

By the Committee on Criminal Justice Appropriations and Representatives Villalobos, Thrasher, Crady, Horan, Bainter, Cosgrove, Mackey, Logan, Ritter, Spratt, Betancourt, Burroughs, Crow, Smith, Fasano, Lynn, Heyman, Meek, Maygarden, Turnbull and Edwards

1                                   A bill to be entitled  
2           An act relating to court funding; creating s.  
3           25.402, F.S.; providing for compensation to  
4           counties for certain costs through a trust fund  
5           administered by the Supreme Court; requiring  
6           adoption by the Supreme Court of an allocation  
7           and disbursement plan; providing for  
8           appointment of a committee to develop the plan;  
9           providing guidelines for deposit in the trust  
10          fund of moneys generated from certain civil  
11          penalties; providing that the funds paid to  
12          counties shall be grants-in-aid for specified  
13          purposes; providing for future repeal; amending  
14          s. 318.21, F.S., relating to the disposition of  
15          civil penalties by county courts; providing for  
16          distribution of civil penalties to the County  
17          Article V Trust Fund beginning July 1, 1998;  
18          providing for future repeal of specified  
19          provisions; providing for future disposition of  
20          the funds to the General Revenue Fund upon  
21          repeal of specified provisions; providing a  
22          directive to the Statutory Revision Division;  
23          creating s. 939.18, F.S.; providing for an  
24          additional assessment on persons pleading  
25          guilty or nolo contendere to, or found guilty  
26          of, a crime, to be used to provide and maintain  
27          court facilities; requiring clerks of court to  
28          submit specified financial reports; amending s.  
29          27.34, F.S.; revising a provision relating to  
30          the services and office space provided by the  
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1           counties to the state attorneys; providing  
2           effective dates.

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

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6           Section 1. Section 25.402, Florida Statutes, is  
7 created to read:

8           25.402 County Article V Trust Fund.--

9           (1)(a) The trust fund moneys in the County Article V  
10 Trust Fund, administered by the Supreme Court, must be used to  
11 compensate counties for the costs they incur under Article V  
12 of the State Constitution in operating the state courts  
13 system, including the costs they incur in providing and  
14 maintaining court facilities.

15           (b) The Supreme Court shall adopt an allocation and  
16 disbursement plan for the operation of the trust fund and the  
17 expenditure of moneys deposited in the trust fund. The Supreme  
18 Court shall include the plan in its legislative budget  
19 request. A committee of 15 people shall develop and recommend  
20 the allocation and disbursement plan to the Supreme Court. The  
21 committee shall be composed of:

22           1. Six persons appointed by the Florida Association of  
23 Counties, as follows:

24           a. Two persons residing in counties with populations  
25 less than 75,000.

26           b. Two persons residing in counties with populations  
27 greater than 74,999, but less than 700,000.

28           c. Two persons residing in counties with populations  
29 greater than 699,999.

30           2. Six persons appointed by the Chief Justice of the  
31 Supreme Court, as follows:

1           a. Two persons residing in counties with populations  
2 less than 75,000.

3           b. Two persons residing in counties with populations  
4 greater than 74,999, but less than 700,000.

5           c. Two persons residing in counties with populations  
6 greater than 699,999.

7           3. Three persons appointed by the Florida Association  
8 of Court Clerks and Comptrollers, as follows:

9           a. One person residing in a county with a population  
10 less than 75,000.

11           b. One person residing in a county with a population  
12 greater than 74,999, but less than 700,000.

13           c. One person residing in a county with a population  
14 greater than 699,999.

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16 The allocation and disbursement plan shall include provisions  
17 to compensate counties with fewer than 75,000 residents for  
18 court facility needs.

19           (c) Amendments to the approved operating budget for  
20 expenditures from the County Article V Trust Fund must be  
21 approved in accordance with the provisions of s. 216.181. The  
22 total amount disbursed from the County Article V Trust Fund  
23 may not exceed the amount authorized by the General  
24 Appropriations Act.

25           (d) Effective July 1, 1998, moneys generated from  
26 civil penalties distributed under s. 318.21(2)(h) shall be  
27 deposited in the trust fund for the following purposes:

28           1. Funds paid to counties with populations less than  
29 75,000 shall be grants-in-aid to be used, in priority order,  
30 for: consulting or architectural studies related to the  
31 improvement of courthouse facilities; improving court

1 facilities to ensure compliance with the Americans with  
2 Disabilities Act and other federal or state requirements;  
3 other renovations in court facilities; improvements in court  
4 security; and expert witness fees in criminal cases, court  
5 reporting and transcribing costs in criminal cases, and costs  
6 associated with the appointment of special public defenders.

