

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 Commission on Revision 7
 14 to Article V; providing membership and duties
 15 of the commission; providing for a specified
 16 review; providing prohibition regarding state
 17 funding pursuant to the act; providing
 18 exceptions; amending s. 216.001, F.S.; revising
 19 a definition; amending s. 216.011, F.S.;
 20 revising a definition; amending s. 216.0166,
 21 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:

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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.

18
19 The chair and vice chair of the Commission on Revision 7 to
20 Article V shall respectively act as chair and vice chair of
21 the workgroup. The House Fiscal Responsibility Council and
22 Senate Budget and Fiscal Policy shall provide staff support
23 for the workgroup.

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

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

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

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

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

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

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

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

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

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

29 (10) The workgroup shall be terminated upon the
 30 issuance of a report and final recommendations to the
 31 Commission on Revision 7 to Article V, the President of the

1 Senate, the Speaker of the House of Representatives, the Chief
2 Justice of the Supreme Court, and the Governor, not later than
3 January 15, 2001.

4 Section 10. Contingency fund.--

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

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

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

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

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

6 (1) The total number of conflict cases.

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

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

11 (4) The length of each case.

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

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

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

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

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

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

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

30 (b) Detailed information on the cost of each of the
31 services provided.

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.

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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
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1 Legislature shall review the Commission to determine the
2 necessity of its continued existence.

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

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

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

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

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

24 216.001 Definitions.--For purposes of chapter 94-249,
25 Laws of Florida, except as otherwise provided herein, "state
26 agency" or "agency" means any unit of organization of the
27 executive branch, including any official, officer, department,
28 board, commission, division, bureau, section, district,
29 office, authority, committee, or council or any other unit of
30 government, however designated, and the Public Service
31 Commission. For purposes of chapter 94-249, "state agency"

1 shall ~~not~~ include the judicial branch. For purposes of chapter
2 94-249, "judicial branch" shall mean all officers, employees,
3 and offices of the Supreme Court, district courts of appeal,
4 circuit courts, county courts, Justice Data Center, and the
5 Judicial Qualifications Commission.

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

8 216.011 Definitions.--

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

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

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

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

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

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

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

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

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

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

29 (8) By September 15, 2001, the judicial branch shall
 30 submit to the Legislature a performance-based program budget
 31

1 request for programs approved by the Legislature, and copy the
2 Governor.

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

5 216.023 Legislative budget requests to be furnished by
6 agencies.--

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

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

18 216.0235 Performance-based legislative program budget
19 requests to be furnished by agencies.--

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

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

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

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

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

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

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

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

29 (3) Members of the commission shall serve without
30 compensation, except for per diem and reimbursement of travel
31 expenses as provided by section 112.061, Florida Statutes. A

1 vacancy on the commission shall be filled in the same manner
2 as the original appointment.

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

8 (5) Using the study and associated data delivered by
9 the Office of the State Courts Administrator and any other
10 relevant data, the commission shall develop recommendations
11 for addressing workload issues, including, but not limited to,
12 the need for additional justices on the Supreme Court. The
13 commission shall report its recommendation to the Commission
14 on Revision 7 to Article V, the Speaker of the House of
15 Representatives, the President of the Senate, and the Chief
16 Justice of the 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 Section 23. This act shall take effect upon becoming a
22 law.