

By Senator Cowin

309-700A-02

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.

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

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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 the Legislature appropriates moneys from the
25 trust fund to compensate counties, the Supreme Court must
26 ~~shall~~ adopt an allocation and disbursement plan for the
27 operation of the trust fund and the expenditure of moneys
28 deposited in the trust fund. The Supreme Court shall include
29 the plan in its legislative budget request. A committee of 15
30 people shall develop and recommend the allocation and

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1 disbursement plan to the Supreme Court. The committee shall be
2 composed of:

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

5 a. Two persons residing in counties with populations
6 fewer than 90,000.

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

9 c. Two persons residing in counties with populations
10 greater than 699,999.

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

13 a. Two persons residing in counties with populations
14 fewer than 90,000.

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

17 c. Two persons residing in counties with populations
18 greater than 699,999.

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

21 a. One person residing in a county with a population
22 fewer than 90,000.

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

25 c. One person residing in a county with a population
26 greater than 699,999.

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

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1 (c) Amendments to the approved operating budget for
2 expenditures from the County Article V Trust Fund must be
3 approved in accordance with the provisions of s. 216.181. The
4 total amount disbursed from the County Article V Trust Fund
5 may not exceed the amount authorized by the General
6 Appropriations Act.

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

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

24 2. Funds paid to counties with populations exceeding
25 89,999 shall be grants-in-aid to be used, in priority order,
26 for operating expenditures of the offices of the state
27 attorneys and public defenders when specifically appropriated
28 by the Legislature in accordance with Specific Appropriation
29 ~~2978B~~, costs paid by the county for expert witness fees in
30 criminal cases, court reporting and transcribing costs in
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1 criminal cases, and costs associated with the appointment of
2 special public defenders.

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

5 (2) This section expires January 1, 2006 ~~June 30,~~
6 ~~2002.~~

7 Section 2. Effective July 1, 2002, subsection (2) of
8 section 318.21, Florida Statutes, as amended by chapters
9 97-235, 98-280, 98-403, 2000-139, and 2001-122, Laws of
10 Florida, is amended to read:

11 318.21 Disposition of civil penalties by county
12 courts.--All civil penalties received by a county court
13 pursuant to the provisions of this chapter shall be
14 distributed and paid monthly as follows:

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

17 (2) Of the remainder:

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

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

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

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

7 (e) Two percent shall be remitted to the Department of
8 Revenue for deposit in the endowment fund of the Florida
9 Endowment Foundation for Vocational Rehabilitation established
10 by s. 413.615.

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

13 (g)1. If the violation occurred within a municipality
14 or a special improvement district of the Seminole Indian Tribe
15 or Miccosukee Indian Tribe, 56.4 percent shall be paid to that
16 municipality or special improvement district.

17 2. If the violation occurred within the unincorporated
18 area of a county that is not within a special improvement
19 district of the Seminole Indian Tribe or Miccosukee Indian
20 Tribe, 56.4 percent shall be paid to that county.

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

23 Section 3. This act shall take effect upon becoming a
24 law, but it shall not take effect unless it is enacted by a
25 three-fifths vote of the membership of each house of the
26 Legislature.

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SENATE SUMMARY

Revives and readopts the County Article V Trust Fund, which was scheduled to expire June 30, 2002, and clarifies the duties of the Supreme Court with respect to adopting an allocation and disbursement plan for the operation of the fund and the expenditure of moneys therein. Allows the use of moneys in the trust fund for the operation of trial courts. Revises the provisions governing the disposition of civil-penalty revenues into the trust fund.