

STORAGE NAME: h2381z.jud
DATE: June 8, 2000

****AS PASSED BY THE LEGISLATURE****
CHAPTER #: 00-237, Laws of Florida

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
JUDICIARY
FINAL ANALYSIS**

BILL #: HB 2381 (PCB JUD 00-12) (Substantially similar legislation passed in CS/SB 1212)

RELATING TO: Article V

SPONSOR(S): Committee on Judiciary and Rep. Byrd

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) JUDICIARY YEAS 8 NAYS 0
- (2) CRIMINAL JUSTICE APPROPRIATIONS YEAS 10 NAYS 0
- (3)
- (4)
- (5)

I. SUMMARY:

THIS ANALYSIS IS DRAWN TO CS/SB 1212 AS PASSED BY THE LEGISLATURE

Pursuant to the requirements of Article V, section 14 of the Florida Constitution, the Legislature is required to develop a phase-in schedule for implementation of Revision 7 in the year 2000.

This bill provides for a phase-in schedule and sets the framework for defining the essential elements of the state courts system, the public defenders' offices, the state attorneys' offices, court appointed counsel, and those court-related functions that are the responsibility of the counties for funding purposes. In addition, the bill:

- Creates the Article V Financial Accountability and Efficiency Workgroup to serve through January 15, 2001. The bill also creates a Joint Legislative Committee on Article V to coordinate and oversee the implementation of Revision 7 to Article V of the Florida Constitution.
- Requires the Judicial Branch to comply with all statutory requirements relating to Performance-Based Program Budgeting.
- Requires the Clerks of the Circuit and County Court to provide specified information on court-related services and associated fees, costs and service charges.
- Creates a contingency fund for small counties, with populations of less than 85,000, to help with extraordinary criminal case-related costs.
- Creates pilot projects in three counties to provide reimbursement for the costs of conflict counsel. The selected counties must agree to institute cost containment and accountability processes and to provide detailed quarterly reports.
- Creates the Supreme Court Workload Study Commission to address work-load issues, including, but not limited to, the need for additional justices on the Supreme Court.

The bill specifies that nothing in the act requires the state to fund any court function or court-related activity except as provided in the sections creating the contingency fund and the pilot projects. In addition, the bill specifies that the counties are required to continue to fund existing functions of the state courts system, state attorneys' offices, public defenders' offices, office of the statewide prosecutor, court appointed counsel, and the offices of the clerks of the circuit and county courts performing court-related functions, consistent with current law and practice until such time as the Legislature expressly assumes the responsibility for funding those functions.

This bill will have a fiscal impact upon state government.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

B. PRESENT SITUATION:

Constitutional Amendment

Article XI, section 2 of the Florida Constitution provides for the creation of a thirty-seven member revision commission (CRC) for the purpose of reviewing Florida's Constitution and proposing changes for voter consideration. The last revision commission was appointed in 1997. Throughout the summer of 1997, the CRC held public meetings throughout the state to hear various proposals for changes to Florida's Constitution. The CRC committee meetings were then held throughout the fall with the full CRC meeting through December 1997 and January 1998 to consider, debate, and vote on proposals. More public hearings were held throughout the spring of 1998 to hear public input on the proposals being considered by the CRC. When the work of the CRC was completed in May 1998, it had determined that 9 proposed revisions to Florida's Constitution would be placed on the November ballot for the citizens of Florida to vote upon.

