

By the Committee on Judiciary and Senator Laurent

308-1908B-00

1 A bill to be entitled
2 An act relating to the judiciary; providing
3 intent; providing a basis for funding the court
4 system, the public defender's offices, the
5 state attorneys' offices, and the court-related
6 functions of the clerks of the court; providing
7 a phase-in schedule; defining the essential
8 elements of the court system; defining the
9 essential elements of the state attorneys'
10 offices; defining the essential elements of the
11 public defenders' offices; defining the
12 essential elements of court-appointed counsel;
13 providing definitions for county funding
14 responsibilities; creating the Article V
15 Financial Accountability and Efficiency
16 Workgroup; providing for membership; providing
17 responsibilities; creating a process for
18 certain counties to cover extraordinary
19 criminal case-related costs; providing for the
20 establishment of pilot projects in three
21 counties to fund costs of conflict counsel;
22 requiring clerks to provide specified
23 information to the Legislature; creating the
24 Joint Legislative Committee on Article V;
25 providing for membership and duties; providing
26 appropriations; providing a limitation on
27 funding; amending ss. 216.001, 216.011, F.S.;
28 redefining the term "state agency"; amending s.
29 216.0172, F.S.; requiring the judicial branch
30 to submit a performance-based program budget;
31 amending s. 216.023, F.S.; excepting the

1 judicial branch from submitting final
2 legislative budget requests to the Governor;
3 amending s. 216.0235, F.S.; excepting the
4 judicial branch from submitting final
5 legislative program budget requests; amending
6 s. 216.0166, F.S.; providing requirements for
7 performance-based program budgeting for the
8 judicial branch; providing an effective date.

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

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12 Section 1. Intent.--

13 (1) It is the intent of the Legislature that, for the
14 purpose of implementing Article V, Section 14 of the State
15 Constitution, the state courts system be defined to include
16 the essential elements of the Supreme Court, district courts
17 of appeal, circuit courts, county courts, and essential
18 supports thereto. Similarly, the offices of public defenders
19 and state attorneys shall include those essential elements as
20 determined by general law. Further, the state attorneys'
21 offices are defined to include the essential elements of the
22 20 state attorneys' offices and the public defenders' offices
23 are defined to include the essential elements of the 20 public
24 defenders' offices. Court appointed counsel are defined as
25 counsel appointed to ensure due process in criminal and civil
26 proceedings in accordance with state and federal
27 constitutional guarantees.

28 (2) All funding for the court-related functions of the
29 offices of the clerks of the circuit and county courts shall
30 be provided by adequate and appropriate filing fees for
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1 judicial proceedings and service charges and costs for
2 performing court-related functions.

3 (3) Pursuant to general law, counties shall be
4 required to fund the cost of communications services, existing
5 radio systems, existing multi-agency criminal justice
6 information systems, and the cost of construction or lease,
7 maintenance, utilities, and security of facilities for the
8 circuit courts and county courts, public defenders' offices,
9 state attorneys' offices, and the offices of the clerks of the
10 circuit and county courts, as defined by general law. In
11 addition, the counties will continue to fund existing elements
12 of the state courts system, state attorneys' offices, public
13 defenders' offices, court appointed counsel, and the offices
14 of the clerks of the circuit and county courts performing
15 court-related functions, consistent with current law and
16 practice, until such time as the Legislature expressly assumes
17 the responsibility for funding those elements. Counties will
18 fund the cost of criminal cases filed by the office of
19 statewide prosecution. Additionally, the Legislature will
20 define by general law those local requirements of the state
21 courts system for which the counties must pay reasonable and
22 necessary salaries, costs, and expenses.

23 (4) Although a program or function currently may be
24 funded by the state or prescribed or established in general
25 law, this does not designate the program or function as an
26 essential element of the state courts system, state attorneys'
27 offices, public defenders' offices, or the offices of the
28 circuit and county court clerks performing court-related
29 functions as described in Article V, Section 14, of the State
30 Constitution.

31 Section 2. Basis for funding.--

1 (1) The Legislature's appropriation of funding in the
2 General Appropriations Act for appropriate salaries, costs,
3 and expenses pursuant to Article V, Section 14 of the State
4 Constitution shall be based upon reliable and auditable data
5 substantiating the revenues and expenditures associated with
6 each essential element.

7 (2) Court costs, fines, and other dispositional
8 assessments shall be imposed and enforced by the courts,
9 collected by the clerks of the circuit and county courts, and
10 may be directed to the state in accordance with authorizations
11 and procedures as determined by general law.

