

By the Committee on Judiciary; and Senator Villalobos

308-1972-03

1 A bill to be entitled
2 An act relating to the judicial branch of
3 government; amending s. 27.02, F.S.; requiring
4 the state attorney to provide discovery
5 materials to a defendant; providing for fees to
6 be charged unless the defendant is indigent;
7 amending s. 27.15, F.S.; providing for payment
8 of expenses for a state attorney to assist in
9 another circuit; amending ss. 27.34 and 27.54,
10 F.S.; prohibiting counties or municipalities
11 from funding the state attorneys' offices for
12 prosecution of violations of special laws or
13 ordinances; eliminating provisions authorizing
14 the use of funds for certain civil and criminal
15 proceedings; eliminating provisions requiring
16 counties to provide certain services and pay
17 certain fees, expenses, and costs incurred by
18 the state attorney or public defender; amending
19 s. 27.3455, F.S., relating to the annual
20 statement of revenues and expenditures;
21 conforming provisions to changes made by the
22 act; amending s. 27.51, F.S., relating to
23 duties of the public defender; specifying
24 additional indigent persons for whom the public
25 defender is required to secure representation;
26 amending s. 27.53, F.S.; providing criteria
27 relating to eligibility to be a special
28 assistant public defender; providing criteria
29 for determining whether a conflict of interest
30 exists; prohibiting withdrawal based solely on
31 lack of funding or excess workload; providing

1 that circuit indigent representation committees
2 approve qualifications; amending s. 27.562,
3 F.S.; providing that certain funds must be
4 remitted to the state, not to counties;
5 amending s. 27.58, F.S.; providing for the
6 administration of indigent representation
7 services; redesignating certain public defender
8 services as indigent representation services;
9 amending s. 28.24, F.S., relating to service
10 charges by clerks of the circuit court;
11 providing charges for furnishing certain
12 records; directing the clerk to provide without
13 charge to any judge or justice access to and
14 copies of public records held by the clerk;
15 amending s. 29.001, F.S.; defining the elements
16 of the state courts system; providing for using
17 state revenue to pay certain costs associated
18 with those elements; specifying expenses that
19 counties must pay; amending s. 29.002, F.S.;
20 revising the basis for funding, to implement s.
21 14, Art. V of the State Constitution by a
22 specified date; amending s. 29.004, F.S.;
23 revising and expanding the list of elements of
24 the state courts system; amending s. 29.005,
25 F.S.; providing for funding state attorneys'
26 offices and paying prosecution expenses from
27 state revenues; providing for additional
28 expenses; amending s. 29.006, F.S.; revising
29 and expanding the list of elements of public
30 defenders' offices; amending s. 29.007, F.S.;
31 revising and expanding the list of elements of

1 court-appointed counsel; providing for funding
2 from state revenues; amending s. 29.008, F.S.,
3 relating to county funding of court-related
4 functions; redefining terms; providing
5 standards that facilities and communications
6 systems and services must meet to qualify for
7 funding; providing for defining local
8 requirements and adopting a budget therefor;
9 amending s. 43.26, F.S.; redesignating the
10 presiding judge of the circuit as the chief
11 judge of the circuit; providing additional
12 powers of the chief judge; creating s. 40.001,
13 F.S.; specifying authority for the management
14 of the jury system; clarifying duties as to
15 administration and processing of jurors;
16 providing authority to the clerks of the
17 circuit courts to contract with the court for
18 specified services for jury processing;
19 amending ss. 92.153 and 395.3025, F.S.;
20 providing maximum charges for documents
21 produced pursuant to subpoenas or records
22 request issued by the state attorney or the
23 public defender; amending s. 925.035, F.S.;
24 amending standards for attorneys who handle
25 capital cases; revising procedures and
26 provisions relating to their compensation;
27 amending s. 925.036, F.S.; providing for the
28 circuit indigent representation committee to
29 fix the rate of compensation of certain
30 appointed counsel; prescribing the
31 qualifications of attorneys who represent

1 indigent defendants; amending s. 925.037, F.S.;
2 providing for the composition, staff, and
3 responsibilities of circuit indigent
4 representation committees; requiring the
5 preparation and distribution of a statewide
6 comparative budget report relating to circuit
7 indigent representation committees by the
8 Justice Administrative Commission; providing
9 for the appropriation of funds for attorney's
10 fees and expenses in criminal conflict cases
11 and in child dependency cases and other
12 court-appointed attorney cases; providing that
13 the transfer of the funding source for the
14 state courts system shall not affect the
15 validity of pending proceedings; providing that
16 the entity responsible for providing
17 appropriations after July 1, 2004, shall be the
18 successor in interest to existing contracts;
19 providing that the successor in interest to
20 existing contracts is not responsible for
21 funding or payment of any service rendered
22 prior to July 1, 2004; repealing ss. 27.005,
23 27.006, 27.385, 29.011, and 40.02(3), F.S.,
24 relating to definitions, court reporting
25 services, budget expenditures, a pilot project
26 and the selection of jury lists; providing
27 effective dates.

28
29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Effective July 1, 2004, section 27.02,
2 Florida Statutes, is amended to read:

3 27.02 Duties before court.--

4 (1) The state attorney shall appear in the circuit and
5 county courts within his or her judicial circuit and prosecute
6 or defend on behalf of the state all suits, applications, or
7 motions, civil or criminal, in which the state is a party,
8 except as provided in chapters 39, 984, and 985. The intake
9 procedures of chapters 39, 984, and 985 shall apply as
10 provided therein.

11 (2) The state attorney shall provide to the defendant
12 all discovery materials required pursuant to the applicable
13 rule of procedure and may charge fees as provided for in s.
14 119.07(1)(a) but may not exceed 15 cents for a copy of a
15 noncertified copy of a public record. However, fees may not be
16 charged under this subsection if the defendant has been
17 determined to be indigent by the court.

18 Section 2. Effective July 1, 2004, subsection (2) of
19 section 27.15, Florida Statutes, is amended to read:

20 27.15 State attorneys to assist in other circuits.--

21 (2) When any state attorney is required to go beyond
22 the limits of the circuit in which he or she holds office to
23 comply with this section or on other official business
24 performed at the direction of the Governor, the expenses that
25 would otherwise not have been incurred but for the executive
26 assignment ~~incurred~~ shall be borne by the state and shall be
27 paid from the appropriation provided by the state for the
28 state attorney who is being assisted in the discharge of his
29 or her duties ~~circuit courts.~~ Other costs attendant to the
30 prosecution of such cases shall be paid by the entity

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1 obligated to pay the expense in the absence of an executive
2 assignment.

3 Section 3. Effective July 1, 2004, section 27.34,
4 Florida Statutes, is amended to read:

5 27.34 Salaries and other related costs of state
6 attorneys' offices; limitations.--

7 (1) A ~~No~~ county or municipality may not contract with,
8 or shall appropriate or contribute funds to the operation of,
9 the various state attorneys for the prosecution of, ~~except~~
10 ~~that a county or municipality may appropriate or contribute~~
11 ~~funds to pay the salary of one assistant state attorney whose~~
12 ~~sole function shall be to prosecute~~ violations of special laws
13 or ordinances of the county or municipality, and may provide
14 Persons employed by the county or municipality may be provided
15 to the state attorney to serve as special investigators
16 pursuant to the provisions of s. 27.251. However, any county
17 ~~or municipality may contract with the state attorney of the~~
18 ~~judicial circuit in which such county or municipality is~~
19 ~~located for the prosecution of violations of county or~~
20 ~~municipal ordinances. In addition, a county or municipality~~
21 ~~may appropriate or contribute funds to pay the salary of one~~
22 ~~or more assistant state attorneys who are trained in the use~~
23 ~~of the civil and criminal provisions of the Florida RICO Act,~~
24 ~~chapter 895, and whose sole function is to investigate and~~
25 ~~prosecute civil and criminal RICO actions when one or more~~
26 ~~offenses identified in s. 895.02(1)(a) occur within the~~
27 ~~boundaries of the municipality or county.~~

28 (2) ~~The state attorneys shall be provided by the~~
29 ~~counties within their judicial circuits with such office~~
30 ~~space, utilities, telephone service, custodial services,~~
31 ~~library services, transportation services, and communication~~

1 ~~services as may be necessary for the proper and efficient~~
2 ~~functioning of these offices, except as otherwise provided in~~
3 ~~the General Appropriations Act. The state attorney's office~~
4 ~~shall also be provided with pretrial consultation fees for~~
5 ~~expert or other potential witnesses consulted before trial by~~
6 ~~the state attorney; travel expenses incurred in criminal cases~~
7 ~~by a state attorney in connection with out-of-jurisdiction~~
8 ~~depositions; out-of-state travel expenses incurred by~~
9 ~~assistant state attorneys or by investigators of state~~
10 ~~attorneys while attempting to locate and interrogate witnesses~~
11 ~~for the state attorney in the prosecution of a criminal case;~~
12 ~~court reporter costs incurred by the state attorney during the~~
13 ~~course of an investigation and criminal prosecution which~~
14 ~~costs are certified by the state attorney as being useful and~~
15 ~~necessary in the prosecution, provided that nothing herein~~
16 ~~shall be construed to prohibit the county from contesting the~~
17 ~~reasonableness of the expenditure in the court wherein the~~
18 ~~criminal case is brought; postindictment and postinformation~~
19 ~~deposition costs incurred by the state attorney during the~~
20 ~~course of a criminal prosecution of an insolvent defendant~~
21 ~~when such costs are certified by the state attorney as being~~
22 ~~useful and necessary in the prosecution, provided that nothing~~
23 ~~herein shall be construed to prohibit the county from~~
24 ~~contesting the reasonableness of the expenditure in the court~~
25 ~~wherein the criminal case is brought; and the cost of copying~~
26 ~~depositions of state witnesses taken by the public defender,~~
27 ~~court-appointed counsel, or private retained counsel, when~~
28 ~~such costs are certified by the state attorney as being useful~~
29 ~~and necessary in the prosecution, provided that nothing herein~~
30 ~~shall be construed to prohibit the county from contesting the~~
31 ~~reasonableness of the expenditure in the court wherein the~~

1 ~~criminal case is brought. The office space to be provided by~~
2 ~~the counties shall not be less than the standards for space~~
3 ~~allotment adopted by the Department of Management Services,~~
4 ~~nor shall these services and office space be less than were~~
5 ~~provided in the prior fiscal year.~~

6 (2)~~(3)~~ It is hereby prohibited for any state attorney
7 to receive from any county or municipality any supplemental
8 salary. However in judicial circuits with a population of 1
9 million or more, state attorneys presently holding office and
10 now receiving a county supplement may continue to receive a
11 county salary supplement at the discretion of the counties for
12 the remainder of their term of office.

