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1 A bill to be entitled

2 An act relating to implementation of Revision 7 to Article
3 V of the State Constitution; amending s. 25.383, F.S.;
4 removing provisions relating to fees for certification and
5 renewal of certification of court reporters; amending s.
6 27.005, F.S.; revising and removing definitions applicable
7 to state attorneys and public defenders; amending s.
8 27.02, F.S.; restricting duties of state attorneys before
9 circuit and county courts; amending s. 27.04, F.S.;
10 revising provisions relating to summoning and examining of
11 witnesses for the state to cover any violation of the law;
12 amending s. 27.25, F.S.; providing that state attorneys
13 may employ personnel and receive appropriations as
14 authorized by the General Appropriations Act; amending s.
15 27.34, F.S.; revising provisions relating to the funding
16 of state attorneys' offices; amending s. 27.35, F.S.;
17 providing that salaries of state attorneys shall be
18 provided in the General Appropriations Act; amending s.
19 27.385, F.S.; removing a provision relating to authority
20 of state attorneys to expend certain funds; revising the
21 title of pt. III, ch. 27, F.S.; creating s. 27.40, F.S.;
22 providing requirements for court-appointed counsel;
23 providing for a statewide registry of private attorneys;
24 requiring annual fees; providing for payment of attorney's
25 fees and costs; amending s. 27.51, F.S.; revising duties
26 of public defenders; amending s. 27.52, F.S.; revising
27 provisions relating to determination of indigency;
28 providing for indigency examiners; providing for payment
29 of application fees; providing for deposit of application
30 fees and recovered amounts into the General Revenue Fund;



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31 providing for a payment program; amending s. 27.53, F.S.;
32 revising method of funding offices of public defender;
33 amending s. 27.5301, F.S.; revising method of paying
34 salaries of public defenders and assistant public
35 defenders; creating s. 27.5303, F.S.; providing
36 requirements for appointment of counsel in conflict of
37 interest of public defender; creating s. 27.5304, F.S.;
38 providing for compensation of private court-appointed
39 counsel; amending s. 27.54, F.S.; revising funding of
40 offices of public defender; amending s. 27.562, F.S.;
41 providing for deposit of funds collected for certain legal
42 assistance into the General Revenue Fund; amending s.
43 27.58, F.S.; revising provisions relating to
44 administration of public defender services; amending s.
45 27.702, F.S.; conforming a cross reference; creating s.
46 28.215, F.S.; providing for pro se assistance; amending s.
47 28.24, F.S.; revising service charges by clerk of the
48 circuit court; requiring provision of certain records
49 without charge; amending s. 28.2401, F.S.; removing county
50 authority to impose service charges in probate matters in
51 excess of those specified; amending s. 28.241, F.S.;
52 providing for filing fees for trial and appellate
53 proceedings; providing for deposit and use of fees
54 collected for civil actions, suits, and proceedings
55 reopened in the circuit courts; amending s. 28.245, F.S.;
56 requiring electronic transmittal of funds collected by the
57 clerks of court to the Department of Revenue; creating s.
58 28.246, F.S.; providing requirements for payment of court-
59 related fees, charges, and costs; providing for collection
60 by private attorney or collection agent; creating s.



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61 28.35, F.S.; exempting state attorneys and public
62 defenders from all fees and charges of the clerks of the
63 circuit courts; amending s. 29.001, F.S.; revising intent
64 with respect to the state courts system; amending s.
65 29.002, F.S.; revising the basis for funding the state
66 courts system; amending s. 29.004, F.S.; specifying
67 elements of the state courts system to be funded from
68 state revenues appropriated by general law; amending s.
69 29.005, F.S.; specifying elements of the state attorneys'
70 offices to be funded from state revenues appropriated by
71 general law; amending s. 29.006, F.S.; specifying elements
72 of the public defenders' offices to be funded from state
73 revenues appropriated by general law; amending s. 29.007,
74 F.S.; specifying elements of private court-appointed
75 counsel to be funded from state revenues appropriated by
76 general law; amending s. 29.008, F.S.; revising provisions
77 relating to county funding of court-related functions;
78 declaring legal aid to be a local requirement of the state
79 courts system; exempting certain counties; creating s.
80 29.014, F.S.; creating the Article V Indigent Services
81 Advisory Board; providing for appointment of members and
82 terms; providing for organization; providing duties;
83 creating ss. 29.015 and 29.016, F.S.; establishing
84 contingency funds for the Justice Administrative
85 Commission and the judicial branch to alleviate deficits
86 in due process services appropriation categories;
87 providing requirements for utilization of the funds;
88 amending s. 34.032, F.S.; providing for funding of arrest
89 warrants for violation of county or municipal ordinances;
90 amending s. 34.041, F.S.; providing for filing fees and



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91 costs in county courts; amending s. 34.13, F.S.; requiring
92 administration of oaths relating to violation of a
93 municipal ordinance to be at municipal expense; amending
94 s. 34.171, F.S.; requiring county funding of bailiff
95 salaries; amending s. 34.181, F.S., relating to branch
96 courts; providing a cross reference; amending s. 34.191,
97 F.S.; providing for collection and distribution of fines
98 and forfeitures ; amending s. 39.0134, F.S.; providing for
99 compensation of appointed counsel in dependency
100 proceedings; amending s. 39.4075, F.S.; requiring parties
101 to contribute to the cost of dependency mediation;
102 amending s. 39.815, F.S.; revising a cross reference;
103 creating s. 40.001, F.S.; providing authority and duties
104 of the chief judge; amending s. 40.02, F.S., relating to
105 selection of jury lists; providing for performance of and
106 payment for such duties; amending s. 40.29, F.S.; revising
107 provisions relating to duty of clerks of court to make
108 estimates and requisitions for certain due process costs;
109 amending s. 40.30, F.S., relating to requisition endorsed
110 by State Courts Administrator or designee, to conform;
111 updating terminology; amending s. 43.16, F.S.; removing
112 reference to Justice Administrative Commission as part of
113 the judicial branch; expanding duties of the commission
114 relating to court-appointed counsel; amending s. 43.19,
115 F.S.; providing for deposit into the General Revenue Fund
116 of unclaimed funds paid to the court; amending s. 43.26,
117 F.S.; removing reference to presiding judge of circuit and
118 providing for powers of the chief judge of the circuit;
119 amending s. 43.35, F.S.; requiring witness coordination to
120 be provided by the state attorneys and public defenders;



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121 amending s. 44.108, F.S.; revising the funding of
122 mediation and arbitration services; providing for certain
123 fees; amending s. 49.10, F.S.; removing a cross reference;
124 amending s. 55.141, F.S.; conforming a cross reference;
125 amending s. 57.081, F.S.; revising provisions relating to
126 costs and services provided to indigent persons; amending
127 s. 57.085, F.S.; revising provisions relating to waiver of
128 prepayment of court costs and fees for indigent prisoners;
129 amending s. 61.21, F.S.; providing for authorization of
130 parenting course by the Department of Children and Family
131 Services; amending s. 77.28, F.S.; conforming a cross
132 reference; amending s. 92.231, F.S.; providing for payment
133 of expert witness fees; amending s. 125.69, F.S.;
134 providing funding requirements with respect to prosecution
135 of violations of county ordinances; creating s. 162.30,
136 F.S.; providing for civil actions to enforce county and
137 municipal ordinances; amending ss. 197.532, 197.542, and
138 197.582, F.S.; conforming cross references; amending s.
139 212.055, F.S.; revising the definition of "infrastructure"
140 for purposes of the local government infrastructure
141 surtax; amending s. 318.18, F.S.; requiring payment of
142 civil penalties; amending s. 318.21, F.S.; updating a
143 reference relating to deposit of civil penalties by county
144 courts; amending s. 318.325, F.S.; specifying jurisdiction
145 and procedure for parking infractions; amending s.
146 395.3025, F.S.; conforming cross references; amending s.
147 397.334, F.S.; making treatment-based drug court programs
148 a county option; amending s. 712.06, F.S.; conforming
149 cross references; amending s. 741.30, F.S., relating to
150 domestic violence; providing for certain notice to



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151 petitioners relating to indigency; amending s. 790.22,
 152 F.S.; removing reference to alternative sanctions
 153 coordinators; amending s. 796.07, F.S.; conforming a
 154 reference; amending s. 914.06, F.S.; requiring the state
 155 to pay for expert witnesses in certain criminal cases;
 156 amending s. 914.11, F.S.; requiring the state to pay
 157 certain costs and expenses of indigent defendants
 158 presently unable to pay; amending s. 916.107, F.S.;
 159 providing for right to treatment of forensic clients
 160 presently unable to pay; amending s. 916.15, F.S.,
 161 relating to involuntary commitment of defendant
 162 adjudicated not guilty by reason of insanity; providing
 163 for representation by the public defender if the defendant
 164 is indigent; amending s. 938.01, F.S., relating to
 165 Additional Court Cost Clearing Trust Fund; requiring
 166 payment of court costs; amending s. 938.03, F.S., relating
 167 to Crimes Compensation Trust Fund; requiring payment of
 168 additional court costs; amending s. 938.05, F.S.;
 169 requiring payment of additional court costs for felonies,
 170 misdemeanors, and criminal traffic offenses and providing
 171 for deposit of the proceeds into the General Revenue Fund
 172 rather than into a special trust fund of the county;
 173 amending s. 938.06, F.S.; removing a restriction on local
 174 liability for payment of costs for crime stoppers
 175 programs; amending s. 938.19, F.S.; authorizing counties
 176 to fund teen courts; authorizing surplus funds for teen
 177 courts to be used for juvenile drug courts; amending s.
 178 938.27, F.S.; revising provisions relating to judgment for
 179 costs on conviction; amending s. 938.29, F.S.; providing
 180 payment requirements for certain legal assistance;



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181 providing requirements for deposit and use of funds
182 collected for attorney's fees and costs; amending s.
183 938.30, F.S.; specifying financial obligations in criminal
184 cases; amending s. 938.35, F.S.; revising provisions for
185 collection of court-related financial obligations;
186 amending s. 939.06, F.S., relating to acquitted defendant
187 not liable for costs; removing county obligation to pay;
188 amending s. 939.08, F.S.; revising requirements for
189 relating to certification of costs; amending s. 939.12,
190 F.S.; providing for payment of costs against state in
191 Supreme Court; amending s. 947.18, F.S.; conforming a
192 reference; amending s. 948.03, F.S.; conforming a cross
193 reference; amending s. 960.001, F.S.; conforming
194 references; amending s. 984.09, F.S., relating to
195 punishment for contempt of court; eliminating alternative
196 sanctions coordinators; amending s. 984.12, F.S.;
197 eliminating alternative sanctions coordinators from case
198 staffing committees; amending s. 985.203, F.S., relating
199 to right to counsel; providing for imposition of costs of
200 representation; amending s. 985.216, F.S., relating to
201 punishment for contempt of court; eliminating alternative
202 sanctions coordinators; amending s. 985.306, F.S.,
203 relating to delinquency pretrial intervention programs;
204 removing reference to alternative sanctions coordinators;
205 providing for a review of the Florida Accounting
206 Information Resource subsystem and the Uniform Accounting
207 System Manual with respect to Article V funding; requiring
208 implementation of necessary revisions; providing for a
209 study of county expenditures for court-related services;
210 providing requirements; providing for reimbursement of



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211 travel costs; requiring a report; creating the Article V
212 Chief Information Officers Coordinating Council; providing
213 for membership, duties, and administrative support;
214 providing for deposit of certain filing fees into the
215 Grants and Donations Trust Fund within the Justice
216 Administrative Commission and prohibiting the expenditure
217 of such funds; providing a statement of important state
218 interest; repealing certain services charges imposed by
219 counties prior to June 30, 2004; authorizing judicial acts
220 to be taken or performed on any day of the week, including
221 Sundays and holidays; repealing s. 25.402, F.S., relating
222 to the County Article V Trust Fund; repealing s. 27.006,
223 F.S., relating to court reporting services; repealing s.
224 27.271, F.S., relating to per diem and mileage for state
225 attorneys and assistant state attorneys; repealing s.
226 27.33, F.S., relating to state attorney submission of
227 annual budget; repealing s. 27.3455, F.S., relating to
228 annual statement of court-related revenues and
229 expenditures; repealing s. 27.36, F.S., relating to the
230 Office of Prosecution Coordination; repealing s. 27.561,
231 F.S., relating to the effect of nonpayment of attorneys'
232 fees or costs by defendant-recipient or parent; repealing
233 s. 27.605, F.S., relating to public defender budget
234 expenditures; repealing s. 29.003, F.S., relating to the
235 phase-in schedule for court funding; repealing s. 29.009,
236 F.S., relating to the contingency fund for criminal-
237 related costs of counties; repealing s. 29.011, F.S.,
238 relating to conflict counsel pilot projects; repealing s.
239 34.201, F.S., relating to the County Article V Trust Fund;
240 repealing s. 43.28, F.S., relating to county provision of



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241 court facilities; repealing s. 50.071, F.S., relating to
 242 court docket funds; repealing s. 57.091, F.S., relating to
 243 costs refunded to counties in certain proceedings relating
 244 to state prisoners; repealing s. 218.325, F.S., relating
 245 to the uniform chart of accounts and financial reporting
 246 for court and justice system costs and revenues; repealing
 247 s. 925.035, F.S., relating to appointment and compensation
 248 of an attorney in capital cases and appeals from judgments
 249 imposing the death penalty; repealing s. 925.036, F.S.,
 250 relating to compensation of appointed counsel and
 251 prohibition against reassignment or subcontracting of case
 252 to another attorney; repealing s. 925.037, F.S., relating
 253 to reimbursement of counties for fees paid to appointed
 254 counsel and circuit conflict committees; repealing s.
 255 939.05, F.S., relating to discharge of insolvent defendant
 256 without payment of costs; repealing s. 939.07, F.S.,
 257 relating to payment of defendant's witnesses; repealing s.
 258 939.10, F.S., relating to duty of board of county
 259 commissioners to verify mileage and actual and necessary
 260 services and expenses; repealing s. 939.15, F.S., relating
 261 to costs paid by counties in cases of insolvency;
 262 providing effective dates.

263
 264 Be It Enacted by the Legislature of the State of Florida:

265
 266 Section 1. Section 25.383, Florida Statutes, is amended to
 267 read:

268 25.383 Standards for court reporters; procedures; rules of
 269 professional conduct, discipline, and training; ~~fees.~~--The
 270 Supreme Court shall establish minimum standards and procedures



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271 for qualifications, certification, discipline, and training for
 272 court reporters. ~~The Supreme Court is authorized to set fees to~~
 273 ~~be charged to applicants for certification and renewal of~~
 274 ~~certification. The revenues generated from such fees shall be~~
 275 ~~used to offset the costs of administration of the certification~~
 276 ~~process.~~ The Supreme Court may appoint or employ such personnel
 277 as are necessary to assist the court in exercising its powers
 278 and performing its duties under this section.

279 Section 2. Section 27.005, Florida Statutes, is amended to
 280 read:

281 27.005 Definitions.--As used in parts II and III of this
 282 chapter, the following definitions include, but are not limited
 283 to:

284 ~~(1) "Communication services" includes postage, required~~
 285 ~~printed documents, all data processing equipment, including~~
 286 ~~terminals, modems, software, printers, wiring, and data lines,~~
 287 ~~radio, courier, messenger and subpoena services, fax equipment~~
 288 ~~and supplies, support services, and telegraph, including~~
 289 ~~maintenance, supplies and line charges.~~

290 (1)(2) "Conflict attorney" means a private attorney
 291 assigned by the court to handle the case of a defendant pursuant
 292 to s. 27.5303 who is indigent and ~~who~~ cannot be represented by
 293 the public defender due to a conflict of interest ~~or due to the~~
 294 ~~public defender's excessive caseload~~, as certified to the court
 295 by the public defender.

296 ~~(3) "Expert witnesses" includes any individual, firm, or~~
 297 ~~service used by the prosecution or defense to provide~~
 298 ~~information and consultation on specialized areas of art,~~
 299 ~~science, profession, business, or other calling.~~



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300 (2)(4) "Indigency examiner" means the person assigned to
301 ~~employed by the office of the clerk of court and funded by the~~
302 ~~state court or the board of county commissioners~~ to assist the
303 court in ~~investigating and~~ assessing the indigency of any person
304 pursuant to s. 27.52 ~~who applies for representation by the~~
305 ~~public defender or a conflict attorney.~~

306 ~~(5) "Library services" includes books, periodicals,~~
307 ~~automated legal research services and line charges, legal~~
308 ~~documents, and reference books and materials, including~~
309 ~~maintenance and supplies.~~

310 ~~(6) "Postindictment and postinformation deposition costs"~~
311 ~~includes any costs incurred through a deposition, including the~~
312 ~~use of expert witnesses.~~

313 ~~(7) "Pretrial" includes any case investigation cost~~
314 ~~incurred at any time prior to the disposition of a case,~~
315 ~~including preindictment costs.~~

316 ~~(8) "Pretrial consultation fees" includes any costs~~
317 ~~related to the testing, evaluation, investigation, or other~~
318 ~~case-related services and materials necessary to prosecute,~~
319 ~~defend, or dispose of a criminal case.~~

320 (3)(9) "Special assistant public defender" means an
321 attorney who performs contractual legal work or voluntary legal
322 work for the public defender, but who is not a full-time
323 assistant public defender.

324 ~~(10) "Telephone services" includes any equipment,~~
325 ~~including fax, cellular telephones, pagers, computer lines,~~
326 ~~telephone switching equipment, and the maintenance, supplies,~~
327 ~~software, and line charges necessary for operation.~~

328 ~~(11) "Transportation services" includes the cost of~~
329 ~~operating any vehicle, aircraft, or watercraft, including~~



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330 ~~gasoline, oil, and maintenance costs, any witness travel~~
331 ~~expenses, and any witness services.~~

332 ~~(12) "Travel expenses" includes costs incurred under s.~~
333 ~~112.061 by the state attorney or public defender, or their~~
334 ~~designated employees, while on travel prior to the final~~
335 ~~disposition of a case.~~

336 Section 3. Section 27.02, Florida Statutes, is amended to
337 read:

338 27.02 Duties before court.--The state attorney shall
339 appear in the circuit and county courts within his or her
340 judicial circuit and prosecute or defend on behalf of the state
341 all suits, applications, or motions, civil or criminal, in which
342 the state is a party, except as provided in chapters 39, 984,
343 and 985. The intake procedures of chapters 39, 984, and 985
344 shall apply as provided therein. The state attorney shall not
345 appear in the circuit and county courts within his or her
346 judicial circuit for the purpose of prosecuting violations of
347 special laws, unless expressly authorized, or violations of
348 county or municipal ordinances, unless ancillary to a state
349 prosecution and authorized by the prosecuting attorney of the
350 county.

351 Section 4. Effective July 1, 2003, section 27.04, Florida
352 Statutes, is amended to read:

353 27.04 Summoning and examining witnesses for state.--The
354 state attorney shall have summoned all witnesses required on
355 behalf of the state; and he or she is allowed the process of his
356 or her court to summon witnesses from throughout the state to
357 appear before the state attorney in or out of term time at such
358 convenient places in the state attorney's judicial circuit and
359 at such convenient times as may be designated in the summons, to



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360 testify before him or her as to any violation of the ~~criminal~~
 361 law upon which they may be interrogated, and he or she is
 362 empowered to administer oaths to all witnesses summoned to
 363 testify by the process of his or her court or who may
 364 voluntarily appear before the state attorney to testify as to
 365 any violation or violations of the ~~criminal~~ law.

366 Section 5. Subsections (1) and (5) of section 27.25,
 367 Florida Statutes, are amended to read:

368 27.25 State attorney authorized to employ personnel;
 369 funding formula.--

370 (1) The state attorney of each judicial circuit is
 371 authorized to employ and establish, in such number as is
 372 authorized by the General Appropriations Act ~~he or she shall~~
 373 ~~determine~~, assistant state attorneys, ~~investigators, and~~
 374 ~~clerical, secretarial,~~ and other staff pursuant to s. 29.005
 375 ~~personnel, who shall be paid from funds appropriated for that~~
 376 ~~purpose~~. The state attorneys of all judicial circuits shall
 377 jointly develop a coordinated classification and pay plan which
 378 shall be submitted on or before January 1 of each year to the
 379 Justice Administrative Commission, the office of the President
 380 of the Senate, and the office of the Speaker of the House of
 381 Representatives. Such plan shall be developed in accordance with
 382 policies and procedures of the Executive Office of the Governor
 383 established pursuant to s. 216.181.

384 (5) The appropriations for the offices of state attorneys
 385 shall be determined by a funding formula based on population and
 386 such other factors as may be deemed appropriate in a manner to
 387 be determined by this section ~~subsection~~ and the General ~~any~~
 388 ~~subsequent~~ Appropriations Act.



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389 Section 6. Section 27.34, Florida Statutes, is amended to
 390 read:

391 27.34 Special investigators; state attorney supplemental
 392 salary from county or municipality prohibited; contracts for
 393 workers' compensation prosecutions ~~Salaries and other related~~
 394 ~~costs of state attorneys' offices; limitations.--~~

395 (1) ~~No county or municipality shall appropriate or~~
 396 ~~contribute funds to the operation of the various state~~
 397 ~~attorneys, except that~~ A county or municipality may appropriate
 398 or contribute funds to pay the salary of one assistant state
 399 attorney whose sole function shall be to prosecute violations of
 400 special laws or ordinances of the county or municipality and may
 401 provide persons employed by the county or municipality to the
 402 state attorney to serve as special investigators pursuant to the
 403 provisions of s. 27.251. ~~However, any county or municipality may~~
 404 ~~contract with the state attorney of the judicial circuit in~~
 405 ~~which such county or municipality is located for the prosecution~~
 406 ~~of violations of county or municipal ordinances. In addition, a~~
 407 ~~county or municipality may appropriate or contribute funds to~~
 408 ~~pay the salary of one or more assistant state attorneys who are~~
 409 ~~trained in the use of the civil and criminal provisions of the~~
 410 ~~Florida RICO Act, chapter 895, and whose sole function is to~~
 411 ~~investigate and prosecute civil and criminal RICO actions when~~
 412 ~~one or more offenses identified in s. 895.02(1)(a) occur within~~
 413 ~~the boundaries of the municipality or county.~~

414 (2) ~~The state attorneys shall be provided by the counties~~
 415 ~~within their judicial circuits with such office space,~~
 416 ~~utilities, telephone service, custodial services, library~~
 417 ~~services, transportation services, and communication services as~~
 418 ~~may be necessary for the proper and efficient functioning of~~



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419 ~~these offices, except as otherwise provided in the General~~
420 ~~Appropriations Act. The state attorney's office shall also be~~
421 ~~provided with pretrial consultation fees for expert or other~~
422 ~~potential witnesses consulted before trial by the state~~
423 ~~attorney; travel expenses incurred in criminal cases by a state~~
424 ~~attorney in connection with out-of-jurisdiction depositions;~~
425 ~~out-of-state travel expenses incurred by assistant state~~
426 ~~attorneys or by investigators of state attorneys while~~
427 ~~attempting to locate and interrogate witnesses for the state~~
428 ~~attorney in the prosecution of a criminal case; court reporter~~
429 ~~costs incurred by the state attorney during the course of an~~
430 ~~investigation and criminal prosecution which costs are certified~~
431 ~~by the state attorney as being useful and necessary in the~~
432 ~~prosecution, provided that nothing herein shall be construed to~~
433 ~~prohibit the county from contesting the reasonableness of the~~
434 ~~expenditure in the court wherein the criminal case is brought;~~
435 ~~postindictment and postinformation deposition costs incurred by~~
436 ~~the state attorney during the course of a criminal prosecution~~
437 ~~of an insolvent defendant when such costs are certified by the~~
438 ~~state attorney as being useful and necessary in the prosecution,~~
439 ~~provided that nothing herein shall be construed to prohibit the~~
440 ~~county from contesting the reasonableness of the expenditure in~~
441 ~~the court wherein the criminal case is brought; and the cost of~~
442 ~~copying depositions of state witnesses taken by the public~~
443 ~~defender, court-appointed counsel, or private retained counsel,~~
444 ~~when such costs are certified by the state attorney as being~~
445 ~~useful and necessary in the prosecution, provided that nothing~~
446 ~~herein shall be construed to prohibit the county from contesting~~
447 ~~the reasonableness of the expenditure in the court wherein the~~
448 ~~criminal case is brought. The office space to be provided by the~~



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449 ~~counties shall not be less than the standards for space~~
 450 ~~allotment adopted by the Department of Management Services, nor~~
 451 ~~shall these services and office space be less than were provided~~
 452 ~~in the prior fiscal year.~~

453 ~~(2)(3)~~ It is hereby prohibited for any state attorney to
 454 receive from any county or municipality any supplemental salary.
 455 ~~However in judicial circuits with a population of 1 million or~~
 456 ~~more, state attorneys presently holding office and now receiving~~
 457 ~~a county supplement may continue to receive a county salary~~
 458 ~~supplement at the discretion of the counties for the remainder~~
 459 ~~of their term of office.~~

460 ~~(3)(4)~~ Notwithstanding s. 27.25, the Chief Financial
 461 Officer Insurance Commissioner may contract with the state
 462 attorney of any judicial circuit of the state for the
 463 prosecution of criminal violations of the Workers' Compensation
 464 Law and related crimes provided that the Chief Financial Officer
 465 contributes ~~and may contribute~~ funds for such purposes. Such
 466 contracts may provide for the training, salary, and expenses of
 467 one or more assistant state attorneys used in the prosecution of
 468 such crimes.

469 Section 7. Effective July 1, 2003, section 27.35, Florida
 470 Statutes, is amended to read:

471 27.35 Salaries of state attorneys.—

472 ~~(1)~~ Each state attorney shall receive as salary the amount
 473 provided in the General Appropriations Act ~~subsection (2) and~~
 474 ~~subsequent appropriations acts.~~

475 ~~(2)~~ ~~The annual salaries for state attorneys shall be as~~
 476 ~~follows:~~

477 ~~(a)~~ ~~In those circuits having a population of 100,000 or~~
 478 ~~less~~ \$28,000.



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479 ~~(b) In those circuits having a population of more than~~
 480 ~~100,000 but less than 200,000 30,000.~~

481 ~~(c) In those circuits having a population of more than~~
 482 ~~200,000 32,000.~~

483 Section 8. Section 27.385, Florida Statutes, is amended to
 484 read:

485 27.385 Budget expenditures.--

486 ~~(1) Notwithstanding provisions to the contrary in s.~~
 487 ~~27.34(2), a state attorney may expend appropriated state funds~~
 488 ~~for items that are enumerated in that subsection.~~

489 ~~(2)~~ Each state attorney shall, by October 1 of each fiscal
 490 year, submit a report to the Legislative Budget Commission
 491 showing the amount of state funds expended during the previous
 492 fiscal year ending in June for the items enumerated in s. 29.005
 493 27.34(2). The Justice Administrative Commission shall prescribe
 494 the format of this report.

495 Section 9. Part III of chapter 27, entitled "Public
 496 Defenders," is retitled as "Public Defenders and Other Court-
 497 appointed Counsel," and shall consist of sections 27.40, 27.50,
 498 27.51, 27.512, 27.52, 27.525, 27.53, 27.5301, 27.5302, 27.5303,
 499 27.5304, 27.54, 27.55, 27.561, 27.562, 27.58, 27.59, and 27.605,
 500 Florida Statutes.

501 Section 10. Section 27.40, Florida Statutes, is created to
 502 read:

503 27.40 Court-appointed counsel; statewide registry; minimum
 504 requirements; appointment by court.--

505 (1) Counsel shall be appointed to represent any individual
 506 in a criminal or civil proceeding entitled to court-appointed
 507 counsel under the Federal or State Constitution or as authorized
 508 by general law. The court shall appoint a public defender to



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509 represent indigent persons as authorized in s. 27.51. Private
510 attorneys shall be appointed to represent indigents in those
511 cases in which provision is made for court-appointed counsel but
512 the public defender is unable to provide representation due to a
513 conflict of interest or is not authorized to provide
514 representation.

515 (2)(a) Private attorneys appointed by the court to provide
516 representation shall be selected from the statewide registry
517 established by the Justice Administrative Commission.

518 (b) The executive director of the Justice Administrative
519 Commission shall compile and maintain a statewide registry of
520 attorneys in private practice, by county and circuit and by
521 categories of cases, certifying that they meet the minimum
522 requirements of this section for appointment by the court and
523 are available to represent indigent defendants in cases
524 requiring court appointment of private counsel. The attorney
525 shall be responsible for notifying the Justice Administrative
526 Commission of any change in status. Failure to comply with this
527 requirement shall be cause for removal from the registry until
528 the requirement is fulfilled.

529 (c) The court shall appoint attorneys in rotating order in
530 the order in which names appear on the registry, unless the
531 court makes a finding of good cause on the record for appointing
532 an attorney out of order. An attorney not appointed in the order
533 in which his or her name appears on the list shall remain next
534 in order.

535 (d) If he or she finds the number of attorneys on the
536 registry in a county or circuit for a particular category of
537 case is inadequate, the executive director of the Justice
538 Administrative Commission shall notify the chief judge of the



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539 particular circuit in writing. The chief judge shall submit the
540 names of at least three private attorneys with relevant
541 experience. The executive director shall send an application to
542 each of these attorneys to register for appointment.

543 (e) The executive director may advertise in legal
544 publications and other appropriate media for qualified attorneys
545 interested in registering for appointment as counsel.

546 (f) Not later than September 1 of each year, and as
547 necessary thereafter, the executive director shall provide to
548 the Chief Justice of the Supreme Court, the chief judge, the
549 state attorney and public defender in each judicial circuit, and
550 the clerk of court a current copy of the statewide registry. The
551 registry must be indexed by judicial circuit, by county, and by
552 categories of cases.