7 2. Funds paid to counties with populations exceeding  
8 74,999 shall be grants-in-aid for costs paid by the county for  
9 expert witness fees in criminal cases, court reporting and  
10 transcribing costs in criminal cases, and costs associated  
11 with the appointment of special public defenders.

12 (2) This section is repealed June 30, 2002.

13 Section 2. (1) Effective July 1, 1998, subsection (1)  
14 and paragraph (a) of subsection (2) of section 318.21, Florida  
15 Statutes, 1996 Supplement, are amended, and paragraph (h) is  
16 added to subsection (2) of said section, to read:

17 318.21 Disposition of civil penalties by county  
18 courts.--All civil penalties received by a county court  
19 pursuant to the provisions of this chapter shall be  
20 distributed and paid monthly as follows:

21 (1) One dollar from every civil penalty shall be paid  
22 to the Department of Children Health and Family Rehabilitative  
23 Services for deposit into the Child Welfare Training Trust  
24 Fund for child welfare training purposes pursuant to s. 402.40  
25 ~~s. 404.40~~. One dollar from every civil penalty shall be paid  
26 to the Department of Juvenile Justice for deposit into the  
27 Juvenile Justice Training Trust Fund for juvenile justice  
28 purposes pursuant to s. 39.024.

29 (2) Of the remainder:

30 (a) Fifteen ~~Twenty~~ and six-tenths percent shall be  
31 paid to the General Revenue Fund of the state, except that the

1 first \$300,000 shall be deposited into the Grants and  
2 Donations Trust Fund in the Department of Children Health and  
3 Family Rehabilitative Services for administrative costs,  
4 training costs, and costs associated with the implementation  
5 and maintenance of Florida foster care citizen review panels  
6 as provided for in s. 39.4531.

7 (h) Five percent must be deposited into the County  
8 Article V Trust Fund.

9 (2) The amendments to section 318.21, Florida  
10 Statutes, 1996 Supplement, by this section shall expire on  
11 June 30, 1999, and the text of section 318.21, Florida  
12 Statutes, 1996 Supplement, shall revert to that in existence  
13 on June 30, 1997, except that any amendments to such text  
14 enacted other than by this act shall be preserved and continue  
15 to operate to the extent that such amendments are not  
16 dependent upon the portions of said text which expire pursuant  
17 to the provisions of this subsection. The Statutory Revision  
18 Division of the Joint Legislative Management Committee shall  
19 include in an appropriate reviser's bill any amendments to  
20 said section which are necessary to give effect to the  
21 legislative intent expressed in this subsection.

22 Section 3. (1) Effective July 1, 1999, subsection (1)  
23 and paragraph (a) of subsection (2) of section 318.21, Florida  
24 Statutes, 1996 Supplement, are amended, and paragraph (h) is  
25 added to subsection (2) of said section, to read:

26 318.21 Disposition of civil penalties by county  
27 courts.--All civil penalties received by a county court  
28 pursuant to the provisions of this chapter shall be  
29 distributed and paid monthly as follows:

30 (1) One dollar from every civil penalty shall be paid  
31 to the Department of Children Health and Family Rehabilitative

1 Services for deposit into the Child Welfare Training Trust  
2 Fund for child welfare training purposes pursuant to s. 402.40  
3 ~~s. 404.40~~. One dollar from every civil penalty shall be paid  
4 to the Department of Juvenile Justice for deposit into the  
5 Juvenile Justice Training Trust Fund for juvenile justice  
6 purposes pursuant to s. 39.024.

7 (2) Of the remainder:

8 (a) Ten ~~Twenty~~ and six-tenths percent shall be paid to  
9 the General Revenue Fund of the state, except that the first  
10 \$300,000 shall be deposited into the Grants and Donations  
11 Trust Fund in the Department of Children Health and Family  
12 ~~Rehabilitative~~ Services for administrative costs, training  
13 costs, and costs associated with the implementation and  
14 maintenance of Florida foster care citizen review panels as  
15 provided for in s. 39.4531.

16 (h) Ten percent must be deposited into the County  
17 Article V Trust Fund.

18 (2) The amendments to section 318.21, Florida  
19 Statutes, 1996 Supplement, by this section shall expire on  
20 June 30, 2000, and the text of section 318.21, Florida  
21 Statutes, 1996 Supplement, shall revert to that in existence  
22 on June 30, 1997, except that any amendments to such text  
23 enacted other than by this act shall be preserved and continue  
24 to operate to the extent that such amendments are not  
25 dependent upon the portions of said text which expire pursuant  
26 to the provisions of this subsection. The Statutory Revision  
27 Division of the Joint Legislative Management Committee shall  
28 include in an appropriate reviser's bill any amendments to  
29 said section which are necessary to give effect to the  
30 legislative intent expressed in this subsection.

