

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; creating  
6 the Supreme Court Workload Study Commission;  
7 providing members; providing duties; providing  
8 staffing; requiring a report; amending s.  
9 216.0166, F.S.; providing requirements for  
10 performance-based program budgeting for the  
11 judicial branch; providing an effective date.  
12

13 Be It Enacted by the Legislature of the State of Florida:  
14

15 Section 1. Intent.--

16 (1) It is the intent of the Legislature that, for the  
17 purpose of implementing Article V, Section 14 of the State  
18 Constitution, the state courts system be defined to include  
19 the essential elements of the Supreme Court, district courts  
20 of appeal, circuit courts, county courts, and essential  
21 supports thereto. Similarly, the offices of public defenders  
22 and state attorneys shall include those essential elements as  
23 determined by general law. Further, the state attorneys'  
24 offices are defined to include the essential elements of the  
25 20 state attorneys' offices and the public defenders' offices  
26 are defined to include the essential elements of the 20 public  
27 defenders' offices. Court appointed counsel are defined as  
28 counsel appointed to ensure due process in criminal and civil  
29 proceedings in accordance with state and federal  
30 constitutional guarantees.  
31

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

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

26           (4) Although a program or function currently may be  
27 funded by the state or prescribed or established in general  
28 law, this does not designate the program or function as an  
29 essential element of the state courts system, state attorneys'  
30 offices, public defenders' offices, or the offices of the  
31 circuit and county court clerks performing court-related

1 functions as described in Article V, Section 14, of the State  
2 Constitution.

3 Section 2. Basis for funding.--

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

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

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

22 Section 3. Phase-in schedule.--

23 (1) During fiscal years 2000-2001 and 2001-2002 the  
24 Legislature shall:

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

30 (b) Review selected salaries, costs, and expenses of  
31 the state courts system which may be funded from appropriate

1 filing fees for judicial proceedings and service charges and  
2 costs.

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

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

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

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

1 law and practice, until such time as the Legislature expressly  
2 assumes the responsibility for funding such elements. Counties  
3 will fund the cost of criminal cases filed by the office of  
4 statewide prosecution. Additionally, the Legislature will  
5 define by general law those local requirements of the state  
6 courts system for which the counties must pay reasonable and  
7 necessary salaries, costs, and expenses.

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

11 (a) To create a contingency fund to assist small  
12 counties with extraordinary case-related costs in criminal  
13 cases.

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

16 Section 4. State courts system.--

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

20 (a) Judges appointed or elected pursuant to chapters  
21 25, 26, 34 and 35, Florida Statutes, and essential staff,  
22 expenses, and costs as determined by general law.

23 (b) Juror compensation and expenses and reasonable  
24 juror accommodations when necessary.

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

27 (d) Auxiliary aids and services for qualified  
28 individuals with a disability which are necessary to ensure  
29 access to the courts. Such auxiliary aids and services  
30 include, but are not limited to, sign-language interpreters,  
31 translators, real-time transcription services for individuals

1 who are hearing impaired, and assistive listening devices.  
2 This section does not include physical modifications to court  
3 facilities; noncourtroom communication services; or other  
4 accommodations, auxiliary aids, or services for which the  
5 counties are responsible pursuant to Section 14 of Article V  
6 of the State Constitution.

7 (e) Construction or lease of facilities, maintenance,  
8 utilities and security for the district courts of appeal and  
9 the Supreme Court.

10 (f) Foreign language interpreters and translators  
11 essential to comply with constitutional requirements.

12 (g) Staff and expenses of the Judicial Qualifications  
13 Commission.

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

18 (1) The state attorney of each judicial circuit and  
19 assistant state attorneys and essential staff as determined by  
20 general law.

21 (2) Reasonable court reporting services necessary to  
22 meet constitutional requirements.

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

31

1           Section 6. Public defenders and indigent defense  
2 costs.--For purposes of implementing Article V, Section 14 of  
3 the State Constitution, the essential elements of the public  
4 defenders' offices are as follows:

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

8           (2) Reasonable court reporting services necessary to  
9 meet constitutional requirements.

10           (3) Witnesses summoned to appear for an investigation,  
11 preliminary hearing, or trial in a criminal case when the  
12 witnesses are summoned on behalf of an indigent defendant;  
13 mental health professionals who are appointed pursuant to s.  
14 394.473, Florida Statutes, and required in a court hearing  
15 involving an indigent; and expert witnesses who are appointed  
16 pursuant to section 916.115(2), Florida Statutes, and required  
17 in a court hearing involving an indigent.

