

By the Committees on Appropriations; Judiciary; and Senator
Villalobos

309-2206-03

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 deleting provisions relating to limitations on
27 representation by public defenders in direct
28 appeals of death penalty cases; amending s.
29 27.53, F.S.; providing criteria for determining
30 whether a conflict of interest exists;
31 prohibiting withdrawal based solely on lack of

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

1 | defenders' offices; amending s. 29.007, F.S.;

2 | revising and expanding the list of elements of

3 | court-appointed counsel; providing for funding

4 | from state revenues; amending s. 29.008, F.S.,

5 | relating to county funding of court-related

6 | functions; redefining terms; providing

7 | standards that facilities and communications

8 | systems and services must meet to qualify for

9 | funding; requiring that the integrated computer

10 | system be made capable of electronically

11 | exchanging certain data using specified means

12 | at certain levels by a specific date; providing

13 | for defining local requirements and adopting a

14 | budget therefor; amending s. 43.26, F.S.;

15 | redesignating the presiding judge of the

16 | circuit as the chief judge of the circuit;

17 | providing additional powers of the chief judge;

18 | creating s. 40.001, F.S.; specifying authority

19 | for the management of the jury system;

20 | clarifying duties as to administration and

21 | processing of jurors; providing authority to

22 | the clerks of the circuit courts to contract

23 | with the court for specified services for jury

24 | processing; amending s. 92.153, F.S.; providing

25 | maximum charges for documents produced pursuant

26 | to subpoenas or records request issued by the

27 | state attorney or the public defender; amending

28 | s. 925.035, F.S.; amending standards for

29 | attorneys who handle capital cases; revising

30 | procedures and provisions relating to their

31 | compensation; amending s. 925.036, F.S.;

1 providing for the circuit indigent
2 representation committee to fix the rate of
3 compensation of certain appointed counsel;
4 prescribing the qualifications of attorneys who
5 represent indigent defendants; amending s.
6 925.037, F.S.; providing for the composition,
7 staff, responsibilities, and funding of circuit
8 indigent representation committees; requiring
9 the preparation and distribution of a statewide
10 comparative budget report relating to circuit
11 indigent representation committees by the
12 Justice Administrative Commission; providing
13 for the appropriation of funds for attorney's
14 fees and expenses in criminal conflict cases
15 and in child dependency cases and other
16 court-appointed attorney cases; providing that
17 the transfer of the funding source for the
18 state courts system shall not affect the
19 validity of pending proceedings; providing that
20 the entity responsible for providing
21 appropriations after July 1, 2004, shall be the
22 successor in interest to existing contracts;
23 providing that the successor in interest to
24 existing contracts is not responsible for
25 funding or payment of any service rendered
26 prior to July 1, 2004; amending s. 43.35, F.S.;
27 redesignating witness coordinating offices as
28 witness coordinating programs; providing for
29 circuit courts, rather than court
30 administrators, to establish such programs;
31 authorizing a judge or justice to perform any

1 judicial act on any day of the week; repealing
2 ss. 27.005, 27.006, 27.385, 27.52(1)(a),
3 29.011, 40.02(3), F.S., relating to
4 definitions, court reporting services, budget
5 expenditures, determination of indigency for
6 purposes of appointing a public defender or
7 conflict attorney, a pilot project, and the
8 selection of jury lists; reenacting s. 943.053,
9 F.S., relating to the dissemination of criminal
10 justice information, to incorporate the
11 amendments to ss. 27.51 and 27.53, F.S.;
12 requiring a report on costs of court-related
13 services provided by the counties; providing
14 specific requirements; providing for
15 reimbursement of certain expenses; providing an
16 appropriation; providing effective dates.

17

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

19

20 Section 1. Effective July 1, 2004, section 27.02,
21 Florida Statutes, is amended to read:

22

27.02 Duties before court.--

23

24 (1) The state attorney shall appear in the circuit and
25 county courts within his or her judicial circuit and prosecute
26 or defend on behalf of the state all suits, applications, or
27 motions, civil or criminal, in which the state is a party,
28 except as provided in chapters 39, 984, and 985. The intake
29 procedures of chapters 39, 984, and 985 shall apply as
30 provided therein.

30

31 (2) The state attorney shall provide to the defendant
all discovery materials required pursuant to the applicable

1 rule of procedure and may charge fees as provided for in s.
2 119.07(1)(a) but may not exceed 15 cents per page for a copy
3 of a noncertified copy of a public record. However, fees may
4 not be charged under this subsection if the defendant has been
5 determined to be indigent as provided in s. 27.52.

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

8 27.15 State attorneys to assist in other circuits.--

9 (2) When any state attorney is required to go beyond
10 the limits of the circuit in which he or she holds office to
11 comply with this section or on other official business
12 performed at the direction of the Governor, the expenses that
13 would otherwise not have been incurred but for the executive
14 assignment incurred shall be borne by the state and shall be
15 paid from the appropriation provided by the state for the
16 state attorney who is being assisted in the discharge of his
17 or her duties circuit courts. Other costs attendant to the
18 prosecution of such cases shall be paid by the entity
19 obligated to pay the expense in the absence of an executive
20 assignment.

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

23 27.34 Salaries and other related costs of state
24 attorneys' offices; limitations.--

25 (1) A No county or municipality may not contract with,
26 or shall appropriate or contribute funds to the operation of,
27 the various state attorneys for the prosecution of,~~except~~
28 ~~that a county or municipality may appropriate or contribute~~
29 ~~funds to pay the salary of one assistant state attorney whose~~
30 ~~sole function shall be to prosecute violations of special laws~~
31 ~~or ordinances of the county or municipality.~~and may provide

1 Persons employed by the county or municipality may be provided
2 to the state attorney to serve as special investigators
3 pursuant to the provisions of s. 27.251. ~~However, any county~~
4 ~~or municipality may contract with the state attorney of the~~
5 ~~judicial circuit in which such county or municipality is~~
6 ~~located for the prosecution of violations of county or~~
7 ~~municipal ordinances. In addition, a county or municipality~~
8 ~~may appropriate or contribute funds to pay the salary of one~~
9 ~~or more assistant state attorneys who are trained in the use~~
10 ~~of the civil and criminal provisions of the Florida RICO Act,~~
11 ~~chapter 895, and whose sole function is to investigate and~~
12 ~~prosecute civil and criminal RICO actions when one or more~~
13 ~~offenses identified in s. 895.02(1)(a) occur within the~~
14 ~~boundaries of the municipality or county.~~

15 ~~(2) The state attorneys shall be provided by the~~
16 ~~counties within their judicial circuits with such office~~
17 ~~space, utilities, telephone service, custodial services,~~
18 ~~library services, transportation services, and communication~~
19 ~~services as may be necessary for the proper and efficient~~
20 ~~functioning of these offices, except as otherwise provided in~~
21 ~~the General Appropriations Act. The state attorney's office~~
22 ~~shall also be provided with pretrial consultation fees for~~
23 ~~expert or other potential witnesses consulted before trial by~~
24 ~~the state attorney; travel expenses incurred in criminal cases~~
25 ~~by a state attorney in connection with out-of-jurisdiction~~
26 ~~depositions; out-of-state travel expenses incurred by~~
27 ~~assistant state attorneys or by investigators of state~~
28 ~~attorneys while attempting to locate and interrogate witnesses~~
29 ~~for the state attorney in the prosecution of a criminal case;~~
30 ~~court reporter costs incurred by the state attorney during the~~
31 ~~course of an investigation and criminal prosecution which~~

1 ~~costs are certified by the state attorney as being useful and~~
2 ~~necessary in the prosecution, provided that nothing herein~~
3 ~~shall be construed to prohibit the county from contesting the~~
4 ~~reasonableness of the expenditure in the court wherein the~~
5 ~~criminal case is brought; postindictment and postinformation~~
6 ~~deposition costs incurred by the state attorney during the~~
7 ~~course of a criminal prosecution of an insolvent defendant~~
8 ~~when such costs are certified by the state attorney as being~~
9 ~~useful and necessary in the prosecution, provided that nothing~~
10 ~~herein shall be construed to prohibit the county from~~
11 ~~contesting the reasonableness of the expenditure in the court~~
12 ~~wherein the criminal case is brought; and the cost of copying~~
13 ~~depositions of state witnesses taken by the public defender,~~
14 ~~court-appointed counsel, or private retained counsel, when~~
15 ~~such costs are certified by the state attorney as being useful~~
16 ~~and necessary in the prosecution, provided that nothing herein~~
17 ~~shall be construed to prohibit the county from contesting the~~
18 ~~reasonableness of the expenditure in the court wherein the~~
19 ~~criminal case is brought. The office space to be provided by~~
20 ~~the counties shall not be less than the standards for space~~
21 ~~allotment adopted by the Department of Management Services,~~
22 ~~nor shall these services and office space be less than were~~
23 ~~provided in the prior fiscal year.~~

24 (2)~~(3)~~ It is hereby prohibited for any state attorney
25 to receive from any county or municipality any supplemental
26 salary. However in judicial circuits with a population of 1
27 million or more, state attorneys presently holding office and
28 now receiving a county supplement may continue to receive a
29 county salary supplement at the discretion of the counties for
30 the remainder of their term of office.