Revision 7 proposed by the revision commission was adopted by the voters in November 1998. The revision contained several changes to Article V of the Florida Constitution, including extensive changes to Article V, section 14. These changes revised the method for paying for Florida's judicial system by specifying the costs to be paid by the state, the counties, and by other sources. The actual text provides, in pertinent part:

SECTION 14. Funding

(a) All justices and judges shall be compensated only by state salaries fixed by general law. Funding for the state courts system, state attorneys' offices, public defenders' offices, and court-appointed counsel, except as otherwise provided in subsection (c), *shall be provided from state revenues appropriated by general law.*

(b) All funding for the offices of the clerks of the circuit and county courts performing court-related functions, except as otherwise provided in this subsection and subsection (c), shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law. Selected salaries, costs, and expenses of the state courts system may be funded from appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions, as provided by general law. Where the requirements of either the United States Constitution or the Constitution of the State of Florida preclude the imposition of filing fees for judicial proceedings and service charges and costs for performing court-related functions sufficient to fund the court-related functions of the offices of the clerks of the circuit and county courts, *the state shall provide, as determined by the legislature, adequate and appropriate supplemental funding from state revenues appropriated by general law.*

© No county or municipality, except as provided in this subsection, shall be required to provide any funding for the state courts system, state attorneys' offices, public defenders' offices, court-appointed counsel or the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall be required to fund the cost of communications services, existing radio systems, existing multi-agency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the trial courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall also pay reasonable and necessary salaries, costs, and expenses of the state courts system to meet local requirements as determined by general law.

(d) The judiciary shall have no power to fix appropriations.

Revision 7 also included an implementation schedule In Article XII which provides:

SECTION 22. Schedule to Article V Amendment.--

(a) Commencing with fiscal year 2000-2001, the legislature shall appropriate funds to pay for the salaries, costs, and expenses set forth in the amendment to Section 14 of Article V pursuant to a phase-in schedule established by general law.

(b) Unless otherwise provided herein, the amendment to Section 14 shall be fully effectuated by July 1, 2004.

Article V Task Force

In order to begin implementation of the amendments to Articles V and XII of the Florida Constitution, the President of the Senate and the Speaker of the House of Representatives appointed a Joint Task Force. The task force took extensive testimony on the current funding of the state court system, offices of the public defenders, offices of the state attorneys, court appointed attorneys, and clerks of court, and on the structure of these offices. In addition, the Task Force reviewed and considered relevant data and reports relating to the costs and funding of the judicial system and court-related functions.

The Task Force approved a draft bill and a work plan relating to Revision 7 to the Constitution. This bill includes the recommendations of the Task Force.

The Courts

The state currently funds all the costs related to the State Supreme Court and the five District Courts of Appeal. This includes all costs for the judges, the clerk, all staff support and the expenses related to that staff as well as all facilities, equipment, furnishings and the related costs such as security, maintenance and parking. All filing fees and costs imposed by these courts are used to offset the expense of operation.

For the circuit and county courts the state currently funds the judges, one judicial assistant per judge, one law clerk for every three judges, administrative staff, and program staff in some areas and the expense and capital outlay funding related to those positions for travel, furnishings, and equipment. The counties fund the facilities and parking and in most cases augment the staff with county funded staff and provide expense and capital outlay funding for the courts and specific programs within the trial courts.

The State Attorneys

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The state attorneys receive funding from the state as part of the executive branch and receive funding from the counties as provided in chapter 27, Florida Statutes. Section 27.33, F.S., provides that by November 15 of each year each state attorney shall provide to the Executive Office of the Governor a written estimate of the amount needed for operational expenses for the next fiscal year. This list must include salaries for the state attorney, assistant state attorneys, stenographers, and investigators, expenses for travel, office equipment, stationery, stamps, telephone and telegraph service, and the printing of necessary legal forms and other necessary expenses of the state attorney and assistants. The proposal is also to include a reserve for contingencies but is not to include any expense which the statutes require the counties to fund.