12 (3) Waiver of fees and costs for indigents in criminal
13 or civil actions and requests for reductions in fees and costs
14 and for a court-appointed attorney shall be determined through
15 procedures established pursuant to general law. Similarly,
16 requests for reductions in fees and costs and for a
17 court-appointed attorney shall occur after examination,
18 pursuant to general law.

19 Section 3. Phase-in schedule.--

20 (1) During fiscal years 2000-2001 and 2001-2002 the
21 Legislature shall:

22 (a) Review the state courts system to determine those
23 elements appropriate to receive state funding and, based on
24 the availability of accurate data, determine the most
25 appropriate means for funding such elements and provide
26 direction regarding budgeting for the state courts system.

27 (b) Review selected salaries, costs, and expenses of
28 the state courts system which may be funded from appropriate
29 filing fees for judicial proceedings and service charges and
30 costs.

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1 (2) Prior to or during fiscal years 2001-2002 and
2 2002-2003 the Legislature shall review the offices of the
3 state attorneys and public defenders and the use of civil
4 indigency counsel and conflict counsel to determine those
5 elements appropriate to receive state funding and, based on
6 the availability of accurate data, determine the most
7 appropriate means for funding such elements and provide
8 direction regarding budgeting for the state attorneys'
9 offices, public defenders' offices, and court-appointed
10 counsel.

11 (3) Prior to or during fiscal years 2002-2003 and
12 2003-2004 the Legislature shall review the offices of the
13 clerks of the circuit and county courts to define
14 court-related functions. If there is accurate data on
15 court-related functions and costs, the Legislature may
16 determine the appropriate levels of filing fees, service
17 charges, and court costs to fund those functions.

18 (4) During fiscal years 2000-2001 and 2001-2002, the
19 Legislature shall review current law with regard to
20 authorizations for court costs, fines, and other dispositional
21 assessments and redirect appropriate revenues to the state.

22 (5) On or before July 1, 2004, the Legislature will
23 fully effectuate the requirements of Article XII, Section 25
24 of the State Constitution. Prior to July 1, 2004, the
25 counties are financially obligated to continue to fund
26 existing elements of the state courts system, state attorneys'
27 offices, public defenders' offices, court appointed counsel,
28 and the offices of the clerks of the circuit and county courts
29 performing court-related functions, consistent with current
30 law and practice, until such time as the Legislature expressly
31 assumes the responsibility for funding such elements. Counties

1 will fund the cost of criminal cases filed by the office of
2 statewide prosecution. Additionally, the Legislature will
3 define by general law those local requirements of the state
4 courts system for which the counties must pay reasonable and
5 necessary salaries, costs, and expenses.

6 (6) Pursuant to Article XII, Section 25 and Article V,
7 Section 14 of the State Constitution, commencing in fiscal
8 year 2000-2001, the Legislature will appropriate funds:

9 (a) To provide a process to assist small counties with
10 extraordinary case-related costs in criminal cases.

11 (b) For pilot projects in at least three counties to
12 cover reasonable and necessary conflict attorneys.

13 Section 4. State courts system.--

14 (1) For purposes of implementing Article V, Section 14
15 of the State Constitution, the essential elements of the state
16 courts system are as follows:

17 (a) Judges appointed or elected pursuant to chapters
18 25, 26, 34 and 35, Florida Statutes, and essential staff,
19 expenses, and costs as determined by general law.

20 (b) Juror compensation and expenses and reasonable
21 juror accommodations when necessary.

22 (c) Reasonable court reporting services necessary to
23 meet constitutional requirements.

24 (d) Auxiliary aids and services for qualified
25 individuals with a disability which are necessary to ensure
26 access to the courts. Such auxiliary aids and services
27 include, but are not limited to, sign-language interpreters,
28 translators, real-time transcription services for individuals
29 who are hearing impaired, and assistive listening devices.

30 This section does not include physical modifications to court
31 facilities; noncourtroom communication services; or other

1 accommodations, auxiliary aids, or services for which the
2 counties are responsible pursuant to Section 14 of Article V
3 of the State Constitution.

4 (e) Construction or lease of facilities, maintenance,
5 utilities and security for the district courts of appeal and
6 the Supreme Court.

7 (f) Foreign language interpreters and translators
8 essential to comply with constitutional requirements.

9 (g) Staff and expenses of the Judicial Qualifications
10 Commission.

