expenses of any infrastructure, except that any county with a
4098 population of less than 75,000 that is required to close a
4099 landfill by order of the Department of Environmental Protection
4100 may use the proceeds or any interest accrued thereto for long-
4101 term maintenance costs associated with landfill closure.
4102 Counties, as defined in s. 125.011(1), and charter counties may,
4103 in addition, use the proceeds and any interest accrued thereto
4104 to retire or service indebtedness incurred for bonds issued
4105 prior to July 1, 1987, for infrastructure purposes, and for
4106 bonds subsequently issued to refund such bonds. Any use of such
4107 proceeds or interest for purposes of retiring or servicing
4108 indebtedness incurred for such refunding bonds prior to July 1,
4109 1999, is ratified.

4110 2. For the purposes of this paragraph, "infrastructure"
4111 means:

4112 a. Any fixed capital expenditure or fixed capital outlay
4113 associated with the construction, reconstruction, or improvement
4114 of public facilities which have a life expectancy of 5 or more
4115 years and any land acquisition, land improvement, design, and
4116 engineering costs related thereto.

4117 b. A fire department vehicle, an emergency medical service
4118 vehicle, a sheriff's office vehicle, a police department



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4119 vehicle, or any other vehicle, and such equipment necessary to
4120 outfit the vehicle for its official use or equipment that has a
4121 life expectancy of at least 5 years.

4122 c. Any expenditure for the construction, lease, or
4123 maintenance of, or provision of utilities or security for,
4124 facilities as defined in s. 29.008.

4125 3. Notwithstanding any other provision of this subsection,
4126 a discretionary sales surtax imposed or extended after the
4127 effective date of this act may provide for an amount not to
4128 exceed 15 percent of the local option sales surtax proceeds to
4129 be allocated for deposit to a trust fund within the county's
4130 accounts created for the purpose of funding economic development
4131 projects of a general public purpose targeted to improve local
4132 economies, including the funding of operational costs and
4133 incentives related to such economic development. The ballot
4134 statement must indicate the intention to make an allocation
4135 under the authority of this subparagraph.

4136 Section 91. Effective July 1, 2004, paragraph (d) of
4137 subsection (6) of section 212.20, Florida Statutes, as amended
4138 by section 1 of chapter 2002-291, Laws of Florida, is amended to
4139 read:

4140 212.20 Funds collected, disposition; additional powers of
4141 department; operational expense; refund of taxes adjudicated
4142 unconstitutionally collected.--

4143 (6) Distribution of all proceeds under this chapter and s.
4144 202.18(1)(b) and (2)(b) shall be as follows:

4145 (d) The proceeds of all other taxes and fees imposed
4146 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
4147 and (2)(b) shall be distributed as follows:



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4148 1. In any fiscal year, the greater of \$500 million, minus
 4149 an amount equal to 4.6 percent of the proceeds of the taxes
 4150 collected pursuant to chapter 201, or 5 percent of all other
 4151 taxes and fees imposed pursuant to this chapter or remitted
 4152 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
 4153 monthly installments into the General Revenue Fund.

4154 2. Two-tenths of one percent shall be transferred to the
 4155 Ecosystem Management and Restoration Trust Fund to be used for
 4156 water quality improvement and water restoration projects.

4157 3. After the distribution under subparagraphs 1. and 2.,
 4158 8.814 ~~9.653~~ percent of the amount remitted by a sales tax dealer
 4159 located within a participating county pursuant to s. 218.61
 4160 shall be transferred into the Local Government Half-cent Sales
 4161 Tax Clearing Trust Fund.

4162 4. After the distribution under subparagraphs 1., 2., and
 4163 3., 0.095 ~~0.065~~ percent shall be transferred to the Local
 4164 Government Half-cent Sales Tax Clearing Trust Fund and
 4165 distributed pursuant to s. 218.65.

4166 5. ~~For proceeds received after July 1, 2000, and~~ After the
 4167 distributions under subparagraphs 1., 2., 3., and 4., 2.0440
 4168 ~~2.25~~ percent of the available proceeds pursuant to this
 4169 paragraph shall be transferred monthly to the Revenue Sharing
 4170 Trust Fund for Counties pursuant to s. 218.215.

4171 6. ~~For proceeds received after July 1, 2000, and~~ After the
 4172 distributions under subparagraphs 1., 2., 3., and 4., 1.3409
 4173 ~~1.0715~~ percent of the available proceeds pursuant to this
 4174 paragraph shall be transferred monthly to the Revenue Sharing
 4175 Trust Fund for Municipalities pursuant to s. 218.215. If the
 4176 total revenue to be distributed pursuant to this subparagraph is
 4177 at least as great as the amount due from the Revenue Sharing



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4178 Trust Fund for Municipalities and the Municipal Financial
 4179 Assistance Trust Fund in state fiscal year 1999-2000, no
 4180 municipality shall receive less than the amount due from the
 4181 Revenue Sharing Trust Fund for Municipalities and the Municipal
 4182 Financial Assistance Trust Fund in state fiscal year 1999-2000.
 4183 If the total proceeds to be distributed are less than the amount
 4184 received in combination from the Revenue Sharing Trust Fund for
 4185 Municipalities and the Municipal Financial Assistance Trust Fund
 4186 in state fiscal year 1999-2000, each municipality shall receive
 4187 an amount proportionate to the amount it was due in state fiscal
 4188 year 1999-2000.

4189 7. Of the remaining proceeds:

4190 a. ~~Beginning July 1, 2000, and~~ In each fiscal year
 4191 ~~thereafter~~, the sum of \$29,915,500 shall be divided into as many
 4192 equal parts as there are counties in the state, and one part
 4193 shall be distributed to each county. The distribution among the
 4194 several counties shall begin each fiscal year on or before
 4195 January 5th and shall continue monthly for a total of 4 months.

4196 If a local or special law required that any moneys accruing to
 4197 a county in fiscal year 1999-2000 under the then-existing
 4198 provisions of s. 550.135 be paid directly to the district school
 4199 board, special district, or a municipal government, such payment
 4200 shall continue until such time that the local or special law is
 4201 amended or repealed. The state covenants with holders of bonds
 4202 or other instruments of indebtedness issued by local
 4203 governments, special districts, or district school boards prior
 4204 to July 1, 2000, that it is not the intent of this subparagraph
 4205 to adversely affect the rights of those holders or relieve local
 4206 governments, special districts, or district school boards of the
 4207 duty to meet their obligations as a result of previous pledges



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4208 or assignments or trusts entered into which obligated funds
4209 received from the distribution to county governments under then-
4210 existing s. 550.135. This distribution specifically is in lieu
4211 of funds distributed under s. 550.135 prior to July 1, 2000.

4212 b. The department shall distribute \$166,667 monthly
4213 pursuant to s. 288.1162 to each applicant that has been
4214 certified as a "facility for a new professional sports
4215 franchise" or a "facility for a retained professional sports
4216 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
4217 distributed monthly by the department to each applicant that has
4218 been certified as a "facility for a retained spring training
4219 franchise" pursuant to s. 288.1162; however, not more than
4220 \$208,335 may be distributed monthly in the aggregate to all
4221 certified facilities for a retained spring training franchise.
4222 Distributions shall begin 60 days following such certification
4223 and shall continue for not more than 30 years. Nothing contained
4224 in this paragraph shall be construed to allow an applicant
4225 certified pursuant to s. 288.1162 to receive more in
4226 distributions than actually expended by the applicant for the
4227 public purposes provided for in s. 288.1162(6). However, a
4228 certified applicant is entitled to receive distributions up to
4229 the maximum amount allowable and undistributed under this
4230 section for additional renovations and improvements to the
4231 facility for the franchise without additional certification.

4232 c. Beginning 30 days after notice by the Office of
4233 Tourism, Trade, and Economic Development to the Department of
4234 Revenue that an applicant has been certified as the professional
4235 golf hall of fame pursuant to s. 288.1168 and is open to the
4236 public, \$166,667 shall be distributed monthly, for up to 300
4237 months, to the applicant.



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4238 d. Beginning 30 days after notice by the Office of
4239 Tourism, Trade, and Economic Development to the Department of
4240 Revenue that the applicant has been certified as the
4241 International Game Fish Association World Center facility
4242 pursuant to s. 288.1169, and the facility is open to the public,
4243 \$83,333 shall be distributed monthly, for up to 168 months, to
4244 the applicant. This distribution is subject to reduction
4245 pursuant to s. 288.1169. A lump sum payment of \$999,996 shall
4246 be made, after certification and before July 1, 2000.

4247 8. All other proceeds shall remain with the General
4248 Revenue Fund.

4249 Section 92. Effective July 1, 2004, subsection (6) of
4250 section 218.21, Florida Statutes, is amended to read:

4251 218.21 Definitions.--As used in this part, the following
4252 words and terms shall have the meanings ascribed them in this
4253 section, except where the context clearly indicates a different
4254 meaning:

4255 (6) "Guaranteed entitlement" means the amount of revenue
4256 which must be shared with an eligible unit of local government
4257 so that:

4258 (a) No eligible county shall receive less funds from the
4259 Revenue Sharing Trust Fund for Counties in any fiscal year than
4260 the amount received in the aggregate from the state in fiscal
4261 year 1971-1972 under the provisions of the then-existing s.
4262 210.20(2)(c), tax on cigarettes; the then-existing s. 323.16(4),
4263 road tax; and the then-existing s. 199.292(4), tax on intangible
4264 personal property.

4265 (b) No eligible municipality shall receive less funds from
4266 the Revenue Sharing Trust Fund for Municipalities in any fiscal
4267 year than the aggregate amount it received from the state in



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4268 fiscal year 1971-1972 under the provisions of the then-existing
 4269 s. 210.20(2)(a), tax on cigarettes; the then-existing s.
 4270 323.16(3), road tax; and s. 206.605, tax on motor fuel. Any
 4271 government exercising municipal powers under s. 6(f), Art. VIII
 4272 of the State Constitution may not receive less than the
 4273 aggregate amount it received from the Revenue Sharing Trust Fund
 4274 for Municipalities in the ~~preceeding fiseal year, plus a~~
 4275 ~~percentage increase in such amount equal to the percentage~~
 4276 ~~increase of the Revenue Sharing Trust Fund for Municipalities~~
 4277 ~~for the preceeding~~ 2003-2004 fiscal year.

4278 Section 93. Effective July 1, 2004, subsection (4) is
 4279 added to section 218.25, Florida Statutes, to read:

4280 218.25 Limitation of shared funds; holders of bonds
 4281 protected; limitation on use of second guaranteed entitlement
 4282 for counties.--

4283 (4) Notwithstanding subsections (1) and (2), a county may
 4284 assign, pledge, or set aside as a trust for the payment of
 4285 principal or interest on bonds, tax anticipation certificates,
 4286 or any other form of indebtedness an amount up to 50 percent of
 4287 the funds received in the prior year.

4288 Section 94. Effective July 1, 2004, subsection (2) of
 4289 section 218.35, Florida Statutes, is amended to read:

4290 218.35 County fee officers; financial matters.--

4291 (2) The clerk of the circuit court, functioning in his or
 4292 her capacity as clerk of the circuit and county courts and as
 4293 clerk of the board of county commissioners, shall prepare his or
 4294 her budget in two parts:

4295 (a) The budget for funds necessary to perform court-
 4296 related functions as provided for in s. 28.36, which shall
 4297 detail the methodologies used to apportion costs between court-



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4298 related and non-court-related functions performed by the clerk.

4299 ~~The budget relating to the state courts system, including~~
4300 ~~recording, which shall be filed with the State Courts~~
4301 ~~Administrator as well as with the board of county commissioners;~~
4302 ~~and~~

4303 (b) The budget relating to the requirements of the clerk
4304 as clerk of the board of county commissioners, county auditor,
4305 and custodian or treasurer of all county funds and other county-
4306 related duties.

4307 Section 95. Effective July 1, 2004, paragraph (b) of
4308 subsection (1) and subsection (2) of section 318.15, Florida
4309 Statutes, are amended to read:

4310 318.15 Failure to comply with civil penalty or to appear;
4311 penalty.--

4312 (1)

4313 (b) However, a person who elects to attend driver
4314 improvement school and has paid the civil penalty as provided in
4315 s. 318.14(9), but who subsequently fails to attend the driver
4316 improvement school within the time specified by the court shall
4317 be deemed to have admitted the infraction and shall be
4318 adjudicated guilty. In such case the person must pay the clerk
4319 of the court the 18 percent deducted pursuant to s. 318.14(9),
4320 and a ~~\$10~~ processing fee of up to \$15, after which no additional
4321 penalties, court costs, or surcharges shall be imposed for the
4322 violation. The clerk of the court shall notify the department of
4323 the person's failure to attend driver improvement school and
4324 points shall be assessed pursuant to s. 322.27.

4325 (2) After suspension of the driver's license and privilege
4326 to drive of a person under subsection (1), the license and
4327 privilege may not be reinstated until the person complies with



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4328 all obligations and penalties imposed on him or her under s.
4329 318.18 and presents to a driver license office a certificate of
4330 compliance issued by the court, together with a ~~the \$25~~
4331 nonrefundable service fee of up to \$37.50 imposed under s.
4332 322.29, or pays the aforementioned ~~\$25~~ service fee of up to
4333 \$37.50 to the clerk of the court or tax collector clearing such
4334 suspension. Such person shall also be in compliance with
4335 requirements of chapter 322 prior to reinstatement.

4336 Section 96. Effective July 1, 2004, subsection (2),
4337 paragraphs (c), (d), (e), and (f) of subsection (3), and
4338 subsections (6), (7), and (11) of section 318.18, Florida
4339 Statutes, are amended to read:

4340 318.18 Amount of civil penalties.--The penalties required
4341 for a noncriminal disposition pursuant to s. 318.14 are as
4342 follows:

4343 (2) Thirty dollars for all nonmoving traffic violations
4344 and:

4345 (a) For all violations of s. 322.19.