The authorization and requirements for county funding of the state attorneys' offices are set out in s. 27.34, F.S. Each county is to provide the state attorney with office space, utilities, telephone service, custodial services, library services, transportation services, and communication services as needed for the state attorney to carry out their duties except as otherwise provided in the General Appropriations Act. Additionally, the counties are required to fund pretrial consultation fees for expert or other potential witnesses consulted before trial, travel expenses in connection with out-of-jurisdiction depositions, out-of-state travel expenses to attempt to locate and interrogate witnesses, court reporter costs during the course of an investigation and prosecution, post indictment and post information deposition costs, and costs of copying depositions of state witnesses taken by the defense. For many of these costs related to the investigation and prosecution of a criminal case the state attorney must certify that the expenditures were useful and necessary in the prosecution. Counties may contest the reasonableness of the expenditure in the court where the criminal case is brought.

While section 27.34, F.S., prohibits counties and municipalities from appropriating or contributing funds to the operation of the state attorneys, except for the items listed above, they are authorized to contribute funds for one assistant state attorney or to contract with the state attorney for the prosecution of violations of special laws or ordinances of the county or municipality. The county may also provide personnel employed by the county or municipality to serve as special investigators and the county may contribute funds to pay the salary of one or more assistant state attorneys trained in the use of the civil and criminal provisions of the Florida RICO Act.

Section 27.245, F.S., requires each county to submit a report on the revenues and expenditures related to the state attorneys. This report must include all of the expenditures by the county set out above, medical examiner services, county victim witness programs, appellate filing fees for indigent defendants, other court-related costs paid by the county pursuant to a judgment or order of the trial court, and revenue from the Local Government Criminal Justice Trust fund used to pay the costs of the state attorney.

Public Defenders and Conflict Counsel

The public defenders are also funded from the state as part of the executive branch as well as receiving county funding for specified activities. Section 27.53, F.S., provides the authorization and requirements for county funding of the public defenders' offices. Each county is to provide the public defender with office space, utilities, telephone services, custodial services, library services, transportation services, and communication services as needed for the public defenders to carry out their duties except as otherwise provided in the General Appropriations Act. Additionally, the counties are required to fund pretrial consultation fees for expert or other potential witnesses consulted before trial, travel expenses in connection with out-of-jurisdiction depositions, out-of-state and out-of-jurisdiction travel expenses to attempt to locate and interrogate witnesses, court reporter costs during the course of an investigation and

prosecution, post-indictment and post-information deposition costs, and costs of copying depositions of defense witnesses taken by the prosecution. For many of these costs related to the investigation and prosecution of a criminal case the public defender must certify that the expenditures were useful and necessary in the defense of the case and the counties may contest the reasonableness of the expenditure in the court where the criminal case was brought.

While section 27.54, F.S., prohibits counties and municipalities from appropriating or contributing funds to the operation of the public defenders except as provided above, they are authorized to contribute funds for one assistant public defender for the defense of violations of special laws or ordinances of the county or municipality. The county or municipality may also provide personnel employed by the county or municipality to serve as legal and support staff when the public defender certifies that inadequate resources will result in the withdrawal from current cases or the inability to accept new appointments.

Section 27.23(3), F.S., authorizes a public defender to withdraw from a case based on a conflict. When a public defender files a motion to withdraw the court must review and may inquire or conduct a hearing into the adequacy of the public defender's representations regarding a conflict of interest. If the court grants the motion to withdraw it may appoint private counsel to act as conflict counsel. The private counsel is to be paid by the county in accordance with the compensation schedule in s. 925.036, F.S. A public defender can withdraw based upon an ethical conflict, or based upon excessive workload. All costs related to the conflict counsel defense are paid by the county in the same manner as for the public defender. The state has begun to reimburse the counties for some conflict-counsel fees.

The Clerks of the Circuit and County Courts

Article V, section 16 of the Florida Constitution provides there will be a clerk of the circuit court in each county and there may be a clerk of the county court if authorized by general or special law. "[T]he duties of the clerks may be divided by special or general law between two officers, one serving as clerk of court and one serving as ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds." Article V, section 16 of the Florida Constitution. According to Article VIII, section 1(d), "There shall be elected by the electors of each county, for terms of four years, . . . a clerk of the circuit court . . . [A]ny county office may be abolished when all the duties of the office prescribed by general law are transferred to another office.

