



HB 0113A

2003

1 A bill to be entitled

2 An act relating to the judicial system; amending s.  
3 25.073, F.S.; revising a definition for purposes of  
4 retired justices or judges assigned to temporary duty;  
5 amending s. 25.383, F.S.; removing provisions relating to  
6 fees for certification and renewal of certification of  
7 court reporters; amending s. 25.384, F.S.; expanding the  
8 use of the Court Education Trust Fund; revising the title  
9 of pt. I, ch. 27, F.S.; renumbering and amending s. 43.35,  
10 F.S.; requiring witness coordination to be provided by the  
11 state attorneys and public defenders; amending s. 27.02,  
12 F.S.; restricting duties of state attorneys before circuit  
13 and county courts; requiring the state attorney to provide  
14 discovery materials to a defendant; providing for fees;  
15 amending s. 27.04, F.S.; revising provisions relating to  
16 summoning and examining witnesses for the state to cover  
17 any violation of the law; amending s. 27.15, F.S.;  
18 providing for payment of expenses for a state attorney to  
19 assist in another circuit; amending s. 27.25, F.S.;  
20 providing that state attorneys may employ personnel and  
21 receive appropriations as authorized by the General  
22 Appropriations Act; amending s. 27.34, F.S.; prohibiting  
23 counties or municipalities from funding the state  
24 attorneys' offices for prosecution of violations of  
25 special laws or ordinances; eliminating provisions  
26 authorizing the use of funds for certain civil and  
27 criminal proceedings; eliminating provisions requiring  
28 counties to provide certain services and pay certain fees,  
29 expenses, and costs incurred by the state attorney;  
30 amending s. 27.35, F.S.; providing that salaries of state



HB 0113A

2003

31 attorneys shall be provided in the General Appropriations  
32 Act; revising the title of pt. III, ch. 27, F.S.; creating  
33 s. 27.40, F.S.; providing requirements for court-appointed  
34 counsel; providing for circuit registries of private  
35 attorneys; requiring annual fees; specifying  
36 inapplicability to court-appointed counsel in  
37 postconviction capital collateral cases; creating s.  
38 27.42, F.S.; providing for the composition, staff,  
39 responsibilities, and funding of circuit Article V  
40 indigent services committees; requiring the preparation  
41 and distribution of a statewide comparative budget report  
42 relating to circuit Article V indigent services committees  
43 by the Justice Administrative Commission; providing for  
44 the appropriation of funds for attorney's fees and  
45 expenses in criminal conflict cases and in child  
46 dependency cases and other court-appointed counsel cases;  
47 amending s. 27.51, F.S.; revising duties of the public  
48 defender; specifying additional indigent persons for whom  
49 the public defender is required to secure representation;  
50 deleting provisions relating to limitations on  
51 representation by public defenders in direct appeals of  
52 death penalty cases; amending s. 27.52, F.S.; revising  
53 provisions relating to determination of indigence;  
54 requiring the clerk of the circuit court to make such  
55 determination; providing for payment of application fees;  
56 providing for deposit of recovered amounts into the  
57 General Revenue Fund; providing for a payment program;  
58 amending s. 27.53, F.S.; revising method of funding  
59 offices of public defender; specifying that special  
60 assistant public defenders are volunteer attorneys;



HB 0113A

2003

61 amending s. 27.5301, F.S.; revising method of paying  
62 salaries of public defenders; creating s. 27.5303, F.S.;  
63 providing requirements for appointment of counsel in  
64 conflict of interest of public defender; providing  
65 criteria for determining whether a conflict of interest  
66 exists; prohibiting withdrawal based solely on lack of  
67 funding or excess workload; creating s. 27.5304, F.S.;  
68 providing for compensation of private court-appointed  
69 counsel; amending s. 27.54, F.S.; prohibiting counties or  
70 municipalities from funding the public defenders' offices  
71 for prosecution of violations of special laws or  
72 ordinances; eliminating provisions requiring counties to  
73 provide certain services and pay certain fees, expenses,  
74 and costs incurred by the public defender; amending s.  
75 27.562, F.S.; providing for disposition of funds collected  
76 for legal assistance; amending s. 27.58, F.S.; revising  
77 provisions relating to administration of public defender  
78 services; amending s. 27.702, F.S.; conforming  
79 terminology; amending s. 28.101, F.S.; authorizing an  
80 increase in the service charge for filing for dissolution  
81 of marriage; renumbering and amending s. 43.195, F.S.;  
82 authorizing a clerk to dispose of items of physical  
83 evidence in cases where no collateral attack is pending;  
84 creating s. 28.215, F.S.; providing for pro se assistance;  
85 amending s. 28.24, F.S.; prohibiting the clerk of the  
86 court from charging court officials for copies of public  
87 records; modifying the service charges for services  
88 rendered by the clerk of the court in recording documents  
89 and instruments and in performing certain other duties;  
90 eliminating the charges for court attendance by each clerk



HB 0113A

2003

91 or deputy clerk, court minutes, making and reporting  
92 payrolls of jurors, issuing jury summons, and paying  
93 witnesses and making and reporting payrolls; amending s.  
94 28.2401, F.S.; authorizing an increase in various service  
95 charges for probate matters; prohibiting county governing  
96 authorities from imposing additional charges; creating s.  
97 28.2402, F.S.; imposing a fee on a county or municipality  
98 for filing a municipal code or ordinance violation in  
99 court; amending s. 28.241, F.S.; authorizing an increase  
100 in the fee for filing a civil action in circuit court;  
101 requiring that a portion of the fee be remitted to the  
102 Clerk of Court Operations Conference; providing a filing  
103 fee for reopening a civil action, suit, or proceeding;  
104 providing for a reduction in that fee for a petition to  
105 modify a final judgment of dissolution; authorizing  
106 increases in other filing fees; deleting provisions  
107 authorizing a county to assess amounts in excess of  
108 specified service charges; prohibiting additional fees,  
109 charges, or costs; amending s. 28.245, F.S.; requiring  
110 electronic transmittal of funds collected by the clerks of  
111 court to the Department of Revenue; creating s. 28.246,  
112 F.S.: providing requirements for payment of court-related  
113 fees, charges, and costs; providing for collection by  
114 private attorney or collection agent; creating s. 28.345,  
115 F.S.; exempting state attorneys and public defenders from  
116 all fees and charges of the clerks of the circuit courts;  
117 creating s. 28.35, F.S.; establishing the Clerk of Court  
118 Operations Conference; providing membership; providing  
119 duties of the conference, including recommending changes  
120 in court-related fines, fees, service charges, and cost



HB 0113A

2003

121 schedules to the Legislature, establishing a process for  
122 review and approval of proposed budgets submitted by the  
123 clerks of the court, certification of budget  
124 insufficiencies, and publication of a schedule of maximum  
125 fines, fees, service charges, and costs that may be  
126 charged; providing for a clerk education program;  
127 requiring maintenance of a public depository to receive  
128 funds for operations; requiring an annual financial audit;  
129 creating s. 28.36, F.S.; providing budget review and  
130 approval procedures for the court-related functions of the  
131 clerks of the courts; creating s. 28.37, F.S.; providing  
132 for certain revenues collected by the clerks to be  
133 remitted to the state to pay certain costs of the state  
134 courts system; requiring the Department of Revenue to  
135 adopt rules; amending s. 29.001, F.S.; defining the  
136 elements of the state courts system; providing for using  
137 state revenue to pay certain costs associated with those  
138 elements; specifying expenses that counties must pay;  
139 amending s. 29.004, F.S.; revising and expanding the list  
140 of elements of the state courts system to be provided from  
141 state revenues appropriated by general law; amending s.  
142 29.005, F.S.; revising and expanding the list of elements  
143 of state attorneys' offices to be provided from state  
144 revenues appropriated by general law; amending s. 29.006,  
145 F.S.; revising and expanding the list of elements of  
146 public defenders' offices to be provided from state  
147 revenues appropriated by general law; amending s. 29.007,  
148 F.S.; revising and expanding the list of elements of  
149 court-appointed counsel to be provided from state revenues  
150 appropriated by general law; amending s. 24, ch. 2000-237,



HB 0113A

2003

151 |       Laws of Florida, to delay the effective date of s. 29.008,  
 152 |       F.S.; amending s. 29.008, F.S., relating to county funding  
 153 |       of court-related functions; redefining terms; providing  
 154 |       standards that facilities and communications systems and  
 155 |       services must meet to qualify for funding; requiring that  
 156 |       the integrated computer system be made capable of  
 157 |       electronically exchanging certain data using specified  
 158 |       means at certain levels by a specific date; providing for  
 159 |       defining local requirements and adopting a budget  
 160 |       therefor; creating s. 29.0085, F.S.; modifying county  
 161 |       revenue and expenditure reporting requirements; creating  
 162 |       s. 29.014, F.S.; creating the Article V Indigent Services  
 163 |       Advisory Board; providing for appointment of members and  
 164 |       terms; providing for organization; providing duties;  
 165 |       creating ss. 29.015 and 29.016, F.S.; establishing  
 166 |       contingency funds for the Justice Administrative  
 167 |       Commission and the judicial branch to alleviate deficits  
 168 |       in due process services appropriation categories;  
 169 |       providing requirements for utilization of the funds;  
 170 |       amending s. 34.032, F.S.; providing for funding of arrest  
 171 |       warrants for violation of county or municipal ordinances;  
 172 |       amending s. 34.041, F.S.; providing for filing fees and  
 173 |       costs in county courts; providing for disposition of funds  
 174 |       collected; amending s. 34.13, F.S.; requiring  
 175 |       administration of oaths relating to violation of a  
 176 |       municipal ordinance to be at municipal expense; amending  
 177 |       s. 34.171, F.S.; requiring county funding of bailiff  
 178 |       salaries; amending s. 34.181, F.S., relating to branch  
 179 |       courts; providing a cross reference; amending s. 34.191,  
 180 |       F.S.; providing for collection and distribution of fines



HB 0113A

2003

181 and forfeitures ; amending s. 39.0134, F.S.; providing for  
 182 compensation of appointed counsel in dependency  
 183 proceedings; amending s. 39.4075, F.S.; requiring parties  
 184 to contribute to the cost of dependency mediation;  
 185 amending s. 39.815, F.S.; revising a cross reference;  
 186 creating s. 40.001, F.S.; providing authority and duties  
 187 of the chief judge; amending s. 40.02, F.S., relating to  
 188 selection of jury lists; providing for performance of and  
 189 payment for such duties; amending s. 40.29, F.S.; revising  
 190 provisions relating to duty of clerks of court to make  
 191 estimates and requisitions for certain due process costs;  
 192 amending s. 40.30, F.S.; requiring the estimate and  
 193 requisition for payment of jurors and witnesses to be  
 194 endorsed by the Justice Administrative Commission or  
 195 designee; updating terminology; amending s. 43.16, F.S.;  
 196 removing reference to Justice Administrative Commission as  
 197 part of the judicial branch; expanding duties of the  
 198 commission relating to court-appointed counsel; amending  
 199 s. 43.26, F.S.; redesignating the presiding judge of the  
 200 circuit as the chief judge of the circuit; providing  
 201 additional powers of the chief judge; amending s. 44.108,  
 202 F.S.; deleting provisions authorizing a county to levy  
 203 service charges for court mediation and arbitration;  
 204 assessing a filing fee on court proceedings; depositing  
 205 fees in the Mediation and Arbitration Trust Fund; amending  
 206 s. 49.10, F.S.; removing a cross reference; amending s.  
 207 55.10, F.S.; authorizing an increase in the fee for  
 208 serving a certificate of lien; amending s. 55.141, F.S.;  
 209 conforming a cross reference; amending s. 55.505, F.S.;  
 210 authorizing an increase in the service charge for



HB 0113A

2003

211 recording a foreign judgment; amending s. 57.081, F.S.;

212 revising provisions relating to costs and services

213 provided to indigent persons; amending s. 57.085, F.S.;

214 revising provisions relating to waiver of prepayment of

215 court costs and fees for indigent prisoners; amending s.

216 61.14, F.S.; authorizing an increase in certain fees

217 assessed for delinquency of child support and alimony;

218 amending s. 61.181, F.S.; continuing the fee imposed on

219 certain payments of alimony and child support; amending s.

220 61.21, F.S.; providing for authorization of parenting

221 course by the Department of Children and Family Services;

222 amending s. 77.28, F.S.; conforming a cross reference;

223 amending s. 92.153, F.S.; providing maximum charges for

224 documents produced pursuant to subpoenas or records

225 request issued by the state attorney or the public

226 defender; amending s. 92.231, F.S.; providing for payment

227 of expert witness fees; renumbering and amending s.

228 914.09, F.S.; providing for compensation of witnesses

229 summoned in two or more criminal cases; amending s.

230 125.69, F.S.; providing funding requirements with respect

231 to prosecution of violations of county ordinances;

232 amending s. 142.01, F.S.; providing for the clerk of the

233 court to establish a fine and forfeiture fund in each

234 county to be used to pay the costs of court-related

235 functions; deleting provisions authorizing counties to

236 receive funds to pay the cost of criminal prosecutions and

237 transfer excess funds to the county general fund; amending

238 s. 142.02, F.S.; limiting the use of county funds from a

239 levy of a special tax to pay for the cost of criminal

240 prosecutions; amending s. 142.03, F.S.; requiring that





HB 0113A

2003

241 fines and forfeitures be used to pay the costs of court-  
242 related functions; amending s. 142.15, F.S.; requiring  
243 that fees collected by the sheriff be remitted to the  
244 clerk in the county where the crime was alleged to have  
245 been committed; amending s. 142.16, F.S.; requiring that  
246 fines and forfeitures be remitted to the clerk in the  
247 county in which the case was adjudicated; amending s.  
248 145.022; prohibiting a county from appropriating a salary  
249 to the clerk of the court based on the fees collected;  
250 creating s. 162.30, F.S.; providing for civil actions to  
251 enforce county and municipal ordinances; amending ss.  
252 197.532, 197.542, and 197.582, F.S.; conforming cross  
253 references; amending s. 212.055, F.S.; revising the  
254 definition of "infrastructure" for purposes of the local  
255 government infrastructure surtax; amending s. 212.20,  
256 F.S.; revising the distribution of the proceeds from  
257 certain local-option taxes; amending s. 218.21, F.S.;  
258 revising the guaranteed entitlement of municipalities to  
259 certain state revenue sharing; amending s. 218.25, F.S.;  
260 allowing a county to assign, pledge, or set aside certain  
261 funds as a trust for payment on indebtedness; amending s.  
262 218.35, F.S.; revising requirements for budget preparation  
263 by the clerk of the circuit court as county fee officer;  
264 amending s. 318.15, F.S.; authorizing an increase in  
265 various fees for persons failing to comply with civil  
266 penalties, attend driver improvement school, or appear at  
267 a hearing; amending s. 318.18, F.S.; authorizing an  
268 increase in various fees for penalties for noncriminal  
269 dispositions; creating additional charges and fees to be  
270 paid to the clerk of the court; authorizing an increase in



HB 0113A

2003

271 the fee to dismiss citations; providing for disposition of  
272 funds collected; amending s. 318.21, F.S.; revising  
273 disposition of civil penalties collected by county courts;  
274 amending s. 318.325, F.S.; specifying jurisdiction and  
275 procedure for parking infractions; amending s. 322.245,  
276 F.S.; authorizing an increase in the delinquency fee for  
277 persons charged with specified criminal offenses who fail  
278 to comply with the directives of the court; amending s.  
279 327.73, F.S.; authorizing an increase in the charge for  
280 court costs for failure to comply with the court's  
281 requirements or failure to pay specified civil penalties;  
282 amending s. 382.023, F.S.; authorizing an increase in the  
283 fee for dissolution of marriage; revising the portion to  
284 be retained by the circuit court and the portion remitted  
285 to the state, to conform; amending ss. 392.55, 392.56, and  
286 394.473, F.S.; conforming terminology; amending s.  
287 395.3025, F.S.; conforming cross references; amending s.  
288 397.334, F.S.; making treatment-based drug court programs  
289 a county option and providing county funding requirements;  
290 amending s. 712.06, F.S.; conforming cross references;  
291 amending s. 713.24, F.S.; authorizing an increase in the  
292 fee for certain services performed by the clerk of the  
293 court in transferring liens; amending s. 721.83, F.S.;  
294 requiring filing fees and service charges to be paid  
295 separately for each defendant in a consolidated  
296 foreclosure action; amending s. 741.30, F.S., relating to  
297 domestic violence; providing for certain notice to  
298 petitioners relating to indigence; amending s. 744.3135,  
299 F.S.; authorizing an increase in the fee paid to the clerk  
300 of the court for processing guardian files; amending s.



HB 0113A

2003

301 744.365, F.S.; authorizing an increase in the fee paid to  
 302 the clerk of the court for an inventory filed by a  
 303 guardian; deleting provisions requiring that the county  
 304 pay the auditing fee when such fee is waived by the court;  
 305 amending s. 744.3678, F.S.; authorizing an increase in the  
 306 fees paid by the guardian to the clerk of the court for  
 307 filing an annual financial return; prohibiting the clerk  
 308 of the circuit court from billing the county for a waived  
 309 fee; amending s. 775.083, F.S.; deleting provisions  
 310 authorizing counties to impose and collect additional  
 311 fines to be used to pay for local crime prevention  
 312 programs; providing for the disposition of fines and  
 313 costs; requiring funding of crime prevention programs in  
 314 counties; amending s. 796.07, F.S.; conforming a  
 315 reference; amending s. 914.11, F.S.; requiring the state  
 316 to pay certain costs and expenses of indigent defendants  
 317 presently unable to pay; amending s. 916.107, F.S.;  
 318 providing for right to treatment of forensic clients  
 319 presently unable to pay; amending s. 916.15, F.S.,  
 320 relating to involuntary commitment of defendant  
 321 adjudicated not guilty by reason of insanity; providing  
 322 for representation by the public defender if the defendant  
 323 is indigent; amending s. 938.01, F.S., relating to  
 324 Additional Court Cost Clearing Trust Fund; requiring  
 325 payment of court costs; amending s. 938.03, F.S., relating  
 326 to Crimes Compensation Trust Fund; requiring payment of  
 327 additional court costs; amending s. 938.05, F.S.;  
 328 directing court costs to be deposited in the clerk of the  
 329 courts fine and forfeiture fund instead of the county  
 330 trust fund; amending s. 938.06, F.S.; removing a



HB 0113A

2003

331 restriction on local liability for payment of costs for  
332 crime stoppers programs; amending s. 938.19, F.S.;  
333 authorizing counties to fund teen courts; amending s.  
334 938.27, F.S.; revising provisions relating to judgment for  
335 costs on conviction; requiring payment of such costs;  
336 amending s. 938.29, F.S.; providing payment requirements  
337 for certain legal assistance; providing requirements for  
338 deposit and use of funds collected for attorney's fees and  
339 costs; amending s. 938.30, F.S.; specifying financial  
340 obligations in criminal cases; amending s. 938.35, F.S.;  
341 revising provisions for collection of court-related  
342 financial obligations; amending s. 939.06, F.S., relating  
343 to acquitted defendant not liable for costs; removing  
344 county obligation to pay; amending s. 939.08, F.S.;  
345 revising requirements relating to certification of costs  
346 of the state courts system; amending s. 939.12, F.S.;  
347 providing for payment of costs against state in Supreme  
348 Court; reenacting s. 943.053, F.S., relating to the  
349 dissemination of criminal justice information, to  
350 incorporate the amendments to ss. 27.51 and 27.53, F.S.;  
351 amending s. 947.18, F.S.; conforming a reference; amending  
352 s. 948.03, F.S.; conforming a cross reference; amending s.  
353 960.001, F.S.; conforming references; amending s. 984.08,  
354 F.S.; conforming terminology; amending s. 985.203, F.S.,  
355 relating to right to counsel; providing for imposition of  
356 costs of representation; amending ss. 985.215, 985.231,  
357 and 985.233, F.S.; conforming terminology; providing for a  
358 review of the Florida Accounting Information Resource  
359 subsystem and the Uniform Accounting System Manual with  
360 respect to Article V funding; requiring implementation of



HB 0113A

2003

361 necessary revisions; providing for a study of county  
362 expenditures for court-related services; providing  
363 requirements; providing for reimbursement of travel costs;  
364 requiring a report; requiring a report on costs of court-  
365 related services provided by the counties; providing  
366 specific requirements; providing for reimbursement of  
367 certain expenses; providing an appropriation; providing a  
368 statement of important state interest; providing that the  
369 transfer of the funding responsibility for the state  
370 courts system shall not affect the validity of any  
371 judicial or administrative proceeding pending on the day  
372 of the transfer; providing that the entity providing  
373 appropriations on and after July 1, 2004, shall be  
374 considered the successor in interest to any existing  
375 contracts, but is not responsible for funding or payment  
376 of any service rendered or provided prior to July 1, 2004;  
377 authorizing judicial acts to be taken or performed on any  
378 day of the week, including Sundays and holidays;  
379 authorizing surplus funds for teen courts to be used for  
380 juvenile drug courts; repealing certain services charges  
381 and fees imposed by counties prior to June 30, 2004;  
382 requiring each clerk of the court to submit to the  
383 Legislature a report identifying court-related functions  
384 and associated costs for county fiscal year 2003-2004;  
385 requiring each clerk of the court to notify the Clerk of  
386 Court Operations Conference of the schedule of court-  
387 related fees, service charges, and costs to be put into  
388 effect July 1, 2004, and requiring the conference to  
389 submit such information to the Legislature; repealing s.  
390 25.402, F.S., relating to the County Article V Trust Fund;



HB 0113A

2003

391 repealing s. 27.005, F.S., relating to definitions  
392 applicable to state attorneys and public defenders;  
393 repealing s. 27.006, F.S., relating to court reporting  
394 services; repealing s. 27.271, F.S., relating to per diem  
395 and mileage for state attorneys and assistant state  
396 attorneys; repealing s. 27.33, F.S., relating to state  
397 attorney submission of annual budget; repealing s.  
398 27.3455, F.S., relating to annual statement of court-  
399 related revenues and expenditures; repealing s. 27.36,  
400 F.S., relating to the Office of Prosecution Coordination;  
401 repealing s. 27.385, F.S., relating to state attorney  
402 budget expenditures and expenditure reports; repealing s.  
403 27.605, F.S., relating to public defender budget  
404 expenditures and expenditure reports; repealing s. 29.002,  
405 F.S., relating to the basis for funding the state courts  
406 system; repealing s. 29.003, F.S., relating to the phase-  
407 in schedule for court funding; repealing s. 29.009, F.S.,  
408 relating to the contingency fund for criminal-related  
409 costs of counties; repealing s. 29.011, F.S., relating to  
410 conflict counsel pilot projects; repealing s. 34.201,  
411 F.S., relating to the County Article V Trust Fund;  
412 repealing s. 43.28, F.S., relating to county provision of  
413 court facilities; repealing s. 50.071, F.S., relating to  
414 court docket funds; repealing s. 57.091, F.S., relating to  
415 costs refunded to counties in certain proceedings relating  
416 to state prisoners; repealing s. 218.325, F.S., relating  
417 to the uniform chart of accounts and financial reporting  
418 for court and justice system costs and revenues; repealing  
419 s. 914.06, F.S., relating to compensation of expert  
420 witnesses in criminal cases; repealing s. 925.035, F.S.,



HB 0113A

2003

421 relating to appointment and compensation of an attorney in  
 422 capital cases and appeals from judgments imposing the  
 423 death penalty; repealing s. 925.036, F.S., relating to  
 424 compensation of appointed counsel and prohibition against  
 425 reassignment or subcontracting of case to another  
 426 attorney; repealing s. 925.037, F.S., relating to  
 427 reimbursement of counties for fees paid to appointed  
 428 counsel and circuit conflict committees; repealing s.  
 429 939.05, F.S., relating to discharge of insolvent defendant  
 430 without payment of costs; repealing s. 939.07, F.S.,  
 431 relating to payment of defendant's witnesses; repealing s.  
 432 939.10, F.S., relating to duty of board of county  
 433 commissioners to verify mileage and actual and necessary  
 434 services and expenses; repealing s. 939.15, F.S., relating  
 435 to costs paid by counties in cases of insolvency;  
 436 providing for construction of the act in pari materia with  
 437 laws enacted during the 2003 Regular Session of the  
 438 Legislature; providing effective dates.

439

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

441

442 Section 1. Subsection (1) of section 25.073, Florida  
 443 Statutes, is amended to read:

444 25.073 Retired justices or judges assigned to temporary  
 445 duty; additional compensation; appropriation.--

446 (1) For purposes of this section, the term "retired  
 447 justice" or "retired judge" means any former justice or judge  
 448 who:

449 (a) Has not been defeated in seeking reelection to, or has  
 450 not failed to be retained in seeking retention in, his or her



HB 0113A

2003

451 last judicial office or was not defeated when last seeking  
 452 election to judicial office; and

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

454 Section 2. Effective July 1, 2004, section 25.383, Florida  
 455 Statutes, is amended to read:

456 25.383 Standards for court reporters; procedures; rules of  
 457 professional conduct, discipline, and training; ~~fees.~~--The  
 458 Supreme Court shall establish minimum standards and procedures  
 459 for qualifications, certification, discipline, and training for  
 460 court reporters. ~~The Supreme Court is authorized to set fees to~~  
 461 ~~be charged to applicants for certification and renewal of~~  
 462 ~~certification. The revenues generated from such fees shall be~~  
 463 ~~used to offset the costs of administration of the certification~~  
 464 ~~process.~~ The Supreme Court may appoint or employ such personnel  
 465 as are necessary to assist the court in exercising its powers  
 466 and performing its duties under this section.

467 Section 3. Effective July 1, 2004, paragraph (a) of  
 468 subsection (2) of section 25.384, Florida Statutes, is amended  
 469 to read:

470 25.384 Court Education Trust Fund.--

471 (2)(a) The trust fund moneys shall be used to provide  
 472 judicial education and training for judges and other court  
 473 personnel as defined and determined by the Florida Court  
 474 Educational Council, ~~the State Courts Administrator and his or~~  
 475 ~~her staff, trial court administrators, and appellate court law~~  
 476 ~~clerks.~~ In addition, funds may be used for the development and  
 477 implementation of an educational program for the clerks of court  
 478 as set forth in s. 145.051(2).

479 Section 4. Part I of chapter 27, entitled "Definitions;  
 480 Court Reporters," is retitled as "Court Reporters; Witness





HB 0113A

2003

481 Coordination," and shall consist of sections 27.0055, 27.006,  
 482 27.0061, and 27.0065, Florida Statutes. This section shall take  
 483 effect July 1, 2004.

484 Section 5. Effective July 1, 2004, section 43.35, Florida  
 485 Statutes, is renumbered as section 27.0065, Florida Statutes,  
 486 and amended to read:

487 27.0065 ~~43.35~~ Witness coordination ~~coordinating offices~~.--  
 488 Each state attorney and public defender ~~court administrator~~  
 489 ~~shall establish a witness coordinating office in each county~~  
 490 ~~within his or her judicial circuit. The office shall be~~  
 491 responsible for:

492 (1) Coordinating court appearances, including pretrial  
 493 conferences and depositions, for all witnesses who are  
 494 subpoenaed in criminal cases, including law enforcement  
 495 personnel.

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

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

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

507  
 508 In addition, the state attorney or public defender ~~the office~~  
 509 may provide additional services to reduce time and wage losses  
 510 to a minimum for all witnesses.



HB 0113A

2003

511 Section 6. Effective July 1, 2004, section 27.02, Florida  
512 Statutes, is amended to read:

513 27.02 Duties before court.--

514 (1) The state attorney shall appear in the circuit and  
515 county courts within his or her judicial circuit and prosecute  
516 or defend on behalf of the state all suits, applications, or  
517 motions, civil or criminal, in which the state is a party,  
518 except as provided in chapters 39, 984, and 985. The intake  
519 procedures of chapters 39, 984, and 985 shall apply as provided  
520 therein. The state attorney shall not appear in the circuit and  
521 county courts within his or her judicial circuit for the purpose  
522 of prosecuting violations of special laws, unless expressly  
523 authorized, or violations of county or municipal ordinances,  
524 unless ancillary to a state prosecution and authorized by the  
525 prosecuting attorney of the county.

526 (2) The state attorney shall provide to the defendant all  
527 discovery materials required pursuant to the applicable rule of  
528 procedure and may charge fees as provided for in s.  
529 119.07(1)(a), not to exceed 15 cents per page for a copy of a  
530 noncertified copy of a public record. However, these fees may be  
531 deferred if the defendant has been determined to be indigent as  
532 provided in s. 27.52.

533 Section 7. Section 27.04, Florida Statutes, is amended to  
534 read:

535 27.04 Summoning and examining witnesses for state.--The  
536 state attorney shall have summoned all witnesses required on  
537 behalf of the state; and he or she is allowed the process of his  
538 or her court to summon witnesses from throughout the state to  
539 appear before the state attorney in or out of term time at such  
540 convenient places in the state attorney's judicial circuit and



HB 0113A

2003

541 at such convenient times as may be designated in the summons, to  
 542 testify before him or her as to any violation of the ~~criminal~~  
 543 law upon which they may be interrogated, and he or she is  
 544 empowered to administer oaths to all witnesses summoned to  
 545 testify by the process of his or her court or who may  
 546 voluntarily appear before the state attorney to testify as to  
 547 any violation or violations of the ~~criminal~~ law.

548 Section 8. Subsection (2) of section 27.15, Florida  
 549 Statutes, is amended to read:

550 27.15 State attorneys to assist in other circuits.--

551 (2) When any state attorney is required to go beyond the  
 552 limits of the circuit in which he or she holds office to comply  
 553 with this section or on other official business performed at the  
 554 direction of the Governor, the expenses that would otherwise not  
 555 have been incurred but for the executive assignment ~~incurred~~  
 556 shall be borne by the state and shall be paid from the  
 557 appropriation provided by the state for the state attorney who  
 558 is being assisted in the discharge of his or her duties. Other  
 559 costs attendant to the prosecution of such cases shall be paid  
 560 by the entity obligated to pay the expense in the absence of an  
 561 executive assignment ~~circuit courts.~~

562 Section 9. Effective July 1, 2004, subsections (1) and (5)  
 563 of section 27.25, Florida Statutes, are amended to read:

564 27.25 State attorney authorized to employ personnel;  
 565 funding formula.--

566 (1) The state attorney of each judicial circuit is  
 567 authorized to employ and establish, in such number as is  
 568 authorized by the General Appropriations Act ~~he or she shall~~  
 569 ~~determine~~, assistant state attorneys, ~~investigators, and~~  
 570 ~~clerical, secretarial,~~ and other staff pursuant to s. 29.005



HB 0113A

2003

571 ~~personnel, who shall be paid from funds appropriated for that~~  
 572 ~~purpose.~~ The state attorneys of all judicial circuits shall  
 573 jointly develop a coordinated classification and pay plan which  
 574 shall be submitted on or before January 1 of each year to the  
 575 Justice Administrative Commission, the office of the President  
 576 of the Senate, and the office of the Speaker of the House of  
 577 Representatives. Such plan shall be developed in accordance with  
 578 policies and procedures of the Executive Office of the Governor  
 579 established pursuant to s. 216.181.