4346 (b) For all violations of ss. 320.0605, 320.07(1),
4347 322.065, and 322.15(1). Any person who is cited for a violation
4348 of s. 320.07(1) shall be charged a delinquent fee pursuant to s.
4349 320.07(4).

4350 1. If a person who is cited for a violation of s. 320.0605
4351 or s. 320.07 can show proof of having a valid registration at
4352 the time of arrest, the clerk of the court may dismiss the case
4353 and may assess a ~~\$5~~ dismissal fee of up to \$7.50. A person who
4354 finds it impossible or impractical to obtain a valid
4355 registration certificate must submit an affidavit detailing the
4356 reasons for the impossibility or impracticality. The reasons may
4357 include, but are not limited to, the fact that the vehicle was



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4358 sold, stolen, or destroyed; that the state in which the vehicle
4359 is registered does not issue a certificate of registration; or
4360 that the vehicle is owned by another person.

4361 2. If a person who is cited for a violation of s. 322.03,
4362 s. 322.065, or s. 322.15 can show a driver's license issued to
4363 him or her and valid at the time of arrest, the clerk of the
4364 court may dismiss the case and may assess a ~~\$5~~ dismissal fee of
4365 up to \$7.50.

4366 3. If a person who is cited for a violation of s. 316.646
4367 can show proof of security as required by s. 627.733, issued to
4368 the person and valid at the time of arrest, the clerk of the
4369 court may dismiss the case and may assess a ~~\$5~~ dismissal fee of
4370 up to \$7.50. A person who finds it impossible or impractical to
4371 obtain proof of security must submit an affidavit detailing the
4372 reasons for the impracticality. The reasons may include, but are
4373 not limited to, the fact that the vehicle has since been sold,
4374 stolen, or destroyed; that the owner or registrant of the
4375 vehicle is not required by s. 627.733 to maintain personal
4376 injury protection insurance; or that the vehicle is owned by
4377 another person.

4378 (c) For all violations of ss. 316.2935 and 316.610.
4379 However, for a violation of s. 316.2935 or s. 316.610, if the
4380 person committing the violation corrects the defect and obtains
4381 proof of such timely repair by an affidavit of compliance
4382 executed by the law enforcement agency within 30 days from the
4383 date upon which the traffic citation was issued, and pays \$4 to
4384 the law enforcement agency, thereby completing the affidavit of
4385 compliance, then upon presentation of said affidavit by the
4386 defendant to the clerk within the 30-day time period set forth



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4387 under s. 318.14(4), the fine must be reduced to \$7.50 ~~\$5~~, which
4388 the clerk of the court shall retain.

4389 (d) For all violations of s. 316.126(1)(b), unless
4390 otherwise specified.

4391 (3)

4392 (c) Notwithstanding paragraph (b), a person cited for
4393 exceeding the speed limit by up to 5 m.p.h. in a legally posted
4394 school zone will be fined \$50. A person exceeding the speed
4395 limit in a school zone shall pay ~~will be assessed~~ a fine double
4396 the amount listed in paragraph (b).

4397 (d) A person cited for exceeding the speed limit in a
4398 posted construction zone shall pay ~~will be assessed~~ a fine
4399 double the amount listed in paragraph (b). The fine shall be
4400 doubled for construction zone violations only if construction
4401 personnel are present or operating equipment on the road or
4402 immediately adjacent to the road under construction.

4403 (e) If a violation of s. 316.1301 or s. 316.1303 results
4404 in an injury to the pedestrian or damage to the property of the
4405 pedestrian, an additional fine of up to \$250 shall be paid ~~must~~
4406 ~~be assessed~~. This amount must be distributed pursuant to s.
4407 318.21.

4408 (f) A person cited for exceeding the speed limit within a
4409 zone posted for any electronic or manual toll collection
4410 facility shall pay ~~will be assessed~~ a fine double the amount
4411 listed in paragraph (b). However, no person cited for exceeding
4412 the speed limit in any toll collection zone shall be subject to
4413 a doubled fine unless the governmental entity or authority
4414 controlling the toll collection zone first installs a traffic
4415 control device providing warning that speeding fines are



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4416 doubled. Any such traffic control device must meet the
4417 requirements of the uniform system of traffic control devices.

4418 (6) One hundred dollars or the fine amount designated by
4419 county ordinance, plus court costs for illegally parking, under
4420 s. 316.1955, in a parking space provided for people who have
4421 disabilities. However, this fine will be waived if a person
4422 provides to the law enforcement agency that issued the citation
4423 for such a violation proof that the person committing the
4424 violation has a valid parking permit or license plate issued
4425 pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845,
4426 or s. 320.0848 or a signed affidavit that the owner of the
4427 disabled parking permit or license plate was present at the time
4428 the violation occurred, and that such a parking permit or
4429 license plate was valid at the time the violation occurred. The
4430 law enforcement officer, upon determining that all required
4431 documentation has been submitted verifying that the required
4432 parking permit or license plate was valid at the time of the
4433 violation, must sign an affidavit of compliance. Upon provision
4434 of the affidavit of compliance and payment of a ~~\$5~~ dismissal fee
4435 of up to \$7.50 to the clerk of the circuit court, the clerk
4436 shall dismiss the citation.

4437 (7) One hundred dollars for a violation of s. 316.1001.
4438 However, a person may elect to pay \$30 to the clerk of the
4439 court, in which case adjudication is withheld, and no points are
4440 assessed under s. 322.27. Upon receipt of the fine, the clerk of
4441 the court must retain \$5 for administrative purposes and must
4442 forward the \$25 to the governmental entity that issued the
4443 citation. Any funds received by a governmental entity for this
4444 violation may be used for any lawful purpose related to the
4445 operation or maintenance of a toll facility.



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4446 (11)(a) Court costs that are to be in addition to the
 4447 stated fine must be paid ~~shall be imposed by the court~~ in an
 4448 amount not less than the following and shall be deposited by the
 4449 clerk into the fine and forfeiture fund established pursuant to
 4450 s. 142.01:

- 4451
- 4452 For pedestrian infractions.....\$ 3.
- 4453 For nonmoving traffic infractions.....\$ 16 ~~\$ 6.~~
- 4454 For moving traffic infractions.....\$ 30 ~~\$ 10.~~
- 4455

4456 (b) In addition to the court cost required ~~assessed~~ under
 4457 paragraph (a), ~~the court shall impose~~ a \$3 court cost must be
 4458 paid for each infraction to be distributed as provided in s.
 4459 938.01 and a \$2 court cost as provided in s. 938.15 when
 4460 assessed by a municipality or county.

4461

4462 ~~Court costs imposed under this subsection may not exceed \$30. A~~
 4463 ~~criminal justice selection center or other local criminal~~
 4464 ~~justice access and assessment center may be funded from these~~
 4465 ~~court costs.~~

4466 Section 97. Effective July 1, 2004, paragraphs (g) and (h)
 4467 of subsection (2) of section 318.21, Florida Statutes, are
 4468 amended to read:

4469 318.21 Disposition of civil penalties by county courts.--
 4470 All civil penalties received by a county court pursuant to the
 4471 provisions of this chapter shall be distributed and paid monthly
 4472 as follows:

4473 (2) Of the remainder:

4474 (g)1. If the violation occurred within a municipality or a
 4475 special improvement district of the Seminole Indian Tribe or



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4476 Miccosukee Indian Tribe, 56.4 percent shall be paid to that
 4477 municipality or special improvement district.

4478 2. If the violation occurred within the unincorporated
 4479 area of a county that is not within a special improvement
 4480 district of the Seminole Indian Tribe or Miccosukee Indian
 4481 Tribe, 56.4 percent shall be deposited into the fine and
 4482 forfeiture fund established pursuant to s. 142.01 ~~paid to that~~
 4483 ~~county.~~

4484 (h) Fifteen percent must be deposited into the General
 4485 Revenue County Article V Trust Fund.

4486 Section 98. Effective July 1, 2004, section 318.325,
 4487 Florida Statutes, is amended to read:

4488 318.325 Jurisdiction and procedure for parking
 4489 infractions.--Any county or municipality may adopt an ordinance
 4490 that allows the county or municipality to refer cases involving
 4491 the violation of a county or municipal parking ordinance to a
 4492 hearing officer funded by the county or municipality ~~designated~~
 4493 ~~to preside over civil traffic infractions in the county.~~

4494 Notwithstanding the provisions of ss. 318.14 and 775.08(3), any
 4495 parking violation shall be deemed to be an infraction as defined
 4496 in s. 318.13(3). However, the violation must be enforced and
 4497 disposed of in accordance with the provisions of general law
 4498 applicable to parking violations and with the charter or code of
 4499 the county or municipality where the violation occurred. The
 4500 clerk of the court or the designated traffic violations bureau
 4501 must collect and distribute the fines, forfeitures, and court
 4502 costs assessed under this section. Notwithstanding the
 4503 provisions of s. 318.21, fines and forfeitures received from
 4504 parking violations committed within the unincorporated areas of
 4505 the county or within the boundaries of the municipality must be



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4506 collected and paid monthly to the county or municipality,
4507 respectively. Court costs assessed by the hearing officer must
4508 be paid to the county.

4509 Section 99. Effective July 1, 2004, subsection (1) of
4510 section 322.245, Florida Statutes, is amended to read:

4511 322.245 Suspension of license upon failure of person
4512 charged with specified offense under chapter 316, chapter 320,
4513 or this chapter to comply with directives ordered by traffic
4514 court or upon failure to pay child support in non-IV-D cases as
4515 provided in chapter 61.--

4516 (1) If a person who is charged with a violation of any of
4517 the criminal offenses enumerated in s. 318.17 or with the
4518 commission of any offense constituting a misdemeanor under
4519 chapter 320 or this chapter fails to comply with all of the
4520 directives of the court within the time allotted by the court,
4521 the clerk of the traffic court shall mail to the person, at the
4522 address specified on the uniform traffic citation, a notice of
4523 such failure, notifying him or her that, if he or she does not
4524 comply with the directives of the court within 30 days after the
4525 date of the notice and pay a delinquency fee of up to \$15 ~~\$10~~ to
4526 the clerk, his or her driver's license will be suspended. The
4527 notice shall be mailed no later than 5 days after such failure.
4528 The delinquency fee may be retained by the office of the clerk
4529 to defray the operating costs of the office.

4530 Section 100. Effective July 1, 2004, paragraph (a) of
4531 subsection (9) of section 327.73, Florida Statutes, is amended
4532 to read:

4533 327.73 Noncriminal infractions.--

4534 (9)(a) Any person who fails to comply with the court's
4535 requirements or who fails to pay the civil penalties specified



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4536 in this section within the 30-day period provided for in s.
 4537 327.72 must pay an additional court cost of up to \$18 ~~\$12~~, which
 4538 shall be used by the clerks of the courts to defray the costs of
 4539 tracking unpaid uniform boating citations.

4540 Section 101. Effective July 1, 2004, section 382.023,
 4541 Florida Statutes, is amended to read:

4542 382.023 Department to receive dissolution-of-marriage
 4543 records; fees.--Clerks of the circuit courts shall collect for
 4544 their services at the time of the filing of a final judgment of
 4545 dissolution of marriage a fee of up to \$10.50 ~~\$7~~, of which 43
 4546 percent ~~\$3~~ shall be retained by the circuit court as a part of
 4547 the cost in the cause in which the judgment is granted. The
 4548 remaining 57 percent ~~\$4~~ shall be remitted to the Department of
 4549 Revenue for deposit to the Department of Health to defray part
 4550 of the cost of maintaining the dissolution-of-marriage records.
 4551 A record of each and every judgment of dissolution of marriage
 4552 granted by the court during the preceding calendar month, giving
 4553 names of parties and such other data as required by forms
 4554 prescribed by the department, shall be transmitted to the
 4555 department, on or before the 10th day of each month, along with
 4556 an accounting of the funds remitted to the Department of Revenue
 4557 pursuant to this section.

4558 Section 102. Effective July 1, 2004, paragraph (c) of
 4559 subsection (4) of section 392.55, Florida Statutes, is amended
 4560 to read:

4561 392.55 Physical examination and treatment.--

4562 (4) A warrant requiring a person to be apprehended or
 4563 examined on an outpatient basis may not be issued unless:

4564 (c) The court advises the person of the right to have
 4565 legal counsel present. If the person is insolvent and unable to



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4566 employ counsel, the court shall appoint legal counsel for the
 4567 person pursuant to the indigence ~~indigency~~ criteria in s. 27.52.

4568 Section 103. Effective July 1, 2004, paragraph (c) of
 4569 subsection (3) of section 392.56, Florida Statutes, is amended
 4570 to read:

4571 392.56 Hospitalization, placement, and residential
 4572 isolation.--

4573 (3) A person may not be ordered by a circuit court to be
 4574 hospitalized, placed in another health care facility or
 4575 residential facility, or isolated from the general public in the
 4576 home, unless:

4577 (c) The court advises the person of the right to have
 4578 counsel present. If the person is insolvent and unable to employ
 4579 counsel, the court shall appoint legal counsel for the person
 4580 pursuant to the indigence ~~indigency~~ criteria in s. 27.52.

4581 Section 104. Effective July 1, 2004, section 394.473,
 4582 Florida Statutes, is amended to read:

4583 394.473 Attorney's fee; expert witness fee.--

4584 (1) In case of the indigence ~~indigency~~ of any person for
 4585 whom an attorney is appointed pursuant to the provisions of this
 4586 part, the attorney shall be entitled to a reasonable fee to be
 4587 determined by the court and paid from the general fund of the
 4588 county from which the patient was involuntarily detained. In
 4589 case of the indigence ~~indigency~~ of any such person, the court
 4590 may appoint a public defender. The public defender shall receive
 4591 no additional compensation other than that usually paid his or
 4592 her office.