18           Section 7. Court appointed counsel.--For purposes of  
19 implementing Article V, Section 14 of the State Constitution,  
20 the essential elements of court appointed counsel are as  
21 follows:

22           (1) Private attorneys assigned by the court to handle  
23 cases where the defendant is indigent and cannot be  
24 represented by the public defender.

25           (2) Private attorneys appointed by the court to  
26 represent indigents or other classes of litigants in civil  
27 proceedings requiring court appointed counsel in accordance  
28 with state and federal constitutional guarantees.

29           (3) Reasonable court reporting services necessary to  
30 meet constitutional requirements.

31



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

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

13           Section 8. County funding of court-related  
14 functions.--

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

25           (a) "Facility" means reasonable and necessary  
26 buildings, structures, real estate, easements, and related  
27 interests in real estate, including, but not limited to, those  
28 for the purpose of housing personnel, equipment, or functions  
29 of the circuit or county courts, public defenders' offices,  
30 state attorneys' offices, and court-related functions of the  
31 office of the clerks of the circuit and county courts and all

1 storage. The term also includes access to parking for such  
2 facilities in connection with such court-related functions  
3 that may be available free or from a private provider or a  
4 local government for a fee.

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

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

25 (d) "Utilities" means electricity services for light,  
26 heat, or power; natural or manufactured gas services for  
27 light, heat, or power; water and wastewater services and  
28 systems, stormwater or runoff services and systems, sewer  
29 services and systems, all costs or fees associated with these  
30 services and systems, and any costs or fees associated with  
31

1 the mitigation of environmental impacts directly related to  
2 the facility.

3 (e) "Security" includes but is not limited to, all  
4 reasonable and necessary costs of services of law enforcement  
5 officers or licensed security guards and all electronic,  
6 cellular, or digital monitoring and screening devices  
7 necessary to ensure the safety and security of all persons  
8 visiting or working in a facility; to provide for security of  
9 the facility, including protection of property owned by the  
10 county or the state; and for security of prisoners brought to  
11 any facility. This includes bailiffs while providing  
12 courtroom and other security for each judge and other  
13 quasi-judicial officers.

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

25 1. Telephone services and equipment, including  
26 facsimile, wireless communications, video teleconferencing,  
27 paggers, computer lines, and telephone switching equipment and  
28 the maintenance, supplies, hardware, software, and line  
29 charges, including local and long distance toll charges, and  
30 support staff or services necessary for operation.

31

1           2. Computer systems and equipment, including computer  
2 hardware and software, modems, printers, wiring, network  
3 connections, maintenance, support staff or services, training,  
4 supplies, and line charges necessary for an integrated  
5 computer system to support the operations and management of  
6 the state courts system, the offices of the public defenders,  
7 the offices of the state attorneys, and the offices of the  
8 clerks of the circuit and county courts and the capability to  
9 connect those entities and reporting data to the state as  
10 required for the transmission of revenue, performance  
11 accountability, case management, data collection, budgeting,  
12 and auditing purposes.

13           3. Postage, printed documents, radio, courier  
14 messenger and subpoena services, support services, all  
15 maintenance, supplies and line charges.

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

27           (h) "Existing multi-agency criminal justice  
28 information systems" includes, but is not limited to, those  
29 components of the multi-agency criminal justice information  
30 system as defined in section 943.045, Florida Statutes,  
31 supporting the offices of the circuit or county courts, the

1 public defenders' offices, the state attorneys' offices, or  
2 those portions of the offices of the clerks of the circuit and  
3 county courts performing court-related functions that are used  
4 to carry out the court-related activities of those entities.  
5 This includes upgrades and maintenance of the current  
6 equipment, maintenance and upgrades of supporting technology  
7 infrastructure and associated staff, and services and expenses  
8 to assure continued information sharing and reporting of  
9 information to the state. The counties shall also provide  
10 additional information technology services, hardware, and  
11 software as needed for new judges and staff of the state  
12 courts system, state attorneys' offices, public defenders'  
13 offices, and the offices of the clerks of the circuit and  
14 county court performing court-related functions.

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

18 Section 9. Article V Financial Accountability and  
19 Efficiency Workgroup.--

20 (1) The Article V Financial Accountability and  
21 Efficiency Workgroup is created to serve through January 15,  
22 2001. The workgroup shall consist of 11 voting members and 4  
23 ex officio members as follows:

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

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

26 (c) The Secretary of the Department of Management  
27 Services or his or her designee.

28 (d) A representative from the state courts system  
29 designated by the Chief Justice.

30 (e) The Executive Director of the Fiscal  
31 Responsibility Council from the House of Representatives or

1 other person designated by the Speaker of the House of  
2 Representatives.