553 (3) To be included on the statewide registry, an attorney
554 must be a member in good standing of The Florida Bar in addition
555 to any other qualifications specified by general law.

556 (4) The Justice Administrative Commission shall approve
557 contract forms for use in procuring the services of private
558 court-appointed counsel.

559 (5) Each attorney shall pay a reasonable annual fee to be
560 included on the registry, unless registering at the request of
561 the chief judge because of an inadequate number of available
562 attorneys. The fee shall be set by the Justice Administrative
563 Commission in an amount sufficient to recoup the cost to
564 establish and maintain the registry. However, the annual fee
565 shall not exceed \$25 per attorney. The amounts collected shall
566 be forwarded to the Department of Revenue for deposit into the
567 Grants and Donations Trust Fund within the Justice
568 Administrative Commission.



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569 (6) After court appointment, the attorney must immediately
570 file a notice of appearance with the court indicating acceptance
571 of the appointment to represent the defendant, in accordance
572 with this section or until released by order of the trial court.

573 (7)(a) An attorney appointed to represent a defendant or
574 other client is entitled to payment of attorney's fees and
575 expenses pursuant to s. 27.5304, only upon full performance by
576 the attorney of specified duties, approval of payment by the
577 court, and attorney submission of a payment request to the
578 Justice Administrative Commission. If an attorney is permitted
579 to withdraw or is otherwise removed from representation prior to
580 full performance of the duties specified in this section, the
581 trial court shall approve payment of attorney's fees and costs
582 for work performed in an amount not to exceed the amounts
583 specified in s. 27.5304.

584 (b) The attorney shall maintain appropriate documentation,
585 including a current and detailed hourly accounting of time spent
586 representing the defendant or other client.

587 (8) Subject to the attorney-client, work-product
588 privilege, an attorney who withdraws or is removed from
589 representation shall deliver all files, notes, documents, and
590 research to the successor attorney within 15 days after
591 receiving notice from the successor attorney. The successor
592 attorney shall bear the cost of transmitting all files, notes,
593 documents, and research.

594 (9) The court shall monitor the performance of private
595 court-appointed counsel to ensure that defendants or other
596 clients are receiving quality representation. The court shall
597 also receive and evaluate allegations made regarding the
598 performance of court-appointed counsel. The Justice



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599 Administrative Commission or any interested person may advise
 600 the court of any circumstance that could affect the quality of
 601 representation, including, but not limited to, false or
 602 fraudulent billing, misconduct, failure to meet continuing legal
 603 education requirements, solicitation to receive compensation
 604 from the defendant or other client the attorney is appointed to
 605 represent, or failure to file appropriate motions in a timely
 606 manner.

607 (10) This section does not apply to attorneys appointed to
 608 represent persons in postconviction capital collateral cases
 609 pursuant to part IV of this chapter.

610 Section 11. Section 27.51, Florida Statutes, is amended to
 611 read:

612 27.51 Duties of public defender.--

613 (1) The public defender shall represent, without
 614 additional compensation, any person who is determined ~~by the~~
 615 ~~court~~ to be indigent as provided in s. 27.52 and who is:

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

617 (b) Under arrest for, or is charged with, a misdemeanor
 618 authorized for prosecution by the state attorney, a violation of
 619 chapter 316 which is punishable by imprisonment, or criminal
 620 contempt, ~~or a violation of a municipal or county ordinance in~~
 621 ~~the county court~~, unless the court, prior to trial, files in the
 622 cause an order of no imprisonment which states that the
 623 defendant will not be imprisoned if he or she is convicted;

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

626 (d) Sought by petition filed in such court to be
 627 involuntarily placed as a mentally ill person or sexually
 628 violent predator or involuntarily admitted to residential



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629 services as a person with developmental disabilities. However, a
630 public defender does not have the authority to represent any
631 person who is a plaintiff in a civil action brought under the
632 Florida Rules of Civil Procedure, the Federal Rules of Civil
633 Procedure, or the federal statutes, or who is a petitioner in an
634 administrative proceeding challenging a rule under chapter 120,
635 unless specifically authorized by statute; or

636 (e) Convicted and sentenced to death for purposes of
637 prosecuting an appeal to the Supreme Court.

638 (2) The court may not appoint the public defender to
639 represent, even on a temporary basis, any person who is not
640 indigent. The court, however, may appoint private counsel in
641 capital cases as provided in ss. 27.40 and 27.5303 ~~ss. 925.035~~.

642 (3) Each public defender shall serve on a full-time basis
643 and is prohibited from engaging in the private practice of law
644 while holding office. Assistant public defenders shall give
645 priority and preference to their duties as assistant public
646 defenders and shall not otherwise engage in the practice of
647 criminal law.

648 (4) The public defender for a judicial circuit enumerated
649 in this subsection shall, after the record on appeal is
650 transmitted to the appellate court by the office of the public
651 defender which handled the trial and if requested by any public
652 defender within the indicated appellate district, handle all
653 felony appeals to the state and federal courts required of the
654 official making such request:

655 (a) Public defender of the second judicial circuit, on
656 behalf of any public defender within the district comprising the
657 First District Court of Appeal.



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658 (b) Public defender of the tenth judicial circuit, on
659 behalf of any public defender within the district comprising the
660 Second District Court of Appeal.

661 (c) Public defender of the eleventh judicial circuit, on
662 behalf of any public defender within the district comprising the
663 Third District Court of Appeal.

664 (d) Public defender of the fifteenth judicial circuit, on
665 behalf of any public defender within the district comprising the
666 Fourth District Court of Appeal.

667 (e) Public defender of the seventh judicial circuit, on
668 behalf of any public defender within the district comprising the
669 Fifth District Court of Appeal.

670 ~~(5) When the public defender for a judicial circuit~~
671 ~~enumerated in subsection (4) has represented at trial a person~~
672 ~~sentenced to death, the public defender shall not represent that~~
673 ~~person in any direct appellate proceedings. That public defender~~
674 ~~shall notify the Florida Supreme Court within 10 days after~~
675 ~~filing a notice of appeal, and the Court shall appoint another~~
676 ~~public defender enumerated in subsection (4) to represent the~~
677 ~~person in any direct appellate proceedings.~~

678 (5)~~(6)~~(a) When direct appellate proceedings prosecuted by
679 a public defender on behalf of an accused and challenging a
680 judgment of conviction and sentence of death terminate in an
681 affirmance of such conviction and sentence, whether by the
682 Florida Supreme Court or by the United States Supreme Court or
683 by expiration of any deadline for filing such appeal in a state
684 or federal court, the public defender shall notify the accused
685 of his or her rights pursuant to Rule 3.850, Florida Rules of
686 Criminal Procedure, including any time limits pertinent thereto,
687 and shall advise such person that representation in any



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688 collateral proceedings is the responsibility of the capital
 689 collateral representative. The public defender shall then
 690 forward all original files on the matter to the capital
 691 collateral representative, retaining such copies for his or her
 692 files as may be desired. However, the trial court shall retain
 693 the power to appoint the public defender or other attorney not
 694 employed by the capital collateral representative to represent
 695 such person in proceedings for relief by executive clemency
 696 pursuant to ss. 27.40 and 27.5303 ~~s. 925.035~~.

697 (b) It is the intent of the Legislature that any public
 698 defender representing an inmate in any collateral proceedings in
 699 any court on June 24, 1985, shall continue representation of
 700 that inmate in all postconviction proceedings unless relieved of
 701 responsibility from further representation by the court.

702 ~~(6)(7)~~ A sum shall be appropriated to the public defender
 703 of each judicial circuit enumerated in subsection (4) for the
 704 employment of assistant public defenders and clerical employees
 705 and the payment of expenses incurred in cases on appeal.

706 Section 12. Section 27.52, Florida Statutes, is amended to
 707 read:

708 27.52 Determination of indigency.--

709 (1)~~(a)~~ The state shall employ indigency examiners assigned
 710 to the offices of the clerk of court. Examiners shall determine
 711 the indigent status of each person applying for appointment of a
 712 determination of indigency for purposes of appointing the public
 713 defender, a private or conflict attorney, or any court-related
 714 services the provision of which is based on indigent status.
 715 This determination shall be made by the court, and may be made
 716 at any stage of the proceedings. The applicant may seek review
 717 of an examiner's determination denying indigent status in the



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718 court having jurisdiction over the matter. Before appointing the
719 public defender or a private ~~conflict~~ attorney, or providing any
720 court-related service the provision of which is based on
721 indigent status, the court shall receive the determination of
722 indigency from the examiner. If the examiner has not completed
723 the indigency determination at the time a person requests
724 appointment of a public defender or private attorney or
725 provision of other services, the court ~~consider a completed~~
726 affidavit that contains the financial information required under
727 paragraph (f) and shall make a preliminary determination of
728 indigency, pending verification by the indigency examiner.

729 (2)(a) Any person applying for appointment of a public
730 defender, a private attorney, or any court-related services the
731 provision of which is based on indigent status shall pay a \$40
732 application fee to the clerk of court and submit a completed
733 affidavit containing the financial information required under
734 paragraph (f) and stating that the affidavit is signed under
735 oath and under penalty of perjury.

736 (b) The person shall pay the application fee at the time
737 the financial affidavit is filed or within 7 days thereafter. If
738 not paid within 7 days, the applicant shall be enrolled by the
739 clerk in a payment program to recover unpaid fees, in full, with
740 periodic payment amounts corresponding to the applicant's
741 ability to pay.

742 ~~(b) An accused person, or if applicable a parent or legal~~
743 ~~guardian of an accused minor or an accused adult tax-dependent~~
744 ~~person, asserting indigency and requesting representation by the~~
745 ~~public defender or a conflict attorney, shall file with the~~
746 ~~court a completed affidavit containing the financial information~~



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747 ~~required under paragraph (f) and stating that the affidavit is~~
748 ~~signed under oath and under penalty of perjury.~~

749 (c) ~~Each person who requests the appointment of the public~~
750 ~~defender or a conflict attorney shall pay to the clerk of the~~
751 ~~court an application fee of \$40, as ordered by the court, at the~~
752 ~~time the financial affidavit is filed, or within 7 days~~
753 ~~thereafter. If not paid within 7 days, the application fee shall~~
754 ~~be assessed at sentencing or at the final disposition of the~~
755 ~~case. The application fee shall be assessed for each affidavit~~
756 ~~filed against a defendant who requests appointment of the public~~
757 ~~defender or a conflict attorney. A defendant who is found to be~~
758 ~~indigent may not be refused counsel or any services the~~
759 ~~provision of which is based on indigency for failure to pay the~~
760 ~~application fee. The defendant shall pay a separate application~~
761 ~~fee for each affidavit filed.~~

762 (d) If the court finds that the accused person applying
763 for representation appears to be indigent based upon the
764 financial affidavit required under paragraph (f), the court
765 shall appoint the public defender or a private ~~conflict~~ attorney
766 to provide representation. If the application fee is not paid
767 prior to the disposition of the case, the clerk shall advise the
768 sentencing judge of this fact and the court shall:

769 1. Assess the application fee as part of the sentence or
770 as a condition of probation; or

771 2. Assess the application fee pursuant to s. 938.29.

772
773 If the indigency examiner finds discrepancies between the
774 financial affidavit and the examiner's investigation of assets,
775 the indigency examiner shall submit the information to the court
776 and the court shall determine whether the public defender or



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777 private ~~conflict~~ attorney shall continue representation. The
778 defendant may be heard regarding the information discovered by
779 the indigency examiner. If the court, based on the information
780 provided, determines that the defendant is not indigent, the
781 court shall order that the public defender or private ~~conflict~~
782 attorney discontinue representation. Notwithstanding any
783 provision of law or local order to the contrary, the clerk of
784 the court shall assign the first \$40 of any ~~court-assessed~~ fees
785 or costs ~~that are~~ paid by an indigent defendant as payment of
786 ~~for~~ the application fee. In no event should a person ~~who is~~
787 found to be indigent be refused counsel for failure to pay the
788 fee.

789 (e) All application fees shall be transferred monthly by
790 the clerk of the court to the Department of Revenue for deposit
791 into the General Revenue Fund ~~to the Indigent Criminal Defense~~
792 ~~Trust Fund, administered by the Justice Administrative~~
793 ~~Commission, to be used to supplement the general revenue funds~~
794 ~~appropriated by the Legislature to the public defenders.~~ The
795 clerk of the court may retain 2 percent of application fees
796 collected monthly for administrative costs prior to remitting
797 the remainder to the Department of Revenue.

798 (f) The affidavit must contain the following financial
799 information and calculations as to the accused person's income:

800 1. Net income.--Total salary and wages, minus deductions
801 required by law, including court-ordered support payments.

802 2. Other income.--Including, but not limited to, social
803 security benefits, union funds, veterans' benefits, workers'
804 compensation, other regular support from absent family members,
805 public or private employee pensions, unemployment compensation,
806 dividends, interest, rent, trusts, and gifts.



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807 3. Assets.--Including, but not limited to, cash, savings
808 accounts, bank accounts, stocks, bonds, certificates of deposit,
809 equity in real estate, and equity in a boat or a motor vehicle
810 or in other tangible property.

811 (g) The income of an accused minor or an accused adult
812 tax-dependent person who is substantially supported by a parent
813 or parents or by a guardian, or who continues to be claimed as a
814 dependent for tax purposes, shall include the income of that
815 dependent person's parent or parents or guardian, except a
816 parent or guardian who has an adverse interest in the
817 proceeding.

818 (h) In addition to the financial information, the
819 affidavit must contain the following statement: "I, ... (name
820 of accused person) ..., agree to report any change in my
821 financial situation to the court or to the indigency examiner."

822 ~~(3)(2)~~(a) After reviewing the affidavit and questioning
823 the accused person, the examiner ~~court~~ shall make one of the
824 following determinations:

- 825 1. The accused person is indigent.
- 826 2. The accused person is not indigent.

827 (b) An accused person, or an accused minor's or accused
828 adult tax-dependent person's parent or guardian, is indigent if:

- 829 1. The income of the person is equal to or below 150 ~~250~~
830 percent of the then-current federal poverty guidelines
831 prescribed for the size of the household of the accused by the
832 United States Department of Health and Human Services or if the
833 person is receiving Aid to Families with Dependent Children
834 (AFDC), poverty-related veterans' benefits, or Supplemental
835 Security Income (SSI); or



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836 2. The person is unable to pay for the services of an
837 attorney without substantial hardship to his or her family.

838 (c) In determining whether a defendant is indigent, the
839 court shall determine whether any of the following facts exist,
840 and the existence of any such fact creates a presumption that
841 the defendant is not indigent:

842 1. The defendant has been released on bail in the amount
843 of \$5,000 or more.

844 2. The defendant owns, or has equity in, any intangible or
845 tangible personal property or real property or the expectancy of
846 an interest in any such property.

847 3. The defendant retained private counsel immediately
848 before or after filing the affidavit asserting indigency
849 pursuant to subsection (1).

850 (d) A nonindigent parent or legal guardian of an accused
851 minor or an accused adult tax-dependent person shall furnish the
852 minor or dependent person with the necessary legal services and
853 costs incident to a delinquency proceeding or, upon transfer of
854 such person for criminal prosecution as an adult pursuant to
855 chapter 985, a criminal prosecution, in which the person has a
856 right to legal counsel under the Constitution of the United
857 States or the Constitution of the State of Florida. The failure
858 of a parent or legal guardian to furnish legal services and
859 costs under this section does not bar the appointment of legal
860 counsel pursuant to s. 27.40 or s. 27.53. When the public
861 defender, a special assistant public defender appointed pursuant
862 to s. 27.53(2), or a appointed private attorney ~~legal counsel~~ is
863 appointed to represent an accused minor or an accused adult tax-
864 dependent person in any proceeding in circuit court or in a
865 criminal proceeding in any other court, the parents or the legal



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866 guardian shall be liable for the fees and costs of such
867 representation even if the person is a minor being tried as an
868 adult. Liability for the costs of such representation may be
869 imposed in the form of a lien against the property of the
870 nonindigent parents or legal guardian of the accused minor or
871 accused adult tax-dependent person, which lien is enforceable as
872 provided in ~~s. 27.561~~ or s. 938.29. The court shall determine
873 the amount of the obligation; and, in determining the amount of
874 the obligation, the court shall follow the procedure outlined by
875 this section.

876 (4)~~(3)~~ If the trial court determines, ~~within 2 years after~~
877 ~~the determination of indigency,~~ that any accused was erroneously
878 or improperly determined to be indigent, the state attorney
879 shall, in the name of the state, proceed against such accused
880 for the reasonable value of the services rendered to the
881 accused, ~~and~~ including all costs paid by the state ~~or county~~ in
882 his or her behalf. Any amount recovered shall be remitted to the
883 Department of Revenue for deposit into the General Revenue Fund
884 ~~board of county commissioners of the county wherein the accused~~
885 ~~was tried. The funds shall be deposited in the fine and~~
886 ~~forfeiture fund of that county and be used to defray the~~
887 ~~expenses incurred by the county with respect to the defense of~~
888 ~~defendants in criminal prosecutions.~~

889 (5) An individual determined to be indigent and seeking to
890 defer payment of fees, charges, or costs imposed by operation of
891 law or order of the court under this section or any other
892 provision of general law imposing fees, charges, or costs, shall
893 be enrolled by the clerk in a payment program to recover unpaid
894 costs in full, with periodic payment amounts corresponding to
895 the individual's ability to pay.



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896 Section 13. Section 27.53, Florida Statutes, is amended to
897 read:

898 27.53 Appointment of assistants and other staff; method of
899 payment.--

900 (1) The public defender of each judicial circuit is
901 authorized to employ and establish, in such numbers as
902 authorized by the General Appropriations Act ~~as he or she shall~~
903 ~~determine~~, assistant public defenders, ~~investigators~~, and other
904 staff personnel pursuant to s. 29.006, who shall be paid from
905 funds appropriated for that purpose. Notwithstanding the
906 provisions of s. 790.01, s. 790.02, or s. 790.25(2)(a), an
907 investigator employed by a public defender, while actually
908 carrying out official duties, is authorized to carry concealed
909 weapons if the investigator complies with s. 790.25(3)(o).
910 However, such investigators are not eligible for membership in
911 the Special Risk Class of the Florida Retirement System. The
912 public defenders of all judicial circuits shall jointly develop
913 a coordinated classification and pay plan which shall be
914 submitted on or before January 1 of each year to the Justice
915 Administrative Commission, the office of the President of the
916 Senate, and the office of the Speaker of the House of
917 Representatives. Such plan shall be developed in accordance with
918 policies and procedures of the Executive Office of the Governor
919 established in s. 216.181. Each assistant public defender
920 appointed by a public defender under this section shall serve at
921 the pleasure of the public defender. Each investigator employed
922 by a public defender shall have full authority to serve any
923 witness subpoena or court order issued, by any court or judge
924 within the judicial circuit served by such public defender, in a



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925 criminal case in which such public defender has been appointed
926 to represent the accused.

927 (2) Any member in good standing of The Florida Bar, ~~in~~
928 ~~good standing~~, may register his or her availability to the
929 public defender of any judicial circuit for acceptance of
930 special assignments pro bono ~~without salary~~ to represent
931 indigent defendants. The attorney may be reimbursed for expenses
932 in accordance with s. 29.007. Such persons shall be listed and
933 referred to as special assistant public defenders ~~and be paid a~~
934 ~~fee and costs and expenses as provided in s. 925.036.~~ A special
935 assistant public defender may not reassign or subcontract a case
936 to another attorney.

937 ~~(3) If, at any time during the representation of two or~~
938 ~~more indigents, the public defender determines that the~~
939 ~~interests of those accused are so adverse or hostile that they~~
940 ~~cannot all be counseled by the public defender or his or her~~
941 ~~staff without conflict of interest, or that none can be~~
942 ~~counseled by the public defender or his or her staff because of~~
943 ~~conflict of interest, the public defender shall file a motion to~~
944 ~~withdraw and move the court to appoint other counsel. The court~~
945 ~~shall review and may inquire or conduct a hearing into the~~
946 ~~adequacy of the public defender's representations regarding a~~
947 ~~conflict of interest without requiring the disclosure of any~~
948 ~~confidential communications. The court shall permit withdrawal~~
949 ~~unless the court determines that the asserted conflict is not~~
950 ~~prejudicial to the indigent client. If the court grants the~~
951 ~~motion to withdraw, it may appoint one or more members of The~~
952 ~~Florida Bar, who are in no way affiliated with the public~~
953 ~~defender, in his or her capacity as such, or in his or her~~
954 ~~private practice, to represent those accused. However, the trial~~



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955 ~~court shall appoint such other counsel upon its own motion when~~
 956 ~~the facts developed upon the face of the record and files in the~~
 957 ~~cause disclose such conflict. The court shall advise the~~
 958 ~~appropriate public defender and clerk of court, in writing, when~~
 959 ~~making such appointment and state the conflict prompting the~~
 960 ~~appointment. The appointed attorney shall be compensated as~~
 961 ~~provided in s. 925.036.~~

962 (3)~~(4)~~ The appropriations for the offices of public
 963 defender shall be determined by a funding formula and such other
 964 factors as may be deemed appropriate in a manner to be
 965 determined by this section ~~subsection~~ and the General ~~any~~
 966 ~~subsequent~~ Appropriations Act.

967 Section 14. Effective July 1, 2003, section 27.5301,
 968 Florida Statutes, is amended to read:

969 27.5301 Salaries of public defenders and assistant public
 970 defenders.--

971 (1) The salaries of public defenders, ~~to be paid by the~~
 972 ~~state~~, shall be as provided in the General Appropriations Act
 973 and shall be paid in equal monthly installments.

974 (2) The salary for each assistant public defender shall be
 975 set by the public defender of the same judicial circuit in an
 976 amount not to exceed 100 percent of that public defender's
 977 salary and shall be paid from funds appropriated for that
 978 purpose. Assistant public defenders who serve in less than a
 979 full-time capacity shall be compensated for services performed
 980 in an amount to be in proportion to the salary allowed for full-
 981 time services.

982 Section 15. Section 27.5303, Florida Statutes, is created
 983 to read:

984 27.5303 Public defenders; conflict of interest.--



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985 (1)(a) If, at any time during the representation of two or
986 more defendants, a public defender determines that the interests
987 of those accused are so adverse or hostile that they cannot all
988 be counseled by the public defender or his or her staff without
989 conflict of interest, or that none can be counseled by the
990 public defender or his or her staff because of a conflict of
991 interest, then the public defender shall file a motion to
992 withdraw and move the court to appoint other counsel. The public
993 defender shall submit a copy of the motion to the Justice
994 Administrative Commission at the time it is filed with the
995 court. The court shall review and may inquire or conduct a
996 hearing into the adequacy of the public defender's
997 representations regarding a conflict of interest without
998 requiring the disclosure of any confidential communications. The
999 court shall deny the motion to withdraw if the court finds the
1000 grounds for withdrawal are insufficient or the asserted conflict
1001 is not prejudicial to the indigent client. If the court grants
1002 the motion to withdraw, the court shall appoint one or more
1003 attorneys to represent the accused.

1004 (b) Upon its own motion, the court shall appoint such
1005 other counsel when the facts developed upon the face of the
1006 record and court files in the case disclose a conflict of
1007 interest. The court shall advise the appropriate public defender
1008 and clerk of court, in writing, with a copy to the Justice
1009 Administrative Commission, when making the motion and appointing
1010 one or more attorneys to represent the accused. The court shall
1011 specify the basis for the conflict.

1012 (2) In appointing conflict counsel, the court shall
1013 appoint from among those attorneys included on the statewide
1014 registry maintained by the Justice Administrative Commission



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1015 pursuant to s. 27.40, and in accordance with the selection
1016 method specified therein. The appointed attorney may not be
1017 affiliated with the public defender or any assistant public
1018 defender in his or her official capacity or any other private
1019 attorney appointed to represent a codefendant.

1020 (3) A court-appointed private attorney shall be
1021 compensated as provided in s. 27.5304 in accordance with
1022 compensation standards adopted by the Legislature after
1023 receiving recommendations from the Article V Indigent Services
1024 Advisory Board.

1025 (4)(a) If a defendant is convicted and the death sentence
1026 is imposed, the appointed attorney shall continue representation
1027 through appeal to the Supreme Court. The attorney shall be
1028 compensated as provided in s. 27.5304. If the attorney first
1029 appointed is unable to handle the appeal, the court shall
1030 appoint another attorney and that attorney shall be compensated
1031 as provided in s. 27.5304.

1032 (b) The public defender or an attorney appointed pursuant
1033 to this section may be appointed by the court rendering the
1034 judgment imposing the death penalty to represent an indigent
1035 defendant who has applied for executive clemency as relief from
1036 the execution of the judgment imposing the death penalty.

1037 (c) When the appointed attorney in a capital case has
1038 completed the duties imposed by this section, the attorney shall
1039 file a written report in the trial court stating the duties
1040 performed by the attorney and apply for discharge.

1041 Section 16. Section 27.5304, Florida Statutes, is created
1042 to read:

1043 27.5304 Private court-appointed counsel; compensation.--



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1044 (1) A private court-appointed attorney shall be
1045 compensated by the Justice Administrative Commission in
1046 accordance with standards adopted by the Legislature after
1047 receiving recommendations from the Article V Indigent Services
1048 Advisory Board. However, compensation shall not exceed the
1049 maximum fee limits established by this section. The attorney
1050 also shall be reimbursed for reasonable and necessary expenses
1051 in accordance with s. 29.007. If the attorney is representing a
1052 defendant charged with more than one offense in the same case,
1053 the attorney shall be compensated at the rate provided for the
1054 most serious offense for which he or she represented the
1055 defendant. This section does not allow stacking of the fee
1056 limits established by this section.

1057 (2) Prior to filing a motion for an order approving
1058 payment of attorney's fees, costs, or related expenses, the
1059 private court-appointed counsel shall deliver a copy of the
1060 intended billing, together with supporting affidavits and all
1061 other necessary documentation, to the Justice Administrative
1062 Commission. The Justice Administrative Commission shall have 10
1063 business days after receipt to review the billings, affidavit,
1064 and documentation for completeness and compliance with
1065 contractual and statutory requirements. If the Justice
1066 Administrative Commission objects to any portion of the proposed
1067 billing, the objection and reasons therefor shall be
1068 communicated to the court-appointed counsel. The private court-
1069 appointed counsel may thereafter file his or her motion for
1070 order approving payment of attorney's fees, costs, or related
1071 expenses together with supporting affidavits and all other
1072 necessary documentation. The motion must specify whether the
1073 Justice Administrative Commission objects to any portion of the



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1074 billing or the sufficiency of documentation and, if so, the
1075 reasons therefor. A copy of the motion and attachments shall be
1076 served on the Justice Administrative Commission. The Justice
1077 Administrative Commission shall have standing to appear before
1078 the court to contest any motion for order approving payment of
1079 attorney's fees, costs, or related expenses. The fact that the
1080 Justice Administrative Commission has not objected to any
1081 portion of the billing or to the sufficiency of the
1082 documentation is not binding on the court. The court retains
1083 primary authority and responsibility for determining the
1084 reasonableness of all billings for fees, costs, and related
1085 expenses, subject to statutory limitations.

1086 (3) The compensation for representation in a criminal
1087 proceeding shall not exceed the following:

1088 (a)1. For misdemeanors and juveniles represented at the
1089 trial level: \$1,000.

1090 2. For noncapital, nonlife felonies represented at the
1091 trial level: \$2,500.

1092 3. For life felonies represented at the trial level:
1093 \$3,000.

1094 4. For capital cases represented at the trial level:
1095 \$3,500.

1096 5. For representation on appeal: \$2,000.

1097 (b) If a death sentence is imposed and affirmed on appeal
1098 to the Supreme Court, the appointed attorney shall be allowed
1099 compensation, not to exceed \$1,000, for attorney's fees and
1100 costs incurred in representing the defendant as to an
1101 application for executive clemency, with compensation to be paid
1102 out of general revenue from funds budgeted to the Department of
1103 Corrections.



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1104 (4) By January 1, 2004, the Article V Indigent Services
 1105 Advisory Board shall recommend to the Legislature proposed
 1106 compensation standards for private attorneys providing
 1107 representation in a civil proceeding in which court-appointed
 1108 counsel is required.

1109 (5) If counsel is entitled to receive compensation for
 1110 representation pursuant to court appointment in a termination of
 1111 parental rights proceeding under s. 39.0134, such compensation
 1112 shall not exceed \$1,000 at the trial level and \$2,500 at the
 1113 appellate level.

1114 (6) A private attorney appointed in lieu of the public
 1115 defender to represent an indigent defendant may not reassign or
 1116 subcontract the case to another attorney.

1117 Section 17. Section 27.54, Florida Statutes, is amended to
 1118 read:

1119 27.54 Expenditures for public defender's office.--

1120 (1) All payments for the salary of the public defender and
 1121 the necessary expenses of office, including salaries of
 1122 assistants and staff, shall be considered as being for a valid
 1123 public purpose. Travel expenses shall be paid in accordance with
 1124 the provisions of s. 112.061.

1125 (2) No county or municipality shall appropriate or
 1126 contribute funds to the operation of the offices of the various
 1127 public defenders, except that a county or municipality may
 1128 appropriate or contribute funds to:

1129 ~~(a) Pay the salary of one assistant public defender whose~~
 1130 ~~sole function shall be to defend indigents charged with~~
 1131 ~~violations of special laws or with violations of ordinances of~~
 1132 ~~the county or municipality.~~



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1133 ~~(b)~~ employ legal and support staff to be supervised by the
1134 public defender upon certification by the public defender that
1135 inadequate resources will result in withdrawal from current
1136 cases or inability to accept additional appointments.