31

1 (3)~~(4)~~ Notwithstanding s. 27.25, the Insurance
2 Commissioner may contract with the state attorney of any
3 judicial circuit of the state for the prosecution of criminal
4 violations of the Workers' Compensation Law and related crimes
5 and may contribute funds for such purposes. Such contracts may
6 provide for the training, salary, and expenses of one or more
7 assistant state attorneys used in the prosecution of such
8 crimes.

9 Section 4. Effective July 1, 2004, subsection (1),
10 paragraph (a) of subsection (2), and subsection (3) of section
11 27.3455, Florida Statutes, are amended to read:

12 27.3455 Annual statement of certain revenues and
13 expenditures.--

14 (1) Each county shall submit annually to the
15 Comptroller a statement of revenues and expenditures as set
16 forth in this section in the form and manner prescribed by the
17 Comptroller in consultation with the Legislative Committee on
18 Intergovernmental Relations, provided that such statement
19 identify total county expenditures on:

20 (a) Medical examiner services.

21 (b) County victim witness programs.

22 (c) Each of the services outlined in s. 29.008 ~~ss.~~
23 ~~27.34(2) and 27.54(3)~~.

24 (d) Appellate filing fees in criminal cases in which
25 an indigent defendant appeals a judgment of a county or
26 circuit court to a district court of appeal or the Florida
27 Supreme Court.

28 (e) Other court-related costs of the state attorney
29 and public defender that were paid by the county where such
30 costs were included in a judgment or order rendered by the
31 trial court against the county.

1
2 Such statement also shall identify the revenues provided by s.
3 938.05(1) that were used to meet or reimburse the county for
4 such expenditures.

5 (2)(a) Within 6 months of the close of the local
6 government fiscal year, each county shall submit to the
7 Comptroller a statement of compliance from its independent
8 certified public accountant, engaged pursuant to s. 218.39,
9 that the certified statement of expenditures was in accordance
10 with s. 29.008 ~~ss. 27.34(2), 27.54(3)~~, and this section. All
11 discrepancies noted by the independent certified public
12 accountant shall be included in the statement furnished by the
13 county to the Comptroller.

14 (3) The priority for the allocation of funds collected
15 pursuant to s. 938.05(1) shall be as follows:

16 (a) Reimbursement to the county for actual county
17 expenditures incurred in providing the state attorney and
18 public defender the services outlined in s. 29.008 ~~ss.~~
19 ~~27.34(2) and 27.54(3)~~, with the exception of facilities office
20 space, utilities, and maintenance, as these terms are defined
21 in s. 29.008 ~~custodial services~~.

22 (b) At the close of the local government fiscal year,
23 funds remaining on deposit in the special trust fund of the
24 county after reimbursements have been made pursuant to
25 paragraph (a) shall be reimbursed to the county for actual
26 county expenditures made in support of the operations and
27 services of medical examiners, including the costs associated
28 with the investigation of state prison inmate deaths. Special
29 county trust fund revenues used to reimburse the county for
30 medical examiner expenditures in any year shall not exceed \$1
31 per county resident.

1 (c) At the close of the local government fiscal year,
2 counties establishing or having in existence a comprehensive
3 victim-witness program which meets the standards set by the
4 Crime Victims' Services Office shall be eligible to receive 50
5 percent matching moneys from the balance remaining in the
6 special trust fund after reimbursements have been made
7 pursuant to paragraphs (a) and (b). Special trust fund moneys
8 used in any year to supplement such programs shall not exceed
9 25 cents per county resident.

10 (d) At the close of the local government fiscal year,
11 funds remaining in the special trust fund after reimbursements
12 have been made pursuant to paragraphs (a), (b), and (c) shall
13 be used to reimburse the county for county costs incurred in
14 the provision of facilities ~~office space~~, utilities, and
15 maintenance, as these terms are defined in s. 29.008,
16 ~~custodial services~~ to the state attorney and public defender,
17 for county expenditures on appellate filing fees in criminal
18 cases in which an indigent defendant appeals a judgment of a
19 county or circuit court to a district court of appeal or the
20 Florida Supreme Court, and for county expenditures on
21 court-related costs of the state attorney and public defender
22 ~~that were paid by the county~~, provided that such court-related
23 costs were included in a judgment or order rendered by the
24 trial court against the county. Where a state attorney or a
25 public defender is provided space in a county-owned facility,
26 responsibility for calculating county costs associated with
27 the provision of such office space, utilities, and maintenance
28 ~~custodial services~~ is hereby vested in the Chief Financial
29 Officer ~~Comptroller~~ in consultation with the Legislative
30 Committee on Intergovernmental Relations.

31

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

3 27.51 Duties of public defender.--

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

8 (a) Under arrest for ~~or is~~ charged with ~~a~~ felony,
9 including a capital offense;

10 (b) Under arrest for ~~or is~~ charged with ~~a~~
11 misdemeanor, a violation of chapter 316 which is punishable by
12 imprisonment, or criminal contempt, ~~or a violation of a~~
13 ~~municipal or county ordinance in the county court,~~ unless the
14 court, prior to trial, issues ~~files in the cause~~ an order
15 certifying no incarceration as provided in Rule 3.111, Florida
16 Rules of Criminal Procedure of no imprisonment which states
17 ~~that the defendant will not be imprisoned if he or she is~~
18 ~~convicted;~~

19 (c) Entitled to representation as provided in chapter
20 39, as a parent who is a party or participant in any
21 proceeding under such chapter;

22 (d) Entitled to representation as provided in chapter
23 384, as a person who is alleged to be infected with a sexually
24 transmitted disease and for whom isolation, hospitalization,
25 or confinement is sought;

26 (e) Entitled to representation as provided in s.
27 390.01115, as a minor in a proceeding under such section;

28 (f) Entitled to representation as provided in chapter
29 392, as a person who is alleged to be infected with active
30 tuberculosis and for whom isolation, hospitalization, or
31 confinement is sought;

1 (g) Entitled to representation as provided in chapter
2 393, as a person who is alleged to be developmentally disabled
3 and for whom involuntary admission to residential services or
4 appointment of a guardian advocate is sought;

5 (h) Entitled to representation regardless of indigency
6 as provided in part I of chapter 394, as a person who is
7 alleged to be mentally ill and for whom involuntary
8 confinement for evaluation or treatment is sought;

9 (i) Entitled to representation as provided in part I
10 of chapter 394, as a person who is alleged to be mentally ill
11 and for whom appointment of a guardian advocate is sought;

12 (j) Entitled to representation as provided in part V
13 of chapter 394, as a person who is alleged to be a sexually
14 violent predator and for whom involuntary confinement for
15 evaluation and treatment is sought;

16 (k) Entitled to representation as provided in chapter
17 397, as a person who is alleged to be substance-abuse impaired
18 and for whom involuntary assessment, stabilization, or
19 treatment is sought;

20 (l) Entitled to representation under s. 415.1051, as a
21 vulnerable adult alleged to be in need of protective
22 services;

23 (m) Entitled to representation as provided in chapter
24 744, as a person who is alleged to be incapacitated and for
25 whom an involuntary guardianship is sought;

26 (n) Entitled to representation as provided in s.
27 916.15, as a forensic client for whom involuntary commitment
28 is sought subsequent to an acquittal by reason of insanity;

29 (o) Entitled to representation as a person who is
30 alleged to be a violator of parole, conditional release,
31 conditional medical release, or addiction-recovery supervision

1 when the public defender has entered into a contract with the
2 Control Release Authority or the Parole Commission under s.
3 947.146(7)(g);

4 (p) Entitled to representation under chapter 984, as a
5 child, or child's parent or legal guardian who is alleged to
6 be in need of services or as a child alleged to be in contempt
7 under this chapter; or

8 (q) Entitled to representation as provided under part
9 II of chapter 985.

10 ~~(c) Alleged to be a delinquent child pursuant to a~~
11 ~~petition filed before a circuit court; or~~

12 ~~(d) Sought by petition filed in such court to be~~
13 ~~involuntarily placed as a mentally ill person or sexually~~
14 ~~violent predator or involuntarily admitted to residential~~
15 ~~services as a person with developmental disabilities.~~

16 (2) However, a public defender does not have the
17 authority to represent any person who is a plaintiff in a
18 civil action brought under the Florida Rules of Civil
19 Procedure, the Federal Rules of Civil Procedure, or the
20 federal statutes, or who is a petitioner in an administrative
21 proceeding challenging a rule under chapter 120, unless
22 specifically authorized by statute.

