

By the Committee on Judiciary and Representative Byrd

1                                   A bill to be entitled  
2           An act relating to the judiciary; providing  
3           legislative intent; providing definitions;  
4           providing for specified funding of the offices  
5           of the clerks of the circuit and county courts;  
6           requiring counties to fund specified costs and  
7           functions; requiring the Legislature to define  
8           certain local requirements; limiting the  
9           designation of specified programs and  
10          functions; providing a basis for funding;  
11          requiring the imposition and enforcement of  
12          certain court costs, fines, and assessments;  
13          requiring the establishment of procedures for  
14          the waiver of specified fees and costs;  
15          requiring an examination upon request for  
16          reduction in specified fees and costs;  
17          providing a phase-in schedule; requiring full  
18          effectuation of s. 25, Art. XII of the State  
19          Constitution on or before a specified date;  
20          requiring counties to pay costs of Office of  
21          Statewide Prosecutor; providing for the  
22          appropriation of funds for a specified  
23          contingency fund and for specified pilot  
24          projects; requiring counties to fund specified  
25          functions prior to a specified date; defining  
26          certain essential elements; requiring counties  
27          to pay specified costs; defining "facility,"  
28          "construction or lease," "maintenance,"  
29          "utilities," "security," "communications  
30          systems" or "communications services,"  
31          "existing radio systems," and "existing

1 multiagency criminal justice information  
2 systems"; requiring counties to pay specified  
3 costs to meet local requirements; establishing  
4 the Article V Financial Accountability and  
5 Efficiency Workgroup; providing for membership  
6 and staff support; providing duties of the  
7 workgroup; providing for termination of the  
8 workgroup; providing an application process for  
9 a contingency fund; providing requirements for  
10 pilot projects regarding conflict attorneys;  
11 requiring specified reports and recommendations  
12 by the clerks of the court; creating s. 11.75,  
13 F.S.; establishing the Joint Legislative  
14 Committee on Article V; providing membership  
15 and duties of the committee; providing for a  
16 specified review; providing prohibition  
17 regarding state funding pursuant to the act;  
18 providing exceptions; amending s. 216.001,  
19 F.S.; revising a definition; amending s.  
20 216.011, F.S.; revising a definition; amending  
21 s. 216.0166, F.S.; providing requirements for  
22 performance-based program budgeting for the  
23 judicial branch; amending s. 216.0172, F.S.;  
24 requiring the judicial branch to submit a  
25 performance-based program budget; amending s.  
26 216.023, F.S.; excepting the judicial branch  
27 from submitting final legislative budget  
28 request to the Governor; amending s. 216.0235,  
29 F.S.; excepting the judicial branch from  
30 submitting final legislative program budget  
31 request; requiring specified funding be

1 consistent with the General Appropriations Act;  
2 creating the Supreme Court Workload Study  
3 Commission; providing for membership and  
4 duties; requiring the Office of the State  
5 Courts Administrator, in consultation with the  
6 Office of Program Policy Analysis and  
7 Government Accountability, to provide  
8 information; requiring specified reports;  
9 providing for termination of the commission;  
10 providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Intent.--

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

30 (2) All funding for the court-related functions of the  
31 offices of the clerks of the circuit and county courts shall

1 be provided by adequate and appropriate filing fees for  
2 judicial proceedings and service charges and costs for  
3 performing court-related functions.

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

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

31 Section 2. Basis for funding.--

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

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

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

19       Section 3. Phase-in schedule.--

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

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

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

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

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

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

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

1 counties shall pay the costs of criminal cases as filed by the  
2 Office of Statewide Prosecution. The Legislature shall define  
3 by general law those local requirements of the state courts  
4 system for which the counties must pay reasonable and  
5 necessary salaries, costs, and expenses.

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

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

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

14 Section 4. State courts system.--For purposes of  
15 implementing section 14, Article V of the State Constitution,  
16 the essential elements of the state courts system are as  
17 follows:

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

21 (2) Juror compensation and expenses and reasonable  
22 juror accommodations when necessary.

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

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

31 This section does not include physical modifications to court

1 facilities, noncourtroom communication services, or other  
2 accommodations, auxiliary aids, or services for which the  
3 counties are responsible pursuant to section 14, Article V of  
4 the State Constitution.

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

8 (6) Foreign language interpreters and translators  
9 essential to comply with constitutional requirements.

10 (7) Staff and expenses of the Judicial Qualifications  
11 Commission.

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

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

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

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

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

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

6 (2) Reasonable court reporting services necessary to  
7 meet constitutional requirements.

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

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

20 (1) Private attorneys assigned by the court to handle  
21 cases when the defendant is indigent and cannot be represented  
22 by the public defender.

