

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; amending s. 25.073, F.S.;  
17 revising a definition for purposes of retired  
18 judges or justices assigned to temporary duty;  
19 providing effective dates.  
20

21 Be It Enacted by the Legislature of the State of Florida:  
22

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

25 27.02 Duties before court.--

26 (1) The state attorney shall appear in the circuit and  
27 county courts within his or her judicial circuit and prosecute  
28 or defend on behalf of the state all suits, applications, or  
29 motions, civil or criminal, in which the state is a party,  
30 except as provided in chapters 39, 984, and 985. The intake  
31

1 procedures of chapters 39, 984, and 985 shall apply as  
2 provided therein.

3 (2) The state attorney shall provide to the defendant  
4 all discovery materials required pursuant to the applicable  
5 rule of procedure and may charge fees as provided for in s.  
6 119.07(1)(a) but may not exceed 15 cents per page for a copy  
7 of a noncertified copy of a public record. However, fees may  
8 not be charged under this subsection if the defendant has been  
9 determined to be indigent as provided in s. 27.52.

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

12 27.15 State attorneys to assist in other circuits.--

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

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

27 27.34 Salaries and other related costs of state  
28 attorneys' offices; limitations.--

29 (1) A No county or municipality may not contract with,  
30 or shall appropriate or contribute funds to the operation of,  
31 the various state attorneys for the prosecution of, ~~except~~

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

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

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

28       (2)(3) It is hereby prohibited for any state attorney  
29 to receive from any county or municipality any supplemental  
30 salary. However in judicial circuits with a population of 1  
31 million or more, state attorneys presently holding office and



1 now receiving a county supplement may continue to receive a  
2 county salary supplement at the discretion of the counties for  
3 the remainder of their term of office.

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

12 Section 4. Effective July 1, 2004, subsection (1),  
13 paragraph (a) of subsection (2), and subsection (3) of section  
14 27.3455, Florida Statutes, are amended to read:

15 27.3455 Annual statement of certain revenues and  
16 expenditures.--

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

23 (a) Medical examiner services.

24 (b) County victim witness programs.

25 (c) Each of the services outlined in s. 29.008 ~~ss.~~  
26 ~~27.34(2) and 27.54(3)~~.

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

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

5  
6 Such statement also shall identify the revenues provided by s.  
7 938.05(1) that were used to meet or reimburse the county for  
8 such expenditures.

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

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

20 (a) Reimbursement to the county for actual county  
21 expenditures incurred in providing the state attorney and  
22 public defender the services outlined in s. 29.008 ~~ss.~~  
23 ~~27.34(2) and 27.54(3)~~, with the exception of facilities office  
24 space, utilities, and maintenance, as these terms are defined  
25 in s. 29.008 ~~custodial services~~.

26 (b) At the close of the local government fiscal year,  
27 funds remaining on deposit in the special trust fund of the  
28 county after reimbursements have been made pursuant to  
29 paragraph (a) shall be reimbursed to the county for actual  
30 county expenditures made in support of the operations and  
31 services of medical examiners, including the costs associated

1 with the investigation of state prison inmate deaths. Special  
2 county trust fund revenues used to reimburse the county for  
3 medical examiner expenditures in any year shall not exceed \$1  
4 per county resident.

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

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

1 ~~custodial services~~ is hereby vested in the Chief Financial  
2 Officer Comptroller in consultation with the Legislative  
3 Committee on Intergovernmental Relations.

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

6 27.51 Duties of public defender.--

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

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

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

22 (c) Entitled to representation as provided in chapter  
23 39, as a parent who is a party or participant in any  
24 proceeding under such chapter;

25 (d) Entitled to representation as provided in chapter  
26 384, as a person who is alleged to be infected with a sexually  
27 transmitted disease and for whom isolation, hospitalization,  
28 or confinement is sought;

29 (e) Entitled to representation as provided in s.  
30 390.01115, as a minor in a proceeding under such section;  
31

1           (f) Entitled to representation as provided in chapter  
2 392, as a person who is alleged to be infected with active  
3 tuberculosis and for whom isolation, hospitalization, or  
4 confinement is sought;

5           (g) Entitled to representation as provided in chapter  
6 393, as a person who is alleged to be developmentally disabled  
7 and for whom involuntary admission to residential services or  
8 appointment of a guardian advocate is sought;

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

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

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

20           (k) Entitled to representation as provided in chapter  
21 397, as a person who is alleged to be substance-abuse impaired  
22 and for whom involuntary assessment, stabilization, or  
23 treatment is sought;

24           (l) Entitled to representation under s. 415.1051, as a  
25 vulnerable adult alleged to be in need of protective  
26 services;

27           (m) Entitled to representation as provided in chapter  
28 744, as a person who is alleged to be incapacitated and for  
29 whom an involuntary guardianship is sought;  
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1           (n) Entitled to representation as provided in s.  
2 916.15, as a forensic client for whom involuntary commitment  
3 is sought subsequent to an acquittal by reason of insanity;

4           (o) Entitled to representation as a person who is  
5 alleged to be a violator of parole, conditional release,  
6 conditional medical release, or addiction-recovery supervision  
7 when the public defender has entered into a contract with the  
8 Control Release Authority or the Parole Commission under s.  
9 947.146(7)(g);

10           (p) Entitled to representation under chapter 984, as a  
11 child, or child's parent or legal guardian who is alleged to  
12 be in need of services or as a child alleged to be in contempt  
13 under this chapter; or

14           (q) Entitled to representation as provided under part  
15 II of chapter 985.

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

18           ~~(d) Sought by petition filed in such court to be~~  
19 ~~involuntarily placed as a mentally ill person or sexually~~  
20 ~~violent predator or involuntarily admitted to residential~~  
21 ~~services as a person with developmental disabilities.~~

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

29           (3)~~(2)~~ The court may not appoint the public defender  
30 to represent, even on a temporary basis, any person who is not  
31

1 indigent. The court, however, may appoint private counsel in  
2 capital cases as provided in s. 925.035.

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

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

17 (a) Public defender of the second judicial circuit, on  
18 behalf of any public defender within the district comprising  
19 the First District Court of Appeal.

20 (b) Public defender of the tenth judicial circuit, on  
21 behalf of any public defender within the district comprising  
22 the Second District Court of Appeal.

23 (c) Public defender of the eleventh judicial circuit,  
24 on behalf of any public defender within the district  
25 comprising the Third District Court of Appeal.

26 (d) Public defender of the fifteenth judicial circuit,  
27 on behalf of any public defender within the district  
28 comprising the Fourth District Court of Appeal.

29 (e) Public defender of the seventh judicial circuit,  
30 on behalf of any public defender within the district  
31 comprising the Fifth District Court of Appeal.

1           ~~(5) When the public defender for a judicial circuit~~  
2 ~~enumerated in subsection (4) has represented at trial a person~~  
3 ~~sentenced to death, the public defender shall not represent~~  
4 ~~that person in any direct appellate proceedings. That public~~  
5 ~~defender shall notify the Florida Supreme Court within 10 days~~  
6 ~~after filing a notice of appeal, and the Court shall appoint~~  
7 ~~another public defender enumerated in subsection (4) to~~  
8 ~~represent the person in any direct appellate proceedings.~~

9           (6)(a) When direct appellate proceedings prosecuted by  
10 a public defender on behalf of an accused and challenging a  
11 judgment of conviction and sentence of death terminate in an  
12 affirmance of such conviction and sentence, whether by the  
13 Florida Supreme Court or by the United States Supreme Court or  
14 by expiration of any deadline for filing such appeal in a  
15 state or federal court, the public defender shall notify the  
16 accused of his or her rights pursuant to Rule 3.850, Florida  
17 Rules of Criminal Procedure, including any time limits  
18 pertinent thereto, and shall advise such person that  
19 representation in any collateral proceedings is the  
20 responsibility of the capital collateral representative. The  
21 public defender shall then forward all original files on the  
22 matter to the capital collateral representative, retaining  
23 such copies for his or her files as may be desired. However,  
24 the trial court shall retain the power to appoint the public  
25 defender or other attorney not employed by the capital  
26 collateral representative to represent such person in  
27 proceedings for relief by executive clemency pursuant to s.  
28 925.035.