23 ~~(3)(2)~~ The court may not appoint the public defender
24 to represent, even on a temporary basis, any person who is not
25 indigent. The court, however, may appoint private counsel in
26 capital cases as provided in s. 925.035.

27 ~~(4)(3)~~ Each public defender shall serve on a full-time
28 basis and is prohibited from engaging in the private practice
29 of law while holding office. Assistant public defenders shall
30 give priority and preference to their duties as assistant
31

1 public defenders and shall not otherwise engage in the
2 practice of criminal law.

3 (5)~~(4)~~ The public defender for a judicial circuit
4 enumerated in this subsection shall, after the record on
5 appeal is transmitted to the appellate court by the office of
6 the public defender which handled the trial and if requested
7 by any public defender within the indicated appellate
8 district, handle all ~~felony~~ appeals arising out of cases
9 enumerated under subsection (1) to the state and federal
10 courts required of the official making such request:

11 (a) Public defender of the second judicial circuit, on
12 behalf of any public defender within the district comprising
13 the First District Court of Appeal.

14 (b) Public defender of the tenth judicial circuit, on
15 behalf of any public defender within the district comprising
16 the Second District Court of Appeal.

17 (c) Public defender of the eleventh judicial circuit,
18 on behalf of any public defender within the district
19 comprising the Third District Court of Appeal.

20 (d) Public defender of the fifteenth judicial circuit,
21 on behalf of any public defender within the district
22 comprising the Fourth District Court of Appeal.

23 (e) Public defender of the seventh judicial circuit,
24 on behalf of any public defender within the district
25 comprising the Fifth District Court of Appeal.

26 ~~(5) When the public defender for a judicial circuit~~
27 ~~enumerated in subsection (4) has represented at trial a person~~
28 ~~sentenced to death, the public defender shall not represent~~
29 ~~that person in any direct appellate proceedings. That public~~
30 ~~defender shall notify the Florida Supreme Court within 10 days~~
31 ~~after filing a notice of appeal, and the Court shall appoint~~

1 ~~another public defender enumerated in subsection (4) to~~
2 ~~represent the person in any direct appellate proceedings.~~

3 (6)(a) When direct appellate proceedings prosecuted by
4 a public defender on behalf of an accused and challenging a
5 judgment of conviction and sentence of death terminate in an
6 affirmance of such conviction and sentence, whether by the
7 Florida Supreme Court or by the United States Supreme Court or
8 by expiration of any deadline for filing such appeal in a
9 state or federal court, the public defender shall notify the
10 accused of his or her rights pursuant to Rule 3.850, Florida
11 Rules of Criminal Procedure, including any time limits
12 pertinent thereto, and shall advise such person that
13 representation in any collateral proceedings is the
14 responsibility of the capital collateral representative. The
15 public defender shall then forward all original files on the
16 matter to the capital collateral representative, retaining
17 such copies for his or her files as may be desired. However,
18 the trial court shall retain the power to appoint the public
19 defender or other attorney not employed by the capital
20 collateral representative to represent such person in
21 proceedings for relief by executive clemency pursuant to s.
22 925.035.

23 (b) It is the intent of the Legislature that any
24 public defender representing an inmate in any collateral
25 proceedings in any court on June 24, 1985, shall continue
26 representation of that inmate in all postconviction
27 proceedings unless relieved of responsibility from further
28 representation by the court.

29 (7) A sum shall be appropriated to the public defender
30 of each judicial circuit enumerated in subsection (5)~~(4)~~ for
31 the employment of assistant public defenders and clerical

1 employees and the payment of expenses incurred in cases on
2 appeal.

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

5 27.53 Appointment of assistants and other staff;
6 method of payment.--

7 (2) Any member of The Florida Bar, in good standing,
8 may volunteer ~~register his or her availability to the public~~
9 ~~defender of any judicial circuit for acceptance of special~~
10 ~~assignments~~ without salary to represent indigent defendants.
11 Temporarily employed attorneys and volunteer attorneys are to
12 be ~~Such persons shall be listed and~~ referred to as special
13 assistant public defenders ~~and be paid a fee and costs and~~
14 ~~expenses as provided in s. 925.036.~~ A special assistant public
15 defender may not reassign or subcontract a case to another
16 attorney.

17 (3) If, at any time during the representation of two
18 or more indigents, the public defender determines that the
19 interests of those represented ~~accused~~ are so adverse or
20 hostile that they cannot all be counseled by the public
21 defender or his or her staff without conflict of interest, or
22 that none can be counseled by the public defender or his or
23 her staff because of conflict of interest, the public defender
24 shall file a motion to withdraw and move the court to appoint
25 other counsel. In determining whether there is a conflict of
26 interest, each public defender shall apply the uniform
27 conflict standards adopted by the Florida Public Defender
28 Association.The court shall review and may inquire or conduct
29 a hearing into the adequacy of the public defender's
30 representations regarding a conflict of interest without
31 requiring the disclosure of any confidential communications.

1 The court shall permit withdrawal unless the court determines
2 that the asserted conflict is not prejudicial to the indigent
3 client. In no case shall the court approve a withdrawal by the
4 public defender based solely upon inadequacy of funding or
5 excess workload of the public defender. If the court grants
6 the motion to withdraw, it shall appoint one or more attorneys
7 who meet the eligibility and performance requirements set by
8 the Florida Public Defenders Association and the Office of
9 State Courts Administrator under s. 925.037 ~~may appoint one or~~
10 ~~more members of The Florida Bar~~, who are in no way affiliated
11 with the public defender, ~~in his or her capacity as such, or~~
12 ~~in his or her private practice~~, to represent those accused.
13 ~~However,~~ The trial court shall appoint conflict ~~such other~~
14 counsel in the manner approved by the circuit indigent
15 representation committee upon its own motion when the facts
16 developed upon the face of the record and files in the cause
17 disclose such conflict. The court shall advise the
18 appropriate public defender and clerk of court, in writing,
19 when making such appointment and state the conflict prompting
20 the appointment. The appointed attorney shall be compensated
21 as provided in ss. s. 925.036 and 925.037.

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

24 27.54 Expenditures for public defender's office.--

25 (1) All payments for the salary of the public defender
26 and the necessary expenses of office, including salaries of
27 assistants and staff, shall be considered as being for a valid
28 public purpose. Travel expenses shall be paid in accordance
29 with the provisions of s. 112.061.

30 (2) A ~~No~~ county or municipality may not contract with,
31 or shall appropriate or contribute funds to, the operation of

1 the offices of the various public defenders for the purpose of
2 defending, ~~except that a county or municipality may~~
3 ~~appropriate or contribute funds to:~~

4 (a) ~~Pay the salary of one assistant public defender~~
5 ~~whose sole function shall be to defend~~ indigents charged with
6 violations of special laws or with violations of ordinances of
7 the county or municipality.

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

12 (3) ~~The public defenders shall be provided by the~~
13 ~~counties within their judicial circuits with such office~~
14 ~~space, utilities, telephone services, custodial services,~~
15 ~~library services, transportation services, and communication~~
16 ~~services as may be necessary for the proper and efficient~~
17 ~~functioning of these offices, except as otherwise provided in~~
18 ~~the General Appropriations Act. The public defender's offices~~
19 ~~shall also be provided with pretrial consultation fees for~~
20 ~~expert or other potential witnesses consulted before trial by~~
21 ~~the public defender; travel expenses incurred in criminal~~
22 ~~cases by a public defender in connection with~~
23 ~~out-of-jurisdiction depositions; out-of-state and~~
24 ~~out-of-jurisdiction travel expenses incurred by public~~
25 ~~defenders or by investigators of public defenders while~~
26 ~~attempting to locate and interrogate witnesses for the public~~
27 ~~defender in the defense of a criminal case; court reporter~~
28 ~~costs incurred by the public defender during the course of an~~
29 ~~investigation and criminal prosecution, which costs are~~
30 ~~certified by the public defender as being useful and necessary~~
31 ~~in the preparation of a criminal defense, provided that~~

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

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

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

28 27.562 Disposition of funds.--All funds collected
29 pursuant to s. 938.29, except the application fee imposed
30 under s. 27.52, shall be remitted to the state for deposit
31 into the General Revenue Fund of the state board of county

1 ~~commissioners of the county in which the judgment was entered.~~
2 ~~Such funds shall be placed in the fine and forfeiture fund of~~
3 ~~that county to be used to defray the expenses incurred by the~~
4 ~~county in defense of criminal prosecutions.~~ All judgments
5 entered pursuant to this part shall be in the name of the
6 state and must be deposited into the General Revenue Fund of
7 the state ~~county in which the judgment was rendered.~~

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

10 27.58 Administration of indigent representation ~~Public~~
11 ~~Defender~~ services.--The public defender of each judicial
12 circuit of the state shall be the chief administrator of all
13 indigent representation services ~~public defender services~~
14 within the circuit whether such services are rendered by the
15 state or by court-appointed counsel ~~county public defenders.~~

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

18 28.24 Service charges by clerk of the circuit
19 court.--The clerk of the circuit court shall make the
20 following charges for services rendered by the clerk's office
21 in recording documents and instruments and in performing the
22 duties enumerated. However, in those counties where the
23 clerk's office operates as a fiscal unit of the county
24 pursuant to s. 145.022(1), the clerk shall not charge the
25 county for such services. Notwithstanding any other provision
26 of this section, the clerk of the circuit court shall provide
27 without charge to any justice or judge, to any court staff
28 acting on behalf of any justice or judge, or to any state
29 attorney or public defender access to and copies of any public
30 records, notwithstanding the exempt or confidential nature of
31 such public records, as maintained by and in the custody of

1 the clerk of the circuit court as provided in general law and
2 the Florida Rules of Judicial Administration.