4593 (2) In case of the indigence ~~indigency~~ of any person for
 4594 whom expert testimony is required in a court hearing pursuant to
 4595 the provisions of this act, the expert, except one who is



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4596 classified as a full-time employee of the state or who is
4597 receiving remuneration from the state for his or her time in
4598 attendance at the hearing, shall be entitled to a reasonable fee
4599 to be determined by the court and paid from the general fund of
4600 the county from which the patient was involuntarily detained.

4601 Section 105. Effective July 1, 2004, subsection (1) of
4602 section 395.3025, Florida Statutes, is amended to read:

4603 395.3025 Patient and personnel records; copies;
4604 examination.--

4605 (1) Any licensed facility shall, upon written request, and
4606 only after discharge of the patient, furnish, in a timely
4607 manner, without delays for legal review, to any person admitted
4608 therein for care and treatment or treated thereat, or to any
4609 such person's guardian, curator, or personal representative, or
4610 in the absence of one of those persons, to the next of kin of a
4611 decedent or the parent of a minor, or to anyone designated by
4612 such person in writing, a true and correct copy of all patient
4613 records, including X rays, and insurance information concerning
4614 such person, which records are in the possession of the licensed
4615 facility, provided the person requesting such records agrees to
4616 pay a charge. The exclusive charge for copies of patient records
4617 may include sales tax and actual postage, and, except for
4618 nonpaper records which are subject to a charge not to exceed \$2
4619 as provided in s. 28.24~~(6)~~~~(9)~~(c), may not exceed \$1 per page, as
4620 provided in s. 28.24~~(5)~~~~(8)~~(a). A fee of up to \$1 may be charged
4621 for each year of records requested. These charges shall apply to
4622 all records furnished, whether directly from the facility or
4623 from a copy service providing these services on behalf of the
4624 facility. However, a patient whose records are copied or
4625 searched for the purpose of continuing to receive medical care



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4626 is not required to pay a charge for copying or for the search.
4627 The licensed facility shall further allow any such person to
4628 examine the original records in its possession, or microforms or
4629 other suitable reproductions of the records, upon such
4630 reasonable terms as shall be imposed to assure that the records
4631 will not be damaged, destroyed, or altered.

4632 Section 106. Effective July 1, 2004, section 397.334,
4633 Florida Statutes, is amended to read:

4634 397.334 Treatment-based drug court programs.--

4635 ~~(1) It is the intent of the Legislature to implement~~
4636 ~~treatment-based drug court programs in each judicial circuit in~~
4637 ~~an effort to reduce crime and recidivism, abuse and neglect~~
4638 ~~cases, and family dysfunction by breaking the cycle of addiction~~
4639 ~~which is the most predominant cause of cases entering the~~
4640 ~~justice system. The Legislature recognizes that the integration~~
4641 ~~of judicial supervision, treatment, accountability, and~~
4642 ~~sanctions greatly increases the effectiveness of substance abuse~~
4643 ~~treatment. The Legislature also seeks to ensure that there is a~~
4644 ~~coordinated, integrated, and multidisciplinary response to the~~
4645 ~~substance abuse problem in this state, with special attention~~
4646 ~~given to creating partnerships between the public and private~~
4647 ~~sectors and to the coordinated, supported, and integrated~~
4648 ~~delivery of multiple-system services for substance abusers,~~
4649 ~~including a multiagency team approach to service delivery.~~

4650 (1)(2) Each county may fund ~~judicial circuit shall~~
4651 ~~establish a model of~~ a treatment-based drug court program under
4652 which persons in the justice system assessed with a substance
4653 abuse problem will be processed in such a manner as to
4654 appropriately address the severity of the identified substance
4655 abuse problem through treatment plans tailored to the individual



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4656 needs of the participant. ~~These treatment-based drug court~~
4657 ~~program models may be established in the misdemeanor, felony,~~
4658 ~~family, delinquency, and dependency divisions of the judicial~~
4659 ~~circuits.~~ It is the intent of the Legislature to encourage the
4660 Department of Corrections, the Department of Children and Family
4661 Services, the Department of Juvenile Justice, the Department of
4662 Health, the Department of Law Enforcement, and such other
4663 agencies, local governments, law enforcement agencies, and other
4664 interested public or private sources to support the creation and
4665 establishment of these problem-solving court programs.
4666 Participation in the treatment-based drug court programs does
4667 not divest any public or private agency of its responsibility
4668 for a child or adult, but allows these agencies to better meet
4669 their needs through shared responsibility and resources.

4670 (2)~~(3)~~ The treatment-based drug court programs shall
4671 include therapeutic jurisprudence principles and adhere to the
4672 following 10 key components, recognized by the Drug Courts
4673 Program Office of the Office of Justice Programs of the United
4674 States Department of Justice and adopted by the Florida Supreme
4675 Court Treatment-Based Drug Court Steering Committee:

4676 (a) Drug court programs integrate alcohol and other drug
4677 treatment services with justice system case processing.

4678 (b) Using a nonadversarial approach, prosecution and
4679 defense counsel promote public safety while protecting
4680 participants' due process rights.

4681 (c) Eligible participants are identified early and
4682 promptly placed in the drug court program.

4683 (d) Drug court programs provide access to a continuum of
4684 alcohol, drug, and other related treatment and rehabilitation
4685 services.



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4686 (e) Abstinence is monitored by frequent testing for
4687 alcohol and other drugs.

4688 (f) A coordinated strategy governs drug court program
4689 responses to participants' compliance.

4690 (g) Ongoing judicial interaction with each drug court
4691 program participant is essential.

4692 (h) Monitoring and evaluation measure the achievement of
4693 program goals and gauge program effectiveness.

4694 (i) Continuing interdisciplinary education promotes
4695 effective drug court program planning, implementation, and
4696 operations.

4697 (j) Forging partnerships among drug court programs, public
4698 agencies, and community-based organizations generates local
4699 support and enhances drug court program effectiveness.

4700 ~~(3)~~(4) Treatment-based drug court programs may include
4701 pretrial intervention programs as provided in ss. 948.08,
4702 948.16, and 985.306.

4703 ~~(4)~~(5)(a) The Florida Association of Drug Court Program
4704 Professionals is created. The membership of the association may
4705 consist of drug court program practitioners who comprise the
4706 multidisciplinary drug court program team, including, but not
4707 limited to, judges, state attorneys, defense counsel, drug court
4708 program coordinators, probation officers, law enforcement
4709 officers, members of the academic community, and treatment
4710 professionals. Membership in the association shall be voluntary.

4711 (b) The association shall annually elect a chair whose
4712 duty is to solicit recommendations from members on issues
4713 relating to the expansion, operation, and institutionalization
4714 of drug court programs. The chair is responsible for providing
4715 the association's recommendations to the Supreme Court



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4716 Treatment-Based Drug Court Steering Committee, and shall submit
 4717 a report each year, on or before October 1, to the steering
 4718 committee.

4719 (5) If a county chooses to fund a treatment-based drug
 4720 court program, the county must secure funding from sources other
 4721 than the state for those costs not otherwise assumed by the
 4722 state pursuant to s. 29.004. Counties may provide, by interlocal
 4723 agreement, for the collective funding of these programs.

4724 Section 107. Effective July 1, 2004, subsection (3) of
 4725 section 712.06, Florida Statutes, is amended to read:

4726 712.06 Contents of notice; recording and indexing.--

4727 (3) The clerk of the circuit court shall, upon such
 4728 filing, mail by registered or certified mail to the purported
 4729 owner of said property, as stated in such notice, a copy thereof
 4730 and shall enter on the original, before recording the same, a
 4731 certificate showing such mailing. For preparing the certificate,
 4732 the claimant shall pay to the clerk the service charge as
 4733 prescribed in s. 28.24(8)~~(11)~~ and the necessary costs of
 4734 mailing, in addition to the recording charges as prescribed in
 4735 s. 28.24(12)~~(15)~~. If the notice names purported owners having
 4736 more than one address, the person filing the same shall furnish
 4737 a true copy for each of the several addresses stated, and the
 4738 clerk shall send one such copy to the purported owners named at
 4739 each respective address. Such certificate shall be sufficient if
 4740 the same reads substantially as follows:

4741
 4742 I hereby certify that I did on this _____, mail by
 4743 registered (or certified) mail a copy of the foregoing notice to
 4744 each of the following at the address stated:

4745 ... (Clerk of the circuit court) ...



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4746 of _____ County, Florida,
 4747 By ... (Deputy clerk) ...

4748
 4749 The clerk of the circuit court is not required to mail to the
 4750 purported owner of such property any such notice that pertains
 4751 solely to the preserving of any covenant or restriction or any
 4752 portion of a covenant or restriction.

4753 Section 108. Effective July 1, 2004, subsection (1) of
 4754 section 713.24, Florida Statutes, is amended to read:

4755 713.24 Transfer of liens to security.--

4756 (1) Any lien claimed under this part may be transferred,
 4757 by any person having an interest in the real property upon which
 4758 the lien is imposed or the contract under which the lien is
 4759 claimed, from such real property to other security by either:

4760 (a) Depositing in the clerk's office a sum of money, or

4761 (b) Filing in the clerk's office a bond executed as surety
 4762 by a surety insurer licensed to do business in this state,

4763
 4764 either to be in an amount equal to the amount demanded in such
 4765 claim of lien, plus interest thereon at the legal rate for 3
 4766 years, plus \$1,000 or 25 percent of the amount demanded in the
 4767 claim of lien, whichever is greater, to apply on any attorney's
 4768 fees and court costs that may be taxed in any proceeding to
 4769 enforce said lien. Such deposit or bond shall be conditioned to
 4770 pay any judgment or decree which may be rendered for the
 4771 satisfaction of the lien for which such claim of lien was
 4772 recorded. Upon making such deposit or filing such bond, the
 4773 clerk shall make and record a certificate showing the transfer
 4774 of the lien from the real property to the security and shall
 4775 mail a copy thereof by registered or certified mail to the



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4776 lienor named in the claim of lien so transferred, at the address
 4777 stated therein. Upon filing the certificate of transfer, the
 4778 real property shall thereupon be released from the lien claimed,
 4779 and such lien shall be transferred to said security. In the
 4780 absence of allegations of privity between the lienor and the
 4781 owner, and subject to any order of the court increasing the
 4782 amount required for the lien transfer deposit or bond, no other
 4783 judgment or decree to pay money may be entered by the court
 4784 against the owner. The clerk shall be entitled to a fee for
 4785 making and serving the certificate, in the sum of up to \$15 ~~\$10~~.

4786 If the transaction involves the transfer of multiple liens, an
 4787 additional charge of up to \$7.50 ~~\$5~~ for each additional lien
 4788 shall be charged. For recording the certificate and approving
 4789 the bond, the clerk shall receive her or his usual statutory
 4790 service charges as prescribed in s. 28.24. Any number of liens
 4791 may be transferred to one such security.

4792 Section 109. Effective July 1, 2004, subsection (3) is
 4793 added to section 721.83, Florida Statutes, to read:

4794 721.83 Consolidation of foreclosure actions.--

4795 (3) The clerk of court shall require a plaintiff to pay
 4796 separate filing fees and service charges as provided by general
 4797 law for each defendant in a consolidated foreclosure action
 4798 filed pursuant to this section.

4799 Section 110. Effective July 1, 2004, paragraph (c) of
 4800 subsection (2) of section 741.30, Florida Statutes, is amended
 4801 to read:

4802 741.30 Domestic violence; injunction; powers and duties of
 4803 court and clerk; petition; notice and hearing; temporary
 4804 injunction; issuance of injunction; statewide verification
 4805 system; enforcement.--



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4806 (2)

4807 (c)1. The clerk of the court shall assist petitioners in
4808 seeking both injunctions for protection against domestic
4809 violence and enforcement for a violation thereof as specified in
4810 this section.

4811 2. All clerks' offices shall provide simplified petition
4812 forms for the injunction, any modifications, and the enforcement
4813 thereof, including instructions for completion.

4814 3. The clerk of the court shall advise petitioners of the
4815 opportunity to apply for a certificate of indigence ~~availability~~
4816 ~~of affidavits of insolvency or indigence~~ in lieu of prepayment
4817 ~~payment~~ for the cost of the filing fee, as provided in paragraph
4818 (a).

4819 4. The clerk of the court shall ensure the petitioner's
4820 privacy to the extent practical while completing the forms for
4821 injunctions for protection against domestic violence.

4822 5. The clerk of the court shall provide petitioners with a
4823 minimum of two certified copies of the order of injunction, one
4824 of which is serviceable and will inform the petitioner of the
4825 process for service and enforcement.

4826 6. Clerks of court and appropriate staff in each county
4827 shall receive training in the effective assistance of
4828 petitioners as provided or approved by the Florida Association
4829 of Court Clerks.

4830 7. The clerk of the court in each county shall make
4831 available informational brochures on domestic violence when such
4832 brochures are provided by local certified domestic violence
4833 centers.

4834 8. The clerk of the court in each county shall distribute
4835 a statewide uniform informational brochure to petitioners at the



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4836 time of filing for an injunction for protection against domestic
4837 or repeat violence when such brochures become available. The
4838 brochure must include information about the effect of giving the
4839 court false information about domestic violence.