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

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

29 (4) Witnesses summoned to appear for an investigation,  
30 preliminary hearing, or trial in a criminal case when the  
31 witnesses are summoned on behalf of an indigent defendant;

1 mental health professionals who are appointed pursuant to  
2 section 394.473, Florida Statutes, and required in a court  
3 hearing involving an indigent; and expert witnesses who are  
4 appointed pursuant to section 916.115(2), Florida Statutes,  
5 and required in a court hearing involving an indigent.

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

10 Section 8. County funding of court-related  
11 functions.--

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

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

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

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

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

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

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

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

29           2. Computer systems and equipment, including computer  
30 hardware and software, modems, printers, wiring, network  
31 connections, support staff or services, training, supplies,

1 and line charges necessary for an integrated computer system  
2 to support the operations and management of the state courts  
3 system, the offices of the public defenders, the offices of  
4 the state attorneys, and the offices of the clerks of the  
5 circuit and county courts, and capable of connecting those  
6 entities and reporting data to the state as required for  
7 transmission of revenue, performance accountability, case  
8 management, data collection, and budgeting and auditing  
9 purposes.

10 3. Postage, printed documents, radio, courier,  
11 messenger, and subpoena services, support services, and all  
12 maintenance, supplies, and line charges.

13 (g) "Existing radio systems" includes, but is not  
14 limited to, law enforcement radio systems that are used by the  
15 circuit and county courts, the offices of the public  
16 defenders, and the offices of the state attorneys, and for  
17 court-related functions of the offices of the clerks of the  
18 circuit and county courts. This includes radio systems that  
19 were operational or under contract at the time Revision 7 to  
20 Article V of the State Constitution was adopted in 1998 and  
21 any enhancements made thereafter, the maintenance of those  
22 systems, and the personnel and supplies necessary for  
23 operation.

24 (h) "Existing multiagency criminal justice information  
25 systems" includes, but is not limited to, those components of  
26 the multiagency criminal justice information system as defined  
27 in section 943.045, Florida Statutes, supporting the circuit  
28 or county courts system, the public defenders' offices, the  
29 state attorneys' offices, or those portions of the offices of  
30 the clerks of the circuit and county courts performing  
31 court-related functions which are used to carry out the

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

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

15 Section 9. Article V Financial Accountability and  
16 Efficiency Workgroup.--

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

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

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

23 (c) The secretary of the Department of Management  
24 Services or his or her designee.

25 (d) A representative from the state courts system  
26 designated by the Chief Justice.

27 (e) The executive director of the Fiscal  
28 Responsibility Council from the House of Representatives or  
29 other person designated by the Speaker of the House of  
30 Representatives.

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1       (f) The staff director of the Senate Budget Committee  
2 or other person designated by the President of the Senate.

3       (g) The staff director of the Legislative Committee on  
4 Intergovernmental Relations or his or her designee.

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

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

9       (j) A representative of the Florida Association of  
10 Counties, who shall be an ex officio member.

11       (k) A representative of the Florida Association of  
12 Court Clerks and Comptroller, who shall be an ex officio  
13 member.

14       (l) A representative of the Florida Public Defender's  
15 Association, who shall be an ex officio member.

16       (m) A representative of the Florida Prosecuting  
17 Attorneys Association, who shall be an ex officio member.

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

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

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

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

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

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

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

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



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

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

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

28 (10) The workgroup shall be terminated upon the  
29 issuance of a report and final recommendations to the Joint  
30 Legislative Committee on Article V, the President of the  
31 Senate, the Speaker of the House of Representatives, the Chief

1 Justice of the Supreme Court, and the Governor, not later than  
2 January 15, 2001.

3 Section 10. Contingency fund.--

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

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

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

24 Section 11. Pilot projects; conflict  
25 attorneys.--Pursuant to section 25, Article XII and section  
26 14, Article V of the State Constitution, and section 27.52,  
27 Florida Statutes, the Legislature hereby creates pilot  
28 projects to reimburse at least three counties for expenses  
29 related to reasonable and necessary conflict attorneys. The  
30 counties selected must agree to institute cost containment and  
31 accountability processes and to provide a detailed quarterly