3
4 Charges

5
6 (1) For court attendance by each clerk or deputy
7 clerk, per day.....\$75.00

8 (2) For court minutes, per page.....5.00

9 (3) For examining, comparing, correcting, verifying,
10 and certifying transcripts of record in appellate proceedings,
11 prepared by attorney for appellant or someone else other than
12 clerk, per page.....3.00

13 (4) For preparing, numbering, and indexing an original
14 record of appellate proceedings, per instrument.....2.00

15 (5) For certifying copies of any instrument in the
16 public records.....1.00

17 (6) For verifying any instrument presented for
18 certification prepared by someone other than clerk, per page
19 2.00

20 (7) For making and reporting payrolls of jurors to
21 State Comptroller, per page, per copy.....5.00

22 (8)(a) For making copies by photographic process of
23 any instrument in the public records consisting of pages of
24 not more than 14 inches by 8 1/2 inches, per page.....1.00

25 (b) For making copies by photographic process of any
26 instrument in the public records of more than 14 inches by 8
27 1/2 inches, per page.....5.00

28 (9) For making microfilm copies of any public records:

29 (a) 16 mm 100' microfilm roll.....25.00

30 (b) 35 mm 100' microfilm roll.....35.00

31 (c) Microfiche, per fiche.....2.00

- 1 (10) For copying any instrument in the public records
2 by other than photographic process, per page.....4.00
3 (11) For writing any paper other than herein
4 specifically mentioned, same as for copying, including signing
5 and sealing.....4.00
6 (12) For indexing each entry not recorded.....1.00
7 (13) For receiving money into the registry of court:
8 (a)1. First \$500, percent..... 2
9 2. Each subsequent \$100, percent.....1
10 (b) Eminent domain actions, per deposit.....\$100.00
11 (14) For examining, certifying, and recording plats
12 and for recording condominium exhibits larger than 14 inches
13 by 8 1/2 inches:
14 (a) First page.....30.00
15 (b) Each additional page.....15.00
16 (15) For recording, indexing, and filing any
17 instrument not more than 14 inches by 8 1/2 inches, including
18 required notice to property appraiser where applicable:
19 (a) First page or fraction thereof.....5.00
20 (b) Each additional page or fraction thereof.....4.00
21 (c) For indexing instruments recorded in the official
22 records which contain more than four names, per additional
23 name.....1.00
24 (d) An additional service charge shall be paid to the
25 clerk of the circuit court to be deposited in the Public
26 Records Modernization Trust Fund for each instrument listed in
27 s. 28.222, except judgments received from the courts and
28 notices of lis pendens, recorded in the official records:
29 1. First page.....1.00
30 2. Each additional page.....0.50
31

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

1 the system has been upgraded since the creation of the trust
2 fund.
3 (16) Oath, administering, attesting, and sealing, not
4 otherwise provided for herein.....2.00
5 (17) For validating certificates, any authorized
6 bonds, each.....2.00
7 (18) For preparing affidavit of domicile.....5.00
8 (19) For exemplified certificates, including signing
9 and sealing.....4.00
10 (20) For authenticated certificates, including signing
11 and sealing.....4.00
12 (21)(a) For issuing and filing a subpoena for a
13 witness, not otherwise provided for herein (includes writing,
14 preparing, signing, and sealing).....4.00
15 (b) For signing and sealing only.....1.00
16 (22) For issuing venire facias (includes writing,
17 preparing, signing, and sealing).....5.00
18 (23) For paying of witnesses and making and reporting
19 payroll to State Comptroller, per copy, per page.....5.00
20 (24) For approving bond.....5.00
21 (25) For searching of records, for each year's search
221.00
23 (26) For processing an application for a tax deed sale
24 (includes application, sale, issuance, and preparation of tax
25 deed, and disbursement of proceeds of sale), other than excess
26 proceeds.....60.00
27 (27) For disbursement of excess proceeds of tax deed
28 sale, first \$100 or fraction thereof.....10.00
29 (28) Upon receipt of an application for a marriage
30 license, for preparing and administering of oath; issuing,
31

- 1 sealing, and recording of the marriage license; and providing
2 a certified copy.....20.00
3 (29) For solemnizing matrimony.....20.00
4 (30) For sealing any court file or expungement of any
5 record.....25.00
6 (31) For receiving and disbursing all restitution
7 payments, per payment.....2.00
8 (32) Postal charges incurred by the clerk of the
9 circuit court in any mailing by certified or registered mail
10 shall be paid by the party at whose instance the mailing is
11 made.
12 (33) For furnishing an electronic copy of information
13 contained in a computer database: a fee as provided for in
14 chapter 119.

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

17 29.001 ~~Intent~~; State courts system ~~essential~~ elements
18 and definitions; funding through filing fees, service charges,
19 and costs; county responsibilities.--

20 (1) ~~It is the intent of the Legislature that~~; For the
21 purpose of implementing s. 14, Art. V of the State
22 Constitution, the state courts system is ~~be~~ defined to include
23 the enumerated ~~essential~~ elements of the Supreme Court,
24 district courts of appeal, circuit courts, county courts, and
25 certain ~~essential~~ supports thereto. ~~Similarly~~; The offices of
26 public defenders and state attorneys ~~shall include those~~
27 ~~essential elements as determined by general law. Further, the~~
28 ~~state attorneys' offices~~ are defined to include the enumerated
29 ~~essential~~ elements of the 20 state attorneys' offices and the
30 enumerated ~~public defenders' offices~~ are defined to include
31 ~~the essential~~ elements of the 20 public defenders' offices.

1 Court-appointed counsel are defined as counsel appointed to
2 ensure due process in criminal and civil proceedings in
3 accordance with state and federal constitutional guarantees.
4 Funding for the state courts system, the state attorneys'
5 offices, the public defenders' offices, and court-appointed
6 counsel, except as otherwise provided in subsection (3), shall
7 be provided from state revenues appropriated by general law.

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

13 (3) ~~Pursuant to general law, Counties are~~ shall be
14 required to fund the cost of communications services, existing
15 radio systems, existing multiagency criminal justice
16 information systems, and the cost of construction or lease,
17 maintenance, utilities, and security of facilities for the
18 circuit courts and county courts, public defenders' offices,
19 state attorneys' offices, and the offices of the clerks of the
20 circuit and county courts, as defined by statute ~~general law~~.
21 In addition, the counties will continue to fund existing
22 elements of the state courts system, state attorneys' offices,
23 public defenders' offices, court-appointed counsel, and the
24 offices of the clerks of the circuit and county courts
25 performing court-related functions, consistent with current
26 law and practice, until such time as the Legislature expressly
27 assumes the responsibility for funding those elements.
28 Counties are financially responsible for the payment of all
29 reasonable and necessary salaries, costs, and expenses of the
30 state court system to meet local requirements as defined by s.
31 29.008(2).~~Counties will fund the cost of criminal cases filed~~

1 ~~by the Office of Statewide Prosecution. Additionally, the~~
2 ~~Legislature will define by general law those local~~
3 ~~requirements of the state courts system for which the counties~~
4 ~~must pay reasonable and necessary salaries, costs, and~~
5 ~~expenses.~~

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

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

16 29.002 Basis for funding.--

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

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

27 29.004 State courts system.--

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

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

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

6 ~~(c)(3)~~ Reasonable court reporting and transcription
7 ~~services necessary to meet constitutional requirements.~~

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

19 ~~(d)(5)~~ Construction or lease of facilities,
20 maintenance, utilities, and security for the district courts
21 of appeal and the Supreme Court.