13 (3)~~(4)~~ Notwithstanding s. 27.25, the Insurance
14 Commissioner may contract with the state attorney of any
15 judicial circuit of the state for the prosecution of criminal
16 violations of the Workers' Compensation Law and related crimes
17 and may contribute funds for such purposes. Such contracts may
18 provide for the training, salary, and expenses of one or more
19 assistant state attorneys used in the prosecution of such
20 crimes.

21 Section 4. Effective July 1, 2004, subsection (1),
22 paragraph (a) of subsection (2), and subsection (3) of section
23 27.3455, Florida Statutes, are amended to read:

24 27.3455 Annual statement of certain revenues and
25 expenditures.--

26 (1) Each county shall submit annually to the
27 Comptroller a statement of revenues and expenditures as set
28 forth in this section in the form and manner prescribed by the
29 Comptroller in consultation with the Legislative Committee on
30 Intergovernmental Relations, provided that such statement
31 identify total county expenditures on:

- 1 (a) Medical examiner services.
- 2 (b) County victim witness programs.
- 3 (c) Each of the services outlined in s. 29.008 ~~ss.~~
4 ~~27.34(2) and 27.54(3)~~.
- 5 (d) Appellate filing fees in criminal cases in which
6 an indigent defendant appeals a judgment of a county or
7 circuit court to a district court of appeal or the Florida
8 Supreme Court.
- 9 (e) Other court-related costs of the state attorney
10 and public defender that were paid by the county where such
11 costs were included in a judgment or order rendered by the
12 trial court against the county.
- 13
- 14 Such statement also shall identify the revenues provided by s.
15 938.05(1) that were used to meet or reimburse the county for
16 such expenditures.
- 17 (2)(a) Within 6 months of the close of the local
18 government fiscal year, each county shall submit to the
19 Comptroller a statement of compliance from its independent
20 certified public accountant, engaged pursuant to s. 218.39,
21 that the certified statement of expenditures was in accordance
22 with s. 29.008 ~~ss. 27.34(2), 27.54(3)~~, and this section. All
23 discrepancies noted by the independent certified public
24 accountant shall be included in the statement furnished by the
25 county to the Comptroller.
- 26 (3) The priority for the allocation of funds collected
27 pursuant to s. 938.05(1) shall be as follows:
- 28 (a) Reimbursement to the county for actual county
29 expenditures incurred in providing the state attorney and
30 public defender the services outlined in s. 29.008 ~~ss.~~
31 ~~27.34(2) and 27.54(3)~~, with the exception of facilities office

1 ~~space~~, utilities, and maintenance, as these terms are defined
2 in s. 29.008 ~~custodial services~~.

3 (b) At the close of the local government fiscal year,
4 funds remaining on deposit in the special trust fund of the
5 county after reimbursements have been made pursuant to
6 paragraph (a) shall be reimbursed to the county for actual
7 county expenditures made in support of the operations and
8 services of medical examiners, including the costs associated
9 with the investigation of state prison inmate deaths. Special
10 county trust fund revenues used to reimburse the county for
11 medical examiner expenditures in any year shall not exceed \$1
12 per county resident.

13 (c) At the close of the local government fiscal year,
14 counties establishing or having in existence a comprehensive
15 victim-witness program which meets the standards set by the
16 Crime Victims' Services Office shall be eligible to receive 50
17 percent matching moneys from the balance remaining in the
18 special trust fund after reimbursements have been made
19 pursuant to paragraphs (a) and (b). Special trust fund moneys
20 used in any year to supplement such programs shall not exceed
21 25 cents per county resident.

22 (d) At the close of the local government fiscal year,
23 funds remaining in the special trust fund after reimbursements
24 have been made pursuant to paragraphs (a), (b), and (c) shall
25 be used to reimburse the county for county costs incurred in
26 the provision of facilities ~~office space~~, utilities, and
27 maintenance, as these terms are defined in s. 29.008,
28 ~~custodial services~~ to the state attorney and public defender,
29 for county expenditures on appellate filing fees in criminal
30 cases in which an indigent defendant appeals a judgment of a
31 county or circuit court to a district court of appeal or the

1 Florida Supreme Court, and for county expenditures on
2 court-related costs of the state attorney and public defender
3 that were paid by the county, provided that such court-related
4 costs were included in a judgment or order rendered by the
5 trial court against the county. Where a state attorney or a
6 public defender is provided space in a county-owned facility,
7 responsibility for calculating county costs associated with
8 the provision of such office space, utilities, and maintenance
9 ~~custodial services~~ is hereby vested in the Comptroller in
10 consultation with the Legislative Committee on
11 Intergovernmental Relations.

12 Section 5. Effective July 1, 2004, section 27.51,
13 Florida Statutes, is amended to read:

14 27.51 Duties of public defender.--

15 (1) The public defender shall represent, or secure
16 representation for, without additional compensation, any
17 person who is determined by the court to be indigent as
18 provided in s. 27.52 and who is:

19 (a) Under arrest for, or is charged with, a felony;

20 (b) Under arrest for, or is charged with, a
21 misdemeanor, a violation of chapter 316 which is punishable by
22 imprisonment, or criminal contempt, ~~or a violation of a~~
23 ~~municipal or county ordinance in the county court~~, unless the
24 court, prior to trial, files in the cause an order of no
25 imprisonment which states that the defendant will not be
26 imprisoned if he or she is convicted;

27 (c) Alleged to be a delinquent child by ~~pursuant to~~ a
28 petition filed before a circuit court under s. 985.218; ~~or~~

29 (d) A parent who is a party or participant in a
30 pending dependency proceeding under s. 39.013;
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1 (e) Alleged to be infected with a sexually transmitted
2 disease and is sought to be isolated, hospitalized, or
3 confined under s. 384.281;

4 (f) Alleged to be infected with active tuberculosis
5 and is sought to be isolated, hospitalized, or confined under
6 ss. 392.55 and 392.56;

7 (g) Alleged to be developmentally disabled and is
8 sought to be involuntarily admitted to residential services
9 under ss. 393.11 and 393.12;

10 (h) Alleged to be mentally ill and who is sought to be
11 involuntary confined for evaluation or treatment under s.
12 394.467;

13 (i) Alleged to be a sexually violent predator and who
14 is sought to be involuntarily confined for evaluation or
15 treatment under s. 394.916;

16 (j) Alleged to be substance-abuse impaired and who is
17 sought to be involuntarily placed in treatment under s.
18 397.681;

19 (k) Alleged to be incapacitated and whose liberty
20 interest is sought to be restricted by an involuntary
21 guardianship under s. 744.331;

22 (l) Alleged to be a violator of parole, conditional
23 release, conditional medical release, or addiction-recovery
24 supervision when the public defender has entered into a
25 contract with the Control Release Authority under s.
26 947.146(7)(g); or

27 (m) Alleged to meet the requirements of an adult in
28 need of protective services under s. 415.1051.

29 ~~(d) Sought by petition filed in such court to be~~
30 ~~involuntarily placed as a mentally ill person or sexually~~
31

1 ~~violent predator or involuntarily admitted to residential~~
2 ~~services as a person with developmental disabilities.~~

3 (2) However, a public defender does not have the
4 authority to represent any person who is a plaintiff in a
5 civil action brought under the Florida Rules of Civil
6 Procedure, the Federal Rules of Civil Procedure, or the
7 federal statutes, or who is a petitioner in an administrative
8 proceeding challenging a rule under chapter 120, unless
9 specifically authorized by statute.

10 (3)~~(2)~~ The court may not appoint the public defender
11 to represent, even on a temporary basis, any person who is not
12 indigent. The court, however, may appoint private counsel in
13 capital cases as provided in s. 925.035.

14 (4)~~(3)~~ Each public defender shall serve on a full-time
15 basis and is prohibited from engaging in the private practice
16 of law while holding office. Assistant public defenders shall
17 give priority and preference to their duties as assistant
18 public defenders and shall not otherwise engage in the
19 practice of criminal law.

20 (5)~~(4)~~ The public defender for a judicial circuit
21 enumerated in this subsection shall, after the record on
22 appeal is transmitted to the appellate court by the office of
23 the public defender which handled the trial and if requested
24 by any public defender within the indicated appellate
25 district, handle all felony appeals to the state and federal
26 courts required of the official making such request:

27 (a) Public defender of the second judicial circuit, on
28 behalf of any public defender within the district comprising
29 the First District Court of Appeal.

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1 (b) Public defender of the tenth judicial circuit, on
2 behalf of any public defender within the district comprising
3 the Second District Court of Appeal.

4 (c) Public defender of the eleventh judicial circuit,
5 on behalf of any public defender within the district
6 comprising the Third District Court of Appeal.

7 (d) Public defender of the fifteenth judicial circuit,
8 on behalf of any public defender within the district
9 comprising the Fourth District Court of Appeal.

10 (e) Public defender of the seventh judicial circuit,
11 on behalf of any public defender within the district
12 comprising the Fifth District Court of Appeal.