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

585 Section 10. Effective July 1, 2004, section 27.34, Florida  
 586 Statutes, is amended to read:

587 27.34 Limitations on payment of salaries and other related  
 588 costs of state attorneys' offices other than by the state+  
 589 limitations.--

590 (1) A ~~No~~ county or municipality may not contract with, or  
 591 ~~shall~~ appropriate or contribute funds to the operation of, the  
 592 various state attorneys for the prosecution of, ~~except that a~~  
 593 ~~county or municipality may appropriate or contribute funds to~~  
 594 ~~pay the salary of one assistant state attorney whose sole~~  
 595 ~~function shall be to prosecute~~ violations of special laws,  
 596 unless expressly authorized, or ordinances of the county or  
 597 municipality, unless ancillary to a state prosecution. ~~and may~~  
 598 ~~provide~~ Persons employed by the county or municipality may be  
 599 provided to the state attorney to serve as special investigators  
 600 pursuant to the provisions of s. 27.251. ~~However, any county or~~



HB 0113A

2003

601 ~~municipality may contract with the state attorney of the~~  
602 ~~judicial circuit in which such county or municipality is located~~  
603 ~~for the prosecution of violations of county or municipal~~  
604 ~~ordinances. In addition, a county or municipality may~~  
605 ~~appropriate or contribute funds to pay the salary of one or more~~  
606 ~~assistant state attorneys who are trained in the use of the~~  
607 ~~civil and criminal provisions of the Florida RICO Act, chapter~~  
608 ~~895, and whose sole function is to investigate and prosecute~~  
609 ~~civil and criminal RICO actions when one or more offenses~~  
610 ~~identified in s. 895.02(1)(a) occur within the boundaries of the~~  
611 ~~municipality or county.~~

612 ~~(2) The state attorneys shall be provided by the counties~~  
613 ~~within their judicial circuits with such office space,~~  
614 ~~utilities, telephone service, custodial services, library~~  
615 ~~services, transportation services, and communication services as~~  
616 ~~may be necessary for the proper and efficient functioning of~~  
617 ~~these offices, except as otherwise provided in the General~~  
618 ~~Appropriations Act. The state attorney's office shall also be~~  
619 ~~provided with pretrial consultation fees for expert or other~~  
620 ~~potential witnesses consulted before trial by the state~~  
621 ~~attorney; travel expenses incurred in criminal cases by a state~~  
622 ~~attorney in connection with out-of-jurisdiction depositions;~~  
623 ~~out-of-state travel expenses incurred by assistant state~~  
624 ~~attorneys or by investigators of state attorneys while~~  
625 ~~attempting to locate and interrogate witnesses for the state~~  
626 ~~attorney in the prosecution of a criminal case; court reporter~~  
627 ~~costs incurred by the state attorney during the course of an~~  
628 ~~investigation and criminal prosecution which costs are certified~~  
629 ~~by the state attorney as being useful and necessary in the~~  
630 ~~prosecution, provided that nothing herein shall be construed to~~



HB 0113A

2003

631 ~~prohibit the county from contesting the reasonableness of the~~  
632 ~~expenditure in the court wherein the criminal case is brought;~~  
633 ~~postindictment and postinformation deposition costs incurred by~~  
634 ~~the state attorney during the course of a criminal prosecution~~  
635 ~~of an insolvent defendant when such costs are certified by the~~  
636 ~~state attorney as being useful and necessary in the prosecution,~~  
637 ~~provided that nothing herein shall be construed to prohibit the~~  
638 ~~county from contesting the reasonableness of the expenditure in~~  
639 ~~the court wherein the criminal case is brought; and the cost of~~  
640 ~~copying depositions of state witnesses taken by the public~~  
641 ~~defender, court appointed counsel, or private retained counsel,~~  
642 ~~when such costs are certified by the state attorney as being~~  
643 ~~useful and necessary in the prosecution, provided that nothing~~  
644 ~~herein shall be construed to prohibit the county from contesting~~  
645 ~~the reasonableness of the expenditure in the court wherein the~~  
646 ~~criminal case is brought. The office space to be provided by the~~  
647 ~~counties shall not be less than the standards for space~~  
648 ~~allotment adopted by the Department of Management Services, nor~~  
649 ~~shall these services and office space be less than were provided~~  
650 ~~in the prior fiscal year.~~

651 (2)~~(3)~~ It is hereby prohibited for any state attorney to  
652 receive from any county or municipality any supplemental salary.  
653 ~~However in judicial circuits with a population of 1 million or~~  
654 ~~more, state attorneys presently holding office and now receiving~~  
655 ~~a county supplement may continue to receive a county salary~~  
656 ~~supplement at the discretion of the counties for the remainder~~  
657 ~~of their term of office.~~

658 (3)~~(4)~~ Notwithstanding s. 27.25, the Chief Financial  
659 Officer Insurance Commissioner may contract with the state  
660 attorney of any judicial circuit of the state for the



HB 0113A

2003

661 prosecution of criminal violations of the Workers' Compensation  
 662 Law and related crimes if the Chief Financial Officer  
 663 contributes ~~and may contribute~~ funds for such purposes. Such  
 664 contracts may provide for the training, salary, and expenses of  
 665 one or more assistant state attorneys used in the prosecution of  
 666 such crimes.

667 Section 11. Section 27.35, Florida Statutes, is amended to  
 668 read:

669 27.35 Salaries of state attorneys.--

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

673 (2) ~~The annual salaries for state attorneys shall be as~~  
 674 ~~follows:~~

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

677 (b) ~~In those circuits having a population of more than~~  
 678 ~~100,000 but less than 200,000 ..... 30,000.~~

679 (c) ~~In those circuits having a population of more than~~  
 680 ~~200,000 ..... 32,000.~~

681 Section 12. Part III of chapter 27, entitled "Public  
 682 Defenders," is retitled as "Public Defenders and Other Court-  
 683 appointed Counsel," and shall consist of sections 27.40, 27.42,  
 684 27.50, 27.51, 27.512, 27.52, 27.525, 27.53, 27.5301, 27.5302,  
 685 27.5303, 27.5304, 27.54, 27.55, 27.561, 27.562, 27.58, and  
 686 27.59, Florida Statutes. This section shall take effect July 1,  
 687 2004.

688 Section 13. Effective July 1, 2004, section 27.40, Florida  
 689 Statutes, is created to read:



HB 0113A

2003

690 27.40 Court-appointed counsel; circuit registries; minimum  
691 requirements; appointment by court.--

692 (1) Counsel shall be appointed to represent any individual  
693 in a criminal or civil proceeding entitled to court-appointed  
694 counsel under the Federal or State Constitution or as authorized  
695 by general law. The court shall appoint a public defender to  
696 represent indigent persons as authorized in s. 27.51. Private  
697 counsel shall be appointed to represent indigents in those cases  
698 in which provision is made for court-appointed counsel but the  
699 public defender is unable to provide representation due to a  
700 conflict of interest or is not authorized to provide  
701 representation.

702 (2) Private counsel appointed by the court to provide  
703 representation shall be selected from a registry established by  
704 the circuit Article V indigent services committee or procured  
705 through a competitive-bidding process.

706 (3) In utilizing a registry:

707 (a) Each circuit Article V indigent services committee  
708 shall compile and maintain a list of attorneys in private  
709 practice, by county and by category of cases. To be included on  
710 a registry, attorneys shall certify that they meet any minimum  
711 requirements established in general law for court appointment,  
712 are available to represent indigent defendants in cases  
713 requiring court appointment of private counsel, and are willing  
714 to abide by the terms of the contract for services. Each  
715 attorney on the registry shall be responsible for notifying the  
716 circuit Article V indigent services committee of any change in  
717 his or her status. Failure to comply with this requirement shall  
718 be cause for removal from the registry until the requirement is  
719 fulfilled.





HB 0113A

2003

720 (b) The court shall appoint attorneys in rotating order in  
721 the order in which names appear on the applicable registry,  
722 unless the court makes a finding of good cause on the record for  
723 appointing an attorney out of order. An attorney not appointed  
724 in the order in which his or her name appears on the list shall  
725 remain next in order.

726 (c) If it finds the number of attorneys on the registry in  
727 a county or circuit for a particular category of cases is  
728 inadequate, the circuit Article V indigent services committee  
729 shall notify the chief judge of the particular circuit in  
730 writing. The chief judge shall submit the names of at least  
731 three private attorneys with relevant experience. The clerk of  
732 court shall send an application to each of these attorneys to  
733 register for appointment.

734 (d) Quarterly, beginning July 1, 2004, each circuit  
735 Article V indigent services committee shall provide the Chief  
736 Justice of the Supreme Court, the chief judge, the state  
737 attorney and public defender in each judicial circuit, and the  
738 clerk of court in each county with a current copy of each  
739 registry.

740 (4) To be eligible for court appointment, an attorney must  
741 be a member in good standing of The Florida Bar in addition to  
742 any other qualifications specified by general law.

743 (5) The Justice Administrative Commission shall approve  
744 uniform contract forms for use in procuring the services of  
745 private court-appointed counsel based on the recommendations of  
746 the Article V Indigent Services Advisory Board.

747 (6) After court appointment, the attorney must immediately  
748 file a notice of appearance with the court indicating acceptance  
749 of the appointment to represent the defendant.



HB 0113A

2003

750 (7)(a) An attorney appointed to represent a defendant or  
751 other client is entitled to payment of attorney's fees and  
752 expenses pursuant to s. 27.5304, only upon full performance by  
753 the attorney of specified duties, approval of payment by the  
754 court, and attorney submission of a payment request to the  
755 Justice Administrative Commission. If an attorney is permitted  
756 to withdraw or is otherwise removed from representation prior to  
757 full performance of the duties specified in this section, the  
758 trial court shall approve payment of attorney's fees and costs  
759 for work performed in an amount not to exceed the amounts  
760 specified in s. 27.5304.

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

764 (8) Subject to the attorney-client, work-product  
765 privilege, an attorney who withdraws or is removed from  
766 representation shall deliver all files, notes, documents, and  
767 research to the successor attorney within 15 days after  
768 receiving notice from the successor attorney. The successor  
769 attorney shall bear the cost of transmitting all files, notes,  
770 documents, and research.

771 (9) A circuit Article V indigent services committee or any  
772 interested person may advise the court of any circumstance  
773 affecting the quality of representation, including, but not  
774 limited to, false or fraudulent billing, misconduct, failure to  
775 meet continuing legal education requirements, solicitation to  
776 receive compensation from the defendant or other client the  
777 attorney is appointed to represent, or failure to file  
778 appropriate motions in a timely manner.



HB 0113A

2003

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

782 Section 14. Effective July 1, 2004, section 27.42, Florida  
783 Statutes, is created to read:

784 27.42 Circuit Article V indigent services committees;  
785 composition; staff; responsibilities; funding.--

786 (1) In each judicial circuit a circuit Article V indigent  
787 services committee shall be established. The committee shall  
788 consist of the following:

789 (a) The chief judge of the judicial circuit or the chief  
790 judge's designee, who shall serve as the chair.

791 (b) The public defender of the judicial circuit.

792 (c) One experienced private criminal defense attorney  
793 appointed by the chief judge to serve a 2-year term. During the  
794 2-year term, the attorney is prohibited from serving as court-  
795 appointed counsel.

796 (d) One experienced civil trial attorney appointed by the  
797 chief judge, to serve a 2-year term. During the 2-year term, the  
798 attorney is prohibited from serving as court-appointed counsel.

799 (2)(a) The responsibility of the circuit Article V  
800 indigent services committee is to manage the appointment and  
801 compensation of court-appointed counsel within a circuit  
802 pursuant to ss. 27.40 and 27.5303. The circuit Article V  
803 indigent services committee shall meet at least quarterly.

804 (b) The circuit Article V indigent services committee  
805 shall maintain a registry pursuant to s. 27.40, unless procuring  
806 counsel through a competitive-bidding process. The committee  
807 shall apply the eligibility and performance standards set by the  
808 Legislature, if any, after receiving recommendations from the



HB 0113A

2003

809 Article V Indigent Services Advisory Board, for the appropriate  
810 category of case.

811 (c) The circuit Article V indigent services committee  
812 shall develop a schedule of standard fees and expense allowances  
813 for the various categories of cases, consistent with the  
814 standards adopted by the Legislature, if any, after receiving  
815 recommendations from the Article V Indigent Services Advisory  
816 Board.

817 (3) The Justice Administrative Commission shall prepare  
818 and issue on a quarterly basis a statewide report comparing  
819 actual year-to-date expenditures to budgeted amounts for the  
820 circuit Article V indigent services committees in each of the  
821 judicial circuits. Copies of these quarterly reports shall be  
822 distributed to each circuit Article V indigent services  
823 committee and to the President of the Senate and the Speaker of  
824 the House of Representatives.

825 (4)(a) The funding and positions for the processing of  
826 committees' fees and expenses shall be as appropriated to the  
827 Justice Administrative Commission in the General Appropriations  
828 Act.

829 (b) Funds for criminal conflict case fees and expenses  
830 shall be appropriated by the Legislature in a separate  
831 appropriations category within the Justice Administrative  
832 Commission. These funds shall be allocated to each circuit as  
833 prescribed in the General Appropriations Act.

834 (c) Separate funds for attorneys' fees and expenses in  
835 conflict cases under chapter 394 shall be appropriated by the  
836 Legislature in a separate appropriations category within the  
837 Justice Administrative Commission.



HB 0113A

2003

838 (d) The Legislature shall appropriate separate funds for  
 839 attorneys' fees and expenses in child dependency cases and other  
 840 court-appointed counsel cases in a separate appropriations  
 841 category within the Justice Administrative Commission.

842 Section 15. Effective July 1, 2004, section 27.51, Florida  
 843 Statutes, is amended to read:

844 27.51 Duties of public defender.--

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

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

849 (b) Under arrest for, or is charged with, a misdemeanor  
 850 authorized for prosecution by the state attorney, a violation of  
 851 chapter 316 which is punishable by imprisonment, or criminal  
 852 contempt, ~~or a violation of a municipal or county ordinance in~~  
 853 ~~the county court~~, unless the court, prior to trial, files in the  
 854 cause an order of no imprisonment which states that the  
 855 defendant will not be imprisoned if he or she is convicted;

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

858 (d) Sought by petition filed in such court to be  
 859 involuntarily placed as a mentally ill person or sexually  
 860 violent predator or involuntarily admitted to residential  
 861 services as a person with developmental disabilities. However, a  
 862 public defender does not have the authority to represent any  
 863 person who is a plaintiff in a civil action brought under the  
 864 Florida Rules of Civil Procedure, the Federal Rules of Civil  
 865 Procedure, or the federal statutes, or who is a petitioner in an  
 866 administrative proceeding challenging a rule under chapter 120,  
 867 unless specifically authorized by statute; or



HB 0113A

2003

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

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

874            (3) Each public defender shall serve on a full-time basis  
875 and is prohibited from engaging in the private practice of law  
876 while holding office. Assistant public defenders shall give  
877 priority and preference to their duties as assistant public  
878 defenders and shall not otherwise engage in the practice of  
879 criminal law.

880            (4) The public defender for a judicial circuit enumerated  
881 in this subsection shall, after the record on appeal is  
882 transmitted to the appellate court by the office of the public  
883 defender which handled the trial and if requested by any public  
884 defender within the indicated appellate district, handle all  
885 felony appeals to the state and federal courts required of the  
886 official making such request:

887            (a) Public defender of the second judicial circuit, on  
888 behalf of any public defender within the district comprising the  
889 First District Court of Appeal.

890            (b) Public defender of the tenth judicial circuit, on  
891 behalf of any public defender within the district comprising the  
892 Second District Court of Appeal.

893            (c) Public defender of the eleventh judicial circuit, on  
894 behalf of any public defender within the district comprising the  
895 Third District Court of Appeal.



HB 0113A

2003

896 (d) Public defender of the fifteenth judicial circuit, on  
897 behalf of any public defender within the district comprising the  
898 Fourth District Court of Appeal.

899 (e) Public defender of the seventh judicial circuit, on  
900 behalf of any public defender within the district comprising the  
901 Fifth District Court of Appeal.

902 ~~(5) When the public defender for a judicial circuit~~  
903 ~~enumerated in subsection (4) has represented at trial a person~~  
904 ~~sentenced to death, the public defender shall not represent that~~  
905 ~~person in any direct appellate proceedings. That public defender~~  
906 ~~shall notify the Florida Supreme Court within 10 days after~~  
907 ~~filing a notice of appeal, and the Court shall appoint another~~  
908 ~~public defender enumerated in subsection (4) to represent the~~  
909 ~~person in any direct appellate proceedings.~~

910 (5)(6)(a) When direct appellate proceedings prosecuted by  
911 a public defender on behalf of an accused and challenging a  
912 judgment of conviction and sentence of death terminate in an  
913 affirmance of such conviction and sentence, whether by the  
914 Florida Supreme Court or by the United States Supreme Court or  
915 by expiration of any deadline for filing such appeal in a state  
916 or federal court, the public defender shall notify the accused  
917 of his or her rights pursuant to Rule 3.850, Florida Rules of  
918 Criminal Procedure, including any time limits pertinent thereto,  
919 and shall advise such person that representation in any  
920 collateral proceedings is the responsibility of the capital  
921 collateral representative. The public defender shall then  
922 forward all original files on the matter to the capital  
923 collateral representative, retaining such copies for his or her  
924 files as may be desired. However, the trial court shall retain  
925 the power to appoint the public defender or other attorney not



HB 0113A

2003

926 employed by the capital collateral representative to represent  
 927 such person in proceedings for relief by executive clemency  
 928 pursuant to ss. 27.40 and 27.5303 ~~s. 925.035~~.

929 (b) It is the intent of the Legislature that any public  
 930 defender representing an inmate in any collateral proceedings in  
 931 any court on June 24, 1985, shall continue representation of  
 932 that inmate in all postconviction proceedings unless relieved of  
 933 responsibility from further representation by the court.

934 ~~(6)(7)~~ A sum shall be appropriated to the public defender  
 935 of each judicial circuit enumerated in subsection (4) for the  
 936 employment of assistant public defenders and clerical employees  
 937 and the payment of expenses incurred in cases on appeal.

938 Section 16. Effective July 1, 2004, section 27.52, Florida  
 939 Statutes, is amended to read:

940 27.52 Determination of indigence ~~indigency~~.--

941 (1)~~(a)~~ The clerk of the circuit court shall determine the  
 942 indigence of each person applying for appointment of a  
 943 ~~determination of indigency for purposes of appointing the public~~  
 944 ~~defender or private or conflict attorney or any other court-~~  
 945 related services based on indigence. This determination shall be  
 946 ~~made by the court, and~~ may be made at any stage of the  
 947 proceedings. Before appointing the public defender or a private  
 948 ~~conflict~~ attorney, or providing any other court-related service  
 949 based on indigence, the court shall receive the determination of  
 950 indigence from the clerk. If the clerk has not made this  
 951 determination at the time a person requests appointment of a  
 952 public defender or private attorney or provision of any other  
 953 court-related services, the court ~~consider a completed affidavit~~  
 954 ~~that contains the financial information required under paragraph~~  
 955 ~~(f) and~~ shall make a preliminary determination of indigence





HB 0113A

2003

956 ~~indigency~~, pending verification by the clerk ~~indigency~~ ~~examiner~~.  
957 The applicant may seek review of the clerk's determination  
958 denying indigence in the court having jurisdiction over the  
959 matter at the next scheduled hearing.

960 (2)(a) Any person applying for appointment of a public  
961 defender or private attorney or any other court-related services  
962 based on indigence shall pay a \$40 application fee to the clerk  
963 of court and submit a completed affidavit containing the  
964 financial information required under paragraph (f).

965 (b) The person shall pay the application fee at the time  
966 the financial affidavit is filed or within 7 days thereafter. If  
967 not paid within 7 days, the applicant shall be enrolled by the  
968 clerk in a payment program to recover unpaid fees, in full, with  
969 periodic payment amounts corresponding to the applicant's  
970 ability to pay.

971 ~~(b) An accused person, or if applicable a parent or legal~~  
972 ~~guardian of an accused minor or an accused adult tax-dependent~~  
973 ~~person, asserting indigency and requesting representation by the~~  
974 ~~public defender or a conflict attorney, shall file with the~~  
975 ~~court a completed affidavit containing the financial information~~  
976 ~~required under paragraph (f) and stating that the affidavit is~~  
977 ~~signed under oath and under penalty of perjury.~~

978 ~~(c) Each person who requests the appointment of the public~~  
979 ~~defender or a conflict attorney shall pay to the clerk of the~~  
980 ~~court an application fee of \$40, as ordered by the court, at the~~  
981 ~~time the financial affidavit is filed, or within 7 days~~  
982 ~~thereafter. If not paid within 7 days, the application fee shall~~  
983 ~~be assessed at sentencing or at the final disposition of the~~  
984 ~~case. The application fee shall be assessed for each affidavit~~  
985 ~~filed against a defendant who requests appointment of the public~~



HB 0113A

2003

986 ~~defender or a conflict attorney.~~ A defendant ~~who is~~ found to be  
 987 indigent may not be refused counsel or any other court-related  
 988 services based on indigence for failure to pay the application  
 989 fee. The defendant shall pay a separate application fee for each  
 990 affidavit filed.

991 (d) If the court finds that the accused person applying  
 992 for representation appears to be indigent based upon the  
 993 financial affidavit required under paragraph (f), the court  
 994 shall appoint the public defender or a private ~~conflict~~ attorney  
 995 to provide representation. If the application fee is not paid  
 996 prior to the disposition of the case, the clerk shall advise the  
 997 sentencing judge of this fact and the court shall:

998 1. Assess the application fee as part of the sentence or  
 999 as a condition of probation; or

1000 2. Assess the application fee pursuant to s. 938.29.

1001

1002 If the clerk ~~indigency examiner~~ finds discrepancies between the  
 1003 financial affidavit and his or her ~~the examiner's~~ investigation  
 1004 of assets, the clerk ~~indigency examiner~~ shall submit the  
 1005 information to the court and the court shall determine whether  
 1006 the public defender or private ~~conflict~~ attorney shall continue  
 1007 representation. The defendant may be heard regarding the  
 1008 information discovered by the clerk ~~indigency examiner~~. If the  
 1009 court, based on the information provided, determines that the  
 1010 defendant is not indigent, the court shall order ~~that~~ the public  
 1011 defender or private ~~conflict~~ attorney to discontinue  
 1012 representation. Notwithstanding any provision of law or local  
 1013 order to the contrary, the clerk of the court shall assign the  
 1014 first \$40 of any ~~court-assessed~~ fees or costs ~~that are~~ paid by  
 1015 an indigent defendant as payment of ~~for~~ the application fee. In



HB 0113A

2003

1016 no event should a person ~~who is~~ found to be indigent be refused  
 1017 counsel for failure to pay the fee.

1018 (e) All application fees shall be transferred monthly by  
 1019 the clerk of the court to the Department of Revenue for deposit  
 1020 to the Indigent Criminal Defense Trust Fund, administered by the  
 1021 Justice Administrative Commission, to be used to supplement the  
 1022 general revenue funds appropriated by the Legislature to the  
 1023 public defenders. The clerk of the court may retain 2 percent of  
 1024 application fees collected monthly for administrative costs  
 1025 prior to remitting the remainder to the Department of Revenue.

1026 (f) The affidavit must contain the following financial  
 1027 information and calculations as to the applicant's ~~accused~~  
 1028 ~~person's~~ income:

1029 1. Net income.--Total salary and wages, minus deductions  
 1030 required by law, including court-ordered support payments.

1031 2. Other income.--Including, but not limited to, social  
 1032 security benefits, union funds, veterans' benefits, workers'  
 1033 compensation, other regular support from absent family members,  
 1034 public or private employee pensions, unemployment compensation,  
 1035 dividends, interest, rent, trusts, and gifts.

1036 3. Assets.--Including, but not limited to, cash, savings  
 1037 accounts, bank accounts, stocks, bonds, certificates of deposit,  
 1038 equity in real estate, and equity in a boat or a motor vehicle  
 1039 or in other tangible property.

1040 (g) The income of an applicant who is a ~~accused~~ minor or  
 1041 an ~~accused~~ adult tax-dependent person who is substantially  
 1042 supported by a parent or parents or by a guardian, or who  
 1043 continues to be claimed as a dependent for tax purposes, shall  
 1044 include the income of that dependent person's parent or parents



HB 0113A

2003

1045 or guardian, except a parent or guardian who has an adverse  
 1046 interest in the proceeding.

1047 (h) In addition to the financial information, the  
 1048 affidavit must contain the following statement: "I, ... (name  
 1049 of applicant ~~accused person~~) ..., agree to report any change in  
 1050 my financial situation to the court ~~or to the indigency~~  
 1051 ~~examiner.~~"

1052 ~~(3)(2)~~(a) After reviewing the affidavit and questioning  
 1053 the applicant ~~accused person~~, the clerk ~~court~~ shall make one of  
 1054 the following determinations:

- 1055 1. The applicant ~~accused person~~ is indigent.
- 1056 2. The applicant ~~accused person~~ is not indigent.

1057 (b) An applicant ~~accused person~~, including an applicant  
 1058 who is a minor or an ~~or an accused minor's or accused~~ adult tax-  
 1059 dependent person ~~person's parent or guardian~~, is indigent if:

- 1060 1. The income of the person is equal to or below 200 ~~250~~  
 1061 percent of the then-current federal poverty guidelines  
 1062 prescribed for the size of the household of the applicant  
 1063 ~~accused~~ by the United States Department of Health and Human  
 1064 Services or if the person is receiving Temporary Assistance for  
 1065 Needy Families-Cash Assistance ~~Aid to Families with Dependent~~  
 1066 ~~Children (AFDC)~~, poverty-related veterans' benefits, or  
 1067 Supplemental Security Income (SSI); or

- 1068 2. The person is unable to pay for the services of an  
 1069 attorney without substantial hardship to his or her family.

1070 (c) In determining whether an applicant ~~a defendant~~ is  
 1071 indigent, the clerk ~~court~~ shall determine whether any of the  
 1072 following facts exist, and the existence of any such fact  
 1073 creates a presumption that the applicant ~~defendant~~ is not  
 1074 indigent:



HB 0113A

2003

1075 1. The defendant has been released on bail in the amount  
1076 of \$5,000 or more.

1077 2. The defendant owns, or has equity in, any intangible or  
1078 tangible personal property or real property or the expectancy of  
1079 an interest in any such property.

1080 3. The defendant retained private counsel immediately  
1081 before or after filing the affidavit asserting indigence  
1082 ~~indigency~~ pursuant to subsection (2) ~~(1)~~.

1083 (d) A nonindigent parent or legal guardian of an applicant  
1084 who is a ~~accused~~ minor or an ~~accused~~ adult tax-dependent person  
1085 shall furnish the minor or adult tax-dependent ~~dependent~~ person  
1086 with the necessary legal services and costs incident to a  
1087 delinquency proceeding or, upon transfer of such person for  
1088 criminal prosecution as an adult pursuant to chapter 985, a  
1089 criminal prosecution, in which the person has a right to legal  
1090 counsel under the Constitution of the United States or the  
1091 Constitution of the State of Florida. The failure of a parent or  
1092 legal guardian to furnish legal services and costs under this  
1093 section does not bar the appointment of legal counsel pursuant  
1094 to s. 27.40 or 27.5303 ~~27.53~~. When the public defender, a  
1095 special assistant public defender appointed pursuant to s.  
1096 27.53(2), or a ~~appointed~~ private attorney ~~legal counsel~~ is  
1097 appointed to represent a ~~an accused~~ minor or an ~~accused~~ adult  
1098 tax-dependent person in any proceeding in circuit court or in a  
1099 criminal proceeding in any other court, the parents or the legal  
1100 guardian shall be liable for payment of the fees, charges, and  
1101 costs of the ~~such~~ representation even if the person is a minor  
1102 being tried as an adult. Liability for the fees, charges, and  
1103 costs of the ~~such~~ representation shall ~~may~~ be imposed in the  
1104 form of a lien against the property of the nonindigent parents



HB 0113A

2003

1105 or legal guardian of the ~~accused~~ minor or ~~accused~~ adult tax-  
1106 dependent person. The, which lien shall be ~~is~~ enforceable as  
1107 provided in s. 27.561 or s. 938.29. ~~The court shall determine~~  
1108 ~~the amount of the obligation; and, in determining the amount of~~  
1109 ~~the obligation, the court shall follow the procedure outlined by~~  
1110 ~~this section.~~

1111 (4)(3) ~~If the trial court determines, within 2 years after~~  
1112 ~~the determination of indigency, that any applicant~~ accused was  
1113 erroneously or improperly determined to be indigent, the state  
1114 attorney shall, in the name of the state, proceed against the  
1115 applicant ~~such accused~~ for the reasonable value of the services  
1116 rendered, ~~to the accused and~~ including all fees, charges, and  
1117 costs paid by the state or county in his or her behalf. Any  
1118 amount recovered shall be remitted to the Department of Revenue  
1119 for deposit into the General Revenue Fund ~~board of county~~  
1120 ~~commissioners of the county wherein the accused was tried. The~~  
1121 ~~funds shall be deposited in the fine and forfeiture fund of that~~  
1122 ~~county and be used to defray the expenses incurred by the county~~  
1123 ~~with respect to the defense of defendants in criminal~~  
1124 ~~prosecutions.~~

1125 (5) An individual determined to be indigent and seeking to  
1126 defer payment of fees, charges, or costs imposed by operation of  
1127 law or order of the court under this section or any other  
1128 provision of general law imposing fees, charges, or costs, shall  
1129 be enrolled by the clerk in a payment program to recover unpaid  
1130 costs in full, with periodic payment amounts corresponding to  
1131 the individual's ability to pay.

1132 Section 17. Effective July 1, 2004, section 27.53, Florida  
1133 Statutes, is amended to read:

1134 27.53 Appointment of assistants and other staff; method of



HB 0113A

2003

1135 payment.--

1136 (1) The public defender of each judicial circuit is  
1137 authorized to employ and establish, in such numbers as  
1138 authorized by the General Appropriations Act ~~as he or she shall~~  
1139 ~~determine~~, assistant public defenders, ~~investigators~~, and other  
1140 staff and personnel pursuant to s. 29.006, who shall be paid  
1141 from funds appropriated for that purpose. Notwithstanding the  
1142 provisions of s. 790.01, s. 790.02, or s. 790.25(2)(a), an  
1143 investigator employed by a public defender, while actually  
1144 carrying out official duties, is authorized to carry concealed  
1145 weapons if the investigator complies with s. 790.25(3)(o).  
1146 However, such investigators are not eligible for membership in  
1147 the Special Risk Class of the Florida Retirement System. The  
1148 public defenders of all judicial circuits shall jointly develop  
1149 a coordinated classification and pay plan which shall be  
1150 submitted on or before January 1 of each year to the Justice  
1151 Administrative Commission, the office of the President of the  
1152 Senate, and the office of the Speaker of the House of  
1153 Representatives. Such plan shall be developed in accordance with  
1154 policies and procedures of the Executive Office of the Governor  
1155 established in s. 216.181. Each assistant public defender  
1156 appointed by a public defender under this section shall serve at  
1157 the pleasure of the public defender. Each investigator employed  
1158 by a public defender shall have full authority to serve any  
1159 witness subpoena or court order issued, by any court or judge  
1160 within the judicial circuit served by such public defender, in a  
1161 criminal case in which such public defender has been appointed  
1162 to represent the accused.

1163 (2) Any member of The Florida Bar, in good standing, may  
1164 volunteer ~~register his or her availability to the public~~



HB 0113A

2003

1165 ~~defender of any judicial circuit for acceptance of special~~  
1166 ~~assignments~~ without salary to represent indigent defendants.  
1167 Volunteer attorneys are to be ~~Such persons shall be listed and~~  
1168 referred to as special assistant public defenders ~~and be paid a~~  
1169 ~~fee and costs and expenses as provided in s. 925.036.~~ A special  
1170 assistant public defender may not reassign or subcontract a case  
1171 to another attorney.

1172 ~~(3) If, at any time during the representation of two or~~  
1173 ~~more indigents, the public defender determines that the~~  
1174 ~~interests of those accused are so adverse or hostile that they~~  
1175 ~~cannot all be counseled by the public defender or his or her~~  
1176 ~~staff without conflict of interest, or that none can be~~  
1177 ~~counseled by the public defender or his or her staff because of~~  
1178 ~~conflict of interest, the public defender shall file a motion to~~  
1179 ~~withdraw and move the court to appoint other counsel. The court~~  
1180 ~~shall review and may inquire or conduct a hearing into the~~  
1181 ~~adequacy of the public defender's representations regarding a~~  
1182 ~~conflict of interest without requiring the disclosure of any~~  
1183 ~~confidential communications. The court shall permit withdrawal~~  
1184 ~~unless the court determines that the asserted conflict is not~~  
1185 ~~prejudicial to the indigent client. If the court grants the~~  
1186 ~~motion to withdraw, it may appoint one or more members of The~~  
1187 ~~Florida Bar, who are in no way affiliated with the public~~  
1188 ~~defender, in his or her capacity as such, or in his or her~~  
1189 ~~private practice, to represent those accused. However, the trial~~  
1190 ~~court shall appoint such other counsel upon its own motion when~~  
1191 ~~the facts developed upon the face of the record and files in the~~  
1192 ~~cause disclose such conflict. The court shall advise the~~  
1193 ~~appropriate public defender and clerk of court, in writing, when~~  
1194 ~~making such appointment and state the conflict prompting the~~





HB 0113A

2003

1195 ~~appointment. The appointed attorney shall be compensated as~~  
 1196 ~~provided in s. 925.036.~~

1197 (3)(4) The appropriations for the offices of public  
 1198 defender shall be determined by a funding formula and such other  
 1199 factors as may be deemed appropriate in a manner to be  
 1200 determined by this section ~~subsection~~ and the General ~~any~~  
 1201 ~~subsequent~~ Appropriations Act.

1202 Section 18. Subsection (1) of section 27.5301, Florida  
 1203 Statutes, is amended to read:

1204 27.5301 Salaries of public defenders and assistant public  
 1205 defenders.--

1206 (1) The salaries of public defenders, ~~to be paid by the~~  
 1207 ~~state~~, shall be as provided in the General Appropriations Act  
 1208 and shall be paid in equal monthly installments.

1209 Section 19. Effective July 1, 2004, section 27.5303,  
 1210 Florida Statutes, is created to read:

1211 27.5303 Public defenders; conflict of interest.--

1212 (1)(a) If, at any time during the representation of two or  
 1213 more defendants, a public defender determines that the interests  
 1214 of those accused are so adverse or hostile that they cannot all  
 1215 be counseled by the public defender or his or her staff without  
 1216 conflict of interest, or that none can be counseled by the  
 1217 public defender or his or her staff because of a conflict of  
 1218 interest, then the public defender shall file a motion to  
 1219 withdraw and move the court to appoint other counsel. If  
 1220 requested by the Justice Administrative Commission, the public  
 1221 defender shall submit a copy of the motion to the Justice  
 1222 Administrative Commission at the time it is filed with the  
 1223 court. The Justice Administrative Commission shall have standing  
 1224 to appear before the court to contest any motion to withdraw due



HB 0113A

2003

1225 to a conflict of interest. The Justice Administrative Commission  
1226 may contract with other public or private entities or  
1227 individuals to appear before the court for the purpose of  
1228 contesting any motion to withdraw due to a conflict of interest.  
1229 The court shall review and may inquire or conduct a hearing into  
1230 the adequacy of the public defender's representations regarding  
1231 a conflict of interest without requiring the disclosure of any  
1232 confidential communications. The court shall deny the motion to  
1233 withdraw if the court finds the grounds for withdrawal are  
1234 insufficient or the asserted conflict is not prejudicial to the  
1235 indigent client. If the court grants the motion to withdraw, the  
1236 court shall appoint one or more attorneys to represent the  
1237 accused.