22 ~~(e)(6)~~ Court foreign language and sign-language
23 ~~interpreters and translators essential to comply with~~
24 ~~constitutional requirements.~~

25 ~~(f)~~ Court expert witnesses, other court witnesses, and
26 witness-coordination programs.

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

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

29 ~~(i)~~ Court administration.

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

31 1. Initial review and evaluation;

1 2. Case differentiation;
2 3. Pro se assistance, not including legal advice;
3 4. Case monitoring and tracking;
4 5. Scheduling of events;
5 6. Coordination of cases;
6 7. Service referral, coordination, monitoring,
7 and tracking;
8 8. Statistical analysis; and
9 9. Treatment-based drug court programs under s.
10 397.334.
11
12 Case management shall not include case intake and records
13 management conducted by the clerk of court.
14 (k) Mediation-alternate dispute resolution.
15 (1)(7) Staff and expenses of The Judicial
16 Qualifications Commission.
17 (m) Offices of the appellate clerks and marshals and
18 appellate law libraries.
19 (n) Investigation and assessment of the indigency of
20 any person who seeks a waiver of court costs and fees, or any
21 portion thereof, or applies for representation by a public
22 defender or private attorney.
23 (2) Included within the definition of each element
24 listed in this section shall be the associated staff,
25 expenses, and costs determined by the Legislature to be
26 reasonably required to provide the element.
27 Section 14. Effective July 1, 2004, section 29.005,
28 Florida Statutes, is amended to read:
29 29.005 State attorneys' offices and prosecution
30 expenses.--For purposes of implementing s. 14, Art. V of the
31 State Constitution, the ~~essential~~ elements of the state

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 and transcription
7 services necessary to meet constitutional or statutory
8 requirements, including the cost of transcribing and copying
9 depositions of witnesses and the cost of foreign-language and
10 sign-language interpreters and translators.

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 the state attorney deems necessary for
19 the performance of his or her duties.

20 (4) Reasonable transportation services.

21 (5) Reasonable travel expenses.

22 (6) Reasonable library and electronic legal research
23 services, other than a public law library.

24 (7) Reasonable pretrial consultation fees and costs.

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

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

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 and transcription
5 services necessary to meet constitutional or statutory
6 requirements, including the cost of transcribing and copying
7 depositions of witnesses and the cost of foreign-language and
8 sign-language interpreters and translators.

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 and electronic legal research
21 services, other than a public law library.

22 (7) Reasonable pretrial consultation fees and costs.

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

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

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

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 and transcription
9 services necessary to meet constitutional or statutory
10 requirements, including the cost of transcribing and copying
11 depositions of witnesses and the cost of foreign-language and
12 sign-language interpreters and translators.

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) Reasonable pretrial consultation fees and costs.

23 (6) Reasonable travel expenses.

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

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

30 29.008 County funding of court-related functions.--
31

1 (1) Counties are required by s. 14, Art. V of the
2 State Constitution to fund the cost of communications
3 services, existing radio systems, existing multiagency
4 criminal justice information systems, and the cost of
5 construction or lease, maintenance, utilities, and security of
6 facilities for the circuit and county courts, public
7 defenders' offices, state attorneys' offices, and the offices
8 of the clerks of the circuit and county courts performing
9 court-related functions. For purposes of implementing these
10 requirements, the term:

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

1 This section applies only to facilities that are leased, or on
2 which construction commences, after June 30, 2003.

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

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

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

31

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

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

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

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

1 training, supplies, and line charges necessary for an
2 integrated computer system to support the operations and
3 management of the state courts system, the offices of the
4 public defenders, the offices of the state attorneys, and the
5 offices of the clerks of the circuit and county courts and the
6 capability to connect those entities and reporting data to the
7 state as required for the transmission of revenue, performance
8 accountability, case management, data collection, budgeting,
9 and auditing purposes. By January 1, 2006, the integrated
10 computer system specified under this subparagraph must be able
11 to electronically exchange judicial case background,
12 sentencing guidelines and scoresheets, and video evidence
13 information stored in integrated case-management systems over
14 secure networks. This data sharing must be accomplished using
15 proven, off-the-shelf software packages that enable
16 information exchange at four levels:
17 a. Within each of the 20 judicial circuits;
18 b. Across the 20 judicial circuits;
19 c. Between Florida and other cooperative states where
20 applicable and authorized; and
21 d. Between Florida and participating United States
22 federal government agencies and departments where applicable
23 and authorized.
24 3. Postage, printed documents, radio, courier
25 messenger and subpoena services, support services, all
26 maintenance, supplies, and line charges.
27 4. Auxiliary aids and services for qualified
28 individuals with a disability which are necessary to ensure
29 access to the courts. Such auxiliary aids and services
30 include, but are not limited to, real-time transcription
31 services for individuals who are hearing impaired, and

1 assistive listening devices and the equipment necessary to
2 implement such accommodations.

3 (g) "Existing radio systems" includes, but is not
4 limited to, law enforcement radio systems that are used by the
5 circuit and county courts, the offices of the public
6 defenders, the offices of the state attorneys, and for
7 court-related functions of the offices of the clerks of the
8 circuit and county courts. This includes radio systems that
9 were operational or under contract at the time Revision No. 7,
10 1998, to Art. V of the State Constitution was adopted and any
11 enhancements made thereafter, the maintenance of those
12 systems, and the personnel and supplies necessary for
13 operation.

14 (h) "Existing multiagency criminal justice information
15 systems" includes, but is not limited to, those components of
16 the multiagency criminal justice information system as defined
17 in s. 943.045, supporting the offices of the circuit or county
18 courts, the public defenders' offices, the state attorneys'
19 offices, or those portions of the offices of the clerks of the
20 circuit and county courts performing court-related functions
21 that are used to carry out the court-related activities of
22 those entities. This includes upgrades and maintenance of the
23 current equipment, maintenance and upgrades of supporting
24 technology infrastructure and associated staff, and services
25 and expenses to assure continued information sharing and
26 reporting of information to the state. The counties shall
27 also provide additional information technology services,
28 hardware, and software as needed for new judges and staff of
29 the state courts system, state attorneys' offices, public
30 defenders' offices, and the offices of the clerks of the
31 circuit and county courts performing court-related functions.

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

5 (a) Local requirements are those specialized programs,
6 nonjudicial staff, and other expenses associated with
7 specialized court programs, specialized prosecution needs,
8 specialized defense needs, or resources that are needed in a
9 local jurisdiction as a result of special factors or
10 circumstances. Local requirements exist when:

11 1. The county has enacted an ordinance, adopted a
12 local program, or funded activities that have a financial or
13 operational impact on the circuit or a county within the
14 circuit; or

15 2. There are circumstances in a given circuit or
16 county which have resulted in or necessitate implementation of
17 specialized programs, the provision of nonjudicial staff and
18 expenses to specialized court programs, special prosecution
19 needs, specialized defense needs, or the commitment of
20 resources to the court's jurisdiction.

21 (b) Factors and circumstances that result in the
22 establishment of a local requirement based on subparagraph
23 (a)2. include, but are not limited to:

24 1. Geographic factors;

25 2. Demographic factors;

26 3. Labor market forces;

27 4. The number and location of court facilities; or

28 5. The volume, severity, complexity, or mix of court
29 cases.

30 (c) Local requirements must be determined by the
31 following method:

1 1. The chief judge of the circuit, in conjunction with
2 the state attorney and the public defender only on matters
3 that impact their offices, shall list all local requirements
4 that exist within the circuit or within each county in the
5 circuit and shall identify the reasonable and necessary
6 salaries, costs, and expenses to provide such local
7 requirements.

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

16 3. The board of county commissioners shall thereafter
17 treat the certification in accordance with the county's
18 budgetary procedures. A board of county commissioners may:

19 a. Determine whether to provide funding, and to what
20 extent it will provide funding, for salaries, costs, and
21 expenses under this section;

22 b. Require a county finance officer to conduct a
23 preaudit review of any county funds provided under this
24 section prior to disbursement;

25 c. Require review or audit of funds expended under
26 this section by the appropriate county office; and

27 d. Provide additional financial support for the courts
28 system, state attorneys, or public defenders.

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

31

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 state attorneys,
17 ~~prosecutors and public defenders, clerks, bailiffs, and all~~
18 ~~other officers of the court; and~~

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

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

25 (g) To manage, operate, and oversee the jury system as
26 provided in s. 40.001.

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

1 (4) The chief ~~presiding~~ judge of the circuit shall be
2 selected by a majority of the judges subject to this section
3 in that circuit for a term of 2 years. The chief ~~presiding~~
4 judge may succeed himself or herself for successive terms.

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

10 (6) There may be a trial court administrator ~~an~~
11 ~~executive assistant to the presiding judge~~ who shall perform
12 such duties as the chief ~~presiding~~ judge may direct.