1 report to the Governor, the President of the Senate, the  
2 Speaker of the House of Representatives, and the Joint  
3 Legislative Committee on Article V. The report shall include,  
4 but is not limited to:  
5       (1) The total number of conflict cases.  
6       (2) The steps that were taken to avoid the conflict,  
7 if any.  
8       (3) The number of each type of case identified with  
9 specificity.  
10       (4) The length of each case.  
11       (5) The total amount paid to each attorney.  
12       (6) The total year-to-date payments to conflict  
13 attorneys.  
14       (7) The method of payment, i.e. hourly rate, flat fee,  
15 contract, or other.  
16  
17 All information must be broken down based on whether the case  
18 was given to outside counsel due to an ethical conflict or due  
19 to an overextended caseload.  
20       Section 12. Clerks of the court reporting  
21 requirements.--  
22       (1) The clerks of court shall, not later than  
23 September 30, 2000, provide the following information to the  
24 Joint Legislative Committee on Article V and the Article V  
25 Financial Accountability and Efficiency Workgroup:  
26       (a) A detailed description of the services currently  
27 provided to the state courts system, state attorneys' offices,  
28 and public defenders' offices.  
29       (b) Detailed information on the cost of each of the  
30 services provided.  
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1       (c) Detailed information on the current source of  
2 funding for each service.

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

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

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

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

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

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

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

31

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. Section 11.75, Florida Statutes, is  
6 created to read:

7       11.75 Joint Legislative Committee on Article V.--

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

21       (2) The joint committee shall coordinate and oversee  
22 the implementation of Revision 7 to Article V of the State  
23 Constitution adopted in 1998. The joint committee shall make  
24 recommendations to the Legislature, including proposed  
25 legislation, in an annual report to be submitted by October 15  
26 of each year.

27       (3) The joint committee shall be reviewed to determine  
28 the necessity of its continued existence in 2004.

29       Section 14. Nothing in this act shall require the  
30 state to fund the state courts system, state attorneys'  
31 offices, public defenders' offices, court-appointed counsel,

1 office of the statewide prosecutor, or offices of the clerks  
2 of the circuit and county courts, except to create a  
3 contingency fund to assist small counties with extraordinary  
4 case-related costs in criminal cases and for pilot projects in  
5 at least three counties to cover reasonable and necessary  
6 conflict attorneys.

7 Section 15. Section 216.001, Florida Statutes, is  
8 amended to read:

9 216.001 Definitions.--For purposes of chapter 94-249,  
10 Laws of Florida, except as otherwise provided herein, "state  
11 agency" or "agency" means any unit of organization of the  
12 executive branch, including any official, officer, department,  
13 board, commission, division, bureau, section, district,  
14 office, authority, committee, or council or any other unit of  
15 government, however designated, and the Public Service  
16 Commission. For purposes of chapter 94-249, "state agency"  
17 shall ~~not~~ include the judicial branch. For purposes of chapter  
18 94-249, "judicial branch" shall mean all officers, employees,  
19 and offices of the Supreme Court, district courts of appeal,  
20 circuit courts, county courts, Justice Data Center, and the  
21 Judicial Qualifications Commission.

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

24 216.011 Definitions.--

25 (1) For the purpose of fiscal affairs of the state,  
26 appropriations acts, legislative budgets, and approved  
27 budgets, each of the following terms has the meaning  
28 indicated:

29 (mm) "State agency" or "agency" means any official,  
30 officer, commission, board, authority, council, committee, or  
31 department of the executive branch of state government. For

1 purposes of this chapter and chapter 215, "state agency" or  
2 "agency" includes state attorneys, public defenders, the  
3 Capital Collateral Representative, and the Justice  
4 Administrative Commission. For the purposes of implementing s.  
5 19(h), Art. III of the State Constitution, "state agency" or  
6 "agency" includes the judicial branch.

7 Section 17. Subsection (1) of section 216.0166,  
8 Florida Statutes, is amended, and subsection (6) is added to  
9 said section, to read:

10 216.0166 Submission by state agencies of  
11 performance-based budget requests, programs, and performance  
12 measures.--

13 (1) Except as provided in subsection (6), prior to  
14 September 1 of the fiscal year prior to which a state agency  
15 is required to submit a performance-based program budget  
16 request pursuant to s. 216.0172, such state agency shall  
17 identify and submit to the Executive Office of the Governor a  
18 list of proposed state agency programs and performance  
19 measures. The agency may also provide a list of statutes or  
20 rules affecting its performance which may be addressed as  
21 incentives or disincentives for the performance-based program  
22 budget. The list should be accompanied by recommended  
23 legislation to implement the requested changes for potential  
24 incentives. Such identification shall be conducted after  
25 discussion with legislative appropriations and appropriate  
26 substantive committees and shall be approved by the Executive  
27 Office of the Governor. The Executive Office of the Governor,  
28 after discussion with legislative appropriations and  
29 appropriate substantive committees and the Office of Program  
30 Policy Analysis and Government Accountability, shall review  
31 the list of programs and performance measures, may make any