11 Section 5. State attorneys' offices and prosecution
12 expenses.--For purposes of implementing Article V, Section 14
13 of the State Constitution, the essential elements of the state
14 attorneys' offices are as follows:

15 (1) The state attorney of each judicial circuit and
16 assistant state attorneys and essential staff as determined by
17 general law.

18 (2) Reasonable court reporting services necessary to
19 meet constitutional requirements.

20 (3) Witnesses summoned to appear for an investigation,
21 preliminary hearing, or trial in a criminal case when the
22 witnesses are summoned by a state attorney; mental health
23 professionals who are appointed pursuant to section 394.473,
24 Florida Statutes, and required in a court hearing involving an
25 indigent; and expert witnesses who are appointed pursuant to
26 section 916.115(2), Florida Statutes, and required in a court
27 hearing involving an indigent.

28 Section 6. Public defenders and indigent defense
29 costs.--For purposes of implementing Article V, Section 14 of
30 the State Constitution, the essential elements of the public
31 defenders' offices are as follows:

1 (1) The public defender of each judicial circuit and
2 assistant public defenders and essential staff as determined
3 by general law.

4 (2) Reasonable court reporting services necessary to
5 meet constitutional requirements.

6 (3) Witnesses summoned to appear for an investigation,
7 preliminary hearing, or trial in a criminal case when the
8 witnesses are summoned on behalf of an indigent defendant;
9 mental health professionals who are appointed pursuant to s.
10 394.473, Florida Statutes, and required in a court hearing
11 involving an indigent; and expert witnesses who are appointed
12 pursuant to section 916.115(2), Florida Statutes, and required
13 in a court hearing involving an indigent.

14 Section 7. Court appointed counsel.--For purposes of
15 implementing Article V, Section 14 of the State Constitution,
16 the essential elements of court appointed counsel are as
17 follows:

18 (1) Private attorneys assigned by the court to handle
19 cases where the defendant is indigent and cannot be
20 represented by the public defender.

21 (2) Private attorneys appointed by the court to
22 represent indigents or other classes of litigants in civil
23 proceedings requiring court appointed counsel in accordance
24 with state and federal constitutional guarantees.

25 (3) Reasonable court reporting services necessary to
26 meet constitutional requirements.

27 (4) Witnesses summoned to appear for an investigation,
28 preliminary hearing, or trial in a criminal case when the
29 witnesses are summoned on behalf of an indigent defendant;
30 mental health professionals who are appointed pursuant to
31 section 394.473, Florida Statutes, and required in a court

1 hearing involving an indigent; and expert witnesses who are
2 appointed pursuant to section 916.115(2), Florida Statutes,
3 and required in a court hearing involving an indigent.

4 (5) Investigating and assessing the indigency of any
5 person who seeks a waiver of court costs and fees, or any
6 portion thereof, or applies for representation by a public
7 defender or private attorney.

8 Section 8. County funding of court-related
9 functions.--

10 (1) Counties are required by Article V, Section 14 of
11 the State Constitution to fund the cost of communications
12 services, existing radio systems, existing multi-agency
13 criminal justice information systems, and the cost of
14 construction or lease, maintenance, utilities, and security of
15 facilities for the circuit and county courts, public
16 defenders' offices, state attorneys' offices and the offices
17 of the clerks of the circuit and county courts performing
18 court-related functions. For purposes of implementing these
19 requirements, the term:

20 (a) "Facility" means reasonable and necessary
21 buildings, structures, real estate, easements, and related
22 interests in real estate, including, but not limited to, those
23 for the purpose of housing personnel, equipment, or functions
24 of the circuit or county court, public defenders' offices,
25 state attorneys' offices, and court-related functions of the
26 offices of the clerks of the circuit and county court. The
27 term also includes access to parking for such facilities in
28 connection with such court-related functions that may be
29 available free or from a private provider or a local
30 government for a fee.

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1 (b) "Construction or Lease" includes, but is not
2 limited to, all reasonable and necessary costs of the
3 acquisition of facilities, equipment and furnishings for all
4 judicial officers, staff, jurors, volunteers, and the public
5 for the circuit and county courts, the public defenders'
6 offices, state attorneys' offices, and for performing the
7 court-related functions of the offices of the clerks of the
8 circuit and county courts. This includes expenses related to
9 financing such facilities and the existing and future cost and
10 bonded indebtedness associated with placing the facilities in
11 use.