1137 ~~(3) The public defenders shall be provided by the counties
1138 within their judicial circuits with such office space,
1139 utilities, telephone services, custodial services, library
1140 services, transportation services, and communication services as
1141 may be necessary for the proper and efficient functioning of
1142 these offices, except as otherwise provided in the General
1143 Appropriations Act. The public defender's offices shall also be
1144 provided with pretrial consultation fees for expert or other
1145 potential witnesses consulted before trial by the public
1146 defender; travel expenses incurred in criminal cases by a public
1147 defender in connection with out-of-jurisdiction depositions;
1148 out-of-state and out-of-jurisdiction travel expenses incurred by
1149 public defenders or by investigators of public defenders while
1150 attempting to locate and interrogate witnesses for the public
1151 defender in the defense of a criminal case; court reporter costs
1152 incurred by the public defender during the course of an
1153 investigation and criminal prosecution, which costs are
1154 certified by the public defender as being useful and necessary
1155 in the preparation of a criminal defense, provided that nothing
1156 herein shall be construed to prohibit the county from contesting
1157 the reasonableness of the expenditure in the court wherein the
1158 criminal case is brought; postindictment and postinformation
1159 deposition costs incurred by the public defender during the
1160 course of a criminal prosecution of an indigent defendant when
1161 such costs are certified by the public defender as being useful
1162 and necessary in the preparation of a criminal defense, provided~~



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1163 ~~that nothing herein shall be construed to prohibit the county~~
1164 ~~from contesting the reasonableness of the expenditure in the~~
1165 ~~court wherein the criminal case is brought; and the cost of~~
1166 ~~copying depositions of defense witnesses taken by the state~~
1167 ~~attorney when such costs are certified by the public defender as~~
1168 ~~being useful and necessary in the preparation of a criminal~~
1169 ~~defense, provided that nothing herein shall be construed to~~
1170 ~~prohibit the county from contesting the reasonableness of the~~
1171 ~~expenditure in the court wherein the criminal case is brought.~~
1172 ~~The office space and utilities to be provided by the counties~~
1173 ~~shall not be less than the standards for space allotment adopted~~
1174 ~~by the Department of Management Services. The counties shall not~~
1175 ~~provide less of these services than were provided in the~~
1176 ~~previous fiscal year.~~

1177 ~~(3)(4)~~ No public defender or assistant public defender
1178 shall receive from any county or municipality any supplemental
1179 salary, except as provided in this section.

1180 Section 18. Section 27.562, Florida Statutes, is amended
1181 to read:

1182 27.562 Disposition of funds.--All funds collected pursuant
1183 to s. 938.29, ~~except the application fee imposed under s. 27.52,~~
1184 shall be remitted to the Department of Revenue for deposit into
1185 the General Revenue Fund ~~board of county commissioners of the~~
1186 ~~county in which the judgment was entered. Such funds shall be~~
1187 ~~placed in the fine and forfeiture fund of that county to be used~~
1188 ~~to defray the expenses incurred by the county in defense of~~
1189 ~~criminal prosecutions. All judgments entered pursuant to this~~
1190 ~~part shall be in the name of the state county in which the~~
1191 ~~judgment was rendered.~~



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1192 Section 19. Section 27.58, Florida Statutes, is amended to
 1193 read:

1194 27.58 Administration of Public Defender Services.--The
 1195 public defender of each judicial circuit of the state shall be
 1196 the chief administrator of all public defender services
 1197 authorized under s. 27.51 within the circuit ~~whether such~~
 1198 ~~services are rendered by the state or county public defenders.~~

1199 Section 20. Paragraph (b) of subsection (3) of section
 1200 27.702, Florida Statutes, is amended to read:

1201 27.702 Duties of the capital collateral regional counsel;
 1202 reports.--

1203 (3)

1204 (b) The court having jurisdiction over any nonindigent or
 1205 indigent-but-able-to-contribute defendant who has been receiving
 1206 the services of the capital collateral regional counsel may
 1207 assess attorney's fees and costs against the defendant at any
 1208 stage in the proceedings as the court may deem appropriate. The
 1209 determination of indigency or nonindigency of any defendant
 1210 shall be made ~~by the court~~ pursuant to s. 27.52. Liability for
 1211 the costs of such representation may be imposed in the form of a
 1212 lien against the property of the nonindigent or indigent-but-
 1213 able-to-contribute defendant, which lien shall be enforceable as
 1214 provided in ~~s. 27.561~~ or s. 938.29.

1215 Section 21. Section 28.215, Florida Statutes, is created
 1216 to read:

1217 28.215 Pro se assistance.--The clerk of the circuit court
 1218 shall provide assistance to pro se litigants. Assistance shall
 1219 not include providing legal advice.

1220 Section 22. Section 28.24, Florida Statutes, is amended to
 1221 read:



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1222 28.24 Service charges by clerk of the circuit court.--The
 1223 clerk of the circuit court shall make the following charges for
 1224 services rendered by the clerk's office in recording documents
 1225 and instruments and in performing the duties enumerated.
 1226 However, in those counties where the clerk's office operates as
 1227 a fiscal unit of the county pursuant to s. 145.022(1), the clerk
 1228 shall not charge the county for such services, except for
 1229 charges for court-related services when the county or
 1230 municipality is a party to the action. Notwithstanding any other
 1231 provision of this section, the clerk of the circuit court shall
 1232 provide without charge to any justice, judge, state attorney, or
 1233 public defender, or any court staff acting on behalf of any
 1234 justice, judge, state attorney, or public defender, access to
 1235 and copies of any public records, notwithstanding the exempt or
 1236 confidential nature of such public records, which are held by
 1237 the clerk of the circuit court under general law or the Rules of
 1238 Judicial Administration.

Charges

1242	(1) For court attendance by each clerk or deputy clerk,	
1243	per day	\$75.00
1244	(2) For court minutes, per page	5.00
1245	<u>(1)</u> (3) For examining, comparing, correcting, verifying,	
1246	and certifying transcripts of record in appellate proceedings,	
1247	prepared by attorney for appellant or someone else other than	
1248	clerk, per page	3.00
1249	<u>(2)</u> (4) For preparing, numbering, and indexing an original	
1250	record of appellate proceedings, per instrument	2.00



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1251	<u>(3)</u> (5)	For certifying copies of any instrument in the	
1252		public records	1.00
1253	<u>(4)</u> (6)	For verifying any instrument presented for	
1254		certification prepared by someone other than clerk, per page	
1255		2.00
1256	(7)	For making and reporting payrolls of jurors to State	
1257		Comptroller, per page, per copy.....	5.00
1258	<u>(5)</u> (8)	(a) For making copies by photographic process of any	
1259		instrument in the public records consisting of pages of not more	
1260		than 14 inches by 8 ¹ / ₂ inches, per page.....	1.00
1261		(b) For making copies by photographic process of any	
1262		instrument in the public records of more than 14 inches by 8 ¹ / ₂	
1263		inches, per page	5.00
1264	<u>(6)</u> (9)	For making microfilm copies of any public records:	
1265		(a) 16 mm 100' microfilm roll.....	
1266		25.00	
1267		(b) 35 mm 100' microfilm roll.....	
1268		35.00	
1269		(c) Microfiche, per fiche.....	2.00
1270	<u>(7)</u> (10)	For copying any instrument in the public records	
1271		by other than photographic process, per page	4.00
1272	<u>(8)</u> (11)	For writing any paper other than herein	
1273		specifically mentioned, same as for copying, including signing	
1274		and sealing.....	4.00
1275	<u>(9)</u> (12)	For indexing each entry not recorded	1.00
1276	<u>(10)</u> (13)	For receiving money into the registry of court:	
1277		(a)1. First \$500, percent.....	2
1278		2. Each subsequent \$100, percent.....	1
1279		(b) Eminent domain actions, per deposit	
1280		\$100.00



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1281 (11)~~(14)~~ For examining, certifying, and recording plats
 1282 and for recording condominium exhibits larger than 14 inches by
 1283 8¹/₂ inches:

1284 (a) First page
 1285 30.00

1286 (b) Each additional page.....
 1287 15.00

1288 (12)~~(15)~~ For recording, indexing, and filing any
 1289 instrument not more than 14 inches by 8¹/₂ inches, including
 1290 required notice to property appraiser where applicable:

1291 (a) First page or fraction thereof 5.00

1292 (b) Each additional page or fraction thereof 4.00

1293 (c) For indexing instruments recorded in the official
 1294 records which contain more than four names, per additional name
 1295 1.00

1296 (d) An additional service charge shall be paid to the
 1297 clerk of the circuit court to be deposited in the Public Records
 1298 Modernization Trust Fund for each instrument listed in s.
 1299 28.222, except judgments received from the courts and notices of
 1300 lis pendens, recorded in the official records:

1301 1. First page 1.00

1302 2. Each additional page 0.50

1303

1304 Said fund shall be held in trust by the clerk and used
 1305 exclusively for equipment and maintenance of equipment,
 1306 personnel training, and technical assistance in modernizing the
 1307 public records system of the office. In a county where the duty
 1308 of maintaining official records exists in an office other than
 1309 the office of the clerk of the circuit court, the clerk of the
 1310 circuit court is entitled to 25 percent of the moneys deposited



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1311 into the trust fund for equipment, maintenance of equipment,
 1312 training, and technical assistance in modernizing the system for
 1313 storing records in the office of the clerk of the circuit court.
 1314 The fund may not be used for the payment of travel expenses,
 1315 membership dues, bank charges, staff-recruitment costs, salaries
 1316 or benefits of employees, construction costs, general operating
 1317 expenses, or other costs not directly related to obtaining and
 1318 maintaining equipment for public records systems or for the
 1319 purchase of furniture or office supplies and equipment not
 1320 related to the storage of records. On or before December 1,
 1321 1995, and on or before December 1 of each year immediately
 1322 preceding each year during which the trust fund is scheduled for
 1323 legislative review under s. 19(f)(2), Art. III of the State
 1324 Constitution, each clerk of the circuit court shall file a
 1325 report on the Public Records Modernization Trust Fund with the
 1326 President of the Senate and the Speaker of the House of
 1327 Representatives. The report must itemize each expenditure made
 1328 from the trust fund since the last report was filed; each
 1329 obligation payable from the trust fund on that date; and the
 1330 percentage of funds expended for each of the following:
 1331 equipment, maintenance of equipment, personnel training, and
 1332 technical assistance. The report must indicate the nature of the
 1333 system each clerk uses to store, maintain, and retrieve public
 1334 records and the degree to which the system has been upgraded
 1335 since the creation of the trust fund.

- 1336 (13)~~(16)~~ Oath, administering, attesting, and sealing, not
 1337 otherwise provided for herein 2.00
- 1338 (14)~~(17)~~ For validating certificates, any authorized
 1339 bonds, each..... 2.00
- 1340 (15)~~(18)~~ For preparing affidavit of domicile 5.00



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1341	<u>(16)</u> (19)	For exemplified certificates, including signing	
1342		and sealing.....	4.00
1343	<u>(17)</u> (20)	For authenticated certificates, including signing	
1344		and sealing.....	4.00
1345	<u>(18)</u> (21)	(a) For issuing and filing a subpoena for a	
1346		witness, not otherwise provided for herein (includes writing,	
1347		preparing, signing, and sealing).....	4.00
1348		(b) For signing and sealing only.....	1.00
1349	<u>(19)</u> (22)	For issuing venire facias (includes writing,	
1350		preparing, signing, and sealing).....	5.00
1351	<u>(20)</u> (23)	For paying of witnesses and making and reporting	
1352		payroll to State Comptroller, per copy, per page	5.00
1353	<u>(21)</u> (24)	For approving bond.....	5.00
1354	<u>(22)</u> (25)	For searching of records, for each year's search	
1355		1.00
1356	<u>(23)</u> (26)	For processing an application for a tax deed sale	
1357		(includes application, sale, issuance, and preparation of tax	
1358		deed, and disbursement of proceeds of sale), other than excess	
1359		proceeds	
1360			60.00
1361	<u>(24)</u> (27)	For disbursement of excess proceeds of tax deed	
1362		sale, first \$100 or fraction thereof.....	
1363			10.00
1364	<u>(25)</u> (28)	Upon receipt of an application for a marriage	
1365		license, for preparing and administering of oath; issuing,	
1366		sealing, and recording of the marriage license; and providing a	
1367		certified copy	
1368			20.00
1369	<u>(26)</u> (29)	For solemnizing matrimony	
1370			20.00



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1371 (27)~~(30)~~ For sealing any court file or expungement of any
 1372 record
 1373 25.00
 1374 (28)~~(31)~~ For receiving and disbursing all restitution
 1375 payments, per payment 2.00
 1376 (29)~~(32)~~ Postal charges incurred by the clerk of the
 1377 circuit court in any mailing by certified or registered mail
 1378 shall be paid by the party at whose instance the mailing is
 1379 made.
 1380 (30)~~(33)~~ For furnishing an electronic copy of information
 1381 contained in a computer database: a fee as provided for in
 1382 chapter 119.
 1383 Section 23. Section 28.2401, Florida Statutes, is amended
 1384 to read:
 1385 28.2401 Service charges in probate matters.--
 1386 (1) Except when otherwise provided, the service charges
 1387 for the following services shall be:
 1388 (a) For the opening of any estate of one document or more,
 1389 including, but not limited to, petitions and orders to approve
 1390 settlement of minor's claims; to open a safe-deposit box; to
 1391 enter rooms and places; for the determination of heirs, if not
 1392 formal administration; and for a foreign guardian to manage
 1393 property of a nonresident; but not to include issuance of
 1394 letters or order of summary and family administration\$20.00
 1395 (b) Caveat 15.00
 1396 (c) Petition and order to admit foreign wills,
 1397 authenticated copies, exemplified copies, or transcript to
 1398 record
 1399 30.00



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1400 (d) For disposition of personal property without
 1401 administration..... 20.00
 1402 (e) Summary administration..... 35.00
 1403 (f) Family administration..... 45.00
 1404 (g) Formal administration, guardianship, ancillary,
 1405 curatorship, or conservatorship proceedings 75.00
 1406 (h) Guardianship proceedings of person only ... 25.00
 1407 (i) Veterans' guardianship pursuant to chapter 744
 1408 25.00
 1409 (j) Exemplified certificates..... 4.00
 1410 (k) Petition for determination of incompetency
 1411 25.00
 1412 (2) Upon application by the clerk and a showing of
 1413 extraordinary circumstances, the service charges set forth in
 1414 this section may be increased in an individual matter by order
 1415 of the circuit court before which the matter is pending, to more
 1416 adequately compensate for the services performed.
 1417 (3) ~~Service charges in excess of those fixed in this~~
 1418 ~~section may be imposed by the governing authority of the county~~
 1419 ~~by ordinance, or by special or local law, to provide and~~
 1420 ~~maintain facilities, including a law library; to provide and~~
 1421 ~~maintain equipment; or to provide or maintain a legal aid~~
 1422 ~~program.~~ Service charges other than those fixed in this section
 1423 shall be governed by s. 28.24. An additional service charge of
 1424 \$2.50 on petitions seeking summary administration, family
 1425 administration, formal administration, ancillary administration,
 1426 guardianship, curatorship, and conservatorship shall be paid to
 1427 the clerk. The clerk shall transfer the \$2.50 to the Department
 1428 of Revenue for deposit into the Court Education Trust Fund.



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1429 (4) Recording shall be required for all petitions opening
1430 and closing an estate; petitions regarding real estate; and
1431 orders, letters, bonds, oaths, wills, proofs of wills, returns,
1432 and such other papers as the judge shall deem advisable to
1433 record or that shall be required to be recorded under the
1434 Florida Probate Law.

1435 Section 24. Effective July 1, 2003, subsection (1) of
1436 section 28.241, Florida Statutes, is amended to read:

1437 28.241 Filing charges for trial and appellate
1438 proceedings.--

1439 (1)(a) The party instituting any civil action, suit, or
1440 proceeding in the circuit court shall pay to the clerk of that
1441 court a service charge of \$40 in all cases in which there are
1442 not more than five defendants and an additional service charge
1443 of \$2 for each defendant in excess of five. An additional
1444 service charge of \$10 shall be paid by the party seeking each
1445 severance that is granted. An additional service charge of \$35
1446 shall be paid to the clerk for all proceedings of garnishment,
1447 attachment, replevin, and distress. An additional service charge
1448 of \$8 shall be paid to the clerk for each civil action filed, \$7
1449 of such charge to be remitted by the clerk to the Department of
1450 Revenue for deposit into the General Revenue Fund unallocated.
1451 An additional charge of \$2.50 shall be paid to the clerk for
1452 each civil action brought in circuit or county court, to be
1453 remitted by the clerk to the Department of Revenue for deposit
1454 into the Court Education Trust Fund. Service charges in excess
1455 of those herein fixed may be imposed by the governing authority
1456 of the county by ordinance or by special or local law; and such
1457 excess shall be expended as provided by such ordinance or any
1458 special or local law, now or hereafter in force, to provide and



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1459 maintain facilities, including a law library, for the use of the
1460 courts of the county wherein the service charges are collected;
1461 to provide and maintain equipment; or for a legal aid program in
1462 such county. In addition, the county is authorized to impose, by
1463 ordinance or by special or local law, a fee of up to \$15 for
1464 each civil action filed, for the establishment, maintenance, or
1465 supplementation of a public guardian pursuant to ss. 744.701-
1466 744.708, inclusive. Postal charges incurred by the clerk of the
1467 circuit court in making service by certified or registered mail
1468 on defendants or other parties shall be paid by the party at
1469 whose instance service is made. That part of the within fixed or
1470 allowable service charges which is not by local or special law
1471 applied to the special purposes shall constitute the total
1472 service charges of the clerk of such court for all services
1473 performed by him or her in civil actions, suits, or proceedings.
1474 The sum of all service charges and fees permitted under this
1475 subsection may not exceed \$200; however, the \$200 cap may be
1476 increased to \$210 in order to provide for the establishment,
1477 maintenance, or supplementation of a public guardian as
1478 indicated in this subsection.

1479 (b) Beginning July 1, 2003, a party reopening any civil
1480 action, suit, or proceeding in the circuit court shall pay to
1481 the clerk of that court a filing fee of \$50. Of fees collected
1482 for any civil action, suit, or proceeding reopened in the
1483 circuit court between July 1, 2003, and June 30, 2004, the clerk
1484 shall remit \$49 of each \$50 collected to the Department of
1485 Revenue for deposit into the Grants and Donations Trust Fund
1486 within the Justice Administrative Commission and shall retain
1487 the remaining \$1 for administrative costs. Of fees collected for
1488 any civil action, suit, or proceeding reopened in the circuit



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1489 court beginning July 1, 2004, the clerk shall retain the entire
1490 \$50 to fund court-related functions performed by the clerk. In
1491 the case of a petition for modification of a final judgment of
1492 dissolution, the amount of the fee paid pursuant to s. 44.108
1493 shall be deducted from the portion of the fee required in this
1494 paragraph which is not retained by the clerk. For purposes of
1495 this section, a case is reopened when a case previously reported
1496 as disposed of is resubmitted to a court.

1497 Section 25. Section 28.241, Florida Statutes, as amended
1498 by this act, is amended to read:

1499 28.241 Filing fees ~~charges~~ for trial and appellate
1500 proceedings.--

1501 (1)(a) The party instituting any civil action, suit, or
1502 proceeding in the circuit court shall pay to the clerk of that
1503 court a filing fee ~~service charge~~ of \$40 in all cases in which
1504 there are not more than five defendants and an additional filing
1505 fee ~~service charge~~ of \$2 for each defendant in excess of five.
1506 An additional filing fee ~~service charge~~ of \$10 shall be paid by
1507 the party seeking each severance that is granted. An additional
1508 filing fee ~~service charge~~ of \$35 shall be paid to the clerk for
1509 all proceedings of garnishment, attachment, replevin, and
1510 distress. An additional filing fee ~~service charge~~ of \$8 shall be
1511 paid to the clerk for each civil action filed, \$7 of such fee
1512 ~~charge~~ to be remitted by the clerk to the Department of Revenue
1513 for deposit into the General Revenue Fund unallocated. An
1514 additional fee ~~charge~~ of \$2.50 shall be paid to the clerk for
1515 each civil action brought in circuit or county court, to be
1516 remitted by the clerk to the Department of Revenue for deposit
1517 into the Court Education Trust Fund. Service charges in excess
1518 of those herein fixed may be imposed by the clerk of the court



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1519 as deemed necessary for the sole purpose of funding court-
1520 related functions performed by the clerk and not otherwise
1521 reimbursable by the board of county commissioners. governing
1522 authority of the county by ordinance or by special or local law;
1523 and such excess shall be expended as provided by such ordinance
1524 or any special or local law, now or hereafter in force, to
1525 provide and maintain facilities, including a law library, for
1526 the use of the courts of the county wherein the service charges
1527 are collected; to provide and maintain equipment; or for a legal
1528 aid program in such county. In addition, the county is
1529 authorized to impose, by ordinance or by special or local law, a
1530 fee of up to \$15 for each civil action filed, for the
1531 establishment, maintenance, or supplementation of a public
1532 guardian pursuant to ss. 744.701-744.708, inclusive. Postal
1533 charges incurred by the clerk of the circuit court in making
1534 service by certified or registered mail on defendants or other
1535 parties shall be paid by the party at whose instance service is
1536 made. That part of the within fixed or allowable service charges
1537 which is not by local or special law applied to the special
1538 purposes shall constitute the total service charges of the clerk
1539 of such court for all services performed by him or her in civil
1540 actions, suits, or proceedings. The sum of all filing service
1541 charges and fees permitted under this subsection may not exceed
1542 \$200; however, the \$200 cap may be increased to \$210 in order to
1543 provide for the establishment, maintenance, or supplementation
1544 of a public guardian as indicated in this subsection.

1545 (b) Beginning July 1, 2003, a party reopening any civil
1546 action, suit, or proceeding in the circuit court shall pay to
1547 the clerk of that court a filing fee of \$50. Of fees collected
1548 for any civil action, suit, or proceeding reopened in the



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1549 ~~circuit court between July 1, 2003, and June 30, 2004, the clerk~~
1550 ~~shall remit \$49 of each \$50 collected to the Department of~~
1551 ~~Revenue for deposit into the Grants and Donations Trust Fund~~
1552 ~~within the Justice Administrative Commission and shall retain~~
1553 ~~the remaining \$1 for administrative costs.~~ Of fees collected for
1554 any civil action, suit, or proceeding reopened in the circuit
1555 court beginning July 1, 2004, the clerk shall retain the entire
1556 \$50 to fund court-related functions performed by the clerk. In
1557 the case of a petition for modification of a final judgment of
1558 dissolution, the amount of the fee paid pursuant to s. 44.108
1559 shall be deducted from the portion of the fee required in this
1560 paragraph which is not retained by the clerk. For purposes of
1561 this section, a case is reopened when a case previously reported
1562 as disposed of is resubmitted to a court.

1563 ~~(2) The clerk of the circuit court of any county in the~~
1564 ~~state who operates his or her office from fees and service~~
1565 ~~charges collected, as opposed to budgeted allocations from~~
1566 ~~county general revenue, shall be paid by the county as service~~
1567 ~~charges for all services to be performed by him or her in any~~
1568 ~~criminal or juvenile action or proceeding in such court, in lieu~~
1569 ~~of all other service charges heretofore charged, except as~~
1570 ~~hereinafter provided, the sum of \$40 for each defendant or~~
1571 ~~juvenile. However, in cases involving capital punishment the~~
1572 ~~charge shall be \$50. In any county where a law creates a law~~
1573 ~~library fund or other special fund, this charge may be increased~~
1574 ~~for that purpose by a special or local law or an ordinance. The~~
1575 ~~sum of all service charges and fees permitted under this~~
1576 ~~subsection may not exceed \$200.~~

1577 ~~(2)(3)~~ Upon the institution of any appellate proceeding
1578 from any inferior court to the circuit court of any such county



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1579 or from the circuit court to an appellate court of the state,
1580 the clerk shall charge and collect from the party or parties
1581 instituting such appellate proceedings a filing fee service
1582 ~~charge~~ of \$75 for filing a notice of appeal from an inferior
1583 court and \$50 for filing a notice of appeal to a higher court.

1584 (3)(4) A filing service charge or a fee may not be imposed
1585 upon a party for responding by pleading, motion, or other paper
1586 to a civil or criminal action, suit, proceeding, or appeal in a
1587 circuit court.

1588 (4)(5) The fees prescribed in this section do not include
1589 the service charges required by law for the clerk as provided in
1590 s. 28.24 or by other sections of the Florida Statutes. Filing
1591 fees ~~Service charges~~ authorized by this section may not be added
1592 to any civil penalty imposed by chapter 316 or chapter 318.

1593 Section 26. Section 28.245, Florida Statutes, is amended
1594 to read:

1595 28.245 Transmittal of funds to Department of Revenue;
1596 uniform remittance form required.--Notwithstanding any other
1597 provision of law, all moneys collected by the clerks of the
1598 court for subsequent distribution must be transmitted
1599 electronically to a state agency or to the Supreme Court ~~must be~~
1600 ~~transmitted to~~ the Department of Revenue for appropriate
1601 distribution. A uniform remittance form provided by the
1602 Department of Revenue detailing the specific amounts due each
1603 fund must accompany such submittal.

1604 Section 27. Effective July 1, 2003, section 28.246,
1605 Florida Statutes, is created to read:

1606 28.246 Payment of court-related fees, charges, and costs;
1607 partial payments; distribution of funds.--



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1608 (1) Beginning July 1, 2003, the clerk of the circuit court
1609 shall report the following information to the Legislature on a
1610 form developed by the Department of Financial Services:

1611 (a) The total amount of mandatory fees, services charges,
1612 and costs; the total amount actually assessed; the total amount
1613 discharged or waived; and the total amount collected.

1614 (b) The maximum amount of discretionary fees, service
1615 charges, and costs authorized; the total amount actually
1616 assessed; the total amount discharged or waived; and the total
1617 amount collected.

1618 (c) The total amount of mandatory fines and other monetary
1619 penalties; the total amount assessed; the total amount
1620 discharged or waived; and the total amount collected.

1621 (d) The maximum amount of mandatory fines and other
1622 monetary penalties; the total amount assessed; the total amount
1623 discharged or waived; and the total amount collected.

1624
1625 The clerk shall submit the report on a quarterly basis 30 days
1626 after the end of the quarter for the period from July 1, 2003
1627 through June 30, 2004, and on an annual basis thereafter, 60
1628 days after the end of the county fiscal year.

1629
1630 (2) The clerk of the circuit court shall establish and
1631 maintain a system of accounts receivable for court-related fees,
1632 charges, and costs.

1633 (3) Each clerk of the circuit court shall enter into a
1634 payment plan with defendants determined to be indigent and
1635 demonstrating an inability to pay court-related fees, charges,
1636 and costs in full.



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1637 (4) The clerk of the circuit court shall accept partial
1638 payments for unpaid court-related fees, charges, and costs in
1639 accordance with the terms of an established payment plan.

1640 (5) When receiving partial payment of fees, service
1641 charges, court costs, and fines, clerks shall distribute funds
1642 according to the following order of priority:

1643 (a) That portion of fees, services charges, court costs,
1644 and fines payable to the clerk.

1645 (b) That portion of fees, service charges, court costs,
1646 and fines payable to the state for Article V related purposes,
1647 allocated on a pro rata basis among the various authorized
1648 recipients if the total collection amount is insufficient to
1649 fully fund all such recipients as provided by law.

1650 (c) That portion of fees, service charges, court costs,
1651 and fines payable to the state General Revenue Fund.

1652 (d) That portion of fees, service charges, court costs,
1653 and fines payable to the state for other non-Article V related
1654 purposes, allocated on a pro rata basis among the various
1655 authorized recipients if the total collection amount is
1656 insufficient to fully fund all such recipients as provided by
1657 law.

1658 (e) That portion of fees, service charges, court costs,
1659 and fines payable to counties, municipalities, or other local
1660 entities, allocated on a pro rata basis among the various
1661 authorized recipients if the total collection amount is
1662 insufficient to fully fund all such recipients as provided by
1663 law.

1664
1665 To offset processing costs, clerks may retain up to 1 percent of
1666 all collections of fees, service charges, court costs, and fines



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1667 payable to other entities, except where otherwise provided in
 1668 general law.

1669 (6) A clerk of court may pursue the collection of any
 1670 finances, court costs, or other costs imposed by the court which
 1671 remain unpaid for 90 days or more, or refer such collection to a
 1672 private attorney who is a member in good standing of The Florida
 1673 Bar or collection agent who is registered and in good standing
 1674 pursuant to chapter 559. In pursuing the collection of such
 1675 unpaid financial obligations through a private attorney or
 1676 collection agent, the clerk of the court must determine this is
 1677 cost effective and follow applicable procurement practices.

1678 Section 28. Section 28.35, Florida Statutes, is created to
 1679 read:

1680 28.35 Exemption from fees and charges.--Notwithstanding
 1681 any other provision of this chapter or law to the contrary,
 1682 state attorneys and public defenders are exempt from all fees
 1683 and charges assessed by the clerks of the circuit courts.

1684 Section 29. Effective July 1, 2003, section 29.001,
 1685 Florida Statutes, is amended to read:

1686 ~~29.001 Intent; State courts system essential elements and~~
 1687 ~~definitions; funding through filing fees, service charges, and~~
 1688 ~~costs; county responsibilities.--~~

1689 ~~(1)~~ It is the intent of the Legislature that, for the
 1690 purpose of implementing s. 14, Art. V of the State Constitution,
 1691 effective July 1, 2004, the state courts system be defined to
 1692 include the enumerated ~~essential~~ elements of the Supreme Court,
 1693 district courts of appeal, circuit courts, county courts, and
 1694 certain ~~essential~~ supports thereto. ~~Similarly,~~ The offices of
 1695 public defenders and state attorneys shall include those
 1696 enumerated ~~essential~~ elements as determined by general law.