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

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

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

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

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

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

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

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

19  
20 The chair and vice chair of the Joint Legislative Committee on  
21 Article V shall respectively act as chair and vice chair of  
22 the workgroup. The Joint Legislative Committee on Article V  
23 shall provide staff support for the workgroup.

24 (2) The workgroup shall develop recommendations  
25 concerning financial accountability systems and standards for  
26 use during and after the transition from local to state  
27 funding as required by the 1998 revisions to Article V,  
28 Section 14 of the State Constitution.

29 (3) The workgroup shall consider the use of the  
30 current Uniform Chart of Accounts, Florida Accounting  
31 Information System, or any other existing state accounting

1 systems and advise the Legislature on whether any of the  
2 systems are appropriate for the long-term accounting  
3 requirements for expenditures and revenues. The workgroup  
4 shall advise the Legislature on any modifications or  
5 enhancements that may be necessary to existing systems and  
6 recommend a plan to implement the necessary modifications or  
7 enhancements.

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

12 (5) The workgroup shall examine incentives pursuant to  
13 current law for compliance with state reporting requirements  
14 and make recommendations to further encourage local  
15 compliance.

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

26 (7) The workgroup will obtain data on all fees, costs,  
27 service charges, fines, forfeitures, or other court-related  
28 charges, evaluate the data, make selected audits of such data  
29 as necessary, and report to the Joint Legislative Committee on  
30 Article V regarding the accuracy of such data. The data shall  
31 be compiled by each county. The information obtained must

1 address the authority for collection, the authorized amount,  
2 the total amount collected, identification of where the funds  
3 are collected and distributed, the amount distributed to each  
4 identified entity, and the required and actual use of the  
5 funds by the receiving entity.

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

21 (9) Subject to the availability of specific  
22 appropriations and the approval of the President of the Senate  
23 and the Speaker of the House of Representatives, the workgroup  
24 may contract for consultants or technical assistance in  
25 carrying out its responsibilities.

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



1           Section 10. Contingency fund.--

2           (1) Any county with a population of less than 85,000,  
3 according to the most recent decennial census, may apply to  
4 the Office of the State Courts Administrator for additional  
5 funding to cover extraordinary criminal case related costs.

6           (2) The Office of the State Courts Administrator, in  
7 consultation with the chairs of the appropriations committees  
8 of the Legislature, shall develop a process whereby counties  
9 may request funds pursuant to this section. Such process  
10 shall be consistent with legislative intent regarding this  
11 act. The Office of the State Courts Administrator shall  
12 review any request for funds by a county under this section  
13 and, if the Office of the State Courts Administrator  
14 determines that a request is valid, it may provide assistance  
15 upon finding a qualifying county's budget is inadequate to  
16 cover extraordinary criminal case related costs and that the  
17 deficiency will result in an impairment of the operations of  
18 the county.

19           (3) The State Courts Administrator shall submit a  
20 report on a quarterly basis, including a complete accounting  
21 of the contingency fund.

22           Section 11. Pilot projects; conflict  
23 attorneys.--Pursuant to Article XII, Section 25 and Article V,  
24 Section 14 of the State Constitution, and section 27.52,  
25 Florida Statutes, the Legislature creates pilot projects to  
26 reimburse three counties for expenses related to reasonable  
27 and necessary conflict attorneys. The counties selected must  
28 agree to institute cost containment and accountability  
29 processes and to provide a detailed quarterly report to the  
30 Governor, the President of the Senate, the Speaker of the  
31 House of Representatives, and the Joint Legislative Committee

1 on Article V. The report shall include, but is not limited  
2 to:

3 (1) The total number of conflict cases.

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

6 (3) The number of each type of case identified with  
7 specificity.

8 (4) The length of each case.

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

10 (6) The total year-to-date payments to conflict  
11 attorneys.

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

14

15 All information must be broken down based on whether the case  
16 was given to outside counsel due to an ethical conflict or due  
17 to an overextended caseload.

18 Section 12. Clerks of the court reporting  
19 requirements.--

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

24 (a) A detailed description of the services currently  
25 provided to the state courts system, state attorneys' offices,  
26 and public defenders' offices.

27 (b) Detailed information on the cost of each of the  
28 services provided.

29 (c) Detailed information on the current source of  
30 funding for each service.

31

1           (d) A complete listing of all fees, costs, service  
2 charges, fines, forfeitures, or other court-related charges  
3 collected by the office of the clerk of the circuit and county  
4 court and the statute, local ordinance, court rule, or  
5 judicial order that authorizes the collection. This list  
6 shall also address the event that authorizes the collection  
7 and the designated use of the amounts collected.