According to the State Association of Court Clerks and Comptrollers, the clerks' offices are funded either as "fee clerks" or "budget clerks". The fee clerks are funded primarily or solely by service charges, fees, and court costs or specific appropriations from the county government. The budget clerks submit an annual budget to the county and are funded in the same manner as any other department of the county government. The fees, service charges, and court costs collected by a budget clerk are deposited into county accounts.

The duties of the clerk of the court and a schedule of fees are set out in chapter 28, Florida Statutes. The duties specified include both court-related functions and duties related to the county commission and budget. The fee schedules set out charges for filing, copying and certifying both county and court-related documents as well as charges for other services provided by the clerk. The schedule also includes charges to be collected by the clerk and transmitted to the state, the county or the municipality.

The Uniform Chart of Accounts

In order to shift costs of the court system from the counties to the state, the state must ascertain what the actual costs are and identify revenue sources that are or could be used to cover the costs. Chapter 95-400, Laws of Florida created the Uniform Chart of Accounts Development Committee to “develop and implement a uniform chart of accounts.” s. 218.325(1), F.S.(1997). A “detailed, uniform chart of accounts and financial reporting system for court and justice related agency expenditures and revenues” was to be developed by the committee. s. 218.325(2), F.S.(1997). The Uniform Chart of Accounts was to be implemented by rule by the Comptroller by July 1, 1996. s. 3, Chapter 95-400, Laws of Florida. The Uniform Chart of Accounts has been developed and the first data from the implementation of this methodology is available.

The Legislative Committee on Intergovernmental Relations

The Legislative Committee on Intergovernmental Relations has issued a report containing a historical perspective of the Article V issue and estimates of the potential costs of Revision 7 to both state and local governments. *Review of Costs Associated with Article V*, Report No. 98-3, (June 1998). This comprehensive report summarized the shift in funding responsibility as follows:

According to LCIR projections, the shift in costs to the state by the FY 2004-2005, would mean an additional expense of \$320 million if there were no revenue offset, through a transfer of fines and fees currently going to local governments. The amount would be approximately \$130 million in new expenses to the state if such fines and fees currently going to local governments were shifted to the state coffers. In addition, if the state is required to provide supplemental funding to the Clerks of Court office performing court-related functions this amount could be much larger. For example, if there were no difference in the percentage of fees and service charges collected compared to the clerk expense in FY 95/96, then the projected expense to the state would potentially be an additional \$200 million in FY 2004-2005. No matter the magnitude of these scenarios, the state will still be required to pay much more for the judicial system than it has previously.

Review of Costs Associated with Article V, Report No. 98-3 at 46 (June 1998)(emphasis in original) (hereinafter Report).

According to the Report, using the most recent data available, FY 1995-1996, the percentage of more than \$1 billion Article V costs provided by the state, local governments and system users would shift as follows in the event Revision 7 passes:

	<u>STATE</u>	<u>LOCAL</u>	<u>USERS</u>
Current	45.5%	36.4%	18.1%
Under Rev. 7	51.8%	17.0%	31.1%

The Need to Amend Substantive Law

Revision 7 includes a phase-in schedule which must be established by general law to be fully effectuated by July 1, 2004. It has been recommended that the Legislature work with other groups to develop a structured plan to take on the fiscal responsibility in annual increments. *Review of Costs Associated with Article V*, Report No. 98-3 at 46 (June 1998). The recommendation includes a suggestion that the areas in which there is the highest accountability as to current expenditure such as the cost of court-appointed counsel or court reporters be shifted first. *Id.* The process could include development of a list of specific judicial areas to examine prior to the state’s assuming related financial costs. *Id.* It was noted that “[p]otentially such an examination may lead to finding more efficient methods of operating the current system as well as developing “benchmarks” for future evaluations.” *Id.*

Changes will need to be made in general law to clarify exactly what functions and positions are to be funded by state revenues. However, any such amendments would be directly tied to the particular incremental change determined by fiscal policy.