13 (6)~~(5)~~ When the public defender for a judicial circuit
14 enumerated in subsection~~(5)~~~~(4)~~ has represented at trial a
15 person sentenced to death, the public defender shall not
16 represent that person in any direct appellate proceedings.
17 That public defender shall notify the Florida Supreme Court
18 within 10 days after filing a notice of appeal, and the Court
19 shall appoint another public defender enumerated in subsection
20 ~~(5)~~~~(4)~~ to represent the person in any direct appellate
21 proceedings.

22 (7)~~(6)~~(a) When direct appellate proceedings prosecuted
23 by a public defender on behalf of an accused and challenging a
24 judgment of conviction and sentence of death terminate in an
25 affirmance of such conviction and sentence, whether by the
26 Florida Supreme Court or by the United States Supreme Court or
27 by expiration of any deadline for filing such appeal in a
28 state or federal court, the public defender shall notify the
29 accused of his or her rights pursuant to Rule 3.850, Florida
30 Rules of Criminal Procedure, including any time limits
31 pertinent thereto, and shall advise such person that

1 representation in any collateral proceedings is the
2 responsibility of the capital collateral representative. The
3 public defender shall then forward all original files on the
4 matter to the capital collateral representative, retaining
5 such copies for his or her files as may be desired. However,
6 the trial court shall retain the power to appoint the public
7 defender or other attorney not employed by the capital
8 collateral representative to represent such person in
9 proceedings for relief by executive clemency pursuant to s.
10 925.035.

11 (b) It is the intent of the Legislature that any
12 public defender representing an inmate in any collateral
13 proceedings in any court on June 24, 1985, shall continue
14 representation of that inmate in all postconviction
15 proceedings unless relieved of responsibility from further
16 representation by the court.

17 (8)~~(7)~~ A sum shall be appropriated to the public
18 defender of each judicial circuit enumerated in subsection (5)
19 ~~(4)~~ for the employment of assistant public defenders and
20 clerical employees and the payment of expenses incurred in
21 cases on appeal.

22 Section 6. Effective July 1, 2004, subsections (2) and
23 (3) of section 27.53, Florida Statutes, are amended to read:

24 27.53 Appointment of assistants and other staff;
25 method of payment.--

26 (2) Any member of The Florida Bar, in good standing,
27 may register his or her availability to the public defender of
28 any judicial circuit for acceptance of special assignments
29 without salary to represent indigent defendants. Such persons
30 shall be listed and referred to as special assistant public
31 defenders and be paid a fee and costs and expenses as provided

1 in s. 925.036. A special assistant public defender may not
2 reassign or subcontract a case to another attorney and may not
3 permit an attorney who does not meet the eligibility and
4 performance requirements set by the Florida Public Defenders
5 Association and the Office of State Courts Administrator under
6 s. 925.037 to appear at a critical stage of an indigent
7 defendant's case. This subsection does not prohibit a
8 certified intern with the public defender's office from
9 appearing under appropriate supervision.

10 (3) If, at any time during the representation of two
11 or more indigents, the public defender determines that the
12 interests of those accused are so adverse or hostile that they
13 cannot all be counseled by the public defender or his or her
14 staff without conflict of interest, or that none can be
15 counseled by the public defender or his or her staff because
16 of conflict of interest, the public defender shall file a
17 motion to withdraw and move the court to appoint other
18 counsel. In determining whether there is a conflict of
19 interest, each public defender shall apply the uniform
20 conflict standards adopted by the Florida Public Defender
21 Association.The court shall review and may inquire or conduct
22 a hearing into the adequacy of the public defender's
23 representations regarding a conflict of interest without
24 requiring the disclosure of any confidential communications.
25 The court shall permit withdrawal unless the court determines
26 that the asserted conflict is not prejudicial to the indigent
27 client. In no case shall the court approve a withdrawal by the
28 public defender based solely upon inadequacy of funding or
29 excess workload of the public defender.If the court grants
30 the motion to withdraw, it shall appoint one or more attorneys
31 who meet the eligibility and performance requirements set by

1 the Florida Public Defenders Association and the Office of
2 State Courts Administrator under s. 925.037 ~~may appoint one or~~
3 ~~more members of The Florida Bar, who are in no way affiliated~~
4 ~~with the public defender, in his or her capacity as such, or~~
5 ~~in his or her private practice,~~to represent those accused.
6 ~~However,~~The trial court shall appoint conflict ~~such other~~
7 ~~counsel~~ in the manner approved by the circuit indigent
8 representation committee upon its own motion when the facts
9 developed upon the face of the record and files in the cause
10 disclose such conflict. The court shall advise the
11 appropriate public defender and clerk of court, in writing,
12 when making such appointment and state the conflict prompting
13 the appointment. The appointed attorney shall be compensated
14 as provided in ss. 925.036 and 925.037.

15 Section 7. Effective July 1, 2004, section 27.54,
16 Florida Statutes, is amended to read:

17 27.54 Expenditures for public defender's office.--

18 (1) All payments for the salary of the public defender
19 and the necessary expenses of office, including salaries of
20 assistants and staff, shall be considered as being for a valid
21 public purpose. Travel expenses shall be paid in accordance
22 with the provisions of s. 112.061.

23 (2) A ~~No~~ county or municipality may not contract with,
24 or shall appropriate or contribute funds to,the operation of
25 the offices of the various public defenders for the purpose of
26 defending, ~~except that a county or municipality may~~
27 ~~appropriate or contribute funds to:~~

28 (a) ~~Pay the salary of one assistant public defender~~
29 ~~whose sole function shall be to defend~~ indigents charged with
30 violations of special laws or with violations of ordinances of
31 the county or municipality.

1 ~~(b) Employ legal and support staff to be supervised by~~
2 ~~the public defender upon certification by the public defender~~
3 ~~that inadequate resources will result in withdrawal from~~
4 ~~current cases or inability to accept additional appointments.~~

5 ~~(3) The public defenders shall be provided by the~~
6 ~~counties within their judicial circuits with such office~~
7 ~~space, utilities, telephone services, custodial services,~~
8 ~~library services, transportation services, and communication~~
9 ~~services as may be necessary for the proper and efficient~~
10 ~~functioning of these offices, except as otherwise provided in~~
11 ~~the General Appropriations Act. The public defender's offices~~
12 ~~shall also be provided with pretrial consultation fees for~~
13 ~~expert or other potential witnesses consulted before trial by~~
14 ~~the public defender; travel expenses incurred in criminal~~
15 ~~cases by a public defender in connection with~~
16 ~~out-of-jurisdiction depositions; out-of-state and~~
17 ~~out-of-jurisdiction travel expenses incurred by public~~
18 ~~defenders or by investigators of public defenders while~~
19 ~~attempting to locate and interrogate witnesses for the public~~
20 ~~defender in the defense of a criminal case; court reporter~~
21 ~~costs incurred by the public defender during the course of an~~
22 ~~investigation and criminal prosecution, which costs are~~
23 ~~certified by the public defender as being useful and necessary~~
24 ~~in the preparation of a criminal defense, provided that~~
25 ~~nothing herein shall be construed to prohibit the county from~~
26 ~~contesting the reasonableness of the expenditure in the court~~
27 ~~wherein the criminal case is brought; postindictment and~~
28 ~~postinformation deposition costs incurred by the public~~
29 ~~defender during the course of a criminal prosecution of an~~
30 ~~indigent defendant when such costs are certified by the public~~
31 ~~defender as being useful and necessary in the preparation of a~~

1 ~~criminal defense, provided that nothing herein shall be~~
2 ~~construed to prohibit the county from contesting the~~
3 ~~reasonableness of the expenditure in the court wherein the~~
4 ~~criminal case is brought; and the cost of copying depositions~~
5 ~~of defense witnesses taken by the state attorney when such~~
6 ~~costs are certified by the public defender as being useful and~~
7 ~~necessary in the preparation of a criminal defense, provided~~
8 ~~that nothing herein shall be construed to prohibit the county~~
9 ~~from contesting the reasonableness of the expenditure in the~~
10 ~~court wherein the criminal case is brought. The office space~~
11 ~~and utilities to be provided by the counties shall not be less~~
12 ~~than the standards for space allotment adopted by the~~
13 ~~Department of Management Services. The counties shall not~~
14 ~~provide less of these services than were provided in the~~
15 ~~previous fiscal year.~~

16 ~~(4) No public defender or assistant public defender~~
17 ~~shall receive from any county or municipality any supplemental~~
18 ~~salary, except as provided in this section.~~

19 Section 8. Effective July 1, 2004, section 27.562,
20 Florida Statutes, is amended to read:

21 27.562 Disposition of funds.--All funds collected
22 pursuant to s. 938.29, except the application fee imposed
23 under s. 27.52, shall be remitted to the state for deposit
24 into the General Revenue Fund of the state board of county
25 commissioners of the county in which the judgment was entered.
26 ~~Such funds shall be placed in the fine and forfeiture fund of~~
27 ~~that county to be used to defray the expenses incurred by the~~
28 ~~county in defense of criminal prosecutions. All judgments~~
29 ~~entered pursuant to this part shall be in the name of the~~
30 state and must be deposited into the General Revenue Fund of
31 the state county in which the judgment was rendered.

1 Section 9. Effective July 1, 2004, section 27.58,
2 Florida Statutes, is amended to read:

3 27.58 Administration of indigent representation ~~Public~~
4 ~~Defender~~ services.--The public defender of each judicial
5 circuit of the state shall be the chief administrator of all
6 indigent representation services ~~public defender services~~
7 within the circuit whether such services are rendered by the
8 state or by court-appointed attorneys ~~county public defenders~~.