4840 Section 111. Effective July 1, 2004, section 744.3135,
4841 Florida Statutes, is amended to read:

4842 744.3135 Credit and criminal investigation.--The court may
4843 require a nonprofessional guardian and shall require a
4844 professional or public guardian, and all employees of a
4845 professional guardian who have a fiduciary responsibility to a
4846 ward, to submit, at their own expense, to an investigation of
4847 the guardian's credit history and to undergo level 2 background
4848 screening as required under s. 435.04. The clerk of the court
4849 shall obtain fingerprint cards from the Federal Bureau of
4850 Investigation and make them available to guardians. Any guardian
4851 who is so required shall have his or her fingerprints taken and
4852 forward the proper fingerprint card along with the necessary fee
4853 to the Florida Department of Law Enforcement for processing. The
4854 professional guardian shall pay to the clerk of the court a fee
4855 of up to \$7.50 ~~\$5~~ for handling and processing professional
4856 guardian files. The results of the fingerprint checks shall be
4857 forwarded to the clerk of court who shall maintain the results
4858 in a guardian file and shall make the results available to the
4859 court. If credit or criminal investigations are required, the
4860 court must consider the results of the investigations in
4861 appointing a guardian. Guardians and all employees of a
4862 professional guardian who have a fiduciary responsibility to a
4863 ward, so appointed, must resubmit, at their own expense, to an
4864 investigation of credit history, and undergo level 1 background
4865 screening as required under s. 435.03, every 2 years after the



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4866 date of their appointment. The court must consider the results
4867 of these investigations in reappointing a guardian. This section
4868 shall not apply to a professional guardian, or to the employees
4869 of a professional guardian, that is a trust company, a state
4870 banking corporation or state savings association authorized and
4871 qualified to exercise fiduciary powers in this state, or a
4872 national banking association or federal savings and loan
4873 association authorized and qualified to exercise fiduciary
4874 powers in this state.

4875 Section 112. Effective July 1, 2004, paragraph (a) of
4876 subsection (6) of section 744.365, Florida Statutes, is amended
4877 to read:

4878 744.365 Verified inventory.--

4879 (6) AUDIT FEE.--

4880 (a) Where the value of the ward's property exceeds
4881 \$25,000, a guardian shall pay from the ward's property to the
4882 clerk of the circuit court a fee of up to \$75 ~~\$50~~, upon the
4883 filing of the verified inventory, for the auditing of the
4884 inventory. Any guardian unable to pay the auditing fee may
4885 petition the court for waiver of the fee. The court may waive
4886 the fee after it has reviewed the documentation filed by the
4887 guardian in support of the waiver. ~~If the fee is waived for a~~
4888 ~~ward, the audit fee must be paid from the general fund of the~~
4889 ~~county in which the guardianship proceeding is conducted.~~

4890 Section 113. Effective July 1, 2004, subsection (4) of
4891 section 744.3678, Florida Statutes, is amended to read:

4892 744.3678 Annual accounting.--

4893 (4) The guardian shall pay from the ward's estate to the
4894 clerk of the circuit court a fee based upon the following



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4895 graduated fee schedule, upon the filing of the annual financial
4896 return, for the auditing of the return:

4897 (a) For estates with a value of \$25,000 or less the clerk
4898 of the court may charge a fee of up to \$15 ~~the fee shall be \$10.~~

4899 (b) For estates with a value of more than \$25,000 up to
4900 and including \$100,000 the clerk of the court may charge a fee
4901 of up to \$75 ~~the fee shall be \$50.~~

4902 (c) For estates with a value of more than \$100,000 up to
4903 and including \$500,000 the clerk of the court may charge a fee
4904 of up to \$150 ~~the fee shall be \$100.~~

4905 (d) For estates with a value in excess of \$500,000 the
4906 clerk of the court may charge a fee of up to \$225 ~~the fee shall~~
4907 ~~be \$150.~~

4908
4909 Any guardian unable to pay the auditing fee may petition the
4910 court for a waiver of the fee. The court may waive the fee
4911 after it has reviewed the documentation filed by the guardian in
4912 support of the waiver. ~~Upon such waiver, the clerk of the~~
4913 ~~circuit court shall bill the board of county commissioners for~~
4914 ~~the auditing fee.~~

4915 Section 114. Effective July 1, 2004, section 775.083,
4916 Florida Statutes, is amended to read:

4917 775.083 Fines.--

4918 (1) A person who has been convicted of an offense other
4919 than a capital felony may be sentenced to pay a fine in addition
4920 to any punishment described in s. 775.082; when specifically
4921 authorized by statute, he or she may be sentenced to pay a fine
4922 in lieu of any punishment described in s. 775.082. A person who
4923 has been convicted of a noncriminal violation may be sentenced



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4924 to pay a fine. Fines for designated crimes and for noncriminal
4925 violations shall not exceed:

4926 (a) \$15,000, when the conviction is of a life felony.

4927 (b) \$10,000, when the conviction is of a felony of the
4928 first or second degree.

4929 (c) \$5,000, when the conviction is of a felony of the
4930 third degree.

4931 (d) \$1,000, when the conviction is of a misdemeanor of the
4932 first degree.

4933 (e) \$500, when the conviction is of a misdemeanor of the
4934 second degree or a noncriminal violation.

4935 (f) Any higher amount equal to double the pecuniary gain
4936 derived from the offense by the offender or double the pecuniary
4937 loss suffered by the victim.

4938 (g) Any higher amount specifically authorized by statute.
4939

4940 Fines imposed in this subsection shall be deposited by the clerk
4941 of the court in the fine and forfeiture fund established
4942 pursuant to s. 142.01. If a defendant is unable to pay a fine,
4943 the court may defer payment of the fine to a date certain.

4944 (2)(a) In addition to the fines set forth in subsection
4945 (1), court costs shall be assessed and collected in each
4946 instance a defendant pleads nolo contendere to, or is convicted
4947 of, or adjudicated delinquent for, a felony, a misdemeanor, or a
4948 criminal traffic offense under state law, or a violation of any
4949 municipal or county ordinance if the violation constitutes a
4950 misdemeanor under state law. The court costs imposed by this
4951 section shall be \$50 for a felony and \$20 for any other offense
4952 and shall be deposited by the clerk of the court into an
4953 appropriate county account for disbursement for the purposes



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4954 provided in this subsection. A county shall account for the
 4955 funds separately from other county funds as crime prevention
 4956 funds. The county, in consultation with the sheriff, must expend
 4957 such funds for crime prevention programs in the county,
 4958 including safe neighborhood programs under ss. 163.501-163.523.
 4959 ~~A county may adopt an ordinance imposing, in addition to any~~
 4960 ~~other fine, penalty, or cost imposed by subsection (1) or any~~
 4961 ~~other provision of law, a fine upon any person who, with respect~~
 4962 ~~to a charge, indictment, or prosecution commenced in that~~
 4963 ~~county, pleads guilty or nolo contendere to, or is convicted of~~
 4964 ~~or adjudicated delinquent for, a felony, a misdemeanor, or a~~
 4965 ~~criminal traffic offense under state law, or a violation of any~~
 4966 ~~municipal or county ordinance if the violation constitutes a~~
 4967 ~~misdemeanor under state law.~~

4968 ~~(b) The fine is \$50 for a felony and \$20 for any other~~
 4969 ~~offense. When the defendant enters the plea or is convicted or~~
 4970 ~~adjudicated, in a court in that county, the court may order the~~
 4971 ~~defendant to pay such fine if the court finds that the defendant~~
 4972 ~~has the ability to pay the fine and that the defendant would not~~
 4973 ~~be prevented thereby from being rehabilitated or making~~
 4974 ~~restitution.~~

4975 ~~(c) The clerk of the court shall collect and deposit the~~
 4976 ~~finances in an appropriate county account for disbursement for the~~
 4977 ~~purposes provided in this subsection.~~

4978 ~~(d) A county that imposes the additional fines authorized~~
 4979 ~~under this subsection shall account for the fines separately~~
 4980 ~~from other county funds, as crime prevention funds. The county,~~
 4981 ~~in consultation with the sheriff, must expend such fines for the~~
 4982 ~~costs of collecting the fines and for crime prevention programs~~



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4983 ~~in the county, including safe neighborhood programs under ss.~~
 4984 ~~163.501-163.523.~~

4985 (3) The purpose of this section is to provide uniform
 4986 penalty authorization for criminal offenses and, to this end, a
 4987 reference to this section constitutes a general reference under
 4988 the doctrine of incorporation by reference.

4989 Section 115. Effective July 1, 2004, subsection (6) of
 4990 section 796.07, Florida Statutes, is amended to read:

4991 796.07 Prohibiting prostitution, etc.; evidence;
 4992 penalties; definitions.--

4993 (6) A person who violates paragraph (2)(f) shall be
 4994 assessed a civil penalty of \$500 if the violation results in any
 4995 judicial disposition other than acquittal or dismissal. The
 4996 proceeds from penalties assessed under this subsection shall be
 4997 paid to the circuit court ~~courts~~ administrator for the sole
 4998 purpose of paying the administrative costs of ~~mandatory~~
 4999 treatment-based drug court programs provided under s. 397.334.

5000 Section 116. Effective July 1, 2004, section 914.11,
 5001 Florida Statutes, is amended to read:

5002 914.11 Indigent defendants.--~~If a court decides, on the~~
 5003 ~~basis of an affidavit, that a~~ defendant in a criminal case is
 5004 indigent pursuant to s. 27.52 and presently unable to pay the
 5005 cost of procuring the attendance of witnesses, the defendant may
 5006 seek a deferral of these costs; however, the ~~such~~ defendant may
 5007 subpoena the witnesses, and the costs, including the cost of the
 5008 defendant's copy of all depositions and transcripts which are
 5009 certified by the defendant's attorney as serving a useful
 5010 purpose in the disposition of the case, shall be paid by the
 5011 state ~~county~~. When depositions are taken outside the circuit in
 5012 which the case is pending, travel expenses shall be paid by the



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5013 state ~~county~~ in accordance with s. 112.061 and shall also be
 5014 taxed as costs payable to the state.

5015 Section 117. Effective July 1, 2004, paragraph (a) of
 5016 subsection (2) of section 916.107, Florida Statutes, is amended
 5017 to read:

5018 916.107 Rights of forensic clients.--

5019 (2) RIGHT TO TREATMENT.--

5020 (a) The policy of the state is that the department shall
 5021 not deny treatment or training to any client and that no
 5022 services shall be delayed at a facility because the forensic
 5023 client is indigent pursuant to s. 27.52 and presently unable to
 5024 pay. However, every reasonable effort to collect appropriate
 5025 reimbursement for the cost of providing services to clients able
 5026 to pay for the services, including reimbursement from insurance
 5027 or other third-party payments, shall be made by facilities
 5028 providing services pursuant to this chapter and in accordance
 5029 with the provisions of s. 402.33.

5030 Section 118. Effective July 1, 2004, subsection (3) of
 5031 section 916.15, Florida Statutes, is amended to read:

5032 916.15 Involuntary commitment of defendant adjudicated not
 5033 guilty by reason of insanity.--

5034 (3) In all proceedings under this subsection, both the
 5035 defendant and the state shall have the right to a hearing before
 5036 the committing court. Evidence at such hearing may be presented
 5037 by the hospital administrator or the administrator's designee as
 5038 well as by the state and the defendant. The defendant shall have
 5039 the right to counsel at any such hearing. In the event that a
 5040 defendant is determined to be indigent pursuant to s. 27.52
 5041 ~~cannot afford counsel, the court shall appoint~~ the public
 5042 defender shall ~~to~~ represent the defendant. The parties shall



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5043 have access to the defendant's records at the treating
5044 facilities and may interview or depose personnel who have had
5045 contact with the defendant at the treating facilities.

5046 Section 119. Section 938.01, Florida Statutes, as amended
5047 by section 77 of chapter 2002-402, Laws of Florida, is amended
5048 to read:

5049 938.01 Additional Court Cost Clearing Trust Fund.--

5050 (1) All courts created by Art. V of the State Constitution
5051 shall, in addition to any fine or other penalty, require assess
5052 ~~\$3 as a court cost against~~ every person convicted for violation
5053 of a state penal or criminal statute or convicted for violation
5054 of a municipal or county ordinance to pay \$3 as a court cost.

5055 Any person whose adjudication is withheld pursuant to the
5056 provisions of s. 318.14(9) or (10) shall also be liable for
5057 payment of ~~be assessed~~ such cost. In addition, \$3 from every
5058 bond estreature or forfeited bail bond related to such penal
5059 statutes or penal ordinances shall be remitted to the Department
5060 of Revenue as described in this subsection. However, no such
5061 assessment may be made against any person convicted for
5062 violation of any state statute, municipal ordinance, or county
5063 ordinance relating to the parking of vehicles.

5064 (a) All costs collected by the courts pursuant to this
5065 subsection shall be remitted to the Department of Revenue in
5066 accordance with administrative rules adopted by the executive
5067 director of the Department of Revenue for deposit in the
5068 Additional Court Cost Clearing Trust Fund. These funds and the
5069 funds deposited in the Additional Court Cost Clearing Trust Fund
5070 pursuant to s. 318.21(2)(c) shall be distributed as follows:

5071 1. Ninety-two percent to the Department of Law Enforcement
5072 Criminal Justice Standards and Training Trust Fund.



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5073 2. Six and three-tenths percent to the Department of Law
5074 Enforcement Operating Trust Fund for the Criminal Justice Grant
5075 Program.

5076 3. One and seven-tenths percent to the Department of
5077 Children and Family Services Domestic Violence Trust Fund for
5078 the domestic violence program pursuant to s. 39.903(3).

5079 (b) The funds deposited in the Department of Law
5080 Enforcement Criminal Justice Standards and Training Trust Fund,
5081 the Department of Law Enforcement Operating Trust Fund, and the
5082 Department of Children and Family Services Domestic Violence
5083 Trust Fund may be invested. Any interest earned from investing
5084 such funds and any unencumbered funds remaining at the end of
5085 the budget cycle shall remain in the respective trust fund.

5086 (c) All funds in the Department of Law Enforcement
5087 Criminal Justice Standards and Training Trust Fund shall be
5088 disbursed only in compliance with s. 943.25(9).

5089 (2) Except as provided by s. 938.15 and notwithstanding
5090 any other provision of law, no funds collected and deposited
5091 pursuant to this section or s. 943.25 shall be expended unless
5092 specifically appropriated by the Legislature.