12 (c) "Maintenance" includes, but is not limited to, all
13 reasonable and necessary costs of custodial and grounds
14 keeping services, for example, renovation and reconstruction
15 as needed to accommodate functions for the circuit and county
16 courts, the public defenders' offices, and state attorneys'
17 offices and for performing the court-related functions of the
18 offices of the clerks of the circuit and county court and for
19 maintaining the facilities in a condition appropriate and safe
20 for the use intended.

21 (d) "Utilities" means electricity services for light,
22 heat, or power; natural or manufactured gas services for
23 light, heat, or power; water and wastewater services and
24 systems, stormwater or runoff services and systems, sewer
25 services and systems, all costs or fees associated with these
26 services and systems, and any costs or fees associated with
27 the mitigation of environmental impacts directly related to
28 the facility.

29 (e) "Security" includes but is not limited to, all
30 reasonable and necessary costs of services of law enforcement
31 officers or licensed security guards and all electronic,

1 cellular, or digital monitoring and screening devices
2 necessary to ensure the safety and security of all persons
3 visiting or working in a facility; to provide for security of
4 the facility, including protection of property owned by the
5 county or the state; and for security of prisoners brought to
6 any facility. This includes bailiffs while providing
7 courtroom and other security for each judge and other
8 quasi-judicial officers.

9 (f) "Communications systems or communications
10 services" are defined as any reasonable and necessary
11 transmission, emission, and reception of signs, signals,
12 writings, images, and sounds of intelligence of any nature by
13 wire, radio, optical, or other electromagnetic systems and
14 includes all facilities and equipment owned, leased, or used
15 by judges, clerks, public defenders, state attorneys, and all
16 staff of the state courts system, state attorneys' offices,
17 public defenders' offices, and clerks of the circuit and
18 county courts performing court-related functions. Such system
19 or services shall include, but not be limited to:

20 1. Telephone services and equipment, including
21 facsimile, wireless communications, video teleconferencing,
22 paggers, computer lines, and telephone switching equipment and
23 the maintenance, supplies, hardware, software, and line
24 charges, including local and long distance toll charges, and
25 support staff or services necessary for operation.

26 2. Computer systems and equipment, including computer
27 hardware and software, modems, printers, wiring, network
28 connections, maintenance, support staff or services, training,
29 supplies, and line charges necessary for an integrated
30 computer system to support the operations and management of
31 the state courts system, the offices of the public defenders,

1 the offices of the state attorneys, and the offices of the
2 clerks of the circuit and county courts and the capability to
3 connect those entities and reporting data to the state as
4 required for the transmission of revenue, performance
5 accountability, case management, data collection, budgeting,
6 and auditing purposes.

7 3. Postage, printed documents, radio, courier
8 messenger and subpoena services, support services, all
9 maintenance, supplies and line charges.

10 (g) "Existing radio systems" includes, but is not
11 limited to, law enforcement radio systems that are used by the
12 circuit and county courts, the offices of the public
13 defenders, the offices of the state attorneys, and for
14 court-related functions of the offices of the clerks of the
15 circuit and county courts. This includes radio systems that
16 were operational or under contract at the time Revision 7 to
17 Article V of the State Constitution was adopted and any
18 enhancements made thereafter, the maintenance of those
19 systems, and the personnel and supplies necessary for
20 operation.

21 (h) "Existing multi-agency criminal justice
22 information systems" includes, but is not limited to, those
23 components of the multi-agency criminal justice information
24 system as defined in section 943.045, Florida Statutes,
25 supporting the office of the circuit or county court, the
26 public defenders' offices, the state attorneys' offices, or
27 that portion of the office of the clerk of the circuit and
28 county court performing court-related functions that are used
29 to carry out the court-related activities of that entity.
30 This includes upgrades and maintenance of the current
31 equipment, maintenance and upgrades of supporting technology

1 infrastructure and associated staff, and services and expenses
2 to assure continued information sharing and reporting of
3 information to the state. The counties shall also provide
4 additional information technology services, hardware, and
5 software as needed for new judges and staff of the state
6 courts system, state attorneys' offices, public defenders'
7 offices, and the offices of the clerks of the circuit and
8 county court performing court-related functions.

9 (2) Counties shall pay reasonable and necessary
10 salaries, costs, and expenses of the state courts system to
11 meet local requirements as determined by general law.

12 Section 9. Article V Financial Accountability and
13 Efficiency Workgroup.--

14 (1) The Article V Financial Accountability and
15 Efficiency Workgroup is created to serve through January 15,
16 2001. The workgroup shall consist of 11 voting members and 4
17 ex officio members as follows:

18 (a) The Comptroller or his or her designee.