1238 (b) Upon its own motion, the court shall appoint such  
1239 other counsel when the facts developed upon the face of the  
1240 record and court files in the case disclose a conflict of  
1241 interest. The court shall advise the appropriate public defender  
1242 and clerk of court, in writing, with a copy to the Justice  
1243 Administrative Commission, if so requested by the Justice  
1244 Administrative Commission, when making the motion and appointing  
1245 one or more attorneys to represent the accused. The court shall  
1246 specify the basis for the conflict.

1247 (c) In no case shall the court approve a withdrawal by the  
1248 public defender based solely upon inadequacy of funding or  
1249 excess workload of the public defender.

1250 (d) In determining whether or not there is a conflict of  
1251 interest, the public defender and the court shall apply the  
1252 standards adopted by the Legislature after receiving  
1253 recommendations from the Article V Indigent Services Advisory  
1254 Board.



HB 0113A

2003

1255       (2) The court shall appoint conflict counsel pursuant to  
1256 s. 27.40. The appointed attorney may not be affiliated with the  
1257 public defender or any assistant public defender in his or her  
1258 official capacity or any other private attorney appointed to  
1259 represent a codefendant. The public defender may not participate  
1260 in case-related decisions, performance evaluations, or expense  
1261 determinations in conflict cases.

1262       (3) Private court-appointed counsel shall be compensated  
1263 as provided in s. 27.5304 in accordance with compensation  
1264 standards adopted by the Legislature after receiving  
1265 recommendations from the Article V Indigent Services Advisory  
1266 Board.

1267       (4)(a) If a defendant is convicted and the death sentence  
1268 is imposed, the appointed attorney shall continue representation  
1269 through appeal to the Supreme Court. The attorney shall be  
1270 compensated as provided in s. 27.5304. If the attorney first  
1271 appointed is unable to handle the appeal, the court shall  
1272 appoint another attorney and that attorney shall be compensated  
1273 as provided in s. 27.5304.

1274       (b) The public defender or an attorney appointed pursuant  
1275 to this section may be appointed by the court rendering the  
1276 judgment imposing the death penalty to represent an indigent  
1277 defendant who has applied for executive clemency as relief from  
1278 the execution of the judgment imposing the death penalty.

1279       (c) When the appointed attorney in a capital case has  
1280 completed the duties imposed by this section, the attorney shall  
1281 file a written report in the trial court stating the duties  
1282 performed by the attorney and apply for discharge.

1283       Section 20. Effective July 1, 2004, section 27.5304,  
1284 Florida Statutes, is created to read:



HB 0113A

2003

1285 27.5304 Private court-appointed counsel; compensation.--

1286 (1) Private court-appointed counsel shall be compensated  
1287 by the Justice Administrative Commission in accordance with  
1288 standards adopted by the Legislature after receiving  
1289 recommendations from the Article V Indigent Services Advisory  
1290 Board. However, compensation shall not exceed the maximum fee  
1291 limits established by this section. The attorney also shall be  
1292 reimbursed for reasonable and necessary expenses in accordance  
1293 with s. 29.007. If the attorney is representing a defendant  
1294 charged with more than one offense in the same case, the  
1295 attorney shall be compensated at the rate provided for the most  
1296 serious offense for which he or she represented the defendant.  
1297 This section does not allow stacking of the fee limits  
1298 established by this section.

1299 (2) Prior to filing a motion for an order approving  
1300 payment of attorney's fees, costs, or related expenses, the  
1301 private court-appointed counsel shall deliver a copy of the  
1302 intended billing, together with supporting affidavits and all  
1303 other necessary documentation, to the Justice Administrative  
1304 Commission. The Justice Administrative Commission shall review  
1305 the billings, affidavit, and documentation for completeness and  
1306 compliance with contractual and statutory requirements. If the  
1307 Justice Administrative Commission objects to any portion of the  
1308 proposed billing, the objection and reasons therefor shall be  
1309 communicated to the private court-appointed counsel. The private  
1310 court-appointed counsel may thereafter file his or her motion  
1311 for order approving payment of attorney's fees, costs, or  
1312 related expenses together with supporting affidavits and all  
1313 other necessary documentation. The motion must specify whether  
1314 the Justice Administrative Commission objects to any portion of



HB 0113A

2003

1315 the billing or the sufficiency of documentation and, if so, the  
 1316 reasons therefor. A copy of the motion and attachments shall be  
 1317 served on the Justice Administrative Commission. The Justice  
 1318 Administrative Commission shall have standing to appear before  
 1319 the court to contest any motion for order approving payment of  
 1320 attorney's fees, costs, or related expenses. The Justice  
 1321 Administrative Commission may contract with other public or  
 1322 private entities or individuals to appear before the court for  
 1323 the purpose of contesting any motion for order approving payment  
 1324 of attorney's fees, costs, or related expenses. The fact that  
 1325 the Justice Administrative Commission has not objected to any  
 1326 portion of the billing or to the sufficiency of the  
 1327 documentation is not binding on the court. The court retains  
 1328 primary authority and responsibility for determining the  
 1329 reasonableness of all billings for fees, costs, and related  
 1330 expenses, subject to statutory limitations.

1331 (3) The compensation for representation in a criminal  
 1332 proceeding shall not exceed the following:

1333 (a)1. For misdemeanors and juveniles represented at the  
 1334 trial level: \$1,000.

1335 2. For noncapital, nonlife felonies represented at the  
 1336 trial level: \$2,500.

1337 3. For life felonies represented at the trial level:  
 1338 \$3,000.

1339 4. For capital cases represented at the trial level:  
 1340 \$3,500.

1341 5. For representation on appeal: \$2,000.

1342 (b) If a death sentence is imposed and affirmed on appeal  
 1343 to the Supreme Court, the appointed attorney shall be allowed  
 1344 compensation, not to exceed \$1,000, for attorney's fees and



HB 0113A

2003

1345 costs incurred in representing the defendant as to an  
1346 application for executive clemency, with compensation to be paid  
1347 out of general revenue from funds budgeted to the Department of  
1348 Corrections.

1349 (4) By January 1, 2004, the Article V Indigent Services  
1350 Advisory Board shall recommend to the Legislature any  
1351 adjustments to existing compensation schedules for criminal  
1352 proceedings and any proposed compensation standards for private  
1353 attorneys providing representation in civil proceedings in which  
1354 private court-appointed counsel is required.

1355 (5) If counsel is entitled to receive compensation for  
1356 representation pursuant to court appointment in a termination of  
1357 parental rights proceeding under s. 39.0134, such compensation  
1358 shall not exceed \$1,000 at the trial level and \$2,500 at the  
1359 appellate level.

1360 (6) A private attorney appointed in lieu of the public  
1361 defender to represent an indigent defendant may not reassign or  
1362 subcontract the case to another attorney or allow another  
1363 attorney to appear at a critical stage of a case who does not  
1364 meet standards adopted by the Legislature after any  
1365 recommendations from the Article V Indigent Services Advisory  
1366 Board.

1367 Section 21. Effective July 1, 2004, section 27.54, Florida  
1368 Statutes, is amended to read:

1369 27.54 Limitation on payment of expenditures for public  
1370 defender's office other than by the state.--

1371 (1) All payments for the salary of the public defender and  
1372 the necessary expenses of office, including salaries of  
1373 assistants and staff, shall be considered as being for a valid  
1374 public purpose. Travel expenses shall be paid in accordance with



HB 0113A

2003

1375 the provisions of s. 112.061.

1376 (2) A No county or municipality may not contract with, or  
 1377 shall appropriate or contribute funds to, the operation of the  
 1378 offices of the various public defenders for the purpose of  
 1379 defending, ~~except that a county or municipality may appropriate~~  
 1380 ~~or contribute funds to:~~

1381 ~~(a) Pay the salary of one assistant public defender whose~~  
 1382 ~~sole function shall be to defend indigents charged with~~  
 1383 ~~violations of special laws, unless expressly authorized, or with~~  
 1384 ~~violations of ordinances of the county or municipality, unless~~  
 1385 ~~ancillary to a state prosecution.~~

1386 ~~(b) Employ legal and support staff to be supervised by the~~  
 1387 ~~public defender upon certification by the public defender that~~  
 1388 ~~inadequate resources will result in withdrawal from current~~  
 1389 ~~cases or inability to accept additional appointments.~~

1390 ~~(3) The public defenders shall be provided by the counties~~  
 1391 ~~within their judicial circuits with such office space,~~  
 1392 ~~utilities, telephone services, custodial services, library~~  
 1393 ~~services, transportation services, and communication services as~~  
 1394 ~~may be necessary for the proper and efficient functioning of~~  
 1395 ~~these offices, except as otherwise provided in the General~~  
 1396 ~~Appropriations Act. The public defender's offices shall also be~~  
 1397 ~~provided with pretrial consultation fees for expert or other~~  
 1398 ~~potential witnesses consulted before trial by the public~~  
 1399 ~~defender; travel expenses incurred in criminal cases by a public~~  
 1400 ~~defender in connection with out-of-jurisdiction depositions;~~  
 1401 ~~out-of-state and out-of-jurisdiction travel expenses incurred by~~  
 1402 ~~public defenders or by investigators of public defenders while~~  
 1403 ~~attempting to locate and interrogate witnesses for the public~~  
 1404 ~~defender in the defense of a criminal case; court reporter costs~~



HB 0113A

2003

1405 ~~incurred by the public defender during the course of an~~  
1406 ~~investigation and criminal prosecution, which costs are~~  
1407 ~~certified by the public defender as being useful and necessary~~  
1408 ~~in the preparation of a criminal defense, provided that nothing~~  
1409 ~~herein shall be construed to prohibit the county from contesting~~  
1410 ~~the reasonableness of the expenditure in the court wherein the~~  
1411 ~~criminal case is brought; postindictment and postinformation~~  
1412 ~~deposition costs incurred by the public defender during the~~  
1413 ~~course of a criminal prosecution of an indigent defendant when~~  
1414 ~~such costs are certified by the public defender as being useful~~  
1415 ~~and necessary in the preparation of a criminal defense, provided~~  
1416 ~~that nothing herein shall be construed to prohibit the county~~  
1417 ~~from contesting the reasonableness of the expenditure in the~~  
1418 ~~court wherein the criminal case is brought; and the cost of~~  
1419 ~~copying depositions of defense witnesses taken by the state~~  
1420 ~~attorney when such costs are certified by the public defender as~~  
1421 ~~being useful and necessary in the preparation of a criminal~~  
1422 ~~defense, provided that nothing herein shall be construed to~~  
1423 ~~prohibit the county from contesting the reasonableness of the~~  
1424 ~~expenditure in the court wherein the criminal case is brought.~~  
1425 ~~The office space and utilities to be provided by the counties~~  
1426 ~~shall not be less than the standards for space allotment adopted~~  
1427 ~~by the Department of Management Services. The counties shall not~~  
1428 ~~provide less of these services than were provided in the~~  
1429 ~~previous fiscal year.~~

1430 (3)(4) No public defender or assistant public defender  
1431 shall receive from any county or municipality any supplemental  
1432 salary, except as provided in this section.

1433 Section 22. Effective July 1, 2004, section 27.562,  
1434 Florida Statutes, is amended to read:





HB 0113A

2003

1435           27.562 Disposition of funds.--All funds collected pursuant  
 1436 to s. 938.29, except the application fee imposed under s. 27.52,  
 1437 shall be remitted to the Department of Revenue for deposit into  
 1438 the General Revenue Fund ~~board of county commissioners of the~~  
 1439 ~~county in which the judgment was entered. Such funds shall be~~  
 1440 ~~placed in the fine and forfeiture fund of that county to be used~~  
 1441 ~~to defray the expenses incurred by the county in defense of~~  
 1442 ~~eriminal prosecutions. All judgments entered pursuant to this~~  
 1443 part shall be in the name of the state county ~~in which the~~  
 1444 ~~judgment was rendered.~~

1445           Section 23. Effective July 1, 2004, section 27.58, Florida  
 1446 Statutes, is amended to read:

1447           27.58 Administration of public defender services.--The  
 1448 public defender of each judicial circuit of the state shall be  
 1449 the chief administrator of all public defender services  
 1450 authorized under s. 27.51 within the circuit ~~whether such~~  
 1451 ~~services are rendered by the state or county public defenders.~~

1452           Section 24. Effective July 1, 2004, paragraph (b) of  
 1453 subsection (3) of section 27.702, Florida Statutes, is amended  
 1454 to read:

1455           27.702 Duties of the capital collateral regional counsel;  
 1456 reports.--

1457           (3)

1458           (b) The court having jurisdiction over any nonindigent or  
 1459 indigent-but-able-to-contribute defendant who has been receiving  
 1460 the services of the capital collateral regional counsel may  
 1461 assess attorney's fees and costs against the defendant at any  
 1462 stage in the proceedings as the court may deem appropriate. The  
 1463 determination of indigence ~~indigency or nonindigency~~ of any  
 1464 defendant shall be made ~~by the court~~ pursuant to s. 27.52.



HB 0113A

2003

1465 Liability for the costs of such representation may be imposed in  
1466 the form of a lien against the property of the nonindigent or  
1467 indigent-but-able-to-contribute defendant, which lien shall be  
1468 enforceable as provided in s. 27.561 or s. 938.29.

1469 Section 25. Effective July 1, 2004, subsection (2) of  
1470 section 28.101, Florida Statutes, is amended to read:

1471 28.101 Petitions and records of dissolution of marriage;  
1472 additional charges.--

1473 (2) Upon receipt of a final judgment of dissolution of  
1474 marriage for filing, and in addition to the filing charges in s.  
1475 28.241, the clerk may ~~shall~~ collect and receive a service charge  
1476 of up to \$10.50 ~~\$7~~ pursuant to s. 382.023 for the recording and  
1477 reporting of such final judgment of dissolution of marriage to  
1478 the Department of Health.

1479 Section 26. Section 43.195, Florida Statutes, is  
1480 renumbered as section 28.213, Florida Statutes, and amended to  
1481 read:

1482 28.213 ~~43.195~~ Disposal of physical evidence filed as  
1483 exhibits.--The clerk of any circuit court or county court may  
1484 dispose of items of physical evidence which have been held as  
1485 exhibits in excess of 3 years in cases on which no appeal, or  
1486 collateral attack, is pending or can be made. Items of evidence  
1487 having no monetary value which are designated by the clerk for  
1488 removal shall be disposed of as unusable refuse. Items of  
1489 evidence having a monetary value which are designated for  
1490 removal by the clerk shall be sold and the revenue placed in the  
1491 clerk's general revenue fund.

1492 Section 27. Effective July 1, 2004, section 28.215,  
1493 Florida Statutes, is created to read:



HB 0113A

2003

1494 28.215 Pro se assistance.--The clerk of the circuit court  
1495 shall provide ministerial assistance to pro se litigants.  
1496 Assistance shall not include the provision of legal advice.

1497 Section 28. Effective July 1, 2004, section 28.24, Florida  
1498 Statutes, is amended to read:

1499 28.24 Service charges by clerk of the circuit court.--The  
1500 clerk of the circuit court may charge ~~shall make the following~~  
1501 ~~charges~~ for services rendered by the clerk's office in recording  
1502 documents and instruments and in performing the duties  
1503 enumerated in amounts not to exceed those specified in this  
1504 section. Notwithstanding any other provision of this section,  
1505 the clerk of the circuit court shall provide without charge to  
1506 any justice or judge, to any court staff acting on behalf of any  
1507 justice or judge, and to any state attorney or public defender  
1508 access to and copies of any public records, notwithstanding the  
1509 exempt or confidential nature of such public records, as  
1510 maintained by and in the custody of the clerk of the circuit  
1511 court as provided in general law and the Florida Rules of  
1512 Judicial Administration ~~However, in those counties where the~~  
1513 ~~clerk's office operates as a fiscal unit of the county pursuant~~  
1514 ~~to s. 145.022(1), the clerk shall not charge the county for such~~  
1515 ~~services.~~

1516  
1517 Charges

1518  
1519 ~~(1) For court attendance by each clerk or deputy clerk,~~  
1520 ~~per day~~  
1521 .....\$75.00  
1522 ~~(2) For court minutes, per page.....5.00~~  
1523 (1)(3) For examining, comparing, correcting, verifying,



HB 0113A

2003

1524 and certifying transcripts of record in appellate proceedings,  
 1525 prepared by attorney for appellant or someone else other than  
 1526 clerk per page.....4.50 ~~3.00~~  
 1527        ~~(2)~~(4) For preparing, numbering, and indexing an original  
 1528 record of appellate proceedings, per instrument.....3.00 ~~2.00~~  
 1529        ~~(3)~~(5) For certifying copies of any instrument in the  
 1530 public records.....1.50 ~~1.00~~  
 1531        ~~(4)~~(6) For verifying any instrument presented for  
 1532 certification prepared by someone other than clerk, per  
 1533 page.....3.00 ~~2.00~~  
 1534        ~~(7)~~ For making and reporting payrolls of jurors to State  
 1535 Comptroller, per page, per copy.....5.00  
 1536        ~~(5)~~(8)(a) For making copies by photographic process of any  
 1537 instrument in the public records consisting of pages of not more  
 1538 than 14 inches by 8 1/2 inches, per page.....1.00  
 1539        (b) For making copies by photographic process of any  
 1540 instrument in the public records of more than 14 inches by 8 1/2  
 1541 inches, per page.....5.00  
 1542        ~~(6)~~(9) For making microfilm copies of any public records:  
 1543        (a) 16 mm 100' microfilm roll.....37.50 ~~25.00~~  
 1544        (b) 35 mm 100' microfilm roll.....52.50 ~~35.00~~  
 1545        (c) Microfiche, per fiche.....3.00 ~~2.00~~  
 1546        ~~(7)~~(10) For copying any instrument in the public records  
 1547 by other than photographic process, per page.....6.00  
 1548 ~~4.00~~  
 1549        ~~(8)~~(11) For writing any paper other than herein  
 1550 specifically mentioned, same as for copying, including signing  
 1551 and sealing.....6.00 ~~4.00~~  
 1552        ~~(9)~~(12) For indexing each entry not recorded.....1.00  
 1553        ~~(10)~~(13) For receiving money into the registry of court:



HB 0113A

2003

- 1554 (a)1. First \$500, percent.....3 ~~2~~
- 1555 2. Each subsequent \$100, percent.....1.5 ~~1~~
- 1556 (b) Eminent domain actions, per deposit....\$150.00 ~~\$100.00~~
- 1557 (11)~~(14)~~ For examining, certifying, and recording plats
- 1558 and for recording condominium exhibits larger than 14 inches by
- 1559 8 1/2 inches:
- 1560 (a) First page.....30.00
- 1561 (b) Each additional page.....15.00
- 1562 (12)~~(15)~~ For recording, indexing, and filing any
- 1563 instrument not more than 14 inches by 8 1/2 inches, including
- 1564 required notice to property appraiser where applicable:
- 1565 (a) First page or fraction thereof.....5.00
- 1566 (b) Each additional page or fraction thereof.....4.00
- 1567 (c) For indexing instruments recorded in the official
- 1568 records which contain more than four names, per additional
- 1569 name.....1.00
- 1570 (d) An additional service charge shall be paid to the
- 1571 clerk of the circuit court to be deposited in the Public Records
- 1572 Modernization Trust Fund for each instrument listed in s.
- 1573 28.222, except judgments received from the courts and notices of
- 1574 lis pendens, recorded in the official records:
- 1575 1. First page.....1.00
- 1576 2. Each additional page.....0.50

1577

1578 Said fund shall be held in trust by the clerk and used

1579 exclusively for equipment and maintenance of equipment,

1580 personnel training, and technical assistance in modernizing the

1581 public records system of the office. In a county where the duty

1582 of maintaining official records exists in an office other than

1583 the office of the clerk of the circuit court, the clerk of the



HB 0113A

2003

1584 circuit court is entitled to 25 percent of the moneys deposited  
 1585 into the trust fund for equipment, maintenance of equipment,  
 1586 training, and technical assistance in modernizing the system for  
 1587 storing records in the office of the clerk of the circuit court.  
 1588 The fund may not be used for the payment of travel expenses,  
 1589 membership dues, bank charges, staff-recruitment costs, salaries  
 1590 or benefits of employees, construction costs, general operating  
 1591 expenses, or other costs not directly related to obtaining and  
 1592 maintaining equipment for public records systems or for the  
 1593 purchase of furniture or office supplies and equipment not  
 1594 related to the storage of records. On or before December 1,  
 1595 1995, and on or before December 1 of each year immediately  
 1596 preceding each year during which the trust fund is scheduled for  
 1597 legislative review under s. 19(f)(2), Art. III of the State  
 1598 Constitution, each clerk of the circuit court shall file a  
 1599 report on the Public Records Modernization Trust Fund with the  
 1600 President of the Senate and the Speaker of the House of  
 1601 Representatives. The report must itemize each expenditure made  
 1602 from the trust fund since the last report was filed; each  
 1603 obligation payable from the trust fund on that date; and the  
 1604 percentage of funds expended for each of the following:  
 1605 equipment, maintenance of equipment, personnel training, and  
 1606 technical assistance. The report must indicate the nature of the  
 1607 system each clerk uses to store, maintain, and retrieve public  
 1608 records and the degree to which the system has been upgraded  
 1609 since the creation of the trust fund.

1610 (13)~~(16)~~ Oath, administering, attesting, and sealing, not  
 1611 otherwise provided for herein.....3.00 ~~2.00~~

1612 (14)~~(17)~~ For validating certificates, any authorized  
 1613 bonds,



HB 0113A 2003

1614	each.....	<u>3.00</u> <del>2.00</del>
1615	<u>(15)</u> <del>(18)</del> For preparing affidavit of domicile.....	5.00
1616	<u>(16)</u> <del>(19)</del> For exemplified certificates, including signing	
1617	and sealing.....	<u>6.00</u> <del>4.00</del>
1618	<u>(17)</u> <del>(20)</del> For authenticated certificates, including signing	
1619	and sealing.....	<u>6.00</u> <del>4.00</del>
1620	<u>(18)</u> <del>(21)</del> (a) For issuing and filing a subpoena for a	
1621	witness, not otherwise provided for herein (includes writing,	
1622	preparing, signing, and sealing).....	<u>6.00</u> <del>4.00</del>
1623	(b) For signing and sealing only.....	<u>1.50</u> <del>1.00</del>
1624	<del>(22) For issuing venire facias (includes writing,</del>	
1625	<del>preparing, signing, and sealing).....</del>	<del>5.00</del>
1626	<del>(23) For paying of witnesses and making and reporting</del>	
1627	<del>payroll to State Comptroller, per copy, per page.....</del>	<del>5.00</del>
1628	<u>(19)</u> <del>(24)</del> For approving bond.....	<u>7.50</u> <del>5.00</del>
1629	<u>(20)</u> <del>(25)</del> For searching of records, for each year's	
1630	search.....	<u>1.50</u> <del>1.00</del>
1631	<u>(21)</u> <del>(26)</del> For processing an application for a tax deed sale	
1632	(includes application, sale, issuance, and preparation of tax	
1633	deed, and disbursement of proceeds of sale), other than excess	
1634	proceeds.....	60.00
1635	<u>(22)</u> <del>(27)</del> For disbursement of excess proceeds of tax deed	
1636	sale, first \$100 or fraction thereof.....	10.00
1637	<u>(23)</u> <del>(28)</del> Upon receipt of an application for a marriage	
1638	license, for preparing and administering of oath; issuing,	
1639	sealing, and recording of the marriage license; and providing a	
1640	certified copy.....	<u>30.00</u> <del>20.00</del>
1641	<u>(24)</u> <del>(29)</del> For solemnizing matrimony.....	<u>30.00</u> <del>20.00</del>
1642	<u>(25)</u> <del>(30)</del> For sealing any court file or expungement of any	
1643	record.....	<u>37.50</u> <del>25.00</del>



HB 0113A

2003

1644        ~~(26)~~~~(31)~~ For receiving and disbursing all restitution  
 1645 payments, per payment.....3.00 ~~2.00~~

1646        ~~(27)~~~~(32)~~ Postal charges incurred by the clerk of the  
 1647 circuit court in any mailing by certified or registered mail  
 1648 shall be paid by the party at whose instance the mailing is  
 1649 made.

1650        ~~(28)~~~~(33)~~ For furnishing an electronic copy of information  
 1651 contained in a computer database: a fee as provided for in  
 1652 chapter 119.

1653            Section 29. Effective July 1, 2004, section 28.2401,  
 1654 Florida Statutes, is amended to read:

1655            28.2401 Service charges in probate matters.--

1656            (1) Except when otherwise provided, the clerk may impose  
 1657 service charges for the following services, not to exceed the  
 1658 following amounts shall be:

1659            (a) For the opening of any estate of one document or more,  
 1660 including, but not limited to, petitions and orders to approve  
 1661 settlement of minor's claims; to open a safe-deposit box; to  
 1662 enter rooms and places; for the determination of heirs, if not  
 1663 formal administration; and for a foreign guardian to manage  
 1664 property of a nonresident; but not to include issuance of  
 1665 letters or order of summary ~~and family~~  
 1666 ~~administration~~.....\$100 ~~\$20.00~~

1667            (b) Caveat.....\$35 ~~15.00~~

1668            (c) Petition and order to admit foreign wills,  
 1669 authenticated copies, exemplified copies, or transcript to  
 1670 record.....\$100 ~~30.00~~

1671            (d) For disposition of personal property without  
 1672 administration.....\$100 ~~20.00~~

1673            (e) Summary administration -- estates valued at \$1,000 or





HB 0113A 2003

1674 more.....\$200 ~~35.00~~

1675 (f) Summary Family administration -- estates valued at  
 1676 less than \$1,000.....\$100  
 1677 ~~45.00~~

1678 (g) Formal administration, guardianship, ancillary,  
 1679 curatorship, or conservatorship proceedings.....\$250 ~~75.00~~

1680 (h) Guardianship proceedings of person  
 1681 only.....\$100 ~~25.00~~

1682 (i) Veterans' guardianship pursuant to chapter  
 1683 744.....\$100 ~~25.00~~

1684 (j) Exemplified certificates.....\$6 ~~4.00~~

1685 (k) Petition for determination of  
 1686 incompetency.....\$100.00 ~~25.00~~

1687 (2) Upon application by the clerk and a showing of  
 1688 extraordinary circumstances, the service charges set forth in  
 1689 this section may be increased in an individual matter by order  
 1690 of the circuit court before which the matter is pending, to more  
 1691 adequately compensate for the services performed.

1692 ~~(3) Service charges in excess of those fixed in this~~  
 1693 ~~section may be imposed by the governing authority of the county~~  
 1694 ~~by ordinance, or by special or local law, to provide and~~  
 1695 ~~maintain facilities, including a law library; to or local law,~~  
 1696 ~~to provide and maintain facilities, including a law library; to~~  
 1697 ~~provide and maintain equipment; or to provide or maintain a~~  
 1698 ~~legal aid program. Service charges other than those fixed in~~  
 1699 ~~this section shall be governed by s. 28.24.~~ An additional  
 1700 service charge of \$2.50 on petitions seeking summary  
 1701 administration, ~~family administration,~~ formal administration,  
 1702 ancillary administration, guardianship, curatorship, and  
 1703 conservatorship shall be paid to the clerk. The clerk shall



HB 0113A

2003

1704 transfer the \$2.50 to the Department of Revenue for deposit into  
 1705 the Court Education Trust Fund. No additional fees, charges, or  
 1706 costs shall be added to the service charges imposed under this  
 1707 section, except as authorized by general law.

1708 (4) Recording shall be required for all petitions opening  
 1709 and closing an estate; petitions regarding real estate; and  
 1710 orders, letters, bonds, oaths, wills, proofs of wills, returns,  
 1711 and such other papers as the judge shall deem advisable to  
 1712 record or that shall be required to be recorded under the  
 1713 Florida Probate Law.

1714 Section 30. Effective July 1, 2004, section 28.2402,  
 1715 Florida Statutes, is created to read:

1716 28.2402 Additional costs for performance of clerk court-  
 1717 related functions.--The sum of \$200 shall be assessed to a  
 1718 county or municipality when filing a county or municipal code or  
 1719 ordinance violation in court. The \$200 fee shall be paid to the  
 1720 clerk of the circuit and county court for performing court-  
 1721 related functions.

1722 Section 31. Subsection (1) of section 28.241, Florida  
 1723 Statutes, is amended to read:

1724 28.241 Filing charges for trial and appellate  
 1725 proceedings.--

1726 (1)(a) The party instituting any civil action, suit, or  
 1727 proceeding in the circuit court shall pay to the clerk of that  
 1728 court a service charge of \$40 in all cases in which there are  
 1729 not more than five defendants and an additional service charge  
 1730 of \$2 for each defendant in excess of five. An additional  
 1731 service charge of \$10 shall be paid by the party seeking each  
 1732 severance that is granted. An additional service charge of \$35  
 1733 shall be paid to the clerk for all proceedings of garnishment,



HB 0113A

2003

1734 attachment, replevin, and distress. An additional service charge  
 1735 of \$8 shall be paid to the clerk for each civil action filed, \$7  
 1736 of such charge to be remitted by the clerk to the Department of  
 1737 Revenue for deposit into the General Revenue Fund unallocated.  
 1738 An additional charge of \$2.50 shall be paid to the clerk for  
 1739 each civil action brought in circuit or county court, to be  
 1740 remitted by the clerk to the Department of Revenue for deposit  
 1741 into the Court Education Trust Fund. Service charges in excess  
 1742 of those herein fixed may be imposed by the governing authority  
 1743 of the county by ordinance or by special or local law; and such  
 1744 excess shall be expended as provided by such ordinance or any  
 1745 special or local law, now or hereafter in force, to provide and  
 1746 maintain facilities, including a law library, for the use of the  
 1747 courts of the county wherein the service charges are collected;  
 1748 to provide and maintain equipment; or for a legal aid program in  
 1749 such county. In addition, the county is authorized to impose, by  
 1750 ordinance or by special or local law, a fee of up to \$15 for  
 1751 each civil action filed, for the establishment, maintenance, or  
 1752 supplementation of a public guardian pursuant to ss. 744.701-  
 1753 744.708, inclusive. Postal charges incurred by the clerk of the  
 1754 circuit court in making service by certified or registered mail  
 1755 on defendants or other parties shall be paid by the party at  
 1756 whose instance service is made. That part of the within fixed or  
 1757 allowable service charges which is not by local or special law  
 1758 applied to the special purposes shall constitute the total  
 1759 service charges of the clerk of such court for all services  
 1760 performed by him or her in civil actions, suits, or proceedings.  
 1761 The sum of all service charges and fees permitted under this  
 1762 subsection may not exceed \$200; however, the \$200 cap may be  
 1763 increased to \$210 in order to provide for the establishment,



HB 0113A

2003

1764 maintenance, or supplementation of a public guardian as  
1765 indicated in this subsection.

1766 (b) A party reopening any civil action, suit, or  
1767 proceeding in the circuit court shall pay to the clerk of that  
1768 court a filing fee of \$50. Of fees collected for any civil  
1769 action, suit, or proceeding reopened in the circuit court  
1770 between July 1, 2003, and June 30, 2004, the clerk shall remit  
1771 \$49 of each \$50 collected to the Department of Revenue for  
1772 deposit into the Department of Revenue Clerks of the Court Trust  
1773 Fund and shall retain the remaining \$1 for administrative costs.  
1774 In the case of a petition for modification of a final judgment  
1775 of dissolution, the amount of the fee paid pursuant to s. 44.108  
1776 shall be deducted from the portion of the fee required in this  
1777 paragraph which is not retained by the clerk. For purposes of  
1778 this section, a case is reopened when a case previously reported  
1779 as disposed of is resubmitted to a court.

