

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 The Committee on Criminal Justice Appropriations offered the  
12 following:

14 **Amendment (with title amendment)**

15 On page 15, line 19, through page 28, line 8,  
16 Remove from the bill: all of said lines

18 and insert in lieu thereof:

20 The chair and vice chair of the Commission on Revision 7 to  
21 Article V shall respectively act as chair and vice chair of  
22 the workgroup. The House Fiscal Responsibility Council and  
23 Senate Budget and Fiscal Policy shall provide staff support  
24 for the workgroup.

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

30 (3) The workgroup shall consider the use of the  
31 current Uniform Chart of Accounts, Florida Accounting

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

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

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

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

27 (7) The workgroup shall obtain data on all fees,  
28 costs, service charges, fines, forfeitures, or other  
29 court-related charges for court-related activities, evaluate  
30 the data, make selected audits of such data as deemed  
31 necessary, and report to the Commission on Revision 7 to

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1 Article V regarding the accuracy of such data. Data shall be  
2 compiled by each office of the clerk of the circuit and county  
3 court or other entity. The information obtained must address  
4 the authority for collection, the authorized amount, the total  
5 amount collected, identification of where the funds are  
6 distributed, the amount distributed to each identified entity,  
7 and the required and actual use of the funds by the receiving  
8 entity.

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

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

30 (10) The workgroup shall be terminated upon the  
31 issuance of a report and final recommendations to the

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1 Commission on Revision 7 to Article V, the President of the  
2 Senate, the Speaker of the House of Representatives, the Chief  
3 Justice of the Supreme Court, and the Governor, not later than  
4 January 15, 2001.

5 Section 10. Contingency fund.--

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

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

23 (3) The State Courts Administrator shall submit a  
24 report on a quarterly basis, including a complete accounting  
25 of the contingency fund.

26 Section 11. Pilot projects; conflict  
27 attorneys.--Pursuant to section 25, Article XII and section  
28 14, Article V of the State Constitution, and section 27.52,  
29 Florida Statutes, the Legislature hereby creates pilot  
30 projects to reimburse at least three counties for expenses  
31 related to reasonable and necessary conflict attorneys. The

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1 counties selected must agree to institute cost containment and  
2 accountability processes and to provide a detailed quarterly  
3 report to the Governor, the President of the Senate, the  
4 Speaker of the House of Representatives, and the Commission on  
5 Revision 7 to Article V. The report shall include, but is not  
6 limited to:

7 (1) The total number of conflict cases.

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

10 (3) The number of each type of case identified with  
11 specificity.

12 (4) The length of each case.

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

14 (6) The total year-to-date payments to conflict  
15 attorneys.

16 (7) The method of payment, i.e. hourly rate, flat fee,  
17 contract, or other.

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

22 Section 12. Clerks of the court reporting  
23 requirements.--

24 (1) The clerks of court shall, not later than  
25 September 30, 2000, provide the following information to the  
26 Commission on Revision 7 to Article V and the Article V  
27 Financial Accountability and Efficiency Workgroup:

28 (a) A detailed description of the services currently  
29 provided to the state courts system, state attorneys' offices,  
30 and public defenders' offices.

31 (b) Detailed information on the cost of each of the

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1 services provided.

2 (c) Detailed information on the current source of  
3 funding for each service.

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

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

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

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

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

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

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

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1           (c) Alternative sources of funding, if it is the  
2 clerks of court's position that the fees, costs, and service  
3 charges recommended in paragraph (b) would be violative of the  
4 State or Federal Constitution.

5           Section 13. Commission on Revision 7 to Article V.--

6           (1) The Commission on Revision 7 to Article V is  
7 created. The Commission shall consist of 15 members appointed  
8 by July 15, 2000, as follows.

9           (a) Five Senators appointed by the President of the  
10 Senate.

11           (b) Five Representatives appointed by the Speaker of  
12 the House of Representatives.

13           (c) One member appointed by the Chief Justice of the  
14 Supreme Court.

15           (d) One member appointed by the Association of Court  
16 Clerks and Comptroller.

17           (e) One member appointed by the Florida Association of  
18 Counties.

19           (f) One member appointed by the Public Defenders'  
20 Association.

21           (g) One member appointed by the Florida Prosecuting  
22 Attorney's Association.

23           (2) The members of the commission shall choose one  
24 Senator and one Representative to serve as Chair and Vice  
25 Chair. In even numbered years, the Chair shall be the  
26 Senator, and in odd numbered years the Chair shall be the  
27 Representative. The Chair and Vice Chair shall alternate  
28 seats and shall serve through May 1, 2005. A vacancy in the  
29 commission shall be filled in the same manner as the original  
30 appointment. Prior to the 2005 legislative session, the  
31 Legislature shall review the Commission to determine the

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1 necessity of its continued existence.

2 (3) The members of the Commission shall serve without  
3 compensation, except for per diem and reimbursement of travel  
4 expenses as provided by section 112.061, Florida Statutes.

5 (4) The Commission shall coordinate and oversee the  
6 implementation of Revision 7 to Article V of the State  
7 Constitution adopted in 1998. The Commission shall make  
8 recommendations to the Legislature, including proposed  
9 legislation, in an annual report to be submitted by October 15  
10 of each year.

11 (5) Subject to the availability of specific  
12 appropriations, the Commission may retain consultants,  
13 technical assistance, and staff support necessary to carry out  
14 its responsibilities. The Commission shall be attached to the  
15 Office of Legislative Services for administrative purposes.