29           (b) It is the intent of the Legislature that any  
30 public defender representing an inmate in any collateral  
31 proceedings in any court on June 24, 1985, shall continue



1 representation of that inmate in all postconviction  
2 proceedings unless relieved of responsibility from further  
3 representation by the court.

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

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

11 27.53 Appointment of assistants and other staff;  
12 method of payment.--

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

23 (3) If, at any time during the representation of two  
24 or more indigents, the public defender determines that the  
25 interests of those represented ~~accused~~ are so adverse or  
26 hostile that they cannot all be counseled by the public  
27 defender or his or her staff without conflict of interest, or  
28 that none can be counseled by the public defender or his or  
29 her staff because of conflict of interest, the public defender  
30 shall file a motion to withdraw and move the court to appoint  
31 other counsel. In determining whether there is a conflict of

1 interest, each public defender shall apply the uniform  
2 conflict standards adopted by the Florida Public Defender  
3 Association.The court shall review and may inquire or conduct  
4 a hearing into the adequacy of the public defender's  
5 representations regarding a conflict of interest without  
6 requiring the disclosure of any confidential communications.  
7 The court shall permit withdrawal unless the court determines  
8 that the asserted conflict is not prejudicial to the indigent  
9 client. In no case shall the court approve a withdrawal by the  
10 public defender based solely upon inadequacy of funding or  
11 excess workload of the public defender.If the court grants  
12 the motion to withdraw, it shall appoint one or more attorneys  
13 who meet the eligibility and performance requirements set by  
14 the Florida Public Defenders Association and the Office of  
15 State Courts Administrator under s. 925.037 ~~may appoint one or~~  
16 ~~more members of The Florida Bar, who are in no way affiliated~~  
17 ~~with the public defender, in his or her capacity as such, or~~  
18 ~~in his or her private practice,~~to represent those accused.  
19 ~~However,~~The trial court shall appoint conflict ~~such other~~  
20 counsel in the manner approved by the circuit indigent  
21 representation committee upon its own motion when the facts  
22 developed upon the face of the record and files in the cause  
23 disclose such conflict. The court shall advise the  
24 appropriate public defender and clerk of court, in writing,  
25 when making such appointment and state the conflict prompting  
26 the appointment. The appointed attorney shall be compensated  
27 as provided in ss. s-925.036 and 925.037.

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

30 27.54 Expenditures for public defender's office.--  
31

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

6 (2) A No county or municipality may not contract with,  
7 or shall appropriate or contribute funds to, the operation of  
8 the offices of the various public defenders for the purpose of  
9 defending, ~~except that a county or municipality may~~  
10 ~~appropriate or contribute funds to:~~

11 (a) ~~Pay the salary of one assistant public defender~~  
12 ~~whose sole function shall be to defend indigents charged with~~  
13 ~~violations of special laws or with violations of ordinances of~~  
14 ~~the county or municipality.~~

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

19 (3) ~~The public defenders shall be provided by the~~  
20 ~~counties within their judicial circuits with such office~~  
21 ~~space, utilities, telephone services, custodial services,~~  
22 ~~library services, transportation services, and communication~~  
23 ~~services as may be necessary for the proper and efficient~~  
24 ~~functioning of these offices, except as otherwise provided in~~  
25 ~~the General Appropriations Act. The public defender's offices~~  
26 ~~shall also be provided with pretrial consultation fees for~~  
27 ~~expert or other potential witnesses consulted before trial by~~  
28 ~~the public defender; travel expenses incurred in criminal~~  
29 ~~cases by a public defender in connection with~~  
30 ~~out-of-jurisdiction depositions; out-of-state and~~  
31 ~~out-of-jurisdiction travel expenses incurred by public~~

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

30  
31

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

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

6           27.562 Disposition of funds.--All funds collected  
7 pursuant to s. 938.29, except the application fee imposed  
8 under s. 27.52, shall be remitted to the state for deposit  
9 into the General Revenue Fund of the state ~~board of county~~  
10 ~~commissioners of the county in which the judgment was entered.~~  
11 ~~Such funds shall be placed in the fine and forfeiture fund of~~  
12 ~~that county to be used to defray the expenses incurred by the~~  
13 ~~county in defense of criminal prosecutions.~~ All judgments  
14 entered pursuant to this part shall be in the name of the  
15 state and must be deposited into the General Revenue Fund of  
16 the state ~~county in which the judgment was rendered.~~

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

19           27.58 Administration of indigent representation ~~Public~~  
20 ~~Defender~~ services.--The public defender of each judicial  
21 circuit of the state shall be the chief administrator of all  
22 indigent representation services ~~public defender services~~  
23 within the circuit whether such services are rendered by the  
24 state or by court-appointed counsel ~~county public defenders.~~

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

27           28.24 Service charges by clerk of the circuit  
28 court.--The clerk of the circuit court shall make the  
29 following charges for services rendered by the clerk's office  
30 in recording documents and instruments and in performing the  
31 duties enumerated. However, in those counties where the

1 clerk's office operates as a fiscal unit of the county  
 2 pursuant to s. 145.022(1), the clerk shall not charge the  
 3 county for such services. Notwithstanding any other provision  
 4 of this section, the clerk of the circuit court shall provide  
 5 without charge to any justice or judge, to any court staff  
 6 acting on behalf of any justice or judge, or to any state  
 7 attorney or public defender access to and copies of any public  
 8 records, notwithstanding the exempt or confidential nature of  
 9 such public records, as maintained by and in the custody of  
 10 the clerk of the circuit court as provided in general law and  
 11 the Florida Rules of Judicial Administration.

Charges

- 15 (1) For court attendance by each clerk or deputy  
 16 clerk, per day.....\$75.00
- 17 (2) For court minutes, per page.....5.00
- 18 (3) For examining, comparing, correcting, verifying,  
 19 and certifying transcripts of record in appellate proceedings,  
 20 prepared by attorney for appellant or someone else other than  
 21 clerk, per page.....3.00
- 22 (4) For preparing, numbering, and indexing an original  
 23 record of appellate proceedings, per instrument.....2.00
- 24 (5) For certifying copies of any instrument in the  
 25 public records.....1.00
- 26 (6) For verifying any instrument presented for  
 27 certification prepared by someone other than clerk, per page  
 28 ..... 2.00
- 29 (7) For making and reporting payrolls of jurors to  
 30 State Comptroller, per page, per copy.....5.00

- 1           (8)(a) For making copies by photographic process of
- 2 any instrument in the public records consisting of pages of
- 3 not more than 14 inches by 8 1/2 inches, per page.....1.00
- 4           (b) For making copies by photographic process of any
- 5 instrument in the public records of more than 14 inches by 8
- 6 1/2 inches, per page.....5.00
- 7           (9) For making microfilm copies of any public records:
- 8           (a) 16 mm 100' microfilm roll.....25.00
- 9           (b) 35 mm 100' microfilm roll.....35.00
- 10          (c) Microfiche, per fiche.....2.00
- 11          (10) For copying any instrument in the public records
- 12 by other than photographic process, per page.....4.00
- 13          (11) For writing any paper other than herein
- 14 specifically mentioned, same as for copying, including signing
- 15 and sealing.....4.00
- 16          (12) For indexing each entry not recorded.....1.00
- 17          (13) For receiving money into the registry of court:
- 18           (a)1. First \$500, percent..... 2
- 19           2. Each subsequent \$100, percent.....1
- 20           (b) Eminent domain actions, per deposit.....\$100.00
- 21          (14) For examining, certifying, and recording plats
- 22 and for recording condominium exhibits larger than 14 inches
- 23 by 8 1/2 inches:
- 24           (a) First page.....30.00
- 25           (b) Each additional page.....15.00
- 26          (15) For recording, indexing, and filing any
- 27 instrument not more than 14 inches by 8 1/2 inches, including
- 28 required notice to property appraiser where applicable:
- 29           (a) First page or fraction thereof.....5.00
- 30           (b) Each additional page or fraction thereof.....4.00
- 31

1           (c) For indexing instruments recorded in the official  
 2 records which contain more than four names, per additional  
 3 name.....1.00