1780 Section 32. Effective July 1, 2004, section 28.241,  
1781 Florida Statutes, as amended by this act, is amended to read:

1782 28.241 Filing fees ~~charges~~ for trial and appellate  
1783 proceedings.--

1784 (1)(a) The party instituting any civil action, suit, or  
1785 proceeding in the circuit court shall pay to the clerk of that  
1786 court a filing fee ~~a service charge~~ of up to \$250 ~~\$40~~ in all  
1787 cases in which there are not more than five defendants and an  
1788 additional filing fee ~~service charge~~ of up to \$2 for each  
1789 defendant in excess of five. Of the first \$57.50 in filing fees,  
1790 \$50 must be remitted by the clerk to the Department of Revenue  
1791 for deposit into the General Revenue Fund; \$5 must be remitted  
1792 to the Clerk of Court Operations Conference; and \$2.50 shall be  
1793 paid to the clerk for each civil action brought in circuit or



HB 0113A

2003

1794 county court, to be remitted by the clerk to the Department of  
 1795 Revenue for deposit into the Court Education Trust Fund. One-  
 1796 third of any filing fees collected by the clerk of the circuit  
 1797 court in excess of \$57.50 shall be remitted to the Department of  
 1798 Revenue for deposit into the Department of Revenue Clerks of the  
 1799 Court Trust Fund. An additional filing fee ~~service charge~~ of up  
 1800 to \$15 ~~\$10~~ shall be paid by the party seeking each severance  
 1801 that is granted. The clerk may impose an additional filing fee  
 1802 ~~service charge~~ of up to \$75 ~~\$35~~ shall be paid to the clerk for  
 1803 all proceedings of garnishment, attachment, replevin, and  
 1804 distress. ~~An additional service charge of \$8 shall be paid to~~  
 1805 ~~the clerk for each civil action filed, \$7 of such charge to be~~  
 1806 ~~remitted by the clerk to the Department of Revenue for deposit~~  
 1807 ~~into the General Revenue Fund unallocated. An additional charge~~  
 1808 ~~of \$2.50 shall be paid to the clerk for each civil action~~  
 1809 ~~brought in circuit or county court, to be remitted by the clerk~~  
 1810 ~~to the Department of Revenue for deposit into the Court~~  
 1811 ~~Education Trust Fund. Service charges in excess of those herein~~  
 1812 ~~fixed may be imposed by the governing authority of the county by~~  
 1813 ~~ordinance or by special or local law; and such excess shall be~~  
 1814 ~~expended as provided by such ordinance or any special or local~~  
 1815 ~~law, now or hereafter in force, to provide and maintain~~  
 1816 ~~facilities, including a law library, for the use of the courts~~  
 1817 ~~of the county wherein the service charges are collected; to~~  
 1818 ~~provide and maintain equipment; or for a legal aid program in~~  
 1819 ~~such county. In addition, the county is authorized to impose, by~~  
 1820 ~~ordinance or by special or local law, a fee of up to \$15 for~~  
 1821 ~~each civil action filed, for the establishment, maintenance, or~~  
 1822 ~~supplementation of a public guardian pursuant to ss. 744.701-~~  
 1823 ~~744.708, inclusive. Postal charges incurred by the clerk of the~~



HB 0113A

2003

1824 circuit court in making service by certified or registered mail  
 1825 on defendants or other parties shall be paid by the party at  
 1826 whose instance service is made. No additional fees, charges, or  
 1827 costs shall be added to the filing fees imposed under this  
 1828 section, except as authorized by general law. ~~That part of the~~  
 1829 ~~within fixed or allowable service charges which is not by local~~  
 1830 ~~or special law applied to the special purposes shall constitute~~  
 1831 ~~the total service charges of the clerk of such court for all~~  
 1832 ~~services performed by him or her in civil actions, suits, or~~  
 1833 ~~proceedings. The sum of all service charges and fees permitted~~  
 1834 ~~under this subsection may not exceed \$200; however, the \$200 cap~~  
 1835 ~~may be increased to \$210 in order to provide for the~~  
 1836 ~~establishment, maintenance, or supplementation of a public~~  
 1837 ~~guardian as indicated in this subsection.~~

1838 (b) A party reopening any civil action, suit, or  
 1839 proceeding in the circuit court shall pay to the clerk of ~~that~~  
 1840 court a filing fee set by the clerk in an amount not to exceed  
 1841 of \$50. ~~Of fees collected for any civil action, suit, or~~  
 1842 ~~proceeding reopened in the circuit court between July 1, 2003,~~  
 1843 ~~and June 30, 2004, the clerk shall remit \$49 of each \$50~~  
 1844 ~~collected to the Department of Revenue for deposit into the~~  
 1845 ~~Department of Revenue Clerks of the Court Trust Fund and shall~~  
 1846 ~~retain the remaining \$1 for administrative costs. In the case of~~  
 1847 ~~a petition for modification of a final judgment of dissolution,~~  
 1848 ~~the amount of the fee paid pursuant to s. 44.108 shall be~~  
 1849 ~~deducted from the portion of the fee required in this paragraph~~  
 1850 ~~which is not retained by the clerk. For purposes of this~~  
 1851 section, a case is reopened when a case previously reported as  
 1852 disposed of is resubmitted to a court and includes petitions for  
 1853 modification of a final judgment of dissolution.



HB 0113A

2003

1854       ~~(2) The clerk of the circuit court of any county in the~~  
1855       ~~state who operates his or her office from fees and service~~  
1856       ~~charges collected, as opposed to budgeted allocations from~~  
1857       ~~county general revenue, shall be paid by the county as service~~  
1858       ~~charges for all services to be performed by him or her in any~~  
1859       ~~criminal or juvenile action or proceeding in such court, in lieu~~  
1860       ~~of all other service charges heretofore charged, except as~~  
1861       ~~hereinafter provided, the sum of \$40 for each defendant or~~  
1862       ~~juvenile. However, in cases involving capital punishment the~~  
1863       ~~charge shall be \$50. In any county where a law creates a law~~  
1864       ~~library fund or other special fund, this charge may be increased~~  
1865       ~~for that purpose by a special or local law or an ordinance. The~~  
1866       ~~sum of all service charges and fees permitted under this~~  
1867       ~~subsection may not exceed \$200.~~

1868       (2)~~(3)~~ Upon the institution of any appellate proceeding  
1869       from any inferior court to the circuit court of any such county  
1870       or from the circuit court to an appellate court of the state,  
1871       the clerk shall charge and collect from the party or parties  
1872       instituting such appellate proceedings a service charge of up to  
1873       \$250 ~~\$75~~ for filing a notice of appeal from an inferior court or  
1874       ~~and \$50~~ for filing a notice of appeal to a higher court.

1875       (3)~~(4)~~ A filing service charge ~~or a fee~~ may not be imposed  
1876       upon a party for responding by pleading, motion, or other paper  
1877       to a civil or criminal action, suit, proceeding, or appeal in a  
1878       circuit court.

1879       (4)~~(5)~~ The fees prescribed in this section do not include  
1880       the service charges required by law for the clerk as provided in  
1881       s. 28.24 or by other sections of the Florida Statutes. Filing  
1882       fees ~~Service charges~~ authorized by this section may not be added  
1883       to any civil penalty imposed by chapter 316 or chapter 318.



HB 0113A

2003

1884 Section 33. Effective July 1, 2004, section 28.245,  
 1885 Florida Statutes, is amended to read:

1886 28.245 Transmittal of funds to Department of Revenue;  
 1887 uniform remittance form required.--Notwithstanding any other  
 1888 provision of law, all moneys collected by the clerks of the  
 1889 court for subsequent distribution must be transmitted  
 1890 electronically to a state agency or to the Supreme Court must be  
 1891 transmitted to the Department of Revenue for appropriate  
 1892 distribution. A uniform remittance form provided by the  
 1893 Department of Revenue detailing the specific amounts due each  
 1894 fund must accompany such submittal.

1895 Section 34. Section 28.246, Florida Statutes, is created  
 1896 to read:

1897 28.246 Payment of court-related fees, charges, and costs;  
 1898 partial payments; distribution of funds.--

1899 (1) Beginning July 1, 2003, the clerk of the circuit court  
 1900 shall report the following information to the Legislature and  
 1901 the Clerk of Court Operations Conference on a form developed by  
 1902 the Department of Financial Services:

1903 (a) The total amount of mandatory fees, services charges,  
 1904 and costs; the total amount actually assessed; the total amount  
 1905 discharged or waived; and the total amount collected.

1906 (b) The maximum amount of discretionary fees, service  
 1907 charges, and costs authorized; the total amount actually  
 1908 assessed; the total amount discharged or waived; and the total  
 1909 amount collected.

1910 (c) The total amount of mandatory fines and other monetary  
 1911 penalties; the total amount assessed; the total amount  
 1912 discharged or waived; and the total amount collected.





HB 0113A

2003

1913 (d) The maximum amount of mandatory fines and other  
1914 monetary penalties; the total amount assessed; the total amount  
1915 discharged or waived; and the total amount collected.

1916  
1917 The clerk shall submit the report on a quarterly basis 30 days  
1918 after the end of the quarter for the period from July 1, 2003  
1919 through June 30, 2004, and on an annual basis thereafter, 60  
1920 days after the end of the county fiscal year.

1921 (2) The clerk of the circuit court shall establish and  
1922 maintain a system of accounts receivable for court-related fees,  
1923 charges, and costs.

1924 (3) Court costs, fines, and other dispositional  
1925 assessments shall be enforced by the courts, collected by the  
1926 clerks of the circuit and county courts, and disbursed in  
1927 accordance with authorizations and procedures as established by  
1928 general law. Each clerk of the circuit court shall enter into a  
1929 payment plan with defendants determined to be indigent and  
1930 demonstrating an inability to pay court-related fees, charges,  
1931 and costs in full.

1932 (4) The clerk of the circuit court shall accept partial  
1933 payments for unpaid court-related fees, charges, and costs in  
1934 accordance with the terms of an established payment plan.

1935 (5) When receiving partial payment of fees, service  
1936 charges, court costs, and fines, clerks shall distribute funds  
1937 according to the following order of priority:

1938 (a) That portion of fees, services charges, court costs,  
1939 and fines payable to the clerk for the operations of the clerk  
1940 and to be remitted to the state for deposit into the General  
1941 Revenue Fund.



HB 0113A

2003

1942 (b) That portion of fees, service charges, court costs,  
1943 and fines payable to state trust funds, allocated on a pro rata  
1944 basis among the various authorized funds if the total collection  
1945 amount is insufficient to fully fund all such funds as provided  
1946 by law.

1947 (c) That portion of fees, service charges, court costs,  
1948 and fines payable to counties, municipalities, or other local  
1949 entities, allocated on a pro rata basis among the various  
1950 authorized recipients if the total collection amount is  
1951 insufficient to fully fund all such recipients as provided by  
1952 law.

1953  
1954 To offset processing costs, clerks may retain up to 1 percent of  
1955 all collections of fees, service charges, court costs, and fines  
1956 payable to other entities, except where otherwise provided in  
1957 general law.

1958 (6) A clerk of court may pursue the collection of any  
1959 fees, fines, court costs, or other costs imposed by the court  
1960 which remain unpaid for 90 days or more, or refer such  
1961 collection to a private attorney who is a member in good  
1962 standing of The Florida Bar or collection agent who is  
1963 registered and in good standing pursuant to chapter 559. In  
1964 pursuing the collection of such unpaid financial obligations  
1965 through a private attorney or collection agent, the clerk of the  
1966 court must determine this is cost effective and follow  
1967 applicable procurement practices.

1968 Section 35. Section 28.345, Florida Statutes, is created  
1969 to read:

1970 28.345 Exemption from fees and charges.--Notwithstanding  
1971 any other provision of this chapter or law to the contrary,



HB 0113A

2003

1972 state attorneys and public defenders are exempt from all fees  
 1973 and charges assessed by the clerks of the circuit courts.

1974 Section 36. Section 28.35, Florida Statutes, is created to  
 1975 read:

1976 28.35 Clerk of Court Operations Conference.--

1977 (1) The Clerk of Court Operations Conference is created  
 1978 and shall be composed of:

1979 (a) Eight clerks elected by the clerks of the courts for a  
 1980 term of 2 years, with two clerks from counties of fewer than  
 1981 100,000 residents, two clerks from counties of at least 100,000  
 1982 residents but fewer than 500,000 residents, two clerks from  
 1983 counties of at least 500,000 residents but fewer than 1 million  
 1984 residents, and two clerks from counties of more than 1 million  
 1985 residents.

1986 (b) The Chief Justice of the Supreme Court or his or her  
 1987 designee.

1988 (2) The duties of the conference shall include:

1989 (a) Periodically recommending to the Legislature changes  
 1990 in the various court-related fines, fees, service charges, and  
 1991 cost schedules established by law to ensure reasonable and  
 1992 adequate funding of the clerks of the court in the performance  
 1993 of their court-related functions.

1994 (b) Establishing a process for the review and approval of  
 1995 court-related proposed budgets submitted by clerks of the court  
 1996 pursuant to s. 28.36.

1997 (c) Certifying to the Legislature, the Governor, the Chief  
 1998 Financial Officer, and the Department of Revenue which clerks of  
 1999 court will have court-related revenues insufficient to fund the  
 2000 anticipated court-related functions of their offices and the  
 2001 actions taken to resolve any deficits pursuant to s. 28.36.



HB 0113A

2003

2002        (d) Developing and approving a system of performance  
2003 accountability measurements and performance standards for each  
2004 clerk of the court. These measures must assess the fiscal  
2005 management, efficient operations, and effective collection of  
2006 finances, fees, service charges, and costs using data reported in  
2007 28.246 as well as other data.

2008        (e) Publishing a schedule of maximum fines, fees, service  
2009 charges, and costs that may be charged by a clerk of the court  
2010 for court-related functions pursuant to general law that  
2011 reflects any adjustments based on changes in the Consumer Price  
2012 Index. Effective July 1, 2004, the schedule shall reflect the  
2013 maximum fines, fees, service charges, and costs established by  
2014 general law. The schedule may be adjusted on or after October 1,  
2015 2005, and no more frequently than annually thereafter, by the  
2016 average percentage change in the Consumer Price Index issued by  
2017 the United States Department of Labor since the last adjustment  
2018 by the conference. Any adjustment to the schedule authorized in  
2019 this paragraph must be affirmatively approved by a majority of  
2020 the clerks of the circuit courts before such adjustments may  
2021 take effect.

2022        (3) The Clerk of Court Operations Conference shall  
2023 maintain a public depository to receive funds for its  
2024 operations. The Clerk of Court Operations Conference shall  
2025 receive a portion of the fees collected by the clerk for filing  
2026 a civil action in circuit court as specified in s. 28.241. These  
2027 funds shall be available to the conference for the performance  
2028 of the duties and responsibilities as set forth in this section.  
2029 The conference may hire staff and pay for other expenses from  
2030 this fund only as necessary to perform the official duties and  
2031 responsibilities of the conference as described in this section.



HB 0113A

2003

2032       (4) The Clerk of Court Operations Conference shall submit  
 2033 an annual audited financial statement to the Auditor General in  
 2034 a form and manner prescribed by the Auditor General. The Auditor  
 2035 General shall conduct an annual audit of the operations of the  
 2036 conference, including the use of funds and compliance with the  
 2037 provisions of this section and ss. 28.36 and 28.37.

2038           Section 37. Section 28.36, Florida Statutes, is created to  
 2039 read:

2040       28.36 Budget review and approval procedure.--There is  
 2041 established a budget procedure for the court-related functions  
 2042 of the clerks of the court.

2043       (1) For the period July 1, 2004, through September 30,  
 2044 2004, and for each county fiscal year ending September 30  
 2045 thereafter, each clerk of the court shall prepare a budget  
 2046 relating solely to the performance of the court-related  
 2047 functions.

2048       (2) Each proposed budget shall conform to the following  
 2049 requirements:

2050       (a) On May 1, 2004, for the fiscal period of July 1, 2004,  
 2051 through September 30, 2004, and on or before August 1 for each  
 2052 fiscal year thereafter, the proposed budget shall be prepared,  
 2053 summarized, and submitted by the clerk in each county to the  
 2054 Clerk of Court Operations Conference in the manner and form  
 2055 prescribed by the conference. The proposed budget must provide  
 2056 detailed information on the anticipated revenues available and  
 2057 expenditures necessary for the performance of the court-related  
 2058 functions of the clerk's office for the county fiscal year  
 2059 beginning the following October 1.

2060       (b) The proposed budget must be balanced, such that the  
 2061 total of the estimated revenues available must equal or exceed



HB 0113A

2003

2062 the total of the anticipated expenditures. These revenues  
2063 include the following: cash balances brought forward from the  
2064 prior fiscal period; supplemental revenue that may be requested  
2065 pursuant to subsection (3); and the contingency reserve  
2066 authorized in paragraph (c). The anticipated expenditures must  
2067 be itemized as required by the Clerk of Court Operations  
2068 Conference.

2069 (c) The proposed budget may include a contingency reserve  
2070 not to exceed 10 percent of the total budget.

2071 (3) If a clerk of the court estimates that available  
2072 revenues are insufficient to meet the anticipated expenditures  
2073 for the court-related functions performed by his or her office,  
2074 the clerk must report the budget deficit to the Clerk of Court  
2075 Operations Conference in the manner and form prescribed by the  
2076 conference. The conference shall determine whether the clerk is  
2077 meeting his or her performance standards for the current year  
2078 relating to fiscal management, efficient operations, and the  
2079 effective collection of fines, fees, service charges, and costs.

2080 (a) If the conference determines that a clerk is meeting  
2081 his or her performance standards for fiscal management;  
2082 efficient operations; and effective collection of fines, fees,  
2083 service charges, and costs; and a deficit is projected, that  
2084 clerk shall increase all fines, fees, service charges, and costs  
2085 to the maximum amounts specified by law or the amount necessary  
2086 to resolve the deficit, whichever is less. If, after increasing  
2087 such fines, fees, service charges, and costs, a budget deficit  
2088 is still projected, the conference shall certify a deficit and  
2089 notify the Department of Revenue that that clerk is authorized  
2090 to retain revenues, in an amount necessary to fully fund the  
2091 projected deficit, which he or she would otherwise be required



HB 0113A

2003

2092 to remit to the Department of Revenue for deposit into the  
2093 Department of Revenue Clerks of the Court Trust Fund pursuant to  
2094 s. 28.37. If a budget deficit is projected after retaining all  
2095 of the collections from court-related fines, fees, service  
2096 charges, and costs, the conference shall certify the deficit  
2097 amount to the Chief Financial Officer. An amount equal to the  
2098 deficit is hereby appropriated each year from the Department of  
2099 Revenue Clerks of the Court Trust Fund, without further  
2100 legislative action, period after period, until altered or  
2101 revoked by the Legislature. The Department of Revenue is  
2102 directed to make a monthly distribution of equal amounts to each  
2103 clerk certified to have a deficit until the Clerk of Court  
2104 Operations Conference certifies a different amount to be  
2105 distributed.

2106 (b) The Clerk of Court Operations Conference shall notify  
2107 the Governor, the President of the Senate, and the Speaker of  
2108 the House of Representatives prior to taking actions specified  
2109 in this subsection. The notification shall include a  
2110 certification by the conference that all of the conditions in  
2111 this subsection have been met.

2112 (4) The Clerk of Court Operations Conference must approve  
2113 the court-related budget for each clerk in the state, and shall  
2114 certify to the Legislature by October 15 of each year, the  
2115 proposed budget amount approved for each clerk's budget; the  
2116 revenue projection supporting each clerk's budget; each clerk  
2117 who must retain some or all of the state's share of fines, fees,  
2118 service charges, and costs; the amount to be paid from the  
2119 Department of Revenue Clerks of the Court Trust Fund to each  
2120 clerk; and the performance measures and standards approved by  
2121 the conference for each clerk.



HB 0113A

2003

2122 (5)(a) For the county fiscal year October 1, 2004, through  
2123 September 30, 2005, the maximum annual budget amount that may be  
2124 authorized by the Clerk of Court Operations Conference for each  
2125 clerk may not exceed 103 percent of the clerk's actual  
2126 expenditures for the prior county fiscal year for court-related  
2127 functions that are required by law effective July 1, 2004. The  
2128 conference shall use the clerk's actual expenditures for the  
2129 prior county fiscal year for court-related functions as reported  
2130 by the Chief Financial Officer based on the county financial  
2131 reporting required under s. 218.32.

2132 (b) For the county fiscal year 2005-2006, the maximum  
2133 budget amount that may be authorized by the conference for each  
2134 clerk budget shall be the approved budget for county fiscal year  
2135 2004-2005 adjusted by the projected percentage change in revenue  
2136 between the county fiscal years 2004-2005 and 2005-2006.

2137 (c) For the county fiscal years 2006-2007 and thereafter,  
2138 the maximum budget amount that may be authorized by the  
2139 conference for each clerk shall be established by first rebasing  
2140 the prior fiscal year budget to reflect the actual percentage  
2141 change in the prior fiscal year revenue and then adjusting the  
2142 rebased prior fiscal year budget by the projected percentage  
2143 change in revenue for the proposed budget year. The rebasing  
2144 calculations and maximum annual budget calculations shall be as  
2145 follows:

2146 1. For county fiscal year 2006-2007, the approved budget  
2147 for county fiscal year 2004-2005 shall be adjusted for the  
2148 actual percentage change in revenue between the two 12-month  
2149 periods ending June 30, 2005, and June 30, 2006. This result is  
2150 the rebased budget for the county fiscal year 2005-2006. Then  
2151 the rebased budget for the county fiscal year 2005-2006 shall be





HB 0113A

2003

2152 adjusted by the projected percentage change in revenue between  
2153 the county fiscal years 2005-2006 and 2006-2007. This result  
2154 shall be the maximum annual budget amount that may be authorized  
2155 by the conference for each clerk for the county fiscal year  
2156 2006-2007.

2157 2. For county fiscal year 2007-2008, the rebased budget  
2158 for county fiscal year 2005-2006 shall be adjusted for the  
2159 actual percentage change in revenue between the two 12-month  
2160 periods ending June 30, 2006, and June 30, 2007. This result is  
2161 the rebased budget for the county fiscal year 2006-2007. The  
2162 rebased budget for county fiscal year 2006-2007 shall be  
2163 adjusted by the projected percentage change in revenue between  
2164 the county fiscal years 2006-2007 and 2007-2008. This result  
2165 shall be the maximum annual budget amount that may be authorized  
2166 by the conference for each clerk budget for county fiscal year  
2167 2007-2008.

2168 3. For county fiscal years 2008-2009 and thereafter, the  
2169 maximum budget amount that may be authorized by the conference  
2170 for each clerk budget shall be calculated as the rebased budget  
2171 for the prior county fiscal year adjusted by the projected  
2172 percentage change in revenues between the prior county fiscal  
2173 year and the county fiscal year for which the maximum budget  
2174 amount is being authorized. The rebased budget for the prior  
2175 county fiscal year shall always be calculated by adjusting the  
2176 rebased budget for the year preceding the prior county fiscal  
2177 year by the actual percentage change in revenues between the 12-  
2178 month period ending June 30 of the year preceding the prior  
2179 county fiscal year and the 12-month period ending June 30 of the  
2180 prior county fiscal year.

2181 (6) The Clerk of Court Operations Conference may submit



HB 0113A

2003

2182 proposed legislation to the Governor, the President of the  
2183 Senate, and the Speaker of the House of Representatives no later  
2184 than November 1 in any year for approval of clerk budget request  
2185 amounts exceeding the restrictions in this section for the  
2186 following October 1. If proposed legislation is recommended, the  
2187 conference shall also submit supporting justification with  
2188 sufficient detail to identify the specific proposed expenditures  
2189 that would cause the limitations to be exceeded for each  
2190 affected clerk and the estimated fiscal impact on state  
2191 revenues.

2192 Section 38. Section 28.37, Florida Statutes, is created to  
2193 read:

2194 28.37 Fines, fees, service charges, and costs remitted to  
2195 the state.--

2196 (1) Pursuant to s. 14(b), Art. V of the State  
2197 Constitution, selected salaries, costs, and expenses of the  
2198 state courts system and court-related functions shall be funded  
2199 from a portion of the revenues derived from statutory fines,  
2200 fees, service charges, and costs collected by the clerks of the  
2201 court.

2202 (2) Beginning July 1, 2004, except as otherwise provided  
2203 in ss. 28.241 and 34.041, one-third of all fines, fees, service  
2204 charges, and costs collected by the clerks of the court during  
2205 the prior month for the performance of court-related functions  
2206 shall be remitted to the Department of Revenue for deposit in  
2207 the Department of Revenue Clerks of the Court Trust Fund. These  
2208 collections do not include funding received for the operation of  
2209 the Title IV-D child support collections and disbursement  
2210 program. The clerk of the court shall remit the revenues  
2211 collected during the prior month due to the state on or before



HB 0113A

2003

2212 the 5th day of each month. The Department of Revenue shall make  
 2213 a monthly transfer of the funds in the Department of Revenue  
 2214 Clerks of the Court Trust Fund that are not needed to resolve  
 2215 clerk of the court budget deficits, as specified in s. 28.36, to  
 2216 the General Revenue Fund.

2217 (3) Beginning January 1, 2005, for the period July 1,  
 2218 2004, through September 30, 2004, and each January 1 thereafter  
 2219 for the preceding county fiscal year of October 1 through  
 2220 September 30, the clerk of the court must remit to the  
 2221 Department of Revenue for deposit in the General Revenue Fund  
 2222 the cumulative excess of all statutory fines, fees, service  
 2223 charges, and costs collected for the clerk's court-related  
 2224 functions over the amount needed to meet the approved budget  
 2225 amounts established under s. 28.36.

2226 (4) The Department of Revenue shall adopt rules governing  
 2227 the remittance of the funds to be transferred to the General  
 2228 Revenue Fund under this section, the required forms and  
 2229 procedures, and penalties for failure to comply. The department  
 2230 shall collect any funds that the Clerk of Court Operations  
 2231 Conference determines upon investigation were due on January 1  
 2232 but not remitted to the department.

2233 Section 39. Effective July 1, 2004, section 29.001,  
 2234 Florida Statutes, is amended to read:

2235 29.001 ~~Intent;~~ State courts system ~~essential~~ elements and  
 2236 ~~definitions; funding through filing fees, service charges, and~~  
 2237 ~~costs; county responsibilities.--~~

2238 ~~(1) It is the intent of the Legislature that,~~ For the  
 2239 purpose of implementing s. 14, Art. V of the State Constitution,  
 2240 the state courts system ~~is~~ be defined to include the enumerated  
 2241 ~~essential~~ elements of the Supreme Court, district courts of



HB 0113A

2003

2242 appeal, circuit courts, county courts, and certain essential  
2243 supports thereto. ~~Similarly,~~ The offices of public defenders  
2244 and state attorneys ~~shall include those essential elements as~~  
2245 ~~determined by general law. Further, the state attorneys' offices~~  
2246 are defined to include the enumerated essential elements of the  
2247 20 state attorneys' offices and the enumerated public defenders'  
2248 ~~offices are defined to include the essential~~ elements of the 20  
2249 public defenders' offices. Court-appointed counsel are defined  
2250 to include the enumerated elements for ~~as~~ counsel appointed to  
2251 ensure due process in criminal and civil proceedings in  
2252 accordance with state and federal constitutional guarantees.  
2253 Funding for the state courts system, the state attorneys'  
2254 offices, the public defenders' offices, and court-appointed  
2255 counsel shall be provided from state revenues appropriated by  
2256 general law.

2257 ~~(2) All funding for the court-related functions of the~~  
2258 ~~offices of the clerks of the circuit and county courts shall be~~  
2259 ~~provided by adequate and appropriate filing fees for judicial~~  
2260 ~~proceedings and service charges and costs for performing court-~~  
2261 ~~related functions.~~

2262 ~~(3) Pursuant to general law, Counties shall be required to~~  
2263 ~~fund the cost of communications services, existing radio~~  
2264 ~~systems, existing multiagency criminal justice information~~  
2265 ~~systems, and the cost of construction or lease, maintenance,~~  
2266 ~~utilities, and security of facilities for the circuit courts and~~  
2267 ~~county courts, public defenders' offices, state attorneys'~~  
2268 ~~offices, and the offices of the clerks of the circuit and county~~  
2269 ~~courts, as defined by general law. In addition, the counties~~  
2270 ~~will continue to fund existing elements of the state courts~~  
2271 ~~system, state attorneys' offices, public defenders' offices,~~



HB 0113A

2003

2272 ~~court appointed counsel, and the offices of the clerks of the~~  
 2273 ~~circuit and county courts performing court related functions,~~  
 2274 ~~consistent with current law and practice, until such time as the~~  
 2275 ~~Legislature expressly assumes the responsibility for funding~~  
 2276 ~~those elements. Counties will fund the cost of criminal cases~~  
 2277 ~~filed by the Office of Statewide Prosecution. Additionally, the~~  
 2278 ~~Legislature will define by general law those local requirements~~  
 2279 ~~of the state courts system for which the counties must pay~~  
 2280 ~~reasonable and necessary salaries, costs, and expenses.~~

2281 (2)(4) Although a program or function currently may be  
 2282 funded by the state or prescribed or established in general law,  
 2283 this does not designate the program or function as an ~~essential~~  
 2284 element of the state courts system, state attorneys' offices,  
 2285 public defenders' offices, or the offices of the circuit and  
 2286 county court clerks performing court-related functions as  
 2287 described in s. 14, Art. V of the State Constitution.

2288 Section 40. Effective July 1, 2004, section 29.004,  
 2289 Florida Statutes, is amended to read:

2290 29.004 State courts system.--For purposes of implementing  
 2291 s. 14, Art. V of the State Constitution, the ~~essential~~ elements  
 2292 of the state courts system to be provided from state revenues  
 2293 appropriated by general law are as follows:

2294 (1) Judges appointed or elected pursuant to chapters 25,  
 2295 26, 34, and 35, ~~and essential staff, expenses, and costs as~~  
 2296 ~~determined by general law.~~

2297 (2) Juror compensation and expenses ~~and reasonable juror~~  
 2298 ~~accommodations when necessary.~~

2299 (3) Reasonable court reporting and transcription services  
 2300 necessary to meet constitutional requirements.



HB 0113A

2003

2301 ~~(4) Auxiliary aids and services for qualified individuals~~  
 2302 ~~with a disability which are necessary to ensure access to the~~  
 2303 ~~courts. Such auxiliary aids and services include, but are not~~  
 2304 ~~limited to, sign-language interpreters, translators, real-time~~  
 2305 ~~transcription services for individuals who are hearing impaired,~~  
 2306 ~~and assistive listening devices. This section does not include~~  
 2307 ~~physical modifications to court facilities; noncourtroom~~  
 2308 ~~communication services; or other accommodations, auxiliary aids,~~  
 2309 ~~or services for which the counties are responsible pursuant to~~  
 2310 ~~s. 14, Art. V of the State Constitution.~~

2311 (4)(5) Construction or lease of facilities, maintenance,  
 2312 utilities, and security for the district courts of appeal and  
 2313 the Supreme Court.

2314 (5)(6) Court foreign language and sign-language  
 2315 interpreters and translators essential to comply with  
 2316 constitutional requirements.

2317 (6) Expert witnesses not requested by any party which are  
 2318 appointed by the court pursuant to an express grant of statutory  
 2319 authority.

2320 (7) Judicial assistants, law clerks, and resource  
 2321 materials.

2322 (8) Masters and hearing officers.

2323 (9) Court administration.

2324 (10) Case management. Case management includes:

2325 (a) Initial review and evaluation of cases, including  
 2326 assignment of cases to court divisions or dockets.

2327 (b) Case monitoring, tracking, and coordination.

2328 (c) Scheduling of judicial events.



HB 0113A

2003

2329        (d) Service referral, coordination, monitoring, and  
 2330 tracking for treatment-based drug court programs under s.  
 2331 397.334.

2332  
 2333 Case management may not include costs associated with the  
 2334 application of therapeutic jurisprudence principles by the  
 2335 courts. Case management also may not include case intake and  
 2336 records management conducted by the clerk of court.

2337        (11) Mediation and arbitration, limited to trial court  
 2338 referral of a pending judicial case to a mediator or a court-  
 2339 related mediation program, or to an arbitrator or a court  
 2340 related arbitration program, for the limited purpose of  
 2341 encouraging and assisting the litigants in partially or  
 2342 completely settling the case prior to adjudication on the merits  
 2343 by the court. This does not include citizen dispute settlement  
 2344 centers under s. 44.201 and community arbitration programs under  
 2345 s. 985.304.

2346        (12) Basic legal materials reasonably accessible to the  
 2347 public other than a public law library. These materials may be  
 2348 provided in a courthouse facility or any library facility.

2349        ~~(13)(7) Staff and expenses of~~ The Judicial Qualifications  
 2350 Commission.

2351        (14) Offices of the appellate clerks and marshals and  
 2352 appellate law libraries.

2353        Section 41. Effective July 1, 2004, section 29.005,  
 2354 Florida Statutes, is amended to read:

2355        29.005 State attorneys' offices and prosecution expenses.-  
 2356 -For purposes of implementing s. 14, Art. V of the State  
 2357 Constitution, the ~~essential~~ elements of the state attorneys'



HB 0113A

2003

2358 offices to be provided from state revenues appropriated by  
2359 general law are as follows:

2360 (1) The state attorney of each judicial circuit and  
2361 assistant state attorneys and other ~~essential~~ staff as  
2362 determined by general law.

2363 (2) Reasonable court reporting and transcription services  
2364 necessary to meet constitutional or statutory requirements,  
2365 including the cost of transcribing and copying depositions of  
2366 witnesses and the cost of foreign-language and sign-language  
2367 interpreters and translators.

2368 (3) Witnesses, including expert witnesses, summoned to  
2369 appear for an investigation, preliminary hearing, or trial in a  
2370 criminal case when the witnesses are summoned by a state  
2371 attorney, and any other expert witnesses the state attorney  
2372 deems necessary for the performance of his or her duties.+

2373 (4) Mental health professionals ~~who are~~ appointed pursuant  
2374 to s. 394.473 and required in a court hearing involving an  
2375 indigent, + and mental health professionals ~~expert witnesses who~~  
2376 ~~are~~ appointed pursuant to s. 916.115(2) and required in a court  
2377 hearing involving an indigent.

2378 (5) Reasonable transportation services in the performance  
2379 of constitutional and statutory responsibilities.

2380 (6) Travel expenses reimbursable under s. 112.061  
2381 reasonably necessary in the performance of constitutional and  
2382 statutory responsibilities.