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

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

16           (2) To the extent applicable, information provided  
17 under paragraphs (1)(a)-(f) shall be cross referenced to  
18 current accounting classifications required by the Uniform  
19 Chart of Accounts as developed pursuant to section 218.33,  
20 Florida Statutes.

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

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

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

29           (c) Alternative sources of funding, if it is the  
30 clerks of the court's position that the fees, costs, and  
31

1 service charges recommended in paragraph (b) would be  
2 violative of the state or federal constitution.

3 Section 13. Section 11.75, Florida Statutes, is created  
4 to read:

5 11.75 Joint Legislative Committee on Article V.--

6 (1) The Joint Legislative Committee on Article V of  
7 the State Constitution is created. The committee shall be  
8 composed of eight members appointed as follows: four members  
9 of the Senate appointed by the President of the Senate and  
10 four members of the House of Representatives appointed by the  
11 Speaker of the House of Representatives. The President of the  
12 Senate shall appoint the chair in even-numbered years and the  
13 vice chair in odd-numbered years and the Speaker of the House  
14 of Representatives shall appoint the chair in odd-numbered  
15 years and the vice chair in even-numbered years from among the  
16 committee membership. A vacancy shall be filled in the same  
17 manner as the original appointment.

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

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

25 Section 14. Nothing in this act shall require the  
26 Legislature to fund any court function or court-related  
27 activities of the court system, the state attorneys' offices,  
28 public defenders' offices, conflict counsel, the statewide  
29 prosecutor, or the clerks of the circuit and county courts.

30 Section 15. Section 216.001, Florida Statutes, is  
31 amended to read:

1           216.001 Definitions.--For purposes of chapter 94-249,  
2 Laws of Florida, except as otherwise provided herein, "state  
3 agency" or "agency" means any unit of organization of the  
4 executive branch, including any official, officer, department,  
5 board, commission, division, bureau, section, district,  
6 office, authority, committee, or council or any other unit of  
7 government, however designated, and the Public Service  
8 Commission. For purposes of chapter 94-249, "state agency"  
9 shall ~~not~~ include the judicial branch. For purposes of chapter  
10 94-249, "judicial branch" shall mean all officers, employees,  
11 and offices of the Supreme Court, district courts of appeal,  
12 circuit courts, county courts, Justice Data Center, and the  
13 Judicial Qualifications Commission.

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

16           216.011 Definitions.--

17           (1) For the purpose of fiscal affairs of the state,  
18 appropriations acts, legislative budgets, and approved  
19 budgets, each of the following terms has the meaning  
20 indicated:

21           (mm) "State agency" or "agency" means any official,  
22 officer, commission, board, authority, council, committee, or  
23 department of the executive branch of state government. For  
24 purposes of this chapter and chapter 215, "state agency" or  
25 "agency" includes state attorneys, public defenders, the  
26 Capital Collateral Representative, and the Justice  
27 Administrative Commission. Solely for the purpose of  
28 implementing Article III, Section 19(h) of the State  
29 Constitution, the terms "state agency" or "agency" include the  
30 judicial branch.

31

1           Section 17. Subsections (8), (9), and (10) of section  
2 216.0172, Florida Statutes, are redesignated as subsections  
3 (9), (10), and (11), respectively, and a new subsection (8) is  
4 added to that section to read:

5           216.0172 Schedule for submission of performance-based  
6 program budgets.--In order to implement the provisions of  
7 chapter 94-249, Laws of Florida, state agencies shall submit  
8 performance-based program budget legislative budget requests  
9 for programs approved pursuant to s. 216.0166 to the Executive  
10 Office of the Governor and the Legislature based on the  
11 following schedule:

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

16           Section 18. Subsections (1) and (2) of section  
17 216.023, Florida Statutes, are amended to read:

18           216.023 Legislative budget requests to be furnished by  
19 agencies.--

20           (1) The head of each state agency, except as provided  
21 in subsection (2), shall submit a final legislative budget  
22 request to the Legislature and to the Governor, as chief  
23 budget officer of the state, in the form and manner prescribed  
24 in the budget instructions and at such time as specified by  
25 the Executive Office of the Governor, based on the agency's  
26 independent judgment of its needs. However, no state agency  
27 shall submit its final legislative budget request later than  
28 September 1 of each year.

29           (2) The judicial branch and the Division of  
30 Administrative Hearings shall submit their final legislative  
31 budget requests directly to the Legislature with a copy to the

1 Governor, as chief budget officer of the state, in the form  
2 and manner as prescribed in the budget instructions. However,  
3 the final legislative budget requests shall be submitted no  
4 later than September 1 of each year.