4           (d) An additional service charge shall be paid to the  
 5 clerk of the circuit court to be deposited in the Public  
 6 Records Modernization Trust Fund for each instrument listed in  
 7 s. 28.222, except judgments received from the courts and  
 8 notices of lis pendens, recorded in the official records:

- 9           1. First page.....1.00
- 10          2. Each additional page.....0.50

11  
 12 Said fund shall be held in trust by the clerk and used  
 13 exclusively for equipment and maintenance of equipment,  
 14 personnel training, and technical assistance in modernizing  
 15 the public records system of the office. In a county where  
 16 the duty of maintaining official records exists in an office  
 17 other than the office of the clerk of the circuit court, the  
 18 clerk of the circuit court is entitled to 25 percent of the  
 19 moneys deposited into the trust fund for equipment,  
 20 maintenance of equipment, training, and technical assistance  
 21 in modernizing the system for storing records in the office of  
 22 the clerk of the circuit court. The fund may not be used for  
 23 the payment of travel expenses, membership dues, bank charges,  
 24 staff-recruitment costs, salaries or benefits of employees,  
 25 construction costs, general operating expenses, or other costs  
 26 not directly related to obtaining and maintaining equipment  
 27 for public records systems or for the purchase of furniture or  
 28 office supplies and equipment not related to the storage of  
 29 records. On or before December 1, 1995, and on or before  
 30 December 1 of each year immediately preceding each year during  
 31 which the trust fund is scheduled for legislative review under



1 s. 19(f)(2), Art. III of the State Constitution, each clerk of  
 2 the circuit court shall file a report on the Public Records  
 3 Modernization Trust Fund with the President of the Senate and  
 4 the Speaker of the House of Representatives. The report must  
 5 itemize each expenditure made from the trust fund since the  
 6 last report was filed; each obligation payable from the trust  
 7 fund on that date; and the percentage of funds expended for  
 8 each of the following: equipment, maintenance of equipment,  
 9 personnel training, and technical assistance. The report must  
 10 indicate the nature of the system each clerk uses to store,  
 11 maintain, and retrieve public records and the degree to which  
 12 the system has been upgraded since the creation of the trust  
 13 fund.

- 14 (16) Oath, administering, attesting, and sealing, not  
 15 otherwise provided for herein.....2.00
- 16 (17) For validating certificates, any authorized  
 17 bonds, each.....2.00
- 18 (18) For preparing affidavit of domicile.....5.00
- 19 (19) For exemplified certificates, including signing  
 20 and sealing.....4.00
- 21 (20) For authenticated certificates, including signing  
 22 and sealing.....4.00
- 23 (21)(a) For issuing and filing a subpoena for a  
 24 witness, not otherwise provided for herein (includes writing,  
 25 preparing, signing, and sealing).....4.00
- 26 (b) For signing and sealing only.....1.00
- 27 (22) For issuing venire facias (includes writing,  
 28 preparing, signing, and sealing).....5.00
- 29 (23) For paying of witnesses and making and reporting  
 30 payroll to State Comptroller, per copy, per page.....5.00
- 31 (24) For approving bond.....5.00

- 1           (25) For searching of records, for each year's search
- 2 .....1.00
- 3           (26) For processing an application for a tax deed sale
- 4 (includes application, sale, issuance, and preparation of tax
- 5 deed, and disbursement of proceeds of sale), other than excess
- 6 proceeds.....60.00
- 7           (27) For disbursement of excess proceeds of tax deed
- 8 sale, first \$100 or fraction thereof.....10.00
- 9           (28) Upon receipt of an application for a marriage
- 10 license, for preparing and administering of oath; issuing,
- 11 sealing, and recording of the marriage license; and providing
- 12 a certified copy.....20.00
- 13           (29) For solemnizing matrimony.....20.00
- 14           (30) For sealing any court file or expungement of any
- 15 record.....25.00
- 16           (31) For receiving and disbursing all restitution
- 17 payments, per payment.....2.00
- 18           (32) Postal charges incurred by the clerk of the
- 19 circuit court in any mailing by certified or registered mail
- 20 shall be paid by the party at whose instance the mailing is
- 21 made.
- 22           (33) For furnishing an electronic copy of information
- 23 contained in a computer database: a fee as provided for in
- 24 chapter 119.
- 25           Section 11. Effective July 1, 2004, section 29.001,
- 26 Florida Statutes, is amended to read:
- 27           29.001 ~~Intent~~ State courts system ~~essential~~ elements
- 28 and definitions; funding through filing fees, service charges,
- 29 and costs; county responsibilities.--
- 30           (1) ~~It is the intent of the Legislature that,~~For the
- 31 purpose of implementing s. 14, Art. V of the State

1 Constitution, the state courts system ~~is~~ be defined to include  
2 the enumerated ~~essential~~ elements of the Supreme Court,  
3 district courts of appeal, circuit courts, county courts, and  
4 certain ~~essential~~ supports thereto. ~~Similarly,~~The offices of  
5 public defenders and state attorneys ~~shall include those~~  
6 ~~essential elements as determined by general law.~~ Further, the  
7 ~~state attorneys' offices~~ are defined to include the enumerated  
8 ~~essential~~ elements of the 20 state attorneys' offices and the  
9 enumerated ~~public defenders' offices are defined to include~~  
10 ~~the essential~~ elements of the 20 public defenders' offices.  
11 Court-appointed counsel are defined as counsel appointed to  
12 ensure due process in criminal and civil proceedings in  
13 accordance with state and federal constitutional guarantees.  
14 Funding for the state courts system, the state attorneys'  
15 offices, the public defenders' offices, and court-appointed  
16 counsel, except as otherwise provided in subsection (3), shall  
17 be provided from state revenues appropriated by general law.

18 (2) All funding for the court-related functions of the  
19 offices of the clerks of the circuit and county courts shall  
20 be provided by adequate and appropriate filing fees for  
21 judicial proceedings and service charges and costs for  
22 performing court-related functions.

23 (3) ~~Pursuant to general law,~~Counties are ~~shall be~~  
24 required to fund the cost of communications services, existing  
25 radio systems, existing multiagency criminal justice  
26 information systems, and the cost of construction or lease,  
27 maintenance, utilities, and security of facilities for the  
28 circuit courts and county courts, public defenders' offices,  
29 state attorneys' offices, and the offices of the clerks of the  
30 circuit and county courts, as defined by statute ~~general law~~.  
31 In addition, the counties will continue to fund existing

1 elements of the state courts system, state attorneys' offices,  
2 public defenders' offices, court-appointed counsel, and the  
3 offices of the clerks of the circuit and county courts  
4 performing court-related functions, consistent with current  
5 law and practice, until such time as the Legislature expressly  
6 assumes the responsibility for funding those elements.

7 Counties are financially responsible for the payment of all  
8 reasonable and necessary salaries, costs, and expenses of the  
9 state court system to meet local requirements as defined by s.  
10 29.008(2).~~Counties will fund the cost of criminal cases filed~~  
11 ~~by the Office of Statewide Prosecution. Additionally, the~~  
12 ~~Legislature will define by general law those local~~  
13 ~~requirements of the state courts system for which the counties~~  
14 ~~must pay reasonable and necessary salaries, costs, and~~  
15 ~~expenses.~~

16 (4) Although a program or function currently may be  
17 funded by the state or prescribed or established in general  
18 law, this does not designate the program or function as an  
19 ~~essential~~ element of the state courts system, state attorneys'  
20 offices, public defenders' offices, or the offices of the  
21 circuit and county court clerks performing court-related  
22 functions as described in s. 14, Art. V of the State  
23 Constitution.

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

26 29.002 Basis for funding.--

27 (1) For the purpose of implementing s. 14, Art. V of  
28 the State Constitution on or before July 1, 2004,the  
29 Legislature's appropriation of funding in the General  
30 Appropriations Act for appropriate salaries, costs, and  
31 expenses ~~pursuant to s. 14, Art. V of the State Constitution~~

1 shall be based upon reliable and auditable data substantiating  
2 the revenues and expenditures associated with each ~~essential~~  
3 element.