2383 (7) Reasonable library and electronic legal research  
2384 services, other than a public law library.

2385 (8) Reasonable pretrial consultation fees and costs.

2386 Section 42. Effective July 1, 2004, section 29.006,  
2387 Florida Statutes, is amended to read:





HB 0113A

2003

2388 29.006 Public defenders and indigent defense costs.--For  
 2389 purposes of implementing s. 14, Art. V of the State  
 2390 Constitution, the ~~essential~~ elements of the public defenders'  
 2391 offices to be provided from state revenues appropriated by  
 2392 general law are as follows:

2393 (1) The public defender of each judicial circuit and  
 2394 assistant public defenders and other ~~essential~~ staff as  
 2395 determined by general law.

2396 (2) Reasonable court reporting and transcription services  
 2397 necessary to meet constitutional or statutory requirements,  
 2398 including the cost of transcribing and copying depositions of  
 2399 witnesses and the cost of foreign-language and sign-language  
 2400 interpreters and translators.

2401 (3) Witnesses, including expert witnesses, summoned to  
 2402 appear for an investigation, preliminary hearing, or trial in a  
 2403 criminal case when the witnesses are summoned on behalf of an  
 2404 indigent defendant, and any other expert witnesses approved by  
 2405 the court.+

2406 (4) Mental health professionals ~~who are~~ appointed pursuant  
 2407 to s. 394.473 and required in a court hearing involving an  
 2408 indigent, + and mental health professionals ~~expert witnesses who~~  
 2409 ~~are~~ appointed pursuant to s. 916.115(2) and required in a court  
 2410 hearing involving an indigent.

2411 (5) Reasonable transportation services in the performance  
 2412 of constitutional and statutory responsibilities.

2413 (6) Travel expenses reimbursable under s. 112.061  
 2414 reasonably necessary in the performance of constitutional and  
 2415 statutory responsibilities.

2416 (7) Reasonable library and electronic legal research  
 2417 services, other than a public law library.



HB 0113A

2003

2418        (8) Reasonable pretrial consultation fees and costs.

2419        Section 43. Effective July 1, 2004, section 29.007,  
2420 Florida Statutes, is amended to read:

2421            29.007 Court-appointed counsel.--For purposes of  
2422 implementing s. 14, Art. V of the State Constitution, the  
2423 ~~essential~~ elements of court-appointed counsel to be provided  
2424 from state revenues appropriated by general law are as follows:

2425            (1) Private attorneys appointed ~~assigned~~ by the court to  
2426 handle cases where the defendant is indigent and cannot be  
2427 represented by the public defender under ss. 27.42 and 27.53.

2428            (2) Private attorneys appointed by the court to represent  
2429 indigents or other classes of litigants in civil proceedings  
2430 requiring court-appointed counsel in accordance with state and  
2431 federal constitutional guarantees and federal and state  
2432 statutes.

2433            (3) Reasonable court reporting and transcription services  
2434 necessary to meet constitutional or statutory requirements,  
2435 including the cost of transcribing and copying depositions of  
2436 witnesses and the cost of foreign-language and sign-language  
2437 interpreters and translators.

2438            (4) Witnesses, including expert witnesses, summoned to  
2439 appear for an investigation, preliminary hearing, or trial in a  
2440 ~~criminal~~ case when the witnesses are summoned on behalf of an  
2441 indigent, and any other expert witnesses approved by the court.  
2442 ~~defendant;~~

2443            (5) Mental health professionals ~~who are~~ appointed pursuant  
2444 to s. 394.473 and required in a court hearing involving an  
2445 indigent, ~~+~~ and mental health professionals ~~expert witnesses who~~  
2446 ~~are~~ appointed pursuant to s. 916.115(2) and required in a court  
2447 hearing involving an indigent.



HB 0113A

2003

2448        (6) Reasonable pretrial consultation fees and costs.

2449        (7) Travel expenses reimbursable under s. 112.061  
 2450 reasonably necessary in the performance of constitutional and  
 2451 statutory responsibilities.

2452        ~~(5) Investigating and assessing the indigency of any~~  
 2453 ~~person who seeks a waiver of court costs and fees, or any~~  
 2454 ~~portion thereof, or applies for representation by a public~~  
 2455 ~~defender or private attorney.~~

2456        Section 44. Effective upon this act becoming a law,  
 2457 section 24 of chapter 2000-237, Laws of Florida, as amended by  
 2458 section 1 of chapter 2001-265, Laws of Florida, is amended to  
 2459 read:

2460        Section 24. This act shall take effect upon becoming a  
 2461 law, except for section 8 of this act, which shall take effect  
 2462 July 1, 2004 ~~2003~~.

2463        Section 45. Effective July 1, 2004, section 29.008,  
 2464 Florida Statutes, is amended to read:

2465        29.008 County funding of court-related functions.--

2466        (1) Counties are required by s. 14, Art. V of the State  
 2467 Constitution to fund the cost of communications services,  
 2468 existing radio systems, existing multiagency criminal justice  
 2469 information systems, and the cost of construction or lease,  
 2470 maintenance, utilities, and security of facilities for the  
 2471 circuit and county courts, public defenders' offices, state  
 2472 attorneys' offices, and the offices of the clerks of the circuit  
 2473 and county courts performing court-related functions. For  
 2474 purposes of implementing these requirements, the term:

2475        (a) "Facility" means reasonable and necessary buildings  
 2476 and space, structures, real estate, easements, and related  
 2477 interests in real estate, including, but not limited to, those



HB 0113A

2003

2478 for the purpose of housing personnel, equipment, or functions of  
2479 the circuit or county courts, public defenders' offices, state  
2480 attorneys' offices, and court-related functions of the office of  
2481 the clerks of the circuit and county courts and all storage. The  
2482 term also includes access to parking for such facilities in  
2483 connection with such court-related functions that may be  
2484 available free or from a private provider or a local government  
2485 for a fee. The office space provided by a county may not be less  
2486 than the standards for space allotment adopted by the Department  
2487 of Management Services. County funding must include physical  
2488 modifications and improvements to all facilities as are required  
2489 for compliance with the Americans with Disabilities Act. Upon  
2490 mutual agreement of a county and the affected entity in this  
2491 paragraph, the office space provided by the county may vary from  
2492 the standards for space allotment adopted by the Department of  
2493 Management Services. This section applies only to facilities  
2494 that are leased, or on which construction commences, after June  
2495 30, 2003.

2496 (b)1. "Construction or lease" includes, but is not limited  
2497 to, all reasonable and necessary costs of the acquisition or  
2498 lease of facilities, equipment, and furnishings for all judicial  
2499 officers, staff, jurors, volunteers of a tenant agency, and the  
2500 public for the circuit and county courts, the public defenders'  
2501 offices, state attorneys' offices, and for performing the court-  
2502 related functions of the offices of the clerks of the circuit  
2503 and county courts. This includes expenses related to financing  
2504 such facilities and the existing and future cost and bonded  
2505 indebtedness associated with placing the facilities in use.



HB 0113A

2003

2506        2. As of July 1, 2005, equipment and furnishings shall be  
 2507        limited to that appropriate and customary for courtrooms, jury  
 2508        facilities, and other public areas in courthouses.

2509        3. Equipment and furnishings under this paragraph in  
 2510        existence and owned by counties on July 1, 2005, for areas other  
 2511        than courtrooms, jury facilities, and other public areas in  
 2512        courthouses, shall be transferred to the state at no charge.

2513            (c) "Maintenance" includes, but is not limited to, all  
 2514        reasonable and necessary costs of custodial and groundskeeping  
 2515        services and renovation and reconstruction as needed to  
 2516        accommodate functions for the circuit and county courts, the  
 2517        public defenders' offices, and state attorneys' offices and for  
 2518        performing the court-related functions of the offices of the  
 2519        clerks of the circuit and county court and for maintaining the  
 2520        facilities in a condition appropriate and safe for the use  
 2521        intended.

2522            (d) "Utilities" means all electricity services for light,  
 2523        heat, or power; natural or manufactured gas services for light,  
 2524        heat, or power; water and wastewater services and systems,  
 2525        stormwater or runoff services and systems, sewer services and  
 2526        systems, all costs or fees associated with these services and  
 2527        systems, and any costs or fees associated with the mitigation of  
 2528        environmental impacts directly related to the facility.

2529            (e) "Security" includes but is not limited to, all  
 2530        reasonable and necessary costs of services of law enforcement  
 2531        officers or licensed security guards and all electronic,  
 2532        cellular, or digital monitoring and screening devices necessary  
 2533        to ensure the safety and security of all persons visiting or  
 2534        working in a facility; to provide for security of the facility,  
 2535        including protection of property owned by the county or the



HB 0113A

2003

2536 state; and for security of prisoners brought to any facility.  
 2537 This includes bailiffs while providing courtroom and other  
 2538 security for each judge and other quasi-judicial officers.

2539 (f) "Communications ~~systems or communications~~ services"  
 2540 are defined as any reasonable and necessary transmission,  
 2541 emission, and reception of signs, signals, writings, images, and  
 2542 sounds of intelligence of any nature by wire, radio, optical, or  
 2543 other electromagnetic systems and includes all facilities and  
 2544 equipment owned, leased, or used by judges, clerks, public  
 2545 defenders, state attorneys, and all staff of the state courts  
 2546 system, state attorneys' offices, public defenders' offices, and  
 2547 clerks of the circuit and county courts performing court-related  
 2548 functions. Such system or services shall include, but not be  
 2549 limited to:

2550 1. Telephone system infrastructure, including computer  
 2551 lines, telephone switching equipment, and maintenance. Each  
 2552 county shall continue to provide access to a local carrier for  
 2553 local and long distance service and shall pay for the local  
 2554 service. Telephone equipment, including facsimile and video  
 2555 teleconferencing equipment, owned by the counties shall be  
 2556 transferred to the state at no charge, effective July 1, 2004  
 2557 ~~Telephone services and equipment, including facsimile, wireless~~  
 2558 ~~communications, video teleconferencing, pagers, computer lines,~~  
 2559 ~~and telephone switching equipment and the maintenance, supplies,~~  
 2560 ~~hardware, software, and line charges, including local and long-~~  
 2561 ~~distance toll charges, and support staff or services necessary~~  
 2562 ~~for operation.~~

2563 2. All computer systems and equipment, including computer  
 2564 hardware and software, modems, printers, wiring, network  
 2565 connections, maintenance, support staff or services, training,



HB 0113A

2003

2566 supplies, and line charges necessary for an integrated computer  
2567 system to support the operations and management of the state  
2568 courts system, the offices of the public defenders, the offices  
2569 of the state attorneys, and the offices of the clerks of the  
2570 circuit and county courts and the capability to connect those  
2571 entities and reporting data to the state as required for the  
2572 transmission of revenue, performance accountability, case  
2573 management, data collection, budgeting, and auditing purposes.  
2574 The integrated computer system shall be operational by January  
2575 1, 2006, and, at a minimum, must be able to electronically  
2576 exchange judicial case background, sentencing guidelines and  
2577 scoresheets, and video evidence information stored in integrated  
2578 case-management systems over secure networks.

2579 3. ~~Postage, printed documents, radio, Courier messenger~~  
2580 ~~and subpoena services, support services, all maintenance,~~  
2581 ~~supplies, and line charges.~~

2582 4. Auxiliary aids and services for qualified individuals  
2583 with a disability which are necessary to ensure access to the  
2584 courts. Such auxiliary aids and services include, but are not  
2585 limited to, real-time transcription services for individuals who  
2586 are hearing impaired, and assistive listening devices and the  
2587 equipment necessary to implement such accommodations.

2588 (g) "Existing radio systems" includes, but is not limited  
2589 to, law enforcement radio systems that are used by the circuit  
2590 and county courts, the offices of the public defenders, the  
2591 offices of the state attorneys, and for court-related functions  
2592 of the offices of the clerks of the circuit and county courts.  
2593 This includes radio systems that were operational or under  
2594 contract at the time Revision No. 7, 1998, to Art. V of the  
2595 State Constitution was adopted and any enhancements made



HB 0113A

2003

2596 thereafter, the maintenance of those systems, and the personnel  
 2597 and supplies necessary for operation.

2598 (h) "Existing multiagency criminal justice information  
 2599 systems" includes, but is not limited to, those components of  
 2600 the multiagency criminal justice information system as defined  
 2601 in s. 943.045, supporting the offices of the circuit or county  
 2602 courts, the public defenders' offices, the state attorneys'  
 2603 offices, or those portions of the offices of the clerks of the  
 2604 circuit and county courts performing court-related functions  
 2605 that are used to carry out the court-related activities of those  
 2606 entities. This includes upgrades and maintenance of the current  
 2607 equipment, maintenance and upgrades of supporting technology  
 2608 infrastructure and associated staff, and services and expenses  
 2609 to assure continued information sharing and reporting of  
 2610 information to the state. The counties shall also provide  
 2611 additional information technology services, hardware, and  
 2612 software as needed for new judges and staff of the state courts  
 2613 system, state attorneys' offices, public defenders' offices, and  
 2614 the offices of the clerks of the circuit and county courts  
 2615 performing court-related functions.

2616 (2) Counties shall pay reasonable and necessary salaries,  
 2617 costs, and expenses of the state courts system, including  
 2618 associated staff and expenses, to meet local requirements ~~as~~  
 2619 ~~determined by general law.~~

2620 (a) Local requirements are those specialized programs,  
 2621 nonjudicial staff, and other expenses associated with  
 2622 specialized court programs, specialized prosecution needs,  
 2623 specialized defense needs, or resources required of a local  
 2624 jurisdiction as a result of special factors or circumstances.

2625 Local requirements exist:





HB 0113A

2003

2626 1. When imposed pursuant to an express statutory  
 2627 directive, based on such factors as provided in paragraph (b);  
 2628 or

2629 2. When:

2630 a. The county has enacted an ordinance, adopted a local  
 2631 program, or funded activities with a financial or operational  
 2632 impact on the circuit or a county within the circuit; or

2633 b. Circumstances in a given circuit or county result in or  
 2634 necessitate implementation of specialized programs, the  
 2635 provision of nonjudicial staff and expenses to specialized court  
 2636 programs, special prosecution needs, specialized defense needs,  
 2637 or the commitment of resources to the court's jurisdiction.

2638 (b) Factors and circumstances resulting in the  
 2639 establishment of a local requirement include, but are not  
 2640 limited to:

- 2641 1. Geographic factors;
- 2642 2. Demographic factors;
- 2643 3. Labor market forces;
- 2644 4. The number and location of court facilities; or
- 2645 5. The volume, severity, complexity, or mix of court  
 2646 cases.

2647 (c) Local requirements under subparagraph (a)2. must be  
 2648 determined by the following method:

- 2649 1. The chief judge of the circuit, in conjunction with the  
 2650 state attorney and the public defender only on matters that  
 2651 impact their offices, shall identify all local requirements  
 2652 within the circuit or within each county in the circuit and  
 2653 shall identify the reasonable and necessary salaries, costs, and  
 2654 expenses to meet these local requirements.



HB 0113A

2003

2655 2. On or before June 1 of each year, the chief judge shall  
2656 submit to the board of county commissioners a tentative budget  
2657 request for local requirements for the ensuing fiscal year. The  
2658 tentative budget must certify a listing of all local  
2659 requirements and the reasonable and necessary salaries, costs,  
2660 and expenses for each local requirement. The board of county  
2661 commissioners may, by resolution, require the certification to  
2662 be submitted earlier.

2663 3. The board of county commissioners shall thereafter  
2664 treat the certification in accordance with the county's  
2665 budgetary procedures. A board of county commissioners may:

2666 a. Determine whether to provide funding, and to what  
2667 extent it will provide funding, for salaries, costs, and  
2668 expenses under this section;

2669 b. Require a county finance officer to conduct a preaudit  
2670 review of any county funds provided under this section prior to  
2671 disbursement;

2672 c. Require review or audit of funds expended under this  
2673 section by the appropriate county office; and

2674 d. Provide additional financial support for the courts  
2675 system, state attorneys, or public defenders.

2676 (d) Counties may satisfy these requirements by entering  
2677 into interlocal agreements for the collective funding of these  
2678 reasonable and necessary salaries, costs, and expenses.

2679 (3) The following shall be considered a local requirement  
2680 pursuant to subparagraph (2)(a)1.:

2681 (a) Legal aid programs. Counties with a population of less  
2682 than 75,000 are exempt from this requirement.

2683 (b) Alternative sanctions coordinators pursuant to ss.  
2684 984.09 and 985.216.



HB 0113A

2003

2685 Section 46. Effective July 1, 2004, section 29.0085,  
2686 Florida Statutes, is created to read:

2687 29.0085 Annual statement of certain revenues and  
2688 expenditures.--

2689 (1) Each county shall submit annually to the Chief  
2690 Financial Officer a statement of revenues and expenditures as  
2691 set forth in this section in the form and manner prescribed by  
2692 the Chief Financial Officer in consultation with the Legislative  
2693 Committee on Intergovernmental Relations, provided that such  
2694 statement identify total county expenditures on each of the  
2695 services outlined in s. 29.008.

2696 (2)(a) Within 6 months of the close of the local  
2697 government fiscal year, each county shall submit to the Chief  
2698 Financial Officer a statement of compliance from its independent  
2699 certified public accountant, engaged pursuant to s. 218.39, that  
2700 the certified statement of expenditures was in accordance with  
2701 s. 29.008 and this section. All discrepancies noted by the  
2702 independent certified public accountant shall be included in the  
2703 statement furnished by the county to the Chief Financial  
2704 Officer.

2705 (b) If the Chief Financial Officer determines that  
2706 additional auditing procedures are appropriate because:

2707 1. The county failed to submit timely its annual  
2708 statement;

2709 2. Discrepancies were noted by the independent certified  
2710 public accountant; or

2711 3. The county failed to file before March 31 of each year  
2712 the certified public accountant statement of compliance, the  
2713 Chief Financial Officer may send his or her personnel or  
2714 contract for services to bring the county into compliance. The



HB 0113A

2003

2715 costs incurred by the Chief Financial Officer shall be paid  
2716 promptly by the county upon certification by the Chief Financial  
2717 Officer.

2718 (c) Where the Chief Financial Officer elects to utilize  
2719 the services of an independent contractor, such certification by  
2720 the Chief Financial Officer may require the county to make  
2721 direct payment to a contractor. Any funds owed by a county in  
2722 such matters shall be recovered pursuant to s. 17.04 or s.  
2723 17.041.

2724 (3) The Chief Financial Officer shall adopt any rules  
2725 necessary to implement his or her responsibilities pursuant to  
2726 this section.

2727 Section 47. Effective July 1, 2004, section 29.0095,  
2728 Florida Statutes, is created to read:

2729 29.0095 Budget expenditure reports.--

2730 (1) The chief judge of each circuit shall, by October 1 of  
2731 each fiscal year, submit an itemized report to the Governor, the  
2732 President of the Senate, and the Speaker of the House of  
2733 Representatives showing the amount of state funds expended  
2734 during the previous fiscal year ending in June for each of the  
2735 items enumerated in s. 29.004 that pertain to circuit and county  
2736 courts.

2737 (2) Each state attorney shall, by October 1 of each fiscal  
2738 year, submit an itemized report to the Governor, the President  
2739 of the Senate, and the Speaker of the House of Representatives  
2740 showing the amount of state funds expended during the previous  
2741 fiscal year ending in June for each of the items enumerated in  
2742 s. 29.005.

2743 (3) Each public defender shall, by October 1 of each  
2744 fiscal year, submit an itemized report to the Governor, the



HB 0113A

2003

2745 President of the Senate, and the Speaker of the House of  
 2746 Representatives showing the amount of state funds expended  
 2747 during the previous fiscal year ending in June for each of the  
 2748 items enumerated in s. 29.006.

2749 (4) The Legislative Budget Commission shall prescribe the  
 2750 format of the report required by this section in consultation  
 2751 with the Chief Justice and the Justice Administrative  
 2752 Commission.

2753 Section 48. Section 29.014, Florida Statutes, is created  
 2754 to read:

2755 29.014 Article V Indigent Services Advisory Board.--

2756 (1) There is created the Article V Indigent Services  
 2757 Advisory Board. The board shall exist for the purpose of  
 2758 advising the Legislature in establishing qualifications and  
 2759 compensation standards governing the expenditure of state  
 2760 appropriated funds for those providing state-funded due process  
 2761 services for indigents provided through the courts, state  
 2762 attorneys, public defenders, and private court-appointed  
 2763 counsel. These services include, but are not limited to, court-  
 2764 appointed counsel, court reporting and transcription services,  
 2765 interpreter services, and expert witnesses. Standards  
 2766 recommended by the Board shall take into account local  
 2767 variations and market conditions and availability of attorneys  
 2768 and other service providers. The board shall also exist for the  
 2769 purpose of advising the Legislature on cost containment  
 2770 strategies and policies.

2771 (2) The board shall be composed of twelve members,  
 2772 appointed as follows:

2773 (a) The Governor shall appoint three members as follows:  
 2774 one state attorney, one public defender, and one clerk of court.



HB 0113A

2003

2775       (b) The President of the Senate and the Speaker of the  
2776 House of Representatives shall each appoint three members. Of  
2777 the members appointed by the President of the Senate one shall  
2778 be a county commissioner and one shall be an attorney in private  
2779 practice with significant criminal trial experience. Of the  
2780 members appointed by the Speaker of the House of Representatives  
2781 one shall be a county commissioner and one shall be an attorney  
2782 in private practice with significant civil trial experience. The  
2783 President of the Senate and the Speaker of the House of  
2784 Representatives may each appoint a member from their respective  
2785 chambers.

2786       (c) The Chief Justice of the Supreme Court shall appoint  
2787 three members as follows: three trial court judges,  
2788 representing a cross-section of small, medium, and large  
2789 circuits, different regions of the state, and court divisions.  
2790 Appointments shall be made effective July 1, 2003.

2791       (3) Members shall be appointed for 4-year terms, except  
2792 for an appointment to fill an unexpired term, in which event the  
2793 appointment shall be for the remainder of the unexpired term  
2794 only. In the case where a member must hold office to be  
2795 qualified for board membership, the member's term shall also  
2796 expire upon failure to maintain the office, whichever occurs  
2797 first.

2798       (4) The members shall elect a chairperson annually and  
2799 shall meet at the call of the chairperson, at the request of a  
2800 majority of the membership, or at the request of the President  
2801 of the Senate or the Speaker of the House of Representatives.  
2802 Members shall serve without pay but shall be entitled to  
2803 reimbursement for their expenses in carrying out their duties as  
2804 provided in s. 112.061. Public officer members shall be



HB 0113A

2003

2805 reimbursed through the budget entity through which they are  
2806 compensated.

2807 (5) The board shall:

2808 (a) Recommend qualifications for those providing  
2809 authorized state-funded due process services, including  
2810 qualifications for state-funded court reporters, interpreters,  
2811 and private court-appointed counsel, in addition to those set  
2812 forth in s. 27.40. At a minimum, the board shall incorporate  
2813 into the eligibility and performance standards for court-  
2814 appointed counsel requirements relating to length of membership  
2815 in The Florida Bar, continuing legal education, and relevant  
2816 trial experience. At a minimum, the experience standards for  
2817 criminal cases must require participation in three criminal  
2818 trials for an attorney to be eligible for a third-degree felony  
2819 case and five criminal trials to be eligible for a case  
2820 involving a felony of the second degree or a higher degree.

2821 (b) Recommend any needed adjustments to existing  
2822 compensation standards for private court-appointed counsel and  
2823 other providers of due process services pursuant to s. 27.5304.

2824 (c) Identify due process services for indigents that  
2825 should be included on the state contract and bid competitively  
2826 on a circuit, region, or statewide basis.

2827 (d) Recommend statewide contracting standards for  
2828 procurement of state-funded due process services and developing  
2829 uniform contract forms for use in procuring services.

2830 (e) Advise the Legislature on strategies and policies to  
2831 contain costs.

2832 (f) Recommend uniform standards to be applied by the  
2833 public defender and the court in determining whether or not  
2834 there is a conflict of interest pursuant to s. 27.5303.



HB 0113A

2003

2835       (6) To aid in the transition to full implementation of  
2836 Revision 7 to Article V, the board shall issue its initial  
2837 recommendations by November 1, 2003. Thereafter, the board shall  
2838 issue any additional recommendations or revisions thereto by  
2839 September 1 of each year.

2840       (7) In preparing budgets and entering into contractual  
2841 arrangements for the procurement of state-funded due process  
2842 services for fiscal year 2004-2005, the Chief Justice and the  
2843 circuit Article V indigent services committees are authorized  
2844 and encouraged to consider the advice and recommendations of the  
2845 board.

2846       (8) The Justice Administrative Commission shall provide  
2847 staff support to the board.

2848       Section 49. Effective July 1, 2004, section 29.015,  
2849 Florida Statutes, is created to read:

2850       29.015 Contingency fund; limitation of authority to  
2851 transfer funds in contracted due process services appropriation  
2852 categories.--

2853       (1) An appropriation may be provided in the General  
2854 Appropriations Act in the Justice Administrative Commission to  
2855 serve as a contingency fund for the purpose of alleviating  
2856 deficits in contracted due process services appropriation  
2857 categories, including private court-appointed counsel  
2858 appropriation categories, that may occur from time to time due  
2859 to extraordinary events that lead to unexpected expenditures.

2860       (2) In the event that a state attorney or public defender  
2861 incurs a deficit in a contracted due process services  
2862 appropriation category, the following steps shall be taken in  
2863 order:

2864       (a) The state attorney or public defender shall first





HB 0113A

2003

2865 attempt to identify surplus funds from other appropriation  
2866 categories within his or her office and submit a budget  
2867 amendment pursuant to chapter 216 to transfer funds from within  
2868 the office.

2869 (b) In the event that the state attorney or public  
2870 defender is unable to identify surplus funds from within his or  
2871 her office, he or she shall certify this to the Justice  
2872 Administrative Commission along with a complete explanation of  
2873 the circumstances which led to the deficit and steps the office  
2874 has taken to reduce or alleviate the deficit. The Justice  
2875 Administrative Commission shall inquire as to whether any other  
2876 office has surplus funds in its contracted due process services  
2877 appropriation categories which can be transferred to the office  
2878 that is experiencing the deficit. If other offices indicate that  
2879 surplus funds are available, the Justice Administrative  
2880 Commission shall request a budget amendment to transfer funds  
2881 from the office or offices to alleviate the deficit upon  
2882 agreement of the contributing office or offices.

2883 (c) If no office indicates that surplus funds are  
2884 available to alleviate the deficit, the Justice Administrative  
2885 Commission may request a budget amendment to transfer funds from  
2886 the contingency fund. Such transfers shall be in accordance with  
2887 all applicable provisions of chapter 216 and shall be subject to  
2888 review and approval by the Legislative Budget Commission. The  
2889 Justice Administrative Commission shall submit the documentation  
2890 provided by the office explaining the circumstances that led to  
2891 the deficit and the steps taken by the office and the Justice  
2892 Administrative Commission to identify surplus funds to the  
2893 Legislative Budget Commission.

2894 (3) In the event that there is a deficit in a statewide



HB 0113A

2003

2895 contracted due process services appropriation category provided  
2896 for private court-appointed counsel necessary due to withdrawal  
2897 of the public defender due to an ethical conflict, the following  
2898 steps shall be taken in order:

2899 (a) The Justice Administrative Commission shall first  
2900 attempt to identify surplus funds from other contracted due  
2901 process services appropriation categories within the Justice  
2902 Administrative Commission and submit a budget amendment pursuant  
2903 to chapter 216 to transfer funds from within the commission.

2904 (b) In the event that the Justice Administrative  
2905 Commission is unable to identify surplus funds from within the  
2906 commission, the commission shall inquire of each of the public  
2907 defenders as to whether any office has surplus funds in its  
2908 contracted due process services appropriations categories which  
2909 can be transferred. If any public defender office or offices  
2910 indicate that surplus funds are available, the Justice  
2911 Administrative Commission shall request a budget amendment to  
2912 transfer funds from the office or offices to alleviate the  
2913 deficit upon agreement of the contributing office or offices.

2914 (c) If no public defender office has surplus funds  
2915 available to alleviate the deficit, the Justice Administrative  
2916 commission may request a budget amendment to transfer funds from  
2917 the contingency fund. Such transfers shall be in accordance with  
2918 all applicable provisions of chapter 216 and shall be subject to  
2919 review and approval by the Legislative Budget Commission. The  
2920 Justice Administrative Commission shall submit the documentation  
2921 provided by the office explaining the circumstances that led to  
2922 the deficit and the steps taken by the Justice Administrative  
2923 Commission to identify surplus funds to the Legislative Budget  
2924 Commission.



HB 0113A

2003

2925 (4) In the event that there is a deficit in a statewide  
2926 appropriation category provided for private court-appointed  
2927 counsel other than for conflict counsel as described in  
2928 subsection (3), the following steps shall be taken in order:

2929 (a) The Justice Administrative Commission shall first  
2930 attempt to identify surplus funds from other contracted due  
2931 process services appropriation categories within the Justice  
2932 Administrative Commission and submit a budget amendment pursuant  
2933 to chapter 216 to transfer funds from within the commission.

2934 (b) In the event that the Justice Administrative  
2935 Commission is unable to identify surplus funds from within the  
2936 commission, the commission may submit a budget amendment to  
2937 transfer funds from the contingency fund. Such transfers shall  
2938 be in accordance with all applicable provisions of chapter 216  
2939 and shall be subject to review and approval by the Legislative  
2940 Budget Commission. The Justice Administrative Commission shall  
2941 submit documentation explaining the circumstances that led to  
2942 the deficit and the steps taken to identify surplus funds to the  
2943 Legislative Budget Commission.

2944 (5) Notwithstanding any provisions in chapter 216 to the  
2945 contrary, no office shall transfer funds from a contracted due  
2946 process services appropriation category or from a contingency  
2947 fund category authorized in this section except as specifically  
2948 authorized in this section. In addition, funds shall not be  
2949 transferred from a state attorney office to alleviate a deficit  
2950 in a public defender office and funds shall not be transferred  
2951 from a public defender office to alleviate a deficit in a state  
2952 attorney office.

2953 Section 50. Effective July 1, 2004, section 29.016,  
2954 Florida Statutes, is created to read:



HB 0113A

2003

2955 29.016 Contingency fund; judicial branch.--

2956 (1) An appropriation may be provided in the General  
2957 Appropriations Act for the judicial branch to serve as a  
2958 contingency fund to alleviate deficits in contracted due process  
2959 services appropriation categories, including private court-  
2960 appointed counsel categories, that may occur from time to time  
2961 due to extraordinary events that lead to unexpected  
2962 expenditures.

2963 (2) In the event that a chief judge incurs such a deficit,  
2964 the following steps shall be taken in order:

2965 (a) The chief judge shall attempt to identify surplus  
2966 funds from other appropriation categories within his or her  
2967 circuit and submit a request to the Chief Justice for a budget  
2968 amendment pursuant to chapter 216 to transfer funds from within  
2969 the circuit budget.

2970 (b) In the event that the chief judge is unable to  
2971 identify surplus funds from within his or her circuit, he or she  
2972 shall certify this to the Office of the State Courts  
2973 Administrator along with a complete explanation of the  
2974 circumstances which led to the deficit and steps taken to reduce  
2975 or alleviate the deficit. The Office of the State Courts  
2976 Administrator shall inquire as to whether any other circuit has  
2977 surplus funds in its contracted due process service  
2978 appropriation categories which can be transferred to the circuit  
2979 that is experiencing the deficit. If other circuits indicate  
2980 that surplus funds are available, the Office of the State Courts  
2981 Administrator shall notify the Trial Court Budget Commission  
2982 established within the judicial branch by Rule of Judicial  
2983 Administration. The Trial Court Budget Commission shall make  
2984 recommendations to the Chief Justice to alleviate the deficit.



HB 0113A

2003

2985 The Chief Justice may authorize a transfer of funds among  
 2986 circuits to alleviate the deficit.

2987 (3) If no other circuits indicate that surplus funds are  
 2988 available to alleviate the deficit, the Trial Court Budget  
 2989 Commission may request the Chief Justice to request a budget  
 2990 amendment to transfer funds from the contingency fund. Such  
 2991 transfers shall be requested subject to the notice and review  
 2992 requirements set forth in s. 216.177. The Office of the State  
 2993 Courts Administrator shall include in the budget amendment  
 2994 documentation provided by the chief judge explaining the  
 2995 circumstances that led to the deficit and the steps taken to  
 2996 identify surplus funds to alleviate the deficit.

2997 (4) Notwithstanding any provisions in chapter 216 to the  
 2998 contrary, no circuit shall transfer funds from a contracted due  
 2999 process services appropriation category or from a contingency  
 3000 fund category authorized in this section except as specifically  
 3001 authorized in this section.

3002 Section 51. Effective July 1, 2004, subsection (2) of  
 3003 section 34.032, Florida Statutes, is amended to read:

3004 34.032 Power of clerk to appoint deputies.--

3005 (2) Any deputy county court clerk appointed for the sole  
 3006 purpose of issuing arrest warrants for violation of chapter 316  
 3007 or county or municipal ordinances triable in the county courts  
 3008 shall have and exercise only those powers of the clerk which are  
 3009 required to achieve such limited purpose, and those arrest  
 3010 warrants issued for violation of county or municipal ordinances  
 3011 shall be funded by the county or municipality which approved the  
 3012 ordinance.

