

1 A bill to be entitled
2 An act relating to the County Article V Trust
3 Fund; amending s. 25.402, F.S.; saving the fund
4 from expiration; clarifying duties of the
5 Supreme Court with respect to use of the fund;
6 allowing the use of funds for the operation of
7 trial courts; revising authorized uses of the
8 fund; amending s. 318.21, F.S.; providing for
9 disposition of certain civil penalty revenues
10 into the fund; providing a contingent effective
11 date.

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

14
15 Section 1. Section 25.402, Florida Statutes, is
16 amended to read:

17 25.402 County Article V Trust Fund.--

18 (1)(a) The trust fund moneys in the County Article V
19 Trust Fund, administered by the Supreme Court, may be used to
20 compensate counties for the costs they incur under Article V
21 of the State Constitution in operating the state courts
22 system, including the costs they incur in providing and
23 maintaining court facilities.

24 (b) When it uses moneys from the trust fund to
25 compensate counties, the Supreme Court must ~~shall~~ adopt an
26 allocation and disbursement plan for the operation of the
27 trust fund and the expenditure of moneys deposited in the
28 trust fund. The Supreme Court shall include the plan in its
29 legislative budget request. A committee of 15 people shall
30 develop and recommend the allocation and disbursement plan to
31 the Supreme Court. The committee shall be composed of:

1 1. Six persons appointed by the Florida Association of
2 Counties, as follows:

3 a. Two persons residing in counties with populations
4 fewer than 90,000.

5 b. Two persons residing in counties with populations
6 greater than 89,999, but fewer than 700,000.

7 c. Two persons residing in counties with populations
8 greater than 699,999.

9 2. Six persons appointed by the Chief Justice of the
10 Supreme Court, as follows:

11 a. Two persons residing in counties with populations
12 fewer than 90,000.

13 b. Two persons residing in counties with populations
14 greater than 89,999, but fewer than 700,000.

15 c. Two persons residing in counties with populations
16 greater than 699,999.

17 3. Three persons appointed by the Florida Association
18 of Court Clerks and Comptrollers, as follows:

19 a. One person residing in a county with a population
20 fewer than 90,000.

21 b. One person residing in a county with a population
22 greater than 89,999, but fewer than 700,000.

23 c. One person residing in a county with a population
24 greater than 699,999.

25
26 The allocation and disbursement plan shall include provisions
27 to compensate counties with fewer than 90,000 residents for
28 court facility needs.

29 (c) Amendments to the approved operating budget for
30 expenditures from the County Article V Trust Fund must be
31 approved in accordance with the provisions of s. 216.181. The

1 total amount disbursed from the County Article V Trust Fund
2 may not exceed the amount authorized by the General
3 Appropriations Act.

4 (d) Effective July 1, 2001, moneys generated from
5 civil penalties distributed under s. 318.21(2)(h) shall be
6 deposited in the trust fund and may be used for the following
7 purposes:

8 1. Funds paid to counties with populations fewer than
9 90,000 shall be grants-in-aid to be used, in priority order,
10 for: operating expenditures of the offices of the state
11 attorneys and public defenders ~~in accordance with Specific~~
12 ~~Appropriation 2978B~~; consulting or architectural studies
13 related to the improvement of courthouse facilities; improving
14 court facilities to ensure compliance with the Americans with
15 Disabilities Act and other federal or state requirements;
16 other renovations in court facilities; improvements in court
17 security; and expert witness fees in criminal cases, court
18 reporting and transcribing costs in criminal cases, and costs
19 associated with the appointment of special public defenders.

20 2. Funds paid to counties with populations exceeding
21 89,999 shall be grants-in-aid to be used, in priority order,
22 for operating expenditures of the offices of the state
23 attorneys and public defenders ~~in accordance with Specific~~
24 ~~Appropriation 2978B~~, costs paid by the county for expert
25 witness fees in criminal cases, court reporting and
26 transcribing costs in criminal cases, and costs associated
27 with the appointment of special public defenders.

28 3. Funds may be appropriated for the operation of
29 trial courts.

30 (2) This section expires January 1, 2006 ~~June 30,~~
31 ~~2002.~~

1 Section 2. Effective July 1, 2002, subsection (2) of
2 section 318.21, Florida Statutes, as amended by chapters
3 97-235, 98-280, 98-403, 2000-139, and 2001-122, Laws of
4 Florida, is amended to read:

5 318.21 Disposition of civil penalties by county
6 courts.--All civil penalties received by a county court
7 pursuant to the provisions of this chapter shall be
8 distributed and paid monthly as follows:

9 (Substantial rewording of subsection. See
10 s. 318.21(2), F.S., for present text.)

11 (2) Of the remainder:

12 (a) Five and six-tenths percent shall be remitted to
13 the Department of Revenue for deposit in the General Revenue
14 Fund of the state, except that the first \$300,000 shall be
15 deposited into the Grants and Donations Trust Fund in the
16 state courts system for administrative costs, training costs,
17 and costs associated with the implementation and maintenance
18 of Florida foster care citizen review panels in a
19 constitutional charter county as provided for in s. 39.702.

20 (b) Seven and two-tenths percent shall be remitted to
21 the Department of Revenue for deposit in the Emergency Medical
22 Services Trust Fund for the purposes set forth in s. 401.113.

23 (c) Five and one-tenth percent shall be remitted to
24 the Department of Revenue for deposit in the Additional Court
25 Cost Clearing Trust Fund established pursuant to s. 938.01 for
26 criminal justice purposes.

27 (d) Eight and two-tenths percent shall be remitted to
28 the Department of Revenue for deposit in the Brain and Spinal
29 Cord Injury Rehabilitation Trust Fund for the purposes set
30 forth in s. 381.79.

31

1 (e) Two percent shall be remitted to the Department of
2 Revenue for deposit in the endowment fund of the Florida
3 Endowment Foundation for Vocational Rehabilitation established
4 by s. 413.615.

5 (f) Five-tenths percent shall be paid to the clerk of
6 the court for administrative costs.

7 (g)1. If the violation occurred within a municipality
8 or a special improvement district of the Seminole Indian Tribe
9 or Miccosukee Indian Tribe, 56.4 percent shall be paid to that
10 municipality or special improvement district.

11 2. If the violation occurred within the unincorporated
12 area of a county that is not within a special improvement
13 district of the Seminole Indian Tribe or Miccosukee Indian
14 Tribe, 56.4 percent shall be paid to that county.

15 (h) Fifteen percent must be deposited into the County
16 Article V Trust Fund.

17 Section 3. This act shall take effect January 1, 2002,
18 but it shall not take effect unless it is enacted by a
19 three-fifths vote of the membership of each house of the
20 Legislature.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31