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1 Section 4. (1) Effective July 1, 2000, subsection (1)  
2 and paragraph (a) of subsection (2) of section 318.21, Florida  
3 Statutes, 1996 Supplement, are amended, and paragraph (h) is  
4 added to subsection (2) of said section, to read:

5 318.21 Disposition of civil penalties by county  
6 courts.--All civil penalties received by a county court  
7 pursuant to the provisions of this chapter shall be  
8 distributed and paid monthly as follows:

9 (1) One dollar from every civil penalty shall be paid  
10 to the Department of Children Health and Family Rehabilitative  
11 Services for deposit into the Child Welfare Training Trust  
12 Fund for child welfare training purposes pursuant to s. 402.40  
13 ~~s. 404.40~~. One dollar from every civil penalty shall be paid  
14 to the Department of Juvenile Justice for deposit into the  
15 Juvenile Justice Training Trust Fund for juvenile justice  
16 purposes pursuant to s. 39.024.

17 (2) Of the remainder:

18 (a) Five ~~Twenty~~ and six-tenths percent shall be paid  
19 to the General Revenue Fund of the state, except that the  
20 first \$300,000 shall be deposited into the Grants and  
21 Donations Trust Fund in the Department of Children Health and  
22 Family Rehabilitative Services for administrative costs,  
23 training costs, and costs associated with the implementation  
24 and maintenance of Florida foster care citizen review panels  
25 as provided for in s. 39.4531.

26 (h) Fifteen percent must be deposited into the County  
27 Article V Trust Fund.

28 (2) The amendments to section 318.21, Florida  
29 Statutes, 1996 Supplement, by this section shall expire on  
30 June 30, 2001, and the text of section 318.21, Florida  
31 Statutes, 1996 Supplement, shall revert to that in existence

1 on June 30, 1997, except that any amendments to such text  
2 enacted other than by this act shall be preserved and continue  
3 to operate to the extent that such amendments are not  
4 dependent upon the portions of said text which expire pursuant  
5 to the provisions of this subsection. The Statutory Revision  
6 Division of the Joint Legislative Management Committee shall  
7 include in an appropriate reviser's bill any amendments to  
8 said section which are necessary to give effect to the  
9 legislative intent expressed in this subsection.

10 Section 5. (1) Effective July 1, 2001, subsection (1)  
11 and paragraph (a) of subsection (2) of section 318.21, Florida  
12 Statutes, 1996 Supplement, are amended to read:

13 318.21 Disposition of civil penalties by county  
14 courts.--All civil penalties received by a county court  
15 pursuant to the provisions of this chapter shall be  
16 distributed and paid monthly as follows:

17 (1) One dollar from every civil penalty shall be paid  
18 to the Department of Children Health and Family Rehabilitative  
19 Services for deposit into the Child Welfare Training Trust  
20 Fund for child welfare training purposes pursuant to s. 402.40  
21 ~~s. 404.40~~. One dollar from every civil penalty shall be paid  
22 to the Department of Juvenile Justice for deposit into the  
23 Juvenile Justice Training Trust Fund for juvenile justice  
24 purposes pursuant to s. 39.024.

25 (2) Of the remainder:

26 (a) Twenty and six-tenths percent shall be paid to the  
27 County Article V Trust Fund ~~General Revenue Fund of the state,~~  
28 except that the first \$300,000 shall be deposited into the  
29 Grants and Donations Trust Fund in the Department of Children  
30 Health and Family Rehabilitative Services for administrative  
31 costs, training costs, and costs associated with the



1 implementation and maintenance of Florida foster care citizen  
2 review panels as provided for in s. 39.4531.

3 (2) The amendments to section 318.21, Florida  
4 Statutes, 1996 Supplement, by this section shall expire on  
5 June 30, 2002, and the text of section 318.21, Florida  
6 Statutes, 1996 Supplement, shall revert to that in existence  
7 on June 30, 1997, except that any amendments to such text  
8 enacted other than by this act shall be preserved and continue  
9 to operate to the extent that such amendments are not  
10 dependent upon the portions of said text which expire pursuant  
11 to the provisions of this subsection. The Statutory Revision  
12 Division of the Joint Legislative Management Committee shall  
13 include in an appropriate reviser's bill any amendments to  
14 said section which are necessary to give effect to the  
15 legislative intent expressed in this subsection.