C. EFFECT OF PROPOSED CHANGES:

Pursuant to the requirements of Article V, section 14 of the Florida Constitution, the Legislature is required to develop a phase-in schedule for implementation of Revision 7 in the year 2000.

This bill provides for a phase-in schedule and sets the framework for defining the essential elements of the state courts system, the public defenders' offices, the state attorneys' offices, court appointed counsel, and those court-related functions that are the responsibility of the counties' for funding purposes. In addition, the bill:

- Creates the Article V Financial Accountability and Efficiency Workgroup to serve through January 15, 2001. The bill also creates a Joint Legislative Committee on Article V to coordinate and oversee the implementation of Revision 7 to Article V of the Florida Constitution.
- Requires the Judicial Branch to comply with all statutory requirements relating to Performance-Based Program Budgeting.
- Requires the Clerks of Court to provide specified information on court-related services and associated fees, costs and service charges.
- Creates a contingency fund for small counties, with populations of less than 85,000, to help with extraordinary criminal case-related costs.
- Creates pilot projects in three counties to provide reimbursement of costs of conflict counsel. The selected counties must agree to institute cost containment and accountability processes and to provide detailed quarterly reports.
- Creates the Supreme Court Workload Study Commission to develop a recommendation regarding the need for additional justices on the Supreme Court.

The bill specifies that nothing in the act requires the state to fund any court function or court-related activity except as provided in the sections creating the contingency fund and the pilot projects. In addition, the bill specifies that the counties are required to continue to fund existing functions of the state courts system, state attorneys' offices, public defenders' offices, office of the statewide prosecutor, court-appointed counsel, and the offices of the clerks of the circuit and county courts performing court-related functions, consistent with current law and practice until such time as the Legislature expressly assumes the responsibility for funding those functions.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Legislative intent. In addition to describing legislative intent regarding essential elements of the various Article V entities, this section provides that all funding for the court-related functions of the offices of the clerks of the circuit and county courts will be provided by adequate and appropriate filing fees, service charges and costs. Counties will be required to fund specified services pursuant to general law. Counties are required to continue to fund existing elements of the state courts system, state attorneys' offices, public defenders' offices, court appointed counsel, and the offices of the clerks of the circuit and county courts

performing court-related functions consistent with current law and practice. Counties are also required to fund the cost of criminal cases filed by the office of the statewide prosecution. Even though a program or function currently may be funded by the state or established in general law, this does not mean that the program or function will be funded by the state in the future.

Section 2. Basis for funding. This section provides that the legislature will appropriate funding based upon reliable and auditable data. The bill requires the courts to impose and enforce costs, fines and other dispositional assessments. In addition, these assessments must be collected by the clerks of the courts and directed to the state pursuant to general law. Any waivers of fees and costs for indigents in criminal or civil actions and requests for court-appointed counsel will be determined through procedures established in general law.

Section 3. Phase-in schedule.

- During FY 2000-2001 and 2001-2002, the legislature will review the state courts system.
- Prior to or during FY 2001-2002 and 2002-2003, the legislature will review the offices of the state attorneys and public defenders and the use of civil indigency counsel and conflict counsel.
- Prior to or during FY 2002-2003 and 2003-2004, the legislature will review the offices of the clerks of the circuit and county courts.
- Prior to or during FY 2000-2001 and FY 2001-2002, the legislature will review current law with regard to authorizations for court costs, fines, and other dispositional assessments and redirect appropriate revenues to the state.
- On or before July 1, 2004, the legislature will fully effectuate the requirements of Article XII, section 25. Prior to full implementation in 2004, the counties are required to continue to fund existing functions. In addition, this section provides that the legislature will identify those local requirements of the state courts system for which the counties must pay, including salaries, costs, and expenses.
- Commencing in FY 2000-2001, the legislature will appropriate funds for:
 - a) a small-county contingency fund for extraordinary case-related costs in criminal cases, and
 - b) pilot projects in at least three counties to pay for conflict attorneys.