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

6 29.004 State courts system.--

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

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

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

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

18 ~~(4) Auxiliary aids and services for qualified~~  
19 ~~individuals with a disability which are necessary to ensure~~  
20 ~~access to the courts. Such auxiliary aids and services~~  
21 ~~include, but are not limited to, sign language interpreters,~~  
22 ~~translators, real-time transcription services for individuals~~  
23 ~~who are hearing impaired, and assistive listening devices.~~  
24 ~~This section does not include physical modifications to court~~  
25 ~~facilities; noncourtroom communication services; or other~~  
26 ~~accommodations, auxiliary aids, or services for which the~~  
27 ~~counties are responsible pursuant to s. 14, Art. V of the~~  
28 ~~State Constitution.~~

29 (d)(5) Construction or lease of facilities,  
30 maintenance, utilities, and security for the district courts  
31 of appeal and the Supreme Court.

1 (e)(6) Court foreign language and sign-language  
2 interpreters and translators essential to comply with  
3 constitutional requirements.

4 (f) Court expert witnesses, other court witnesses, and  
5 witness-coordination programs.

6 (g) Legal support to judges.

7 (h) Masters and hearing officers.

8 (i) Court administration.

9 (j) Case management. Case management includes:

10 1. Initial review and evaluation;

11 2. Case differentiation;

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

13 4. Case monitoring and tracking;

14 5. Scheduling of events;

15 6. Coordination of cases;

16 7. Service referral, coordination, monitoring,  
17 and tracking;

18 8. Statistical analysis; and

19 9. Treatment-based drug court programs under s.  
20 397.334.

21  
22 Case management shall not include case intake and records  
23 management conducted by the clerk of court.

24 (k) Mediation-alternate dispute resolution.

25 ~~(l)(7) Staff and expenses of The Judicial~~  
26 ~~Qualifications Commission.~~

27 (m) Offices of the appellate clerks and marshals and  
28 appellate law libraries.

29 (n) Investigation and assessment of the indigency of  
30 any person who seeks a waiver of court costs and fees, or any  
31

1 portion thereof, or applies for representation by a public  
2 defender or private attorney.

3 (2) Included within the definition of each element  
4 listed in this section shall be the associated staff,  
5 expenses, and costs determined by the Legislature to be  
6 reasonably required to provide the element.

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

9 29.005 State attorneys' offices and prosecution  
10 expenses.--For purposes of implementing s. 14, Art. V of the  
11 State Constitution, the ~~essential~~ elements of the state  
12 attorneys' offices to be provided from state revenues  
13 appropriated by general law are as follows:

14 (1) The state attorney of each judicial circuit and  
15 assistant state attorneys and other ~~essential~~ staff as  
16 determined by general law.

17 (2) Reasonable court reporting and transcription  
18 services necessary to meet constitutional or statutory  
19 requirements, including the cost of transcribing and copying  
20 depositions of witnesses and the cost of foreign-language and  
21 sign-language interpreters and translators.

22 (3) Witnesses summoned to appear for an investigation,  
23 preliminary hearing, or trial in a criminal case when the  
24 witnesses are summoned by a state attorney; mental health  
25 professionals who are appointed pursuant to s. 394.473 and  
26 required in a court hearing involving an indigent; ~~and~~ expert  
27 witnesses who are appointed pursuant to s. 916.115(2) and  
28 required in a court hearing involving an indigent; and any  
29 other expert witnesses the state attorney deems necessary for  
30 the performance of his or her duties.

31 (4) Reasonable transportation services.

1           (5) Reasonable travel expenses.

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

4           (7) Reasonable pretrial consultation fees and costs.

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

7           29.006 Public defenders and indigent defense  
8 costs.--For purposes of implementing s. 14, Art. V of the  
9 State Constitution, the ~~essential~~ elements of the public  
10 defenders' offices to be provided from state revenues  
11 appropriated by general law are as follows:

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

15           (2) Reasonable court reporting and transcription  
16 services necessary to meet constitutional or statutory  
17 requirements, including the cost of transcribing and copying  
18 depositions of witnesses and the cost of foreign-language and  
19 sign-language interpreters and translators.

20           (3) Witnesses summoned to appear for an investigation,  
21 preliminary hearing, or trial in a criminal case when the  
22 witnesses are summoned on behalf of an indigent defendant;  
23 mental health professionals who are appointed pursuant to s.  
24 394.473 and required in a court hearing involving an indigent;  
25 ~~and~~ expert witnesses who are appointed pursuant to s.  
26 916.115(2) and required in a court hearing involving an  
27 indigent; and any other expert witnesses approved by the  
28 court.

29           (4) Reasonable transportation services.

30           (5) Reasonable travel expenses.

31



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

3           (7) Reasonable pretrial consultation fees and costs.

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

6           29.007 Court-appointed counsel.--For purposes of  
7 implementing s. 14, Art. V of the State Constitution, the  
8 ~~essential~~ elements of court-appointed counsel to be provided  
9 from state revenues appropriated by general law are as  
10 follows:

11           (1) Private attorneys appointed ~~assigned~~ by the court  
12 to handle cases where the defendant is indigent and cannot be  
13 represented by the public defender under ss. 27.53, 925.035,  
14 and 925.037.

15           (2) Private attorneys appointed by the court to  
16 represent indigents or other classes of litigants in civil  
17 proceedings requiring court-appointed counsel in accordance  
18 with state and federal constitutional guarantees and federal  
19 and state statutes.

20           (3) Reasonable court reporting and transcription  
21 services necessary to meet constitutional or statutory  
22 requirements, including the cost of transcribing and copying  
23 depositions of witnesses and the cost of foreign-language and  
24 sign-language interpreters and translators.

25           (4) Witnesses summoned to appear for an investigation,  
26 preliminary hearing, or trial in a ~~criminal~~ case when the  
27 witnesses are summoned on behalf of an indigent ~~defendant~~;  
28 mental health professionals who are appointed pursuant to s.  
29 394.473 and required in a court hearing involving an indigent;  
30 ~~and~~ expert witnesses who are appointed pursuant to s.  
31 916.115(2) and required in a court hearing involving an

1 indigent; and any other expert witnesses approved by the  
2 court.

3 (5) Reasonable pretrial consultation fees and costs.

4 (6) Reasonable travel expenses.

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

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

11 29.008 County funding of court-related functions.--

12 (1) Counties are required by s. 14, Art. V of the  
13 State Constitution to fund the cost of communications  
14 services, existing radio systems, existing multiagency  
15 criminal justice information systems, and the cost of  
16 construction or lease, maintenance, utilities, and security of  
17 facilities for the circuit and county courts, public  
18 defenders' offices, state attorneys' offices, and the offices  
19 of the clerks of the circuit and county courts performing  
20 court-related functions. For purposes of implementing these  
21 requirements, the term:

22 (a) "Facility" means reasonable and necessary  
23 buildings and space, structures, real estate, easements, and  
24 related interests in real estate, including, but not limited  
25 to, those for the purpose of housing personnel, equipment, or  
26 functions of the circuit or county courts, public defenders'  
27 offices, state attorneys' offices, and court-related functions  
28 of the office of the clerks of the circuit and county courts  
29 and all storage. The term also includes access to parking for  
30 such facilities in connection with such court-related  
31 functions that may be available free or from a private

1 provider or a local government for a fee. The office space  
2 provided by a county may not be less than the standards for  
3 space allotment adopted by the Department of Management  
4 Services, nor may these services and office space be less than  
5 were provided in the previous fiscal year. County funding must  
6 include physical modifications and improvements to all  
7 facilities as are required for compliance with the Americans  
8 with Disabilities Act. Upon mutual agreement of a county and  
9 the affected entity in this paragraph, the office space  
10 provided by the county may vary from the standards for space  
11 allotment adopted by the Department of Management Services.  
12 This section applies only to facilities that are leased, or on  
13 which construction commences, after June 30, 2003.

14 (b) "Construction or lease" includes, but is not  
15 limited to, all reasonable and necessary costs of the  
16 acquisition or lease of facilities, equipment, and furnishings  
17 for all judicial officers, staff, jurors, volunteers of a  
18 tenant agency, and the public for the circuit and county  
19 courts, the public defenders' offices, state attorneys'  
20 offices, and for performing the court-related functions of the  
21 offices of the clerks of the circuit and county courts. This  
22 includes expenses related to financing such facilities and the  
23 existing and future cost and bonded indebtedness associated  
24 with placing the facilities in use.