3013 Section 52. Effective July 1, 2004, section 34.041,  
 3014 Florida Statutes, is amended to read:



HB 0113A

2003

3015 34.041 Filing fees ~~Service charges and costs.~~--

3016 (1) Upon the institution of any civil action or proceeding  
 3017 in county court, the clerk of court may require the plaintiff,  
 3018 when filing an action or proceeding, ~~to shall~~ pay the following  
 3019 filing fee, not to exceed ~~service charges~~:

3020 (a) For all claims less than \$100.....\$50.~~\$10.00.~~

3021 (b) For all claims of \$100 or more but not more than \$500  
 3022 \$2,500......\$75.~~25.00.~~

3023 (c) For all claims of more than \$500 but not more than  
 3024 \$2,500......\$150.

3025 ~~(d)~~(e) For all claims of more than \$2,500.....\$250.~~40.00.~~

3026 ~~(e)~~(d) In addition, for all proceedings of garnishment,  
 3027 attachment, replevin, and distress.....\$75.~~35.00.~~

3028 ~~(f)~~(e) For removal of tenant action.....\$75.~~35.00.~~

3029  
 3030 The first \$50 of the filing fee collected under paragraph (d)  
 3031 shall be remitted to the Department of Revenue for deposit into  
 3032 the General Revenue Fund. One-third of any filing fees collected  
 3033 by the clerk under paragraph (d) in excess of the first \$50  
 3034 shall be remitted to the Department of Revenue for deposit into  
 3035 the Department of Revenue Clerks of the Court Trust Fund. Postal  
 3036 charges incurred by the clerk of the county court in making  
 3037 service by mail on defendants or other parties shall be paid by  
 3038 the party at whose instance service is made. Except as provided  
 3039 herein, filing fees and service charges for performing duties of  
 3040 the clerk relating to the county court shall be as provided in  
 3041 ss. 28.24 and 28.241. ~~Service charges in excess of those herein~~  
 3042 ~~fixed may be imposed by the governing authority of the county by~~  
 3043 ~~ordinance or by special or local law, and such excess shall be~~  
 3044 ~~expended as provided by such ordinance or any special or local~~



HB 0113A

2003

3045 ~~law now or hereafter in force to provide and maintain~~  
3046 ~~facilities, including a law library, for the use of the county~~  
3047 ~~court in the county in which the charge is collected; to provide~~  
3048 ~~and maintain equipment; or for a legal aid program. Except as~~  
3049 ~~otherwise provided herein, all filing fees shall be retained as~~  
3050 ~~fee income of the office of the clerk of circuit court. Filing~~  
3051 ~~fees ~~Service charges~~ imposed by this section may not be added to~~  
3052 ~~any penalty imposed by chapter 316 or chapter 318. The sum of~~  
3053 ~~all service charges and fees permitted under this subsection may~~  
3054 ~~not exceed \$200.~~

3055 (2) ~~The judge shall have full discretionary power to waive~~  
3056 ~~the prepayment of costs or the payment of costs accruing during~~  
3057 ~~the action upon the sworn written statement of the plaintiff and~~  
3058 ~~upon other satisfactory evidence of the plaintiff's inability to~~  
3059 ~~pay such costs. When costs are so waived, the notation to be~~  
3060 ~~made on the records shall be "Prepayment of costs waived," or~~  
3061 ~~"Costs waived." The term "pauper" or "in forma pauperis" shall~~  
3062 ~~not be employed. If a party shall fail to pay accrued costs,~~  
3063 ~~though able to do so, the judge shall have power to deny that~~  
3064 ~~party the right to file any new case while such costs remain~~  
3065 ~~unpaid and, likewise, to deny such litigant the right to proceed~~  
3066 ~~further in any case pending. The award of other court costs~~  
3067 ~~shall be according to the discretion of the judge who may~~  
3068 ~~include therein the reasonable costs of bonds and undertakings~~  
3069 ~~and other reasonable court costs incident to the suit incurred~~  
3070 ~~by either party.~~

3071 (3) In criminal proceedings in county courts, costs shall  
3072 be taxed against a person in county court upon conviction or  
3073 estreature pursuant to chapter 939. ~~The provisions of s.~~



HB 0113A

2003

3074 ~~28.241(2) shall not apply to criminal proceedings in county~~  
 3075 ~~court.~~

3076 (4) Upon the institution of any appellate proceeding from  
 3077 the county court to the circuit court, there shall be charged  
 3078 and collected from the party or parties instituting such  
 3079 appellate proceedings, including appeals filed by a county or  
 3080 municipality, filing fees ~~a service charge~~ as provided in  
 3081 chapter 28.

3082 (5) A charge or a fee may not be imposed upon a party for  
 3083 responding by pleading, motion, or other paper to a civil or  
 3084 criminal action, suit, or proceeding in a county court or to an  
 3085 appeal to the circuit court.

3086 (6) For purposes of this section, "plaintiff" includes a  
 3087 county or municipality filing any civil action.

3088 ~~(6) In addition to the filing fees provided in subsection~~  
 3089 ~~(1), in all civil cases, the sum of \$7.00 per case shall be paid~~  
 3090 ~~by the plaintiff when filing an action for the purpose of~~  
 3091 ~~funding the court costs. Such funds shall be remitted by the~~  
 3092 ~~clerk to the Department of Revenue for deposit to the General~~  
 3093 ~~Revenue Fund.~~

3094 Section 53. Subsection (6) of section 34.13, Florida  
 3095 Statutes, is amended to read:

3096 34.13 Method of prosecution.--

3097 (6) Any circuit court clerk acting as clerk of the county  
 3098 court, or any deputy county court clerk appointed for the sole  
 3099 purpose of issuing arrest warrants, or any county court clerk,  
 3100 may, at municipal expense, administer an oath to and take  
 3101 affidavit of any person charging another person with a violation  
 3102 of a municipal ordinance and may issue a warrant on the usual  
 3103 form, making it returnable to the appropriate county court





HB 0113A

2003

3104 judge. The authority granted to a clerk or deputy clerk under  
 3105 this section shall be subordinate to that of any state judge.

3106 Section 54. Effective July 1, 2004, section 34.171,  
 3107 Florida Statutes, is amended to read:

3108 34.171 Salaries and expenses.--~~Unless the state shall pay~~  
 3109 ~~such expenses,~~ The county shall pay all reasonable salaries of  
 3110 bailiffs, ~~secretaries,~~ and ~~assistants of the circuit and county~~  
 3111 ~~courts and all reasonable expenses of the offices of circuit and~~  
 3112 ~~county court judges.~~

3113 Section 55. Effective July 1, 2004, subsection (2) of  
 3114 section 34.181, Florida Statutes, is amended to read:

3115 34.181 Branch courts.--

3116 (2) Any municipality or county which so applies shall be  
 3117 required to provide the appropriate physical facilities as  
 3118 defined in s. 29.008 in which the county court may hold court.

3119 Section 56. Effective July 1, 2004, section 34.191,  
 3120 Florida Statutes, is amended to read:

3121 34.191 Fines and, ~~forfeitures, and costs.~~--

3122 ~~(1)~~ All fines and forfeitures arising from offenses tried  
 3123 in the county court shall be collected and accounted for by the  
 3124 clerk of the court ~~and deposited in a special trust account.~~ All  
 3125 fines and forfeitures received from violations of ~~ordinances or~~  
 3126 ~~misdemeanors committed within a county, or of municipal~~  
 3127 ~~ordinances committed within a municipality within the~~  
 3128 ~~territorial jurisdiction of the county court,~~ shall be paid  
 3129 monthly to the ~~county or municipality respectively~~ except as  
 3130 provided in s. 318.21 or s. 943.25. All other fines and  
 3131 forfeitures collected by the clerk shall be considered income of  
 3132 the office of the clerk for use in performing court-related  
 3133 duties of the office.



HB 0113A

2003

3134 ~~(2) All court costs assessed in county court must be paid~~  
 3135 ~~to and retained by the county, except as provided in s. 943.25~~  
 3136 ~~and subsection (3) of this section.~~

3137 ~~(3) If a municipality incurs any cost of operation of the~~  
 3138 ~~county court, including any cost of prosecution, it may apply to~~  
 3139 ~~the chief judge of the circuit for an order directing the county~~  
 3140 ~~to distribute reasonable court costs to the municipality. If not~~  
 3141 ~~satisfied with the order of the chief judge, the municipality~~  
 3142 ~~may apply to the Supreme Court for an order apportioning the~~  
 3143 ~~costs.~~

3144 ~~(4) The board of county commissioners may assign the~~  
 3145 ~~collection of fines, court costs, and other costs imposed by the~~  
 3146 ~~court that are past due for 90 days or more to a private~~  
 3147 ~~attorney or collection agency that is licensed or registered in~~  
 3148 ~~this state, if the board of county commissioners determines that~~  
 3149 ~~the assignment is cost-effective and follows established bid~~  
 3150 ~~practices. The board of county commissioners may authorize a fee~~  
 3151 ~~to be added to the outstanding balance to offset any collection~~  
 3152 ~~costs that will be incurred.~~

3153 Section 57. Effective July 1, 2004, section 39.0134,  
 3154 Florida Statutes, is amended to read:

3155 39.0134 Appointed counsel; compensation.--

3156 ~~(1)~~ If counsel is entitled to receive compensation for  
 3157 representation pursuant to a court appointment in a dependency  
 3158 proceeding pursuant to this chapter, ~~such~~ compensation shall be  
 3159 paid in accordance with s. 27.5304 established by each county.  
 3160 The state ~~county~~ may acquire and enforce a lien upon court-  
 3161 ordered payment of attorney's fees and costs in accordance with  
 3162 s. 984.08.



HB 0113A

2003

3163       ~~(2) If counsel is entitled to receive compensation for~~  
3164 ~~representation pursuant to court appointment in a termination of~~  
3165 ~~parental rights proceeding, such compensation shall not exceed~~  
3166 ~~\$1,000 at the trial level and \$2,500 at the appellate level.~~

3167       Section 58. Subsection (3) of section 39.4075, Florida  
3168 Statutes, is amended to read:

3169       39.4075 Referral of a dependency case to mediation.--

3170       (3) The department shall advise the parties that they are  
3171 responsible for contributing to the cost of the dependency  
3172 mediation ~~to the extent of their ability to pay.~~

3173       Section 59. Effective July 1, 2004, subsection (1) of  
3174 section 39.815, Florida Statutes, is amended to read:

3175       39.815 Appeal.--

3176       (1) Any child, any parent or guardian ad litem of any  
3177 child, any other party to the proceeding who is affected by an  
3178 order of the court, or the department may appeal to the  
3179 appropriate district court of appeal within the time and in the  
3180 manner prescribed by the Florida Rules of Appellate Procedure.  
3181 The district court of appeal shall give an appeal from an order  
3182 terminating parental rights priority in docketing and shall  
3183 render a decision on the appeal as expeditiously as possible.  
3184 Appointed counsel shall be compensated as provided in s.

3185 27.5304(5) ~~39.0134.~~

3186       Section 60. Effective July 1, 2004, section 40.001,  
3187 Florida Statutes, is created to read:

3188       40.001 Chief judge; authority; duties.--The chief judge of  
3189 each judicial circuit is vested with overall authority and  
3190 responsibility for the management, operation, and oversight of  
3191 the jury system within his or her circuit. However, in  
3192 accordance with this chapter and chapter 905, the clerk of the



HB 0113A

2003

3193 circuit court has specific responsibilities regarding the  
 3194 processing of jurors, including, but not limited to,  
 3195 qualifications, summons, selection lists, reporting, and  
 3196 compensation of jurors. The clerk of the circuit court may  
 3197 contract with the chief judge for the court's assistance in the  
 3198 provision of services to process jurors. The chief judge may  
 3199 also designate to the clerk of the circuit court additional  
 3200 duties consistent with established uniform standards of jury  
 3201 management practices that the Supreme Court may adopt by rule or  
 3202 issue through administrative order.

3203 Section 61. Effective July 1, 2004, subsection (3) of  
 3204 section 40.02, Florida Statutes, is amended to read:

3205 40.02 Selection of jury lists.--

3206 (3) The clerk of the court shall ~~chief judge may designate~~  
 3207 ~~the court administrator to~~ perform the duties set forth in this  
 3208 section and in ss. 40.221, 40.23, and 40.231 in counties having  
 3209 an approved, computerized jury selection system, the provisions  
 3210 of any special law or general law of local application to the  
 3211 contrary notwithstanding. However, the chief judge may designate  
 3212 the court administrator to perform these duties if the county  
 3213 provides funding to the court administrator to provide the  
 3214 personnel and other costs associated with jury services.

3215 Section 62. Effective July 1, 2004, subsection (1) of  
 3216 section 40.29, Florida Statutes, is amended to read:

3217 40.29 Clerks to make estimates and requisitions for  
 3218 certain due process costs ~~estimate amount for pay of jurors and~~  
 3219 ~~witnesses and make requisition.--~~

3220 (1) The clerk of the court in and for any county shall  
 3221 make an estimate of the amount necessary during any quarterly  
 3222 fiscal period beginning July 1 and during each succeeding



HB 0113A

2003

3223 quarterly fiscal period for the payment by the state of juror  
 3224 compensation and expenses; court reporter, interpreter, and  
 3225 translator services; witnesses, including expert witnesses;  
 3226 mental health professionals; and private court-appointed  
 3227 counsel, each in accordance with the applicable requirements of  
 3228 ss. 29.005, 29.006, and 29.007. The clerk of such court;

3229 ~~(a) Jurors in the circuit court and the county court;~~

3230 ~~(b) Witnesses before the grand jury;~~

3231 ~~(c) Witnesses summoned to appear for an investigation,~~  
 3232 ~~preliminary hearing, or trial in a criminal case when the~~  
 3233 ~~witnesses are summoned by a state attorney or on behalf of an~~  
 3234 ~~indigent defendant;~~

3235 ~~(d) Mental health professionals who are appointed pursuant~~  
 3236 ~~to s. 394.473 and required in a court hearing involving an~~  
 3237 ~~indigent; and~~

3238 ~~(e) Expert witnesses who are appointed pursuant to s.~~  
 3239 ~~916.115(2) and required in a court hearing involving an~~  
 3240 ~~indigent;~~

3241  
 3242 ~~and~~ shall forward each such estimate to the Justice  
 3243 Administrative Commission State Courts Administrator no later  
 3244 than the date scheduled by the Justice Administrative Commission  
 3245 State Courts Administrator. At the time of any forwarding of  
 3246 such estimate, the clerk of such court shall make a requisition  
 3247 upon the Justice Administrative Commission State Courts  
 3248 Administrator for the amount of such estimate; and the Justice  
 3249 Administrative Commission State Courts Administrator may reduce  
 3250 the amount upon finding that the costs are unreasonable,  
 3251 inconsistent with applicable contractual terms, or inconsistent



HB 0113A

2003

3252 with compensation standards established by general law ~~if in his~~  
 3253 ~~or her judgment the requisition is excessive.~~

3254 Section 63. Effective July 1, 2004, section 40.30, Florida  
 3255 Statutes, is amended to read:

3256 40.30 Requisition endorsed by Justice Administrative  
 3257 Commission State Courts Administrator or designee.--Upon receipt  
 3258 of such estimate and the requisition from the clerk of the court  
 3259 pursuant to s. 40.29, the Justice Administrative Commission  
 3260 State Courts Administrator or designee shall endorse the amount  
 3261 deemed that he or she may deem necessary for payment to the  
 3262 state the pay of jurors and witnesses during the quarterly  
 3263 fiscal period and shall submit a request for payment to the  
 3264 Chief Financial Officer Comptroller.

3265 Section 64. Subsections (1) and (5) of section 43.16,  
 3266 Florida Statutes, are amended to read:

3267 43.16 Justice Administrative Commission; membership,  
 3268 powers and duties.--

3269 (1) There is hereby created a Justice Administrative  
 3270 Commission ~~of the Judicial Branch of Florida~~, with headquarters  
 3271 located in the state capital. The necessary office space for use  
 3272 of the commission shall be furnished by the proper state agency  
 3273 in charge of state buildings.

3274 (5) The duties of the commission shall include, but not be  
 3275 limited to, the following:

3276 (a) The maintenance of a central state office for  
 3277 administrative services and assistance when possible to and on  
 3278 behalf of the state attorneys and public defenders of Florida,  
 3279 the office of capital collateral representative of Florida, and  
 3280 the Judicial Qualifications Commission.



HB 0113A

2003

3281 (b) Each state attorney and public defender and the  
 3282 Judicial Qualifications Commission shall continue to prepare  
 3283 necessary budgets, vouchers which represent valid claims for  
 3284 reimbursement by the state for authorized expenses, and other  
 3285 things incidental to the proper administrative operation of the  
 3286 office, such as revenue transmittals to the Chief Financial  
 3287 Officer and treasurer, automated systems plans, ~~etc.~~, but will  
 3288 forward same to the commission for recording and submission to  
 3289 the proper state officer. However, when requested by a state  
 3290 attorney or a public defender or the Judicial Qualifications  
 3291 Commission, the commission will either assist in the preparation  
 3292 of budget requests, voucher schedules, and other forms and  
 3293 reports or accomplish the entire project involved.

3294 Section 65. Section 43.26, Florida Statutes, is amended to  
 3295 read:

3296 43.26 Chief Presiding judge of circuit; selection;  
 3297 powers.--

3298 (1) The chief ~~presiding~~ judge of each judicial circuit,  
 3299 who shall be a circuit judge, shall exercise administrative  
 3300 supervision over all the trial courts within the judicial  
 3301 circuit and over the judges and other officers of such courts.

3302 (2) The chief ~~presiding~~ judge of the circuit shall have  
 3303 the power:

3304 (a) To assign judges to any division of the court ~~the~~  
 3305 ~~trial of civil or criminal cases, to preliminary hearings, or to~~  
 3306 ~~divisions~~ and to determine the length of the assignment;

3307 ~~(b) To assign clerks and bailiffs;~~

3308 (b)(e) To regulate use of courtrooms;

3309 (c)(d) To supervise dockets and calendars;



HB 0113A

2003

3310        (d)(e) To require attendance of state attorneys,  
 3311 ~~prosecutors and~~ public defenders, clerks, bailiffs, and all  
 3312 other officers of the court; and

3313        (e)(f) To do everything necessary to promote the prompt  
 3314 and efficient administration of justice in the courts over which  
 3315 he or she is chief judge ~~presides~~.

3316        (f) To delegate to the trial court administrator, by  
 3317 administrative order, the authority to bind the circuit in  
 3318 contract.

3319        (g) To manage, operate, and oversee the jury system as  
 3320 provided in s. 40.001.

3321        (3) The chief ~~presiding~~ judge shall be responsible to the  
 3322 Chief Justice of the Supreme Court for such information as may  
 3323 be required by the Chief Justice, including, but not limited to,  
 3324 caseload, status of dockets, and disposition of cases in the  
 3325 courts over which he or she presides.

3326        ~~(4) The presiding judge of the circuit shall be selected~~  
 3327 ~~by a majority of the judges subject to this section in that~~  
 3328 ~~circuit for a term of 2 years. The presiding judge may succeed~~  
 3329 ~~himself or herself for successive terms.~~

3330        (4)(5) Failure of any judge, clerk, prosecutor, public  
 3331 defender, or other officer of the court to comply with an order  
 3332 or directive of the chief ~~presiding~~ judge under this section  
 3333 shall constitute neglect of duty for which such officer may be  
 3334 suspended from office as provided by law.

3335        (5)(6) There may be a trial court administrator ~~an~~  
 3336 ~~executive assistant to the presiding judge~~ who shall perform  
 3337 such duties as the chief ~~presiding~~ judge may direct.

3338        Section 66. Effective July 1, 2004, section 44.108,  
 3339 Florida Statutes, is amended to read:





HB 0113A

2003

3340           44.108 Funding of mediation and arbitration.--Mediation  
3341 should be accessible to all parties regardless of financial  
3342 status. A filing fee of \$1 is levied on all proceedings in the  
3343 circuit or county courts to fund mediation and arbitration  
3344 services which are the responsibility of the Supreme Court  
3345 pursuant to the provisions of s. 44.106. The clerk of the court  
3346 shall forward the monies collected to the Department of Revenue  
3347 for deposit in the state courts' Mediation and Arbitration Trust  
3348 Fund. Each board of county commissioners may support mediation  
3349 and arbitration services by appropriating moneys from county  
3350 revenues and by:

3351           ~~(1) Levying, in addition to other service charges levied~~  
3352 ~~by law, a service charge of no more than \$5 on any circuit court~~  
3353 ~~proceeding, which shall be deposited in the court's mediation-~~  
3354 ~~arbitration account fund under the supervision of the chief~~  
3355 ~~judge of the circuit in which the county is located; and~~

3356           ~~(2) Levying, in addition to other service charges levied~~  
3357 ~~by law, a service charge of no more than \$5 on any county court~~  
3358 ~~proceeding, which shall be deposited in the county's mediation-~~  
3359 ~~arbitration account fund to be used to fund county civil~~  
3360 ~~mediation services under the supervision of the chief judge of~~  
3361 ~~the circuit in which the county is located.~~

3362           ~~(3) Levying, in addition to other service charges levied~~  
3363 ~~by law, a service charge of no more than \$45 on any petition for~~  
3364 ~~a modification of a final judgment of dissolution, which shall~~  
3365 ~~be deposited in the court's family mediation account fund to be~~  
3366 ~~used to fund family mediation services under the supervision of~~  
3367 ~~the chief judge of the circuit in which the county is located.~~

3368           ~~(4) If a board of county commissioners levies the service~~  
3369 ~~charge authorized in subsection (1), subsection (2), or~~



HB 0113A

2003

3370 ~~subsection (3), the clerk of the court shall forward \$1 of each~~  
 3371 ~~charge to the Department of Revenue for deposit in the state~~  
 3372 ~~mediation and arbitration trust fund which is hereby~~  
 3373 ~~established. Such fund shall be used by the Supreme Court to~~  
 3374 ~~carry out its responsibilities set forth in s. 44.106.~~

3375 Section 67. Paragraph (b) of subsection (1) of section  
 3376 49.10, Florida Statutes, is amended to read:

3377 49.10 Notice of action, publication, proof.--

3378 (1)

3379 (b) In proceedings described in s. 49.011(4), (10), and  
 3380 (11), ~~except in those counties where, pursuant to s. 50.071(3),~~  
 3381 ~~notices are by law required to be published by designated record~~  
 3382 ~~newspaper,~~ the clerk of the court shall post notices of action  
 3383 in the manner prescribed by s. 49.11 when such notices are  
 3384 required of persons authorized to proceed as indigent insolvent  
 3385 ~~and poverty-stricken persons~~ under s. 57.081.

3386 Section 68. Effective July 1, 2004, subsection (5) of  
 3387 section 55.10, Florida Statutes, is amended to read:

3388 55.10 Judgments, orders, and decrees; lien of all,  
 3389 generally; extension of liens; transfer of liens to other  
 3390 security.--

3391 (5) Any lien claimed under this section may be  
 3392 transferred, by any person having an interest in the real  
 3393 property upon which the lien is imposed or the contract under  
 3394 which the lien is claimed, from such real property to other  
 3395 security by either depositing in the clerk's office a sum of  
 3396 money or filing in the clerk's office a bond executed as surety  
 3397 by a surety insurer licensed to do business in this state. Such  
 3398 deposit or bond shall be in an amount equal to the amount  
 3399 demanded in such claim of lien plus interest thereon at the



HB 0113A

2003

3400 legal rate for 3 years plus \$500 to apply on any court costs  
 3401 which may be taxed in any proceeding to enforce said lien. Such  
 3402 deposit or bond shall be conditioned to pay any judgment, order,  
 3403 or decree which may be rendered for the satisfaction of the lien  
 3404 for which such claim of lien was recorded and costs plus \$500  
 3405 for court costs. Upon such deposit being made or such bond being  
 3406 filed, the clerk shall make and record a certificate showing the  
 3407 transfer of the lien from the real property to the security and  
 3408 mail a copy thereof by registered or certified mail to the  
 3409 lienor named in the claim of lien so transferred, at the address  
 3410 stated therein. Upon the filing of the certificate of transfer,  
 3411 the real property shall thereupon be released from the lien  
 3412 claimed, and such lien shall be transferred to said security.  
 3413 The clerk shall be entitled to a fee of up to \$15 ~~\$10~~ for making  
 3414 and serving the certificate. If the transaction involves the  
 3415 transfer of multiple liens, an additional charge of up to \$7.50  
 3416 ~~\$5~~ for each additional lien shall be charged. Any number of  
 3417 liens may be transferred to one such security.

3418 Section 69. Effective July 1, 2004, subsection (2) of  
 3419 section 55.141, Florida Statutes, is amended to read:

3420 55.141 Satisfaction of judgments and decrees; duties of  
 3421 clerk and judge.--

3422 (2) Upon such payment, the clerk, or the judge if there is  
 3423 no clerk, shall issue his or her receipt therefor and shall  
 3424 record a satisfaction of judgment, provided by the judgment  
 3425 holder, upon payment of the recording charge prescribed in s.  
 3426 28.24(12)~~(15)~~ plus the necessary costs of mailing to the clerk  
 3427 or judge. The clerk or judge shall formally notify the owner of  
 3428 record of such judgment or decree, if such person and his or her  
 3429 address are known to the clerk or judge receiving such payment,



HB 0113A

2003

3430 and, upon request therefor, shall pay over to the person  
 3431 entitled, or to his or her order, the full amount of the payment  
 3432 so received, less his or her fees for issuing execution on such  
 3433 judgment or decree, if any has been issued, and less his or her  
 3434 fees for receiving into and paying out of the registry of the  
 3435 court such payment, together with the fees of the clerk for  
 3436 receiving into and paying such money out of the registry of the  
 3437 court.

3438 Section 70. Effective July 1, 2004, subsection (3) of  
 3439 section 55.505, Florida Statutes, is amended to read:

3440 55.505 Notice of recording; prerequisite to enforcement.--

3441 (3) No execution or other process for enforcement of a  
 3442 foreign judgment recorded hereunder shall issue until 30 days  
 3443 after the mailing of notice by the clerk and payment of a  
 3444 service charge of up to \$37.50 ~~\$25~~ to the clerk. When an action  
 3445 authorized in s. 55.509(1) is filed, it acts as an automatic  
 3446 stay of the effect of this section.

3447 Section 71. Effective July 1, 2004, subsection (1) of  
 3448 section 57.081, Florida Statutes, is amended to read:

3449 57.081 Costs; right to proceed where prepayment of costs  
 3450 waived.--

3451 (1) Any indigent person, except a prisoner as defined in  
 3452 s. 57.085, who is a party or intervenor in any judicial or  
 3453 administrative agency proceeding or who initiates such  
 3454 proceeding shall receive the services of the courts, sheriffs,  
 3455 and clerks, with respect to such proceedings, despite his or her  
 3456 present inability to pay for these services ~~without charge~~. Such  
 3457 services are limited to filing fees; service of process;  
 3458 certified copies of orders or final judgments; a single  
 3459 photocopy of any court pleading, record, or instrument filed



HB 0113A

2003

3460 with the clerk; examining fees; mediation services and fees;  
 3461 private court-appointed counsel fees; subpoena fees and  
 3462 services; service charges for collecting and disbursing funds;  
 3463 and any other cost or service arising out of pending litigation.  
 3464 In any appeal from an administrative agency decision, for which  
 3465 the clerk is responsible for preparing the transcript, the clerk  
 3466 shall record ~~waive~~ the cost of preparing the transcripts and the  
 3467 cost for copies of any exhibits in the record. Prepayment of  
 3468 costs to any court, clerk, or sheriff is not required in any  
 3469 action if the party has obtained ~~from the clerk~~ in each  
 3470 proceeding a certification of indigence in accordance with s.  
 3471 27.52 indigency, ~~based on an affidavit of the applicant claiming~~  
 3472 ~~that the applicant is indigent and unable to pay the charges~~  
 3473 ~~otherwise payable by law to any of such officers, providing the~~  
 3474 ~~details of the applicant's financial condition, and containing a~~  
 3475 ~~statement that certifies that no person has been paid or~~  
 3476 ~~promised any payment of any remuneration by the applicant for~~  
 3477 ~~services performed on behalf of the applicant in connection with~~  
 3478 ~~the action or proceeding. However, when the person is~~  
 3479 ~~represented by an attorney, the person need not file an~~  
 3480 ~~affidavit in order to be exempt from payment of charges under~~  
 3481 ~~this subsection. A represented person is exempt from charges~~  
 3482 ~~under this subsection if the attorney of such person files a~~  
 3483 ~~written certificate, signed by the attorney, certifying that the~~  
 3484 ~~attorney has made an investigation to ascertain the financial~~  
 3485 ~~condition of the client and has found the client to be indigent;~~  
 3486 ~~that the attorney has investigated the nature of the applicant's~~  
 3487 ~~position and in the attorney's opinion it is meritorious as a~~  
 3488 ~~matter of law; and that the attorney has not been paid or~~  
 3489 ~~promised payment of any remuneration for services and intends to~~



HB 0113A

2003

3490 ~~act as attorney for the applicant without compensation. On the~~  
3491 ~~failure or refusal of the clerk to issue a certificate of~~  
3492 ~~indigency, the applicant is entitled to a review of the~~  
3493 ~~application for the certificate by the court having jurisdiction~~  
3494 ~~of the cause of action.~~

3495 Section 72. Effective July 1, 2004, subsections (2), (3),  
3496 (4), (5), and (8) of section 57.085, Florida Statutes, are  
3497 amended to read:

3498 57.085 Waiver of prepayment of court costs and fees for  
3499 indigent prisoners.--

3500 (2) When a prisoner who is intervening in or initiating a  
3501 judicial proceeding seeks to defer the waiver of prepayment of  
3502 court costs and fees because of indigence ~~indigency~~, the  
3503 prisoner must file an affidavit of indigence ~~indigency~~ with the  
3504 appropriate clerk of the court. The affidavit must contain  
3505 complete information about the prisoner's identity; the nature  
3506 and amount of the prisoner's income; all real property owned by  
3507 the prisoner; all tangible and intangible property worth more  
3508 than \$100 which is owned by the prisoner; the amount of cash  
3509 held by the prisoner; the balance of any checking, savings, or  
3510 money market account held by the prisoner; the prisoner's  
3511 dependents, including their names and ages; the prisoner's  
3512 debts, including the name of each debtor and the amount owed to  
3513 each debtor; and the prisoner's monthly expenses. The prisoner  
3514 must certify in the affidavit whether the prisoner has been  
3515 adjudicated indigent under this section, certified indigent  
3516 under s. 57.081, or authorized to proceed as an indigent under  
3517 28 U.S.C. s. 1915 by a federal court. The prisoner must attach  
3518 to the affidavit a photocopy of the prisoner's trust account  
3519 records for the preceding 6 months or for the length of the



HB 0113A

2003

3520 prisoner's incarceration, whichever period is shorter. The  
 3521 affidavit must contain the following statements: "I am unable to  
 3522 pay court costs and fees. Under penalty of perjury, I swear or  
 3523 affirm that all statements in this affidavit are true and  
 3524 complete."

3525 (3) Before a prisoner may receive a deferral waiver of  
 3526 prepayment of any court costs and fees for an action brought  
 3527 under this section, the clerk of court must review the affidavit  
 3528 ~~of indigency~~ and certify ~~adjudicate~~ the prisoner is indigent.

3529 (4) When the clerk has issued a certificate of indigence  
 3530 under this section ~~a court adjudicates a prisoner indigent~~ but  
 3531 ~~concludes, from the affidavit of indigency or other information,~~  
 3532 ~~that~~ the prisoner is able to pay part of the court costs and  
 3533 fees required by law, the court shall order the prisoner to  
 3534 make, prior to service of process, an initial partial payment of  
 3535 those court costs and fees. The initial partial payment must  
 3536 total at least 20 percent of the average monthly balance of the  
 3537 prisoner's trust account for the preceding 6 months or for the  
 3538 length of the prisoner's incarceration, whichever period is  
 3539 shorter.

3540 (5) When the clerk has issued a certificate of indigence a  
 3541 ~~court adjudicates a prisoner indigent~~ under this section, the  
 3542 court shall order the prisoner to make monthly payments of no  
 3543 less than 20 percent of the balance of the prisoner's trust  
 3544 account as payment of court costs and fees. When a court orders  
 3545 such payment, the Department of Corrections or the local  
 3546 detention facility shall place a lien on the inmate's trust  
 3547 account for the full amount of the court costs and fees, and  
 3548 shall withdraw money maintained in that trust account and  
 3549 forward the money, when the balance exceeds \$10, to the



HB 0113A

2003

3550 appropriate clerk of the court until the prisoner's court costs  
 3551 and fees are paid in full.

3552 (8) In any judicial proceeding in which a certificate of  
 3553 indigence has been issued to a prisoner ~~has been adjudicated~~  
 3554 ~~indigent and has been granted a full or partial waiver of court~~  
 3555 ~~costs and fees~~, the court may at any time dismiss the prisoner's  
 3556 action, in whole or in part, upon a finding that:

3557 (a) The prisoner's claim of indigence ~~indigency~~ is false  
 3558 or misleading;

3559 (b) The prisoner provided false or misleading information  
 3560 regarding another judicial or administrative proceeding in which  
 3561 the prisoner was a party;

3562 (c) The prisoner failed to pay court costs and fees  
 3563 ~~assessed~~ under this section despite having the ability to pay;  
 3564 or

3565 (d) The prisoner's action or a portion of the action is  
 3566 frivolous or malicious.