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

13 (6) Prior to September 15 of the fiscal year prior to  
14 which the judicial branch is required to submit a  
15 performance-based program budget request pursuant to s.  
16 216.0172, the Chief Justice shall identify and, after  
17 consultation with the Office of Program Policy Analysis and  
18 Government Accountability and legislative staff of the  
19 appropriate substantive and appropriations committees in the  
20 Senate and the House of Representatives, shall submit to the  
21 Legislature a list of proposed programs and associated  
22 performance measures. The judicial branch shall provide  
23 documentation to accompany the list of proposed programs and  
24 performance measures as provided under subsection (2). The  
25 judicial branch shall submit a performance-based program  
26 legislative budget request pursuant to s. 216.0172, using the  
27 programs and performance measures adopted by the Legislature.  
28 The Chief Justice may propose revisions to approved programs  
29 or performance measures for the judicial branch. The  
30 Legislature shall have final approval of all programs and  
31 associated performance measures and standards for the judicial



1 branch through the General Appropriations Act or legislation  
2 implementing the General Appropriations Act.

3           Section 18. Subsections (8), (9), and (10) of section  
4 216.0172, Florida Statutes, are renumbered as subsections (9),  
5 (10), and (11), respectively, and a new subsection (8) is  
6 added to said section to read:

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

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

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

20           216.023 Legislative budget requests to be furnished by  
21 agencies.--

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

31

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

3           216.0235 Performance-based legislative program budget  
4 requests to be furnished by agencies.--

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

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

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

20           (1) The Legislature finds that the number of justices  
21 has not increased since 1940 and that therefore it is  
22 necessary and beneficial to the furtherance of an efficient  
23 and effective judiciary to study the workload of the Florida  
24 Supreme Court.

25           (2) The Supreme Court Workload Study Commission is  
26 created and is assigned to the Office of the State Courts  
27 Administrator for administrative and fiscal accountability  
28 purposes only. The Supreme Court Workload Study Commission  
29 shall consist of seven members to be appointed on or before  
30 July 15, 2000, as follows:

31

1       (a) The Speaker of the House of Representatives shall  
2 appoint three members. One of the members must be a member of  
3 the House of Representatives. At least one of the other two  
4 members must be a member in good standing with The Florida  
5 Bar.

6       (b) The President of the Senate shall appoint three  
7 members. One of the members must be a member of the Senate.  
8 At least one of the other two members must be a member in good  
9 standing with The Florida Bar.

10       (c) The Chief Justice of the Florida Supreme Court  
11 shall appoint one member who has served on the Supreme Court  
12 but who is not presently serving, and who shall serve as chair  
13 of the commission.

14       (3) Members of the commission shall serve without  
15 compensation, except for per diem and reimbursement of travel  
16 expenses as provided by section 112.061, Florida Statutes. A  
17 vacancy on the commission shall be filled in the same manner  
18 as the original appointment.

19       (4) In consultation with the Office of Program Policy  
20 Analysis and Government Accountability, the Office of the  
21 State Courts Administrator shall conduct a time study of the  
22 workload of the current justices of the Supreme Court. The  
23 time study shall cover the workload of the justices over a  
24 period of 3 months. The results of the study shall be  
25 delivered to each member of the commission by October 15,  
26 2000, and shall reflect the number of hours spent by each  
27 justice working on cases categorized by type of case.

28       (5) Using the study delivered by the Office of the  
29 State Courts Administrator and any other relevant data, the  
30 commission shall develop a recommendation regarding the need  
31 for additional justices on the Supreme Court. The commission

1 shall report its recommendation to the Speaker of the House of  
2 Representatives, the President of the Senate, and the Chief  
3 Justice of the Supreme Court by February 15, 2001.

4 (6) It is the intent of the Legislature that the  
5 commission be staffed by the Civil Justice Council in the  
6 House of Representatives, and that the commission  
7 automatically terminate upon submission of its report to the  
8 Legislature.

9 Section 23. This act shall take effect upon becoming a  
10 law.

11 \*\*\*\*\*

12 HOUSE SUMMARY

13  
14 For the purpose of implementing section 14, Article V of  
15 the State Constitution, the act provides for funding  
16 requirements for the court-related functions of the  
17 office of the clerks of the circuit and county courts and  
18 funding requirements for county responsibilities.  
19 Provides a phase-in schedule for state funding. Defines  
the essential elements of the State Court System, the  
state attorneys' offices, and court-appointed council.  
Provides for county funding of court-related functions.

20 Creates an Article V Financial Accountability and  
21 Efficiency Workgroup. Creates a contingency fund for  
22 certain counties. Creates pilot projects for conflict  
23 attorneys. Provides reporting requirements for clerks of  
the court. Creates a Joint Legislative Committee on  
Article V. Creates a Supreme Court Workload Study  
Commission.

24 See bill for details.  
25  
26  
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