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1697 ~~Further,~~ The state attorneys' offices are defined to include the
1698 enumerated essential elements of the 20 state attorneys'
1699 offices. ~~and~~ The public defenders' offices are defined to
1700 include the enumerated essential elements of the 20 public
1701 defenders' offices. Court-appointed counsel are defined to
1702 include the enumerated elements for ~~as~~ counsel appointed to
1703 ensure due process in criminal and civil proceedings in
1704 accordance with state and federal constitutional guarantees.

1705 ~~(2) All funding for the court-related functions of the~~
1706 ~~offices of the clerks of the circuit and county courts shall be~~
1707 ~~provided by adequate and appropriate filing fees for judicial~~
1708 ~~proceedings and service charges and costs for performing court-~~
1709 ~~related functions.~~

1710 ~~(3) Pursuant to general law, counties shall be required to~~
1711 ~~fund the cost of communications services, existing radio~~
1712 ~~systems, existing multiagency criminal justice information~~
1713 ~~systems, and the cost of construction or lease, maintenance,~~
1714 ~~utilities, and security of facilities for the circuit courts and~~
1715 ~~county courts, public defenders' offices, state attorneys'~~
1716 ~~offices, and the offices of the clerks of the circuit and county~~
1717 ~~courts, as defined by general law. In addition, the counties~~
1718 ~~will continue to fund existing elements of the state courts~~
1719 ~~system, state attorneys' offices, public defenders' offices,~~
1720 ~~court-appointed counsel, and the offices of the clerks of the~~
1721 ~~circuit and county courts performing court-related functions,~~
1722 ~~consistent with current law and practice, until such time as the~~
1723 ~~Legislature expressly assumes the responsibility for funding~~
1724 ~~those elements. Counties will fund the cost of criminal cases~~
1725 ~~filed by the Office of Statewide Prosecution. Additionally, the~~
1726 ~~Legislature will define by general law those local requirements~~



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1727 ~~of the state courts system for which the counties must pay~~
1728 ~~reasonable and necessary salaries, costs, and expenses.~~

1729 ~~(4) Although a program or function currently may be funded~~
1730 ~~by the state or prescribed or established in general law, this~~
1731 ~~does not designate the program or function as an essential~~
1732 ~~element of the state courts system, state attorneys' offices,~~
1733 ~~public defenders' offices, or the offices of the circuit and~~
1734 ~~county court clerks performing court-related functions as~~
1735 ~~described in s. 14, Art. V of the State Constitution.~~

1736 Section 30. Effective July 1, 2003, section 29.002,
1737 Florida Statutes, is amended to read:

1738 29.002 Basis for funding.--

1739 (1) For the purpose of implementing s. 14, Article V of
1740 the State Constitution, the Legislature's appropriation of
1741 funding in the General Appropriations Act for appropriate
1742 salaries, costs, and expenses ~~pursuant to s. 14, Art. V of the~~
1743 ~~State Constitution~~ shall be based upon the best available
1744 revenue and expenditure data ~~reliable and auditable data~~
1745 ~~substantiating the revenues and expenditures associated with~~
1746 ~~each essential element.~~

1747 (2) Court costs, fines, and other dispositional
1748 assessments shall be ~~imposed and~~ enforced by the courts,
1749 collected by the clerks of the circuit and county courts, and
1750 disbursed ~~may be directed to the state~~ in accordance with
1751 authorizations and procedures as established ~~determined~~ by
1752 general law.

1753 ~~(3) Waiver of fees and costs for indigents in criminal or~~
1754 ~~civil actions and requests for reductions in fees and costs and~~
1755 ~~for a court-appointed attorney shall be determined through~~
1756 ~~procedures established pursuant to general law. Similarly,~~



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1757 ~~requests for reductions in fees and costs and for a court-~~
1758 ~~appointed attorney shall occur after examination, pursuant to~~
1759 ~~general law.~~

1760 Section 31. Section 29.004, Florida Statutes, is amended
1761 to read:

1762 29.004 State courts system.--For purposes of implementing
1763 s. 14, Art. V of the State Constitution, the following essential
1764 elements of the state courts system are to be funded from state
1765 revenues appropriated by general law as follows:

1766 (1) Judges appointed or elected pursuant to chapters 25,
1767 26, 34, and 35, including judicial assistants, law clerks and
1768 resource materials and essential staff, expenses, and costs as
1769 determined by general law.

1770 (2) Juror compensation and expenses ~~and reasonable juror~~
1771 ~~accommodations when necessary.~~

1772 (3) Reasonable court reporting services and transcription
1773 services necessary to meet constitutional requirements.

1774 (4) Auxiliary aids and services for qualified individuals
1775 with a disability which are necessary to ensure access to the
1776 courts. Such auxiliary aids and services include, but are not
1777 limited to, sign-language interpreters, translators, real-time
1778 transcription services for individuals who are hearing impaired,
1779 and assistive listening devices. This section does not include
1780 physical modifications to court facilities; noncourtroom
1781 communication services; or other accommodations, auxiliary aids,
1782 or services for which the counties are responsible pursuant to
1783 s. 14, Art. V of the State Constitution.

1784 (5) Construction or lease of facilities, maintenance,
1785 utilities, and security for the district courts of appeal and
1786 the Supreme Court.



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- 1787 (6) Foreign language interpreters and translators
1788 essential to comply with constitutional requirements.
- 1789 (7) ~~Staff and expenses of~~ The Judicial Qualifications
1790 Commission.
- 1791 (8) Expert witnesses not requested by any party which are
1792 appointed by the court pursuant to an express grant of statutory
1793 authority.
- 1794 (9) Masters and hearing officers.
- 1795 (10) Mediation and arbitration, limited to trial court
1796 referral of a pending judicial case to a mediator or a court-
1797 related mediation program, or to an arbitrator or a court
1798 related arbitration program, for the limited purpose of
1799 encouraging and assisting the litigants in partially or
1800 completely settling the case prior to adjudication on the merits
1801 by the court. This does not include citizen dispute settlement
1802 centers under s. 44.201 and community arbitration programs under
1803 s. 985.304.
- 1804 (11) Basic legal materials reasonably accessible to the
1805 public.
- 1806 (12) Reasonable and necessary expenses and administrative
1807 support.
- 1808 (13) Offices of the appellate clerks and marshals and
1809 appellate law libraries.

1810 Section 32. Section 29.005, Florida Statutes, is amended
1811 to read:

1812 29.005 State attorneys' offices and prosecution
1813 expenses.--For purposes of implementing s. 14, Art. V of the
1814 State Constitution, the following essential elements of the
1815 state attorneys' offices are to be funded from state revenues
1816 appropriated by general law as follows:



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1817 (1) The state attorney of each judicial circuit and
 1818 assistant state attorneys and other ~~essential~~ staff as
 1819 determined by general law.

1820 (2) Reasonable court reporting, interpreter, and
 1821 translator services necessary to meet constitutional
 1822 requirements.

1823 (3) Witnesses, including expert witnesses, summoned to
 1824 appear for an investigation, preliminary hearing, or trial in a
 1825 criminal case when the witnesses are summoned by a state
 1826 attorney.†

1827 (4) Mental health professionals ~~who are~~ appointed pursuant
 1828 to s. 394.473 and required in a court hearing involving an
 1829 indigent; and mental health professionals ~~expert witnesses who~~
 1830 ~~are~~ appointed pursuant to s. 916.115(2) and required in a court
 1831 hearing involving an indigent.

1832 (5) Travel expenses reimbursable under s. 112.061
 1833 reasonably necessary in the performance of constitutional and
 1834 statutory responsibilities.

1835 (6) Reasonable library services, other than a public law
 1836 library. For purposes of this subsection, "library services"
 1837 includes books, periodicals, and automated legal research
 1838 services, legal documents, and reference books and materials.
 1839 These materials may be provided in a courthouse facility or any
 1840 library facility.

1841 (7) Reasonable pretrial consultation fees and costs.

1842 Section 33. Section 29.006, Florida Statutes, is amended
 1843 to read:

1844 29.006 Public defenders and indigent defense costs.--For
 1845 purposes of implementing s. 14, Art. V of the State
 1846 Constitution, the following ~~essential~~ elements of the public



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1847 defenders' offices are to be funded from state revenues
 1848 appropriated by general law as follows:

1849 (1) The public defender of each judicial circuit and
 1850 assistant public defenders and other ~~essential~~ staff as
 1851 determined by general law.

1852 (2) Reasonable court reporting, interpreter, and
 1853 translator services necessary to meet constitutional
 1854 requirements or as authorized by general law.

1855 (3) Witnesses, including expert witnesses, summoned to
 1856 appear for an investigation, preliminary hearing, or trial in a
 1857 criminal case when the witnesses are summoned on behalf of an
 1858 indigent defendant.†

1859 (4) Mental health professionals ~~who are~~ appointed pursuant
 1860 to s. 394.473 and required in a court hearing involving an
 1861 indigent; and mental health professionals ~~expert witnesses who~~
 1862 ~~are~~ appointed pursuant to s. 916.115(2) and required in a court
 1863 hearing involving an indigent.

1864 (5) Travel expenses reimbursable under s. 112.061
 1865 reasonably necessary in the performance of constitutional and
 1866 statutory responsibilities.

1867 (6) Reasonable library services, other than a public law
 1868 library. For purposes of this subsection, "library services"
 1869 includes books, periodicals, and automated legal research
 1870 services, legal documents, and reference books and materials.
 1871 These materials may be provided in a courthouse facility or any
 1872 library facility.

1873 (7) Reasonable pretrial consultation fees and costs.

1874 Section 34. Section 29.007, Florida Statutes, is amended
 1875 to read:



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1876 29.007 Private court-appointed counsel.--For purposes of
 1877 implementing s. 14, Art. V of the State Constitution, the
 1878 following essential elements of private court-appointed counsel
 1879 are to be provided from state revenues appropriated by general
 1880 law as follows:

1881 (1) Private attorneys assigned by the court to handle
 1882 cases where the defendant is indigent and cannot be represented
 1883 by the public defender pursuant to s. 27.5303.

1884 (2) Private attorneys appointed by the court to represent
 1885 indigent ~~indigents~~ or other classes of litigants in civil
 1886 proceedings requiring court-appointed counsel in accordance with
 1887 state and federal constitutional guarantees and in accordance
 1888 with general law.

1889 (3) Reasonable court reporting, interpreter, and
 1890 translator services necessary to meet constitutional
 1891 requirements or as authorized by general law.

1892 (4) Witnesses, including expert witnesses, summoned to
 1893 appear for an investigation, preliminary hearing, or trial in a
 1894 criminal case when the witnesses are summoned on behalf of an
 1895 indigent defendant. ~~†~~

1896 (5) Mental health professionals who are appointed pursuant
 1897 to s. 394.473 and required in a court hearing involving an
 1898 indigent; and mental health professionals ~~expert witnesses~~ who
 1899 are appointed pursuant to s. 916.115(2) and required in a court
 1900 hearing involving an indigent.

1901 (6) Reasonable pretrial consultation fees and costs.

1902 (7) ~~(5)~~ Reasonable and necessary expenses authorized
 1903 pursuant to contract. ~~Investigating and assessing the indigency~~
 1904 ~~of any person who seeks a waiver of court costs and fees, or any~~



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1905 ~~portion thereof, or applies for representation by a public~~
 1906 ~~defender or private attorney.~~

1907 Section 35. Section 29.008, Florida Statutes, is amended
 1908 to read:

1909 29.008 County funding of court-related functions.--

1910 (1) Counties are required by s. 14, Art. V of the State
 1911 Constitution to fund the cost of communications services~~i~~₇
 1912 existing radio systems~~i~~₇ existing multiagency criminal justice
 1913 information systems~~i~~₇ and the cost of construction or lease,
 1914 maintenance, utilities, and security of facilities~~i~~₇ for the
 1915 circuit and county courts, public defenders' offices, state
 1916 attorneys' offices, and the offices of the clerks of the circuit
 1917 and county courts performing court-related functions. For
 1918 purposes of implementing these requirements, the term:

1919 (a)1. "Facilities Facility" means reasonable and necessary
 1920 buildings, structures, real estate, easements, and related
 1921 interests in real estate, including, but not limited to, those
 1922 for the purpose of housing personnel, equipment, or functions of
 1923 the circuit or county courts, public defenders' offices, state
 1924 attorneys' offices, and court-related functions of the office of
 1925 the clerks of the circuit and county courts and all storage. The
 1926 term also includes access to parking for such facilities in
 1927 connection with such court-related functions that may be
 1928 available free or from a private provider or a local government
 1929 for a fee.

1930 2. Office space provided by a county shall be in
 1931 accordance with standards for space allotment adopted by the
 1932 Department of Management Services. Upon the mutual agreement of
 1933 the parties, the standards for space allotment may vary from
 1934 those adopted by the Department of Management Services. This



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1935 subparagraph shall only apply to facilities leased, or in which
 1936 construction commences, after July 1, 2003.

1937 (b)1. "Construction or lease" includes, but is not limited
 1938 to, all reasonable and necessary costs of the acquisition or
 1939 lease of facilities, equipment, and furnishings for all judicial
 1940 officers, staff, jurors, volunteers, and the public for the
 1941 circuit and county courts, the public defenders' offices, state
 1942 attorneys' offices, and for performing the court-related
 1943 functions of the offices of the clerks of the circuit and county
 1944 courts. This includes expenses related to financing such
 1945 facilities and the existing and future cost and bonded
 1946 indebtedness associated with placing the facilities in use.

1947 2. As of July 1, 2006, equipment and furnishings shall be
 1948 limited to that appropriate and customary for courtrooms, jury
 1949 facilities, and other public areas in courthouses.

1950 3. Equipment and furnishings under this paragraph in
 1951 existence and owned by counties on July 1, 2006, for areas other
 1952 than courtrooms, jury facilities, and other public areas in
 1953 courthouses, shall be transferred to the state at no charge.

1954 (c) "Maintenance" includes, but is not limited to, all
 1955 reasonable and necessary costs of custodial and groundskeeping
 1956 services and renovation and reconstruction as needed to
 1957 accommodate functions for the circuit and county courts, the
 1958 public defenders' offices, and state attorneys' offices and for
 1959 performing the court-related functions of the offices of the
 1960 clerks of the circuit and county court and for maintaining the
 1961 facilities in a condition appropriate and safe for the use
 1962 intended.

1963 (d) "Utilities" means electricity services for light,
 1964 heat, or power; natural or manufactured gas services for light,



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1965 heat, or power; water and wastewater services and systems,
 1966 stormwater or runoff services and systems, sewer services and
 1967 systems, all costs or fees associated with these services and
 1968 systems, and any costs or fees associated with the mitigation of
 1969 environmental impacts directly related to the facility.

1970 (e) "Security" includes but is not limited to, all
 1971 reasonable and necessary costs of services of law enforcement
 1972 officers or licensed security guards and all electronic,
 1973 cellular, or digital monitoring and screening devices necessary
 1974 to ensure the safety and security of all persons visiting or
 1975 working in a facility; to provide for security of the facility,
 1976 including protection of property owned by the county or the
 1977 state; and for security of prisoners brought to any facility.
 1978 This includes bailiffs while providing courtroom and other
 1979 security for each judge and other quasi-judicial officers.

1980 (f) "Communications systems or communications services"
 1981 are defined as any reasonable and necessary transmission,
 1982 emission, and reception of signs, signals, writings, images, and
 1983 sounds of intelligence of any nature by wire, radio, optical, or
 1984 other electromagnetic systems and includes all facilities and
 1985 equipment owned, leased, or used by judges, clerks, public
 1986 defenders, state attorneys, and all staff of the state courts
 1987 system, state attorneys' offices, public defenders' offices, and
 1988 clerks of the circuit and county courts performing court-related
 1989 functions. Such system or services shall include, but not be
 1990 limited to:

- 1991 1. Telephone system infrastructure, including computer
 1992 lines, telephone switching equipment, and maintenance. Each
 1993 county shall continue to provide access to a local carrier for
 1994 local and long distance service and shall pay for the local



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1995 service. Telephone equipment, including facsimile, wireless
 1996 communications, video teleconferencing, and pagers, owned by the
 1997 counties shall be transferred to the state at no charge,
 1998 effective July 1, 2004 ~~Telephone services and equipment,~~
 1999 ~~including facsimile, wireless communications, video~~
 2000 ~~teleconferencing, pagers, computer lines, and telephone~~
 2001 ~~switching equipment and the maintenance, supplies, hardware,~~
 2002 ~~software, and line charges, including local and long distance~~
 2003 ~~toll charges, and support staff or services necessary for~~
 2004 ~~operation.~~

2005 2. Computer systems and equipment, including computer
 2006 hardware and software, modems, printers, wiring, network
 2007 connections, maintenance, support staff or services, training,
 2008 supplies, and line charges necessary for an integrated computer
 2009 system to support the operations and management of the state
 2010 courts system, the offices of the public defenders, the offices
 2011 of the state attorneys, and the offices of the clerks of the
 2012 circuit and county courts and the capability to connect those
 2013 entities and reporting data to the state as required for the
 2014 transmission of revenue, performance accountability, case
 2015 management, data collection, budgeting, and auditing purposes.

2016 3. ~~Postage, printed documents, radio, Courier messenger~~
 2017 ~~and subpoena services, support services, all maintenance,~~
 2018 ~~supplies, and line charges.~~

2019 (g) "Existing radio systems" includes, but is not limited
 2020 to, law enforcement radio systems that are used by the circuit
 2021 and county courts, the offices of the public defenders, the
 2022 offices of the state attorneys, and for court-related functions
 2023 of the offices of the clerks of the circuit and county courts.

2024 This includes radio systems that were operational or under



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2025 contract at the time Revision No. 7, 1998, to Art. V of the
 2026 State Constitution was adopted and any enhancements made
 2027 thereafter, the maintenance of those systems, and the personnel
 2028 and supplies necessary for operation.

2029 (h) "Existing multiagency criminal justice information
 2030 systems" includes, but is not limited to, those components of
 2031 the multiagency criminal justice information system as defined
 2032 in s. 943.045, supporting the offices of the circuit or county
 2033 courts, the public defenders' offices, the state attorneys'
 2034 offices, or those portions of the offices of the clerks of the
 2035 circuit and county courts performing court-related functions
 2036 that are used to carry out the court-related activities of those
 2037 entities. This includes upgrades and maintenance of the current
 2038 equipment, maintenance and upgrades of supporting technology
 2039 infrastructure and associated staff, and services and expenses
 2040 to assure continued information sharing and reporting of
 2041 information to the state. The counties shall also provide
 2042 additional information technology services, hardware, and
 2043 software as needed for new judges and staff of the state courts
 2044 system, state attorneys' offices, public defenders' offices, and
 2045 the offices of the clerks of the circuit and county courts
 2046 performing court-related functions.

2047 (2) Counties shall pay reasonable and necessary salaries,
 2048 costs, and expenses of the state courts system to meet local
 2049 requirements under s. 14(c), Art. V of the State Constitution,
 2050 as determined by general law. Local requirements under s. 14(c),
 2051 Art. V of the State Constitution include:

2052 (a) Legal aid programs. Counties with a population of less
 2053 than 75,000 are exempt from this requirement.



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2054 (b) Reasonable and necessary transportation services for
 2055 state attorneys and public defenders. Such services include the
 2056 cost of operating any vehicle, aircraft, or watercraft,
 2057 including gasoline, oil, maintenance, and replacement.

2058 Section 36. Effective July 1, 2003, section 29.014,
 2059 Florida Statutes, is created to read:

2060 29.014 Article V Indigent Services Advisory Board.--

2061 (1) There is created the Article V Indigent Services
 2062 Advisory Board. The board shall exist for the purpose of
 2063 advising the Legislature in establishing qualifications and
 2064 compensation standards governing the expenditure of state
 2065 appropriated funds for those providing state-funded due process
 2066 services for indigents provided through the courts, state
 2067 attorneys, public defenders, and private court-appointed
 2068 counsel. These services include, but are not limited to, court-
 2069 appointed counsel, court reporting and transcription services,
 2070 interpreter services, and expert witnesses. Standards
 2071 recommended by the Board shall take into account local
 2072 variations and market conditions and availability of attorneys
 2073 and other service providers. The board shall also exist for the
 2074 purpose of advising the Legislature on cost containment
 2075 strategies and policies.

2076 (2) The board shall be composed of twelve members,
 2077 appointed as follows:

2078 (a) The Governor shall appoint three members as follows:
 2079 one state attorney, one public defender, and one clerk of court.

2080 (b) The President of the Senate and the Speaker of the
 2081 House of Representatives shall each appoint three members. Of
 2082 the members appointed by the President of the Senate one shall
 2083 be a county commissioner and one shall be an attorney in private



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2084 practice with significant criminal trial experience. Of the
2085 members appointed by the Speaker of the House of Representatives
2086 one shall be a county commissioner and one shall be an attorney
2087 in private practice with significant civil trial experience. The
2088 President of the Senate and the Speaker of the House of
2089 Representatives may each appoint a member from their respective
2090 chambers.

2091 (c) The Chief Justice of the Supreme Court shall appoint
2092 three members as follows: three trial court judges,
2093 representing a cross-section of small, medium, and large
2094 circuits, different regions of the state, and court divisions.
2095 Appointments shall be made effective July 1, 2003.

2096 (3) Members shall be appointed for 4-year terms, except
2097 for an appointment to fill an unexpired term, in which event the
2098 appointment shall be for the remainder of the unexpired term
2099 only. In the case where a member must hold office to be
2100 qualified for board membership, the member's term shall also
2101 expire upon failure to maintain the office, whichever occurs
2102 first.

2103 (4) The members shall elect a chairperson annually and
2104 shall meet at the call of the chairperson, at the request of a
2105 majority of the membership, or at the request of the President
2106 of the Senate or the Speaker of the House of Representatives.
2107 Members shall serve without pay but shall be entitled to
2108 reimbursement for their expenses in carrying out their duties as
2109 provided in s. 112.061. Public officer members shall be
2110 reimbursed through the budget entity through which they are
2111 compensated.

2112 (5) The board shall:



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2113 (a) Recommend qualifications for those providing
2114 authorized state-funded due process services, including
2115 qualifications for state-funded court reporters, interpreters,
2116 and private court-appointed counsel, in addition to those set
2117 forth in s. 27.40.

2118 (b) Recommend any needed adjustments to existing
2119 compensation standards for private court-appointed counsel and
2120 other providers of due process services pursuant to s. 27.5304.

2121 (c) Identify due process services for indigents that
2122 should be included on the state contract and bid competitively
2123 on a circuit, region, or statewide basis.

2124 (d) Recommend statewide contracting standards for
2125 procurement of state-funded due process services and developing
2126 standard contract forms for use in procuring services.

2127 (e) Advise the Legislature on strategies and policies to
2128 contain costs.

2129 (6) To aid in the transition to full implementation of
2130 Revision 7 to Article V, the board shall issue its initial
2131 recommendations by October 1, 2003. Thereafter, the board shall
2132 issue any additional recommendations or revisions thereto by
2133 October 1 of each year.

2134 (7) In preparing budgets and entering into contractual
2135 arrangements for the procurement of state-funded due process
2136 services for fiscal year 2004-2005, the Chief Justice and the
2137 Justice Administrative Commission are authorized and encouraged
2138 to consider the advice and recommendations of the board.

2139 Section 37. Section 29.015, Florida Statutes, is created
2140 to read:

2141 29.015 Contingency fund; limitation of authority to
2142 transfer funds in contracted due process services appropriation



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2143 categories.--

2144 (1) An appropriation may be provided in the General
2145 Appropriations Act in the Justice Administrative Commission to
2146 serve as a contingency fund for the purpose of alleviating
2147 deficits in contracted due process services appropriation
2148 categories, including private court-appointed counsel
2149 appropriation categories, that may occur from time to time due
2150 to extraordinary events that lead to unexpected expenditures.

2151 (2) In the event that a state attorney or public defender
2152 incurs a deficit in a contracted due process services
2153 appropriation category, the following steps shall be taken in
2154 order:

2155 (a) The state attorney or public defender shall first
2156 attempt to identify surplus funds from other appropriation
2157 categories within his or her office and submit a budget
2158 amendment pursuant to chapter 216 to transfer funds from within
2159 the office.

2160 (b) In the event that the state attorney or public
2161 defender is unable to identify surplus funds from within his or
2162 her office, he or she shall certify this to the Justice
2163 Administrative Commission along with a complete explanation of
2164 the circumstances which led to the deficit and steps the office
2165 has taken to reduce or alleviate the deficit. The Justice
2166 Administrative Commission shall inquire as to whether any other
2167 office has surplus funds in its contracted due process services
2168 appropriation categories which can be transferred to the office
2169 that is experiencing the deficit. If other offices indicate that
2170 surplus funds are available, the Justice Administrative
2171 Commission shall request a budget amendment to transfer funds
2172 from the office or offices to alleviate the deficit upon



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2173 agreement of the contributing office or offices.

2174 (c) If no office indicates that surplus funds are
2175 available to alleviate the deficit, the Justice Administrative
2176 Commission may request a budget amendment to transfer funds from
2177 the contingency fund. Such transfers shall be in accordance with
2178 all applicable provisions of chapter 216 and shall be subject to
2179 review and approval by the Legislative Budget Commission. The
2180 Justice Administrative Commission shall submit the documentation
2181 provided by the office explaining the circumstances that led to
2182 the deficit and the steps taken by the office and the Justice
2183 Administrative Commission to identify surplus funds to the
2184 Legislative Budget Commission.

2185 (3) In the event that there is a deficit in a statewide
2186 contracted due process services appropriation category provided
2187 for private court-appointed counsel necessary due to withdrawal
2188 of the public defender due to an ethical conflict, the following
2189 steps shall be taken in order:

2190 (a) The Justice Administrative Commission shall first
2191 attempt to identify surplus funds from other contracted due
2192 process services appropriation categories within the Justice
2193 Administrative Commission and submit a budget amendment pursuant
2194 to chapter 216 to transfer funds from within the commission.

2195 (b) In the event that the Justice Administrative
2196 Commission is unable to identify surplus funds from within the
2197 commission, the commission shall inquire of each of the public
2198 defenders as to whether any office has surplus funds in its
2199 contracted due process services appropriations categories which
2200 can be transferred. If any public defender office or offices
2201 indicate that surplus funds are available, the Justice
2202 Administrative Commission shall request a budget amendment to



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2203 transfer funds from the office or offices to alleviate the
 2204 deficit upon agreement of the contributing office or offices.

2205 (c) If no public defender office has surplus funds
 2206 available to alleviate the deficit, the Justice Administrative
 2207 commission may request a budget amendment to transfer funds from
 2208 the contingency fund. Such transfers shall be in accordance with
 2209 all applicable provisions of chapter 216 and shall be subject to
 2210 review and approval by the Legislative Budget Commission. The
 2211 Justice Administrative Commission shall submit the documentation
 2212 provided by the office explaining the circumstances that led to
 2213 the deficit and the steps taken by the Justice Administrative
 2214 Commission to identify surplus funds to the Legislative Budget
 2215 Commission.

2216 (4) In the event that there is a deficit in a statewide
 2217 appropriation category provided for private court-appointed
 2218 counsel other than for conflict counsel as described in
 2219 subsection (3), the following steps shall be taken in order:

2220 (a) The Justice Administrative Commission shall first
 2221 attempt to identify surplus funds from other contracted due
 2222 process services appropriation categories within the Justice
 2223 Administrative Commission and submit a budget amendment pursuant
 2224 to chapter 216 to transfer funds from within the commission.

2225 (b) In the event that the Justice Administrative
 2226 Commission is unable to identify surplus funds from within the
 2227 commission, the commission may submit a budget amendment to
 2228 transfer funds from the contingency fund. Such transfers shall
 2229 be in accordance with all applicable provisions of chapter 216
 2230 and shall be subject to review and approval by the Legislative
 2231 Budget Commission. The Justice Administrative Commission shall
 2232 submit documentation explaining the circumstances that led to



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2233 the deficit and the steps taken to identify surplus funds to the
 2234 Legislative Budget Commission.

2235 (5) Notwithstanding any provisions in chapter 216 to the
 2236 contrary, no office shall transfer funds from a contracted due
 2237 process services appropriation category or from a contingency
 2238 fund category authorized in this section except as specifically
 2239 authorized in this section. In addition, funds shall not be
 2240 transferred from a state attorney office to alleviate a deficit
 2241 in a public defender office and funds shall not be transferred
 2242 from a public defender office to alleviate a deficit in a state
 2243 attorney office.

2244 Section 38. Section 29.016, Florida Statutes, is created
 2245 to read:

2246 29.016 Contingency fund; judicial branch.--

2247 (1) An appropriation may be provided in the General
 2248 Appropriations Act for the judicial branch to serve as a
 2249 contingency fund to alleviate deficits in contracted due process
 2250 services appropriation categories, including private court-
 2251 appointed counsel categories, that may occur from time to time
 2252 due to extraordinary events that lead to unexpected
 2253 expenditures.

2254 (2) In the event that a chief judge incurs such a deficit,
 2255 the following steps shall be taken in order:

2256 (a) The chief judge shall attempt to identify surplus
 2257 funds from other appropriation categories within his or her
 2258 circuit and submit a request to the Chief Justice for a budget
 2259 amendment pursuant to chapter 216 to transfer funds from within
 2260 the circuit budget.