5093 Section 120. Section 938.03, Florida Statutes, is amended
5094 to read:

5095 938.03 Crimes Compensation Trust Fund.--

5096 (1) ~~When~~ Any person pleading ~~pleads~~ guilty or nolo
5097 contendere to, or being ~~is~~ convicted of or adjudicated
5098 delinquent for, any felony, misdemeanor, delinquent act, or
5099 criminal traffic offense under the laws of this state or the
5100 violation of any municipal or county ordinance which adopts by
5101 reference any misdemeanor under state law, ~~there~~ shall pay ~~be~~
5102 ~~imposed~~ as an additional cost in the case, in addition and prior



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5103 to any other cost required to be imposed by law, the sum of \$50.
 5104 Any person whose adjudication is withheld shall also be assessed
 5105 such cost.

5106 (2) These costs shall not be ~~are considered assessed~~
 5107 ~~unless specifically~~ waived by the court. ~~If the court does not~~
 5108 ~~order these costs, it shall state on the record, in detail, the~~
 5109 ~~reasons therefor.~~

5110 (3) In the event that the individual has been ordered to
 5111 pay restitution in accordance with s. 775.089, costs referenced
 5112 in this section shall be included in a judgment.

5113 (4) The clerk of the court shall collect and forward \$49
 5114 of each \$50 collected to the Department of Revenue, to be
 5115 deposited in the Crimes Compensation Trust Fund. The clerk shall
 5116 retain the remaining \$1 of each \$50 collected as an additional
 5117 cost by a service charge of the clerk's office. ~~Under no~~
 5118 ~~condition shall a political subdivision be held liable for the~~
 5119 ~~payment of this sum of \$50.~~

5120 Section 121. Effective July 1, 2004, section 938.05,
 5121 Florida Statutes, is amended to read:

5122 938.05 Additional court costs for felonies, misdemeanors,
 5123 and criminal traffic offenses ~~Local Government Criminal Justice~~
 5124 ~~Trust Fund.--~~

5125 (1) ~~When~~ Any person pleading ~~pleads~~ nolo contendere to a
 5126 misdemeanor or criminal traffic offense under s. 318.14(10)(a)
 5127 or pleading ~~pleads~~ guilty or nolo contendere to, or being is
 5128 found guilty of, any felony, misdemeanor, or criminal traffic
 5129 offense under the laws of this state or the violation of any
 5130 municipal or county ordinance which adopts by reference any
 5131 misdemeanor under state law, ~~there shall~~ pay ~~be imposed~~ as a



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5132 cost in the case, in addition to any other cost required to be
 5133 imposed by law, a sum in accordance with the following schedule:

- 5134 (a) Felonies.....\$200
- 5135 (b) Misdemeanors.....\$50
- 5136 (c) Criminal traffic offenses.....\$50

5137 (2) Payment of the additional court costs provided for in
 5138 subsection (1) shall be made part of any plea agreement reached
 5139 by the prosecuting attorney and defense counsel or the criminal
 5140 defendant where the plea agreement provides for the defendant to
 5141 plead guilty or nolo contendere to any felony, misdemeanor, or
 5142 criminal traffic offense under the laws of this state or any
 5143 municipal or county ordinance which adopts by reference any
 5144 misdemeanor under state law.

5145 (3) The clerk of the court shall collect such additional
 5146 costs for deposit in the fine and forfeiture fund established
 5147 pursuant to s. 142.01 and shall notify the agency supervising a
 5148 person upon whom costs have been imposed upon full payment of
 5149 fees. ~~The clerk shall deposit all but \$3 for each misdemeanor or~~
 5150 ~~criminal traffic case and all but \$5 for each felony case in a~~
 5151 ~~special trust fund of the county. Such funds shall be used~~
 5152 ~~exclusively for those purposes set forth in s. 27.3455(3). The~~
 5153 ~~clerk shall retain \$3 for each misdemeanor or criminal traffic~~
 5154 ~~case and \$5 for each felony case of each scheduled amount~~
 5155 ~~collected as a service charge of the clerk's office. A~~
 5156 ~~political subdivision shall not be held liable for the payment~~
 5157 ~~of the additional costs imposed by this section.~~

5158 Section 122. Effective July 1, 2004, subsection (1) of
 5159 section 938.06, Florida Statutes, is amended to read:

5160 938.06 Additional cost for crime stoppers programs.--



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5161 (1) In addition to any fine prescribed by law for any
 5162 criminal offense, there is hereby assessed as a court cost an
 5163 additional surcharge of \$20 on such fine, which shall be imposed
 5164 by all county and circuit courts and collected by the clerks of
 5165 the courts together with such fine. ~~No political subdivision~~
 5166 ~~shall be held liable for payment of costs under this section.~~

5167 Section 123. Effective July 1, 2004, section 938.19,
 5168 Florida Statutes, is amended to read:

5169 938.19 ~~Teen courts; operation and administration.--~~

5170 Counties are hereby authorized to fund teen courts.

5171 ~~Notwithstanding s. 318.121, in each county in which a teen court~~
 5172 ~~has been created, a county may adopt a mandatory cost to be~~
 5173 ~~assessed in specific cases as provided for in subsection (1) by~~
 5174 ~~incorporating by reference the provisions of this section in a~~
 5175 ~~county ordinance. Assessments collected by the clerk of the~~
 5176 ~~circuit court pursuant to this section shall be deposited into~~
 5177 ~~an account specifically for the operation and administration of~~
 5178 ~~the teen court:~~

5179 ~~(1) A sum of \$3, which shall be assessed as a court cost~~
 5180 ~~by both the circuit court and the county court in the county~~
 5181 ~~against every person who pleads guilty or nolo contendere to, or~~
 5182 ~~is convicted of, regardless of adjudication, a violation of a~~
 5183 ~~state criminal statute or a municipal ordinance or county~~
 5184 ~~ordinance or who pays a fine or civil penalty for any violation~~
 5185 ~~of chapter 316. Any person whose adjudication is withheld~~
 5186 ~~pursuant to the provisions of s. 318.14(9) or (10) shall also be~~
 5187 ~~assessed such cost. The \$3 assessment for court costs shall be~~
 5188 ~~assessed in addition to any fine, civil penalty, or other court~~
 5189 ~~cost and shall not be deducted from the proceeds of that portion~~
 5190 ~~of any fine or civil penalty which is received by a municipality~~



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5191 ~~in the county or by the county in accordance with ss. 316.660~~
 5192 ~~and 318.21. The \$3 assessment shall specifically be added to any~~
 5193 ~~civil penalty paid for a violation of chapter 316, whether such~~
 5194 ~~penalty is paid by mail, paid in person without request for a~~
 5195 ~~hearing, or paid after hearing and determination by the court.~~
 5196 ~~However, the \$3 assessment shall not be made against a person~~
 5197 ~~for a violation of any state statutes, county ordinance, or~~
 5198 ~~municipal ordinance relating to the parking of vehicles, with~~
 5199 ~~the exception of a violation of the handicapped parking laws.~~
 5200 ~~The clerk of the circuit court shall collect the respective \$3~~
 5201 ~~assessments for court costs established in this subsection and~~
 5202 ~~shall remit the same to the teen court monthly, less 5 percent,~~
 5203 ~~which is to be retained as fee income of the office of the clerk~~
 5204 ~~of the circuit court.~~

5205 ~~(2) Such other moneys as become available for establishing~~
 5206 ~~and operating teen courts under the provisions of Florida law.~~

5207 Section 124. Section 938.27, Florida Statutes, is amended
 5208 to read:

5209 938.27 Judgment for costs on conviction.--

5210 (1) In all criminal cases, convicted persons are liable
 5211 for payment of the documented costs of prosecution, including
 5212 investigative costs incurred by law enforcement agencies, by
 5213 fire departments for arson investigations, and by investigations
 5214 of the Division of Financial Investigations of the Department of
 5215 Financial Services or the Office of Financial Regulation of the
 5216 Financial Services Commission Banking and Finance, if requested
 5217 and documented by such agencies. These costs, shall be included
 5218 and entered in the judgment rendered against the convicted
 5219 person.



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5220 ~~(2) If the court does not enter costs, or orders only~~
 5221 ~~partial costs under this section, it shall state on the record~~
 5222 ~~the reasons therefor.~~

5223 ~~(2)(3)(a)~~ The court shall ~~may~~ require ~~that~~ the defendant
 5224 to pay the costs within a specified period or in specified
 5225 installments.

5226 (b) The end of such period or the last such installment
 5227 shall not be later than:

- 5228 1. The end of the period of probation or community
 5229 control, if probation or community control is ordered;
- 5230 2. Five years after the end of the term of imprisonment
 5231 imposed, if the court does not order probation or community
 5232 control; or
- 5233 3. Five years after the date of sentencing in any other
 5234 case.

5235
 5236 However, in no event shall the obligation to pay any unpaid
 5237 amounts expire if not paid in full within the period specified
 5238 in this paragraph.

5239 (c) If not otherwise provided by the court under this
 5240 section, costs shall be paid immediately.

5241 ~~(3)(4)~~ If a defendant is placed on probation or community
 5242 control, payment of any costs ~~ordered~~ under this section shall
 5243 be a condition of such probation or community control. The court
 5244 may revoke probation or community control if the defendant fails
 5245 to pay these costs ~~comply with such order.~~

5246 ~~(5) The court, in determining whether to order costs and~~
 5247 ~~the amount of such costs, shall consider the amount of the costs~~
 5248 ~~incurred, the financial resources of the defendant, the~~



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5249 ~~financial needs and earning ability of the defendant, and such~~
 5250 ~~other factors which it deems appropriate.~~

5251 (4)~~(6)~~ Any dispute as to the proper amount or type of
 5252 costs ~~ordered~~ shall be resolved by the court by the
 5253 preponderance of the evidence. The burden of demonstrating the
 5254 amount of costs incurred is on the state attorney. The burden of
 5255 demonstrating the financial resources of the defendant and the
 5256 financial needs of the defendant is on the defendant. The burden
 5257 of demonstrating such other matters as the court deems
 5258 appropriate is upon the party designated by the court as justice
 5259 requires.

5260 (5)~~(7)~~ Any default in payment of costs ~~ordered~~ may be
 5261 collected by any means authorized by law for enforcement of a
 5262 judgment.

5263 (6)~~(8)~~ ~~The court may order~~ The clerk of the court shall ~~to~~
 5264 collect and dispense cost payments in any case.

5265 (7)~~(9)~~ Investigative costs which are recovered shall be
 5266 returned to the appropriate investigative agency which incurred
 5267 the expense. Costs shall include actual expenses incurred in
 5268 conducting the investigation and prosecution of the criminal
 5269 case; however, costs may also include the salaries of permanent
 5270 employees. Any investigative costs recovered on behalf of a
 5271 state agency must be remitted to the Department of Revenue for
 5272 deposit in the agency operating trust fund, and a report of the
 5273 payment must be sent to the agency.

5274 (8)~~(10)~~ Costs that are collected by the state attorney
 5275 under this section shall be deposited into the state attorney's
 5276 grants and donations trust fund to be used during the fiscal
 5277 year in which the funds are collected, or in any subsequent
 5278 fiscal year, for actual expenses incurred in investigating and



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5279 prosecuting criminal cases, which may include the salaries of
5280 permanent employees.

5281 Section 125. Section 938.29, Florida Statutes, is amended
5282 to read:

5283 938.29 Legal assistance; lien for payment of attorney's
5284 fees or costs.--

5285 (1)(a) A defendant ~~The court having jurisdiction over any~~
5286 ~~defendant who has been~~ determined to be guilty of a criminal act
5287 by a court or jury or through a plea of guilty or nolo
5288 contendere and who has received the assistance of the public
5289 defender's office, a special assistant public defender, or a
5290 conflict attorney shall be liable for payment of assess
5291 attorney's fees and costs. ~~The court against the defendant at~~
5292 ~~the sentencing hearing and~~ shall determine the appropriate
5293 amount of the obligation and method of payment. Such costs shall
5294 may include, but not be limited to, the cost of depositions;
5295 cost of transcripts of depositions, including the cost of
5296 defendant's copy, which transcripts are certified by the
5297 defendant's attorney as having served a useful purpose in the
5298 disposition of the case; investigative costs; witness fees; the
5299 cost of psychiatric examinations; or other reasonable costs
5300 specially incurred by the state and the clerk of court county
5301 for the defense of the defendant in criminal prosecutions ~~within~~
5302 ~~the county.~~ Costs shall not include expenses inherent in
5303 providing a constitutionally guaranteed jury trial or
5304 expenditures in connection with the maintenance and operation of
5305 government agencies that must be made by the public irrespective
5306 of specific violations of law. Any costs assessed pursuant to
5307 this paragraph shall be reduced by any amount assessed against a
5308 defendant pursuant to s. 938.05.



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5309 (b) Upon entering a judgment of conviction, ~~the trial~~
 5310 ~~court shall order~~ the defendant shall be liable to pay the costs
 5311 ~~assessed by the court in full, or within a time certain as set~~
 5312 ~~by the court,~~ after the judgment of conviction becomes final.

5313 (c) ~~After assessment of the application fee under s.~~
 5314 ~~27.52(1)(c) and attorney's fees and costs, the court shall order~~
 5315 The defendant shall ~~to~~ pay the application fee under s.
 5316 27.52(2)(a) and attorney's fees and costs in full or in
 5317 installments, at the time or times specified. The court may
 5318 order payment of the assessed application fee and attorney's
 5319 fees and costs as a condition of probation, of suspension of
 5320 sentence, or of withholding the imposition of sentence.
 5321 Attorney's fees and costs collected under this section shall be
 5322 deposited into the General Revenue Fund. ~~All fees and costs may~~
 5323 ~~be assessed under one judgment.~~

5324 (2)(a) ~~When payment of the application fee and attorney's~~
 5325 ~~fees and costs has been ordered by the court,~~ There is created
 5326 in the name of the state ~~county in which such assistance was~~
 5327 ~~rendered~~ a lien, enforceable as hereinafter provided, upon all
 5328 the property, both real and personal, of any person who:

5329 1. Has received any assistance from any public defender of
 5330 the state, from any special assistant public defender, or from
 5331 any conflict attorney; or

5332 2. Is a parent of an accused minor or an accused adult
 5333 tax-dependent person who is being, or has been, represented by
 5334 any public defender of the state, by any special assistant
 5335 public defender, or by a conflict attorney.