9 Section 10. Section 28.24, Florida Statutes, is
10 amended to read:

11 28.24 Service charges by clerk of the circuit
12 court.--The clerk of the circuit court shall make the
13 following charges for services rendered by the clerk's office
14 in recording documents and instruments and in performing the
15 duties enumerated. However, in those counties where the
16 clerk's office operates as a fiscal unit of the county
17 pursuant to s. 145.022(1), the clerk shall not charge the
18 county for such services. Notwithstanding any other provision
19 of this section, the clerk of the circuit court shall provide
20 without charge to any justice or judge, or any court staff
21 acting on behalf of any justice or judge, access to and copies
22 of any public records, notwithstanding the exempt or
23 confidential nature of such public records, which are held by
24 the clerk of the circuit court under general law or the Rules
25 of Judicial Administration.

26
27 Charges

- 28
29 (1) For court attendance by each clerk or deputy
30 clerk, per day.....\$75.00
31 (2) For court minutes, per page.....5.00

1	(3) For examining, comparing, correcting, verifying,	
2	and certifying transcripts of record in appellate proceedings,	
3	prepared by attorney for appellant or someone else other than	
4	clerk, per page.....	3.00
5	(4) For preparing, numbering, and indexing an original	
6	record of appellate proceedings, per instrument.....	2.00
7	(5) For certifying copies of any instrument in the	
8	public records.....	1.00
9	(6) For verifying any instrument presented for	
10	certification prepared by someone other than clerk, per page	
11	2.00
12	(7) For making and reporting payrolls of jurors to	
13	State Comptroller, per page, per copy.....	5.00
14	(8)(a) For making copies by photographic process of	
15	any instrument in the public records consisting of pages of	
16	not more than 14 inches by 8 1/2 inches, per page.....	1.00
17	(b) For making copies by photographic process of any	
18	instrument in the public records of more than 14 inches by 8	
19	1/2 inches, per page.....	5.00
20	(9) For making microfilm copies of any public records:	
21	(a) 16 mm 100' microfilm roll.....	25.00
22	(b) 35 mm 100' microfilm roll.....	35.00
23	(c) Microfiche, per fiche.....	2.00
24	(10) For copying any instrument in the public records	
25	by other than photographic process, per page.....	4.00
26	(11) For writing any paper other than herein	
27	specifically mentioned, same as for copying, including signing	
28	and sealing.....	4.00
29	(12) For indexing each entry not recorded.....	1.00
30	(13) For receiving money into the registry of court:	
31	(a)1. First \$500, percent.....	2

1 2. Each subsequent \$100, percent.....1
2 (b) Eminent domain actions, per deposit.....\$100.00
3 (14) For examining, certifying, and recording plats
4 and for recording condominium exhibits larger than 14 inches
5 by 8 1/2 inches:
6 (a) First page.....30.00
7 (b) Each additional page.....15.00
8 (15) For recording, indexing, and filing any
9 instrument not more than 14 inches by 8 1/2 inches, including
10 required notice to property appraiser where applicable:
11 (a) First page or fraction thereof.....5.00
12 (b) Each additional page or fraction thereof.....4.00
13 (c) For indexing instruments recorded in the official
14 records which contain more than four names, per additional
15 name.....1.00
16 (d) An additional service charge shall be paid to the
17 clerk of the circuit court to be deposited in the Public
18 Records Modernization Trust Fund for each instrument listed in
19 s. 28.222, except judgments received from the courts and
20 notices of lis pendens, recorded in the official records:
21 1. First page.....1.00
22 2. Each additional page.....0.50
23
24 Said fund shall be held in trust by the clerk and used
25 exclusively for equipment and maintenance of equipment,
26 personnel training, and technical assistance in modernizing
27 the public records system of the office. In a county where
28 the duty of maintaining official records exists in an office
29 other than the office of the clerk of the circuit court, the
30 clerk of the circuit court is entitled to 25 percent of the
31 moneys deposited into the trust fund for equipment,

1 maintenance of equipment, training, and technical assistance
2 in modernizing the system for storing records in the office of
3 the clerk of the circuit court. The fund may not be used for
4 the payment of travel expenses, membership dues, bank charges,
5 staff-recruitment costs, salaries or benefits of employees,
6 construction costs, general operating expenses, or other costs
7 not directly related to obtaining and maintaining equipment
8 for public records systems or for the purchase of furniture or
9 office supplies and equipment not related to the storage of
10 records. On or before December 1, 1995, and on or before
11 December 1 of each year immediately preceding each year during
12 which the trust fund is scheduled for legislative review under
13 s. 19(f)(2), Art. III of the State Constitution, each clerk of
14 the circuit court shall file a report on the Public Records
15 Modernization Trust Fund with the President of the Senate and
16 the Speaker of the House of Representatives. The report must
17 itemize each expenditure made from the trust fund since the
18 last report was filed; each obligation payable from the trust
19 fund on that date; and the percentage of funds expended for
20 each of the following: equipment, maintenance of equipment,
21 personnel training, and technical assistance. The report must
22 indicate the nature of the system each clerk uses to store,
23 maintain, and retrieve public records and the degree to which
24 the system has been upgraded since the creation of the trust
25 fund.

- 26 (16) Oath, administering, attesting, and sealing, not
27 otherwise provided for herein.....2.00
28 (17) For validating certificates, any authorized
29 bonds, each.....2.00
30 (18) For preparing affidavit of domicile.....5.00
31

1	(19) For exemplified certificates, including signing	
2	and sealing.....	4.00
3	(20) For authenticated certificates, including signing	
4	and sealing.....	4.00
5	(21)(a) For issuing and filing a subpoena for a	
6	witness, not otherwise provided for herein (includes writing,	
7	preparing, signing, and sealing).....	4.00
8	(b) For signing and sealing only.....	1.00
9	(22) For issuing venire facias (includes writing,	
10	preparing, signing, and sealing).....	5.00
11	(23) For paying of witnesses and making and reporting	
12	payroll to State Comptroller, per copy, per page.....	5.00
13	(24) For approving bond.....	5.00
14	(25) For searching of records, for each year's search	
15	1.00
16	(26) For processing an application for a tax deed sale	
17	(includes application, sale, issuance, and preparation of tax	
18	deed, and disbursement of proceeds of sale), other than excess	
19	proceeds.....	60.00
20	(27) For disbursement of excess proceeds of tax deed	
21	sale, first \$100 or fraction thereof.....	10.00
22	(28) Upon receipt of an application for a marriage	
23	license, for preparing and administering of oath; issuing,	
24	sealing, and recording of the marriage license; and providing	
25	a certified copy.....	20.00
26	(29) For solemnizing matrimony.....	20.00
27	(30) For sealing any court file or expungement of any	
28	record.....	25.00
29	(31) For receiving and disbursing all restitution	
30	payments, per payment.....	2.00
31		

1 (32) Postal charges incurred by the clerk of the
2 circuit court in any mailing by certified or registered mail
3 shall be paid by the party at whose instance the mailing is
4 made.

5 (33) For furnishing an electronic copy of information
6 contained in a computer database: a fee as provided for in
7 chapter 119.

8 (34) For furnishing records pursuant to a subpoena or
9 records request by a state attorney or public defender, a fee
10 as provided for in chapter 119 but such charge may not exceed
11 15 cents per copy for a noncertified copy of a public record.

12 Section 11. Effective July 1, 2004, section 29.001,
13 Florida Statutes, is amended to read:

14 29.001 ~~Intent~~; State courts system ~~essential~~ elements
15 and definitions; funding through filing fees, service charges,
16 and costs; county responsibilities.--

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

1 Funding for the state courts system, the state attorneys'
2 offices, the public defenders' offices, and court-appointed
3 counsel, except as otherwise provided in subsection (3), shall
4 be provided from state revenues appropriated by general law.

5 (2) All funding for the court-related functions of the
6 offices of the clerks of the circuit and county courts shall
7 be provided by adequate and appropriate filing fees for
8 judicial proceedings and service charges and costs for
9 performing court-related functions.

10 (3) ~~Pursuant to general law, Counties are shall be~~
11 required to fund the cost of communications services, existing
12 radio systems, existing multiagency criminal justice
13 information systems, and the cost of construction or lease,
14 maintenance, utilities, and security of facilities for the
15 circuit courts and county courts, public defenders' offices,
16 state attorneys' offices, and the offices of the clerks of the
17 circuit and county courts, as defined by statute ~~general law~~.
18 In addition, the counties will continue to fund existing
19 elements of the state courts system, state attorneys' offices,
20 public defenders' offices, court-appointed counsel, and the
21 offices of the clerks of the circuit and county courts
22 performing court-related functions, consistent with current
23 law and practice, until such time as the Legislature expressly
24 assumes the responsibility for funding those elements.
25 Counties are financially responsible for the payment of all
26 reasonable and necessary salaries, costs, and expenses of the
27 state court system to meet local requirements as defined by s.
28 29.008.~~Counties will fund the cost of criminal cases filed by~~
29 ~~the Office of Statewide Prosecution. Additionally, the~~
30 ~~Legislature will define by general law those local~~
31 ~~requirements of the state courts system for which the counties~~

1 ~~must pay reasonable and necessary salaries, costs, and~~
2 ~~expenses.~~

3 (4) Although a program or function currently may be
4 funded by the state or prescribed or established in general
5 law, this does not designate the program or function as an
6 ~~essential~~ element of the state courts system, state attorneys'
7 offices, public defenders' offices, or the offices of the
8 circuit and county court clerks performing court-related
9 functions as described in s. 14, Art. V of the State
10 Constitution.

11 Section 12. Effective July 1, 2004, subsection (1) of
12 section 29.002, Florida Statutes, is amended to read:

13 29.002 Basis for funding.--

14 (1) For the purpose of implementing s. 14, Art. V of
15 the State Constitution on or before July 1, 2004,the
16 Legislature's appropriation of funding in the General
17 Appropriations Act for appropriate salaries, costs, and
18 expenses ~~pursuant to s. 14, Art. V of the State Constitution~~
19 shall be based upon reliable and auditable data substantiating
20 the revenues and expenditures associated with each ~~essential~~
21 element.