25 (c) "Maintenance" includes, but is not limited to, all  
26 reasonable and necessary costs of custodial and groundskeeping  
27 services and renovation and reconstruction as needed to  
28 accommodate functions for the circuit and county courts, the  
29 public defenders' offices, and state attorneys' offices and  
30 for performing the court-related functions of the offices of  
31 the clerks of the circuit and county court and for maintaining

1 the facilities in a condition appropriate and safe for the use  
2 intended.

3 (d) "Utilities" means all electricity services for  
4 light, heat, or power; natural or manufactured gas services  
5 for light, heat, or power; water and wastewater services and  
6 systems, stormwater or runoff services and systems, sewer  
7 services and systems, all costs or fees associated with these  
8 services and systems, and any costs or fees associated with  
9 the mitigation of environmental impacts directly related to  
10 the facility.

11 (e) "Security" includes but is not limited to, all  
12 reasonable and necessary costs of services of law enforcement  
13 officers or licensed security guards and all electronic,  
14 cellular, or digital monitoring and screening devices  
15 necessary to ensure the safety and security of all persons  
16 visiting or working in a facility; to provide for security of  
17 the facility, including protection of property owned by the  
18 county or the state; and for security of prisoners brought to  
19 any facility. This includes bailiffs while providing  
20 courtroom and other security for each judge and other  
21 quasi-judicial officers.

22 (f) "Communications systems or communications  
23 services" are defined as any reasonable and necessary  
24 transmission, emission, and reception of signs, signals,  
25 writings, images, and sounds of intelligence of any nature by  
26 wire, radio, optical, or other electromagnetic systems and  
27 includes all facilities and equipment owned, leased, or used  
28 by judges, clerks, public defenders, state attorneys, and all  
29 staff of the state courts system, state attorneys' offices,  
30 public defenders' offices, and clerks of the circuit and  
31

1 county courts performing court-related functions. Such system  
2 or services shall include, but not be limited to:

3 1. All telephone services and equipment, including  
4 facsimile, ~~wireless communications~~, video teleconferencing,  
5 pagers, computer lines, and telephone switching equipment and  
6 the maintenance, supplies, hardware, software, and line  
7 charges, including local ~~and long-distance toll~~ charges, and  
8 support staff or services necessary for operation.

9 2. All computer systems and equipment, including  
10 computer hardware and software, modems, printers, wiring,  
11 network connections, maintenance, support staff or services,  
12 training, supplies, and line charges necessary for an  
13 integrated computer system to support the operations and  
14 management of the state courts system, the offices of the  
15 public defenders, the offices of the state attorneys, and the  
16 offices of the clerks of the circuit and county courts and the  
17 capability to connect those entities and reporting data to the  
18 state as required for the transmission of revenue, performance  
19 accountability, case management, data collection, budgeting,  
20 and auditing purposes. By January 1, 2006, the integrated  
21 computer system specified under this subparagraph must be able  
22 to electronically exchange judicial case background,  
23 sentencing guidelines and scoresheets, and video evidence  
24 information stored in integrated case-management systems over  
25 secure networks. This data sharing must be accomplished using  
26 proven, off-the-shelf software packages that enable  
27 information exchange at four levels:

- 28 a. Within each of the 20 judicial circuits;  
29 b. Across the 20 judicial circuits;  
30 c. Between Florida and other cooperative states where  
31 applicable and authorized; and

1           d. Between Florida and participating United States  
2 federal government agencies and departments where applicable  
3 and authorized.

4           3. Postage, printed documents, radio, courier  
5 messenger and subpoena services, support services, all  
6 maintenance, supplies, and line charges.

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

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

25           (h) "Existing multiagency criminal justice information  
26 systems" includes, but is not limited to, those components of  
27 the multiagency criminal justice information system as defined  
28 in s. 943.045, supporting the offices of the circuit or county  
29 courts, the public defenders' offices, the state attorneys'  
30 offices, or those portions of the offices of the clerks of the  
31 circuit and county courts performing court-related functions

1 that are used to carry out the court-related activities of  
2 those entities. This includes upgrades and maintenance of the  
3 current equipment, maintenance and upgrades of supporting  
4 technology infrastructure and associated staff, and services  
5 and expenses to assure continued information sharing and  
6 reporting of information to the state. The counties shall  
7 also provide additional information technology services,  
8 hardware, and software as needed for new judges and staff of  
9 the state courts system, state attorneys' offices, public  
10 defenders' offices, and the offices of the clerks of the  
11 circuit and county courts performing court-related functions.

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

16 (a) Local requirements are those specialized programs,  
17 nonjudicial staff, and other expenses associated with  
18 specialized court programs, specialized prosecution needs,  
19 specialized defense needs, or resources that are needed in a  
20 local jurisdiction as a result of special factors or  
21 circumstances. Local requirements exist when:

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

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

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

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

4           1. Geographic factors;

5           2. Demographic factors;

6           3. Labor market forces;

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

8           5. The volume, severity, complexity, or mix of court  
9 cases.

10           (c) Local requirements must be determined by the  
11 following method:

12           1. The chief judge of the circuit, in conjunction with  
13 the state attorney and the public defender only on matters  
14 that impact their offices, shall list all local requirements  
15 that exist within the circuit or within each county in the  
16 circuit and shall identify the reasonable and necessary  
17 salaries, costs, and expenses to provide such local  
18 requirements.

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

27           3. The board of county commissioners shall thereafter  
28 treat the certification in accordance with the county's  
29 budgetary procedures. A board of county commissioners may:  
30  
31



1           a. Determine whether to provide funding, and to what  
2 extent it will provide funding, for salaries, costs, and  
3 expenses under this section;

4           b. Require a county finance officer to conduct a  
5 preaudit review of any county funds provided under this  
6 section prior to disbursement;

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

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

11           Section 18. Section 43.26, Florida Statutes, is  
12 amended to read:

13           43.26 Chief ~~Presiding~~ judge of circuit; selection;  
14 powers.--

15           (1) The chief ~~presiding~~ judge of each judicial  
16 circuit, who shall be a circuit judge, shall exercise  
17 administrative supervision over all the trial courts within  
18 the judicial circuit and over the judges and other officers of  
19 such courts.

20           (2) The chief ~~presiding~~ judge of the circuit shall  
21 have the power:

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

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

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

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

28           (d)(e) To require attendance of state attorneys,  
29 ~~prosecutors and public defenders, clerks, bailiffs, and all~~  
30 other officers of the court; and

31

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

4           (f) To delegate to the trial court administrator, by  
5 administrative order, the authority to bind the circuit in  
6 contract.

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

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

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

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

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

26           Section 19. Section 40.001, Florida Statutes, is  
27 created to read:

28           40.001 Chief judge; authority; duties.--The chief  
29 judge of each judicial circuit is vested with overall  
30 authority and responsibility for the management, operation,  
31 and oversight of the jury system within his or her circuit.

1 However, in accordance with this chapter and chapter 905, the  
2 clerk of the circuit court has specific responsibilities  
3 regarding the processing of jurors, including, but not limited  
4 to, qualifications, summons, selection list, reporting, and  
5 compensation of jurors. The clerk of the courts may contract  
6 with the chief judge for the court's assistance in the  
7 provision of services to process jurors. The chief judge may  
8 also designate to the clerk of the circuit court additional  
9 duties consistent with established uniform standards of jury  
10 management practices that the Supreme Court may adopt by rule  
11 or issue through an administrative order.

12 Section 20. Paragraph (a) of subsection (2) of section  
13 92.153, Florida Statutes, is amended to read:

14 92.153 Production of documents by witnesses;  
15 reimbursement of costs.--

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

17 (a) In any proceeding, a disinterested witness shall  
18 be paid for any costs the witness reasonably incurs either  
19 directly or indirectly in producing, searching for,  
20 reproducing, or transporting documents pursuant to a summons;  
21 however, the cost of documents produced pursuant to a subpoena  
22 or records request by a state attorney or public defender may  
23 not exceed 15 cents per page and \$10 per hour for research or  
24 retrieval.