2261 (b) In the event that the chief judge is unable to
 2262 identify surplus funds from within his or her circuit, he or she



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2263 shall certify this to the Office of the State Courts
2264 Administrator along with a complete explanation of the
2265 circumstances which led to the deficit and steps taken to reduce
2266 or alleviate the deficit. The Office of the State Courts
2267 Administrator shall inquire as to whether any other circuit has
2268 surplus funds in its contracted due process service
2269 appropriation categories which can be transferred to the circuit
2270 that is experiencing the deficit. If other circuits indicate
2271 that surplus funds are available, the Office of the State Courts
2272 Administrator shall notify the Trial Court Budget Commission
2273 established within the judicial branch by Rule of Judicial
2274 Administration. The Trial Court Budget Commission shall make
2275 recommendations to the Chief Justice to alleviate the deficit.
2276 The Chief Justice may authorize a transfer of funds among
2277 circuits to alleviate the deficit.

2278 (3) If no other circuits indicate that surplus funds are
2279 available to alleviate the deficit, the Trial Court Budget
2280 Commission may request the Chief Justice to request a budget
2281 amendment to transfer funds from the contingency fund. Such
2282 transfers shall be requested subject to the notice and review
2283 requirements set forth in s. 216.177. The Office of the State
2284 Courts Administrator shall include in the budget amendment
2285 documentation provided by the chief judge explaining the
2286 circumstances that led to the deficit and the steps taken to
2287 identify surplus funds to alleviate the deficit.

2288 (4) Notwithstanding any provisions in chapter 216 to the
2289 contrary, no circuit shall transfer funds from a contracted due
2290 process services appropriation category or from a contingency
2291 fund category authorized in this section except as specifically
2292 authorized in this section.



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2293 Section 39. Subsection (2) of section 34.032, Florida
 2294 Statutes, is amended to read:

2295 34.032 Power of clerk to appoint deputies.--

2296 (2) Any deputy county court clerk appointed for the sole
 2297 purpose of issuing arrest warrants for violation of chapter 316
 2298 or county or municipal ordinances triable in the county courts
 2299 shall have and exercise only those powers of the clerk which are
 2300 required to achieve such limited purpose, and those arrest
 2301 warrants issued for violation of county or municipal ordinances
 2302 shall be funded by the county or municipality which approved the
 2303 ordinance.

2304 Section 40. Section 34.041, Florida Statutes, is amended
 2305 to read:

2306 34.041 Filing fees ~~Service charges~~ and costs.--

2307 (1) Upon the institution of any civil action or proceeding
 2308 in county court, the plaintiff, when filing an action or
 2309 proceeding, shall pay the following service charges:

- 2310 (a) For all claims less than \$100..... \$10.00.
- 2311 (b) For all claims of \$100 or more but not more than
 2312 \$2,500 25.00.
- 2313 (c) For all claims of more than \$2,500 40.00.
- 2314 (d) In addition, for all proceedings of garnishment,
 2315 attachment, replevin, and distress..... 35.00.
- 2316 (e) For removal of tenant action..... 35.00.

2317
 2318 Postal charges incurred by the clerk of the county court in
 2319 making service by mail on defendants or other parties shall be
 2320 paid by the party at whose instance service is made. Except as
 2321 provided herein, service charges for performing duties of the
 2322 clerk relating to the county court shall be as provided in ss.



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2323 28.24 and 28.241. Service charges in excess of those herein
2324 fixed may be imposed by the clerk for the sole purpose of
2325 funding court-related services performed by the clerk. ~~governing~~
2326 ~~authority of the county by ordinance or by special or local law,~~
2327 ~~and such excess shall be expended as provided by such ordinance~~
2328 ~~or any special or local law now or hereafter in force to provide~~
2329 ~~and maintain facilities, including a law library, for the use of~~
2330 ~~the county court in the county in which the charge is collected;~~
2331 ~~to provide and maintain equipment; or for a legal aid program.~~
2332 All filing fees shall be retained as fee income of the office of
2333 the clerk of circuit court. Filing fees ~~Service charges~~ imposed
2334 by this section may not be added to any penalty imposed by
2335 chapter 316 or chapter 318. The sum of all service charges and
2336 fees permitted under this subsection may not exceed \$200.

2337 (2) ~~The judge shall have full discretionary power to waive~~
2338 ~~the prepayment of costs or the payment of costs accruing during~~
2339 ~~the action upon the sworn written statement of the plaintiff and~~
2340 ~~upon other satisfactory evidence of the plaintiff's inability to~~
2341 ~~pay such costs. When costs are so waived, the notation to be~~
2342 ~~made on the records shall be "Prepayment of costs waived," or~~
2343 ~~"Costs waived." The term "pauper" or "in forma pauperis" shall~~
2344 ~~not be employed.~~ If a party shall fail to pay accrued costs,
2345 though able to do so, the judge shall have power to deny that
2346 party the right to file any new case while such costs remain
2347 unpaid and, likewise, to deny such litigant the right to proceed
2348 further in any case pending. ~~The award of other court costs~~
2349 ~~shall be according to the discretion of the judge who may~~
2350 ~~include therein the reasonable costs of bonds and undertakings~~
2351 ~~and other reasonable court costs incident to the suit incurred~~
2352 ~~by either party.~~



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2353 (3) In criminal proceedings in county courts, costs shall
 2354 be taxed against a person in county court upon conviction or
 2355 estreatment pursuant to chapter 939. ~~The provisions of s.~~
 2356 ~~28.241(2) shall not apply to criminal proceedings in county~~
 2357 ~~court.~~

2358 (4) Upon the institution of any appellate proceeding from
 2359 the county court to the circuit court, there shall be charged
 2360 and collected from the party or parties instituting such
 2361 appellate proceedings, including appeals filed by a county or
 2362 municipality, filing fees ~~a service charge~~ as provided in
 2363 chapter 28.

2364 (5) A charge or a fee may not be imposed upon a party for
 2365 responding by pleading, motion, or other paper to a civil or
 2366 criminal action, suit, or proceeding in a county court or to an
 2367 appeal to the circuit court.

2368 (6) In addition to the filing fees provided in subsection
 2369 (1), in all civil cases, the sum of \$7.00 per case shall be paid
 2370 by the plaintiff when filing an action for the purpose of
 2371 funding the court costs. Such funds shall be remitted by the
 2372 clerk to the Department of Revenue for deposit to the General
 2373 Revenue Fund.

2374 (7) For purposes of this section, "plaintiff" includes a
 2375 county or municipality filing any civil action.

2376 Section 41. Subsection (6) of section 34.13, Florida
 2377 Statutes, is amended to read:

2378 34.13 Method of prosecution.--

2379 (6) Any circuit court clerk acting as clerk of the county
 2380 court, or any deputy county court clerk appointed for the sole
 2381 purpose of issuing arrest warrants, or any county court clerk,
 2382 may, at municipal expense, administer an oath to and take



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2383 affidavit of any person charging another person with a violation
 2384 of a municipal ordinance and may issue a warrant on the usual
 2385 form, making it returnable to the appropriate county court
 2386 judge. The authority granted to a clerk or deputy clerk under
 2387 this section shall be subordinate to that of any state judge.

2388 Section 42. Section 34.171, Florida Statutes, is amended
 2389 to read:

2390 34.171 Salaries and expenses.--~~Unless the state shall pay~~
 2391 ~~such expenses,~~ The county shall pay all reasonable salaries of
 2392 ~~bailiffs, secretaries, and assistants of the circuit and county~~
 2393 ~~courts and all reasonable expenses of the offices of circuit and~~
 2394 ~~county court judges.~~

2395 Section 43. Subsection (2) of section 34.181, Florida
 2396 Statutes, is amended to read:

2397 34.181 Branch courts.--

2398 (2) Any municipality or county which so applies shall be
 2399 required to provide the appropriate physical facilities as
 2400 defined in s. 29.008 in which the county court may hold court.

2401 Section 44. Section 34.191, Florida Statutes, is amended
 2402 to read:

2403 34.191 Fines and, forfeitures, ~~and costs~~.--

2404 ~~(1)~~ All fines and forfeitures arising from offenses tried
 2405 in the county court shall be collected and accounted for by the
 2406 clerk of the court and deposited in a special trust account. All
 2407 fines and forfeitures received from violations of ordinances or
 2408 misdemeanors committed within a county, or of municipal
 2409 ordinances committed within a municipality within the
 2410 territorial jurisdiction of the county court, shall be paid
 2411 monthly to the county or municipality respectively except as
 2412 provided in s. 318.21 or s. 943.25.



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2413 ~~(2) All court costs assessed in county court must be paid~~
2414 ~~to and retained by the county, except as provided in s. 943.25~~
2415 ~~and subsection (3) of this section.~~

2416 ~~(3) If a municipality incurs any cost of operation of the~~
2417 ~~county court, including any cost of prosecution, it may apply to~~
2418 ~~the chief judge of the circuit for an order directing the county~~
2419 ~~to distribute reasonable court costs to the municipality. If not~~
2420 ~~satisfied with the order of the chief judge, the municipality~~
2421 ~~may apply to the Supreme Court for an order apportioning the~~
2422 ~~costs.~~

2423 ~~(4) The board of county commissioners may assign the~~
2424 ~~collection of fines, court costs, and other costs imposed by the~~
2425 ~~court that are past due for 90 days or more to a private~~
2426 ~~attorney or collection agency that is licensed or registered in~~
2427 ~~this state, if the board of county commissioners determines that~~
2428 ~~the assignment is cost-effective and follows established bid~~
2429 ~~practices. The board of county commissioners may authorize a fee~~
2430 ~~to be added to the outstanding balance to offset any collection~~
2431 ~~costs that will be incurred.~~

2432 Section 45. Section 39.0134, Florida Statutes, is amended
2433 to read:

2434 39.0134 Appointed counsel; compensation.--

2435 ~~(1) If counsel is entitled to receive compensation for~~
2436 ~~representation pursuant to a court appointment in a dependency~~
2437 ~~proceeding pursuant to this chapter, ~~such~~ compensation shall be~~
2438 ~~paid in accordance with s. 27.5304 established by each county.~~
2439 The state county may acquire and enforce a lien upon court-
2440 ordered payment of attorney's fees and costs in accordance with
2441 s. 984.08.



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2442 ~~(2) If counsel is entitled to receive compensation for~~
2443 ~~representation pursuant to court appointment in a termination of~~
2444 ~~parental rights proceeding, such compensation shall not exceed~~
2445 ~~\$1,000 at the trial level and \$2,500 at the appellate level.~~

2446 Section 46. Subsection (3) of section 39.4075, Florida
2447 Statutes, is amended to read:

2448 39.4075 Referral of a dependency case to mediation.--

2449 (3) The department shall advise the parties that they are
2450 responsible for contributing to the cost of the dependency
2451 mediation ~~to the extent of their ability to pay.~~

2452 Section 47. Subsection (1) of section 39.815, Florida
2453 Statutes, is amended to read:

2454 39.815 Appeal.--

2455 (1) Any child, any parent or guardian ad litem of any
2456 child, any other party to the proceeding who is affected by an
2457 order of the court, or the department may appeal to the
2458 appropriate district court of appeal within the time and in the
2459 manner prescribed by the Florida Rules of Appellate Procedure.
2460 The district court of appeal shall give an appeal from an order
2461 terminating parental rights priority in docketing and shall
2462 render a decision on the appeal as expeditiously as possible.
2463 Appointed counsel shall be compensated as provided in s.

2464 27.5304(5) ~~39.0134~~.

2465 Section 48. Section 40.001, Florida Statutes, is created
2466 to read:

2467 40.001 Chief judge; authority; duties.--The chief judge of
2468 each judicial circuit is vested with overall authority and
2469 responsibility for the management, operation, and oversight of
2470 the jury system within his or her circuit. However, in
2471 accordance with this chapter and chapter 905, the clerk of the



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2472 circuit court has specific responsibilities regarding the
 2473 processing of jurors, including, but not limited to,
 2474 qualifications, summons, selection lists, reporting, and
 2475 compensation of jurors. The clerk of the circuit court may
 2476 contract with the chief judge for the court's assistance in the
 2477 provision of services to process jurors. The chief judge may
 2478 also designate to the clerk of the circuit court additional
 2479 duties consistent with established uniform standards of jury
 2480 management practices that the Supreme Court may adopt by rule or
 2481 issue through administrative order.

2482 Section 49. Subsection (3) of section 40.02, Florida
 2483 Statutes, is amended to read:

2484 40.02 Selection of jury lists.--

2485 (3) The clerk of the court shall ~~chief judge may designate~~
 2486 ~~the court administrator to perform the duties set forth in this~~
 2487 ~~section and in ss. 40.221, 40.23, and 40.231 in counties having~~
 2488 ~~an approved, computerized jury selection system, the provisions~~
 2489 ~~of any special law or general law of local application to the~~
 2490 ~~contrary notwithstanding. However, the chief judge may designate~~
 2491 the court administrator to perform these duties if the county
 2492 provides funding to the court administrator to provide the
 2493 personnel and other costs associated with jury services.

2494 Section 50. Subsection (1) of section 40.29, Florida
 2495 Statutes, is amended to read:

2496 40.29 Clerks to make estimates and requisitions for
 2497 certain due process costs ~~estimate amount for pay of jurors and~~
 2498 ~~witnesses and make requisition.--~~

2499 (1) The clerk of the court in and for any county shall
 2500 make an estimate of the amount necessary during any quarterly
 2501 fiscal period beginning July 1 and during each succeeding



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2502 quarterly fiscal period for the payment by the state of juror
 2503 compensation and expenses; court reporter, interpreter, and
 2504 translator services; witnesses, including expert witnesses;
 2505 mental health professionals; and private court-appointed
 2506 counsel, each in accordance with the applicable requirements of
 2507 chapter 29. The clerk of such court:

2508 ~~(a) Jurors in the circuit court and the county court;~~

2509 ~~(b) Witnesses before the grand jury;~~

2510 ~~(c) Witnesses summoned to appear for an investigation,~~
 2511 ~~preliminary hearing, or trial in a criminal case when the~~
 2512 ~~witnesses are summoned by a state attorney or on behalf of an~~
 2513 ~~indigent defendant;~~

2514 ~~(d) Mental health professionals who are appointed pursuant~~
 2515 ~~to s. 394.473 and required in a court hearing involving an~~
 2516 ~~indigent; and~~

2517 ~~(e) Expert witnesses who are appointed pursuant to s.~~
 2518 ~~916.115(2) and required in a court hearing involving an~~
 2519 ~~indigent;~~

2520
 2521 and shall forward each such estimate to the Office of the State
 2522 Courts Administrator or the Justice Administrative Commission,
 2523 as applicable, no later than the date scheduled by the Office of
 2524 the State Courts Administrator or the Justice Administrative
 2525 Commission. At the time of any forwarding of such estimate, the
 2526 clerk of such court shall make a requisition upon the Office of
 2527 the State Courts Administrator or the Justice Administrative
 2528 Commission, as applicable, for the amount of such estimate; and
 2529 the Office of the State Courts Administrator or the Justice
 2530 Administrative Commission, as applicable, may reduce the amount
 2531 upon finding that the costs are unreasonable, inconsistent with



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2532 applicable contractual terms, or inconsistent with compensation
2533 standards established by general law ~~if in his or her judgment~~
2534 ~~the requisition is excessive.~~

2535 Section 51. Section 40.30, Florida Statutes, is amended to
2536 read:

2537 40.30 Requisition endorsed by State Courts Administrator
2538 or designee.--Upon receipt of such estimate and the requisition
2539 from the clerk of the court, the State Courts Administrator or
2540 designee shall endorse the amount that he or she may deem
2541 necessary for the pay of jurors ~~and witnesses~~ during the
2542 quarterly fiscal period and shall submit a request for payment
2543 to the Chief Financial Officer ~~Comptroller~~.

2544 Section 52. Subsections (1) and (5) of section 43.16,
2545 Florida Statutes, are amended to read:

2546 43.16 Justice Administrative Commission; membership,
2547 powers and duties.--

2548 (1) There is hereby created a Justice Administrative
2549 Commission ~~of the Judicial Branch of Florida~~, with headquarters
2550 located in the state capital. The necessary office space for use
2551 of the commission shall be furnished by the proper state agency
2552 in charge of state buildings.

2553 (5) The duties of the commission shall include, but not be
2554 limited to, the following:

2555 (a) The maintenance of a central state office for
2556 administrative services and assistance when possible to and on
2557 behalf of the state attorneys and public defenders of Florida,
2558 the office of capital collateral representative of Florida, and
2559 the Judicial Qualifications Commission.

2560 (b) Each state attorney and public defender and the
2561 Judicial Qualifications Commission shall continue to prepare



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2562 necessary budgets, vouchers which represent valid claims for
 2563 reimbursement by the state for authorized expenses, and other
 2564 things incidental to the proper administrative operation of the
 2565 office, such as revenue transmittals to the Chief Financial
 2566 Officer and ~~treasurer~~, automated systems plans, ~~etc.~~, but will
 2567 forward same to the commission for recording and submission to
 2568 the proper state officer. However, when requested by a state
 2569 attorney or a public defender or the Judicial Qualifications
 2570 Commission, the commission will either assist in the preparation
 2571 of budget requests, voucher schedules, and other forms and
 2572 reports or accomplish the entire project involved.

2573 (c) Entry into contracts for procuring private court-
 2574 appointed counsel.

2575 (d) The maintenance of a statewide registry of attorneys
 2576 available to serve as private court-appointed counsel pursuant
 2577 to s. 27.40.

2578 Section 53. Section 43.19, Florida Statutes, is amended to
 2579 read:

2580 43.19 Money paid into court; unclaimed funds.--

2581 (1) In every case in which the right to withdraw money
 2582 deposited as hereinbefore provided has been adjudicated or is
 2583 not in dispute and the money has remained so deposited for 5
 2584 years or more unclaimed by the person, firm, or corporation
 2585 entitled thereto, on or before December 1 of each year the
 2586 judge, or one of the judges, of the court shall direct that the
 2587 money be deposited into the General Revenue Fund ~~with the~~
 2588 ~~Treasurer to the credit of the State School Fund, to become a~~
 2589 ~~part of that fund, subject to the right of the person, firm, or~~
 2590 ~~corporation entitled thereto to receive the money as provided in~~
 2591 ~~subsection (3).~~



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2592 (2) The direction that the money be deposited as provided
 2593 in subsection (1) shall be by written order. A copy of the order
 2594 shall be filed in the action in which the money was originally
 2595 deposited. The order shall also be noted in the progress docket
 2596 in the action, if a docket is maintained by the court.

2597 (3) Any person, firm or corporation entitled to any of the
 2598 money may obtain an order directing the payment of the money to
 2599 the claimant on written petition to the court from which the
 2600 money was deposited or its successor, and written notice to the
 2601 state attorney of the circuit wherein the court is situate,
 2602 whether or not the court is a circuit court, and proof of right
 2603 thereto, and the money deposited shall constitute and be a
 2604 permanent appropriation for payments by the Treasurer of the
 2605 state in obedience of such orders.

2606 ~~(4) All interest and income that accrue from the money~~
 2607 ~~while on deposit with the Treasurer to the credit of the State~~
 2608 ~~School Fund belong to that fund.~~

2609 Section 54. Effective July 1, 2003, section 43.26, Florida
 2610 Statutes, is amended to read:

2611 43.26 Chief Presiding judge of circuit; ~~selection;~~
 2612 powers.--

2613 (1) The chief ~~presiding~~ judge of each judicial circuit,
 2614 who shall be a circuit judge, shall exercise administrative
 2615 supervision over all the trial courts within the judicial
 2616 circuit and over the judges and other officers of such courts.

2617 (2) The chief ~~presiding~~ judge of the circuit shall have
 2618 the power:

2619 (a) To assign judges to any division of the court ~~the~~
 2620 ~~trial of civil or criminal cases, to preliminary hearings, or to~~
 2621 ~~divisions~~ and to determine the length of the assignment;



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2622 ~~(b)~~ ~~To assign clerks and bailiffs;~~
 2623 (b)(e) To regulate use of courtrooms;
 2624 ~~(c)(d)~~ To supervise dockets and calendars;
 2625 (d)(e) To require attendance of state attorneys,
 2626 ~~prosecutors and public defenders, clerks, bailiffs, and all~~
 2627 other officers of the court; and

2628 (e)(f) To do everything necessary to promote the prompt
 2629 and efficient administration of justice in the courts over which
 2630 he or she is chief judge ~~presides~~.

2631 (3) The chief ~~presiding~~ judge shall be responsible to the
 2632 Chief Justice of the Supreme Court for such information as may
 2633 be required by the Chief Justice, including, but not limited to,
 2634 caseload, status of dockets, and disposition of cases in the
 2635 courts over which he or she presides.

2636 ~~(4) The presiding judge of the circuit shall be selected~~
 2637 ~~by a majority of the judges subject to this section in that~~
 2638 ~~circuit for a term of 2 years. The presiding judge may succeed~~
 2639 ~~himself or herself for successive terms.~~

2640 (4)(5) Failure of any judge, clerk, prosecutor, public
 2641 defender, or other officer of the court to comply with an order
 2642 or directive of the chief ~~presiding~~ judge under this section
 2643 shall constitute neglect of duty for which such officer may be
 2644 suspended from office as provided by law.

2645 (5)(6) There may be a trial court administrator ~~an~~
 2646 ~~executive assistant to the presiding judge~~ who shall perform
 2647 such duties as the chief ~~presiding~~ judge may direct.

2648 Section 55. Section 43.35, Florida Statutes, is amended to
 2649 read:

2650 43.35 Witness coordination ~~coordinating offices~~.--Each
 2651 state attorney and public defender ~~court administrator~~ shall



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2652 ~~establish a witness coordinating office in each county within~~
2653 ~~his or her judicial circuit. The office~~ shall be responsible
2654 for:

2655 (1) Coordinating court appearances, including pretrial
2656 conferences and depositions, for all witnesses who are
2657 subpoenaed in criminal cases, including law enforcement
2658 personnel.

2659 (2) Contacting witnesses and securing information
2660 necessary to place a witness on an on-call status with regard to
2661 his or her court appearance.

2662 (3) Contacting witnesses to advise them not to report to
2663 court in the event the case for which they have been subpoenaed
2664 has been continued or has had a plea entered, or in the event
2665 there is any other reason why their attendance is not required
2666 on the dates they have been ordered to report.

2667 (4) Contacting the employer of a witness, when necessary,
2668 to confirm that the employee has been subpoenaed to appear in
2669 court as a witness.

2670

2671 In addition, the state attorney or public defender ~~the office~~
2672 may provide additional services to reduce time and wage losses
2673 to a minimum for all witnesses.

2674 Section 56. Effective July 1, 2003, section 44.108,
2675 Florida Statutes, is amended to read:

2676 44.108 Funding of mediation and arbitration.--In addition
2677 to any other service charges levied by law, a filing fee of \$45
2678 on every petition for a modification of a final judgment of
2679 dissolution, a filing fee of \$5 on every county civil court
2680 filing, and a filing fee of \$5 on every circuit civil court
2681 filing shall be levied. The charges shall be collected by the



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2682 clerk of court and all but \$1 of each fee collected shall be
2683 forwarded to the Department of Revenue for deposit in the
2684 General Revenue Fund to fund mediation and arbitration services
2685 and the responsibilities of the Supreme Court set forth in s.
2686 44.106. Mediation should be accessible to all parties regardless
2687 of financial status. Each board of county commissioners may
2688 support mediation and arbitration services by appropriating
2689 moneys from county revenues and by:

2690 (1) ~~Levying, in addition to other service charges levied~~
2691 ~~by law, a service charge of no more than \$5 on any circuit court~~
2692 ~~proceeding, which shall be deposited in the court's mediation-~~
2693 ~~arbitration account fund under the supervision of the chief~~
2694 ~~judge of the circuit in which the county is located; and~~

2695 (2) ~~Levying, in addition to other service charges levied~~
2696 ~~by law, a service charge of no more than \$5 on any county court~~
2697 ~~proceeding, which shall be deposited in the county's mediation-~~
2698 ~~arbitration account fund to be used to fund county civil~~
2699 ~~mediation services under the supervision of the chief judge of~~
2700 ~~the circuit in which the county is located.~~

2701 (3) ~~Levying, in addition to other service charges levied~~
2702 ~~by law, a service charge of no more than \$45 on any petition for~~
2703 ~~a modification of a final judgment of dissolution, which shall~~
2704 ~~be deposited in the court's family mediation account fund to be~~
2705 ~~used to fund family mediation services under the supervision of~~
2706 ~~the chief judge of the circuit in which the county is located.~~

2707 (4) ~~If a board of county commissioners levies the service~~
2708 ~~charge authorized in subsection (1), subsection (2), or~~
2709 ~~subsection (3), The clerk of the court shall forward \$1 of each~~
2710 ~~charge to the Department of Revenue for deposit in the state~~
2711 ~~mediation and arbitration trust fund which is hereby~~



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2712 established. Such fund shall be used by the Supreme Court to
 2713 carry out its responsibilities set forth in s. 44.106.

2714 Section 57. Paragraph (b) of subsection (1) of section
 2715 49.10, Florida Statutes, is amended to read:

2716 49.10 Notice of action, publication, proof.--

2717 (1)

2718 (b) In proceedings described in s. 49.011(4), (10), and
 2719 (11), ~~except in those counties where, pursuant to s. 50.071(3),~~
 2720 ~~notices are by law required to be published by designated record~~
 2721 ~~newspaper,~~ the clerk of the court shall post notices of action
 2722 in the manner prescribed by s. 49.11 when such notices are
 2723 required of persons authorized to proceed as insolvent and
 2724 poverty-stricken persons under s. 57.081.

2725 Section 58. Subsection (2) of section 55.141, Florida
 2726 Statutes, is amended to read:

2727 55.141 Satisfaction of judgments and decrees; duties of
 2728 clerk and judge.--

2729 (2) Upon such payment, the clerk, or the judge if there is
 2730 no clerk, shall issue his or her receipt therefor and shall
 2731 record a satisfaction of judgment, provided by the judgment
 2732 holder, upon payment of the recording charge prescribed in s.
 2733 28.24(12)~~(15)~~ plus the necessary costs of mailing to the clerk
 2734 or judge. The clerk or judge shall formally notify the owner of
 2735 record of such judgment or decree, if such person and his or her
 2736 address are known to the clerk or judge receiving such payment,
 2737 and, upon request therefor, shall pay over to the person
 2738 entitled, or to his or her order, the full amount of the payment
 2739 so received, less his or her fees for issuing execution on such
 2740 judgment or decree, if any has been issued, and less his or her
 2741 fees for receiving into and paying out of the registry of the



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2742 court such payment, together with the fees of the clerk for
 2743 receiving into and paying such money out of the registry of the
 2744 court.

2745 Section 59. Effective July 1, 2003, subsection (1) of
 2746 section 57.081, Florida Statutes, is amended to read:

2747 57.081 Costs; right to proceed where prepayment of costs
 2748 waived.--

2749 (1) Any indigent person, except a prisoner as defined in
 2750 s. 57.085, who is a party or intervenor in any judicial or
 2751 administrative agency proceeding or who initiates such
 2752 proceeding shall receive the services of the courts, sheriffs,
 2753 and clerks, with respect to such proceedings, despite his or her
 2754 present inability to pay for these services ~~without charge~~. Such
 2755 services are limited to filing fees; service of process;
 2756 certified copies of orders or final judgments; a single
 2757 photocopy of any court pleading, record, or instrument filed
 2758 with the clerk; examining fees; mediation services and fees;
 2759 court-appointed counsel fees; subpoena fees and services;
 2760 service charges for collecting and disbursing funds; and any
 2761 other cost or service arising out of pending litigation. In any
 2762 appeal from an administrative agency decision, for which the
 2763 clerk is responsible for preparing the transcript, the clerk
 2764 shall record ~~waive~~ the cost of preparing the transcripts and the
 2765 cost for copies of any exhibits in the record. Prepayment of
 2766 costs to any court, clerk, or sheriff is not required in any
 2767 action if the party has obtained ~~from the clerk~~ in each
 2768 proceeding a certification of indigency in accordance with s.
 2769 27.52, ~~based on an affidavit of the applicant claiming that the~~
 2770 ~~applicant is indigent and unable to pay the charges otherwise~~
 2771 ~~payable by law to any of such officers, providing the details of~~



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2772 ~~the applicant's financial condition, and containing a statement~~
2773 ~~that certifies that no person has been paid or promised any~~
2774 ~~payment of any remuneration by the applicant for services~~
2775 ~~performed on behalf of the applicant in connection with the~~
2776 ~~action or proceeding. However, when the person is represented by~~
2777 ~~an attorney, the person need not file an affidavit in order to~~
2778 ~~be exempt from payment of charges under this subsection. A~~
2779 ~~represented person is exempt from charges under this subsection~~
2780 ~~if the attorney of such person files a written certificate,~~
2781 ~~signed by the attorney, certifying that the attorney has made an~~
2782 ~~investigation to ascertain the financial condition of the client~~
2783 ~~and has found the client to be indigent; that the attorney has~~
2784 ~~investigated the nature of the applicant's position and in the~~
2785 ~~attorney's opinion it is meritorious as a matter of law; and~~
2786 ~~that the attorney has not been paid or promised payment of any~~
2787 ~~remuneration for services and intends to act as attorney for the~~
2788 ~~applicant without compensation. On the failure or refusal of the~~
2789 ~~clerk to issue a certificate of indigency, the applicant is~~
2790 ~~entitled to a review of the application for the certificate by~~
2791 ~~the court having jurisdiction of the cause of action.~~

2792 Section 60. Subsections (2), (3), (4), (5), and (8) of
2793 section 57.085, Florida Statutes, are amended to read:

2794 57.085 Waiver of prepayment of court costs and fees for
2795 indigent prisoners.--

2796 (2) When a prisoner who is intervening in or initiating a
2797 judicial proceeding seeks to defer the waiver of prepayment of
2798 court costs and fees because of indigency, the prisoner must
2799 file an affidavit of indigency with the appropriate clerk of the
2800 court. The affidavit must contain complete information about the
2801 prisoner's identity; the nature and amount of the prisoner's



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2802 income; all real property owned by the prisoner; all tangible
2803 and intangible property worth more than \$100 which is owned by
2804 the prisoner; the amount of cash held by the prisoner; the
2805 balance of any checking, savings, or money market account held
2806 by the prisoner; the prisoner's dependents, including their
2807 names and ages; the prisoner's debts, including the name of each
2808 debtor and the amount owed to each debtor; and the prisoner's
2809 monthly expenses. The prisoner must certify in the affidavit
2810 whether the prisoner has been adjudicated indigent under this
2811 section, certified indigent under s. 57.081, or authorized to
2812 proceed as an indigent under 28 U.S.C. s. 1915 by a federal
2813 court. The prisoner must attach to the affidavit a photocopy of
2814 the prisoner's trust account records for the preceding 6 months
2815 or for the length of the prisoner's incarceration, whichever
2816 period is shorter. The affidavit must contain the following
2817 statements: "I am unable to pay court costs and fees. Under
2818 penalty of perjury, I swear or affirm that all statements in
2819 this affidavit are true and complete."