22 Section 13. Effective July 1, 2004, section 29.004,
23 Florida Statutes, is amended to read:

24 29.004 State courts system.--

25 (1) For purposes of implementing s. 14, Art. V of the
26 State Constitution, the ~~essential~~ elements of the state courts
27 system to be provided from state revenues appropriated by
28 general law are as follows:

29 (a)(1) Judges appointed or elected pursuant to
30 chapters 25, 26, 34, and 35, ~~and essential staff, expenses,~~
31 ~~and costs as determined by general law.~~

1 ~~(b)(2)~~ Juror compensation and expenses ~~and reasonable~~
2 ~~juror accommodations when necessary.~~

3 ~~(c)(3)~~ Reasonable Court reporting services necessary
4 ~~to meet constitutional requirements.~~

5 ~~(4)~~ Auxiliary aids and services for qualified
6 individuals with a disability which are necessary to ensure
7 access to the courts. Such auxiliary aids and services
8 include, but are not limited to, sign-language interpreters,
9 translators, real-time transcription services for individuals
10 who are hearing impaired, and assistive listening devices.
11 This section does not include physical modifications to court
12 facilities; noncourtroom communication services; or other
13 accommodations, auxiliary aids, or services for which the
14 counties are responsible pursuant to s. 14, Art. V of the
15 State Constitution.

16 ~~(d)(5)~~ Construction or lease of facilities,
17 maintenance, utilities, and security for the district courts
18 of appeal and the Supreme Court.

19 ~~(e)(6)~~ Court foreign language interpretation and
20 translation and sign-language interpreters and translators
21 ~~essential to comply with constitutional requirements.~~

22 ~~(f)~~ Court expert witnesses and other court witnesses.

23 ~~(g)~~ Legal support to judges.

24 ~~(h)~~ Masters and hearing officers.

25 ~~(i)~~ Court administration.

26 ~~(j)~~ Case management. Case management includes:

27 1. Initial review and evaluation;

28 2. Case differentiation;

29 3. Pro se assistance, not including legal advice;

30 4. Case monitoring and tracking;

31 5. Scheduling of events;

- 1 6. Coordination of cases;
2 7. Service referral, coordination, monitoring,
3 and tracking;
4 8. Statistical analysis; and
5 9. Treatment-based drug court programs under s.
6 397.334.

7
8 Case management shall not include case intake and records
9 management conducted by the clerk of court.

10 (k) Mediation-alternate dispute resolution.

11 (1)(7) ~~Staff and expenses~~ of The Judicial
12 Qualifications Commission.

13 (m) Offices of the appellate clerks and marshals and
14 appellate law libraries.

15 (n) Investigation and assessment of the indigency of
16 any person who seeks a waiver of court costs and fees, or any
17 portion thereof, or applies for representation by a public
18 defender or private attorney.

19 (2) Included within the definition of each element
20 listed in this section shall be the associated staff,
21 expenses, and costs, and the computer systems and equipment,
22 including computer hardware and software, modems, printers,
23 computer support staff, training, and supplies, determined by
24 the Legislature to be reasonably required to provide the
25 element.

26 Section 14. Effective July 1, 2004, section 29.005,
27 Florida Statutes, is amended to read:

28 29.005 State attorneys' offices and prosecution
29 expenses.--For purposes of implementing s. 14, Art. V of the
30 State Constitution, the ~~essential~~ elements of the state
31

1 attorneys' offices to be provided from state revenues
2 appropriated by general law are as follows:

3 (1) The state attorney of each judicial circuit and
4 assistant state attorneys and other ~~essential~~ staff as
5 determined by general law.

6 (2) Reasonable court reporting services necessary to
7 meet constitutional or statutory requirements, including the
8 cost of copying depositions of witnesses and the cost of
9 foreign language interpreters and translation and
10 sign-language interpreters.

11 (3) Witnesses summoned to appear for an investigation,
12 preliminary hearing, or trial in a criminal case when the
13 witnesses are summoned by a state attorney; mental health
14 professionals who are appointed pursuant to s. 394.473 and
15 required in a court hearing involving an indigent; ~~and~~ expert
16 witnesses who are appointed pursuant to s. 916.115(2) and
17 required in a court hearing involving an indigent; and any
18 other expert witnesses approved by the court.

19 (4) Reasonable transportation services.

20 (5) Reasonable travel expenses.

21 (6) Reasonable library services, other than a public
22 law library.

23 Section 15. Effective July 1, 2004, section 29.006,
24 Florida Statutes, is amended to read:

25 29.006 Public defenders and indigent defense
26 costs.--For purposes of implementing s. 14, Art. V of the
27 State Constitution, the ~~essential~~ elements of the public
28 defenders' offices to be provided from state revenues
29 appropriated by general law are as follows:

30
31

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

4 (2) Reasonable court reporting services necessary to
5 meet constitutional or statutory requirements, including the
6 cost of copying depositions of witnesses and the cost of
7 foreign-language interpreters and translation and
8 sign-language interpreters.

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

18 (4) Reasonable transportation services.

19 (5) Reasonable travel expenses.

20 (6) Reasonable library services, other than a public
21 law library.

22 Section 16. Effective July 1, 2004, section 29.007,
23 Florida Statutes, is amended to read:

24 29.007 Court-appointed counsel.--For purposes of
25 implementing s. 14, Art. V of the State Constitution, the
26 ~~essential~~ elements of court-appointed counsel to be provided
27 from state revenues appropriated by general law are as
28 follows:

29 (1) Private attorneys assigned by the court to handle
30 cases where the defendant is indigent and cannot be
31

1 represented by the public defender under ss. 27.53, 925.035,
2 and 925.037.

3 (2) Private attorneys appointed by the court to
4 represent indigents or other classes of litigants in civil
5 proceedings requiring court-appointed counsel in accordance
6 with state and federal constitutional guarantees and federal
7 and state statutes.

8 (3) Reasonable court reporting services necessary to
9 meet constitutional or statutory requirements, including the
10 cost of copying depositions of witnesses and the cost of
11 foreign-language interpreters and translation and
12 sign-language interpreters.

13 (4) Witnesses summoned to appear for an investigation,
14 preliminary hearing, or trial in a ~~criminal~~ case when the
15 witnesses are summoned on behalf of an indigent ~~defendant~~;
16 mental health professionals who are appointed pursuant to s.
17 394.473 and required in a court hearing involving an indigent;
18 ~~and~~ expert witnesses who are appointed pursuant to s.
19 916.115(2) and required in a court hearing involving an
20 indigent; and any other expert witnesses approved by the
21 court.

22 ~~(5) Investigating and assessing the indigency of any~~
23 ~~person who seeks a waiver of court costs and fees, or any~~
24 ~~portion thereof, or applies for representation by a public~~
25 ~~defender or private attorney.~~

26 Section 17. Effective July 1, 2004, section 29.008,
27 Florida Statutes, is amended to read:

28 29.008 County funding of court-related functions.--

29 (1) Counties are required by s. 14, Art. V of the
30 State Constitution to fund the cost of communications
31 services, existing radio systems, existing multiagency

1 criminal justice information systems, and the cost of
2 construction or lease, maintenance, utilities, and security of
3 facilities for the circuit and county courts, public
4 defenders' offices, state attorneys' offices, and the offices
5 of the clerks of the circuit and county courts performing
6 court-related functions. For purposes of implementing these
7 requirements, the term:

8 (a) "Facility" means reasonable and necessary
9 buildings and space, structures, real estate, easements, and
10 related interests in real estate, including, but not limited
11 to, those for the purpose of housing personnel, equipment, or
12 functions of the circuit or county courts, public defenders'
13 offices, state attorneys' offices, and court-related functions
14 of the office of the clerks of the circuit and county courts
15 and all storage. The term also includes access to parking for
16 such facilities in connection with such court-related
17 functions that may be available free or from a private
18 provider or a local government for a fee. The office space
19 provided by a county may not be less than the standards for
20 space allotment adopted by the Department of Management
21 Services, nor may these services and office space be less than
22 were provided in the previous fiscal year. County funding must
23 include physical modifications and improvements to court
24 facilities as are required for compliance with the Americans
25 with Disabilities Act.

26 (b) "Construction or lease" includes, but is not
27 limited to, all reasonable and necessary costs of the
28 acquisition or lease of facilities, equipment, and furnishings
29 for all judicial officers, staff, jurors, volunteers of a
30 tenant agency, and the public for the circuit and county
31 courts, the public defenders' offices, state attorneys'

1 offices, and for performing the court-related functions of the
2 offices of the clerks of the circuit and county courts. This
3 includes expenses related to financing such facilities and the
4 existing and future cost and bonded indebtedness associated
5 with placing the facilities in use.

6 (c) "Maintenance" includes, but is not limited to, all
7 reasonable and necessary costs of custodial and groundskeeping
8 services and renovation and reconstruction as needed to
9 accommodate functions for the circuit and county courts, the
10 public defenders' offices, and state attorneys' offices and
11 for performing the court-related functions of the offices of
12 the clerks of the circuit and county court and for maintaining
13 the facilities in a condition appropriate and safe for the use
14 intended.

15 (d) "Utilities" means all electricity services for
16 light, heat, or power; natural or manufactured gas services
17 for light, heat, or power; water and wastewater services and
18 systems, stormwater or runoff services and systems, sewer
19 services and systems, all costs or fees associated with these
20 services and systems, and any costs or fees associated with
21 the mitigation of environmental impacts directly related to
22 the facility.

23 (e) "Security" includes but is not limited to, all
24 reasonable and necessary costs of services of law enforcement
25 officers or licensed security guards and all electronic,
26 cellular, or digital monitoring and screening devices
27 necessary to ensure the safety and security of all persons
28 visiting or working in a facility; to provide for security of
29 the facility, including protection of property owned by the
30 county or the state; and for security of prisoners brought to
31 any facility. This includes bailiffs while providing

1 courtroom and other security for each judge and other
2 quasi-judicial officers.