13 Section 19. Section 40.001, Florida Statutes, is
14 created to read:

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

30 Section 20. Paragraph (a) of subsection (2) of section
31 92.153, Florida Statutes, is amended to read:

1 92.153 Production of documents by witnesses;
2 reimbursement of costs.--

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

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

12 Section 21. Effective July 1, 2004, section 925.035,
13 Florida Statutes, is amended to read:

14 925.035 Appointment ~~and compensation~~ of attorneys ~~an~~
15 ~~attorney~~ in capital cases; appeals from judgments imposing the
16 death penalty; compensation of attorneys in clemency cases.--

17 (1) Any counsel appointed to handle a capital case
18 must meet the minimum standard for attorneys in capital cases
19 adopted by the Florida Supreme Court and the eligibility and
20 performance standards set by the Florida Public Defenders
21 Association and the Office of the State Courts Administrator.

22 (2)~~(1)~~ If the court determines that the defendant in a
23 capital case is indigent ~~insolvent~~ and desires counsel, it
24 shall appoint a public defender to represent the defendant.
25 If the public defender appointed to represent two or more
26 defendants found to be indigent ~~insolvent~~ determines that
27 neither the public defender nor her or his staff can counsel
28 all of the accused without conflict of interest, it shall be
29 the public defender's duty to move the court to appoint one or
30 more members of The Florida Bar, who are in no way affiliated
31 with the public defender ~~in her or his capacity as such or in~~

1 ~~her or his private practice,~~to represent those accused. ~~The~~
2 ~~attorney shall be allowed compensation, as provided for in s.~~
3 ~~925.036 for representing a defendant.~~

4 (3)~~(2)~~ If the defendant is convicted and the death
5 sentence is imposed, the appointed counsel ~~attorney~~ shall
6 perfect ~~prosecute~~ an appeal to the Supreme Court. ~~The~~
7 ~~attorney shall be compensated as provided for in s. 925.036.~~
8 If the counsel ~~attorney~~ first appointed is unable to handle
9 ~~prosecute~~ the appeal, the court shall appoint another counsel
10 ~~attorney and the attorney shall be compensated as provided for~~
11 ~~in s. 925.036.~~

12 ~~(3) If there is a second trial of the same case, the~~
13 ~~appointed attorney shall be compensated as provided for in s.~~
14 ~~925.036.~~

15 (4) If the death sentence is imposed and is affirmed
16 on appeal to the Supreme Court, the trial court that rendered
17 the judgment imposing the death penalty may appoint the public
18 defender or the conflict counsel appointed under this section
19 to also represent an indigent defendant who has applied for
20 executive clemency as relief from the execution of the
21 judgment imposing the death penalty.The appointed conflict
22 counsel ~~attorney~~ shall be compensated as provided in s.
23 925.037.~~allowed compensation, not to exceed \$1,000, for~~
24 ~~attorney's fees and costs incurred in representing the~~
25 ~~defendant as to an application for executive clemency,Such~~
26 compensation is to be paid out of general revenue from funds
27 budgeted to the Department of Corrections. ~~The public~~
28 ~~defender or an attorney appointed pursuant to this section may~~
29 ~~be appointed by the trial court that rendered the judgment~~
30 ~~imposing the death penalty, to represent an indigent defendant~~

31

1 ~~who has applied for executive clemency as relief from the~~
2 ~~execution of the judgment imposing the death penalty.~~

3 (5) When the appointed conflict counsel attorney in a
4 capital case has completed the duties imposed by this section,
5 the conflict counsel attorney shall file a written report in
6 the trial court stating the duties that were performed by her
7 or him and request to be discharged ~~apply for discharge.~~

8 (6) All costs under this section that a county is
9 required to pay pursuant to s. 29.008 ~~compensation and costs~~
10 ~~provided for in this section, except as provided in subsection~~
11 ~~(4)~~, shall be paid by the county in which the trial is held
12 unless the trial was moved to that county on the ground that a
13 fair and impartial trial could not be held in another county,
14 in which event the ~~compensation and~~ costs shall be paid by the
15 original county from which the cause was removed.

16 Section 22. Effective July 1, 2004, section 925.036,
17 Florida Statutes, is amended to read:

18 925.036 Appointed counsel; compensation; reassignment
19 of case prohibited.--

20 (1) At the conclusion of representation, counsel An
21 attorney appointed pursuant to s. 27.51 or s. 925.035, other
22 than a public defender, s. 925.035 or s. 27.53 shall, at the
23 conclusion of the representation, be compensated in accordance
24 with the schedule of fee and expense allowance established by
25 the circuit indigent representation committee pursuant to s.
26 925.037. If an appointed conflict counsel under s. 925.035 is
27 providing representation in a second trial of the same capital
28 case, he or she is to be compensated as provided in s.
29 925.037. ~~at an hourly rate fixed by the chief judge or senior~~
30 ~~judge of the circuit in an amount not to exceed the prevailing~~
31 ~~hourly rate for similar representation rendered in the~~

1 ~~circuit; however, such compensation shall not exceed the~~
2 ~~maximum fee limits established by this section. In addition,~~
3 ~~such attorney shall be reimbursed for expenses reasonably~~
4 ~~incurred, including the costs of transcripts authorized by the~~
5 ~~court. If the attorney is representing a defendant charged~~
6 ~~with more than one offense in the same case, the attorney~~
7 ~~shall be compensated at the rate provided for the most serious~~
8 ~~offense for which she or he represented the defendant. This~~
9 ~~section does not allow stacking of the fee limits established~~
10 ~~by this section.~~

11 ~~(2) The compensation for representation shall not~~
12 ~~exceed the following:~~

13 ~~(a) For misdemeanors and juveniles represented at the~~
14 ~~trial level: \$1,000.~~

15 ~~(b) For noncapital, nonlife felonies represented at~~
16 ~~the trial level: \$2,500.~~

17 ~~(c) For life felonies represented at the trial level:~~
18 ~~\$3,000.~~

19 ~~(d) For capital cases represented at the trial level:~~
20 ~~\$3,500.~~

21 ~~(e) For representation on appeal: \$2,000.~~

22 (2)(3) A conflict counsel ~~An attorney~~ appointed in
23 lieu of the public defender to represent an indigent defendant
24 or a counsel appointed to a case enumerated under s. 27.51 may
25 not reassign or subcontract the case to another attorney and
26 may not permit an attorney who does not meet the eligibility
27 and performance standards set by the Florida Public Defenders
28 Association and the Office of the State Courts Administrator
29 to appear at critical stages of the case. This subsection does
30 not prohibit a certified intern with the public defender's
31 office from appearing under appropriate supervision.

1 Section 23. Effective July 1, 2004, section 925.037,
2 Florida Statutes, is amended to read:

3 925.037 ~~Reimbursement of counties for fees paid to~~
4 ~~appointed counsel~~+Circuit indigent representation conflict
5 committees; composition; staff; responsibilities; funding.--

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

18 (2) ~~Beginning with the fiscal year commencing July 1,~~
19 ~~1991, such funds shall be allocated among the respective~~
20 ~~counties by the Justice Administrative Commission on the basis~~
21 ~~of each county's proportionate share of the total number of~~
22 ~~cases assigned to the public defender statewide in the~~
23 ~~preceding calendar year, as reported by the public defenders~~
24 ~~to the legislative appropriations committees.~~

25 (1)(3) In each judicial circuit a circuit indigent
26 representation conflict committee shall be established. The
27 committee shall consist of the following:

28 (a) The chief judge of the judicial circuit or the
29 chief judge's designee ~~designated representative~~.

30 (b) The public defender of the judicial circuit who
31 shall serve as the chair.

1 ~~(c)(b)~~ One experienced private criminal defense
2 attorney who, at the time of the appointment, is not the
3 attorney of record in a noncapital criminal conflict case, and
4 who is appointed by the chief judge or the chief judge's
5 designee and the public defender to serve a 2-year term.
6 During the 2-year term, the attorney may not accept or
7 participate in a noncapital criminal conflict case. ~~One~~
8 representative of each board of county commissioners within
9 the judicial circuit, each such representative to be
10 designated by board resolution.

11 ~~(c)~~ ~~The public defender of the judicial circuit.~~

12 ~~(d)~~ One experienced civil trial attorney who, at the
13 time of appointment, is not the attorney of record in a case
14 under s. 27.51, who is appointed by the chief judge or the
15 chief judge's designee and the public defender, to serve a
16 2-year term. During the 2-year term, the attorney may not
17 accept or participate in a case under s. 27.51.