Section 4. State courts system. Defines the essential elements of the state courts system.

Section 5. State Attorneys' Offices and Prosecution Expenses. Defines the essential elements of the state attorneys' offices.

Section 6. Public Defenders and Indigent Defense Costs. Defines the essential elements of the public defenders' offices.

Section 7. Court Appointed Counsel. Defines the essential elements of court appointed counsel.

Section 8. County funding of court-related functions. Defines items that will be the responsibility of the counties for funding purposes pursuant to Article V, section 14 of the

Florida Constitution. In particular, this section defines the terms: facility, construction or lease, maintenance, utilities, security, communications systems or communications services, existing radio systems, and existing multi-agency criminal justice information systems.

Section 9. Article V Financial Accountability and Efficiency Workgroup. Creates a workgroup, consisting of 9 voting members and 4 ex officio members, to:

- Develop recommendations concerning financial accountability systems and standards for use during and after the transition from local to state funding.
- Consider the use of existing state accounting systems and advise the legislature on whether any of the systems are appropriate for long-term accounting requirements. The group shall also advise the legislature on any modifications or enhancements that may be necessary.
- Develop at least two options for legislative consideration, if the workgroup determines that no existing state system is appropriate for long-term use.
- Examine incentives for compliance with state reporting requirements and make recommendations to encourage local compliance.
- Consider and make recommendations regarding alternative structures for budgeting and fiscal management.
- Obtain data from the clerks of court.
- Assess the efficiency and effectiveness of the affected entities' operating policies and procedures relating to their financial management activities.
- Contract for consultants or technical assistance pursuant to specific appropriation and the approval of the President of the Senate and Speaker of the House of Representatives.

The workgroup is required to issue a report and final recommendations prior to its termination not later than January 15, 2001.

Section 10. Contingency Fund. Creates a contingency fund for counties with populations of less than 85,000. The Office of the State Courts administrator, in conjunction with the chairs of the appropriations committees, must develop a process for counties to request additional funding for extraordinary criminal cases. This section requires quarterly reports.

Section 11. Pilot Projects; Conflict Attorneys. Creates pilot projects for reimbursement to counties for expenses related to reasonable and necessary conflict attorneys. The counties selected must agree to institute cost containment and accountability processes and to provide detailed quarterly reports. The General Appropriations Act indicates the pilot projects will be in Hillsborough, Polk and Dade Counties.

Section 12. Clerks of the Court Reporting Requirements. Requires the clerks of court to provide specified information to the Joint Legislative Committee on Article V and the Article V Financial Accountability and Efficiency Workgroup by September 30, 2000.

Section 13. Joint Legislative Committee on Article V. Creates the Joint Legislative Committee on Article V. The Joint Committee will consist of four members of the Senate and four members of the House of Representatives appointed by the President of the Senate and the Speaker of the House respectively. The joint committee is charged with coordinating and

overseeing the implementation of Revision 7 to Article V of the Florida Constitution. The joint committee will be reviewed to determine the necessity of its continued existence in 2004.

Section 14. Clarifies that nothing in this act requires the state to fund any court function or court-related activity except for the contingency fund for small counties and the pilot projects for conflict counsel in three counties as specified in the bill.

Section 15 through Section 19. These sections require the Judicial branch to participate in performance-based program budgeting to the same extent as any executive agency. However, the judicial branch will continue to submit their budget to the Legislature with a copy to the Governor consistent with current law and practice.