5336
 5337 Such lien constitutes a claim against the defendant-recipient or
 5338 parent and his or her estate, enforceable according to law, ~~in~~



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5339 ~~an amount to be determined by the court in which such assistance~~
5340 ~~was rendered.~~

5341 (b) ~~Immediately after the issuance of an order for the~~
5342 ~~payment of the application fee and attorney's fees and costs, A~~
5343 judgment showing the name and residence of the defendant-
5344 recipient or parent shall be filed for record in the office of
5345 the clerk of the circuit court in the county where the
5346 defendant-recipient or parent resides and in each county in
5347 which such defendant-recipient or parent then owns or later
5348 acquires any property. Such judgments shall be enforced on
5349 behalf of the state county by the clerk of the circuit court
5350 ~~board of county commissioners~~ of the county in which assistance
5351 was rendered.

5352 (3) The clerk of the circuit court within the county board
5353 ~~of county commissioners of the county~~ wherein the defendant-
5354 recipient was tried or received the services of a public
5355 defender, special assistant public defender, or appointed
5356 private legal counsel shall enforce, satisfy, compromise,
5357 settle, subordinate, release, or otherwise dispose of any debt
5358 or lien imposed under this section. A defendant-recipient or
5359 parent, liable ~~who has been ordered~~ to pay attorney's fees or
5360 costs and who is not in willful default in the payment thereof,
5361 may, at any time, petition the court which entered the order for
5362 deferral ~~remission~~ of the payment of attorney's fees or costs or
5363 of any unpaid portion thereof. ~~If it appears to the~~
5364 ~~satisfaction of the court that payment of the amount due will~~
5365 ~~impose manifest hardship on such person or his or her immediate~~
5366 ~~family, the court may remit all or part of the amount due in~~
5367 ~~attorney's fees or costs or may modify the method of payment.~~



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5368 (4) The clerk ~~board of county commissioners~~ of the county
5369 claiming such lien is authorized to contract with a private
5370 attorney or collection agency for collection of such debts or
5371 liens, provided the fee for such collection shall be on a
5372 contingent basis not to exceed 50 percent of the recovery.
5373 However, no fee shall be paid to any collection agency by reason
5374 of foreclosure proceedings against real property or from the
5375 proceeds from the sale or other disposition of real property.

5376 (5) No lien thus created shall be foreclosed upon the
5377 homestead of such defendant-recipient or parent, nor shall any
5378 defendant-recipient or parent liable for payment of ~~who is~~
5379 ~~ordered to pay~~ attorney's fees or costs be denied any of the
5380 protections afforded any other civil judgment debtor.

5381 (6) The court having jurisdiction of the defendant-
5382 recipient shall ~~may~~, at such stage of the proceedings as the
5383 court may deem appropriate, determine the value of the services
5384 of the public defender, special assistant public defender, or
5385 appointed private legal counsel and costs, at which time the
5386 defendant-recipient or parent, after adequate notice thereof,
5387 shall have opportunity to be heard and offer objection to the
5388 determination, and to be represented by counsel, with due
5389 opportunity to exercise and be accorded the procedures and
5390 rights provided in the laws and court rules pertaining to civil
5391 cases at law.

5392 Section 126. Subsections (1), (2), (9), (10), (11), (12),
5393 (13), and (14) of section 938.30, Florida Statutes, are amended
5394 to read:

5395 938.30 ~~Court-imposed~~ Financial obligations in criminal
5396 cases; supplementary proceedings.--



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5397 (1) Any person liable for payment of ~~who has been ordered~~
5398 ~~to pay~~ any financial obligation in any criminal case is subject
5399 to the provisions of this section. Courts operating under the
5400 provisions of this section shall have jurisdiction over such
5401 ~~court-imposed~~ financial obligations to ensure compliance.

5402 (2) The court may require a person liable for payment of
5403 ~~ordered to pay~~ an obligation to appear and be examined under
5404 oath concerning the person's financial ability to pay the
5405 obligation. ~~The court may reduce a person's court-ordered~~
5406 ~~financial obligation based on the court's determination of the~~
5407 ~~person's ability to pay the obligation.~~ The judge may convert
5408 the statutory financial ~~court-ordered~~ obligation into ~~to pay~~
5409 ~~court costs to~~ a court-ordered obligation to perform community
5410 service after examining a person under oath and determining a
5411 person's inability to pay. Any person failing to attend a
5412 hearing may be arrested on warrant or capias which may be issued
5413 by the clerk upon order of the court.

5414 (9) Any person failing to appear or willfully failing to
5415 comply with an order under this section, including an order to
5416 comply with a payment schedule established by the clerk of
5417 court, may be held in civil contempt.

5418 (10) Administrative costs incurred in enforcing compliance
5419 under this section shall be paid by ~~may be assessed against~~ the
5420 person. Such costs may include postage, copying, docketing fees,
5421 service fees, court reporter's fees, and reimbursements for the
5422 costs of processing bench warrants and pickup orders. Reasonable
5423 attorney's fees may be assessed at the court's discretion.
5424 Judges may assess such administrative costs and attorney's fees
5425 against the person as the court deems necessary to offset such
5426 fees and costs incurred under this section.



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5427 (11) The court may refer any proceeding under this section
5428 to a special master who shall report findings and make
5429 recommendations to the court. The court shall act on such
5430 recommendations within a reasonable amount of time.

5431 ~~(12) A record of court-imposed financial obligations~~
5432 ~~collected by the clerk of court under the provisions of this~~
5433 ~~section shall be reported quarterly by the clerk of court to the~~
5434 ~~chief judge of the judicial circuit.~~

5435 ~~(13) Court-imposed financial obligations arising from~~
5436 ~~criminal cases which are past due, and which have been reduced~~
5437 ~~to judgment by the court, may be referred by the county~~
5438 ~~commission to a collection agent who is registered and in good~~
5439 ~~standing pursuant to chapter 559 or a private attorney. Such~~
5440 ~~referrals must be made in accordance with established bid~~
5441 ~~practices.~~

5442 (12)~~(14)~~ The provisions of this section may be used in
5443 addition to, or in lieu of, other provisions of law for
5444 enforcing payment of court-imposed financial obligations in
5445 criminal cases. The court may enter any orders necessary to
5446 carry out the purposes of this section.

5447 Section 127. Section 938.35, Florida Statutes, is amended
5448 to read:

5449 938.35 Collection of court-related financial obligations.-
5450 -The board of county commissioners may pursue the collection of
5451 any fines, court costs, or other costs to which it is entitled
5452 which remain unpaid for 90 days or more, or refer such
5453 collection to a private attorney who is a member in good
5454 standing of The Florida Bar or collection agent who is
5455 registered and in good standing pursuant to chapter 559. In
5456 pursuing the collection of such unpaid financial obligations



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5457 through a private attorney or collection agent, the board of
5458 county commissioners must determine this is cost-effective and
5459 follow applicable procurement practices. Any provision of law
5460 ~~notwithstanding, a county may pursue the collection of any~~
5461 ~~finer, court costs, or other costs imposed by the court which~~
5462 ~~remain unpaid for 90 days or more, or refer such collection to a~~
5463 ~~private attorney who is a member in good standing of The Florida~~
5464 ~~Bar or collection agent who is registered and in good standing~~
5465 ~~pursuant to chapter 559. In pursuing the collection of such~~
5466 ~~unpaid financial obligations through a private attorney or~~
5467 ~~collection agent, the governing body of the county must~~
5468 ~~determine that such collection is cost-effective and the county~~
5469 ~~must follow applicable procurement practices. The costs of~~
5470 ~~collection, including a reasonable attorney's fee, may be~~
5471 ~~recovered, except that such fees and costs of collection may not~~
5472 ~~exceed 40 percent of the total fines and costs owed.~~

5473 Section 128. Effective July 1, 2004, section 939.06,
5474 Florida Statutes, is amended to read:

5475 939.06 Acquitted defendant not liable for costs.--No
5476 defendant in a criminal prosecution who is acquitted or
5477 discharged shall be liable for any costs or fees of the court or
5478 any ministerial office, or for any charge of subsistence while
5479 detained in custody. If the defendant shall have paid any
5480 taxable costs in the case, the clerk or judge shall give him or
5481 her a certificate of the payment of such costs, with the items
5482 thereof, which, when audited and approved according to law,
5483 shall be refunded to the defendant ~~by the county.~~

5484 Section 129. Effective July 1, 2004, section 939.08,
5485 Florida Statutes, is amended to read:



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5486 939.08 Costs to be certified ~~by county commissioners~~
 5487 before audit.--In all cases wherein is claimed the payment of
 5488 bills of costs, fees, or expenses, other than juror and witness
 5489 fees, in the adjudication ~~prosecution~~ of any criminal case ~~which~~
 5490 ~~are payable by the state county, the entity incurring the~~
 5491 expense shall submit an itemized bill or statement thereof ~~shall~~
 5492 ~~be submitted~~ to the trial court administrator of the circuit or
 5493 Justice Administrative Commission, as applicable. ~~county~~
 5494 ~~commissioners of the county in which such cases are prosecuted,~~
 5495 ~~and~~ The claim same shall not be paid until the applicable entity
 5496 ~~has board of county commissioners shall have approved it and~~
 5497 certified ~~thereon~~ that the same is just, correct, and
 5498 reasonable, and contains ~~that~~ no unnecessary or illegal item ~~is~~
 5499 ~~contained therein.~~

5500 Section 130. Effective July 1, 2004, section 939.12,
 5501 Florida Statutes, is amended to read:

5502 939.12 Cost against state in Supreme Court.--The clerk of
 5503 the Supreme Court shall give, upon application, a certified copy
 5504 of any judgment against the state upon appeal in criminal cases,
 5505 and the state ~~county commissioners of the county from the court~~
 5506 ~~of which such appeal was taken~~ shall pay the same to the
 5507 appellant, or the appellant's agent or attorney, on demand.

5508 Section 131. For the purpose of incorporating the
 5509 amendments made by this act to sections 27.51 and 27.53, Florida
 5510 Statutes, in references thereto, effective July 1, 2004, section
 5511 943.053, Florida Statutes, as otherwise amended is reenacted to
 5512 read:

5513 943.053 Dissemination of criminal justice information;
 5514 fees.--

5515 (1) The Department of Law Enforcement shall disseminate



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5516 criminal justice information only in accordance with federal and
5517 state laws, regulations, and rules.

5518 (2) Criminal justice information derived from federal
5519 criminal justice information systems or criminal justice
5520 information systems of other states shall not be disseminated in
5521 a manner inconsistent with the laws, regulations, or rules of
5522 the originating agency.

5523 (3) Criminal history information, including information
5524 relating to minors, compiled by the Criminal Justice Information
5525 Program from intrastate sources shall be available on a priority
5526 basis to criminal justice agencies for criminal justice purposes
5527 free of charge and, otherwise, to governmental agencies not
5528 qualified as criminal justice agencies on an approximate-cost
5529 basis. After providing the program with all known identifying
5530 information, persons in the private sector may be provided
5531 criminal history information upon tender of fees as established
5532 and in the manner prescribed by rule of the Department of Law
5533 Enforcement. Such fees shall approximate the actual cost of
5534 producing the record information. As used in this subsection,
5535 the department's determination of actual cost shall take into
5536 account the total cost of creating, storing, maintaining,
5537 updating, retrieving, improving, and providing criminal history
5538 information in a centralized, automated database, including
5539 personnel, technology, and infrastructure expenses. Actual cost
5540 shall be computed on a fee-per-record basis, and any access to
5541 criminal history information by the private sector as provided
5542 in this subsection shall be assessed the per-record fee without
5543 regard to the quantity or category of criminal history record
5544 information requested. Fees may be waived by the executive
5545 director of the Department of Law Enforcement for good cause



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5546 shown.

5547 (4) Criminal justice information provided by the
5548 Department of Law Enforcement shall be used only for the purpose
5549 stated in the request.

5550 (5) Notwithstanding any other provision of law, the
5551 department shall provide to the Florida Department of Revenue
5552 Child Support Enforcement access to Florida criminal records
5553 which are not exempt from disclosure under chapter 119, and to
5554 such information as may be lawfully available from other states
5555 via the National Law Enforcement Telecommunications System, for
5556 the purpose of locating subjects who owe or potentially owe
5557 support, as defined in s. 409.2554, or to whom such obligation
5558 is owed pursuant to Title IV-D of the Social Security Act. Such
5559 information may be provided to child support enforcement
5560 authorities in other states for these specific purposes.

5561 (6) Notwithstanding any other provision of law, the
5562 department shall provide to each office of the public defender
5563 on-line access to criminal records of this state which are not
5564 exempt from disclosure under chapter 119 or confidential under
5565 law. Such access shall be used solely in support of the duties
5566 of a public defender as provided in s. 27.51 or of any attorney
5567 specially assigned as authorized in s. 27.53 in the
5568 representation of any person who is determined indigent as
5569 provided in s. 27.52. The costs of establishing and maintaining
5570 such on-line access shall be borne by the office to which the
5571 access has been provided.

5572 (7) Notwithstanding the provisions of s. 943.0525, and any
5573 user agreements adopted pursuant thereto, and notwithstanding
5574 the confidentiality of sealed records as provided for in s.
5575 943.059, the sheriff of any county that has contracted with a



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5576 private entity to operate a county detention facility pursuant
5577 to the provisions of s. 951.062 shall provide that private
5578 entity, in a timely manner, copies of the Florida criminal
5579 history records for its inmates. The sheriff may assess a charge
5580 for the Florida criminal history records pursuant to the
5581 provisions of chapter 119. Sealed records received by the
5582 private entity under this section remain confidential and exempt
5583 from the provisions of s. 119.07(1).