19 (b) The Auditor General or his or her designee.

20 (c) The Secretary of the Department of Management
21 Services or his or her designee.

22 (d) A representative from the state courts system
23 designated by the Chief Justice.

24 (e) The Executive Director of the Fiscal
25 Responsibility Council from the House of Representatives or
26 other person designated by the Speaker of the House of
27 Representatives.

28 (f) The Staff Director of the Senate Budget Committee
29 or other person designated by the President of the Senate.

30 (g) The Staff Director of the Legislative Committee on
31 Intergovernmental Relations or his or her designee.

1 (h) The director of the Governor's Office of Policy
2 and Budget or his or her designee.

3 (i) The director of the Office of Program Policy
4 Analysis and Government Accountability or his or her designee.

5 (j) A representative of the Florida Association of
6 Counties as an ex-officio member.

7 (k) A representative of the Florida Association of
8 Court Clerks and Comptroller as an ex-officio member.

9 (l) A representative of the Florida Public Defender's
10 Association as an ex-officio member.

11 (m) A representative of the Florida Prosecuting
12 Attorneys Association as an ex-officio member.

13

14 The chair and vice chair of the Joint Legislative Committee on
15 Article V shall respectively act as chair and vice chair of
16 the workgroup. The Joint Legislative Committee on Article V
17 shall provide staff support for the workgroup.

18 (2) The workgroup shall develop recommendations
19 concerning financial accountability systems and standards for
20 use during and after the transition from local to state
21 funding as required by the 1998 revisions to Article V,
22 Section 14 of the State Constitution.

23 (3) The workgroup shall consider the use of the
24 current Uniform Chart of Accounts, Florida Accounting
25 Information System, or any other existing state accounting
26 systems and advise the Legislature on whether any of the
27 systems are appropriate for the long-term accounting
28 requirements for expenditures and revenues. The workgroup
29 shall advise the Legislature on any modifications or
30 enhancements that may be necessary to existing systems and

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1 recommend a plan to implement the necessary modifications or
2 enhancements.

3 (4) If the workgroup determines that no existing state
4 system is appropriate for long-term use, it shall provide the
5 Legislature with a full explanation of the reasons and develop
6 at least two options for Legislative consideration.

7 (5) The workgroup shall examine incentives pursuant to
8 current law for compliance with state reporting requirements
9 and make recommendations to further encourage local
10 compliance.

11 (6) The workgroup shall consider and make
12 recommendations regarding alternative structures for budgeting
13 and fiscal management for the state courts system, public
14 defenders' offices, state attorneys' offices, constitutionally
15 required court-appointed attorneys and the clerks of the
16 circuit and county courts. In developing the alternatives,
17 the workgroup shall consider using existing management
18 entities such as the Justice Administrative Commission, the
19 Office of the State Courts Administrator, or any other
20 appropriate entity.

21 (7) The workgroup will obtain data on all fees, costs,
22 service charges, fines, forfeitures, or other court-related
23 charges, evaluate the data, make selected audits of such data
24 as necessary, and report to the Joint Legislative Committee on
25 Article V regarding the accuracy of such data. The data shall
26 be compiled by each county. The information obtained must
27 address the authority for collection, the authorized amount,
28 the total amount collected, identification of where the funds
29 are collected and distributed, the amount distributed to each
30 identified entity, and the required and actual use of the
31 funds by the receiving entity.

1 (8) In addition to the review and assessment of
2 financial accountability systems and standards, the workgroup
3 may also assess the efficiency and effectiveness of the state
4 court system, public defenders' offices, state attorneys'
5 offices, clerks of the circuit and county courts, and
6 constitutionally required court-appointed attorneys' operating
7 policies and procedures related to financial management and
8 reporting. The assessment may include a review of current
9 organizational duties and responsibilities for supporting
10 entities. The workgroup may include in its final report
11 recommendations for improving operating policies and
12 procedures relating to the financial management activities of
13 the state court system, public defenders' offices, clerks of
14 the circuit and county courts, state attorneys' offices, and
15 constitutionally required court-appointed attorneys.

16 (9) Subject to the availability of specific
17 appropriations and the approval of the President of the Senate
18 and the Speaker of the House of Representatives, the workgroup
19 may contract for consultants or technical assistance in
20 carrying out its responsibilities.