3 (f) "Communications systems or communications
4 services" are defined as any reasonable and necessary
5 transmission, emission, and reception of signs, signals,
6 writings, images, and sounds of intelligence of any nature by
7 wire, radio, optical, or other electromagnetic systems and
8 includes all facilities and equipment owned, leased, or used
9 by judges, clerks, public defenders, state attorneys, and all
10 staff of the state courts system, state attorneys' offices,
11 public defenders' offices, and clerks of the circuit and
12 county courts performing court-related functions. Such system
13 or services shall include, but not be limited to:

14 1. All telephone services and equipment, including
15 facsimile, wireless communications, video teleconferencing,
16 pagers, computer lines, and telephone switching equipment and
17 the maintenance, supplies, hardware, software, and line
18 charges, including local and long-distance toll charges, and
19 support staff or services necessary for operation.

20 2. All ~~computer systems and equipment, including~~
21 ~~computer hardware and software, modems, printers, wiring,~~
22 ~~network connections, maintenance, support staff or services,~~
23 ~~training, supplies,~~ and line charges necessary for an
24 integrated computer system to support the operations and
25 management of the state courts system, the offices of the
26 public defenders, the offices of the state attorneys, and the
27 offices of the clerks of the circuit and county courts and the
28 capability to connect those entities and reporting data to the
29 state as required for the transmission of revenue, performance
30 accountability, case management, data collection, budgeting,
31 and auditing purposes.

1 3. Postage, printed documents, radio, courier
2 messenger and subpoena services, support services, all
3 maintenance, supplies, and line charges.

4 4. Auxiliary aids and services for qualified
5 individuals with a disability which are necessary to ensure
6 access to the courts. Such auxiliary aids and services
7 include, but are not limited to, real-time transcription
8 services for individuals who are hearing impaired, and
9 assistive listening devices and the equipment necessary to
10 implement such accommodations.

11 (g) "Existing radio systems" includes, but is not
12 limited to, law enforcement radio systems that are used by the
13 circuit and county courts, the offices of the public
14 defenders, the offices of the state attorneys, and for
15 court-related functions of the offices of the clerks of the
16 circuit and county courts. This includes radio systems that
17 were operational or under contract at the time Revision No. 7,
18 1998, to Art. V of the State Constitution was adopted and any
19 enhancements made thereafter, the maintenance of those
20 systems, and the personnel and supplies necessary for
21 operation.

22 (h) "Existing multiagency criminal justice information
23 systems" includes, but is not limited to, those components of
24 the multiagency criminal justice information system as defined
25 in s. 943.045, supporting the offices of the circuit or county
26 courts, the public defenders' offices, the state attorneys'
27 offices, or those portions of the offices of the clerks of the
28 circuit and county courts performing court-related functions
29 that are used to carry out the court-related activities of
30 those entities. This includes upgrades and maintenance of the
31 current equipment, maintenance and upgrades of supporting

1 technology infrastructure and associated staff, and services
2 and expenses to assure continued information sharing and
3 reporting of information to the state. The counties shall
4 also provide additional information technology services,
5 hardware, and software as needed for new judges and staff of
6 the state courts system, state attorneys' offices, public
7 defenders' offices, and the offices of the clerks of the
8 circuit and county courts performing court-related functions.

9 (2) Counties shall pay reasonable and necessary
10 salaries, costs, and expenses of the state courts system,
11 including associated staff and expenses, to meet local
12 requirements ~~as determined by general law.~~

13 (a) Local requirements are those specialized programs,
14 nonjudicial staff, and other expenses associated with
15 specialized courts, specialized prosecution needs, or
16 resources which are needed in a local jurisdiction as a result
17 of special factors or circumstances. Local requirements exist
18 when:

19 1. The county has enacted an ordinance, adopted a
20 local program, or funded activities that have a financial or
21 operational impact on the circuit or a county within the
22 circuit; or

23 2. There are circumstances in a given circuit or
24 county which have resulted in or necessitate implementation of
25 specialized programs, the provision of nonjudicial staff and
26 expenses to specialized courts, special prosecution needs, or
27 the commitment of resources to the court's jurisdiction.

28 (b) Factors and circumstances that result in the
29 establishment of a local requirement based on subparagraph

30 (a)2. include, but are not limited to:

31 1. Geographic factors;

- 1 2. Demographic factors;
2 3. Labor market forces;
3 4. The number and location of court facilities; or
4 5. The volume, severity, complexity, or mix of court
5 cases.

6 (c) Local requirements must be determined by the
7 following method:

8 1. The chief judge of the circuit or the chief judge's
9 designee shall list all local requirements that exist within
10 the circuit or within each county in the circuit and shall
11 identify the reasonable and necessary salaries, costs, and
12 expenses to provide such local requirements.

13 2. On or before June 1 of each year, the chief judge
14 shall submit to the board of county commissioners a tentative
15 budget for local requirements for the ensuing fiscal year. The
16 tentative budget must certify a listing of all local
17 requirements and the reasonable and necessary salaries, costs,
18 and expenses of each local requirement. However, the board of
19 county commissioners may, by resolution, require the
20 certification to be submitted earlier.

21 3. The board of county commissioners shall include the
22 certified amounts for local requirements in its adopted
23 tentative budget and in the summary statement of the county
24 budget prepared and noticed in accordance with s. 129.03 and
25 shall thereafter treat the certification in accordance with
26 the county's budgetary procedures.

27 (3) A county may, at its discretion, provide
28 additional financial support for the court system, state
29 attorneys, or public defenders.

30 Section 18. Section 43.26, Florida Statutes, is
31 amended to read:

1 43.26 Chief ~~Presiding~~ judge of circuit; selection;
2 powers.--

3 (1) The chief ~~presiding~~ judge of each judicial
4 circuit, who shall be a circuit judge, shall exercise
5 administrative supervision over all the trial courts within
6 the judicial circuit and over the judges and other officers of
7 such courts.

8 (2) The chief ~~presiding~~ judge of the circuit shall
9 have the power:

10 (a) To assign judges to any division of the court ~~the~~
11 ~~trial of civil or criminal cases, to preliminary hearings, or~~
12 ~~to divisions~~ and to determine the length of the assignment;

13 ~~(b) To assign clerks and bailiffs;~~

14 (b)(c) To regulate use of courtrooms;

15 (c)(d) To supervise dockets and calendars;

16 (d)(e) To require attendance of prosecutors, and
17 public defenders, clerks, and bailiffs; and

18 (e)(f) To do everything necessary to promote the
19 prompt and efficient administration of justice in the courts
20 over which he or she is chief judge ~~presides~~.

21 (f) To delegate to the trial court administrator, by
22 administrative order, the authority to bind the circuit in
23 contract.

24 (3) The chief ~~presiding~~ judge shall be responsible to
25 the Chief Justice of the Supreme Court for such information as
26 may be required by the Chief Justice, including, but not
27 limited to, caseload, status of dockets, and disposition of
28 cases in the courts over which he or she presides.

29 (4) The chief ~~presiding~~ judge of the circuit shall be
30 selected by a majority of the judges subject to this section
31

1 in that circuit for a term of 2 years. The ~~chief presiding~~
2 judge may succeed himself or herself for successive terms.

3 (5) Failure of any judge, clerk, prosecutor, public
4 defender, or other officer of the court to comply with an
5 order or directive of the ~~chief presiding~~ judge under this
6 section shall constitute neglect of duty for which such
7 officer may be suspended from office as provided by law.

8 (6) There may be an executive assistant to the ~~chief~~
9 ~~presiding~~ judge who shall perform such duties as the ~~chief~~
10 ~~presiding~~ judge may direct.

11 Section 19. Section 40.001, Florida Statutes, is
12 created to read:

13 40.001 Chief judge; authority; duties.--The chief
14 judge of each judicial circuit is vested with overall
15 authority and responsibility for the management, operation,
16 and oversight of the jury system within his or her circuit.
17 However, in accordance with this chapter and chapter 905, the
18 clerk of the circuit court has specific responsibilities
19 regarding the processing of jurors, including, but not limited
20 to, qualifications, summons, selection list, reporting, and
21 compensation of jurors. The clerk of the courts may contract
22 with the chief judge for the court's assistance in the
23 provision of services to process jurors. The chief judge may
24 also designate to the clerk of the circuit court additional
25 duties consistent with established uniform standards of jury
26 management practices that the Supreme Court may adopt by rule
27 or issue through an administrative order.

28 Section 20. Paragraph (a) of subsection (2) of section
29 92.153, Florida Statutes, is amended to read:

30 92.153 Production of documents by witnesses;
31 reimbursement of costs.--

1 (2) REIMBURSEMENT OF A DISINTERESTED WITNESS.--

2 (a) In any proceeding, a disinterested witness shall
3 be paid for any costs the witness reasonably incurs either
4 directly or indirectly in producing, searching for,
5 reproducing, or transporting documents pursuant to a summons;
6 however, the cost of documents produced pursuant to a subpoena
7 or records request by a state attorney or public defender may
8 not exceed 15 cents per page and \$10 per hour for research or
9 retrieval.