5584 (8) Notwithstanding the provisions of s. 943.0525, and any
5585 user agreements adopted pursuant thereto, and notwithstanding
5586 the confidentiality of sealed records as provided for in s.
5587 943.059, the Department of Corrections shall provide, in a
5588 timely manner, copies of the Florida criminal history records
5589 for inmates housed in a private state correctional facility to
5590 the private entity under contract to operate the facility
5591 pursuant to the provisions of s. 944.105 or s. 957.03. The
5592 department may assess a charge for the Florida criminal history
5593 records pursuant to the provisions of chapter 119. Sealed
5594 records received by the private entity under this section remain
5595 confidential and exempt from the provisions of s. 119.07(1).

5596 (9) Notwithstanding the provisions of s. 943.0525 and any
5597 user agreements adopted pursuant thereto, and notwithstanding
5598 the confidentiality of sealed records as provided for in s.
5599 943.059, the Department of Juvenile Justice or any other state
5600 or local criminal justice agency may provide copies of the
5601 Florida criminal history records for juvenile offenders
5602 currently or formerly detained or housed in a contracted
5603 juvenile assessment center or detention facility or serviced in
5604 a contracted treatment program and for employees or other
5605 individuals who will have access to these facilities, only to



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5606 the entity under direct contract with the Department of Juvenile
 5607 Justice to operate these facilities or programs pursuant to the
 5608 provisions of s. 985.411. The criminal justice agency providing
 5609 such data may assess a charge for the Florida criminal history
 5610 records pursuant to the provisions of chapter 119. Sealed
 5611 records received by the private entity under this section remain
 5612 confidential and exempt from the provisions of s. 119.07(1).
 5613 Information provided under this section shall be used only for
 5614 the criminal justice purpose for which it was requested and may
 5615 not be further disseminated.

5616 Section 132. Effective July 1, 2004, section 947.18,
 5617 Florida Statutes, is amended to read:

5618 947.18 Conditions of parole.--No person shall be placed on
 5619 parole merely as a reward for good conduct or efficient
 5620 performance of duties assigned in prison. No person shall be
 5621 placed on parole until and unless the commission finds that
 5622 there is reasonable probability that, if the person is placed on
 5623 parole, he or she will live and conduct himself or herself as a
 5624 respectable and law-abiding person and that the person's release
 5625 will be compatible with his or her own welfare and the welfare
 5626 of society. No person shall be placed on parole unless and until
 5627 the commission is satisfied that he or she will be suitably
 5628 employed in self-sustaining employment or that he or she will
 5629 not become a public charge. The commission shall determine the
 5630 terms upon which such person shall be granted parole. If the
 5631 person's conviction was for a controlled substance violation,
 5632 one of the conditions must be that the person submit to random
 5633 substance abuse testing intermittently throughout the term of
 5634 supervision, upon the direction of the correctional probation
 5635 officer as defined in s. 943.10(3). In addition to any other



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5636 lawful condition of parole, the commission may make the payment
 5637 of the debt due and owing to the state under s. 960.17 or the
 5638 payment of the attorney's fees and costs due and owing to the
 5639 state ~~a county~~ under s. 938.29 a condition of parole subject to
 5640 modification based on change of circumstances.

5641 Section 133. Effective July 1, 2004, paragraph (i) of
 5642 subsection (1) of section 948.03, Florida Statutes, is amended
 5643 to read:

5644 948.03 Terms and conditions of probation or community
 5645 control.--

5646 (1) The court shall determine the terms and conditions of
 5647 probation or community control. Conditions specified in
 5648 paragraphs (a)-(m) do not require oral pronouncement at the time
 5649 of sentencing and may be considered standard conditions of
 5650 probation. Conditions specified in paragraphs (a)-(m) and (2)(a)
 5651 do not require oral pronouncement at sentencing and may be
 5652 considered standard conditions of community control. These
 5653 conditions may include among them the following, that the
 5654 probationer or offender in community control shall:

5655 (i) Pay any application fee assessed under s.
 5656 ~~27.52(2)(a)(1)(e)~~ and attorney's fees and costs assessed under
 5657 s. 938.29, subject to modification based on change of
 5658 circumstances.

5659 Section 134. Effective July 1, 2004, paragraphs (a) and
 5660 (1) of subsection (1) of section 960.001, Florida Statutes, are
 5661 amended to read:

5662 960.001 Guidelines for fair treatment of victims and
 5663 witnesses in the criminal justice and juvenile justice systems.-

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5665 (1) The Department of Legal Affairs, the state attorneys,
5666 the Department of Corrections, the Department of Juvenile
5667 Justice, the Parole Commission, the State Courts Administrator
5668 and circuit court administrators, the Department of Law
5669 Enforcement, and every sheriff's department, police department,
5670 or other law enforcement agency as defined in s. 943.10(4) shall
5671 develop and implement guidelines for the use of their respective
5672 agencies, which guidelines are consistent with the purposes of
5673 this act and s. 16(b), Art. I of the State Constitution and are
5674 designed to implement the provisions of s. 16(b), Art. I of the
5675 State Constitution and to achieve the following objectives:

5676 (a) Information concerning services available to victims
5677 of adult and juvenile crime.--~~Witness coordination offices~~ As
5678 provided in s. 27.0065, state attorneys and public defenders
5679 ~~43.35~~ shall gather information regarding the following services
5680 in the geographic boundaries of their respective circuits and
5681 shall provide such information to each law enforcement agency
5682 with jurisdiction within such geographic boundaries. Law
5683 enforcement personnel shall ensure, through distribution of a
5684 victim's rights information card or brochure at the crime scene,
5685 during the criminal investigation, and in any other appropriate
5686 manner, that victims are given, as a matter of course at the
5687 earliest possible time, information about:

5688 1. The availability of crime victim compensation, when
5689 applicable;

5690 2. Crisis intervention services, supportive or bereavement
5691 counseling, social service support referrals, and community-
5692 based victim treatment programs;



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5693 3. The role of the victim in the criminal or juvenile
5694 justice process, including what the victim may expect from the
5695 system as well as what the system expects from the victim;

5696 4. The stages in the criminal or juvenile justice process
5697 which are of significance to the victim and the manner in which
5698 information about such stages can be obtained;

5699 5. The right of a victim, who is not incarcerated,
5700 including the victim's parent or guardian if the victim is a
5701 minor, the lawful representative of the victim or of the
5702 victim's parent or guardian if the victim is a minor, and the
5703 next of kin of a homicide victim, to be informed, to be present,
5704 and to be heard when relevant, at all crucial stages of a
5705 criminal or juvenile proceeding, to the extent that this right
5706 does not interfere with constitutional rights of the accused, as
5707 provided by s. 16(b), Art. I of the State Constitution;

5708 6. In the case of incarcerated victims, the right to be
5709 informed and to submit written statements at all crucial stages
5710 of the criminal proceedings, parole proceedings, or juvenile
5711 proceedings; and

5712 7. The right of a victim to a prompt and timely
5713 disposition of the case in order to minimize the period during
5714 which the victim must endure the responsibilities and stress
5715 involved to the extent that this right does not interfere with
5716 the constitutional rights of the accused.

5717 (1) Local witness coordination services ~~coordinating~~
5718 ~~office~~.--The requirements for notification provided for in
5719 paragraphs (b), (d), (f), and (i) may be performed by the state
5720 attorney or public defender as provided in local witness
5721 ~~coordinating office established by s. 27.0065 43.35~~, as
5722 appropriate.



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5723 Section 135. Effective July 1, 2004, paragraph (a) of
 5724 subsection (1) of section 984.08, Florida Statutes, is amended
 5725 to read:

5726 984.08 Attorney's fees.--

5727 (1) The court may appoint an attorney to represent a
 5728 parent or legal guardian under this chapter only upon a finding
 5729 that the parent or legal guardian is indigent.

5730 (a) The finding of indigence ~~indigency~~ of any parent or
 5731 legal guardian may be made by the court at any stage of the
 5732 proceedings. Any parent or legal guardian claiming indigence
 5733 ~~indigency~~ shall file with the court an affidavit containing the
 5734 factual information required in paragraphs (c) and (d).

5735 Section 136. Effective July 1, 2004, subsections (1), (2),
 5736 and (3) of section 985.203, Florida Statutes, are amended to
 5737 read:

5738 985.203 Right to counsel.--

5739 (1) A child is entitled to representation by legal counsel
 5740 at all stages of any proceedings under this part. If the child
 5741 and the parents or other legal guardian are indigent and unable
 5742 to employ counsel for the child, the court shall appoint counsel
 5743 pursuant to s. 27.52. Determination of indigence ~~indigency~~ and
 5744 costs of representation shall be as provided by ss. 27.52 and
 5745 938.29. Legal counsel representing a child who exercises the
 5746 right to counsel shall be allowed to provide advice and counsel
 5747 to the child at any time subsequent to the child's arrest,
 5748 including prior to a detention hearing while in secure detention
 5749 care. A child shall be represented by legal counsel at all
 5750 stages of all court proceedings unless the right to counsel is
 5751 freely, knowingly, and intelligently waived by the child. If the
 5752 child appears without counsel, the court shall advise the child



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5753 of his or her rights with respect to representation of court-
5754 appointed counsel.

5755 (2) If the parents or legal guardian of an indigent child
5756 are not indigent but refuse to employ counsel, the court shall
5757 appoint counsel pursuant to s. 27.52(3)(2)(d) to represent the
5758 child at the detention hearing and until counsel is provided.
5759 Costs of representation are hereby imposed ~~shall be assessed~~ as
5760 provided by ss. 27.52(3)(2)(d) and 938.29. Thereafter, the court
5761 shall not appoint counsel for an indigent child with nonindigent
5762 parents or legal guardian but shall order the parents or legal
5763 guardian to obtain private counsel. A parent or legal guardian
5764 of an indigent child who has been ordered to obtain private
5765 counsel for the child and who willfully fails to follow the
5766 court order shall be punished by the court in civil contempt
5767 proceedings.

5768 (3) An indigent child with nonindigent parents or legal
5769 guardian may have counsel appointed pursuant to s. 27.52(2)(d)
5770 if the parents or legal guardian have willfully refused to obey
5771 the court order to obtain counsel for the child and have been
5772 punished by civil contempt and then still have willfully refused
5773 to obey the court order. Costs of representation are hereby
5774 imposed ~~shall be assessed~~ as provided by ss. 27.52(2)(d) and
5775 938.29.

5776 Section 137. Effective July 1, 2004, paragraph (b) of
5777 subsection (6) of section 985.215, Florida Statutes, is amended
5778 to read:

5779 985.215 Detention.--

5780 (6)

5781 (b) At the time of the detention hearing, the department
5782 shall report to the court, verbally or in writing, any available



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5783 information concerning the ability of the parent or guardian of
 5784 the child to pay such fee. If the court makes a finding of
 5785 indigence ~~indigency~~, the parent or guardian shall pay to the
 5786 department a nominal subsistence fee of \$2 per day that the
 5787 child is securely detained outside the home or \$1 per day if the
 5788 child is otherwise detained in lieu of other fees related to the
 5789 parent's obligation for the child's cost of care. The nominal
 5790 subsistence fee may only be waived or reduced if the court makes
 5791 a finding that such payment would constitute a significant
 5792 financial hardship. Such finding shall be in writing and shall
 5793 contain a detailed description of the facts that led the court
 5794 to make both the finding of indigence ~~indigency~~ and the finding
 5795 of significant financial hardship.

5796 Section 138. Effective July 1, 2004, paragraph (b) of
 5797 subsection (1) of section 985.231, Florida Statutes, is amended
 5798 to read:

5799 985.231 Powers of disposition in delinquency cases.--

5800 (1)

5801 (b)1. When any child is adjudicated by the court to have
 5802 committed a delinquent act and temporary legal custody of the
 5803 child has been placed with a licensed child-caring agency or the
 5804 Department of Juvenile Justice, the court shall order the
 5805 parents of such child to pay fees to the department in the
 5806 amount of \$5 per day that the child is under the care or
 5807 supervision of the department in order to partially offset the
 5808 cost of the care, support, maintenance, and other usual and
 5809 ordinary obligations of parents to provide for the needs of
 5810 their children while in the recommended residential commitment
 5811 level, unless the court makes a finding on the record that the
 5812 parent or guardian of the child is indigent.



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5813 2. No later than the disposition hearing, the department
5814 shall provide the court with information concerning the actual
5815 cost of care, support, and maintenance of the child in the
5816 recommended residential commitment level and concerning the
5817 ability of the parent or guardian of the child to pay any fees.
5818 If the court makes a finding of indigence ~~indigency~~, the parent
5819 or guardianship shall pay to the department a nominal
5820 subsistence fee of \$2 per day that the child is committed
5821 outside the home or \$1 per day if the child is otherwise
5822 supervised in lieu of other fees related to the parents'
5823 obligation for the child's cost of care. The nominal subsistence
5824 fee may only be waived or reduced if the court makes a finding
5825 that such payment would constitute a significant financial
5826 hardship. Such finding shall be in writing and shall contain a
5827 detailed description of the facts that led the court to make
5828 both the finding of indigence ~~indigency~~ and the finding of
5829 significant financial hardship.

5830 3. In addition, the court may reduce the fees or waive the
5831 fees as to each parent or guardian if the court makes a finding
5832 on the record that the parent or guardian was the victim of the
5833 delinquent act or violation of law for which the child is
5834 subject to placement under this section and that the parent or
5835 guardian has cooperated in the investigation and prosecution of
5836 the offense.