3567 Section 73. Effective July 1, 2004, paragraphs (d), (e),  
 3568 and (f) of subsection (6) of section 61.14, Florida Statutes,  
 3569 are amended to read:

3570 61.14 Enforcement and modification of support,  
 3571 maintenance, or alimony agreements or orders.--

3572 (6)

3573 (d) The court shall hear the obligor's motion to contest  
 3574 the impending judgment within 15 days after the date of the  
 3575 filing of the motion. Upon the court's denial of the obligor's  
 3576 motion, the amount of the delinquency and all other amounts  
 3577 which thereafter become due, together with costs and a fee of up  
 3578 to \$7.50 ~~\$5~~, become a final judgment by operation of law against





HB 0113A

2003

3579 the obligor. The depository shall charge interest at the rate  
3580 established in s. 55.03 on all judgments for support.

3581 (e) If the obligor fails to file a motion to contest the  
3582 impending judgment within the time limit prescribed in paragraph  
3583 (c) and fails to pay the amount of the delinquency and all other  
3584 amounts which thereafter become due, together with costs and a  
3585 fee of up to \$7.50 ~~\$5~~, such amounts become a final judgment by  
3586 operation of law against the obligor at the expiration of the  
3587 time for filing a motion to contest the impending judgment.

3588 (f)1. Upon request of any person, the local depository  
3589 shall issue, upon payment of a fee of up to \$7.50 ~~\$5~~, a payoff  
3590 statement of the total amount due under the judgment at the time  
3591 of the request. The statement may be relied upon by the person  
3592 for up to 30 days from the time it is issued unless proof of  
3593 satisfaction of the judgment is provided.

3594 2. When the depository records show that the obligor's  
3595 account is current, the depository shall record a satisfaction  
3596 of the judgment upon request of any interested person and upon  
3597 receipt of the appropriate recording fee. Any person shall be  
3598 entitled to rely upon the recording of the satisfaction.

3599 3. The local depository, at the direction of the  
3600 department, or the obligee in a non-IV-D case, may partially  
3601 release the judgment as to specific real property, and the  
3602 depository shall record a partial release upon receipt of the  
3603 appropriate recording fee.

3604 4. The local depository is not liable for errors in its  
3605 recordkeeping, except when an error is a result of unlawful  
3606 activity or gross negligence by the clerk or his or her  
3607 employees.



HB 0113A

2003

3608 Section 74. Paragraph (b) of subsection (2) of section  
 3609 61.181, Florida Statutes, is amended to read:

3610 61.181 Depository for alimony transactions, support,  
 3611 maintenance, and support payments; fees.--

3612 (2)

3613 (b)1. For the period of July 1, 1992, through June 30,  
 3614 2004 ~~2003~~, The fee imposed in paragraph (a) shall be increased  
 3615 to 4 percent of the support payments which the party is  
 3616 obligated to pay, except that no fee shall be more than \$5.25.  
 3617 The fee shall be considered by the court in determining the  
 3618 amount of support that the obligor is, or may be, required to  
 3619 pay. Notwithstanding the provisions of s. 145.022, 75 percent of  
 3620 the additional revenues generated by this paragraph shall be  
 3621 remitted monthly to the Clerk of the Court Child Support  
 3622 Enforcement Collection System Trust Fund administered by the  
 3623 department as provided in subparagraph 2. These funds shall be  
 3624 used exclusively for the development, implementation, and  
 3625 operation of the Clerk of the Court Child Support Enforcement  
 3626 Collection System to be operated by the depositories, including  
 3627 the automation of civil case information necessary for the State  
 3628 Case Registry. The department shall contract with the Florida  
 3629 Association of Court Clerks and the depositories to design,  
 3630 establish, operate, upgrade, and maintain the automation of the  
 3631 depositories to include, but not be limited to, the provision of  
 3632 on-line electronic transfer of information to the IV-D agency as  
 3633 otherwise required by this chapter. The department's obligation  
 3634 to fund the automation of the depositories is limited to the  
 3635 state share of funds available in the Clerk of the Court Child  
 3636 Support Enforcement Collection System Trust Fund. Each  
 3637 depository created under this section shall fully participate in



HB 0113A

2003

3638 the Clerk of the Court Child Support Enforcement Collection  
 3639 System and transmit data in a readable format as required by the  
 3640 contract between the Florida Association of Court Clerks and the  
 3641 department.

3642 2. Moneys to be remitted to the department by the  
 3643 depository shall be done daily by electronic funds transfer and  
 3644 calculated as follows:

3645 a. For each support payment of less than \$33, 18.75 cents.

3646 b. For each support payment between \$33 and \$140, an  
 3647 amount equal to 18.75 percent of the fee charged.

3648 c. For each support payment in excess of \$140, 18.75  
 3649 cents.

3650 3. The fees established by this section shall be set forth  
 3651 and included in every order of support entered by a court of  
 3652 this state which requires payment to be made into the  
 3653 depository.

3654 Section 75. Subsections (2) and (6) of section 61.21,  
 3655 Florida Statutes, are amended to read:

3656 61.21 Parenting course authorized; fees; required  
 3657 attendance authorized; contempt.--

3658 (2) The Department of Children and Family Services ~~All~~  
 3659 ~~judicial circuits in the state~~ shall approve a parenting course  
 3660 which shall be a course of a minimum of 4 hours designed to  
 3661 educate, train, and assist divorcing parents in regard to the  
 3662 consequences of divorce on parents and children.

3663 (a) The parenting course referred to in this section shall  
 3664 be named the Parent Education and Family Stabilization Course  
 3665 and may include, but need not be limited to, the following  
 3666 topics as they relate to court actions between parents involving  
 3667 custody, care, visitation, and support of a child or children:



HB 0113A

2003

- 3668 1. Legal aspects of deciding child-related issues between  
3669 parents.
- 3670 2. Emotional aspects of separation and divorce on adults.
- 3671 3. Emotional aspects of separation and divorce on  
3672 children.
- 3673 4. Family relationships and family dynamics.
- 3674 5. Financial responsibilities to a child or children.
- 3675 6. Issues regarding spousal or child abuse and neglect.
- 3676 7. Skill-based relationship education that may be  
3677 generalized to parenting, workplace, school, neighborhood, and  
3678 civic relationships.
- 3679 (b) Information regarding spousal and child abuse and  
3680 neglect shall be included in every parent education and family  
3681 stabilization course. A list of local agencies that provide  
3682 assistance with such issues shall also be provided.
- 3683 (c) The parent education and family stabilization course  
3684 shall be educational in nature and shall not be designed to  
3685 provide individual mental health therapy for parents or  
3686 children, or individual legal advice to parents or children.
- 3687 (d) Course providers shall not solicit participants from  
3688 the sessions they conduct to become private clients or patients.
- 3689 (e) Course providers shall not give individual legal  
3690 advice or mental health therapy.
- 3691 (6) The department shall provide each judicial circuit  
3692 with ~~may establish~~ a list of approved ~~registry of~~ course  
3693 providers and sites at which the parent education and family  
3694 stabilization course required by this section may be completed.  
3695 The department ~~court~~ shall also include on ~~within~~ the list  
3696 ~~registry~~ of course providers and sites at least one site in each



HB 0113A

2003

3697 circuit at which the parent education and family stabilization  
3698 course may be completed on a sliding fee scale, if available.

3699 Section 76. Effective July 1, 2004, section 77.28, Florida  
3700 Statutes, is amended to read:

3701 77.28 Garnishment; attorney's fees, costs, expenses;  
3702 deposit required.--Before issuance of any writ of garnishment,  
3703 the party applying for it shall deposit \$100 in the registry of  
3704 the court which shall be paid to the garnishee on the  
3705 garnishee's demand at any time after the service of the writ for  
3706 the payment or part payment of his or her attorney's fee which  
3707 the garnishee expends or agrees to expend in obtaining  
3708 representation in response to the writ. At the time of deposit,  
3709 the clerk shall collect the statutory fee provided by s.

3710 28.24(10)~~(13)~~ in addition to the \$100 deposited into the  
3711 registry of the court. On rendering final judgment, the court  
3712 shall determine the garnishee's costs and expenses, including a  
3713 reasonable attorney's fee, and in the event of a judgment in  
3714 favor of the plaintiff, the amount shall be subject to offset by  
3715 the garnishee against the defendant whose property or debt owing  
3716 is being garnished. In addition, the court shall tax the  
3717 garnishee's costs and expenses as costs. Plaintiff may recover  
3718 in this manner the sum advanced by plaintiff and paid into  
3719 registry of court, and if the amount allowed by the court is  
3720 greater than the amount of the deposit, together with any  
3721 offset, judgment for the garnishee shall be entered against the  
3722 party against whom the costs are taxed for the deficiency.

3723 Section 77. Paragraph (a) of subsection (2) of section  
3724 92.153, Florida Statutes, is amended to read:

3725 92.153 Production of documents by witnesses; reimbursement  
3726 of costs.--



HB 0113A

2003

3727 (2) REIMBURSEMENT OF A DISINTERESTED WITNESS.--

3728 (a) In any proceeding, a disinterested witness shall be  
3729 paid for any costs the witness reasonably incurs either directly  
3730 or indirectly in producing, searching for, reproducing, or  
3731 transporting documents pursuant to a summons; however, the cost  
3732 of documents produced pursuant to a subpoena or records request  
3733 by a state attorney or public defender may not exceed 15 cents  
3734 per page and \$10 per hour for research or retrieval.

3735 Section 78. Effective July 1, 2004, section 92.231,  
3736 Florida Statutes, is amended to read:

3737 92.231 Expert witnesses; fee.--

3738 (1) The term "expert witness" as used herein shall apply  
3739 to any witness who offers himself or herself in the trial of any  
3740 ~~civil~~ action as an expert witness or who is subpoenaed to  
3741 testify in such capacity before a state attorney in the  
3742 investigation of a criminal matter, or before a grand jury, and  
3743 who is permitted by the court to qualify and testify as such,  
3744 upon any matter pending before any court.

3745 (2) Any expert or skilled witness who shall have testified  
3746 in any cause shall be allowed a witness fee including the cost  
3747 of any exhibits used by such witness in an the amount agreed to  
3748 by the parties of \$10 per hour or such amount as the trial judge  
3749 may deem reasonable, and the same shall be taxed as costs. In  
3750 instances where services are provided for the state, including  
3751 for state-paid private court-appointed counsel, payment from  
3752 state funds shall be in accordance with standards adopted by the  
3753 Legislature after receiving recommendations from the Article V  
3754 Indigent Services Advisory Board.

3755 (3) In a criminal case in which the state or an indigent  
3756 defendant requires the services of an expert witness whose



HB 0113A

2003

3757 opinion is relevant to the issues of the case, the expert  
3758 witness shall be compensated in accordance with standards  
3759 adopted by the Legislature after receiving recommendations from  
3760 the Article V Indigent Services Advisory Board.

3761 Section 79. Section 914.09, Florida Statutes, is  
3762 renumbered as section 92.233, Florida Statutes, and amended to  
3763 read:

3764 92.233 ~~914.09~~ Compensation of witness summoned in two or  
3765 more criminal cases.--A witness subpoenaed in two or more  
3766 criminal cases pending at the same time shall be paid one charge  
3767 for per diem and mileage, but when the costs are taxed against  
3768 the defendant, a witness may charge the full amount in each  
3769 case.

3770 Section 80. Effective July 1, 2004, section 125.69,  
3771 Florida Statutes, is amended to read:

3772 125.69 Penalties; enforcement by code inspectors.--

3773 (1) Violations of county ordinances shall be prosecuted in  
3774 the same manner as misdemeanors are prosecuted. Such violations  
3775 shall be prosecuted in the name of the county ~~state~~ in a court  
3776 having jurisdiction of misdemeanors by the prosecuting attorney  
3777 thereof and upon conviction shall be punished by a fine not to  
3778 exceed \$500 or by imprisonment in the county jail not to exceed  
3779 60 days or by both such fine and imprisonment. However, a county  
3780 may specify, by ordinance, a violation of a county ordinance  
3781 which is punishable by a fine in an amount exceeding \$500, but  
3782 not exceeding \$2,000 a day, if the county must have authority to  
3783 punish a violation of that ordinance by a fine in an amount  
3784 greater than \$500 in order for the county to carry out a  
3785 federally mandated program.



HB 0113A

2003

3786       (2) For the purpose of prosecuting violations of special  
3787 laws and county ordinances notwithstanding the prosecutorial  
3788 authority of the state attorney pursuant to s. 27.02(1), the  
3789 board of county commissioners of each county and the governing  
3790 board of each charter county may designate as the county's  
3791 prosecuting attorney an attorney employed by the county or a  
3792 contract attorney. Subject to the control and oversight of the  
3793 appointing authority, such attorney may employ assistants as  
3794 necessary. Such person shall have all powers exercisable by the  
3795 state attorney in the prosecution of violations of county  
3796 ordinances under this section as of June 30, 2004. Such person  
3797 shall be subject to suspension and removal by the Governor and  
3798 Senate from the exercise of prosecutorial powers in the same  
3799 manner as state attorneys.

3800       (3) Each county is authorized and required to pay any  
3801 attorney appointed by the court to represent a defendant  
3802 prosecuted under this section if the provision of an attorney at  
3803 public expense is required by the Constitution of the United  
3804 States or the Constitution of the State of Florida and if the  
3805 party is indigent as established pursuant to s. 27.52. In such  
3806 cases, the court shall appoint counsel to represent the  
3807 defendant in accordance with s. 27.40, and shall order the  
3808 county to pay the reasonable fees, expenses, and costs of such  
3809 defense.

3810       (4) The county shall bear all court fees and costs of any  
3811 prosecution under this section, and may, if it prevails, recover  
3812 the court fees and costs paid by it and the fees and expenses  
3813 paid to court-appointed counsel as part of its judgment. The  
3814 state shall bear no expense of actions brought under this





HB 0113A

2003

3815 section except those that it would bear in an ordinary civil  
3816 action between private parties in county court.

3817 ~~(5)(2)~~ The board of county commissioners of each county  
3818 may designate its agents or employees as code inspectors whose  
3819 duty it is to assure code compliance. Any person designated as a  
3820 code inspector may issue citations for violations of county  
3821 codes and ordinances, respectively, or subsequent amendments  
3822 thereto, when such code inspector has actual knowledge that a  
3823 violation has been committed.

3824 (a) Prior to issuing a citation, a code inspector shall  
3825 provide notice to the violator that the violator has committed a  
3826 violation of a code or ordinance and shall establish a  
3827 reasonable time period within which the violator must correct  
3828 the violation. Such time period shall be no more than 30 days.  
3829 If, upon personal investigation, a code inspector finds that the  
3830 violator has not corrected the violation within the time period,  
3831 a code inspector may issue a citation to the violator. A code  
3832 inspector does not have to provide the violator with a  
3833 reasonable time period to correct the violation prior to issuing  
3834 a citation and may immediately issue a citation if the code  
3835 inspector has reason to believe that the violation presents a  
3836 serious threat to the public health, safety, or welfare, or if  
3837 the violation is irreparable or irreversible.

3838 (b) A citation issued by a code inspector shall state the  
3839 date and time of issuance, name and address of the person in  
3840 violation, date of the violation, section of the codes or  
3841 ordinances, or subsequent amendments thereto, violated, name of  
3842 the code inspector, and date and time when the violator shall  
3843 appear in county court.



HB 0113A

2003

3844 (c) If a repeat violation is found subsequent to the  
3845 issuance of a citation, the code inspector is not required to  
3846 give the violator a reasonable time to correct the violation and  
3847 may immediately issue a citation. For purposes of this  
3848 subsection, the term "repeat violation" means a violation of a  
3849 provision of a code or ordinance by a person who has previously  
3850 been found to have violated the same provision within 5 years  
3851 prior to the violation, notwithstanding the violations occurred  
3852 at different locations.

3853 (d) If the owner of property which is subject to an  
3854 enforcement proceeding before county court transfers ownership  
3855 of such property between the time the initial citation or  
3856 citations are issued and the date the violator has been summoned  
3857 to appear in county court, such owner shall:

3858 1. Disclose, in writing, the existence and the nature of  
3859 the proceeding to the prospective transferee.

3860 2. Deliver to the prospective transferee a copy of the  
3861 pleadings, notices, and other materials relating to the county  
3862 court proceeding received by the transferor.

3863 3. Disclose, in writing, to the prospective transferee  
3864 that the new owner will be responsible for compliance with the  
3865 applicable code and with orders issued in the county court  
3866 proceeding.

3867 4. File a notice with the code enforcement official of the  
3868 transfer of the property, with the identity and address of the  
3869 new owner and copies of the disclosures made to the new owner,  
3870 within 5 days after the date of the transfer.

3871  
3872 A failure to make the disclosure described in subparagraphs 1.,  
3873 2., and 3. before the transfer creates a rebuttable presumption



HB 0113A

2003

3874 of fraud. If the property is transferred before the date the  
3875 violator has been summoned to appear in county court, the  
3876 proceeding shall not be dismissed but the new owner will be  
3877 substituted as the party of record and thereafter provided a  
3878 reasonable period of time to correct the violation before the  
3879 continuation of proceedings in county court.

3880 (e) If the code inspector has reason to believe a  
3881 violation or the condition causing the violation presents a  
3882 serious threat to the public health, safety, and welfare or if  
3883 the violation is irreparable or irreversible in nature, or if  
3884 after attempts under this section to bring a repeat violation  
3885 into compliance with a provision of a code or ordinance prove  
3886 unsuccessful, the local governing body may make all reasonable  
3887 repairs which are required to bring the property into compliance  
3888 and charge the owner with the reasonable cost of the repairs  
3889 along with the fine imposed pursuant to this section. Making  
3890 such repairs does not create a continuing obligation on the part  
3891 of the local governing body to make further repairs or to  
3892 maintain the property and does not create any liability against  
3893 the local governing body for any damages to the property if such  
3894 repairs were completed in good faith.

3895 (f) Nothing in this subsection shall be construed to  
3896 authorize any person designated as a code inspector to perform  
3897 any function or duties of a law enforcement officer other than  
3898 as specified in this subsection. A code inspector shall not make  
3899 physical arrests or take any person into custody and shall be  
3900 exempt from requirements relating to the Special Risk Class of  
3901 the Florida Retirement System, bonding, and the Criminal Justice  
3902 Standards and Training Commission, as defined and provided by  
3903 general law.



HB 0113A

2003

3904 (g) The provisions of this subsection shall not apply to  
 3905 the enforcement pursuant to ss. 553.79 and 553.80 of the Florida  
 3906 Building Code adopted pursuant to s. 553.73 as applied to  
 3907 construction, provided that a building permit is either not  
 3908 required or has been issued by the county.

3909 (h) The provisions of this subsection may be used by a  
 3910 county in lieu of the provisions of part II of chapter 162.

3911 (i) The provisions of this subsection are additional or  
 3912 supplemental means of enforcing county codes and ordinances.  
 3913 Except as provided in paragraph (h), nothing in this subsection  
 3914 shall prohibit a county from enforcing its codes or ordinances  
 3915 by any other means.

3916 Section 81. Effective July 1, 2004, section 142.01,  
 3917 Florida Statutes, is amended to read:

3918 142.01 Fine and forfeiture fund ~~contents~~.--There shall be  
 3919 established by the clerk of the circuit court in each every  
 3920 county of this state a separate fund to be known as the fine and  
 3921 forfeiture fund for use by the clerk of the circuit court in  
 3922 performing court-related functions. The ~~Said~~ fund shall consist  
 3923 of all fines and forfeitures collected by the clerk of the court  
 3924 for violations of in the county under the penal or traffic laws  
 3925 of the state, except those fines imposed under s. 775.0835(1);  
 3926 allocations of court costs and civil penalties pursuant to ss.  
 3927 318.18 and 318.21; and assessments imposed under ss. 938.21,  
 3928 938.23, and 938.25; and all costs refunded to the county.; ~~all~~  
 3929 ~~funds arising from the hire or other disposition of convicts;~~  
 3930 ~~and the proceeds of any special tax that may be levied by the~~  
 3931 ~~county commissioners for expenses of criminal prosecutions. Said~~  
 3932 ~~funds shall be paid out only for criminal expenses, fees, and~~  
 3933 ~~costs, where the crime was committed in the county and the fees~~



HB 0113A

2003

3934 ~~and costs are a legal claim against the county, in accordance~~  
 3935 ~~with the provisions of this chapter. Any surplus funds remaining~~  
 3936 ~~in the fine and forfeiture fund at the end of a fiscal year may~~  
 3937 ~~be transferred to the county general fund.~~

3938 Section 82. Effective July 1, 2004, section 142.02,  
 3939 Florida Statutes, is amended to read:

3940 142.02 Levy of a special tax.--The board of county  
 3941 commissioners of every county may levy a special tax, not to  
 3942 exceed 2 mills, upon the real and personal property of the  
 3943 respective counties, to be assessed and collected as other  
 3944 county taxes are assessed and collected, for such costs of  
 3945 criminal prosecutions. Proceeds of the special tax funds shall  
 3946 be paid out only for criminal expenses, fees, and costs, if the  
 3947 crime was committed in the county, and the fees and costs are a  
 3948 legal claim against the county, in accordance with the  
 3949 provisions of this chapter. Any surplus funds remaining from the  
 3950 tax to fund criminal prosecutions at the end of a fiscal year  
 3951 may be transferred to the county general revenue fund.

3952 Section 83. Effective July 1, 2004, section 142.03,  
 3953 Florida Statutes, is amended to read:

3954 142.03 Disposition of fines, forfeitures, and civil  
 3955 penalties.--Except as to fines, forfeitures, and civil penalties  
 3956 collected in cases involving violations of municipal ordinances,  
 3957 violations of chapter 316 committed within a municipality, or  
 3958 infractions under the provisions of chapter 318 committed within  
 3959 a municipality, in which cases such fines, forfeitures, and  
 3960 civil penalties shall be fully paid monthly to the appropriate  
 3961 municipality as provided in ss. 34.191, 316.660, and 318.21, and  
 3962 except as to fines imposed under s. 775.0835(1), and assessments  
 3963 imposed under ss. 938.21, 938.23, and 938.25, all fines imposed



HB 0113A

2003

3964 under the penal laws of this state in all other cases, and the  
 3965 proceeds of all forfeited bail bonds or recognizances in all  
 3966 other cases, shall be paid into the fine and forfeiture fund of  
 3967 the clerk of the county in which the indictment was found or the  
 3968 prosecution commenced, and judgment must be entered therefor in  
 3969 favor of the state for the use by the clerk of the circuit court  
 3970 in performing court-related functions ~~of the particular county.~~

3971 Section 84. Effective July 1, 2004, section 142.15,  
 3972 Florida Statutes, is amended to read:

3973 142.15 Prisoner confined in different county.--Where the  
 3974 prisoner is confined in the jail of a different county from the  
 3975 one in which the crime was committed, then the sheriff's bill  
 3976 for feeding such prisoner shall be presented to the board of  
 3977 county commissioners of the county in which the crime is alleged  
 3978 to have been committed, and paid by such county. If the sheriff  
 3979 should subsequently collect any such fees for feeding a  
 3980 prisoner, he or she shall pay the same to the county in which  
 3981 the crime is alleged to have been committed ~~depository, to go~~  
 3982 ~~into the fine and forfeiture fund. The county commissioners~~  
 3983 ~~shall see that there is always set aside and retained in the~~  
 3984 ~~fine and forfeiture fund out of the moneys collected from the~~  
 3985 ~~special tax authorized to be collected for such fund, enough~~  
 3986 ~~cash to pay for keeping and feeding such prisoners.~~

3987 Section 85. Effective July 1, 2004, section 142.16,  
 3988 Florida Statutes, is amended to read:

3989 142.16 Change of venue.--In case of change of venue in any  
 3990 case, all fines and forfeitures in such case go to the clerk in  
 3991 the county in which the case was adjudicated ~~indictment was~~  
 3992 ~~found, and the fees of all officers and witnesses are a charge~~  
 3993 ~~upon the county in which the indictment was found, in like~~



HB 0113A

2003

3994 ~~manner as if the trial had not been removed. All costs and fees~~  
 3995 ~~arising from the coroner's inquest shall be a charge upon the~~  
 3996 ~~county where the inquest is held, and shall be payable from the~~  
 3997 ~~general revenue fund of the county.~~

3998 Section 86. Effective July 1, 2004, subsection (3) of  
 3999 section 145.022, Florida Statutes, is amended to read:

4000 145.022 Guaranteed salary upon resolution of board of  
 4001 county commissioners.--

4002 (3) This section shall not apply to county property  
 4003 appraisers or clerks of the circuit and county courts in the  
 4004 performance of their court-related functions.

4005 Section 87. Effective July 1, 2004, section 162.30,  
 4006 Florida Statutes, is created to read:

4007 162.30 Civil actions to enforce county and municipal  
 4008 ordinances.--In addition to other provisions of law authorizing  
 4009 the enforcement of county and municipal codes and ordinances, a  
 4010 county or municipality may enforce any violation of a county or  
 4011 municipal code or ordinance by filing a civil action in the same  
 4012 manner as instituting a civil action. The action shall be  
 4013 brought in county or circuit court, whichever is appropriate  
 4014 depending upon the relief sought. Counties and municipalities  
 4015 are authorized and required to pay any counsel appointed by the  
 4016 court to represent a private party in such action if the  
 4017 provision of counsel at public expense is required by the  
 4018 Constitution of the United States or the Constitution of the  
 4019 State of Florida and if the party is indigent as established  
 4020 pursuant to s. 27.52. The county or municipality shall bear all  
 4021 court fees and costs of any such action, and may, if it  
 4022 prevails, recover the court fees and costs and expense of the  
 4023 court-appointed counsel as part of its judgment. The state shall



HB 0113A

2003

4024 bear no expense of actions brought under this section except  
 4025 those that it would bear in an ordinary civil action between  
 4026 private parties in county court.

4027 Section 88. Effective July 1, 2004, section 197.532,  
 4028 Florida Statutes, is amended to read:

4029 197.532 Fees for mailing additional notices, when  
 4030 application is made by holder.--When the certificateholder makes  
 4031 a written request of the clerk and furnishes the names and  
 4032 addresses at the time of the filing of the application, the  
 4033 clerk shall send a copy of the notice referred to in s. 197.522  
 4034 to anyone to whom the certificateholder may request him or her  
 4035 to send it, and the clerk shall include in such notice the  
 4036 statement required in s. 197.522. The certificateholder shall  
 4037 pay the clerk the service charges as prescribed in s.  
 4038 28.24(5)~~(8)~~ for preparing and mailing each copy of notice  
 4039 requested by the holder. When the charges are made, they shall  
 4040 be added by the clerk to the amount required to redeem the land  
 4041 from sale.

4042 Section 89. Effective July 1, 2004, subsection (3) of  
 4043 section 197.542, Florida Statutes, is amended to read:

4044 197.542 Sale at public auction.--

4045 (3) If the sale is canceled for any reason, the clerk  
 4046 shall immediately readvertise the sale to be held no later than  
 4047 30 days after the date the sale was canceled. Only one  
 4048 advertisement is necessary. No further notice is required. The  
 4049 amount of the statutory (opening) bid shall be increased by the  
 4050 cost of advertising, additional clerk's fees as provided for in  
 4051 s. 28.24(21)~~(26)~~, and interest as provided for in subsection  
 4052 (1). The clerk shall receive full payment prior to the issuance  
 4053 of the tax deed.





HB 0113A

2003

4054 Section 90. Effective July 1, 2004, subsection (2) of  
 4055 section 197.582, Florida Statutes, is amended to read:

4056 197.582 Disbursement of proceeds of sale.--

4057 (2) If the property is purchased for an amount in excess  
 4058 of the statutory bid of the certificateholder, the excess shall  
 4059 be paid over and disbursed by the clerk. If the property  
 4060 purchased is homestead property and the statutory bid includes  
 4061 an amount equal to at least one-half of the assessed value of  
 4062 the homestead, that amount shall be treated as excess and  
 4063 distributed in the same manner. The clerk shall distribute the  
 4064 excess to the governmental units for the payment of any lien of  
 4065 record held by a governmental unit against the property. In the  
 4066 event the excess is not sufficient to pay all of such liens in  
 4067 full, the excess shall then be paid to each governmental unit  
 4068 pro rata. If, after all liens of record of the governmental  
 4069 units upon the property are paid in full, there remains a  
 4070 balance of undistributed funds, the balance of the purchase  
 4071 price shall be retained by the clerk for the benefit of the  
 4072 persons described in s. 197.522(1)(a), as their interests may  
 4073 appear. The clerk shall mail notices to such persons notifying  
 4074 them of the funds held for their benefit. Any service charges,  
 4075 at the same rate as prescribed in s. 28.24 (10)~~(13)~~, and costs of  
 4076 mailing notices shall be paid out of the excess balance held by  
 4077 the clerk. Excess proceeds shall be held and disbursed in the  
 4078 same manner as unclaimed redemption moneys in s. 197.473. In the  
 4079 event excess proceeds are not sufficient to cover the service  
 4080 charges and mailing costs, the clerk shall receive the total  
 4081 amount of excess proceeds as a service charge.



HB 0113A

2003

4082 Section 91. Effective July 1, 2004, paragraph (d) of  
 4083 subsection (2) of section 212.055, Florida Statutes, is amended  
 4084 to read:

4085 212.055 Discretionary sales surtaxes; legislative intent;  
 4086 authorization and use of proceeds.--It is the legislative intent  
 4087 that any authorization for imposition of a discretionary sales  
 4088 surtax shall be published in the Florida Statutes as a  
 4089 subsection of this section, irrespective of the duration of the  
 4090 levy. Each enactment shall specify the types of counties  
 4091 authorized to levy; the rate or rates which may be imposed; the  
 4092 maximum length of time the surtax may be imposed, if any; the  
 4093 procedure which must be followed to secure voter approval, if  
 4094 required; the purpose for which the proceeds may be expended;  
 4095 and such other requirements as the Legislature may provide.  
 4096 Taxable transactions and administrative procedures shall be as  
 4097 provided in s. 212.054.

4098 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.

4099 (d)1. The proceeds of the surtax authorized by this  
 4100 subsection and any interest accrued thereto shall be expended by  
 4101 the school district or within the county and municipalities  
 4102 within the county, or, in the case of a negotiated joint county  
 4103 agreement, within another county, to finance, plan, and  
 4104 construct infrastructure and to acquire land for public  
 4105 recreation or conservation or protection of natural resources  
 4106 and to finance the closure of county-owned or municipally owned  
 4107 solid waste landfills that are already closed or are required to  
 4108 close by order of the Department of Environmental Protection.  
 4109 Any use of such proceeds or interest for purposes of landfill  
 4110 closure prior to July 1, 1993, is ratified. Neither the proceeds  
 4111 nor any interest accrued thereto shall be used for operational



HB 0113A

2003

4112 expenses of any infrastructure, except that any county with a  
4113 population of less than 75,000 that is required to close a  
4114 landfill by order of the Department of Environmental Protection  
4115 may use the proceeds or any interest accrued thereto for long-  
4116 term maintenance costs associated with landfill closure.  
4117 Counties, as defined in s. 125.011(1), and charter counties may,  
4118 in addition, use the proceeds and any interest accrued thereto  
4119 to retire or service indebtedness incurred for bonds issued  
4120 prior to July 1, 1987, for infrastructure purposes, and for  
4121 bonds subsequently issued to refund such bonds. Any use of such  
4122 proceeds or interest for purposes of retiring or servicing  
4123 indebtedness incurred for such refunding bonds prior to July 1,  
4124 1999, is ratified.

4125 2. For the purposes of this paragraph, "infrastructure"  
4126 means:

4127 a. Any fixed capital expenditure or fixed capital outlay  
4128 associated with the construction, reconstruction, or improvement  
4129 of public facilities which have a life expectancy of 5 or more  
4130 years and any land acquisition, land improvement, design, and  
4131 engineering costs related thereto.

4132 b. A fire department vehicle, an emergency medical service  
4133 vehicle, a sheriff's office vehicle, a police department  
4134 vehicle, or any other vehicle, and such equipment necessary to  
4135 outfit the vehicle for its official use or equipment that has a  
4136 life expectancy of at least 5 years.

4137 c. Any expenditure for the construction, lease, or  
4138 maintenance of, or provision of utilities or security for,  
4139 facilities as defined in s. 29.008.

4140 3. Notwithstanding any other provision of this subsection,  
4141 a discretionary sales surtax imposed or extended after the



HB 0113A

2003

4142 effective date of this act may provide for an amount not to  
4143 exceed 15 percent of the local option sales surtax proceeds to  
4144 be allocated for deposit to a trust fund within the county's  
4145 accounts created for the purpose of funding economic development  
4146 projects of a general public purpose targeted to improve local  
4147 economies, including the funding of operational costs and  
4148 incentives related to such economic development. The ballot  
4149 statement must indicate the intention to make an allocation  
4150 under the authority of this subparagraph.