Section 20. Creates the Supreme Court Workload Study Commission. The Commission will consist of nine members to be appointed on or before July 15, 2000 as follows:

- Three appointments by the Speaker of the House of Representatives. Two of the members must be members in good standing of the Florida Bar. One of the members must be a layperson.
- Three appointments by the President of the Senate. Two of the members must be members in good standing of the Florida Bar. One of the members must be a layperson
- Three appointments by the Chief Justice of the Florida Supreme Court. One of the members formerly must have served on the Supreme Court. That person shall serve as chair. One of the members must be a member in good standing of the Florida Bar. One of the members must be a layperson.

In consultation with the Office of Program Policy Analysis and Government Accountability, the Office of the State Courts Administrator must conduct a workload study of the Supreme Court. The results of this study are due to the Commission by November 1, 2000. The Commission shall report on its final recommendations to the Joint Legislative Committee on Article V, the Speaker of the House of Representatives, the President of the Senate, and the Chief Justice of the Supreme Court by February 15, 2001. The Commission is to be staffed by the Joint Legislative Committee on Article V. The Commission terminates upon submission of its report.

Section 21. This section relates to performance-based program budgeting of the judiciary.

Section 22. Amends s. 35.05 to permit any District Court of Appeal to designate other locations within its district as branch headquarters pursuant to s. 112.061, F.S.

Section 23. Provides that Sections 10 and 11 of the act shall be funded consistent with the General Appropriations Act.

Section 24. Provides that the bill will take effect upon becoming law, except for section 8 of the act, which shall take effect July 1, 2001.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

The bill provides for a contingency fund for small counties to be used for reimbursement to the counties for extraordinary costs relating to criminal cases. HB 2145, General Appropriations Act, provides \$2.5 million from the Article V Trust Fund for the contingency fund.

The bill provides for pilot projects in three counties for reimbursement of costs relating to conflict attorneys. HB 2145, General Appropriations Act, provides \$2.5 million in General Revenue and \$3.5 million from the Article V Trust Fund to fund the pilot projects in Hillsborough, Polk and Dade Counties.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

County governments are required to maintain funding the functions for which they are currently responsible.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require the city or county to spend funds or to take any action requiring the expenditure of any funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the revenue raising authority of any city or county.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the amount of state tax shared with any city or county.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

THIS SECTION RELATES TO THE HOUSE BILL.

The Criminal Justice Appropriations Committee heard HB 2381 on April 18, 2000, during which time the committee offered two amendments to the bill.

Amendment Number One creates a 15 member Commission on Revision 7 to Article V comprised of five Senators appointed by the President of the Senate, five Representatives appointed by the Speaker of the House, one member appointed by the Chief Justice of the Supreme Court, one member appointed by the Association of Court Clerks and Comptroller, one member appointed by the Florida Association of Counties, one member appointed by the Public Defenders' Association, and one member appointed by the Florida Prosecuting Attorney's Association. The amendment further provides for the chair and vice chair of the commission to serve as chair and vice chair of the Article V Financial Accountability and Efficiency Workgroup, with the staff of the House Fiscal Responsibility Council and Senate Budget and Fiscal Policy providing support to the workgroup.

Amendment Number Two revises language for the Supreme Court Workload Study Commission. Requires at least one of the appointees of the Speaker and one of the appointees of the President of the Senate be a member in good standing with the Florida Bar. Requires the Office of State Courts Administrator, in consultation with the Office of Program Policy Analysis and Government Accountability, to conduct a workload study of the Supreme Court and develop recommendations for addressing workload needs.

Both amendments passed favorably and are traveling with the bill.

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VII. SIGNATURES:

COMMITTEE ON JUDICIARY:

Prepared by:

Staff Director:

PK Jameson, J.D.

PK Jameson, J.D.

AS REVISED BY THE COMMITTEE ON CRIMINAL JUSTICE APPROPRIATIONS:

Prepared by:

Staff Director:

Susan M. Mosychuk

James P. DeBeaugrine

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON JUDICIARY:

Prepared by:

Staff Director:

P.K. Jameson, J.D.

P.K. Jameson, J.D.