16 Section 6. Effective July 1, 2002, subsection (1) and  
17 paragraph (a) of subsection (2) of section 318.21, Florida  
18 Statutes, 1996 Supplement, are amended to read:

19 318.21 Disposition of civil penalties by county  
20 courts.--All civil penalties received by a county court  
21 pursuant to the provisions of this chapter shall be  
22 distributed and paid monthly as follows:

23 (1) One dollar from every civil penalty shall be paid  
24 to the Department of Children Health and Family Rehabilitative  
25 Services for deposit into the Child Welfare Training Trust  
26 Fund for child welfare training purposes pursuant to s. 402.40  
27 ~~s. 404.40~~. One dollar from every civil penalty shall be paid  
28 to the Department of Juvenile Justice for deposit into the  
29 Juvenile Justice Training Trust Fund for juvenile justice  
30 purposes pursuant to s. 39.024.

31 (2) Of the remainder:

1           (a) Twenty and six-tenths percent shall be paid to the  
2 General Revenue Fund of the state, except that the first  
3 \$300,000 shall be deposited into the Grants and Donations  
4 Trust Fund in the Department of Children Health and Family  
5 ~~Rehabilitative~~ Services for administrative costs, training  
6 costs, and costs associated with the implementation and  
7 maintenance of Florida foster care citizen review panels as  
8 provided for in s. 39.4531.

9           Section 7. Section 939.18, Florida Statutes, is  
10 created to read:

11           939.18 Assessment of additional court costs for court  
12 facilities.--

13           (1)(a) When a person pleads guilty or nolo contendere  
14 to, or is found guilty of, any felony, misdemeanor, or  
15 criminal traffic offense under the laws of this state, the  
16 court may assess an additional court cost, not to exceed \$150.  
17 Such additional assessment shall be accounted for separately  
18 by the county in which the offense occurred, to be used for  
19 providing and maintaining court facilities under rules adopted  
20 by the Administration Commission. The Administration  
21 Commission shall adopt rules to implement this subsection  
22 which prescribe the methods of expenditure, the permissible  
23 purposes of expenditure, the investment requirements, and the  
24 accounting and reporting requirements to be enforced by each  
25 county as to the funds collected.

26           (b) The court may order a person to pay the additional  
27 court cost if it finds that the person has the ability to pay  
28 the additional assessment and will not be prevented thereby  
29 from making restitution or other compensation to victims which  
30 is authorized by law or from paying child support.

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1           (2) The clerk of court shall annually prepare a  
2 financial report detailing the amount of court costs assessed  
3 and received and the expenditures and earnings from the  
4 investment of such funds. This report must be submitted to the  
5 board of county commissioners, the chief judge of the judicial  
6 circuit in which the county is situated, and the  
7 Administration Commission.

8           Section 8. Subsection (2) of section 27.34, Florida  
9 Statutes, 1996 Supplement, is amended to read:

10           27.34 Salaries and other related costs of state  
11 attorneys' offices; limitations.--

12           (2) The state attorneys shall be provided by the  
13 counties within their judicial circuits with such office  
14 space, utilities, telephone service, custodial services,  
15 library services, transportation services, and communication  
16 services as may be necessary for the proper and efficient  
17 functioning of these offices, except as otherwise provided in  
18 the General Appropriations Act. The state attorney's office  
19 shall also be provided with pretrial consultation fees for  
20 expert or other potential witnesses consulted before trial by  
21 the state attorney; travel expenses incurred in criminal cases  
22 by a state attorney in connection with out-of-jurisdiction  
23 depositions; out-of-state travel expenses incurred by  
24 assistant state attorneys or by investigators of state  
25 attorneys while attempting to locate and interrogate witnesses  
26 for the state attorney in the prosecution of a criminal case;  
27 court reporter costs incurred by the state attorney during the  
28 course of an investigation and criminal prosecution which  
29 costs are certified by the state attorney as being useful and  
30 necessary in the prosecution, provided that nothing herein  
31 shall be construed to prohibit the county from contesting the

1 reasonably of the expenditure in the court wherein the  
2 criminal case is brought; postindictment and postinformation  
3 deposition costs incurred by the state attorney during the  
4 course of a criminal prosecution of an insolvent defendant  
5 when such costs are certified by the state attorney as being  
6 useful and necessary in the prosecution, provided that nothing  
7 herein shall be construed to prohibit the county from  
8 contesting the reasonableness of the expenditure in the court  
9 wherein the criminal case is brought; and the cost of copying  
10 depositions of state witnesses taken by the public defender,  
11 court-appointed counsel, or private retained counsel, when  
12 such costs are certified by the state attorney as being useful  
13 and necessary in the prosecution, provided that nothing herein  
14 shall be construed to prohibit the county from contesting the  
15 reasonableness of the expenditure in the court wherein the  
16 criminal case is brought. The office space to be provided by  
17 the counties shall not be less than the standards for space  
18 allotment adopted by the Department of Management Services,  
19 nor shall these services and office space be less than were  
20 provided in the prior fiscal year ~~1984-1985~~.

21 Section 9. Except as otherwise provided herein, this  
22 act shall take effect July 1, 1997.

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