18 ~~(2)(a)(4)~~ The responsibility of the circuit indigent
19 representation ~~conflict~~ committee is to select and approve
20 attorneys for all appointments pursuant to ss. 27.51,
21 27.53(3), and 925.035, commonly known as conflict case
22 appointments. The circuit indigent representation ~~conflict~~
23 committee shall meet at least quarterly ~~once each year~~. The
24 circuit indigent representation committee shall determine the
25 most appropriate and cost-effective method of providing legal
26 representation. The committee shall apply the written
27 eligibility and performance standards set by the Florida
28 Public Defenders Association and the Office of State Courts
29 Administrator for each type of case enumerated in s. 27.51.
30 The circuit indigent representation committee shall develop a
31 schedule of standard fees and expense allowances for each type

1 of case enumerated in s. 27.51. However, in developing a
2 schedule of standard fees and expense allowances for criminal
3 cases involving a court-appointed attorney, the civil trial
4 attorney may not participate. In developing a schedule of
5 standard fees and expense allowances for civil cases involving
6 a court-appointed attorney, the criminal defense attorney may
7 not participate. Expenditures exceeding those that the circuit
8 indigent representation committee has determined to be
9 appropriate may not be allowed without prior court approval.

10 (b) The Florida Public Defenders Association and the
11 Office of State Courts Administrator shall, at a minimum,
12 incorporate into the eligibility and performance standards
13 requirements related to length of bar membership, continuing
14 legal education, and relevant trial experience. At a minimum,
15 the experience standards for criminal cases must require
16 participation in three criminal trials for an attorney to be
17 eligible for a third-degree felony case and five criminal
18 trials to be eligible for a case involving a felony of the
19 second degree or a higher degree. The public defender may not
20 participate in case-related decisions, performance
21 evaluations, or expense determinations in conflict cases.

22 (3) The Justice Administrative Commission shall
23 prepare and issue on a quarterly basis, a statewide report
24 comparing actual year-to-date expenditures to budgeted amounts
25 for the circuit indigent representation committees in each of
26 the judicial circuits. Copies of these quarterly reports shall
27 be distributed to each circuit indigent representation
28 committee and the legislative chairs of the Senate and House
29 of Representatives appropriations committees.

30 (4) Each public defender shall designate a circuit
31 indigent representation committee coordinator to be

1 responsible for the administration of the committee program,
2 including, but not limited to, the monitoring of attorney's
3 fees and expenditures, the preparation of vouchers and batch
4 sheets for attorney's expenditures, scheduling and staffing
5 the quarterly meetings, and reviewing reports issued by the
6 Justice Administrative Commission. A public defender may
7 require a separate location for the staff of the circuit
8 indigent representation committee as provided in s. 29.008(1).

9 (5)(a) The positions and funding for the
10 administration of the circuit indigent representation
11 committee program shall be as appropriated to the public
12 defenders in the General Appropriations Act.

13 (b) The funding and positions for the processing of
14 committees' fees and expenses shall be as appropriated to the
15 Justice Administrative Commission in the General
16 Appropriations Act.

17 (c) Funds for criminal conflict case fees and expenses
18 shall be appropriated by the Legislature in a separate
19 appropriations category within the Justice Administrative
20 Commission. These funds shall be allocated to each circuit as
21 prescribed in the General Appropriations Act.

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

26 (e) The Legislature shall appropriate separate funds
27 for attorneys' fees and expenses in child dependency cases and
28 other court-appointed attorney cases in a separate
29 appropriations category within the Justice Administrative
30 Commission.

31

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

29 ~~(b) Before September 30 of each year, the clerk of the~~
30 ~~circuit court in each county shall submit to the Justice~~
31 ~~Administrative Commission a report of conflict counsel~~

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

28 ~~(c) Before September 30 of each year, each county~~
29 ~~shall submit to the Justice Administrative Commission a~~
30 ~~statement of compliance from its independent certified public~~
31 ~~accountant, engaged pursuant to chapter 11, that each of the~~

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

21 ~~(d) Upon the failure of a clerk of the circuit court~~
22 ~~or county to submit any report or information required by this~~
23 ~~section, the Justice Administrative Commission may refuse to~~
24 ~~honor any claim until such clerk or county is determined by~~
25 ~~the commission to be in compliance with such requirements. In~~
26 ~~the event that the statement of compliance submitted by a~~
27 ~~county pursuant to paragraph (c) indicates that the clerk of~~
28 ~~the circuit court claimed more than was actually expended by~~
29 ~~the county, the Justice Administrative Commission may require~~
30 ~~the clerk to submit complete supporting documentation of the~~
31

1 ~~county's expenditures on conflict-of-interest cases for the~~
2 ~~ensuing 3-year period.~~

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

8 ~~(7) Nothing contained in this chapter shall be~~
9 ~~construed to be an appropriation. Once the allocation to the~~
10 ~~county has been expended, any further obligation under s.~~
11 ~~27.53(3) shall continue to be the responsibility of the county~~
12 ~~pursuant to this chapter.~~

13 Section 24. Section 43.35, Florida Statutes, is
14 amended to read:

15 43.35 Witness coordinating programs ~~offices~~.--Each
16 circuit court administrator shall establish a witness
17 coordinating program ~~office~~ in each county within the his or
18 her judicial circuit or shall contract for the creation of
19 such a program. The program ~~office~~ shall be responsible for:

20 (1) Coordinating court appearances, including pretrial
21 conferences and depositions, for all witnesses who are
22 subpoenaed in criminal cases, including law enforcement
23 personnel.

24 (2) Contacting witnesses and securing information
25 necessary to place a witness on an on-call status with regard
26 to his or her court appearance.

27 (3) Contacting witnesses to advise them not to report
28 to court in the event the case for which they have been
29 subpoenaed has been continued or has had a plea entered, or in
30 the event there is any other reason why their attendance is
31 not required on the dates they have been ordered to report.

1 (4) Contacting the employer of a witness, when
2 necessary, to confirm that the employee has been subpoenaed to
3 appear in court as a witness.

4
5 In addition, the program office may provide additional
6 services to reduce time and wage losses to a minimum for all
7 witnesses.

8 Section 25. Notwithstanding any law to the contrary,
9 any judicial act may be performed by any judge or justice on
10 any day of the week, including Sundays and holidays.

11 Section 26. Effective July 1, 2004, sections 27.005,
12 27.006, 27.385, and 29.011, Florida Statutes, paragraph (a) of
13 subsection (1) of section 27.52, Florida Statutes, and
14 subsection (3) of section 40.02, Florida Statutes, are
15 repealed.

16 Section 27. For the purpose of incorporating the
17 amendments made by this act to sections 27.51 and 27.53,
18 Florida Statutes, in references thereto, effective July 1,
19 2004, section 943.053, Florida Statutes, as otherwise amended
20 is reenacted to read:

21 943.053 Dissemination of criminal justice information;
22 fees.--

23 (1) The Department of Law Enforcement shall
24 disseminate criminal justice information only in accordance
25 with federal and state laws, regulations, and rules.

26 (2) Criminal justice information derived from federal
27 criminal justice information systems or criminal justice
28 information systems of other states shall not be disseminated
29 in a manner inconsistent with the laws, regulations, or rules
30 of the originating agency.

31

1 (3) Criminal history information, including
2 information relating to minors, compiled by the Criminal
3 Justice Information Program from intrastate sources shall be
4 available on a priority basis to criminal justice agencies for
5 criminal justice purposes free of charge and, otherwise, to
6 governmental agencies not qualified as criminal justice
7 agencies on an approximate-cost basis. After providing the
8 program with all known identifying information, persons in the
9 private sector may be provided criminal history information
10 upon tender of fees as established and in the manner
11 prescribed by rule of the Department of Law Enforcement. Such
12 fees shall approximate the actual cost of producing the record
13 information. As used in this subsection, the department's
14 determination of actual cost shall take into account the total
15 cost of creating, storing, maintaining, updating, retrieving,
16 improving, and providing criminal history information in a
17 centralized, automated database, including personnel,
18 technology, and infrastructure expenses. Actual cost shall be
19 computed on a fee-per-record basis, and any access to criminal
20 history information by the private sector as provided in this
21 subsection shall be assessed the per-record fee without regard
22 to the quantity or category of criminal history record
23 information requested. Fees may be waived by the executive
24 director of the Department of Law Enforcement for good cause
25 shown.

26 (4) Criminal justice information provided by the
27 Department of Law Enforcement shall be used only for the
28 purpose stated in the request.

29 (5) Notwithstanding any other provision of law, the
30 department shall provide to the Florida Department of Revenue
31 Child Support Enforcement access to Florida criminal records

1 | which are not exempt from disclosure under chapter 119, and to
2 | such information as may be lawfully available from other
3 | states via the National Law Enforcement Telecommunications
4 | System, for the purpose of locating subjects who owe or
5 | potentially owe support, as defined in s. 409.2554, or to whom
6 | such obligation is owed pursuant to Title IV-D of the Social
7 | Security Act. Such information may be provided to child
8 | support enforcement authorities in other states for these
9 | specific purposes.