16 Section 14. Nothing in this act shall require the  
17 state to fund the state courts system, state attorneys'  
18 offices, public defenders' offices, court-appointed counsel,  
19 office of the statewide prosecutor, or offices of the clerks  
20 of the circuit and county courts.

21 Section 15. Section 216.001, Florida Statutes, is  
22 amended to read:

23 216.001 Definitions.--For purposes of chapter 94-249,  
24 Laws of Florida, except as otherwise provided herein, "state  
25 agency" or "agency" means any unit of organization of the  
26 executive branch, including any official, officer, department,  
27 board, commission, division, bureau, section, district,  
28 office, authority, committee, or council or any other unit of  
29 government, however designated, and the Public Service  
30 Commission. For purposes of chapter 94-249, "state agency"  
31 shall ~~not~~ include the judicial branch. For purposes of chapter



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1 94-249, "judicial branch" shall mean all officers, employees,  
2 and offices of the Supreme Court, district courts of appeal,  
3 circuit courts, county courts, Justice Data Center, and the  
4 Judicial Qualifications Commission.

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

7 216.011 Definitions.--

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

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

21 Section 17. Subsection (1) of section 216.0166,  
22 Florida Statutes, is amended, and subsection (6) is added to  
23 said section, to read:

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

27 (1) Except as provided in subsection (6), prior to  
28 September 1 of the fiscal year prior to which a state agency  
29 is required to submit a performance-based program budget  
30 request pursuant to s. 216.0172, such state agency shall  
31 identify and submit to the Executive Office of the Governor a

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

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

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

17 Section 18. Subsections (8), (9), and (10) of section  
18 216.0172, Florida Statutes, are renumbered as subsections (9),  
19 (10), and (11), respectively, and a new subsection (8) is  
20 added to said section to read:

21 216.0172 Schedule for submission of performance-based  
22 program budgets.--In order to implement the provisions of  
23 chapter 94-249, Laws of Florida, state agencies shall submit  
24 performance-based program budget legislative budget requests  
25 for programs approved pursuant to s. 216.0166 to the Executive  
26 Office of the Governor and the Legislature based on the  
27 following schedule:

28 (8) By September 15, 2001, the judicial branch shall  
29 submit to the Legislature a performance-based program budget  
30 request for programs approved by the Legislature, and copy the  
31 Governor.

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1           Section 19. Subsection (1) of section 216.023, Florida  
2 Statutes, is amended to read:

3           216.023 Legislative budget requests to be furnished by  
4 agencies.--

5           (1) The head of each state agency, except for the  
6 judicial branch, shall submit a final legislative budget  
7 request to the Legislature and to the Governor, as chief  
8 budget officer of the state, in the form and manner prescribed  
9 in the budget instructions and at such time as specified by  
10 the Executive Office of the Governor, based on the agency's  
11 independent judgment of its needs. However, no state agency  
12 shall submit its final legislative budget request later than  
13 September 1 of each year.

14           Section 20. Subsection (1) of section 216.0235,  
15 Florida Statutes, is amended to read:

16           216.0235 Performance-based legislative program budget  
17 requests to be furnished by agencies.--

18           (1) The head of each state agency, except for the  
19 judicial branch, shall submit a final legislative program  
20 budget request to the Legislature and to the Governor, as  
21 chief budget officer of the state, in the form and manner  
22 prescribed in the program budget instructions and at such time  
23 as specified by the Executive Office of the Governor, based on  
24 the agency's independent judgment of its needs. However, a  
25 state agency may not submit its final legislative program  
26 budget request later than September 1 of each year. The  
27 provisions of s. 216.023 do not apply to programs within state  
28 agencies that have been approved to operate under a  
29 performance-based program budget.

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

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1           Section 22. Supreme Court Workload Study Commission.--

2           (1) The Legislature finds that the number of justices  
3 has not increased since 1940 and that therefore it is  
4 necessary and beneficial to the furtherance of an efficient  
5 and effective judiciary to study the workload of the Florida  
6 Supreme Court.

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

13           (a) The Speaker of the House of Representatives shall  
14 appoint three members. One of the members must be a member of  
15 the House of Representatives. At least one of the other two  
16 members must be a member in good standing with The Florida  
17 Bar.

18           (b) The President of the Senate shall appoint three  
19 members. One of the members must be a member of the Senate.  
20 At least one of the other two members must be a member in good  
21 standing with The Florida Bar.

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

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

31           (4) In consultation with the Office of Program Policy

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1 Analysis and Government Accountability, the Office of the  
2 State Courts Administrator shall conduct a time study of the  
3 workload of the current justices of the Supreme Court. The  
4 time study shall cover the workload of the justices over a  
5 period of 3 months. The results of the study shall be  
6 delivered to each member of the commission by October 15,  
7 2000, and shall reflect the number of hours spent by each  
8 justice working on cases categorized by type of case.

9 (5) Using the study delivered by the Office of the  
10 State Courts Administrator and any other relevant data, the  
11 commission shall develop a recommendation regarding the need  
12 for additional justices on the Supreme Court. The commission  
13 shall report its recommendation to the Commission on Revision  
14 7 to Article V, the Speaker of the House of Representatives,  
15 the President of the Senate, and the Chief Justice of the  
16 Supreme Court by February 15, 2001.

17 (6) It is the intent of the Legislature that the  
18 commission be staffed by the Civil Justice Council in the  
19 House of Representatives, and that the commission  
20 automatically terminate upon submission of its report.

21  
22  
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 On page 2, lines 13-15,  
26 remove from the title of the bill: all of said lines

27  
28 and insert in lieu thereof:

29 F.S.; establishing the Commission on Revision 7  
30 to Article V; providing membership and duties  
31 of the commission; providing for a