21 (10) The workgroup shall be terminated upon the
22 issuance of a report and final recommendations to the Joint
23 Legislative Committee on Article V, the President of the
24 Senate, the Speaker of the House of Representatives, the Chief
25 Justice of the Supreme Court, and the Governor not later than
26 January 15, 2001.

27 Section 10. Payment of extraordinary criminal
28 case-related costs.--

29 (1) Any county having a population of fewer than
30 85,000 according to the most recent decennial census may apply
31 to the Governor and Cabinet for additional funding to cover

1 extraordinary criminal-case-related costs from the Working
2 Capital Fund.

3 (2) The release of funds shall be approved by the
4 Governor and Cabinet only when a qualifying county's budget is
5 inadequate to cover extraordinary criminal-case-related costs
6 and a determination has been made by the Governor and Cabinet
7 that the deficiency will result in an impairment of the
8 operations of the county.

9 (3) The Governor and Cabinet shall submit a report
10 quarterly showing the number of applications for additional
11 funding, how many applications were approved and paid, and any
12 other relevant data.

13 Section 11. Pilot projects; conflict
14 attorneys.--Pursuant to Article XII, Section 25 and Article V,
15 Section 14 of the State Constitution, and section 27.52,
16 Florida Statutes, the Legislature creates pilot projects to
17 reimburse three counties for expenses related to reasonable
18 and necessary conflict attorneys. The counties selected must
19 agree to institute cost containment and accountability
20 processes and to provide a detailed quarterly report to the
21 Governor, the President of the Senate, the Speaker of the
22 House of Representatives, and the Joint Legislative Committee
23 on Article V. The report shall include, but is not limited
24 to:

25 (1) The total number of conflict cases.

26 (2) The steps that were taken to avoid the conflict,
27 if any.

28 (3) The number of each type of case identified with
29 specificity.

30 (4) The length of each case.

31 (5) The total amount paid to each attorney.

1 (6) The total year-to-date payments to conflict
2 attorneys.

3 (7) The method of payment, for example, hourly rate,
4 flat fee, contract, or other.

5
6 All information must be broken down based on whether the case
7 was given to outside counsel due to an ethical conflict or due
8 to an overextended caseload.

9 Section 12. Clerks of the court reporting
10 requirements.--

11 (1) The Clerks of Court shall, not later than
12 September 30, 2000, provide the following information to the
13 Joint Legislative Committee on Article V and the Article V
14 Financial Accountability and Efficiency Workgroup:

15 (a) A detailed description of the services currently
16 provided to the state courts system, state attorneys' offices,
17 and public defenders' offices.

18 (b) Detailed information on the cost of each of the
19 services provided.

20 (c) Detailed information on the current source of
21 funding for each service.

22 (d) A complete listing of all fees, costs, service
23 charges, fines, forfeitures, or other court-related charges
24 collected by the office of the clerk of the circuit and county
25 court and the statute, local ordinance, court rule, or
26 judicial order that authorizes the collection. This list
27 shall also address the event that authorizes the collection
28 and the designated use of the amounts collected.

29 (e) A total amount collected by the clerk in each
30 circuit for each fee, cost, service charge, fine, forfeiture,
31 or other charge for fiscal year 1998-1999.

1 (f) The distribution of each fee, cost, service
2 charge, fine, forfeiture, or other court-related charge
3 collected by the clerk. This shall include where the money is
4 distributed, the amount of each charge distributed, and the
5 total amounts distributed for fiscal year 1998-1999.

6 (2) To the extent applicable, information provided
7 under paragraphs (1)(a)-(f) shall be cross referenced to
8 current accounting classifications required by the Uniform
9 Chart of Accounts as developed pursuant to section 218.33,
10 Florida Statutes.

11 (3) The clerks of court shall, not later than
12 September 30, 2000, make recommendations on the following:

13 (a) Of those services currently provided by the clerks
14 of the court, services that the clerks of the circuit and
15 county courts should continue to provide in the future.

16 (b) Recommended levels of fees, costs, or service
17 charges to be used to fully fund the proposed court-related
18 functions.

19 (c) Alternative sources of funding, if it is the
20 clerks of the court's position that the fees, costs, and
21 service charges recommended in paragraph (b) would be
22 violative of the state or federal constitution.