2820 (3) Before a prisoner may receive a deferral waiver of
2821 prepayment of any court costs and fees for an action brought
2822 under this section, the indigency examiner ~~court~~ must review the
2823 affidavit ~~of indigency~~ and certify ~~adjudicate~~ the prisoner is
2824 indigent.

2825 (4) When the examiner has issued a certificate of
2826 indigency under this section ~~a court adjudicates a prisoner~~
2827 ~~indigent but concludes, from the affidavit of indigency or other~~
2828 ~~information, that~~ the prisoner is able to pay part of the court
2829 costs and fees required by law, the court shall order the
2830 prisoner to make, prior to service of process, an initial
2831 partial payment of those court costs and fees. The initial



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2832 partial payment must total at least 20 percent of the average
 2833 monthly balance of the prisoner's trust account for the
 2834 preceding 6 months or for the length of the prisoner's
 2835 incarceration, whichever period is shorter.

2836 (5) When an examiner has issued a certificate of indigency
 2837 ~~a court adjudicates a prisoner indigent~~ under this section, the
 2838 court shall order the prisoner to make monthly payments of no
 2839 less than 20 percent of the balance of the prisoner's trust
 2840 account as payment of court costs and fees. When a court orders
 2841 such payment, the Department of Corrections or the local
 2842 detention facility shall place a lien on the inmate's trust
 2843 account for the full amount of the court costs and fees, and
 2844 shall withdraw money maintained in that trust account and
 2845 forward the money, when the balance exceeds \$10, to the
 2846 appropriate clerk of the court until the prisoner's court costs
 2847 and fees are paid in full.

2848 (8) In any judicial proceeding in which a certificate of
 2849 indigency has been issued to a prisoner ~~has been adjudicated~~
 2850 ~~indigent and has been granted a full or partial waiver of court~~
 2851 ~~costs and fees~~, the court may at any time dismiss the prisoner's
 2852 action, in whole or in part, upon a finding that:

2853 (a) The prisoner's claim of indigency is false or
 2854 misleading;

2855 (b) The prisoner provided false or misleading information
 2856 regarding another judicial or administrative proceeding in which
 2857 the prisoner was a party;

2858 (c) The prisoner failed to pay court costs and fees
 2859 ~~assessed~~ under this section despite having the ability to pay;
 2860 or



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2861 (d) The prisoner's action or a portion of the action is
 2862 frivolous or malicious.

2863 Section 61. Effective July 1, 2003, subsections (2) and
 2864 (6) of section 61.21, Florida Statutes, are amended to read:

2865 61.21 Parenting course authorized; fees; required
 2866 attendance authorized; contempt.--

2867 (2) The Department of Children and Family Services ~~All~~
 2868 ~~judicial circuits in the state~~ shall approve a parenting course
 2869 which shall be a course of a minimum of 4 hours designed to
 2870 educate, train, and assist divorcing parents in regard to the
 2871 consequences of divorce on parents and children.

2872 (a) The parenting course referred to in this section shall
 2873 be named the Parent Education and Family Stabilization Course
 2874 and may include, but need not be limited to, the following
 2875 topics as they relate to court actions between parents involving
 2876 custody, care, visitation, and support of a child or children:

2877 1. Legal aspects of deciding child-related issues between
 2878 parents.

2879 2. Emotional aspects of separation and divorce on adults.

2880 3. Emotional aspects of separation and divorce on
 2881 children.

2882 4. Family relationships and family dynamics.

2883 5. Financial responsibilities to a child or children.

2884 6. Issues regarding spousal or child abuse and neglect.

2885 7. Skill-based relationship education that may be
 2886 generalized to parenting, workplace, school, neighborhood, and
 2887 civic relationships.

2888 (b) Information regarding spousal and child abuse and
 2889 neglect shall be included in every parent education and family



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2890 stabilization course. A list of local agencies that provide
 2891 assistance with such issues shall also be provided.

2892 (c) The parent education and family stabilization course
 2893 shall be educational in nature and shall not be designed to
 2894 provide individual mental health therapy for parents or
 2895 children, or individual legal advice to parents or children.

2896 (d) Course providers shall not solicit participants from
 2897 the sessions they conduct to become private clients or patients.

2898 (e) Course providers shall not give individual legal
 2899 advice or mental health therapy.

2900 (6) The department shall provide each judicial circuit
 2901 with ~~may establish~~ a list of approved registry of course
 2902 providers and sites at which the parent education and family
 2903 stabilization course required by this section may be completed.
 2904 The department ~~court~~ shall also include on ~~within~~ the list
 2905 ~~registry~~ of course providers and sites at least one site in each
 2906 circuit at which the parent education and family stabilization
 2907 course may be completed on a sliding fee scale, if available.

2908 Section 62. Section 77.28, Florida Statutes, is amended to
 2909 read:

2910 77.28 Garnishment; attorney's fees, costs, expenses;
 2911 deposit required.--Before issuance of any writ of garnishment,
 2912 the party applying for it shall deposit \$100 in the registry of
 2913 the court which shall be paid to the garnishee on the
 2914 garnishee's demand at any time after the service of the writ for
 2915 the payment or part payment of his or her attorney's fee which
 2916 the garnishee expends or agrees to expend in obtaining
 2917 representation in response to the writ. At the time of deposit,
 2918 the clerk shall collect the statutory fee provided by s.

2919 28.24(10)(13) in addition to the \$100 deposited into the



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2920 registry of the court. On rendering final judgment, the court
 2921 shall determine the garnishee's costs and expenses, including a
 2922 reasonable attorney's fee, and in the event of a judgment in
 2923 favor of the plaintiff, the amount shall be subject to offset by
 2924 the garnishee against the defendant whose property or debt owing
 2925 is being garnished. In addition, the court shall tax the
 2926 garnishee's costs and expenses as costs. Plaintiff may recover
 2927 in this manner the sum advanced by plaintiff and paid into
 2928 registry of court, and if the amount allowed by the court is
 2929 greater than the amount of the deposit, together with any
 2930 offset, judgment for the garnishee shall be entered against the
 2931 party against whom the costs are taxed for the deficiency.

2932 Section 63. Effective July 1, 2003, section 92.231,
 2933 Florida Statutes, is amended to read:

2934 92.231 Expert witnesses; fee.--

2935 (1) The term "expert witness" as used herein shall apply
 2936 to any witness who offers himself or herself in the trial of any
 2937 ~~civil~~ action as an expert witness or who is subpoenaed to
 2938 testify in such capacity before a state attorney in the
 2939 investigation of a criminal matter, or before a grand jury, and
 2940 who is permitted by the court to qualify and testify as such,
 2941 upon any matter pending before any court.

2942 (2) Any expert or skilled witness who shall have testified
 2943 in any cause shall be allowed a witness fee including the cost
 2944 of any exhibits used by such witness in an the amount agreed to
 2945 by the parties of \$10 per hour or such amount as the trial judge
 2946 may deem reasonable, and the same shall be taxed as costs. In
 2947 instances where services are provided for the state,
 2948 reimbursement from the state funds shall not exceed standard
 2949 amounts as provided by general law.



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2950 Section 64. Section 125.69, Florida Statutes, is amended
2951 to read:

2952 125.69 Penalties; enforcement by code inspectors.--

2953 (1) Violations of county ordinances shall be prosecuted in
2954 the same manner as misdemeanors are prosecuted. Such violations
2955 shall be prosecuted in the name of the county ~~state~~ in a court
2956 having jurisdiction of misdemeanors by the prosecuting attorney
2957 thereof and upon conviction shall be punished by a fine not to
2958 exceed \$500 or by imprisonment in the county jail not to exceed
2959 60 days or by both such fine and imprisonment. However, a county
2960 may specify, by ordinance, a violation of a county ordinance
2961 which is punishable by a fine in an amount exceeding \$500, but
2962 not exceeding \$2,000 a day, if the county must have authority to
2963 punish a violation of that ordinance by a fine in an amount
2964 greater than \$500 in order for the county to carry out a
2965 federally mandated program.

2966 (2) For the purpose of prosecuting violations of county
2967 ordinances under this section, the board of county commissioners
2968 of each county and the governing board of each charter county
2969 may designate as the county's prosecuting attorney an attorney
2970 employed by the county or a contract attorney. Subject to the
2971 control and oversight of the appointing authority, such attorney
2972 may employ assistants as necessary. Such person shall have all
2973 powers exercisable by the state attorney in the prosecution of
2974 violations of county ordinances under this section as of June
2975 30, 2004. Such person shall be subject to suspension and removal
2976 by the Governor and Senate from the exercise of prosecutorial
2977 powers in the same manner as state attorneys.

2978 (3) Each county is authorized and required to pay any
2979 attorney appointed by the court to represent a defendant



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2980 prosecuted under this section if the provision of an attorney at
 2981 public expense is required by the Constitution of the United
 2982 States or the Constitution of the State of Florida and if the
 2983 party is indigent as established pursuant to s. 27.52. In such
 2984 cases, the court shall appoint counsel to represent the
 2985 defendant from the registry of private counsel established
 2986 pursuant to s. 27.40, and shall order the county to pay the
 2987 reasonable fees, expenses, and costs of such defense.

2988 (4) The county shall bear all court fees and costs of any
 2989 prosecution under this section, and may, if it prevails, recover
 2990 the court fees and costs paid by it and the fees and expenses
 2991 paid to a court-appointed attorney as part of its judgment. The
 2992 state shall bear no expense of actions brought under this
 2993 section except those that it would bear in an ordinary civil
 2994 action between private parties in county court.

2995 (5)(2) The board of county commissioners of each county
 2996 may designate its agents or employees as code inspectors whose
 2997 duty it is to assure code compliance. Any person designated as a
 2998 code inspector may issue citations for violations of county
 2999 codes and ordinances, respectively, or subsequent amendments
 3000 thereto, when such code inspector has actual knowledge that a
 3001 violation has been committed.

3002 (a) Prior to issuing a citation, a code inspector shall
 3003 provide notice to the violator that the violator has committed a
 3004 violation of a code or ordinance and shall establish a
 3005 reasonable time period within which the violator must correct
 3006 the violation. Such time period shall be no more than 30 days.
 3007 If, upon personal investigation, a code inspector finds that the
 3008 violator has not corrected the violation within the time period,
 3009 a code inspector may issue a citation to the violator. A code



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3010 inspector does not have to provide the violator with a
3011 reasonable time period to correct the violation prior to issuing
3012 a citation and may immediately issue a citation if the code
3013 inspector has reason to believe that the violation presents a
3014 serious threat to the public health, safety, or welfare, or if
3015 the violation is irreparable or irreversible.

3016 (b) A citation issued by a code inspector shall state the
3017 date and time of issuance, name and address of the person in
3018 violation, date of the violation, section of the codes or
3019 ordinances, or subsequent amendments thereto, violated, name of
3020 the code inspector, and date and time when the violator shall
3021 appear in county court.

3022 (c) If a repeat violation is found subsequent to the
3023 issuance of a citation, the code inspector is not required to
3024 give the violator a reasonable time to correct the violation and
3025 may immediately issue a citation. For purposes of this
3026 subsection, the term "repeat violation" means a violation of a
3027 provision of a code or ordinance by a person who has previously
3028 been found to have violated the same provision within 5 years
3029 prior to the violation, notwithstanding the violations occurred
3030 at different locations.

3031 (d) If the owner of property which is subject to an
3032 enforcement proceeding before county court transfers ownership
3033 of such property between the time the initial citation or
3034 citations are issued and the date the violator has been summoned
3035 to appear in county court, such owner shall:

3036 1. Disclose, in writing, the existence and the nature of
3037 the proceeding to the prospective transferee.



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3038 2. Deliver to the prospective transferee a copy of the
3039 pleadings, notices, and other materials relating to the county
3040 court proceeding received by the transferor.

3041 3. Disclose, in writing, to the prospective transferee
3042 that the new owner will be responsible for compliance with the
3043 applicable code and with orders issued in the county court
3044 proceeding.

3045 4. File a notice with the code enforcement official of the
3046 transfer of the property, with the identity and address of the
3047 new owner and copies of the disclosures made to the new owner,
3048 within 5 days after the date of the transfer.

3049

3050 A failure to make the disclosure described in subparagraphs 1.,
3051 2., and 3. before the transfer creates a rebuttable presumption
3052 of fraud. If the property is transferred before the date the
3053 violator has been summoned to appear in county court, the
3054 proceeding shall not be dismissed but the new owner will be
3055 substituted as the party of record and thereafter provided a
3056 reasonable period of time to correct the violation before the
3057 continuation of proceedings in county court.

3058 (e) If the code inspector has reason to believe a
3059 violation or the condition causing the violation presents a
3060 serious threat to the public health, safety, and welfare or if
3061 the violation is irreparable or irreversible in nature, or if
3062 after attempts under this section to bring a repeat violation
3063 into compliance with a provision of a code or ordinance prove
3064 unsuccessful, the local governing body may make all reasonable
3065 repairs which are required to bring the property into compliance
3066 and charge the owner with the reasonable cost of the repairs
3067 along with the fine imposed pursuant to this section. Making



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3068 such repairs does not create a continuing obligation on the part
 3069 of the local governing body to make further repairs or to
 3070 maintain the property and does not create any liability against
 3071 the local governing body for any damages to the property if such
 3072 repairs were completed in good faith.

3073 (f) Nothing in this subsection shall be construed to
 3074 authorize any person designated as a code inspector to perform
 3075 any function or duties of a law enforcement officer other than
 3076 as specified in this subsection. A code inspector shall not make
 3077 physical arrests or take any person into custody and shall be
 3078 exempt from requirements relating to the Special Risk Class of
 3079 the Florida Retirement System, bonding, and the Criminal Justice
 3080 Standards and Training Commission, as defined and provided by
 3081 general law.

3082 (g) The provisions of this subsection shall not apply to
 3083 the enforcement pursuant to ss. 553.79 and 553.80 of the Florida
 3084 Building Code adopted pursuant to s. 553.73 as applied to
 3085 construction, provided that a building permit is either not
 3086 required or has been issued by the county.

3087 (h) The provisions of this subsection may be used by a
 3088 county in lieu of the provisions of part II of chapter 162.

3089 (i) The provisions of this subsection are additional or
 3090 supplemental means of enforcing county codes and ordinances.
 3091 Except as provided in paragraph (h), nothing in this subsection
 3092 shall prohibit a county from enforcing its codes or ordinances
 3093 by any other means.

3094 Section 65. Section 162.30, Florida Statutes, is created
 3095 to read:

3096 162.30 Civil actions to enforce county and municipal
 3097 ordinances.--In addition to other provisions of law authorizing



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3098 the enforcement of county and municipal codes and ordinances, a
 3099 county or municipality may enforce any violation of a county or
 3100 municipal code or ordinance by filing a civil action in the same
 3101 manner as instituting a civil action. The action shall be
 3102 brought in county or circuit court, whichever is appropriate
 3103 depending upon the relief sought. Counties and municipalities
 3104 are authorized and required to pay any attorney appointed by the
 3105 court to represent a private party in such action if the
 3106 provision of an attorney at public expense is required by the
 3107 Constitution of the United States or the Constitution of the
 3108 State of Florida and if the party is indigent as established
 3109 pursuant to s. 27.52. The county or municipality shall bear all
 3110 court fees and costs of any such action, and may, if it
 3111 prevails, recover the court fees and costs and expense of the
 3112 court-appointed attorney as part of its judgment. The state
 3113 shall bear no expense of actions brought under this section
 3114 except those that it would bear in an ordinary civil action
 3115 between private parties in county court.

3116 Section 66. Section 197.532, Florida Statutes, is amended
 3117 to read:

3118 197.532 Fees for mailing additional notices, when
 3119 application is made by holder.--When the certificateholder makes
 3120 a written request of the clerk and furnishes the names and
 3121 addresses at the time of the filing of the application, the
 3122 clerk shall send a copy of the notice referred to in s. 197.522
 3123 to anyone to whom the certificateholder may request him or her
 3124 to send it, and the clerk shall include in such notice the
 3125 statement required in s. 197.522. The certificateholder shall
 3126 pay the clerk the service charges as prescribed in s.
 3127 28.24(5)~~(8)~~ for preparing and mailing each copy of notice



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3128 requested by the holder. When the charges are made, they shall
 3129 be added by the clerk to the amount required to redeem the land
 3130 from sale.

3131 Section 67. Subsection (3) of section 197.542, Florida
 3132 Statutes, is amended to read:

3133 197.542 Sale at public auction.--

3134 (3) If the sale is canceled for any reason, the clerk
 3135 shall immediately readvertise the sale to be held no later than
 3136 30 days after the date the sale was canceled. Only one
 3137 advertisement is necessary. No further notice is required. The
 3138 amount of the statutory (opening) bid shall be increased by the
 3139 cost of advertising, additional clerk's fees as provided for in
 3140 s. 28.24(23)~~(26)~~, and interest as provided for in subsection
 3141 (1). The clerk shall receive full payment prior to the issuance
 3142 of the tax deed.

3143 Section 68. Subsection (2) of section 197.582, Florida
 3144 Statutes, is amended to read:

3145 197.582 Disbursement of proceeds of sale.--

3146 (2) If the property is purchased for an amount in excess
 3147 of the statutory bid of the certificateholder, the excess shall
 3148 be paid over and disbursed by the clerk. If the property
 3149 purchased is homestead property and the statutory bid includes
 3150 an amount equal to at least one-half of the assessed value of
 3151 the homestead, that amount shall be treated as excess and
 3152 distributed in the same manner. The clerk shall distribute the
 3153 excess to the governmental units for the payment of any lien of
 3154 record held by a governmental unit against the property. In the
 3155 event the excess is not sufficient to pay all of such liens in
 3156 full, the excess shall then be paid to each governmental unit
 3157 pro rata. If, after all liens of record of the governmental



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3158 units upon the property are paid in full, there remains a
 3159 balance of undistributed funds, the balance of the purchase
 3160 price shall be retained by the clerk for the benefit of the
 3161 persons described in s. 197.522(1)(a), as their interests may
 3162 appear. The clerk shall mail notices to such persons notifying
 3163 them of the funds held for their benefit. Any service charges,
 3164 at the same rate as prescribed in s. 28.24(10)~~(13)~~, and costs of
 3165 mailing notices shall be paid out of the excess balance held by
 3166 the clerk. Excess proceeds shall be held and disbursed in the
 3167 same manner as unclaimed redemption moneys in s. 197.473. In the
 3168 event excess proceeds are not sufficient to cover the service
 3169 charges and mailing costs, the clerk shall receive the total
 3170 amount of excess proceeds as a service charge.

3171 Section 69. Paragraph (d) of subsection (2) of section
 3172 212.055, Florida Statutes, is amended to read:

3173 212.055 Discretionary sales surtaxes; legislative intent;
 3174 authorization and use of proceeds.--It is the legislative intent
 3175 that any authorization for imposition of a discretionary sales
 3176 surtax shall be published in the Florida Statutes as a
 3177 subsection of this section, irrespective of the duration of the
 3178 levy. Each enactment shall specify the types of counties
 3179 authorized to levy; the rate or rates which may be imposed; the
 3180 maximum length of time the surtax may be imposed, if any; the
 3181 procedure which must be followed to secure voter approval, if
 3182 required; the purpose for which the proceeds may be expended;
 3183 and such other requirements as the Legislature may provide.
 3184 Taxable transactions and administrative procedures shall be as
 3185 provided in s. 212.054.

3186 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--



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3187 (d)1. The proceeds of the surtax authorized by this
3188 subsection and any interest accrued thereto shall be expended by
3189 the school district or within the county and municipalities
3190 within the county, or, in the case of a negotiated joint county
3191 agreement, within another county, to finance, plan, and
3192 construct infrastructure and to acquire land for public
3193 recreation or conservation or protection of natural resources
3194 and to finance the closure of county-owned or municipally owned
3195 solid waste landfills that are already closed or are required to
3196 close by order of the Department of Environmental Protection.
3197 Any use of such proceeds or interest for purposes of landfill
3198 closure prior to July 1, 1993, is ratified. Neither the proceeds
3199 nor any interest accrued thereto shall be used for operational
3200 expenses of any infrastructure, except that any county with a
3201 population of less than 75,000 that is required to close a
3202 landfill by order of the Department of Environmental Protection
3203 may use the proceeds or any interest accrued thereto for long-
3204 term maintenance costs associated with landfill closure.
3205 Counties, as defined in s. 125.011(1), and charter counties may,
3206 in addition, use the proceeds and any interest accrued thereto
3207 to retire or service indebtedness incurred for bonds issued
3208 prior to July 1, 1987, for infrastructure purposes, and for
3209 bonds subsequently issued to refund such bonds. Any use of such
3210 proceeds or interest for purposes of retiring or servicing
3211 indebtedness incurred for such refunding bonds prior to July 1,
3212 1999, is ratified.

3213 2. For the purposes of this paragraph, "infrastructure"
3214 means:

3215 a. Any fixed capital expenditure or fixed capital outlay
3216 associated with the construction, reconstruction, or improvement



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3217 of public facilities which have a life expectancy of 5 or more
 3218 years and any land acquisition, land improvement, design, and
 3219 engineering costs related thereto.

3220 b. A fire department vehicle, an emergency medical service
 3221 vehicle, a sheriff's office vehicle, a police department
 3222 vehicle, or any other vehicle, and such equipment necessary to
 3223 outfit the vehicle for its official use or equipment that has a
 3224 life expectancy of at least 5 years.

3225 c. Any expenditure for the construction, lease, or
 3226 maintenance of, or provision of utilities or security for,
 3227 facilities as defined in s. 29.008.

3228 3. Notwithstanding any other provision of this subsection,
 3229 a discretionary sales surtax imposed or extended after the
 3230 effective date of this act may provide for an amount not to
 3231 exceed 15 percent of the local option sales surtax proceeds to
 3232 be allocated for deposit to a trust fund within the county's
 3233 accounts created for the purpose of funding economic development
 3234 projects of a general public purpose targeted to improve local
 3235 economies, including the funding of operational costs and
 3236 incentives related to such economic development. The ballot
 3237 statement must indicate the intention to make an allocation
 3238 under the authority of this subparagraph.

3239 Section 70. Effective July 1, 2003, paragraphs (c), (d),
 3240 (e), and (f) of subsection (3) and subsection (11) of section
 3241 318.18, Florida Statutes, are amended to read:

3242 318.18 Amount of civil penalties.--The penalties required
 3243 for a noncriminal disposition pursuant to s. 318.14 are as
 3244 follows:

3245 (3)



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3246 (c) Notwithstanding paragraph (b), a person cited for
3247 exceeding the speed limit by up to 5 m.p.h. in a legally posted
3248 school zone will be fined \$50. A person exceeding the speed
3249 limit in a school zone shall pay ~~will be assessed~~ a fine double
3250 the amount listed in paragraph (b).

3251 (d) A person cited for exceeding the speed limit in a
3252 posted construction zone shall pay ~~will be assessed~~ a fine
3253 double the amount listed in paragraph (b). The fine shall be
3254 doubled for construction zone violations only if construction
3255 personnel are present or operating equipment on the road or
3256 immediately adjacent to the road under construction.

3257 (e) If a violation of s. 316.1301 or s. 316.1303 results
3258 in an injury to the pedestrian or damage to the property of the
3259 pedestrian, an additional fine of up to \$250 shall be paid ~~must~~
3260 ~~be assessed~~. This amount must be distributed pursuant to s.
3261 318.21.

3262 (f) A person cited for exceeding the speed limit within a
3263 zone posted for any electronic or manual toll collection
3264 facility shall pay ~~will be assessed~~ a fine double the amount
3265 listed in paragraph (b). However, no person cited for exceeding
3266 the speed limit in any toll collection zone shall be subject to
3267 a doubled fine unless the governmental entity or authority
3268 controlling the toll collection zone first installs a traffic
3269 control device providing warning that speeding fines are
3270 doubled. Any such traffic control device must meet the
3271 requirements of the uniform system of traffic control devices.

3272 (11)(a) Court costs that are to be in addition to the
3273 stated fine must be paid ~~shall be imposed by the court~~ in an
3274 amount not less than the following:

3275



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3276 For pedestrian infractions \$ 3.
 3277 For nonmoving traffic infractions..... \$ 6.
 3278 For moving traffic infractions..... \$10.

3279
 3280 (b) In addition to the court cost required ~~assessed~~ under
 3281 paragraph (a), ~~the court shall impose~~ a \$3 court cost must be
 3282 paid for each infraction to be distributed as provided in s.
 3283 938.01 and a \$2 court cost as provided in s. 938.15 when
 3284 assessed by a municipality or county.

3285
 3286 Court costs imposed under this subsection may not exceed \$30. A
 3287 criminal justice selection center or other local criminal
 3288 justice access and assessment center may be funded from these
 3289 court costs.

3290 Section 71. Paragraph (h) of subsection (2) of section
 3291 318.21, Florida Statutes, is amended to read:

3292 318.21 Disposition of civil penalties by county
 3293 courts.--All civil penalties received by a county court pursuant
 3294 to the provisions of this chapter shall be distributed and paid
 3295 monthly as follows:

3296 (2) Of the remainder:
 3297 (h) Fifteen percent must be deposited into the General
 3298 Revenue ~~County Article V Trust~~ Fund.

3299 Section 72. Section 318.325, Florida Statutes, is amended
 3300 to read:

3301 318.325 Jurisdiction and procedure for parking
 3302 infractions.--Any county or municipality may adopt an ordinance
 3303 that allows the county or municipality to refer cases involving
 3304 the violation of a county or municipal parking ordinance to a
 3305 hearing officer funded by the county or municipality ~~designated~~



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3306 ~~to preside over civil traffic infractions in the county.~~
3307 Notwithstanding the provisions of ss. 318.14 and 775.08(3), any
3308 parking violation shall be deemed to be an infraction as defined
3309 in s. 318.13(3). However, the violation must be enforced and
3310 disposed of in accordance with the provisions of general law
3311 applicable to parking violations and with the charter or code of
3312 the county or municipality where the violation occurred. The
3313 clerk of the court or the designated traffic violations bureau
3314 must collect and distribute the fines, forfeitures, and court
3315 costs assessed under this section. Notwithstanding the
3316 provisions of s. 318.21, fines and forfeitures received from
3317 parking violations committed within the unincorporated areas of
3318 the county or within the boundaries of the municipality must be
3319 collected and paid monthly to the county or municipality,
3320 respectively. Court costs assessed by the hearing officer must
3321 be paid to the county.

3322 Section 73. Subsection (1) of section 395.3025, Florida
3323 Statutes, is amended to read:

3324 395.3025 Patient and personnel records; copies;
3325 examination.--

3326 (1) Any licensed facility shall, upon written request, and
3327 only after discharge of the patient, furnish, in a timely
3328 manner, without delays for legal review, to any person admitted
3329 therein for care and treatment or treated thereat, or to any
3330 such person's guardian, curator, or personal representative, or
3331 in the absence of one of those persons, to the next of kin of a
3332 decedent or the parent of a minor, or to anyone designated by
3333 such person in writing, a true and correct copy of all patient
3334 records, including X rays, and insurance information concerning
3335 such person, which records are in the possession of the licensed



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3336 facility, provided the person requesting such records agrees to
 3337 pay a charge. The exclusive charge for copies of patient records
 3338 may include sales tax and actual postage, and, except for
 3339 nonpaper records which are subject to a charge not to exceed \$2
 3340 as provided in s. 28.24(6)(9)(c), may not exceed \$1 per page, as
 3341 provided in s. 28.24(5)(8)(a). A fee of up to \$1 may be charged
 3342 for each year of records requested. These charges shall apply to
 3343 all records furnished, whether directly from the facility or
 3344 from a copy service providing these services on behalf of the
 3345 facility. However, a patient whose records are copied or
 3346 searched for the purpose of continuing to receive medical care
 3347 is not required to pay a charge for copying or for the search.
 3348 The licensed facility shall further allow any such person to
 3349 examine the original records in its possession, or microforms or
 3350 other suitable reproductions of the records, upon such
 3351 reasonable terms as shall be imposed to assure that the records
 3352 will not be damaged, destroyed, or altered.