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

27 925.035 Appointment ~~and compensation~~ of attorneys an  
28 attorney in capital cases; appeals from judgments imposing the  
29 death penalty; compensation of attorneys in clemency cases.--

30 (1) Any counsel appointed to handle a capital case  
31 must meet the minimum standard for attorneys in capital cases

1 adopted by the Florida Supreme Court and the eligibility and  
2 performance standards set by the Florida Public Defenders  
3 Association and the Office of the State Courts Administrator.

4 (2)~~(1)~~ If the court determines that the defendant in a  
5 capital case is indigent ~~insolvent~~ and desires counsel, it  
6 shall appoint a public defender to represent the defendant.  
7 If the public defender appointed to represent two or more  
8 defendants found to be indigent ~~insolvent~~ determines that  
9 neither the public defender nor her or his staff can counsel  
10 all of the accused without conflict of interest, it shall be  
11 the public defender's duty to move the court to appoint one or  
12 more members of The Florida Bar, who are in no way affiliated  
13 with the public defender ~~in her or his capacity as such or in~~  
14 ~~her or his private practice,~~ to represent those accused. ~~The~~  
15 ~~attorney shall be allowed compensation, as provided for in s.~~  
16 ~~925.036 for representing a defendant.~~

17 (3)~~(2)~~ If the defendant is convicted and the death  
18 sentence is imposed, the appointed counsel ~~attorney~~ shall  
19 perfect ~~prosecute~~ an appeal to the Supreme Court. ~~The~~  
20 ~~attorney shall be compensated as provided for in s. 925.036.~~  
21 If the counsel ~~attorney~~ first appointed is unable to handle  
22 ~~prosecute~~ the appeal, the court shall appoint another counsel  
23 ~~attorney and the attorney shall be compensated as provided for~~  
24 ~~in s. 925.036.~~

25 ~~(3) If there is a second trial of the same case, the~~  
26 ~~appointed attorney shall be compensated as provided for in s.~~  
27 ~~925.036.~~

28 (4) If the death sentence is imposed and is affirmed  
29 on appeal to the Supreme Court, the trial court that rendered  
30 the judgment imposing the death penalty may appoint the public  
31 defender or the conflict counsel appointed under this section

1 to also represent an indigent defendant who has applied for  
2 executive clemency as relief from the execution of the  
3 judgment imposing the death penalty.The appointed conflict  
4 counsel attorney shall be compensated as provided in s.  
5 925.037.~~allowed compensation, not to exceed \$1,000, for~~  
6 ~~attorney's fees and costs incurred in representing the~~  
7 ~~defendant as to an application for executive clemency,Such~~  
8 compensation is to be paid out of general revenue from funds  
9 budgeted to the Department of Corrections. ~~The public~~  
10 ~~defender or an attorney appointed pursuant to this section may~~  
11 ~~be appointed by the trial court that rendered the judgment~~  
12 ~~imposing the death penalty, to represent an indigent defendant~~  
13 ~~who has applied for executive clemency as relief from the~~  
14 ~~execution of the judgment imposing the death penalty.~~

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

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

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

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

1           (1) At the conclusion of representation, counsel An  
2 attorney appointed pursuant to s. 27.51 or s. 925.035, other  
3 than a public defender, s. 925.035 or s. 27.53 shall, at the  
4 conclusion of the representation, be compensated in accordance  
5 with the schedule of fee and expense allowance established by  
6 the circuit indigent representation committee pursuant to s.  
7 925.037. If an appointed conflict counsel under s. 925.035 is  
8 providing representation in a second trial of the same capital  
9 case, he or she is to be compensated as provided in s.  
10 925.037. at an hourly rate fixed by the chief judge or senior  
11 judge of the circuit in an amount not to exceed the prevailing  
12 hourly rate for similar representation rendered in the  
13 circuit; however, such compensation shall not exceed the  
14 maximum fee limits established by this section. In addition,  
15 such attorney shall be reimbursed for expenses reasonably  
16 incurred, including the costs of transcripts authorized by the  
17 court. If the attorney is representing a defendant charged  
18 with more than one offense in the same case, the attorney  
19 shall be compensated at the rate provided for the most serious  
20 offense for which she or he represented the defendant. This  
21 section does not allow stacking of the fee limits established  
22 by this section.

23           (2) ~~The compensation for representation shall not~~  
24 ~~exceed the following:~~

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

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

29           (c) ~~For life felonies represented at the trial level:~~  
30 ~~\$3,000.~~

31

1 ~~(d) For capital cases represented at the trial level:~~  
2 ~~\$3,500.~~

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

4 ~~(2)(3) A conflict counsel~~ An attorney appointed in  
5 lieu of the public defender to represent an indigent defendant  
6 or a counsel appointed to a case enumerated under s. 27.51 may  
7 not reassign or subcontract the case to another attorney and  
8 may not permit an attorney who does not meet the eligibility  
9 and performance standards set by the Florida Public Defenders  
10 Association and the Office of the State Courts Administrator  
11 to appear at critical stages of the case. This subsection does  
12 not prohibit a certified intern with the public defender's  
13 office from appearing under appropriate supervision.

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

16 925.037 ~~Reimbursement of counties for fees paid to~~  
17 ~~appointed counsel; Circuit indigent representation conflict~~  
18 ~~committees; composition; staff; responsibilities; funding.--~~

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

31

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

8           (1)(3) In each judicial circuit a circuit indigent  
9 representation ~~conflict~~ committee shall be established. The  
10 committee shall consist of the following:

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

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

15           (c)(b) One experienced private criminal defense  
16 attorney who, at the time of the appointment, is not the  
17 attorney of record in a noncapital criminal conflict case, and  
18 who is appointed by the chief judge or the chief judge's  
19 designee and the public defender to serve a 2-year term.  
20 During the 2-year term, the attorney may not accept or  
21 participate in a noncapital criminal conflict case. One  
22 representative of each board of county commissioners within  
23 the judicial circuit, each such representative to be  
24 designated by board resolution.

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

26           (d) One experienced civil trial attorney who, at the  
27 time of appointment, is not the attorney of record in a case  
28 under s. 27.51, who is appointed by the chief judge or the  
29 chief judge's designee and the public defender, to serve a  
30 2-year term. During the 2-year term, the attorney may not  
31 accept or participate in a case under s. 27.51.



1           (2)(a)~~(4)~~ The responsibility of the circuit indigent  
2 representation ~~conflict~~ committee is to select and approve  
3 attorneys for all appointments pursuant to ss. 27.51,  
4 27.53(3), and 925.035, ~~commonly known as conflict case~~  
5 ~~appointments~~. The circuit indigent representation ~~conflict~~  
6 committee shall meet at least quarterly ~~once each year~~. The  
7 circuit indigent representation committee shall determine the  
8 most appropriate and cost-effective method of providing legal  
9 representation. The committee shall apply the written  
10 eligibility and performance standards set by the Florida  
11 Public Defenders Association and the Office of State Courts  
12 Administrator for each type of case enumerated in s. 27.51.  
13 The circuit indigent representation committee shall develop a  
14 schedule of standard fees and expense allowances for each type  
15 of case enumerated in s. 27.51. However, in developing a  
16 schedule of standard fees and expense allowances for criminal  
17 cases involving a court-appointed attorney, the civil trial  
18 attorney may not participate. In developing a schedule of  
19 standard fees and expense allowances for civil cases involving  
20 a court-appointed attorney, the criminal defense attorney may  
21 not participate. Expenditures exceeding those that the circuit  
22 indigent representation committee has determined to be  
23 appropriate may not be allowed without prior court approval.

24           (b) The Florida Public Defenders Association and the  
25 Office of State Courts Administrator shall, at a minimum,  
26 incorporate into the eligibility and performance standards  
27 requirements related to length of bar membership, continuing  
28 legal education, and relevant trial experience. At a minimum,  
29 the experience standards for criminal cases must require  
30 participation in three criminal trials for an attorney to be  
31 eligible for a third-degree felony case and five criminal

1 trials to be eligible for a case involving a felony of the  
2 second degree or a higher degree. The public defender may not  
3 participate in case-related decisions, performance  
4 evaluations, or expense determinations in conflict cases.