23 Section 13. Section 11.75, Florida Statutes, is created
24 to read:

25 11.75 Joint Legislative Committee on Article V.--

26 (1) The Joint Legislative Committee on Article V of
27 the State Constitution is created. The committee shall be
28 composed of eight members appointed as follows: four members
29 of the Senate appointed by the President of the Senate and
30 four members of the House of Representatives appointed by the
31 Speaker of the House of Representatives. The President of the

1 Senate shall appoint the chair in even-numbered years and the
2 vice chair in odd-numbered years and the Speaker of the House
3 of Representatives shall appoint the chair in odd-numbered
4 years and the vice chair in even-numbered years from among the
5 committee membership. A vacancy shall be filled in the same
6 manner as the original appointment.

7 (2) The joint committee shall coordinate and oversee
8 the implementation of Revision 7 to Article V of the State
9 Constitution. The joint committee shall make recommendations
10 to the Legislature, including proposed legislation, in an
11 annual report to be submitted by October 15 of each year.

12 (3) The Legislature shall review the joint committee
13 in 2004 to determine the necessity of its continued existence.

14 Section 14. Nothing in this act shall require the
15 Legislature to fund any court function or court-related
16 activities of the court system, the state attorneys' offices,
17 public defenders' offices, conflict counsel, the statewide
18 prosecutor, or the clerks of the circuit and county courts,
19 except to create a contingency fund to assist small counties
20 with extraordinary case-related costs in criminal cases and
21 for pilot projects in at least three counties to cover
22 reasonable and necessary conflict attorneys.

23 Section 15. Section 216.001, Florida Statutes, is
24 amended to read:

25 216.001 Definitions.--For purposes of chapter 94-249,
26 Laws of Florida, except as otherwise provided herein, "state
27 agency" or "agency" means any unit of organization of the
28 executive branch, including any official, officer, department,
29 board, commission, division, bureau, section, district,
30 office, authority, committee, or council or any other unit of
31 government, however designated, and the Public Service

1 Commission. For purposes of chapter 94-249, "state agency"
2 shall ~~not~~ include the judicial branch. For purposes of chapter
3 94-249, "judicial branch" shall mean all officers, employees,
4 and offices of the Supreme Court, district courts of appeal,
5 circuit courts, county courts, Justice Data Center, and the
6 Judicial Qualifications Commission.

7 Section 16. Paragraph (mm) of subsection (1) of
8 section 216.011, Florida Statutes, is amended to read:

9 216.011 Definitions.--

10 (1) For the purpose of fiscal affairs of the state,
11 appropriations acts, legislative budgets, and approved
12 budgets, each of the following terms has the meaning
13 indicated:

14 (mm) "State agency" or "agency" means any official,
15 officer, commission, board, authority, council, committee, or
16 department of the executive branch of state government. For
17 purposes of this chapter and chapter 215, "state agency" or
18 "agency" includes state attorneys, public defenders, the
19 Capital Collateral Representative, and the Justice
20 Administrative Commission. For the purpose of implementing
21 Article III, Section 19(h) of the State Constitution, the
22 terms "state agency" or "agency" include the judicial branch.

23 Section 17. Subsections (8), (9), and (10) of section
24 216.0172, Florida Statutes, are redesignated as subsections
25 (9), (10), and (11), respectively, and a new subsection (8) is
26 added to that section to read:

27 216.0172 Schedule for submission of performance-based
28 program budgets.--In order to implement the provisions of
29 chapter 94-249, Laws of Florida, state agencies shall submit
30 performance-based program budget legislative budget requests
31 for programs approved pursuant to s. 216.0166 to the Executive

1 Office of the Governor and the Legislature based on the
2 following schedule:

3 (8) By September 15, 2001, the judicial branch shall
4 submit to the Legislature a performance-based program budget
5 request for programs approved by the Legislature, and a copy
6 of the request must be provided to the Governor.

7 Section 18. Subsections (1) and (2) of section
8 216.023, Florida Statutes, are amended to read:

9 216.023 Legislative budget requests to be furnished by
10 agencies.--

11 (1) The head of each state agency, except as provided
12 in subsection (2), shall submit a final legislative budget
13 request to the Legislature and to the Governor, as chief
14 budget officer of the state, in the form and manner prescribed
15 in the budget instructions and at such time as specified by
16 the Executive Office of the Governor, based on the agency's
17 independent judgment of its needs. However, no state agency
18 shall submit its final legislative budget request later than
19 September 1 of each year.

20 (2) The judicial branch and the Division of
21 Administrative Hearings shall submit their final legislative
22 budget requests directly to the Legislature with a copy to the
23 Governor, as chief budget officer of the state, in the form
24 and manner as prescribed in the budget instructions. However,
25 the final legislative budget requests shall be submitted no
26 later than September 1 of each year.