10 Section 21. Paragraph (d) of subsection (4) of section
11 395.3025, Florida Statutes, is amended to read:

12 395.3025 Patient and personnel records; copies;
13 examination.--

14 (4) Patient records are confidential and must not be
15 disclosed without the consent of the person to whom they
16 pertain, but appropriate disclosure may be made without such
17 consent to:

18 (d) The patient or his or her legal representative in
19 any civil or criminal action, unless otherwise prohibited by
20 law, upon the issuance of a subpoena from a court of competent
21 jurisdiction and proper notice by the party seeking such
22 records. However, the cost of documents produced pursuant to
23 subpoena or records request by a state attorney or public
24 defender may not exceed 15 cents per page and \$10 per hour for
25 research or retrieval ~~to the patient or his or her legal~~
26 ~~representative.~~

27 Section 22. Effective July 1, 2004, section 925.035,
28 Florida Statutes, is amended to read:

29 925.035 Appointment and compensation of attorneys an
30 attorney in capital cases; appeals from judgments imposing the
31 death penalty.--

1 (1) If the court determines that the defendant in a
2 capital case is insolvent and desires counsel, it shall
3 appoint a public defender to represent the defendant. If the
4 public defender appointed to represent two or more defendants
5 found to be insolvent determines that neither the public
6 defender nor her or his staff can counsel all of the accused
7 without conflict of interest, it shall be the public
8 defender's duty to move the court to appoint one or more
9 members of The Florida Bar, who are in no way affiliated with
10 the public defender ~~in her or his capacity as such or in her~~
11 ~~or his private practice~~, to represent those accused. The
12 attorney shall be allowed compensation, as provided for in ss.
13 s. 925.036 and 925.037, for representing a defendant. All
14 attorneys handling capital cases must meet the minimum
15 standard for attorneys in capital cases adopted by the Florida
16 Supreme Court and the eligibility and performance standards
17 set by the Florida Public Defenders Association and the Office
18 of the State Courts Administrator.

19 (2) If the defendant is convicted and the death
20 sentence is imposed, the appointed attorney shall perfect
21 ~~prosecute~~ an appeal to the Supreme Court. ~~The attorney shall~~
22 ~~be compensated as provided for in s. 925.036.~~ If the attorney
23 first appointed is unable to handle ~~prosecute~~ the appeal, the
24 court shall appoint another attorney who meets the minimum
25 standard for attorneys in capital cases adopted by the Supreme
26 Court and the eligibility and performance standards set by the
27 Florida Public Defenders Association and the Office of the
28 State Courts Administrator ~~and the attorney shall be~~
29 ~~compensated as provided for in s. 925.036.~~

30
31

1 (3) If there is a second trial of the same case, the
2 appointed conflict attorney shall be compensated as provided
3 for in ~~ss.s.~~925.036 and 925.037.

4 (4) If the death sentence is imposed and is affirmed
5 on appeal to the Supreme Court, the appointed conflict
6 attorney shall be allowed compensation, ~~not to exceed \$1,000,~~
7 for attorney's fees and costs incurred in representing the
8 defendant as to an application for executive clemency, such
9 compensation to be paid out of general revenue from funds
10 budgeted to the Department of Corrections. The public
11 defender or a conflict ~~an~~ attorney appointed pursuant to this
12 section may be appointed by the trial court that rendered the
13 judgment imposing the death penalty, to represent an indigent
14 defendant who has applied for executive clemency as relief
15 from the execution of the judgment imposing the death penalty.

16 (5) When the appointed attorney in a capital case has
17 completed the duties imposed by this section, the attorney
18 shall file a written report in the trial court stating the
19 duties performed by her or him and apply for discharge.

20 (6) All costs that a county is required to pay
21 pursuant to s. 29.008 ~~compensation and costs provided for in~~
22 ~~this section, except as provided in subsection (4),~~ shall be
23 paid by the county in which the trial is held unless the trial
24 was moved to that county on the ground that a fair and
25 impartial trial could not be held in another county, in which
26 event the compensation and costs shall be paid by the original
27 county from which the cause was removed.

28 Section 23. Effective July 1, 2004, section 925.036,
29 Florida Statutes, is amended to read:

30 925.036 Appointed counsel; compensation; reassignment
31 of case prohibited.--

1 (1) An attorney appointed pursuant to s. 925.035, s.
2 27.51, or s. 27.53 shall, at the conclusion of the
3 representation, be compensated at a ~~an~~ hourly rate fixed by
4 the circuit indigent representation committee, under s.
5 925.037, ~~chief judge or senior judge of the circuit in an~~
6 amount not to exceed the prevailing ~~hourly~~ rate for similar
7 representation rendered in the circuit; ~~however, such~~
8 ~~compensation shall not exceed the maximum fee limits~~
9 ~~established by this section.~~ In addition, such attorney shall
10 be reimbursed for expenses reasonably incurred, including the
11 costs of transcripts authorized by the court. If the attorney
12 is representing a defendant charged with more than one offense
13 in the same case, the attorney shall be compensated at the
14 rate provided for the most serious offense for which she or he
15 represented the defendant. ~~This section does not allow~~
16 ~~stacking of the fee limits established by this section.~~
17 ~~(2) The compensation for representation shall not~~
18 ~~exceed the following:~~
19 ~~(a) For misdemeanors and juveniles represented at the~~
20 ~~trial level: \$1,000.~~
21 ~~(b) For noncapital, nonlife felonies represented at~~
22 ~~the trial level: \$2,500.~~
23 ~~(c) For life felonies represented at the trial level:~~
24 ~~\$3,000.~~
25 ~~(d) For capital cases represented at the trial level:~~
26 ~~\$3,500.~~
27 ~~(e) For representation on appeal: \$2,000.~~
28 (2)(3) A conflict ~~An~~ attorney appointed in lieu of the
29 public defender to represent an indigent defendant or an
30 attorney appointed to a case enumerated under s. 27.51 may not
31 reassign or subcontract the case to another attorney and may

1 not permit an attorney who does not meet the eligibility and
2 performance standards set by the Florida Public Defenders
3 Association and the Office of the State Courts Administrator
4 to appear at critical stages of the case. This subsection does
5 not prohibit a certified intern with the public defender's
6 office from appearing under appropriate supervision.

7 Section 24. Effective July 1, 2004, section 925.037,
8 Florida Statutes, is amended to read:

9 925.037 ~~Reimbursement of counties for fees paid to~~
10 ~~appointed counsel; Circuit indigent representation conflict~~
11 ~~committees; composition; staff; responsibilities.--~~

12 ~~(1) Funds shall be appropriated each fiscal year to~~
13 ~~reimburse counties for fees paid to certain court-appointed~~
14 ~~attorneys. In order for a fee paid by a county to be~~
15 ~~reimbursable from such funds, the attorney must have been~~
16 ~~appointed pursuant to s. 27.53(3) or s. 925.035, must have~~
17 ~~been approved for such appointment by the circuit conflict~~
18 ~~committee prior to appointment, and must have been compensated~~
19 ~~within the maximum fee limits provided by s. 925.036, except~~
20 ~~that a fee is also reimbursable from such funds if paid by a~~
21 ~~county pursuant to a finding by a circuit court that the~~
22 ~~criminal case involved extraordinary circumstances such that~~
23 ~~the fee limits were inapplicable as a matter of law.~~

24 ~~(2) Beginning with the fiscal year commencing July 1,~~
25 ~~1991, such funds shall be allocated among the respective~~
26 ~~counties by the Justice Administrative Commission on the basis~~
27 ~~of each county's proportionate share of the total number of~~
28 ~~cases assigned to the public defender statewide in the~~
29 ~~preceding calendar year, as reported by the public defenders~~
30 ~~to the legislative appropriations committees.~~

31

1 ~~(1)(3)~~ In each judicial circuit a circuit indigent
2 representation conflict committee shall be established. The
3 committee shall consist of the following:

4 (a) The chief judge of the judicial circuit or the
5 chief judge's designated representative.

6 (b) One experienced private criminal defense attorney
7 who, at the time of the appointment, is not the attorney of
8 record in a noncapital criminal conflict case, selected by the
9 chief judge or the chief judge's designated representative and
10 the public defender, who shall be appointed to serve a 2-year
11 term representative of each board of county commissioners
12 within the judicial circuit, each such representative to be
13 designated by board resolution. During the 2-year term, the
14 attorney is prohibited from accepting or participating in a
15 noncapital criminal conflict case.

16 (c) One experienced civil trial attorney who, at the
17 time of appointment, is not the attorney of record in a case
18 under s. 27.51, who is selected by the chief judge or the
19 chief judge's designated representative and the public
20 defender, and who shall be appointed to a 2-year term. During
21 the 2-year term, the attorney may not accept or participate in
22 a case under s. 27.51.

23 ~~(d)(e)~~ The public defender of the judicial circuit,
24 who shall serve as the chair.

25 ~~(2)(4)~~ The responsibility of the circuit indigent
26 representation conflict committee is to select and approve
27 attorneys for all appointments pursuant to ss. 27.53(3),
28 27.51, and 925.035, commonly known as conflict case
29 appointments. The circuit indigent representation conflict
30 committee shall meet at least quarterly once each year. The
31 circuit indigent representation committee shall determine the

1 most appropriate and cost-effective method of providing legal
2 representation. The committee shall apply the written
3 eligibility and performance standards set by the Florida
4 Public Defenders Association and the Office of State Courts
5 Administrator for each type of case enumerated in s. 27.51.
6 The Florida Public Defenders Association and the Office of
7 State Courts Administrator shall, at a minimum, incorporate
8 into the eligibility and performance standards requirements
9 related to length of bar membership, continuing legal
10 education, and relevant trial experience. The circuit indigent
11 representation committee shall develop a schedule of standard
12 fees and expense allowances for each type of case enumerated
13 in s. 27.51. However, in developing a schedule of standard
14 fees and expense allowances for criminal cases involving a
15 court-appointed attorney, the civil trial attorney may not
16 participate. In developing a schedule of standard fees and
17 expense allowances for civil cases involving a court-appointed
18 attorney, the criminal defense attorney may not participate.
19 Expenditures exceeding those that the circuit indigent
20 representation committee has determined to be appropriate may
21 not be allowed without prior court approval. At a minimum, the
22 experience standards for criminal cases must require
23 participation in three criminal trials for an attorney to be
24 eligible for a third-degree felony case and five criminal
25 trials to be eligible for a case involving a felony of the
26 second degree or a higher degree. The public defender may not
27 participate in case-related decisions, performance
28 evaluations, or expense determinations in conflict cases if
29 the public defender's office is not providing any legal
30 representation.
31

1 (a) The Justice Administrative Commission shall
2 prepare and issue on a quarterly basis, a statewide report
3 comparing actual year-to-date expenditures to budgeted amounts
4 for the circuit indigent representation committees in each of
5 the judicial circuits. Copies of these quarterly reports shall
6 be distributed to each circuit indigent representation
7 committee and the legislative chairs of the Senate and House
8 of Representatives appropriations committees. Each public
9 defender shall designate a circuit indigent representation
10 committee coordinator to be responsible for the administration
11 of the committee program, including, but not limited to, the
12 monitoring of attorney's fees and expenditures, the
13 preparation of vouchers and batch sheets for attorney's
14 expenditures, scheduling and staffing the quarterly meetings,
15 and reviewing reports issued by the Justice Administrative
16 Commission. The positions and funding for the administration
17 of the circuit indigent representation committee program shall
18 be as appropriated to the public defenders in the General
19 Appropriations Act.