5837 4. All orders committing a child to a residential
5838 commitment program shall include specific findings as to what
5839 fees are ordered, reduced, or waived. If the court fails to
5840 enter an order as required by this paragraph, it shall be
5841 presumed that the court intended the parent or guardian to pay
5842 fees to the department in an amount of \$5 per day related to the



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5843 care, support, and maintenance of the child. With regard to a
5844 child who reaches the age of 18 prior to the disposition
5845 hearing, the court may elect to direct an order required by this
5846 paragraph to such child, rather than the parent or guardian.
5847 With regard to a child who reaches the age of 18 while in the
5848 custody of the department, the court may, upon proper motion of
5849 any party, hold a hearing as to whether any party should be
5850 further obligated respecting the payment of fees. When the order
5851 affects the guardianship estate, a certified copy of the order
5852 shall be delivered to the judge having jurisdiction of the
5853 guardianship estate.

5854 5. The clerk of the circuit court shall act as a
5855 depository for these fees. Upon each payment received, the clerk
5856 of the circuit court shall receive a fee from the total payment
5857 of 3 percent of any payment made except that no fee shall be
5858 less than \$1 nor more than \$5 per payment made. This fee shall
5859 serve as a service charge for the administration, management,
5860 and maintenance of each payment. At the end of each month, the
5861 clerk of the circuit court shall send all money collected under
5862 this section to the state Grants and Donations Trust Fund.

5863 6. The parent or guardian shall provide to the department
5864 the parent or guardian's name, address, social security number,
5865 state of birth, and driver's license number or identification
5866 card number and sufficient financial information for the
5867 department to be able to determine the parent or guardian's
5868 ability to pay. If the parent or guardian refuses to provide the
5869 department with any identifying information or financial
5870 information, the court shall order the parent to comply and may
5871 pursue contempt of court sanctions for failure to comply.



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5872 7. The department may employ a collection agency for the
5873 purpose of receiving, collecting, and managing the payment of
5874 unpaid and delinquent fees. The collection agency must be
5875 registered and in good standing under chapter 559. The
5876 department may pay to the collection agency a fee from the
5877 amount collected under the claim or may authorize the agency to
5878 deduct the fee from the amount collected. The department may
5879 also pay for collection services from available authorized
5880 funds.

5881 8. The department may enter into agreements with parents
5882 or guardians to establish a schedule of periodic payments if
5883 payment of the obligation in full presents an undue hardship.
5884 Any such agreement may provide for payment of interests
5885 consistent with prevailing loan rates.

5886 9. The Department of Juvenile Justice shall provide to the
5887 payor documentation of any amounts paid by the payor to the
5888 Department of Juvenile Justice on behalf of the child. All
5889 payments received by the department pursuant to this subsection
5890 shall be deposited in the state Grants and Donations Trust Fund.

5891 10. Neither the court nor the department may extend the
5892 child's length of stay in placement care solely for the purpose
5893 of collecting fees.

5894 Section 139. Effective July 1, 2004, paragraph (d) of
5895 subsection (4) of section 985.233, Florida Statutes, is amended
5896 to read:

5897 985.233 Sentencing powers; procedures; alternatives for
5898 juveniles prosecuted as adults.--

5899 (4) SENTENCING ALTERNATIVES.--

5900 (d) *Recoupment of cost of care in juvenile justice*
5901 *facilities.--*



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5902 1. When the court orders commitment of a child to the
5903 Department of Juvenile Justice for treatment in any of the
5904 department's programs for children, the court shall order the
5905 parents of such child to pay fees in the amount of \$5 per day
5906 that the child is under the care or supervision of the
5907 department in order to partially offset the cost of the care,
5908 support, maintenance, and other usual and ordinary obligations
5909 of parents to provide for the needs of their children, unless
5910 the court makes a finding on the record that the parent or legal
5911 guardian of the child is indigent.

5912 2. Prior to commitment, the department shall provide the
5913 court with information concerning the actual cost of care in the
5914 recommended residential commitment level and concerning the
5915 ability of the parent or guardian of the child to pay specified
5916 fees. If the court makes a finding of indigence ~~indigency~~, the
5917 parent or guardian shall pay to the department a nominal
5918 subsistence fee of \$2 per day that the child is committed
5919 outside the home or \$1 per day if the child is otherwise
5920 supervised in lieu of other fees related to the parent's
5921 obligation for the child's cost of care. The nominal subsistence
5922 fee may only be waived or reduced if the court makes a finding
5923 that such payment would constitute a significant financial
5924 hardship. Such finding shall be in writing and shall contain a
5925 detailed description of the facts that led the court to make
5926 both the finding of indigence ~~indigency~~ and the finding of
5927 significant financial hardship.

5928 3. In addition, the court may reduce the fees or waive the
5929 fees as to each parent or guardian if the court makes a finding
5930 on the record that the parent or guardian was the victim of the
5931 delinquent act or violation of law for which the child is



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5932 subject to commitment under this section and that the parent or
5933 guardian has cooperated in the investigation and prosecution of
5934 the offense. When the order affects the guardianship estate, a
5935 certified copy of the order shall be delivered to the judge
5936 having jurisdiction of the guardianship estate.

5937 4. All orders committing a child to a residential
5938 commitment program shall include specific findings as to what
5939 fees are ordered, reduced, or waived. If the court fails to
5940 enter an order as required by this paragraph, it shall be
5941 presumed that the court intended the parent or guardian to pay
5942 fees to the department in an amount of \$5 per day related to the
5943 care, support, and maintenance of the child. With regard to a
5944 child who reaches the age of 18 prior to the disposition
5945 hearing, the court may elect to direct an order required by this
5946 paragraph to such child, rather than the parent or guardian.
5947 With regard to a child who reaches the age of 18 while in the
5948 custody of the department, the court may, upon proper motion of
5949 any party, hold a hearing as to whether any party should be
5950 further obligated respecting the payment of fees.

5951 5. The clerk of the circuit court shall act as a
5952 depository for these fees. Upon each payment received, the clerk
5953 of the circuit court shall receive a fee from the total payment
5954 of 3 percent of any payment made except that no fee shall be
5955 less than \$1 nor more than \$5 per payment made. This fee shall
5956 serve as a service charge for the administration, management,
5957 and maintenance of each payment. At the end of each month, the
5958 clerk of the circuit court shall send all money collected under
5959 this section to the state Grants and Donations Trust Fund.

5960 6. The parent or guardian shall provide to the department
5961 the parent or guardian's name, address, social security number,



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5962 date of birth, and driver's license number or identification
 5963 card number and sufficient financial information for the
 5964 department to be able to determine the parent or guardian's
 5965 ability to pay. If the parent or guardian refuses to provide the
 5966 department with any identifying information or financial
 5967 information, the court shall order the parent to comply and may
 5968 pursue contempt of court sanctions for failure to comply.

5969 7. The department may employ a collection agency for the
 5970 purpose of receiving, collecting, and managing the payment of
 5971 unpaid and delinquent fees. The collection agency must be
 5972 registered and in good standing under chapter 559. The
 5973 department may pay to the collection agency a fee from the
 5974 amount collected under the claim or may authorize the agency to
 5975 deduct the fee from the amount collected. The department may
 5976 also pay for collection services from available authorized
 5977 funds. The Department of Juvenile Justice shall provide to the
 5978 payor documentation of any amounts paid by the payor to the
 5979 Department of Juvenile Justice on behalf of the child. All
 5980 payments received by the department pursuant to this subsection
 5981 shall be deposited in the state Grants and Donations Trust Fund.

5982 8. Neither the court nor the department may extend the
 5983 child's length of stay in commitment care solely for the purpose
 5984 of collecting fees.

5985
 5986 It is the intent of the Legislature that the criteria and
 5987 guidelines in this subsection are mandatory and that a
 5988 determination of disposition under this subsection is subject to
 5989 the right of the child to appellate review under s. 985.234.

5990 Section 140. The Department of Financial Services shall
 5991 undertake a review of the Florida Accounting Information



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5992 Resource subsystem and Uniform Accounting System Manual in
5993 accounting for state and county expenditures and revenues
5994 associated with Article V of the Florida Constitution. Necessary
5995 revisions to account codes, account descriptions, categories,
5996 and object codes shall be implemented prior to July 1, 2004. In
5997 completing this review, the department shall consult with clerks
5998 of court, county commissioners, judges, state attorneys, and
5999 public defenders. The Auditor General shall provide technical
6000 advice to the department in undertaking this review.

6001 Section 141. Effective July 1, 2003, the Chief Financial
6002 Officer shall undertake a study to determine county expenditures
6003 for court-related services for the county fiscal year ended
6004 September 30, 2002. The Chief Financial Officer shall provide
6005 the form and manner in which the clerks of court, or the
6006 appropriate county officer in those counties where the clerk of
6007 court is not the county's chief financial officer, shall submit
6008 expenditure data and the timeframes within which the data must
6009 be provided. The clerks of court, state attorneys, public
6010 defenders, court administrators, boards of county commissioners,
6011 and sheriffs shall assist the Chief Financial Officer in the
6012 collection of the necessary expenditure data. The Legislative
6013 Committee on Intergovernmental Relations may also assist in
6014 gathering and assessing the expenditure data and provide
6015 technical assistance. The Auditor General shall provide
6016 technical advice with respect to the collection and analysis of
6017 the expenditure data.

6018 (1) Expenditure data shall be reported to the Chief
6019 Financial Officer at the transaction code level and, for
6020 specific transaction codes specified by the Chief Financial
6021 Officer, object/sub-object level, as set forth in the Uniform



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6022 Accounting System Manual developed by the Chief Financial
6023 Officer pursuant to s. 218.33. Expenditure data provided for
6024 specific programs or purposes shall include identification of
6025 the specific account codes within the Uniform Accounting System
6026 Manual in which the costs were recorded. The clerks of the
6027 court, or the appropriate county officer in those counties where
6028 the clerk of court is not the county's chief financial officer,
6029 must reconcile the expenditure data provided to the Chief
6030 Financial Officer with the Annual Financial Report required by
6031 s. 218.32. The clerks of court must attest to the accuracy of
6032 the expenditure data provided to the Chief Financial Officer.
6033 State attorneys, public defenders, court administrators, boards
6034 of county commissions chairpersons, and sheriffs shall each
6035 attest to the accuracy of any expenditure data they submit to
6036 the clerks.

6037 (2) The Chief Financial Officer shall reimburse
6038 individuals for travel costs incurred as a result of
6039 participation in the collection and analysis of the expenditure
6040 data from funds specifically appropriated for such purpose.

6041 (3) The Chief Financial Officer shall submit a report to
6042 the President of the Senate and Speaker of the House of
6043 Representatives no later than November 1, 2003, summarizing the
6044 court-related cost information submitted by the clerks of court.

6045 (4) The sum of \$200,000 from the Insurance Regulatory
6046 Trust Fund is appropriated to the Department of Financial
6047 Services for state fiscal year 2003-2004 to support this
6048 project.

6049 Section 142. It is the intent of the Legislature to
6050 implement Revision 7 to Article V of the Florida Constitution in
6051 a way which recognizes the allocation of funding



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6052 responsibilities among the state, counties, and system users.

6053 The Legislature hereby declares that the provisions of this act
6054 designed to achieve that allocation of responsibility fulfills
6055 an important state interest.

6056 Section 143. For the purpose of implementing Section 14,
6057 Article V of the State Constitution, the transfer of the funding
6058 responsibility for the state courts system shall not affect the
6059 validity of any judicial or administrative proceeding pending on
6060 the day of the transfer. The entity providing appropriations on
6061 and after July 1, 2004, shall be considered the successor in
6062 interest to any existing contracts ratified by the successor
6063 entity, but is not responsible for funding or payment of any
6064 service rendered or provided, in whole or in part, prior to July
6065 1, 2004.

6066 Section 144. Notwithstanding any law to the contrary, any
6067 judicial act may be taken or performed on any day of the week,
6068 including Sundays and holidays.

6069 Section 145. Notwithstanding s. 938.19, Florida Statutes,
6070 to the contrary, any court may use surplus funds provided for
6071 teen courts for juvenile drug courts. This section expires July
6072 1, 2004.

6073 Section 146. Service charges and fees imposed by the
6074 governing authority of counties by ordinance and special law
6075 pursuant to authority granted in ss. 28.242-34.041, Florida
6076 Statutes, prior to June 30, 2004, are repealed and abolished
6077 effective July 1, 2004.

6078 Section 147. Each clerk of the court shall submit to the
6079 President of the Senate and the Speaker of the House of
6080 Representatives by November 1, 2003, a report identifying court-
6081 related functions and associated costs for county fiscal year



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6082 2003-2004. The report shall detail the methodologies used to
6083 apportion costs between court-related and non-court-related
6084 functions performed by the clerk.

6085 Section 148. By October 1, 2003, each clerk of the court
6086 must notify the Clerk of Court Operations Conference created
6087 pursuant to s. 28.35, Florida Statutes, of the entire schedule
6088 of court-related fees, service charges, and costs that he or she
6089 elects to charge effective July 1, 2004, based on the statutory
6090 authorizations that are effective July 1, 2004. The Clerk of
6091 Court Operations Conference shall submit this information to the
6092 Legislature in a uniform format with appropriate summaries and
6093 explanatory information no later than November 1, 2003.

6094 Section 149. Sections 25.402, 27.005, 27.006, 27.271,
6095 27.33, 27.3455, 27.36, 27.385, 27.605, 29.002, 29.003, 29.009,
6096 29.011, 34.201, 43.28, 50.071, 57.091, 218.325, 914.06, 925.035,
6097 925.036, 925.037, 939.05, 939.07, 939.10, and 939.15, Florida
6098 Statutes, are repealed.

6099 Section 150. If any law amended by this act was also
6100 amended by a law enacted at the 2003 Regular Session of the
6101 Legislature, such laws shall be construed as if they had been
6102 enacted at the same session of the Legislature, and full effect
6103 shall be given to each if possible.

6104 Section 151. Except as otherwise provided herein, this act
6105 shall take effect July 1, 2003.