27 Section 19. Subsections (1) and (2) of section
28 216.0235, Florida Statutes, are amended to read:

29 216.0235 Performance-based legislative program budget
30 requests to be furnished by agencies.--

31

1 (1) The head of each state agency, except as provided
2 in subsection (2), shall submit a final legislative program
3 budget request to the Legislature and to the Governor, as
4 chief budget officer of the state, in the form and manner
5 prescribed in the program budget instructions and at such time
6 as specified by the Executive Office of the Governor, based on
7 the agency's independent judgment of its needs. However, a
8 state agency may not submit its final legislative program
9 budget request later than September 1 of each year. The
10 provisions of s. 216.023 do not apply to programs within state
11 agencies that have been approved to operate under a
12 performance-based program budget.

13 (2) The judicial branch shall submit its final
14 legislative program budget request directly to the Legislature
15 with a copy to the Governor, as chief budget officer of the
16 state, in the form and manner prescribed in the program budget
17 instructions. However, the final legislative program budget
18 requests shall be submitted no later than September 1 of each
19 year.

20 Section 20. Subsection (6) is added to section
21 216.0166, Florida Statutes, to read:

22 216.0166 Submission by state agencies of
23 performance-based budget requests, programs, and performance
24 measures.--

25 (6) Prior to September 15 of the fiscal year prior to
26 which the judicial branch is required to submit a
27 performance-based program budget request pursuant to s.
28 216.0172, the Chief Justice shall identify and, after
29 consultation with the Office of Program Policy Analysis and
30 Government Accountability and the legislative staff of the
31 appropriate substantive and appropriations committees in the

1 Senate and the House of Representatives, shall submit to the
2 Legislature a list of proposed programs and associated
3 performance measures. The judicial branch shall provide
4 documentation to accompany the list of proposed programs and
5 performance measures as provided under s. 216.0166(2). The
6 judicial branch shall submit a performance-based program
7 legislative budget request pursuant to s. 216.0172 using the
8 programs and performance measures adopted by the Legislature.
9 The Chief Justice may propose revisions to approved programs
10 or performance measures for the judicial branch. The
11 Legislature shall have final approval of all programs and
12 associated performance measures and standards for the judicial
13 branch through the General Appropriations Act or legislation
14 implementing the General Appropriations Act.

15 Section 21. Sections 10 and 11 of this act shall be
16 funded consistent with the General Appropriations Act.

17 Section 22. This act shall take effect upon becoming a
18 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 1212

4 The proposed committee substitute establishes the framework
5 for implementation of Revision 7 over the next four years:

- 6 -- Definitions are provided for the essential elements of
7 the state courts system, the public defenders' offices,
8 the state attorneys' offices, court appointed counsel,
9 and those court-related functions that are the
10 responsibility of the counties for funding purposes.
- 11 -- A phase-in schedule is established for the Legislature
12 to review the state courts system, the public defenders'
13 and state attorneys' offices, court appointed counsel,
14 and the court related functions of the clerks of the
15 court.
- 16 -- The clerks of the circuit and county courts are required
17 to provide specified information on court-related
18 services and associated fees, costs, and service
19 charges.
- 20 -- A process is created by which small counties, with
21 populations of less than 85,000 may apply to the
22 Governor and Cabinet for assistance from the Working
23 Capital Fund in paying extraordinary
24 criminal-case-related costs.
- 25 -- Pilot projects are created in three counties to provide
26 reimbursement for the cost of conflict counsel. The
27 selected counties must agree to institute cost
28 containment and accountability processes and to provide
29 detailed quarterly reports.
- 30 -- The Article V Financial Accountability and Efficiency
31 Workgroup is created to serve through January 15, 2001
and review financial systems for implementation of
Revision 7.
- A Joint Legislative Committee on Article V is created to
coordinate and oversee the implementation of Revision 7
to Article V of the State Constitution.
- Counties are required to continue to fund existing
functions of the state courts system, state attorneys'
offices, public defenders' offices, office of the
statewide prosecutor, court appointed counsel, and the
offices of the clerks of the circuit and county courts
performing court-related functions.
- The judicial branch is required to comply with the
statutory performance based budgeting requirements that
all agencies must implement.
- The proposed committee substitute specifies that nothing
in the act requires the state to fund any court-related
activity except as provided in the sections creating the
process for small county reimbursement of

1 criminal-case-related costs and the pilot projects.
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