20 (b) The funding and positions for the processing of
21 committees' fees and expenses shall be as appropriated to the
22 Justice Administrative Commission in the General
23 Appropriations Act.

24 ~~(3)~~(5)(a) Funds for criminal conflict case fees and
25 expenses shall be appropriated by the Legislature in a
26 separate appropriations category within the Justice
27 Administrative Commission. These funds shall be allocated to
28 each circuit as prescribed in the General Appropriations Act.
29 ~~The clerk of the circuit court in each county shall submit to~~
30 ~~the Justice Administrative Commission a statement of conflict~~
31 ~~counsel fees at least annually. Such statement shall identify~~

1 ~~total expenditures incurred by the county on fees of counsel~~
2 ~~appointed by the court pursuant to this section where such~~
3 ~~fees are taxed against the county by judgment of the court. On~~
4 ~~the basis of such statement of expenditures, the Justice~~
5 ~~Administrative Commission shall pay state conflict case~~
6 ~~appropriations to the county. The statement of conflict~~
7 ~~counsel fees shall be on a form prescribed by the Justice~~
8 ~~Administrative Commission in consultation with the Legislative~~
9 ~~Committee on Intergovernmental Relations and the Comptroller.~~
10 ~~Such form also shall provide for the separate reporting of~~
11 ~~total expenditures made by the county on attorney fees in~~
12 ~~cases in which other counsel were appointed by the court where~~
13 ~~the public defender was unable to accept the case as a result~~
14 ~~of a stated lack of resources. To facilitate such expenditure~~
15 ~~identification and reporting, the public defender, within 7~~
16 ~~days of the appointment of such counsel by the court, shall~~
17 ~~report to the clerk of circuit court case-related information~~
18 ~~sufficient to permit the clerk to identify separately county~~
19 ~~expenditures on fees of such counsel. No county shall be~~
20 ~~required to submit any additional information to the~~
21 ~~commission on an annual or other basis in order to document or~~
22 ~~otherwise verify the expenditure information provided on the~~
23 ~~statement of conflict counsel fees form, except as provided in~~
24 ~~paragraph (c).~~

25 (b) Separate funds for attorneys' fees and expenses in
26 conflict cases under chapter 394 shall be appropriated by the
27 Legislature in a separate appropriations category within the
28 Justice Administrative Commission.

29 (c) The Legislature shall appropriate separate funds
30 for attorneys' fees and expenses in child dependency cases and
31 other court-appointed attorney cases in a separate

1 appropriations category within the Justice Administrative
2 Commission.

3 ~~(b) Before September 30 of each year, the clerk of the~~
4 ~~circuit court in each county shall submit to the Justice~~
5 ~~Administrative Commission a report of conflict counsel~~
6 ~~expenses and costs for the previous local government fiscal~~
7 ~~year. Such report shall identify expenditures incurred by the~~
8 ~~county on expenses and costs of counsel appointed by the court~~
9 ~~pursuant to this section where such expenses and costs are~~
10 ~~taxed against the county by judgment of the court. Such report~~
11 ~~of expenditures shall be on a form prescribed by the~~
12 ~~commission in consultation with the Legislative Committee on~~
13 ~~Intergovernmental Relations and the Comptroller, provided that~~
14 ~~such form shall at a minimum separately identify total county~~
15 ~~expenditures for witness fees and expenses, court reporter~~
16 ~~fees and costs, and defense counsel travel and per diem. Such~~
17 ~~form also shall provide for the separate reporting of total~~
18 ~~county expenditures on attorney expenses and costs in cases in~~
19 ~~which other counsel were appointed by the court where the~~
20 ~~public defender was unable to accept the case as a result of a~~
21 ~~stated lack of resources. To facilitate such expenditure~~
22 ~~identification and reporting, the public defender, within 7~~
23 ~~days of the appointment of such counsel by the court, shall~~
24 ~~report to the clerk of the circuit court case-related~~
25 ~~information sufficient to permit the clerk to identify~~
26 ~~separately county expenditures on expenses and costs of such~~
27 ~~counsel. No county shall be required to submit any additional~~
28 ~~information to the Justice Administrative Commission on an~~
29 ~~annual or other basis in order to document or otherwise verify~~
30 ~~the expenditure information provided on the report of conflict~~

31

1 ~~counsel expenses and costs form, except as provided in~~
2 ~~paragraph (c).~~

3 ~~(c) Before September 30 of each year, each county~~
4 ~~shall submit to the Justice Administrative Commission a~~
5 ~~statement of compliance from its independent certified public~~
6 ~~accountant, engaged pursuant to chapter 11, that each of the~~
7 ~~forms submitted to the Justice Administrative Commission, as~~
8 ~~provided for in paragraphs (a) and (b), accurately represent~~
9 ~~county expenditures incurred in public defender~~
10 ~~conflict-of-interest cases during each reporting period~~
11 ~~covered by the statements. The statement of compliance also~~
12 ~~shall state that the expenditures made and reported were in~~
13 ~~compliance with relevant portions of Florida law. Such~~
14 ~~statement may be reflected as part of the annual audit. In the~~
15 ~~event that the statements are found to be accurate and the~~
16 ~~expenditures noted thereon to have been made in compliance~~
17 ~~with relevant portions of Florida law, no additional~~
18 ~~information or documentation shall be required to accompany~~
19 ~~the standardized statement of compliance submitted to the~~
20 ~~commission. If the statement of compliance submitted by the~~
21 ~~independent certified public accountant indicates that one or~~
22 ~~more of the forms contained inaccurate expenditure information~~
23 ~~or if expenditures incurred were not in compliance with~~
24 ~~relevant portions of Florida law, the commission may require~~
25 ~~the submission of additional information as may be necessary~~
26 ~~to identify the nature of the problem.~~

27 ~~(d) Upon the failure of a clerk of the circuit court~~
28 ~~or county to submit any report or information required by this~~
29 ~~section, the Justice Administrative Commission may refuse to~~
30 ~~honor any claim until such clerk or county is determined by~~
31 ~~the commission to be in compliance with such requirements. In~~

1 ~~the event that the statement of compliance submitted by a~~
2 ~~county pursuant to paragraph (c) indicates that the clerk of~~
3 ~~the circuit court claimed more than was actually expended by~~
4 ~~the county, the Justice Administrative Commission may require~~
5 ~~the clerk to submit complete supporting documentation of the~~
6 ~~county's expenditures on conflict-of-interest cases for the~~
7 ~~ensuing 3-year period.~~

8 ~~(6) No funds may be transferred to increase the amount~~
9 ~~available for reimbursement; however, these funds may be~~
10 ~~reallocated among the counties with the approval of the~~
11 ~~Justice Administrative Commission in consultation with the~~
12 ~~chairs of the legislative appropriations committees.~~

13 ~~(7) Nothing contained in this chapter shall be~~
14 ~~construed to be an appropriation. Once the allocation to the~~
15 ~~county has been expended, any further obligation under s.~~
16 ~~27.53(3) shall continue to be the responsibility of the county~~
17 ~~pursuant to this chapter.~~

18 Section 25. Effective July 1, 2004, sections 27.005,
19 27.006, 27.385, and 29.011, Florida Statutes, and subsection
20 (3) of section 40.02, Florida Statutes, are repealed.

21 Section 26. For the purpose of implementing Section
22 14, Article V of the State Constitution, the transfer of the
23 funding responsibility for the state courts system shall not
24 affect the validity of any judicial or administrative
25 proceeding pending on the day of the transfer. The entity
26 providing appropriations after July 1, 2004, shall be
27 considered the successor in interest to any existing
28 contracts, but is not responsible for funding or payment of
29 any service rendered or provided prior to July 1, 2004.

30 Section 27. Except as otherwise expressly provided in
31 this act, this act shall take effect July 1, 2003.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1184

Implements the provisions of Revision 7 (1998) to Article V of the Florida Constitution. Revises elements of the state court system to be funded by the state; revises elements of the state court system to be funded by local authorities; expands the duties of the public defenders to include securing representation for indigents in certain criminal and civil cases where the individuals are seeking court-appointed counsel; revises criteria for counsel appointed by the court to represent indigents; revises elements to be funded by the state for state attorneys; revises elements to be funded by the state for public defenders; revises elements to be funded by the state for court-appointed counsel; revises elements of the state court system to be funded by counties; limits cost of providing copies of public records made pursuant to a subpoena or a records request; revises standards for attorneys appointed in capital cases; establishes circuit indigent representation committees; provides for committee membership and responsibilities; provides that the chief judge of the circuit has responsibility for the juror processing system; provides the clerk of the circuit court with responsibilities for juror processing; repeals certain sections; provides that transfer of responsibilities authorized by this bill does not affect validity of any judicial or administrative proceeding pending on the day of the transfer; provides that entity funding such activities after effective date of the bill is the successor in interest to any existing contracts but is not responsible for funding or payment of any service rendered or provided prior to July 1, 2004; provides effective dates.