3353 Section 74. Section 397.334, Florida Statutes, is amended
 3354 to read:

3355 397.334 Treatment-based drug court programs.--

3356 ~~(1) It is the intent of the Legislature to implement~~
 3357 ~~treatment-based drug court programs in each judicial circuit in~~
 3358 ~~an effort to reduce crime and recidivism, abuse and neglect~~
 3359 ~~eases, and family dysfunction by breaking the cycle of addiction~~
 3360 ~~which is the most predominant cause of cases entering the~~
 3361 ~~justice system. The Legislature recognizes that the integration~~
 3362 ~~of judicial supervision, treatment, accountability, and~~
 3363 ~~sanctions greatly increases the effectiveness of substance abuse~~
 3364 ~~treatment. The Legislature also seeks to ensure that there is a~~
 3365 ~~coordinated, integrated, and multidisciplinary response to the~~



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3366 ~~substance abuse problem in this state, with special attention~~
3367 ~~given to creating partnerships between the public and private~~
3368 ~~sectors and to the coordinated, supported, and integrated~~
3369 ~~delivery of multiple system services for substance abusers,~~
3370 ~~including a multiagency team approach to service delivery.~~

3371 (1)(2) Each county may fund ~~judicial circuit shall~~
3372 ~~establish a model of~~ a treatment-based drug court program under
3373 which persons in the justice system assessed with a substance
3374 abuse problem will be processed in such a manner as to
3375 appropriately address the severity of the identified substance
3376 abuse problem through treatment plans tailored to the individual
3377 needs of the participant. ~~These treatment-based drug court~~
3378 ~~program models may be established in the misdemeanor, felony,~~
3379 ~~family, delinquency, and dependency divisions of the judicial~~
3380 ~~circuits.~~ It is the intent of the Legislature to encourage the
3381 Department of Corrections, the Department of Children and Family
3382 Services, the Department of Juvenile Justice, the Department of
3383 Health, the Department of Law Enforcement, and such other
3384 agencies, local governments, law enforcement agencies, and other
3385 interested public or private sources to support the creation and
3386 establishment of these problem-solving court programs.

3387 Participation in the treatment-based drug court programs does
3388 not divest any public or private agency of its responsibility
3389 for a child or adult, but allows these agencies to better meet
3390 their needs through shared responsibility and resources.

3391 (2)(3) The treatment-based drug court programs shall
3392 include therapeutic jurisprudence principles and adhere to the
3393 following 10 key components, recognized by the Drug Courts
3394 Program Office of the Office of Justice Programs of the United



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3395 States Department of Justice and adopted by the Florida Supreme
 3396 Court Treatment-Based Drug Court Steering Committee:

3397 (a) Drug court programs integrate alcohol and other drug
 3398 treatment services with justice system case processing.

3399 (b) Using a nonadversarial approach, prosecution and
 3400 defense counsel promote public safety while protecting
 3401 participants' due process rights.

3402 (c) Eligible participants are identified early and
 3403 promptly placed in the drug court program.

3404 (d) Drug court programs provide access to a continuum of
 3405 alcohol, drug, and other related treatment and rehabilitation
 3406 services.

3407 (e) Abstinence is monitored by frequent testing for
 3408 alcohol and other drugs.

3409 (f) A coordinated strategy governs drug court program
 3410 responses to participants' compliance.

3411 (g) Ongoing judicial interaction with each drug court
 3412 program participant is essential.

3413 (h) Monitoring and evaluation measure the achievement of
 3414 program goals and gauge program effectiveness.

3415 (i) Continuing interdisciplinary education promotes
 3416 effective drug court program planning, implementation, and
 3417 operations.

3418 (j) Forging partnerships among drug court programs, public
 3419 agencies, and community-based organizations generates local
 3420 support and enhances drug court program effectiveness.

3421 (3)~~(4)~~ Treatment-based drug court programs may include
 3422 pretrial intervention programs as provided in ss. 948.08,
 3423 948.16, and 985.306.



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3424 ~~(4)(5)~~(a) The Florida Association of Drug Court Program
3425 Professionals is created. The membership of the association may
3426 consist of drug court program practitioners who comprise the
3427 multidisciplinary drug court program team, including, but not
3428 limited to, judges, state attorneys, defense counsel, drug court
3429 program coordinators, probation officers, law enforcement
3430 officers, members of the academic community, and treatment
3431 professionals. Membership in the association shall be voluntary.

3432 (b) The association shall annually elect a chair whose
3433 duty is to solicit recommendations from members on issues
3434 relating to the expansion, operation, and institutionalization
3435 of drug court programs. The chair is responsible for providing
3436 the association's recommendations to the Supreme Court
3437 Treatment-Based Drug Court Steering Committee, and shall submit
3438 a report each year, on or before October 1, to the steering
3439 committee.

3440 (5) If a county chooses to fund a treatment-based drug
3441 court program, the county must secure funding from sources other
3442 than the state for those costs not otherwise assumed by the
3443 state.

3444 Section 75. Subsection (3) of section 712.06, Florida
3445 Statutes, is amended to read:

3446 712.06 Contents of notice; recording and indexing.--

3447 (3) The clerk of the circuit court shall, upon such
3448 filing, mail by registered or certified mail to the purported
3449 owner of said property, as stated in such notice, a copy thereof
3450 and shall enter on the original, before recording the same, a
3451 certificate showing such mailing. For preparing the certificate,
3452 the claimant shall pay to the clerk the service charge as
3453 prescribed in s. 28.24 (8) ~~(11)~~ and the necessary costs of



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3454 mailing, in addition to the recording charges as prescribed in
 3455 s. 28.24(12)~~(15)~~. If the notice names purported owners having
 3456 more than one address, the person filing the same shall furnish
 3457 a true copy for each of the several addresses stated, and the
 3458 clerk shall send one such copy to the purported owners named at
 3459 each respective address. Such certificate shall be sufficient if
 3460 the same reads substantially as follows:

3461
 3462 I hereby certify that I did on this _____, mail by
 3463 registered (or certified) mail a copy of the foregoing notice to
 3464 each of the following at the address stated:

3465 ... (Clerk of the circuit court) ...
 3466 of _____ County, Florida,
 3467 By ... (Deputy clerk) ...

3468
 3469 The clerk of the circuit court is not required to mail to the
 3470 purported owner of such property any such notice that pertains
 3471 solely to the preserving of any covenant or restriction or any
 3472 portion of a covenant or restriction.

3473 Section 76. Effective July 1, 2003, paragraph (c) of
 3474 subsection (2) of section 741.30, Florida Statutes, is amended
 3475 to read:

3476 741.30 Domestic violence; injunction; powers and duties of
 3477 court and clerk; petition; notice and hearing; temporary
 3478 injunction; issuance of injunction; statewide verification
 3479 system; enforcement.--

3480 (2)

3481 (c)1. The clerk of the court shall assist petitioners in
 3482 seeking both injunctions for protection against domestic



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3483 violence and enforcement for a violation thereof as specified in
3484 this section.

3485 2. All clerks' offices shall provide simplified petition
3486 forms for the injunction, any modifications, and the enforcement
3487 thereof, including instructions for completion.

3488 3. The clerk of the court shall advise petitioners of the
3489 opportunity to apply for a certificate of indigency ~~availability~~
3490 ~~of affidavits of insolvency or indigence~~ in lieu of prepayment
3491 ~~payment~~ for the cost of the filing fee, as provided in paragraph
3492 (a).

3493 4. The clerk of the court shall ensure the petitioner's
3494 privacy to the extent practical while completing the forms for
3495 injunctions for protection against domestic violence.

3496 5. The clerk of the court shall provide petitioners with a
3497 minimum of two certified copies of the order of injunction, one
3498 of which is serviceable and will inform the petitioner of the
3499 process for service and enforcement.

3500 6. Clerks of court and appropriate staff in each county
3501 shall receive training in the effective assistance of
3502 petitioners as provided or approved by the Florida Association
3503 of Court Clerks.

3504 7. The clerk of the court in each county shall make
3505 available informational brochures on domestic violence when such
3506 brochures are provided by local certified domestic violence
3507 centers.

3508 8. The clerk of the court in each county shall distribute
3509 a statewide uniform informational brochure to petitioners at the
3510 time of filing for an injunction for protection against domestic
3511 or repeat violence when such brochures become available. The



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3512 brochure must include information about the effect of giving the
3513 court false information about domestic violence.

3514 Section 77. Paragraph (c) of subsection (4) of section
3515 790.22, Florida Statutes, is amended to read:

3516 790.22 Use of BB guns, air or gas-operated guns, or
3517 electric weapons or devices by minor under 16; limitation;
3518 possession of firearms by minor under 18 prohibited;
3519 penalties.--

3520 (4)

3521 (c) The juvenile justice circuit boards or juvenile
3522 justice county councils or the Department of Juvenile Justice
3523 shall establish appropriate community service programs ~~to be~~
3524 ~~available to the alternative sanctions coordinators of the~~
3525 ~~circuit courts~~ in implementing this subsection. The boards or
3526 councils or department shall propose the implementation of a
3527 community service program in each circuit, and may submit a
3528 circuit plan, ~~to be implemented upon approval of the circuit~~
3529 ~~alternative sanctions coordinator.~~

3530 Section 78. Subsection (6) of section 796.07, Florida
3531 Statutes, is amended to read:

3532 796.07 Prohibiting prostitution, etc.; evidence;
3533 penalties; definitions.--

3534 (6) A person who violates paragraph (2)(f) shall be
3535 assessed a civil penalty of \$500 if the violation results in any
3536 judicial disposition other than acquittal or dismissal. The
3537 proceeds from penalties assessed under this subsection shall be
3538 paid to the circuit courts administrator for the sole purpose of
3539 paying the administrative costs of ~~mandatory~~ treatment-based
3540 drug court programs provided under s. 397.334.



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3541 Section 79. Section 914.06, Florida Statutes, is amended
3542 to read:

3543 914.06 Compensation of expert witnesses in criminal
3544 cases.--In a criminal case when the state or an indigent
3545 defendant requires the services of an expert witness whose
3546 opinion is relevant to the issues of the case, the court shall
3547 award reasonable compensation to the expert witness that shall
3548 be taxed and paid by the state ~~county~~ as costs in the same
3549 manner as other costs.

3550 Section 80. Section 914.11, Florida Statutes, is amended
3551 to read:

3552 914.11 Indigent defendants.--If a ~~court decides, on the~~
3553 ~~basis of an affidavit, that a~~ defendant in a criminal case is
3554 indigent pursuant to s. 27.52 and presently unable to pay the
3555 cost of procuring the attendance of witnesses, such defendant
3556 may subpoena the witnesses, and the costs, including the cost of
3557 the defendant's copy of all depositions and transcripts which
3558 are certified by the defendant's attorney as serving a useful
3559 purpose in the disposition of the case, shall be paid by the
3560 state ~~county~~. When depositions are taken outside the circuit in
3561 which the case is pending, travel expenses shall be paid by the
3562 state ~~county~~ in accordance with s. 112.061 and shall also be
3563 taxed as costs payable to the state.

3564 Section 81. Effective July 1, 2003, paragraph (a) of
3565 subsection (2) of section 916.107, Florida Statutes, is amended
3566 to read:

3567 916.107 Rights of forensic clients.--

3568 (2) RIGHT TO TREATMENT.--

3569 (a) The policy of the state is that the department shall
3570 not deny treatment or training to any client and that no



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3571 services shall be delayed at a facility because the forensic
 3572 client is indigent pursuant to s. 27.52 and presently unable to
 3573 pay. However, every reasonable effort to collect appropriate
 3574 reimbursement for the cost of providing services to clients able
 3575 to pay for the services, including reimbursement from insurance
 3576 or other third-party payments, shall be made by facilities
 3577 providing services pursuant to this chapter and in accordance
 3578 with the provisions of s. 402.33.

3579 Section 82. Effective July 1, 2003, subsection (3) of
 3580 section 916.15, Florida Statutes, is amended to read:

3581 916.15 Involuntary commitment of defendant adjudicated not
 3582 guilty by reason of insanity.--

3583 (3) In all proceedings under this subsection, both the
 3584 defendant and the state shall have the right to a hearing before
 3585 the committing court. Evidence at such hearing may be presented
 3586 by the hospital administrator or the administrator's designee as
 3587 well as by the state and the defendant. The defendant shall have
 3588 the right to counsel at any such hearing. In the event that a
 3589 defendant is determined to be indigent pursuant to s. 27.52
 3590 ~~cannot afford counsel, the court shall appoint~~ the public
 3591 defender shall ~~to~~ represent the defendant. The parties shall
 3592 have access to the defendant's records at the treating
 3593 facilities and may interview or depose personnel who have had
 3594 contact with the defendant at the treating facilities.

3595 Section 83. Effective July 1, 2003, section 938.01,
 3596 Florida Statutes, as amended by section 77 of chapter 2002-402,
 3597 Laws of Florida, is amended to read:

3598 938.01 Additional Court Cost Clearing Trust Fund.--

3599 (1) All courts created by Art. V of the State Constitution
 3600 shall, in addition to any fine or other penalty, require assess



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3601 ~~\$3 as a court cost against~~ every person convicted for violation
 3602 of a state penal or criminal statute or convicted for violation
 3603 of a municipal or county ordinance to pay \$3 as a court cost.
 3604 Any person whose adjudication is withheld pursuant to the
 3605 provisions of s. 318.14(9) or (10) shall also be liable for
 3606 payment of ~~be assessed~~ such cost. In addition, \$3 from every
 3607 bond estreature or forfeited bail bond related to such penal
 3608 statutes or penal ordinances shall be remitted to the Department
 3609 of Revenue as described in this subsection. However, no such
 3610 assessment may be made against any person convicted for
 3611 violation of any state statute, municipal ordinance, or county
 3612 ordinance relating to the parking of vehicles.

3613 (a) All costs collected by the courts pursuant to this
 3614 subsection shall be remitted to the Department of Revenue in
 3615 accordance with administrative rules adopted by the executive
 3616 director of the Department of Revenue for deposit in the
 3617 Additional Court Cost Clearing Trust Fund. These funds and the
 3618 funds deposited in the Additional Court Cost Clearing Trust Fund
 3619 pursuant to s. 318.21(2)(c) shall be distributed as follows:

3620 1. Ninety-two percent to the Department of Law Enforcement
 3621 Criminal Justice Standards and Training Trust Fund.

3622 2. Six and three-tenths percent to the Department of Law
 3623 Enforcement Operating Trust Fund for the Criminal Justice Grant
 3624 Program.

3625 3. One and seven-tenths percent to the Department of
 3626 Children and Family Services Domestic Violence Trust Fund for
 3627 the domestic violence program pursuant to s. 39.903(3).

3628 (b) The funds deposited in the Department of Law
 3629 Enforcement Criminal Justice Standards and Training Trust Fund,
 3630 the Department of Law Enforcement Operating Trust Fund, and the



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3631 Department of Children and Family Services Domestic Violence
 3632 Trust Fund may be invested. Any interest earned from investing
 3633 such funds and any unencumbered funds remaining at the end of
 3634 the budget cycle shall remain in the respective trust fund.

3635 (c) All funds in the Department of Law Enforcement
 3636 Criminal Justice Standards and Training Trust Fund shall be
 3637 disbursed only in compliance with s. 943.25(9).

3638 (2) Except as provided by s. 938.15 and notwithstanding
 3639 any other provision of law, no funds collected and deposited
 3640 pursuant to this section or s. 943.25 shall be expended unless
 3641 specifically appropriated by the Legislature.

3642 Section 84. Effective July 1, 2003, section 938.03,
 3643 Florida Statutes, is amended to read:

3644 938.03 Crimes Compensation Trust Fund.--

3645 (1) ~~When~~ Any person pleading ~~pleads~~ guilty or nolo
 3646 contendere to, or being ~~is~~ convicted of or adjudicated
 3647 delinquent for, any felony, misdemeanor, delinquent act, or
 3648 criminal traffic offense under the laws of this state or the
 3649 violation of any municipal or county ordinance which adopts by
 3650 reference any misdemeanor under state law, ~~there shall~~ pay ~~be~~
 3651 ~~imposed~~ as an additional cost in the case, in addition and prior
 3652 to any other cost required to be imposed by law, the sum of \$50.
 3653 Any person whose adjudication is withheld shall also be assessed
 3654 such cost.

3655 (2) These costs shall not be ~~are considered assessed~~
 3656 ~~unless specifically~~ waived by the court. ~~If the court does not~~
 3657 ~~order these costs, it shall state on the record, in detail, the~~
 3658 ~~reasons therefor.~~



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3659 (3) In the event that the individual has been ordered to
 3660 pay restitution in accordance with s. 775.089, costs referenced
 3661 in this section shall be included in a judgment.

3662 (4) The clerk of the court shall collect and forward \$49
 3663 of each \$50 collected to the Department of Revenue, to be
 3664 deposited in the Crimes Compensation Trust Fund. The clerk shall
 3665 retain the remaining \$1 of each \$50 collected as an additional
 3666 cost by a service charge of the clerk's office. ~~Under no~~
 3667 ~~condition shall a political subdivision be held liable for the~~
 3668 ~~payment of this sum of \$50.~~

3669 Section 85. Section 938.05, Florida Statutes, is amended
 3670 to read:

3671 938.05 Additional court costs for felonies, misdemeanors,
 3672 and criminal traffic offenses ~~Local Government Criminal Justice~~
 3673 ~~Trust Fund.--~~

3674 (1) ~~When~~ Any person pleading ~~pleads~~ nolo contendere to a
 3675 misdemeanor or criminal traffic offense under s. 318.14(10)(a)
 3676 or pleading ~~pleads~~ guilty or nolo contendere to, or being is
 3677 found guilty of, any felony, misdemeanor, or criminal traffic
 3678 offense under the laws of this state or the violation of any
 3679 municipal or county ordinance which adopts by reference any
 3680 misdemeanor under state law, ~~there shall pay be imposed~~ as a
 3681 cost in the case, in addition to any other cost required to be
 3682 imposed by law, a sum in accordance with the following schedule:

- 3683 (a) Felonies \$200
- 3684 (b) Misdemeanors \$50
- 3685 (c) Criminal traffic offenses \$50

3686 (2) Payment of the additional court costs provided for in
 3687 subsection (1) shall be made part of any plea agreement reached
 3688 by the prosecuting attorney and defense counsel or the criminal



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3689 defendant where the plea agreement provides for the defendant to
 3690 plead guilty or nolo contendere to any felony, misdemeanor, or
 3691 criminal traffic offense under the laws of this state or any
 3692 municipal or county ordinance which adopts by reference any
 3693 misdemeanor under state law.

3694 (3) The clerk of the court shall collect such additional
 3695 costs and shall notify the agency supervising a person upon whom
 3696 costs have been imposed upon full payment of fees. The clerk
 3697 shall deposit all but \$3 for each misdemeanor or criminal
 3698 traffic case and all but \$5 for each felony case in the General
 3699 Revenue Fund ~~a special trust fund of the county. Such funds~~
 3700 ~~shall be used exclusively for those purposes set forth in s.~~
 3701 ~~27.3455(3).~~ The clerk shall retain \$3 for each misdemeanor or
 3702 criminal traffic case and \$5 for each felony case of each
 3703 scheduled amount collected as a service charge of the clerk's
 3704 office. ~~A political subdivision shall not be held liable for the~~
 3705 ~~payment of the additional costs imposed by this section.~~

3706 Section 86. Effective July 1, 2003, subsection (1) of
 3707 section 938.06, Florida Statutes, is amended to read:

3708 938.06 Additional cost for crime stoppers programs.--

3709 (1) In addition to any fine prescribed by law for any
 3710 criminal offense, there is hereby assessed as a court cost an
 3711 additional surcharge of \$20 on such fine, which shall be imposed
 3712 by all county and circuit courts and collected by the clerks of
 3713 the courts together with such fine. ~~No political subdivision~~
 3714 ~~shall be held liable for payment of costs under this section.~~

3715 Section 87. Section 938.19, Florida Statutes, is amended
 3716 to read:

3717 938.19 Teen courts; ~~operation and~~
 3718 ~~administration.~~--Counties are hereby authorized to fund teen



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3719 ~~courts. Notwithstanding s. 318.121, in each county in which a~~
3720 ~~teen court has been created, a county may adopt a mandatory cost~~
3721 ~~to be assessed in specific cases as provided for in subsection~~
3722 ~~(1) by incorporating by reference the provisions of this section~~
3723 ~~in a county ordinance. Assessments collected by the clerk of the~~
3724 ~~circuit court pursuant to this section shall be deposited into~~
3725 ~~an account specifically for the operation and administration of~~
3726 ~~the teen court:~~

3727 ~~(1) A sum of \$3, which shall be assessed as a court cost~~
3728 ~~by both the circuit court and the county court in the county~~
3729 ~~against every person who pleads guilty or nolo contendere to, or~~
3730 ~~is convicted of, regardless of adjudication, a violation of a~~
3731 ~~state criminal statute or a municipal ordinance or county~~
3732 ~~ordinance or who pays a fine or civil penalty for any violation~~
3733 ~~of chapter 316. Any person whose adjudication is withheld~~
3734 ~~pursuant to the provisions of s. 318.14(9) or (10) shall also be~~
3735 ~~assessed such cost. The \$3 assessment for court costs shall be~~
3736 ~~assessed in addition to any fine, civil penalty, or other court~~
3737 ~~cost and shall not be deducted from the proceeds of that portion~~
3738 ~~of any fine or civil penalty which is received by a municipality~~
3739 ~~in the county or by the county in accordance with ss. 316.660~~
3740 ~~and 318.21. The \$3 assessment shall specifically be added to any~~
3741 ~~civil penalty paid for a violation of chapter 316, whether such~~
3742 ~~penalty is paid by mail, paid in person without request for a~~
3743 ~~hearing, or paid after hearing and determination by the court.~~
3744 ~~However, the \$3 assessment shall not be made against a person~~
3745 ~~for a violation of any state statutes, county ordinance, or~~
3746 ~~municipal ordinance relating to the parking of vehicles, with~~
3747 ~~the exception of a violation of the handicapped parking laws.~~
3748 ~~The clerk of the circuit court shall collect the respective \$3~~



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3749 ~~assessments for court costs established in this subsection and~~
 3750 ~~shall remit the same to the teen court monthly, less 5 percent,~~
 3751 ~~which is to be retained as fee income of the office of the clerk~~
 3752 ~~of the circuit court.~~

3753 ~~(2) Such other moneys as become available for establishing~~
 3754 ~~and operating teen courts under the provisions of Florida law.~~

3755 Section 88. Effective July 1, 2003, and notwithstanding s.
 3756 938.19, Florida Statutes, to the contrary, any court may use
 3757 surplus funds provided for teen courts for juvenile drug courts.
 3758 This section expires July 1, 2004.

3759 Section 89. Effective July 1, 2003, section 938.27,
 3760 Florida Statutes, is amended to read:

3761 938.27 Judgment for costs on conviction.--

3762 (1) In all criminal cases, convicted persons are liable
 3763 for payment of the documented costs of prosecution, including
 3764 investigative costs incurred by law enforcement agencies, by
 3765 fire departments for arson investigations, and by investigations
 3766 of the Division of Financial Investigations of the Department of
 3767 Financial Services ~~Banking and Finance~~, if requested ~~and~~
 3768 documented by such agencies. These costs, shall be included and
 3769 entered in the judgment rendered against the convicted person.

3770 ~~(2) If the court does not enter costs, or orders only~~
 3771 ~~partial costs under this section, it shall state on the record~~
 3772 ~~the reasons therefor.~~

3773 ~~(2)(3)~~(a) The court may require that the defendant pay the
 3774 costs within a specified period or in specified installments.

3775 (b) The end of such period or the last such installment
 3776 shall not be later than:

- 3777 1. The end of the period of probation or community
- 3778 control, if probation or community control is ordered;



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3779 2. Five years after the end of the term of imprisonment
3780 imposed, if the court does not order probation or community
3781 control; or

3782 3. Five years after the date of sentencing in any other
3783 case.

3784 (c) If not otherwise provided by the court under this
3785 section, costs shall be paid immediately.

3786 (3)~~(4)~~ If a defendant is placed on probation or community
3787 control, payment of any costs ~~ordered~~ under this section shall
3788 be a condition of such probation or community control. The court
3789 may revoke probation or community control if the defendant fails
3790 to pay these costs ~~comply with such order~~.

3791 ~~(5) The court, in determining whether to order costs and~~
3792 ~~the amount of such costs, shall consider the amount of the costs~~
3793 ~~incurred, the financial resources of the defendant, the~~
3794 ~~financial needs and earning ability of the defendant, and such~~
3795 ~~other factors which it deems appropriate.~~

3796 (4)~~(6)~~ Any dispute as to the proper amount or type of
3797 costs ~~ordered~~ shall be resolved by the court by the
3798 preponderance of the evidence. The burden of demonstrating the
3799 amount of costs incurred is on the state attorney. The burden of
3800 demonstrating the financial resources of the defendant and the
3801 financial needs of the defendant is on the defendant. The burden
3802 of demonstrating such other matters as the court deems
3803 appropriate is upon the party designated by the court as justice
3804 requires.

3805 (5)~~(7)~~ Any default in payment of costs ~~ordered~~ may be
3806 collected by any means authorized by law for enforcement of a
3807 judgment.



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3808 ~~(6)(8)~~ ~~The court may order~~ The clerk of the court shall ~~to~~
 3809 collect and dispense cost payments in any case.

3810 ~~(7)(9)~~ Investigative costs which are recovered shall be
 3811 returned to the appropriate investigative agency which incurred
 3812 the expense. Costs shall include actual expenses incurred in
 3813 conducting the investigation and prosecution of the criminal
 3814 case; however, costs may also include the salaries of permanent
 3815 employees. Any investigative costs recovered on behalf of a
 3816 state agency must be remitted to the Department of Revenue for
 3817 deposit in the agency operating trust fund, and a report of the
 3818 payment must be sent to the agency.

3819 ~~(8)(10)~~ Costs that are collected by the state attorney
 3820 under this section shall be deposited into the state attorney's
 3821 grants and donations trust fund to be used during the fiscal
 3822 year in which the funds are collected, or in any subsequent
 3823 fiscal year, for actual expenses incurred in investigating and
 3824 prosecuting criminal cases, which may include the salaries of
 3825 permanent employees.

3826 Section 90. Section 938.29, Florida Statutes, is amended
 3827 to read:

3828 938.29 Legal assistance; lien for payment of attorney's
 3829 fees or costs.--

3830 (1)(a) A defendant ~~The court having jurisdiction over any~~
 3831 ~~defendant who has been~~ determined to be guilty of a criminal act
 3832 by a court or jury or through a plea of guilty or nolo
 3833 contendere and who has received the assistance of the public
 3834 defender's office, a special assistant public defender, or a
 3835 conflict attorney shall be liable for payment of assess
 3836 attorney's fees and costs. The court ~~against the defendant at~~
 3837 ~~the sentencing hearing and shall determine the appropriate~~



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3838 amount of the obligation and method of payment. Such costs shall
 3839 ~~may~~ include, but not be limited to, the cost of depositions;
 3840 cost of transcripts of depositions, including the cost of
 3841 defendant's copy, which transcripts are certified by the
 3842 defendant's attorney as having served a useful purpose in the
 3843 disposition of the case; investigative costs; witness fees; the
 3844 cost of psychiatric examinations; or other reasonable costs
 3845 specially incurred by the state and the clerk of court county
 3846 for the defense of the defendant in criminal prosecutions ~~within~~
 3847 ~~the county~~. Costs shall not include expenses inherent in
 3848 providing a constitutionally guaranteed jury trial or
 3849 expenditures in connection with the maintenance and operation of
 3850 government agencies that must be made by the public irrespective
 3851 of specific violations of law. Any costs assessed pursuant to
 3852 this paragraph shall be reduced by any amount assessed against a
 3853 defendant pursuant to s. 938.05.

3854 (b) Upon entering a judgment of conviction, ~~the trial~~
 3855 ~~court shall order~~ the defendant shall be liable to pay the costs
 3856 ~~assessed by the court in full, or within a time certain as set~~
 3857 ~~by the court,~~ after the judgment of conviction becomes final.

3858 (c) ~~After assessment of the application fee under s.~~
 3859 ~~27.52(1)(c) and attorney's fees and costs, the court shall order~~
 3860 The defendant shall ~~to~~ pay the application fee under s.
 3861 27.52(2)(a) and attorney's fees and costs in full or in
 3862 installments, at the time or times specified. The court may
 3863 order payment of the assessed application fee and attorney's
 3864 fees and costs as a condition of probation, of suspension of
 3865 sentence, or of withholding the imposition of sentence.
 3866 Attorney's fees and costs collected under this section shall be



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3867 deposited into the General Revenue Fund. ~~All fees and costs may~~
3868 ~~be assessed under one judgment.~~

3869 (2)(a) ~~When payment of the application fee and attorney's~~
3870 ~~fees and costs has been ordered by the court,~~ There is created
3871 in the name of the state county ~~in which such assistance was~~
3872 ~~rendered~~ a lien, enforceable as hereinafter provided, upon all
3873 the property, both real and personal, of any person who:

3874 1. Has received any assistance from any public defender of
3875 the state, from any special assistant public defender, or from
3876 any conflict attorney; or

3877 2. Is a parent of an accused minor or an accused adult
3878 tax-dependent person who is being, or has been, represented by
3879 any public defender of the state, by any special assistant
3880 public defender, or by a conflict attorney.

3881
3882 Such lien constitutes a claim against the defendant-recipient or
3883 parent and his or her estate, enforceable according to law, ~~in~~
3884 ~~an amount to be determined by the court in which such assistance~~
3885 ~~was rendered.~~

3886 (b) ~~Immediately after the issuance of an order for the~~
3887 ~~payment of the application fee and attorney's fees and costs,~~ A
3888 judgment showing the name and residence of the defendant-
3889 recipient or parent shall be filed for record in the office of
3890 the clerk of the circuit court in the county where the
3891 defendant-recipient or parent resides and in each county in
3892 which such defendant-recipient or parent then owns or later
3893 acquires any property. Such judgments shall be enforced on
3894 behalf of the state county by the clerk of the circuit court
3895 ~~board of county commissioners~~ of the county in which assistance
3896 was rendered.