5 (3) The Justice Administrative Commission shall  
6 prepare and issue on a quarterly basis, a statewide report  
7 comparing actual year-to-date expenditures to budgeted amounts  
8 for the circuit indigent representation committees in each of  
9 the judicial circuits. Copies of these quarterly reports shall  
10 be distributed to each circuit indigent representation  
11 committee and the legislative chairs of the Senate and House  
12 of Representatives appropriations committees.

13 (4) Each public defender shall designate a circuit  
14 indigent representation committee coordinator to be  
15 responsible for the administration of the committee program,  
16 including, but not limited to, the monitoring of attorney's  
17 fees and expenditures, the preparation of vouchers and batch  
18 sheets for attorney's expenditures, scheduling and staffing  
19 the quarterly meetings, and reviewing reports issued by the  
20 Justice Administrative Commission. A public defender may  
21 require a separate location for the staff of the circuit  
22 indigent representation committee as provided in s. 29.008(1).

23 (5)(a) The positions and funding for the  
24 administration of the circuit indigent representation  
25 committee program shall be as appropriated to the public  
26 defenders in the General Appropriations Act.

27 (b) The funding and positions for the processing of  
28 committees' fees and expenses shall be as appropriated to the  
29 Justice Administrative Commission in the General  
30 Appropriations Act.

31

1           (c) Funds for criminal conflict case fees and expenses  
2 shall be appropriated by the Legislature in a separate  
3 appropriations category within the Justice Administrative  
4 Commission. These funds shall be allocated to each circuit as  
5 prescribed in the General Appropriations Act.

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

10           (e) The Legislature shall appropriate separate funds  
11 for attorneys' fees and expenses in child dependency cases and  
12 other court-appointed attorney cases in a separate  
13 appropriations category within the Justice Administrative  
14 Commission.

15           ~~(5)(a) The clerk of the circuit court in each county~~  
16 ~~shall submit to the Justice Administrative Commission a~~  
17 ~~statement of conflict counsel fees at least annually. Such~~  
18 ~~statement shall identify total expenditures incurred by the~~  
19 ~~county on fees of counsel appointed by the court pursuant to~~  
20 ~~this section where such fees are taxed against the county by~~  
21 ~~judgment of the court. On the basis of such statement of~~  
22 ~~expenditures, the Justice Administrative Commission shall pay~~  
23 ~~state conflict case appropriations to the county. The~~  
24 ~~statement of conflict counsel fees shall be on a form~~  
25 ~~prescribed by the Justice Administrative Commission in~~  
26 ~~consultation with the Legislative Committee on~~  
27 ~~Intergovernmental Relations and the Comptroller. Such form~~  
28 ~~also shall provide for the separate reporting of total~~  
29 ~~expenditures made by the county on attorney fees in cases in~~  
30 ~~which other counsel were appointed by the court where the~~  
31 ~~public defender was unable to accept the case as a result of a~~

1 ~~stated lack of resources. To facilitate such expenditure~~  
2 ~~identification and reporting, the public defender, within 7~~  
3 ~~days of the appointment of such counsel by the court, shall~~  
4 ~~report to the clerk of circuit court case-related information~~  
5 ~~sufficient to permit the clerk to identify separately county~~  
6 ~~expenditures on fees of such counsel. No county shall be~~  
7 ~~required to submit any additional information to the~~  
8 ~~commission on an annual or other basis in order to document or~~  
9 ~~otherwise verify the expenditure information provided on the~~  
10 ~~statement of conflict counsel fees form, except as provided in~~  
11 ~~paragraph (c).~~

12 ~~(b) Before September 30 of each year, the clerk of the~~  
13 ~~circuit court in each county shall submit to the Justice~~  
14 ~~Administrative Commission a report of conflict counsel~~  
15 ~~expenses and costs for the previous local government fiscal~~  
16 ~~year. Such report shall identify expenditures incurred by the~~  
17 ~~county on expenses and costs of counsel appointed by the court~~  
18 ~~pursuant to this section where such expenses and costs are~~  
19 ~~taxed against the county by judgment of the court. Such report~~  
20 ~~of expenditures shall be on a form prescribed by the~~  
21 ~~commission in consultation with the Legislative Committee on~~  
22 ~~Intergovernmental Relations and the Comptroller, provided that~~  
23 ~~such form shall at a minimum separately identify total county~~  
24 ~~expenditures for witness fees and expenses, court reporter~~  
25 ~~fees and costs, and defense counsel travel and per diem. Such~~  
26 ~~form also shall provide for the separate reporting of total~~  
27 ~~county expenditures on attorney expenses and costs in cases in~~  
28 ~~which other counsel were appointed by the court where the~~  
29 ~~public defender was unable to accept the case as a result of a~~  
30 ~~stated lack of resources. To facilitate such expenditure~~  
31 ~~identification and reporting, the public defender, within 7~~

1 ~~days of the appointment of such counsel by the court, shall~~  
2 ~~report to the clerk of the circuit court case-related~~  
3 ~~information sufficient to permit the clerk to identify~~  
4 ~~separately county expenditures on expenses and costs of such~~  
5 ~~counsel. No county shall be required to submit any additional~~  
6 ~~information to the Justice Administrative Commission on an~~  
7 ~~annual or other basis in order to document or otherwise verify~~  
8 ~~the expenditure information provided on the report of conflict~~  
9 ~~counsel expenses and costs form, except as provided in~~  
10 ~~paragraph (c).~~

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

1 ~~relevant portions of Florida law, the commission may require~~  
2 ~~the submission of additional information as may be necessary~~  
3 ~~to identify the nature of the problem.~~

4 ~~(d) Upon the failure of a clerk of the circuit court~~  
5 ~~or county to submit any report or information required by this~~  
6 ~~section, the Justice Administrative Commission may refuse to~~  
7 ~~honor any claim until such clerk or county is determined by~~  
8 ~~the commission to be in compliance with such requirements. In~~  
9 ~~the event that the statement of compliance submitted by a~~  
10 ~~county pursuant to paragraph (c) indicates that the clerk of~~  
11 ~~the circuit court claimed more than was actually expended by~~  
12 ~~the county, the Justice Administrative Commission may require~~  
13 ~~the clerk to submit complete supporting documentation of the~~  
14 ~~county's expenditures on conflict-of-interest cases for the~~  
15 ~~ensuing 3-year period.~~

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

21 ~~(7) Nothing contained in this chapter shall be~~  
22 ~~construed to be an appropriation. Once the allocation to the~~  
23 ~~county has been expended, any further obligation under s.~~  
24 ~~27.53(3) shall continue to be the responsibility of the county~~  
25 ~~pursuant to this chapter.~~

26 Section 24. Section 43.35, Florida Statutes, is  
27 amended to read:

28 43.35 Witness coordinating programs ~~offices~~.--Each  
29 circuit court ~~administrator~~ shall establish a witness  
30 coordinating program ~~office~~ in each county within the ~~his or~~

31

1 ~~her~~ judicial circuit or shall contract for the creation of  
2 such a program. The program office shall be responsible for:

3 (1) Coordinating court appearances, including pretrial  
4 conferences and depositions, for all witnesses who are  
5 subpoenaed in criminal cases, including law enforcement  
6 personnel.

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

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

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

18  
19 In addition, the program office may provide additional  
20 services to reduce time and wage losses to a minimum for all  
21 witnesses.

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

25 Section 26. Effective July 1, 2004, sections 27.005,  
26 27.006, 27.385, and 29.011, Florida Statutes, paragraph (a) of  
27 subsection (1) of section 27.52, Florida Statutes, and  
28 subsection (3) of section 40.02, Florida Statutes, are  
29 repealed.

30 Section 27. For the purpose of incorporating the  
31 amendments made by this act to sections 27.51 and 27.53,

1 Florida Statutes, in references thereto, effective July 1,  
2 2004, section 943.053, Florida Statutes, as otherwise amended  
3 is reenacted to read:

4           943.053 Dissemination of criminal justice information;  
5 fees.--

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

9           (2) Criminal justice information derived from federal  
10 criminal justice information systems or criminal justice  
11 information systems of other states shall not be disseminated  
12 in a manner inconsistent with the laws, regulations, or rules  
13 of the originating agency.