10 | (6) Notwithstanding any other provision of law, the
11 | department shall provide to each office of the public defender
12 | on-line access to criminal records of this state which are not
13 | exempt from disclosure under chapter 119 or confidential under
14 | law. Such access shall be used solely in support of the duties
15 | of a public defender as provided in s. 27.51 or of any
16 | attorney specially assigned as authorized in s. 27.53 in the
17 | representation of any person who is determined indigent as
18 | provided in s. 27.52. The costs of establishing and
19 | maintaining such on-line access shall be borne by the office
20 | to which the access has been provided.

21 | (7) Notwithstanding the provisions of s. 943.0525, and
22 | any user agreements adopted pursuant thereto, and
23 | notwithstanding the confidentiality of sealed records as
24 | provided for in s. 943.059, the sheriff of any county that has
25 | contracted with a private entity to operate a county detention
26 | facility pursuant to the provisions of s. 951.062 shall
27 | provide that private entity, in a timely manner, copies of the
28 | Florida criminal history records for its inmates. The sheriff
29 | may assess a charge for the Florida criminal history records
30 | pursuant to the provisions of chapter 119. Sealed records
31 |

1 received by the private entity under this section remain
2 confidential and exempt from the provisions of s. 119.07(1).

3 (8) Notwithstanding the provisions of s. 943.0525, and
4 any user agreements adopted pursuant thereto, and
5 notwithstanding the confidentiality of sealed records as
6 provided for in s. 943.059, the Department of Corrections
7 shall provide, in a timely manner, copies of the Florida
8 criminal history records for inmates housed in a private state
9 correctional facility to the private entity under contract to
10 operate the facility pursuant to the provisions of s. 944.105
11 or s. 957.03. The department may assess a charge for the
12 Florida criminal history records pursuant to the provisions of
13 chapter 119. Sealed records received by the private entity
14 under this section remain confidential and exempt from the
15 provisions of s. 119.07(1).

16 (9) Notwithstanding the provisions of s. 943.0525 and
17 any user agreements adopted pursuant thereto, and
18 notwithstanding the confidentiality of sealed records as
19 provided for in s. 943.059, the Department of Juvenile Justice
20 or any other state or local criminal justice agency may
21 provide copies of the Florida criminal history records for
22 juvenile offenders currently or formerly detained or housed in
23 a contracted juvenile assessment center or detention facility
24 or serviced in a contracted treatment program and for
25 employees or other individuals who will have access to these
26 facilities, only to the entity under direct contract with the
27 Department of Juvenile Justice to operate these facilities or
28 programs pursuant to the provisions of s. 985.411. The
29 criminal justice agency providing such data may assess a
30 charge for the Florida criminal history records pursuant to
31 the provisions of chapter 119. Sealed records received by the

1 private entity under this section remain confidential and
2 exempt from the provisions of s. 119.07(1). Information
3 provided under this section shall be used only for the
4 criminal justice purpose for which it was requested and may
5 not be further disseminated.

6 Section 28. For the purpose of implementing Section
7 14, Article V of the State Constitution, the transfer of the
8 funding responsibility for the state courts system shall not
9 affect the validity of any judicial or administrative
10 proceeding pending on the day of the transfer. The entity
11 providing appropriations on and after July 1, 2004, shall be
12 considered the successor in interest to any existing
13 contracts, but is not responsible for funding or payment of
14 any service rendered or provided prior to July 1, 2004.

15 Section 29. (1) The Chief Financial Officer shall
16 provide to the Legislature detailed information on all costs
17 of court-related services provided by the counties for the
18 county fiscal year ended September 30, 2002. The required
19 information must be provided to the Chief Financial Officer by
20 the clerks of the court, or the appropriate county officer in
21 counties where the clerk of the court is not the county's
22 chief financial officer, in such manner as is prescribed by
23 the Chief Financial Officer and subject to reporting deadlines
24 prescribed by the Chief Financial Officer. The clerks of the
25 court, state attorneys, public defenders, court
26 administrators, boards of county commissioners, and sheriffs
27 must provide such assistance to the Chief Financial Officer in
28 the gathering of the necessary cost data as is requested by
29 the Chief Financial Officer. The Legislative Committee on
30 Intergovernmental Relations also shall assist in gathering and
31 assessing the cost data and provide technical assistance as

1 requested by the Chief Financial Officer. The Auditor General
2 shall provide technical advice with respect to the gathering
3 and analysis of the cost data.

4 (2) Cost information shall be reported to the Chief
5 Financial Officer at the transaction code level and, for
6 specific transaction codes specified by the Chief Financial
7 Officer, object and sub-object level, as set forth in the
8 Uniform Accounting System Manual developed by the Chief
9 Financial Officer pursuant to section 218.33, Florida
10 Statutes. In addition, costs must be reported for such
11 specific programs or purposes categories as determined
12 necessary by the Chief Financial Officer. Cost information
13 provided for such programs or purposes includes identification
14 of the specific account classifications within the Uniform
15 Accounting System Manual to which the costs were recorded. The
16 clerks of the court, or the appropriate county officer in
17 counties where the clerk of the court is not the county's
18 chief financial officer, must reconcile the cost information
19 provided to the Chief Financial Officer with the Annual
20 Financial Report, which is required by section 218.32, Florida
21 Statutes. The clerks of the court must provide the Chief
22 Financial Officer with written certification, signed by the
23 clerks of the court, state attorneys, public defenders, court
24 administrators, boards of county commissions' chairpersons,
25 and sheriffs attesting to the accuracy of the cost
26 information.

27 (3) The Chief Financial Officer shall reimburse
28 individuals for travel costs incurred as a result of
29 participation in the gathering and analysis of the cost data
30 from funds specifically appropriated for such purpose.

31

1 (4) The Chief Financial Officer shall provide a report
2 to the chairs of the Senate and House appropriations
3 committees no later than November 1, 2003, summarizing the
4 court-related cost information submitted by the clerks of the
5 court.

6 (5) The sum of \$50,000 from the General Revenue Fund
7 is appropriated to the Department of Financial Services for
8 state fiscal year 2003-2004 to support this project.

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

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS for SB 1184

- 4 - Prohibits the clerk of the court from assessing a service
5 charge to judges, justices, state attorneys and public
6 defenders for copies of public records.
- 7 - Adds witness coordination programs to the list of
8 elements of the state court system and allows circuit
9 courts to contract for those programs.
- 10 - Adds electronic legal research, transcription services,
11 copying of depositions, sign-language interpreters and
12 pretrial consultation costs to the list of elements of
13 the state court system for state attorneys and public
14 defenders.
- 15 - Adds pre-trial consultation costs and reasonable travel
16 expenses to the list of elements of the state court
17 system for court-appointed counsel.
- 18 - Removes wireless communications and long-distance charges
19 from the definition of communications for items that
20 counties are responsible for providing to state court
21 system.
- 22 - Eliminates proposed language that would include computer
23 systems and equipment as part of the enumerated state
24 courts' elements.
- 25 - Restores to current law the requirement that counties are
26 responsible for all computer system, equipment, and
27 support services for the state court's system. Also
28 requires that by January 1, 2006, the court computer
29 system must be integrated to allow information to be
30 shared between court entities within and among circuits,
31 between Florida and other states, and between Florida and
the federal government.
- Provides that counties may review the request of the
chief judge for local requirements resources, pre-audit
disbursements for local requirements, audit expenditures
for local requirements, and provide additional funding
for the courts system, state attorneys and public
defenders.
- Assigns the chief judge the responsibility for managing
jury systems as provided in s. 40.001, F.S.
- Removes the limitation on the cost of copies charged to
the state attorneys and public defenders for copies of
medical records specified in s. 395.3025 (4) (d), F.S.
- Provides that judicial acts may be performed by judges on
any day of the week, including holidays.
- Repeals s. 27.52(1)(a), F.S., relating to the court
determining indigency for purpose of appointing a public
defender.

- 1 - Requires the chief judge to consult with the state
2 attorney and public defender when identifying local
requirements that relate to their offices.
- 3 - Directs the Chief Financial Officer to provide certain
4 information on the court-related expenditures of the
5 counties by November 1, 2003. The sum of \$50,000 from
the General Revenue Fund is appropriated to the Chief
Financial Officer for this requirement.
- 6 - Removes the limitation on representation by the public
7 defender in direct appeals of death penalty cases when
the public defender has represented the person at trial.
(s.27.51(5),F.S.).
- 8 - Eliminates proposed language prohibiting assistant public
9 defenders who do not meet certain requirements from
10 appearing at a critical stage of an indigent defendant's
case.
- 11 - Eliminates current law requiring payment of a fee and
12 expenses for attorneys who work as volunteers for the
public defender.
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31