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3897 (3) The clerk of the circuit court within the county ~~board~~
3898 ~~of county commissioners of the county~~ wherein the defendant-
3899 recipient was tried or received the services of a public
3900 defender, special assistant public defender, or appointed
3901 private legal counsel shall enforce, satisfy, compromise,
3902 settle, subordinate, release, or otherwise dispose of any debt
3903 or lien imposed under this section. A defendant-recipient or
3904 parent, liable ~~who has been ordered~~ to pay attorney's fees or
3905 costs and who is not in willful default in the payment thereof,
3906 may, at any time, petition the court which entered the order for
3907 deferral ~~remission~~ of the payment of attorney's fees or costs or
3908 of any unpaid portion thereof. ~~If it appears to the~~
3909 ~~satisfaction of the court that payment of the amount due will~~
3910 ~~impose manifest hardship on such person or his or her immediate~~
3911 ~~family, the court may remit all or part of the amount due in~~
3912 ~~attorney's fees or costs or may modify the method of payment.~~

3913 (4) The clerk ~~board of county commissioners~~ of the county
3914 claiming such lien is authorized to contract with a private
3915 attorney or collection agency for collection of such debts or
3916 liens, provided the fee for such collection shall be on a
3917 contingent basis not to exceed 50 percent of the recovery.
3918 However, no fee shall be paid to any collection agency by reason
3919 of foreclosure proceedings against real property or from the
3920 proceeds from the sale or other disposition of real property.

3921 (5) No lien thus created shall be foreclosed upon the
3922 homestead of such defendant-recipient or parent, nor shall any
3923 defendant-recipient or parent liable for payment of ~~who is~~
3924 ~~ordered to pay~~ attorney's fees or costs be denied any of the
3925 protections afforded any other civil judgment debtor.



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3926 (6) The court having jurisdiction of the defendant-
3927 recipient shall ~~may~~, at such stage of the proceedings as the
3928 court may deem appropriate, determine the value of the services
3929 of the public defender, special assistant public defender, or
3930 appointed private legal counsel and costs, at which time the
3931 defendant-recipient or parent, after adequate notice thereof,
3932 shall have opportunity to be heard and offer objection to the
3933 determination, and to be represented by counsel, with due
3934 opportunity to exercise and be accorded the procedures and
3935 rights provided in the laws and court rules pertaining to civil
3936 cases at law.

3937 Section 91. Effective July 1, 2003, subsections (1), (2),
3938 (9), (10), (11), (12), (13), and (14) of section 938.30, Florida
3939 Statutes, are amended to read:

3940 938.30 ~~Court-imposed~~ Financial obligations in criminal
3941 cases; supplementary proceedings.--

3942 (1) Any person liable for payment of ~~who has been ordered~~
3943 ~~to pay~~ any financial obligation in any criminal case is subject
3944 to the provisions of this section. Courts operating under the
3945 provisions of this section shall have jurisdiction over such
3946 ~~court-imposed~~ financial obligations to ensure compliance.

3947 (2) The court may require a person liable for payment of
3948 ~~ordered to pay~~ an obligation to appear and be examined under
3949 oath concerning the person's financial ability to pay the
3950 obligation. ~~The court may reduce a person's court-ordered~~
3951 ~~financial obligation based on the court's determination of the~~
3952 ~~person's ability to pay the obligation.~~ The judge may convert
3953 the statutory financial ~~court-ordered~~ obligation into ~~to pay~~
3954 ~~court costs to~~ a court-ordered obligation to perform community
3955 service after examining a person under oath and determining a



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3956 person's inability to pay. Any person failing to attend a
3957 hearing may be arrested on warrant or capias which may be issued
3958 by the clerk upon order of the court.

3959 (9) Any person failing to appear or willfully failing to
3960 comply with an order under this section, including an order to
3961 comply with a payment schedule established by the clerk of
3962 court, may be held in civil contempt.

3963 (10) Administrative costs incurred in enforcing compliance
3964 under this section shall be paid by ~~may be assessed against~~ the
3965 person. Such costs may include postage, copying, docketing fees,
3966 service fees, court reporter's fees, and reimbursements for the
3967 costs of processing bench warrants and pickup orders. Reasonable
3968 attorney's fees may be assessed at the court's discretion.
3969 Judges may assess such administrative costs and attorney's fees
3970 against the person as the court deems necessary to offset such
3971 fees and costs incurred under this section.

3972 (11) The court may refer any proceeding under this section
3973 to a special master who shall report findings and make
3974 recommendations to the court. The court shall act on such
3975 recommendations within a reasonable amount of time.

3976 ~~(12) A record of court-imposed financial obligations~~
3977 ~~collected by the clerk of court under the provisions of this~~
3978 ~~section shall be reported quarterly by the clerk of court to the~~
3979 ~~chief judge of the judicial circuit.~~

3980 ~~(13) Court-imposed financial obligations arising from~~
3981 ~~criminal cases which are past due, and which have been reduced~~
3982 ~~to judgment by the court, may be referred by the county~~
3983 ~~commission to a collection agent who is registered and in good~~
3984 ~~standing pursuant to chapter 559 or a private attorney. Such~~



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3985 ~~referrals must be made in accordance with established bid~~
3986 ~~practices.~~

3987 (12)~~(14)~~ The provisions of this section may be used in
3988 addition to, or in lieu of, other provisions of law for
3989 enforcing payment of court-imposed financial obligations in
3990 criminal cases. The court may enter any orders necessary to
3991 carry out the purposes of this section.

3992 Section 92. Effective July 1, 2003, section 938.35,
3993 Florida Statutes, is amended to read:

3994 938.35 Collection of court-related financial
3995 obligations.-- The board of county commissioners may pursue the
3996 collection of any fines, court costs, or other costs imposed by
3997 the court which remain unpaid for 90 days or more, or refer such
3998 collection to a private attorney who is a member in good
3999 standing of The Florida Bar or collection agent who is
4000 registered and in good standing pursuant to chapter 559. In
4001 pursuing the collection of such unpaid financial obligations
4002 through a private attorney or collection agent, the board of
4003 county commissioners must determine this is cost-effective and
4004 follow applicable procurement practices. ~~Any provision of law~~
4005 ~~notwithstanding, a county may pursue the collection of any~~
4006 ~~fines, court costs, or other costs imposed by the court which~~
4007 ~~remain unpaid for 90 days or more, or refer such collection to a~~
4008 ~~private attorney who is a member in good standing of The Florida~~
4009 ~~Bar or collection agent who is registered and in good standing~~
4010 ~~pursuant to chapter 559. In pursuing the collection of such~~
4011 ~~unpaid financial obligations through a private attorney or~~
4012 ~~collection agent, the governing body of the county must~~
4013 ~~determine that such collection is cost-effective and the county~~
4014 ~~must follow applicable procurement practices. The costs of~~



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4015 ~~collection, including a reasonable attorney's fee, may be~~
 4016 ~~recovered, except that such fees and costs of collection may not~~
 4017 ~~exceed 40 percent of the total fines and costs owed.~~

4018 Section 93. Section 939.06, Florida Statutes, is amended
 4019 to read:

4020 939.06 Acquitted defendant not liable for costs.--No
 4021 defendant in a criminal prosecution who is acquitted or
 4022 discharged shall be liable for any costs or fees of the court or
 4023 any ministerial office, or for any charge of subsistence while
 4024 detained in custody. If the defendant shall have paid any
 4025 taxable costs in the case, the clerk or judge shall give him or
 4026 her a certificate of the payment of such costs, with the items
 4027 thereof, which, when audited and approved according to law,
 4028 shall be refunded to the defendant ~~by the county.~~

4029 Section 94. Section 939.08, Florida Statutes, is amended
 4030 to read:

4031 939.08 Costs to be certified ~~by county commissioners~~
 4032 before audit.--In all cases wherein is claimed the payment of
 4033 bills of costs, fees, or expenses, other than juror and witness
 4034 fees, in the adjudication ~~prosecution~~ of any criminal case ~~which~~
 4035 ~~are payable by the state county, the entity incurring the~~
 4036 expense shall submit an itemized bill or statement thereof shall
 4037 be submitted to the trial court administrator of the circuit or
 4038 Justice Administrative Commission, as applicable. ~~county~~
 4039 ~~commissioners of the county in which such cases are prosecuted,~~
 4040 ~~and~~ The claim same shall not be paid until the applicable entity
 4041 has board of county commissioners shall have approved it and
 4042 certified thereon that the same is just, correct, and
 4043 reasonable, and contains ~~that~~ no unnecessary or illegal item ~~is~~
 4044 contained therein.



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4045 Section 95. Section 939.12, Florida Statutes, is amended
4046 to read:

4047 939.12 Cost against state in Supreme Court.--The clerk of
4048 the Supreme Court shall give, upon application, a certified copy
4049 of any judgment against the state upon appeal in criminal cases,
4050 and the state county commissioners of the county from the court
4051 ~~of which such appeal was taken~~ shall pay the same to the
4052 appellant, or the appellant's agent or attorney, on demand.

4053 Section 96. Section 947.18, Florida Statutes, is amended
4054 to read:

4055 947.18 Conditions of parole.--No person shall be placed on
4056 parole merely as a reward for good conduct or efficient
4057 performance of duties assigned in prison. No person shall be
4058 placed on parole until and unless the commission finds that
4059 there is reasonable probability that, if the person is placed on
4060 parole, he or she will live and conduct himself or herself as a
4061 respectable and law-abiding person and that the person's release
4062 will be compatible with his or her own welfare and the welfare
4063 of society. No person shall be placed on parole unless and until
4064 the commission is satisfied that he or she will be suitably
4065 employed in self-sustaining employment or that he or she will
4066 not become a public charge. The commission shall determine the
4067 terms upon which such person shall be granted parole. If the
4068 person's conviction was for a controlled substance violation,
4069 one of the conditions must be that the person submit to random
4070 substance abuse testing intermittently throughout the term of
4071 supervision, upon the direction of the correctional probation
4072 officer as defined in s. 943.10(3). In addition to any other
4073 lawful condition of parole, the commission may make the payment
4074 of the debt due and owing to the state under s. 960.17 or the



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4075 payment of the attorney's fees and costs due and owing to the
 4076 state ~~a county~~ under s. 938.29 a condition of parole subject to
 4077 modification based on change of circumstances.

4078 Section 97. Paragraph (i) of subsection (1) of section
 4079 948.03, Florida Statutes, is amended to read:

4080 948.03 Terms and conditions of probation or community
 4081 control.--

4082 (1) The court shall determine the terms and conditions of
 4083 probation or community control. Conditions specified in
 4084 paragraphs (a)-(m) do not require oral pronouncement at the time
 4085 of sentencing and may be considered standard conditions of
 4086 probation. Conditions specified in paragraphs (a)-(m) and (2)(a)
 4087 do not require oral pronouncement at sentencing and may be
 4088 considered standard conditions of community control. These
 4089 conditions may include among them the following, that the
 4090 probationer or offender in community control shall:

4091 (i) Pay any application fee assessed under s.
 4092 27.52(2)(a)~~(1)(e)~~ and attorney's fees and costs assessed under
 4093 s. 938.29, subject to modification based on change of
 4094 circumstances.

4095 Section 98. Paragraphs (a) and (1) of subsection (1) of
 4096 section 960.001, Florida Statutes, are amended to read:

4097 960.001 Guidelines for fair treatment of victims and
 4098 witnesses in the criminal justice and juvenile justice
 4099 systems.--

4100 (1) The Department of Legal Affairs, the state attorneys,
 4101 the Department of Corrections, the Department of Juvenile
 4102 Justice, the Parole Commission, the State Courts Administrator
 4103 and circuit court administrators, the Department of Law
 4104 Enforcement, and every sheriff's department, police department,



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4105 or other law enforcement agency as defined in s. 943.10(4) shall
4106 develop and implement guidelines for the use of their respective
4107 agencies, which guidelines are consistent with the purposes of
4108 this act and s. 16(b), Art. I of the State Constitution and are
4109 designed to implement the provisions of s. 16(b), Art. I of the
4110 State Constitution and to achieve the following objectives:

4111 (a) Information concerning services available to victims
4112 of adult and juvenile crime.--~~Witness coordination offices~~ As
4113 provided in s. 43.35, state attorneys and public defenders shall
4114 gather information regarding the following services in the
4115 geographic boundaries of their respective circuits and shall
4116 provide such information to each law enforcement agency with
4117 jurisdiction within such geographic boundaries. Law enforcement
4118 personnel shall ensure, through distribution of a victim's
4119 rights information card or brochure at the crime scene, during
4120 the criminal investigation, and in any other appropriate manner,
4121 that victims are given, as a matter of course at the earliest
4122 possible time, information about:

4123 1. The availability of crime victim compensation, when
4124 applicable;

4125 2. Crisis intervention services, supportive or bereavement
4126 counseling, social service support referrals, and community-
4127 based victim treatment programs;

4128 3. The role of the victim in the criminal or juvenile
4129 justice process, including what the victim may expect from the
4130 system as well as what the system expects from the victim;

4131 4. The stages in the criminal or juvenile justice process
4132 which are of significance to the victim and the manner in which
4133 information about such stages can be obtained;



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4134 5. The right of a victim, who is not incarcerated,
 4135 including the victim's parent or guardian if the victim is a
 4136 minor, the lawful representative of the victim or of the
 4137 victim's parent or guardian if the victim is a minor, and the
 4138 next of kin of a homicide victim, to be informed, to be present,
 4139 and to be heard when relevant, at all crucial stages of a
 4140 criminal or juvenile proceeding, to the extent that this right
 4141 does not interfere with constitutional rights of the accused, as
 4142 provided by s. 16(b), Art. I of the State Constitution;

4143 6. In the case of incarcerated victims, the right to be
 4144 informed and to submit written statements at all crucial stages
 4145 of the criminal proceedings, parole proceedings, or juvenile
 4146 proceedings; and

4147 7. The right of a victim to a prompt and timely
 4148 disposition of the case in order to minimize the period during
 4149 which the victim must endure the responsibilities and stress
 4150 involved to the extent that this right does not interfere with
 4151 the constitutional rights of the accused.

4152 (1) Local witness coordination services ~~coordinating~~
 4153 ~~office~~.--The requirements for notification provided for in
 4154 paragraphs (b), (d), (f), and (i) may be performed by the state
 4155 attorney or public defender as provided in ~~local witness~~
 4156 ~~coordinating office established by s. 43.35, as appropriate.~~

4157 Section 99. Subsections (3) and (5) of section 984.09,
 4158 Florida Statutes, are amended to read:

4159 984.09 Punishment for contempt of court; alternative
 4160 sanctions.--

4161 (3) ALTERNATIVE SANCTIONS.--~~Each judicial circuit shall~~
 4162 ~~have an alternative sanctions coordinator who shall serve under~~
 4163 ~~the chief administrative judge of the juvenile division of the~~



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4164 ~~circuit court, and who shall coordinate and maintain a spectrum~~
4165 ~~of contempt sanction alternatives in conjunction with the~~
4166 ~~circuit plan implemented in accordance with s. 790.22(4)(c).~~
4167 Upon determining that a child has committed direct contempt of
4168 court or indirect contempt of a valid court order, the court may
4169 identify ~~immediately request the alternative sanctions~~
4170 ~~coordinator to recommend~~ the most appropriate available
4171 alternative sanction and shall order the child to perform up to
4172 50 hours of community-service manual labor or a similar
4173 alternative sanction, unless an alternative sanction is
4174 unavailable or inappropriate, or unless the child has failed to
4175 comply with a prior alternative sanction. Alternative contempt
4176 sanctions may be provided by local industry or by any nonprofit
4177 organization or any public or private business or service entity
4178 that has entered into a contract with the Department of Juvenile
4179 Justice to act as an agent of the state to provide voluntary
4180 supervision of children on behalf of the state in exchange for
4181 the manual labor of children and limited immunity in accordance
4182 with s. 768.28(11).

4183 ~~(5) ALTERNATIVE SANCTIONS COORDINATOR. There is created~~
4184 ~~the position of alternative sanctions coordinator within each~~
4185 ~~judicial circuit, pursuant to subsection (3). Each alternative~~
4186 ~~sanctions coordinator shall serve under the direction of the~~
4187 ~~chief administrative judge of the juvenile division as directed~~
4188 ~~by the chief judge of the circuit. The alternative sanctions~~
4189 ~~coordinator shall act as the liaison between the judiciary,~~
4190 ~~local department officials, district school board employees, and~~
4191 ~~local law enforcement agencies. The alternative sanctions~~
4192 ~~coordinator shall coordinate within the circuit community-based~~
4193 ~~alternative sanctions, including nonsecure detention programs,~~



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4194 ~~community service projects, and other juvenile sanctions, in~~
 4195 ~~conjunction with the circuit plan implemented in accordance with~~
 4196 ~~s. 790.22(4)(e).~~

4197 Section 100. Subsection (2) of section 984.12, Florida
 4198 Statutes, is amended to read:

4199 984.12 Case staffing; services and treatment to a family
 4200 in need of services.--

4201 (2) The composition of the case staffing committee shall
 4202 be based on the needs of the family and child. It shall include
 4203 a representative from the child's school district and a
 4204 representative of the Department of Juvenile Justice, and may
 4205 include a supervisor of the department's contracted provider; a
 4206 representative from the area of health, mental health, substance
 4207 abuse, social, or educational services; a representative of the
 4208 state attorney; ~~the alternative sanctions coordinator;~~ and any
 4209 person recommended by the child, family, or department.

4210 Section 101. Effective July 1, 2003, subsections (2) and
 4211 (3) of section 985.203, Florida Statutes, are amended to read:

4212 985.203 Right to counsel.--

4213 (2) If the parents or legal guardian of an indigent child
 4214 are not indigent but refuse to employ counsel, the court shall
 4215 appoint counsel pursuant to s. 27.52(2)(d) to represent the
 4216 child at the detention hearing and until counsel is provided.
 4217 Costs of representation are hereby imposed ~~shall be assessed~~ as
 4218 provided by ss. 27.52(2)(d) and 938.29. Thereafter, the court
 4219 shall not appoint counsel for an indigent child with nonindigent
 4220 parents or legal guardian but shall order the parents or legal
 4221 guardian to obtain private counsel. A parent or legal guardian
 4222 of an indigent child who has been ordered to obtain private
 4223 counsel for the child and who willfully fails to follow the



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4224 court order shall be punished by the court in civil contempt
4225 proceedings.

4226 (3) An indigent child with nonindigent parents or legal
4227 guardian may have counsel appointed pursuant to s. 27.52(2)(d)
4228 if the parents or legal guardian have willfully refused to obey
4229 the court order to obtain counsel for the child and have been
4230 punished by civil contempt and then still have willfully refused
4231 to obey the court order. Costs of representation are hereby
4232 imposed ~~shall be assessed~~ as provided by ss. 27.52(2)(d) and
4233 938.29.

4234 Section 102. Subsections (3) and (5) of section 985.216,
4235 Florida Statutes, are amended to read:

4236 985.216 Punishment for contempt of court; alternative
4237 sanctions.--

4238 (3) ALTERNATIVE SANCTIONS. ~~Each judicial circuit shall~~
4239 ~~have an alternative sanctions coordinator who shall serve under~~
4240 ~~the chief administrative judge of the juvenile division of the~~
4241 ~~circuit court, and who shall coordinate and maintain a spectrum~~
4242 ~~of contempt sanction alternatives in conjunction with the~~
4243 ~~circuit plan implemented in accordance with s. 790.22(4)(c).~~
4244 Upon determining that a child has committed direct contempt of
4245 court or indirect contempt of a valid court order, the court may
4246 identify ~~immediately request the alternative sanctions~~
4247 ~~coordinator to recommend~~ the most appropriate available
4248 alternative sanction and shall order the child to perform up to
4249 50 hours of community-service manual labor or a similar
4250 alternative sanction, unless an alternative sanction is
4251 unavailable or inappropriate, or unless the child has failed to
4252 comply with a prior alternative sanction. Alternative contempt
4253 sanctions may be provided by local industry or by any nonprofit



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4254 organization or any public or private business or service entity
 4255 that has entered into a contract with the Department of Juvenile
 4256 Justice to act as an agent of the state to provide voluntary
 4257 supervision of children on behalf of the state in exchange for
 4258 the manual labor of children and limited immunity in accordance
 4259 with s. 768.28(11).

4260 ~~(5) ALTERNATIVE SANCTIONS COORDINATOR. There is created~~
 4261 ~~the position of alternative sanctions coordinator within each~~
 4262 ~~judicial circuit, pursuant to subsection (3). Each alternative~~
 4263 ~~sanctions coordinator shall serve under the direction of the~~
 4264 ~~chief administrative judge of the juvenile division as directed~~
 4265 ~~by the chief judge of the circuit. The alternative sanctions~~
 4266 ~~coordinator shall act as the liaison between the judiciary,~~
 4267 ~~local department officials, district school board employees, and~~
 4268 ~~local law enforcement agencies. The alternative sanctions~~
 4269 ~~coordinator shall coordinate within the circuit community-based~~
 4270 ~~alternative sanctions, including nonsecure detention programs,~~
 4271 ~~community service projects, and other juvenile sanctions, in~~
 4272 ~~conjunction with the circuit plan implemented in accordance with~~
 4273 ~~s. 790.22(4)(c).~~

4274 Section 103. Paragraph (a) of subsection (1) of section
 4275 985.306, Florida Statutes, is amended to read:

4276 985.306 Delinquency pretrial intervention program.--

4277 (1)(a) Notwithstanding any provision of law to the
 4278 contrary, a child who is charged under chapter 893 with a felony
 4279 of the second or third degree for purchase or possession of a
 4280 controlled substance, and who has not previously been
 4281 adjudicated for a felony nor been admitted to a delinquency
 4282 pretrial intervention program under this section, is eligible
 4283 for admission into a delinquency pretrial substance abuse



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4284 education and treatment intervention program approved by the
4285 chief judge ~~or alternative sanctions coordinator~~ of the circuit
4286 to the extent that funded programs are available, for a period
4287 of not less than 1 year in duration, upon motion of either party
4288 or the court's own motion. If the state attorney believes that
4289 the facts and circumstances of the case suggest the child's
4290 involvement in the dealing and selling of controlled substances,
4291 the court shall hold a preadmission hearing. If the state
4292 attorney establishes by a preponderance of the evidence at such
4293 hearing that the child was involved in the dealing and selling
4294 of controlled substances, the court shall deny the child's
4295 admission into a delinquency pretrial intervention program.

4296 Section 104. Effective July 1, 2003, the Department of
4297 Financial Services shall undertake a review of the Florida
4298 Accounting Information Resource subsystem and Uniform Accounting
4299 System Manual in accounting for state and county expenditures
4300 and revenues associated with Article V of the Florida
4301 Constitution. Necessary revisions to account codes, account
4302 descriptions, categories, and object codes shall be implemented
4303 prior to July 1, 2004. In completing this review, the department
4304 shall consult with clerks of court, county commissioners,
4305 judges, state attorneys, and public defenders. The Auditor
4306 General shall provide technical advice to the department in
4307 undertaking this review.

4308 Section 105. Effective July 1, 2003, the Chief Financial
4309 Officer shall undertake a study to determine county expenditures
4310 for court-related services for the county fiscal year ended
4311 September 30, 2002. The Chief Financial Officer shall provide
4312 the form and manner in which the clerks of court, or the
4313 appropriate county officer in those counties where the clerk of



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4314 court is not the county's chief financial officer, shall submit
4315 expenditure data and the timeframes within which the data must
4316 be provided. The clerks of court, state attorneys, public
4317 defenders, court administrators, boards of county commissioners,
4318 and sheriffs shall assist the Chief Financial Officer in the
4319 collection of the necessary expenditure data. The Auditor
4320 General shall provide technical advice with respect to the
4321 collection and analysis of the expenditure data.

4322 (1) Expenditure data shall be reported to the Chief
4323 Financial Officer at the transaction code level and, for
4324 specific transaction codes specified by the Chief Financial
4325 Officer, object/sub-object level, as set forth in the Uniform
4326 Accounting System Manual developed by the Chief Financial
4327 Officer pursuant to s. 218.33. Expenditure data provided for
4328 specific programs or purposes shall include identification of
4329 the specific account codes within the Uniform Accounting System
4330 Manual in which the costs were recorded. The clerks of the
4331 court, or the appropriate county officer in those counties where
4332 the clerk of court is not the county's chief financial officer,
4333 must reconcile the expenditure data provided to the Chief
4334 Financial Officer with the Annual Financial Report required by
4335 s. 218.32. The clerks of court must attest to the accuracy of
4336 the expenditure data provided to the Chief Financial Officer.
4337 State attorneys, public defenders, court administrators, boards
4338 of county commissions chairpersons, and sheriffs shall each
4339 attest to the accuracy of any expenditure data they submit to
4340 the clerks.

4341 (2) The Chief Financial Officer shall reimburse
4342 individuals for travel costs incurred as a result of



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4343 participation in the collection and analysis of the expenditure
 4344 data from funds specifically appropriated for such purpose.

4345 (3) The Chief Financial Officer shall submit a report to
 4346 the President of the Senate and Speaker of the House of
 4347 Representatives no later than November 1, 2003, summarizing the
 4348 court-related cost information submitted by the Clerks of Court.

4349 Section 106. Article V Chief Information Officers
 4350 Coordinating Council; creation.--Effective July 1, 2003, the
 4351 Legislature finds that the management and funding of the state
 4352 courts system gives rise to a variety of data needs that cut
 4353 across the different communications services maintained by state
 4354 and local entities involved in the administration of justice.
 4355 Because of this, necessary data may not exist in a usable format
 4356 or be accessible through the current technical framework. It is
 4357 the intent of the Legislature to establish a coordinating
 4358 council to facilitate an examination of system data needs and
 4359 ways to respond to those needs and to address statewide
 4360 enterprise resource planning and management issues between state
 4361 and local agencies involved in the administration of justice.

4362 (1) There is created a Justice Agency Chief Information
 4363 Officers Coordinating Council. The council shall submit
 4364 recommendations to the Governor, the President of the Senate,
 4365 the Speaker of the House of Representatives, and the Chief
 4366 Justice no later than January 1, 2004, concerning the following:

4367 (a) Achieving consistent, uniform, and reliable data for
 4368 use by the Legislature and justice agencies for system
 4369 management.

4370 (b) Identifying interagency data exchange needs and ways
 4371 to leverage existing data systems to meet the management needs
 4372 of system users.



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4373 (c) Facilitating access among multiple systems through the
 4374 development of common identifiers, essential data field
 4375 elements, and a common data dictionary for the essential data
 4376 fields.

4377 (d) Coordinating information sharing between state and
 4378 county agencies and governmental entities involved in the
 4379 administration of justice.

4380 (e) Coordinating existing communications services as
 4381 defined in chapter 29, Florida Statutes.

4382 (f) Enhancing communication among state and local agencies
 4383 by sharing enterprise resource planning and management
 4384 experiences and exchanging ideas.

4385 (g) Facilitating the sharing of best practices
 4386 characteristic of highly successful technology organizations, as
 4387 well as exemplary information technology applications of state
 4388 agencies.

4389 (2) The council shall be composed of thirteen members.
 4390 Members shall include:

4391 (a) The chief information officer of the Supreme Court.

4392 (b) One chief information officer selected by the Trial
 4393 Court Budget Commission.

4394 (c) One chief information officer selected by the Florida
 4395 Public Defender Association.

4396 (d) One chief information officer selected by the Florida
 4397 Prosecuting Attorneys Association.

4398 (e) One chief information officer selected by the Florida
 4399 Association of County Clerks.

4400 (f) Two chief information officers selected by the Florida
 4401 Association of Counties.



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4402 (g) The chief information officer of the Department of
4403 Corrections.

4404 (h) The chief information officer of the Florida
4405 Department of Law Enforcement.

4406 (i) The chair, or his or her designee, of the Criminal and
4407 Juvenile Justice Information Systems Council.

4408 (j) One chief information officer selected by the Florida
4409 Sheriff's Association.

4410 (k) One chief information officer selected by the Florida
4411 Police Chiefs Association.

4412 (l) One member at large appointed by the Governor to serve
4413 as chair.

4414 (3) The State Technology Office shall provide
4415 administrative support to the council.

4416 Section 107. Funds from filing fees pursuant to s.
4417 28.241(1)(b), Florida Statutes, shall be deposited into the
4418 Grants and Donations Trust Fund within the Justice
4419 Administrative Commission for the fiscal year 2003-2004 only.
4420 All funds from these filing fees shall be separately identified
4421 within the trust fund. Notwithstanding any provision of chapter
4422 216, Florida Statutes, to the contrary, funds from these filing
4423 fees shall not be expended. In the event that other revenues
4424 into the fund are projected to be insufficient to fully support
4425 the amounts appropriated from the fund, the commission shall
4426 immediately notify the Governor's Office of Policy and Budget
4427 and the appropriate amounts shall be placed in reserve.

4428 Section 108. It is the intent of the Legislature to
4429 implement Revision 7 to Article V of the Florida Constitution in
4430 a way which recognizes the allocation of funding
4431 responsibilities among the state, counties, and system users.



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4432 The Legislature hereby declares that the provisions of this act
 4433 designed to achieve that allocation of responsibility fulfills
 4434 an important state interest.

4435 Section 109. Service charges imposed by the governing
 4436 authority of counties by ordinance and special law pursuant to
 4437 authority granted in ss. 28.242-34.041, Florida Statutes, prior
 4438 to June 30, 2004, are repealed and abolished effective July 1,
 4439 2004.

4440 Section 110. Notwithstanding any law to the contrary, any
 4441 judicial act may be taken or performed on any day of the week,
 4442 including Sundays and holidays.

4443 Section 111. Sections 25.402, 27.006, 27.271, 27.33,
 4444 27.3455, 27.36, 27.561, 27.605, 29.003, 29.009, 29.011, 34.201,
 4445 43.28, 50.071, 57.091, 218.325, 925.035, 925.036, 925.037,
 4446 939.05, 939.07, 939.10, and 939.15, Florida Statutes, are
 4447 repealed.

4448 Section 112. Except as otherwise provided herein, this act
 4449 shall take effect July 1, 2004.