14           (3) Criminal history information, including  
15 information relating to minors, compiled by the Criminal  
16 Justice Information Program from intrastate sources shall be  
17 available on a priority basis to criminal justice agencies for  
18 criminal justice purposes free of charge and, otherwise, to  
19 governmental agencies not qualified as criminal justice  
20 agencies on an approximate-cost basis. After providing the  
21 program with all known identifying information, persons in the  
22 private sector may be provided criminal history information  
23 upon tender of fees as established and in the manner  
24 prescribed by rule of the Department of Law Enforcement. Such  
25 fees shall approximate the actual cost of producing the record  
26 information. As used in this subsection, the department's  
27 determination of actual cost shall take into account the total  
28 cost of creating, storing, maintaining, updating, retrieving,  
29 improving, and providing criminal history information in a  
30 centralized, automated database, including personnel,  
31 technology, and infrastructure expenses. Actual cost shall be



1 computed on a fee-per-record basis, and any access to criminal  
2 history information by the private sector as provided in this  
3 subsection shall be assessed the per-record fee without regard  
4 to the quantity or category of criminal history record  
5 information requested. Fees may be waived by the executive  
6 director of the Department of Law Enforcement for good cause  
7 shown.

8 (4) Criminal justice information provided by the  
9 Department of Law Enforcement shall be used only for the  
10 purpose stated in the request.

11 (5) Notwithstanding any other provision of law, the  
12 department shall provide to the Florida Department of Revenue  
13 Child Support Enforcement access to Florida criminal records  
14 which are not exempt from disclosure under chapter 119, and to  
15 such information as may be lawfully available from other  
16 states via the National Law Enforcement Telecommunications  
17 System, for the purpose of locating subjects who owe or  
18 potentially owe support, as defined in s. 409.2554, or to whom  
19 such obligation is owed pursuant to Title IV-D of the Social  
20 Security Act. Such information may be provided to child  
21 support enforcement authorities in other states for these  
22 specific purposes.

23 (6) Notwithstanding any other provision of law, the  
24 department shall provide to each office of the public defender  
25 on-line access to criminal records of this state which are not  
26 exempt from disclosure under chapter 119 or confidential under  
27 law. Such access shall be used solely in support of the duties  
28 of a public defender as provided in s. 27.51 or of any  
29 attorney specially assigned as authorized in s. 27.53 in the  
30 representation of any person who is determined indigent as  
31 provided in s. 27.52. The costs of establishing and

1 maintaining such on-line access shall be borne by the office  
2 to which the access has been provided.

3 (7) 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 sheriff of any county that has  
7 contracted with a private entity to operate a county detention  
8 facility pursuant to the provisions of s. 951.062 shall  
9 provide that private entity, in a timely manner, copies of the  
10 Florida criminal history records for its inmates. The sheriff  
11 may assess a charge for the Florida criminal history records  
12 pursuant to the provisions of chapter 119. Sealed records  
13 received by the private entity under this section remain  
14 confidential and exempt from the provisions of s. 119.07(1).

15 (8) Notwithstanding the provisions of s. 943.0525, and  
16 any user agreements adopted pursuant thereto, and  
17 notwithstanding the confidentiality of sealed records as  
18 provided for in s. 943.059, the Department of Corrections  
19 shall provide, in a timely manner, copies of the Florida  
20 criminal history records for inmates housed in a private state  
21 correctional facility to the private entity under contract to  
22 operate the facility pursuant to the provisions of s. 944.105  
23 or s. 957.03. The department may assess a charge for the  
24 Florida criminal history records pursuant to the provisions of  
25 chapter 119. Sealed records received by the private entity  
26 under this section remain confidential and exempt from the  
27 provisions of s. 119.07(1).

28 (9) Notwithstanding the provisions of s. 943.0525 and  
29 any user agreements adopted pursuant thereto, and  
30 notwithstanding the confidentiality of sealed records as  
31 provided for in s. 943.059, the Department of Juvenile Justice

1 or any other state or local criminal justice agency may  
2 provide copies of the Florida criminal history records for  
3 juvenile offenders currently or formerly detained or housed in  
4 a contracted juvenile assessment center or detention facility  
5 or serviced in a contracted treatment program and for  
6 employees or other individuals who will have access to these  
7 facilities, only to the entity under direct contract with the  
8 Department of Juvenile Justice to operate these facilities or  
9 programs pursuant to the provisions of s. 985.411. The  
10 criminal justice agency providing such data may assess a  
11 charge for the Florida criminal history records pursuant to  
12 the provisions of chapter 119. Sealed records received by the  
13 private entity under this section remain confidential and  
14 exempt from the provisions of s. 119.07(1). Information  
15 provided under this section shall be used only for the  
16 criminal justice purpose for which it was requested and may  
17 not be further disseminated.

18           Section 28. For the purpose of implementing Section  
19 14, Article V of the State Constitution, the transfer of the  
20 funding responsibility for the state courts system shall not  
21 affect the validity of any judicial or administrative  
22 proceeding pending on the day of the transfer. The entity  
23 providing appropriations on and after July 1, 2004, shall be  
24 considered the successor in interest to any existing  
25 contracts, but is not responsible for funding or payment of  
26 any service rendered or provided prior to July 1, 2004.

27           Section 29. (1) The Chief Financial Officer shall  
28 provide to the Legislature detailed information on all costs  
29 of court-related services provided by the counties for the  
30 county fiscal year ended September 30, 2002. The required  
31 information must be provided to the Chief Financial Officer by

1 the clerks of the court, or the appropriate county officer in  
2 counties where the clerk of the court is not the county's  
3 chief financial officer, in such manner as is prescribed by  
4 the Chief Financial Officer and subject to reporting deadlines  
5 prescribed by the Chief Financial Officer. The clerks of the  
6 court, state attorneys, public defenders, court  
7 administrators, boards of county commissioners, and sheriffs  
8 must provide such assistance to the Chief Financial Officer in  
9 the gathering of the necessary cost data as is requested by  
10 the Chief Financial Officer. The Legislative Committee on  
11 Intergovernmental Relations also shall assist in gathering and  
12 assessing the cost data and provide technical assistance as  
13 requested by the Chief Financial Officer. The Auditor General  
14 shall provide technical advice with respect to the gathering  
15 and analysis of the cost data.

16 (2) Cost information shall be reported to the Chief  
17 Financial Officer at the transaction code level and, for  
18 specific transaction codes specified by the Chief Financial  
19 Officer, object and sub-object level, as set forth in the  
20 Uniform Accounting System Manual developed by the Chief  
21 Financial Officer pursuant to section 218.33, Florida  
22 Statutes. In addition, costs must be reported for such  
23 specific programs or purposes categories as determined  
24 necessary by the Chief Financial Officer. Cost information  
25 provided for such programs or purposes includes identification  
26 of the specific account classifications within the Uniform  
27 Accounting System Manual to which the costs were recorded. The  
28 clerks of the court, or the appropriate county officer in  
29 counties where the clerk of the court is not the county's  
30 chief financial officer, must reconcile the cost information  
31 provided to the Chief Financial Officer with the Annual

1 Financial Report, which is required by section 218.32, Florida  
2 Statutes. The clerks of the court must provide the Chief  
3 Financial Officer with written certification, signed by the  
4 clerks of the court, state attorneys, public defenders, court  
5 administrators, boards of county commissions' chairpersons,  
6 and sheriffs attesting to the accuracy of the cost  
7 information.

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

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

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

20 Section 30. Subsection (1) of section 25.073, Florida  
21 Statutes, is amended to read:

22 25.073 Retired justices or judges assigned to  
23 temporary duty; additional compensation; appropriation.--

24 (1) For purposes of this section, the term "retired  
25 justice" or "retired judge" means any former justice or judge  
26 who:

27 (a) Has not been defeated in seeking reelection to, or  
28 has not failed to be retained in seeking retention in, his or  
29 her last judicial office or was not defeated when last seeking  
30 election to judicial office; and

31 (b) Is not engaged in the practice of law.

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