

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; amending s. 35.05, F.S.;
12 authorizing branch district courts of appeal;
13 providing an effective date.

14

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

16

17 Section 1. Intent.--

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

31

1 proceedings in accordance with state and federal
2 constitutional guarantees.

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

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

28 (4) Although a program or function currently may be
29 funded by the state or prescribed or established in general
30 law, this does not designate the program or function as an
31 essential element of the state courts system, state attorneys'

1 offices, public defenders' offices, or the offices of the
2 circuit and county court clerks performing court-related
3 functions as described in Article V, Section 14, of the State
4 Constitution.

5 Section 2. Basis for funding.--

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

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

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

24 Section 3. Phase-in schedule.--

25 (1) During fiscal years 2000-2001 and 2001-2002 the
26 Legislature shall:

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

1 (b) Review selected salaries, costs, and expenses of
2 the state courts system which may be funded from appropriate
3 filing fees for judicial proceedings and service charges and
4 costs.

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

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

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

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

1 and the offices of the clerks of the circuit and county courts
2 performing court-related functions, consistent with current
3 law and practice, until such time as the Legislature expressly
4 assumes the responsibility for funding such elements. Counties
5 will fund the cost of criminal cases filed by the office of
6 statewide prosecution. Additionally, the Legislature will
7 define by general law those local requirements of the state
8 courts system for which the counties must pay reasonable and
9 necessary salaries, costs, and expenses.

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

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

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

18 Section 4. State courts system.--

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

22 (a) Judges appointed or elected pursuant to chapters
23 25, 26, 34 and 35, Florida Statutes, and essential staff,
24 expenses, and costs as determined by general law.

25 (b) Juror compensation and expenses and reasonable
26 juror accommodations when necessary.

27 (c) Reasonable court reporting services necessary to
28 meet constitutional requirements.

29 (d) Auxiliary aids and services for qualified
30 individuals with a disability which are necessary to ensure
31 access to the courts. Such auxiliary aids and services

1 include, but are not limited to, sign-language interpreters,
2 translators, real-time transcription services for individuals
3 who are hearing impaired, and assistive listening devices.
4 This section does not include physical modifications to court
5 facilities; noncourtroom communication services; or other
6 accommodations, auxiliary aids, or services for which the
7 counties are responsible pursuant to Section 14 of Article V
8 of the State Constitution.

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

12 (f) Foreign language interpreters and translators
13 essential to comply with constitutional requirements.

14 (g) Staff and expenses of the Judicial Qualifications
15 Commission.

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

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

23 (2) Reasonable court reporting services necessary to
24 meet constitutional requirements.

25 (3) Witnesses summoned to appear for an investigation,
26 preliminary hearing, or trial in a criminal case when the
27 witnesses are summoned by a state attorney; mental health
28 professionals who are appointed pursuant to section 394.473,
29 Florida Statutes, and required in a court hearing involving an
30 indigent; and expert witnesses who are appointed pursuant to
31

1 section 916.115(2), Florida Statutes, and required in a court
2 hearing involving an indigent.

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

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

10 (2) Reasonable court reporting services necessary to
11 meet constitutional requirements.

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

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

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

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

31

1 (3) Reasonable court reporting services necessary to
2 meet constitutional requirements.

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

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

15 Section 8. County funding of court-related
16 functions.--

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

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

1 state attorneys' offices, and court-related functions of the
2 office of the clerks of the circuit and county courts and all
3 storage. The term also includes access to parking for such
4 facilities in connection with such court-related functions
5 that may be available free or from a private provider or a
6 local government for a fee.

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

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

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

1 services and systems, and any costs or fees associated with
2 the mitigation of environmental impacts directly related to
3 the facility.

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

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

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

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, and notwithstanding section 925.037, Florida
26 Statutes, the Legislature creates pilot projects to reimburse
27 three counties for reasonable and necessary conflict counsel
28 fees, expenses, and costs. The counties designated for the
29 pilot projects must institute cost containment and
30 accountability processes and to provide a detailed quarterly
31 report to the Governor, the President of the Senate, the

1 Speaker of the House of Representatives, and the Joint
2 Legislative Committee on Article V. The report shall include,
3 but is not limited to:

4 (1) The total number of conflict cases.

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

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

9 (4) The length of each case.

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

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

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

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

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

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

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

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

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

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 nine 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. Two of the members must be members in
11 good standing of The Florida Bar. One of the members must be a
12 layperson.

13 (b) The President of the Senate shall appoint three
14 members. Two of the members must be members in good standing
15 of The Florida Bar. One of the members must be a layperson.

16 (c) The Chief Justice of the Florida Supreme Court
17 shall appoint three members. One of the members must have
18 served on the Supreme Court but is not presently serving. That
19 person shall serve as chair. One of the members must be a
20 member in good standing of The Florida Bar. One of the members
21 must be a layperson.

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

27 (4) In consultation with the Office of Program Policy
28 Analysis and Government Accountability, the Office of the
29 State Courts Administrator shall conduct a workload study of
30 the Supreme Court. The results of the study shall be provided
31 to the commission by November 1, 2000.

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

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

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

17 216.0166 Submission by state agencies of
18 performance-based budget requests, programs, and performance
19 measures.--

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

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

20 (6) Prior to September 15 of the fiscal year prior to
21 which the judicial branch is required to submit a
22 performance-based program budget request pursuant to s.
23 216.0172, the Chief Justice shall identify and, after
24 consultation with the Office of Program Policy Analysis and
25 Government Accountability and legislative staff of the
26 appropriate substantive and appropriations committees in the
27 Senate and the House of Representatives, shall submit to the
28 Legislature a list of proposed programs and associated
29 performance measures. The judicial branch shall provide
30 documentation to accompany the list of proposed programs and
31 performance measures as provided under subsection (2). The

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

10 Section 22. Subsection (2) of section 35.05, Florida
11 Statutes, is amended to read:

12 35.05 Headquarters.--

13 (2) A ~~The Second~~ District Court of Appeal may
14 designate other locations within its district as branch
15 headquarters for the conduct of the business of the court in
16 special or regular term and as the official headquarters of
17 its officers or employees pursuant to s. 112.061.

18 Section 23. Sections 10 and 11 of this act shall be
19 funded consistent with the General Appropriations Act.

20 Section 24. This act shall take effect upon becoming a
21 law, except for section 8 of this act, which shall take effect
22 July 1, 2001.

23
24
25
26
27
28
29
30
31