5 Section 19. Subsections (1) and (2) of section  
6 216.0235, Florida Statutes, are amended to read:

7 216.0235 Performance-based legislative program budget  
8 requests to be furnished by agencies.--

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

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

28 Section 20. Supreme Court Workload Study Commission.--

29 (1) The Legislature finds that the number of justices  
30 has not increased since 1940 and that therefore it is  
31 necessary and beneficial to the furtherance of an efficient

1 and effective judiciary to study the workload of the Florida  
2 Supreme Court.

3 (2) The Supreme Court Workload Study Commission is  
4 created and is assigned to the Office of the State Courts  
5 Administrator for administrative and fiscal purposes only.  
6 The Supreme Court Workload Study Commission shall consist of  
7 seven members to be appointed on or before July 15, 2000, as  
8 follows:

9 (a) The Speaker of the House of Representatives shall  
10 appoint three members. One of the members must be a member of  
11 the House of Representatives and a member in good standing of  
12 The Florida Bar. At least one of the other two members must  
13 be a member in good standing of The Florida Bar.

14 (b) The President of the Senate shall appoint three  
15 members. One of the members must be a member of the Senate  
16 and a member in good standing of The Florida Bar. At least one  
17 of the other two members must be a member in good standing of  
18 The Florida Bar.

19 (c) The Chief Justice of the Florida Supreme Court  
20 shall appoint one member who has served on the Supreme Court  
21 but who is not presently serving, and who shall serve as chair  
22 of the commission.

23 (3) Members of the commission shall serve without  
24 compensation, except for per diem and reimbursement of travel  
25 expenses as provided by section 112.061, Florida Statutes. A  
26 vacancy on the commission shall be filled in the same manner  
27 as the original appointment.

28 (4) In consultation with the Office of Program Policy  
29 Analysis and Government Accountability, the Office of the  
30 State Courts Administrator shall conduct a workload study of  
31



1 the Supreme Court. The results of the study shall be provided  
2 to the commission by November 1, 2000.

3 (5) Using the study and associated data delivered by  
4 the Office of the State Courts Administrator and any other  
5 relevant data, the commission shall develop recommendations  
6 for addressing workload issues, including, but not limited to,  
7 the need for additional justices on the Supreme Court. The  
8 commission shall report its recommendation to the Joint  
9 Legislative Committee on Article V, the Speaker of the House  
10 of Representatives, the President of the Senate, and the Chief  
11 Justice of the Supreme Court by February 15, 2001.

12 (6) It is the intent of the Legislature that the  
13 commission be staffed by the Joint Legislative Committee on  
14 Article V, and that the commission automatically terminate  
15 upon submission of its report to the Legislature.

16 Section 21. Subsection (1) is amended and a new  
17 subsection (6) is added to section 216.0166, Florida Statutes,  
18 to read:

19 216.0166 Submission by state agencies of  
20 performance-based budget requests, programs, and performance  
21 measures.--

22 (1) Except as provided in subsection (6)prior to  
23 September 1 of the fiscal year prior to which a state agency  
24 is required to submit a performance-based program budget  
25 request pursuant to s. 216.0172, such state agency shall  
26 identify and submit to the Executive Office of the Governor a  
27 list of proposed state agency programs and performance  
28 measures. The agency may also provide a list of statutes or  
29 rules affecting its performance which may be addressed as  
30 incentives or disincentives for the performance-based program  
31 budget. The list should be accompanied by recommended

1 legislation to implement the requested changes for potential  
2 incentives. Such identification shall be conducted after  
3 discussion with legislative appropriations and appropriate  
4 substantive committees and shall be approved by the Executive  
5 Office of the Governor. The Executive Office of the Governor,  
6 after discussion with legislative appropriations and  
7 appropriate substantive committees and the Office of Program  
8 Policy Analysis and Government Accountability, shall review  
9 the list of programs and performance measures, may make any  
10 changes or require the agency to resubmit the list, and shall  
11 make a final recommendation of programs and associated  
12 performance measures to the Legislature within 60 days after  
13 receipt, to be used in the preparation and submission of the  
14 state agency's final legislative budget request pursuant to s.  
15 216.023(5). The Executive Office of the Governor may also  
16 recommend legislation to implement any or all of the proposed  
17 incentives. Agencies continuing under performance-based  
18 program budgeting may provide as part of their legislative  
19 budget request a list of statutes or rules affecting their  
20 program performance which may be addressed as incentives or  
21 disincentives for the performance-based program budget.

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

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

12           Section 22. Sections 10 and 11 of this act shall be  
13 funded consistent with the General Appropriations Act.

14           Section 23. This act shall take effect upon becoming a  
15 law.

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