4151 Section 92. Effective July 1, 2004, paragraph (d) of  
4152 subsection (6) of section 212.20, Florida Statutes, as amended  
4153 by section 1 of chapter 2002-291, Laws of Florida, is amended to  
4154 read:

4155 212.20 Funds collected, disposition; additional powers of  
4156 department; operational expense; refund of taxes adjudicated  
4157 unconstitutionally collected.--

4158 (6) Distribution of all proceeds under this chapter and s.  
4159 202.18(1)(b) and (2)(b) shall be as follows:

4160 (d) The proceeds of all other taxes and fees imposed  
4161 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)  
4162 and (2)(b) shall be distributed as follows:

4163 1. In any fiscal year, the greater of \$500 million, minus  
4164 an amount equal to 4.6 percent of the proceeds of the taxes  
4165 collected pursuant to chapter 201, or 5 percent of all other  
4166 taxes and fees imposed pursuant to this chapter or remitted  
4167 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in  
4168 monthly installments into the General Revenue Fund.

4169 2. Two-tenths of one percent shall be transferred to the  
4170 Ecosystem Management and Restoration Trust Fund to be used for  
4171 water quality improvement and water restoration projects.



HB 0113A

2003

4172 3. After the distribution under subparagraphs 1. and 2.,  
4173 8.814 ~~9.653~~ percent of the amount remitted by a sales tax dealer  
4174 located within a participating county pursuant to s. 218.61  
4175 shall be transferred into the Local Government Half-cent Sales  
4176 Tax Clearing Trust Fund.

4177 4. After the distribution under subparagraphs 1., 2., and  
4178 3., 0.095 ~~0.065~~ percent shall be transferred to the Local  
4179 Government Half-cent Sales Tax Clearing Trust Fund and  
4180 distributed pursuant to s. 218.65.

4181 5. ~~For proceeds received after July 1, 2000, and~~ After the  
4182 distributions under subparagraphs 1., 2., 3., and 4., 2.0440  
4183 ~~2.25~~ percent of the available proceeds pursuant to this  
4184 paragraph shall be transferred monthly to the Revenue Sharing  
4185 Trust Fund for Counties pursuant to s. 218.215.

4186 6. ~~For proceeds received after July 1, 2000, and~~ After the  
4187 distributions under subparagraphs 1., 2., 3., and 4., 1.3409  
4188 ~~1.0715~~ percent of the available proceeds pursuant to this  
4189 paragraph shall be transferred monthly to the Revenue Sharing  
4190 Trust Fund for Municipalities pursuant to s. 218.215. If the  
4191 total revenue to be distributed pursuant to this subparagraph is  
4192 at least as great as the amount due from the Revenue Sharing  
4193 Trust Fund for Municipalities and the Municipal Financial  
4194 Assistance Trust Fund in state fiscal year 1999-2000, no  
4195 municipality shall receive less than the amount due from the  
4196 Revenue Sharing Trust Fund for Municipalities and the Municipal  
4197 Financial Assistance Trust Fund in state fiscal year 1999-2000.  
4198 If the total proceeds to be distributed are less than the amount  
4199 received in combination from the Revenue Sharing Trust Fund for  
4200 Municipalities and the Municipal Financial Assistance Trust Fund  
4201 in state fiscal year 1999-2000, each municipality shall receive



HB 0113A

2003

4202 an amount proportionate to the amount it was due in state fiscal  
 4203 year 1999-2000.

4204 7. Of the remaining proceeds:

4205 a. ~~Beginning July 1, 2000, and~~ In each fiscal year  
 4206 ~~thereafter~~, the sum of \$29,915,500 shall be divided into as many  
 4207 equal parts as there are counties in the state, and one part  
 4208 shall be distributed to each county. The distribution among the  
 4209 several counties shall begin each fiscal year on or before  
 4210 January 5th and shall continue monthly for a total of 4 months.

4211 If a local or special law required that any moneys accruing to  
 4212 a county in fiscal year 1999-2000 under the then-existing  
 4213 provisions of s. 550.135 be paid directly to the district school  
 4214 board, special district, or a municipal government, such payment  
 4215 shall continue until such time that the local or special law is  
 4216 amended or repealed. The state covenants with holders of bonds  
 4217 or other instruments of indebtedness issued by local  
 4218 governments, special districts, or district school boards prior  
 4219 to July 1, 2000, that it is not the intent of this subparagraph  
 4220 to adversely affect the rights of those holders or relieve local  
 4221 governments, special districts, or district school boards of the  
 4222 duty to meet their obligations as a result of previous pledges  
 4223 or assignments or trusts entered into which obligated funds  
 4224 received from the distribution to county governments under then-  
 4225 existing s. 550.135. This distribution specifically is in lieu  
 4226 of funds distributed under s. 550.135 prior to July 1, 2000.

4227 b. The department shall distribute \$166,667 monthly  
 4228 pursuant to s. 288.1162 to each applicant that has been  
 4229 certified as a "facility for a new professional sports  
 4230 franchise" or a "facility for a retained professional sports  
 4231 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be



HB 0113A

2003

4232 distributed monthly by the department to each applicant that has  
4233 been certified as a "facility for a retained spring training  
4234 franchise" pursuant to s. 288.1162; however, not more than  
4235 \$208,335 may be distributed monthly in the aggregate to all  
4236 certified facilities for a retained spring training franchise.  
4237 Distributions shall begin 60 days following such certification  
4238 and shall continue for not more than 30 years. Nothing contained  
4239 in this paragraph shall be construed to allow an applicant  
4240 certified pursuant to s. 288.1162 to receive more in  
4241 distributions than actually expended by the applicant for the  
4242 public purposes provided for in s. 288.1162(6). However, a  
4243 certified applicant is entitled to receive distributions up to  
4244 the maximum amount allowable and undistributed under this  
4245 section for additional renovations and improvements to the  
4246 facility for the franchise without additional certification.

4247 c. Beginning 30 days after notice by the Office of  
4248 Tourism, Trade, and Economic Development to the Department of  
4249 Revenue that an applicant has been certified as the professional  
4250 golf hall of fame pursuant to s. 288.1168 and is open to the  
4251 public, \$166,667 shall be distributed monthly, for up to 300  
4252 months, to the applicant.

4253 d. Beginning 30 days after notice by the Office of  
4254 Tourism, Trade, and Economic Development to the Department of  
4255 Revenue that the applicant has been certified as the  
4256 International Game Fish Association World Center facility  
4257 pursuant to s. 288.1169, and the facility is open to the public,  
4258 \$83,333 shall be distributed monthly, for up to 168 months, to  
4259 the applicant. This distribution is subject to reduction  
4260 pursuant to s. 288.1169. A lump sum payment of \$999,996 shall  
4261 be made, after certification and before July 1, 2000.



HB 0113A

2003

4262 8. All other proceeds shall remain with the General  
 4263 Revenue Fund.

4264 Section 93. Effective July 1, 2004, subsection (6) of  
 4265 section 218.21, Florida Statutes, is amended to read:

4266 218.21 Definitions.--As used in this part, the following  
 4267 words and terms shall have the meanings ascribed them in this  
 4268 section, except where the context clearly indicates a different  
 4269 meaning:

4270 (6) "Guaranteed entitlement" means the amount of revenue  
 4271 which must be shared with an eligible unit of local government  
 4272 so that:

4273 (a) No eligible county shall receive less funds from the  
 4274 Revenue Sharing Trust Fund for Counties in any fiscal year than  
 4275 the amount received in the aggregate from the state in fiscal  
 4276 year 1971-1972 under the provisions of the then-existing s.  
 4277 210.20(2)(c), tax on cigarettes; the then-existing s. 323.16(4),  
 4278 road tax; and the then-existing s. 199.292(4), tax on intangible  
 4279 personal property.

4280 (b) No eligible municipality shall receive less funds from  
 4281 the Revenue Sharing Trust Fund for Municipalities in any fiscal  
 4282 year than the aggregate amount it received from the state in  
 4283 fiscal year 1971-1972 under the provisions of the then-existing  
 4284 s. 210.20(2)(a), tax on cigarettes; the then-existing s.  
 4285 323.16(3), road tax; and s. 206.605, tax on motor fuel. Any  
 4286 government exercising municipal powers under s. 6(f), Art. VIII  
 4287 of the State Constitution may not receive less than the  
 4288 aggregate amount it received from the Revenue Sharing Trust Fund  
 4289 for Municipalities in the ~~preceding fiscal year, plus a~~  
 4290 ~~percentage increase in such amount equal to the percentage~~





HB 0113A

2003

4291 ~~increase of the Revenue Sharing Trust Fund for Municipalities~~  
 4292 ~~for the preceding 2003-2004~~ fiscal year.

4293 Section 94. Effective July 1, 2004, subsection (4) is  
 4294 added to section 218.25, Florida Statutes, to read:

4295 218.25 Limitation of shared funds; holders of bonds  
 4296 protected; limitation on use of second guaranteed entitlement  
 4297 for counties.--

4298 (4) Notwithstanding subsections (1) and (2), a county may  
 4299 assign, pledge, or set aside as a trust for the payment of  
 4300 principal or interest on bonds, tax anticipation certificates,  
 4301 or any other form of indebtedness an amount up to 50 percent of  
 4302 the funds received in the prior year.

4303 Section 95. Effective July 1, 2004, subsection (2) of  
 4304 section 218.35, Florida Statutes, is amended to read:

4305 218.35 County fee officers; financial matters.--

4306 (2) The clerk of the circuit court, functioning in his or  
 4307 her capacity as clerk of the circuit and county courts and as  
 4308 clerk of the board of county commissioners, shall prepare his or  
 4309 her budget in two parts:

4310 (a) The budget for funds necessary to perform court-  
 4311 related functions as provided for in s. 28.36, which shall  
 4312 detail the methodologies used to apportion costs between court-  
 4313 related and non-court-related functions performed by the clerk.  
 4314 ~~The budget relating to the state courts system, including~~  
 4315 ~~recording, which shall be filed with the State Courts~~  
 4316 ~~Administrator as well as with the board of county commissioners;~~  
 4317 ~~and~~

4318 (b) The budget relating to the requirements of the clerk  
 4319 as clerk of the board of county commissioners, county auditor,



HB 0113A

2003

4320 and custodian or treasurer of all county funds and other county-  
 4321 related duties.

4322 Section 96. Effective July 1, 2004, paragraph (b) of  
 4323 subsection (1) and subsection (2) of section 318.15, Florida  
 4324 Statutes, are amended to read:

4325 318.15 Failure to comply with civil penalty or to appear;  
 4326 penalty.--

4327 (1)

4328 (b) However, a person who elects to attend driver  
 4329 improvement school and has paid the civil penalty as provided in  
 4330 s. 318.14(9), but who subsequently fails to attend the driver  
 4331 improvement school within the time specified by the court shall  
 4332 be deemed to have admitted the infraction and shall be  
 4333 adjudicated guilty. In such case the person must pay the clerk  
 4334 of the court the 18 percent deducted pursuant to s. 318.14(9),  
 4335 and a ~~\$10~~ processing fee of up to \$15, after which no additional  
 4336 penalties, court costs, or surcharges shall be imposed for the  
 4337 violation. The clerk of the court shall notify the department of  
 4338 the person's failure to attend driver improvement school and  
 4339 points shall be assessed pursuant to s. 322.27.

4340 (2) After suspension of the driver's license and privilege  
 4341 to drive of a person under subsection (1), the license and  
 4342 privilege may not be reinstated until the person complies with  
 4343 all obligations and penalties imposed on him or her under s.  
 4344 318.18 and presents to a driver license office a certificate of  
 4345 compliance issued by the court, together with a ~~the~~ ~~\$25~~  
 4346 nonrefundable service fee of up to \$37.50 imposed under s.  
 4347 322.29, or pays the aforementioned ~~\$25~~ service fee of up to  
 4348 \$37.50 to the clerk of the court or tax collector clearing such



HB 0113A

2003

4349 suspension. Such person shall also be in compliance with  
4350 requirements of chapter 322 prior to reinstatement.

4351 Section 97. Effective July 1, 2004, subsection (2),  
4352 paragraphs (c), (d), (e), and (f) of subsection (3), and  
4353 subsections (6), (7), and (11) of section 318.18, Florida  
4354 Statutes, are amended to read:

4355 318.18 Amount of civil penalties.--The penalties required  
4356 for a noncriminal disposition pursuant to s. 318.14 are as  
4357 follows:

4358 (2) Thirty dollars for all nonmoving traffic violations  
4359 and:

4360 (a) For all violations of s. 322.19.

4361 (b) For all violations of ss. 320.0605, 320.07(1),  
4362 322.065, and 322.15(1). Any person who is cited for a violation  
4363 of s. 320.07(1) shall be charged a delinquent fee pursuant to s.  
4364 320.07(4).

4365 1. If a person who is cited for a violation of s. 320.0605  
4366 or s. 320.07 can show proof of having a valid registration at  
4367 the time of arrest, the clerk of the court may dismiss the case  
4368 and may assess a ~~\$5~~ dismissal fee of up to \$7.50. A person who  
4369 finds it impossible or impractical to obtain a valid  
4370 registration certificate must submit an affidavit detailing the  
4371 reasons for the impossibility or impracticality. The reasons may  
4372 include, but are not limited to, the fact that the vehicle was  
4373 sold, stolen, or destroyed; that the state in which the vehicle  
4374 is registered does not issue a certificate of registration; or  
4375 that the vehicle is owned by another person.

4376 2. If a person who is cited for a violation of s. 322.03,  
4377 s. 322.065, or s. 322.15 can show a driver's license issued to  
4378 him or her and valid at the time of arrest, the clerk of the



HB 0113A

2003

4379 court may dismiss the case and may assess a ~~\$5~~ dismissal fee of  
4380 up to \$7.50.

4381 3. If a person who is cited for a violation of s. 316.646  
4382 can show proof of security as required by s. 627.733, issued to  
4383 the person and valid at the time of arrest, the clerk of the  
4384 court may dismiss the case and may assess a ~~\$5~~ dismissal fee of  
4385 up to \$7.50. A person who finds it impossible or impractical to  
4386 obtain proof of security must submit an affidavit detailing the  
4387 reasons for the impracticality. The reasons may include, but are  
4388 not limited to, the fact that the vehicle has since been sold,  
4389 stolen, or destroyed; that the owner or registrant of the  
4390 vehicle is not required by s. 627.733 to maintain personal  
4391 injury protection insurance; or that the vehicle is owned by  
4392 another person.

4393 (c) For all violations of ss. 316.2935 and 316.610.  
4394 However, for a violation of s. 316.2935 or s. 316.610, if the  
4395 person committing the violation corrects the defect and obtains  
4396 proof of such timely repair by an affidavit of compliance  
4397 executed by the law enforcement agency within 30 days from the  
4398 date upon which the traffic citation was issued, and pays \$4 to  
4399 the law enforcement agency, thereby completing the affidavit of  
4400 compliance, then upon presentation of said affidavit by the  
4401 defendant to the clerk within the 30-day time period set forth  
4402 under s. 318.14(4), the fine must be reduced to \$7.50 ~~\$5~~, which  
4403 the clerk of the court shall retain.

4404 (d) For all violations of s. 316.126(1)(b), unless  
4405 otherwise specified.

4406 (3)

4407 (c) Notwithstanding paragraph (b), a person cited for  
4408 exceeding the speed limit by up to 5 m.p.h. in a legally posted



HB 0113A

2003

4409 school zone will be fined \$50. A person exceeding the speed  
4410 limit in a school zone shall pay ~~will be assessed~~ a fine double  
4411 the amount listed in paragraph (b).

4412 (d) A person cited for exceeding the speed limit in a  
4413 posted construction zone shall pay ~~will be assessed~~ a fine  
4414 double the amount listed in paragraph (b). The fine shall be  
4415 doubled for construction zone violations only if construction  
4416 personnel are present or operating equipment on the road or  
4417 immediately adjacent to the road under construction.

4418 (e) If a violation of s. 316.1301 or s. 316.1303 results  
4419 in an injury to the pedestrian or damage to the property of the  
4420 pedestrian, an additional fine of up to \$250 shall be paid ~~must~~  
4421 ~~be assessed~~. This amount must be distributed pursuant to s.  
4422 318.21.

4423 (f) A person cited for exceeding the speed limit within a  
4424 zone posted for any electronic or manual toll collection  
4425 facility shall pay ~~will be assessed~~ a fine double the amount  
4426 listed in paragraph (b). However, no person cited for exceeding  
4427 the speed limit in any toll collection zone shall be subject to  
4428 a doubled fine unless the governmental entity or authority  
4429 controlling the toll collection zone first installs a traffic  
4430 control device providing warning that speeding fines are  
4431 doubled. Any such traffic control device must meet the  
4432 requirements of the uniform system of traffic control devices.

4433 (6) One hundred dollars or the fine amount designated by  
4434 county ordinance, plus court costs for illegally parking, under  
4435 s. 316.1955, in a parking space provided for people who have  
4436 disabilities. However, this fine will be waived if a person  
4437 provides to the law enforcement agency that issued the citation  
4438 for such a violation proof that the person committing the



HB 0113A

2003

4439 violation has a valid parking permit or license plate issued  
 4440 pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845,  
 4441 or s. 320.0848 or a signed affidavit that the owner of the  
 4442 disabled parking permit or license plate was present at the time  
 4443 the violation occurred, and that such a parking permit or  
 4444 license plate was valid at the time the violation occurred. The  
 4445 law enforcement officer, upon determining that all required  
 4446 documentation has been submitted verifying that the required  
 4447 parking permit or license plate was valid at the time of the  
 4448 violation, must sign an affidavit of compliance. Upon provision  
 4449 of the affidavit of compliance and payment of a ~~\$5~~ dismissal fee  
 4450 of up to \$7.50 to the clerk of the circuit court, the clerk  
 4451 shall dismiss the citation.

4452 (7) One hundred dollars for a violation of s. 316.1001.  
 4453 However, a person may elect to pay \$30 to the clerk of the  
 4454 court, in which case adjudication is withheld, and no points are  
 4455 assessed under s. 322.27. Upon receipt of the fine, the clerk of  
 4456 the court must retain \$5 for administrative purposes and must  
 4457 forward the \$25 to the governmental entity that issued the  
 4458 citation. Any funds received by a governmental entity for this  
 4459 violation may be used for any lawful purpose related to the  
 4460 operation or maintenance of a toll facility.

4461 (11)(a) Court costs that are to be in addition to the  
 4462 stated fine must be paid ~~shall be imposed by the court~~ in an  
 4463 amount not less than the following and shall be deposited by the  
 4464 clerk into the fine and forfeiture fund established pursuant to  
 4465 s. 142.01:

4466  
 4467 For pedestrian infractions.....\$ 3.  
 4468 For nonmoving traffic infractions.....\$ 16 ~~\$ 6.~~



HB 0113A

2003

4469 For moving traffic infractions.....\$ 30 ~~\$ 10~~.

4470

4471 (b) In addition to the court cost required ~~assessed~~ under  
 4472 paragraph (a), ~~the court shall impose~~ a \$3 court cost must be  
 4473 paid for each infraction to be distributed as provided in s.  
 4474 938.01 and a \$2 court cost as provided in s. 938.15 when  
 4475 assessed by a municipality or county.

4476

4477 ~~Court costs imposed under this subsection may not exceed \$30. A~~  
 4478 ~~criminal justice selection center or other local criminal~~  
 4479 ~~justice access and assessment center may be funded from these~~  
 4480 ~~court costs.~~

4481 Section 98. Effective July 1, 2004, paragraphs (g) and (h)  
 4482 of subsection (2) of section 318.21, Florida Statutes, are  
 4483 amended to read:

4484 318.21 Disposition of civil penalties by county courts.--  
 4485 All civil penalties received by a county court pursuant to the  
 4486 provisions of this chapter shall be distributed and paid monthly  
 4487 as follows:

4488 (2) Of the remainder:

4489 (g)1. If the violation occurred within a municipality or a  
 4490 special improvement district of the Seminole Indian Tribe or  
 4491 Miccosukee Indian Tribe, 56.4 percent shall be paid to that  
 4492 municipality or special improvement district.

4493 2. If the violation occurred within the unincorporated  
 4494 area of a county that is not within a special improvement  
 4495 district of the Seminole Indian Tribe or Miccosukee Indian  
 4496 Tribe, 56.4 percent shall be deposited into the fine and  
 4497 forfeiture fund established pursuant to s. 142.01 ~~paid to that~~  
 4498 ~~county.~~



HB 0113A

2003

4499 (h) Fifteen percent must be deposited into the General  
4500 Revenue County Article V Trust Fund.

4501 Section 99. Effective July 1, 2004, section 318.325,  
4502 Florida Statutes, is amended to read:

4503 318.325 Jurisdiction and procedure for parking  
4504 infractions.--Any county or municipality may adopt an ordinance  
4505 that allows the county or municipality to refer cases involving  
4506 the violation of a county or municipal parking ordinance to a  
4507 hearing officer funded by the county or municipality ~~designated~~  
4508 ~~to preside over civil traffic infractions in the county.~~

4509 Notwithstanding the provisions of ss. 318.14 and 775.08(3), any  
4510 parking violation shall be deemed to be an infraction as defined  
4511 in s. 318.13(3). However, the violation must be enforced and  
4512 disposed of in accordance with the provisions of general law  
4513 applicable to parking violations and with the charter or code of  
4514 the county or municipality where the violation occurred. The  
4515 clerk of the court or the designated traffic violations bureau  
4516 must collect and distribute the fines, forfeitures, and court  
4517 costs assessed under this section. Notwithstanding the  
4518 provisions of s. 318.21, fines and forfeitures received from  
4519 parking violations committed within the unincorporated areas of  
4520 the county or within the boundaries of the municipality must be  
4521 collected and paid monthly to the county or municipality,  
4522 respectively. Court costs assessed by the hearing officer must  
4523 be paid to the county.

4524 Section 100. Effective July 1, 2004, subsection (1) of  
4525 section 322.245, Florida Statutes, is amended to read:

4526 322.245 Suspension of license upon failure of person  
4527 charged with specified offense under chapter 316, chapter 320,  
4528 or this chapter to comply with directives ordered by traffic





HB 0113A

2003

4529 court or upon failure to pay child support in non-IV-D cases as  
 4530 provided in chapter 61.--

4531 (1) If a person who is charged with a violation of any of  
 4532 the criminal offenses enumerated in s. 318.17 or with the  
 4533 commission of any offense constituting a misdemeanor under  
 4534 chapter 320 or this chapter fails to comply with all of the  
 4535 directives of the court within the time allotted by the court,  
 4536 the clerk of the traffic court shall mail to the person, at the  
 4537 address specified on the uniform traffic citation, a notice of  
 4538 such failure, notifying him or her that, if he or she does not  
 4539 comply with the directives of the court within 30 days after the  
 4540 date of the notice and pay a delinquency fee of up to \$15 ~~\$10~~ to  
 4541 the clerk, his or her driver's license will be suspended. The  
 4542 notice shall be mailed no later than 5 days after such failure.  
 4543 The delinquency fee may be retained by the office of the clerk  
 4544 to defray the operating costs of the office.

4545 Section 101. Effective July 1, 2004, paragraph (a) of  
 4546 subsection (9) of section 327.73, Florida Statutes, is amended  
 4547 to read:

4548 327.73 Noncriminal infractions.--

4549 (9)(a) Any person who fails to comply with the court's  
 4550 requirements or who fails to pay the civil penalties specified  
 4551 in this section within the 30-day period provided for in s.  
 4552 327.72 must pay an additional court cost of up to \$18 ~~\$12~~, which  
 4553 shall be used by the clerks of the courts to defray the costs of  
 4554 tracking unpaid uniform boating citations.

4555 Section 102. Effective July 1, 2004, section 382.023,  
 4556 Florida Statutes, is amended to read:

4557 382.023 Department to receive dissolution-of-marriage  
 4558 records; fees.--Clerks of the circuit courts shall collect for



HB 0113A

2003

4559 their services at the time of the filing of a final judgment of  
 4560 dissolution of marriage a fee of up to \$10.50 ~~\$7~~, of which 43  
 4561 percent ~~\$3~~ shall be retained by the circuit court as a part of  
 4562 the cost in the cause in which the judgment is granted. The  
 4563 remaining 57 percent ~~\$4~~ shall be remitted to the Department of  
 4564 Revenue for deposit to the Department of Health to defray part  
 4565 of the cost of maintaining the dissolution-of-marriage records.  
 4566 A record of each and every judgment of dissolution of marriage  
 4567 granted by the court during the preceding calendar month, giving  
 4568 names of parties and such other data as required by forms  
 4569 prescribed by the department, shall be transmitted to the  
 4570 department, on or before the 10th day of each month, along with  
 4571 an accounting of the funds remitted to the Department of Revenue  
 4572 pursuant to this section.

4573 Section 103. Effective July 1, 2004, paragraph (c) of  
 4574 subsection (4) of section 392.55, Florida Statutes, is amended  
 4575 to read:

4576 392.55 Physical examination and treatment.--

4577 (4) A warrant requiring a person to be apprehended or  
 4578 examined on an outpatient basis may not be issued unless:

4579 (c) The court advises the person of the right to have  
 4580 legal counsel present. If the person is insolvent and unable to  
 4581 employ counsel, the court shall appoint legal counsel for the  
 4582 person pursuant to the indigence ~~indigency~~ criteria in s. 27.52.

4583 Section 104. Effective July 1, 2004, paragraph (c) of  
 4584 subsection (3) of section 392.56, Florida Statutes, is amended  
 4585 to read:

4586 392.56 Hospitalization, placement, and residential  
 4587 isolation.--



HB 0113A

2003

4588 (3) A person may not be ordered by a circuit court to be  
4589 hospitalized, placed in another health care facility or  
4590 residential facility, or isolated from the general public in the  
4591 home, unless:

4592 (c) The court advises the person of the right to have  
4593 counsel present. If the person is insolvent and unable to employ  
4594 counsel, the court shall appoint legal counsel for the person  
4595 pursuant to the indigence ~~indigency~~ criteria in s. 27.52.

4596 Section 105. Effective July 1, 2004, section 394.473,  
4597 Florida Statutes, is amended to read:

4598 394.473 Attorney's fee; expert witness fee.--

4599 (1) In case of the indigence ~~indigency~~ of any person for  
4600 whom an attorney is appointed pursuant to the provisions of this  
4601 part, the attorney shall be entitled to a reasonable fee to be  
4602 determined by the court and paid from the general fund of the  
4603 county from which the patient was involuntarily detained. In  
4604 case of the indigence ~~indigency~~ of any such person, the court  
4605 may appoint a public defender. The public defender shall receive  
4606 no additional compensation other than that usually paid his or  
4607 her office.

4608 (2) In case of the indigence ~~indigency~~ of any person for  
4609 whom expert testimony is required in a court hearing pursuant to  
4610 the provisions of this act, the expert, except one who is  
4611 classified as a full-time employee of the state or who is  
4612 receiving remuneration from the state for his or her time in  
4613 attendance at the hearing, shall be entitled to a reasonable fee  
4614 to be determined by the court and paid from the general fund of  
4615 the county from which the patient was involuntarily detained.

4616 Section 106. Effective July 1, 2004, subsection (1) of  
4617 section 395.3025, Florida Statutes, is amended to read:



HB 0113A

2003

4618 395.3025 Patient and personnel records; copies;  
4619 examination.--

4620 (1) Any licensed facility shall, upon written request, and  
4621 only after discharge of the patient, furnish, in a timely  
4622 manner, without delays for legal review, to any person admitted  
4623 therein for care and treatment or treated thereat, or to any  
4624 such person's guardian, curator, or personal representative, or  
4625 in the absence of one of those persons, to the next of kin of a  
4626 decedent or the parent of a minor, or to anyone designated by  
4627 such person in writing, a true and correct copy of all patient  
4628 records, including X rays, and insurance information concerning  
4629 such person, which records are in the possession of the licensed  
4630 facility, provided the person requesting such records agrees to  
4631 pay a charge. The exclusive charge for copies of patient records  
4632 may include sales tax and actual postage, and, except for  
4633 nonpaper records which are subject to a charge not to exceed \$2  
4634 as provided in s. 28.24~~(6)~~~~(9)~~(c), may not exceed \$1 per page, as  
4635 provided in s. 28.24~~(5)~~~~(8)~~(a). A fee of up to \$1 may be charged  
4636 for each year of records requested. These charges shall apply to  
4637 all records furnished, whether directly from the facility or  
4638 from a copy service providing these services on behalf of the  
4639 facility. However, a patient whose records are copied or  
4640 searched for the purpose of continuing to receive medical care  
4641 is not required to pay a charge for copying or for the search.  
4642 The licensed facility shall further allow any such person to  
4643 examine the original records in its possession, or microforms or  
4644 other suitable reproductions of the records, upon such  
4645 reasonable terms as shall be imposed to assure that the records  
4646 will not be damaged, destroyed, or altered.



HB 0113A

2003

4647 Section 107. Effective July 1, 2004, section 397.334,  
4648 Florida Statutes, is amended to read:

4649 397.334 Treatment-based drug court programs.--

4650 ~~(1) It is the intent of the Legislature to implement~~  
4651 ~~treatment-based drug court programs in each judicial circuit in~~  
4652 ~~an effort to reduce crime and recidivism, abuse and neglect~~  
4653 ~~eases, and family dysfunction by breaking the cycle of addiction~~  
4654 ~~which is the most predominant cause of cases entering the~~  
4655 ~~justice system. The Legislature recognizes that the integration~~  
4656 ~~of judicial supervision, treatment, accountability, and~~  
4657 ~~sanctions greatly increases the effectiveness of substance abuse~~  
4658 ~~treatment. The Legislature also seeks to ensure that there is a~~  
4659 ~~coordinated, integrated, and multidisciplinary response to the~~  
4660 ~~substance abuse problem in this state, with special attention~~  
4661 ~~given to creating partnerships between the public and private~~  
4662 ~~sectors and to the coordinated, supported, and integrated~~  
4663 ~~delivery of multiple system services for substance abusers,~~  
4664 ~~including a multiagency team approach to service delivery.~~

4665 (1)(2) Each county may fund judicial circuit shall  
4666 establish a model of a treatment-based drug court program under  
4667 which persons in the justice system assessed with a substance  
4668 abuse problem will be processed in such a manner as to  
4669 appropriately address the severity of the identified substance  
4670 abuse problem through treatment plans tailored to the individual  
4671 needs of the participant. ~~These treatment-based drug court~~  
4672 ~~program models may be established in the misdemeanor, felony,~~  
4673 ~~family, delinquency, and dependency divisions of the judicial~~  
4674 ~~circuits.~~ It is the intent of the Legislature to encourage the  
4675 Department of Corrections, the Department of Children and Family  
4676 Services, the Department of Juvenile Justice, the Department of



HB 0113A

2003

4677 Health, the Department of Law Enforcement, and such other  
4678 agencies, local governments, law enforcement agencies, and other  
4679 interested public or private sources to support the creation and  
4680 establishment of these problem-solving court programs.

4681 Participation in the treatment-based drug court programs does  
4682 not divest any public or private agency of its responsibility  
4683 for a child or adult, but allows these agencies to better meet  
4684 their needs through shared responsibility and resources.

4685 (2)~~(3)~~ The treatment-based drug court programs shall  
4686 include therapeutic jurisprudence principles and adhere to the  
4687 following 10 key components, recognized by the Drug Courts  
4688 Program Office of the Office of Justice Programs of the United  
4689 States Department of Justice and adopted by the Florida Supreme  
4690 Court Treatment-Based Drug Court Steering Committee:

4691 (a) Drug court programs integrate alcohol and other drug  
4692 treatment services with justice system case processing.

4693 (b) Using a nonadversarial approach, prosecution and  
4694 defense counsel promote public safety while protecting  
4695 participants' due process rights.

4696 (c) Eligible participants are identified early and  
4697 promptly placed in the drug court program.

4698 (d) Drug court programs provide access to a continuum of  
4699 alcohol, drug, and other related treatment and rehabilitation  
4700 services.

4701 (e) Abstinence is monitored by frequent testing for  
4702 alcohol and other drugs.

4703 (f) A coordinated strategy governs drug court program  
4704 responses to participants' compliance.

4705 (g) Ongoing judicial interaction with each drug court  
4706 program participant is essential.



HB 0113A

2003

4707 (h) Monitoring and evaluation measure the achievement of  
 4708 program goals and gauge program effectiveness.

4709 (i) Continuing interdisciplinary education promotes  
 4710 effective drug court program planning, implementation, and  
 4711 operations.

4712 (j) Forging partnerships among drug court programs, public  
 4713 agencies, and community-based organizations generates local  
 4714 support and enhances drug court program effectiveness.

4715 ~~(3)(4)~~ Treatment-based drug court programs may include  
 4716 pretrial intervention programs as provided in ss. 948.08,  
 4717 948.16, and 985.306.

4718 ~~(4)(5)~~(a) The Florida Association of Drug Court Program  
 4719 Professionals is created. The membership of the association may  
 4720 consist of drug court program practitioners who comprise the  
 4721 multidisciplinary drug court program team, including, but not  
 4722 limited to, judges, state attorneys, defense counsel, drug court  
 4723 program coordinators, probation officers, law enforcement  
 4724 officers, members of the academic community, and treatment  
 4725 professionals. Membership in the association shall be voluntary.

4726 (b) The association shall annually elect a chair whose  
 4727 duty is to solicit recommendations from members on issues  
 4728 relating to the expansion, operation, and institutionalization  
 4729 of drug court programs. The chair is responsible for providing  
 4730 the association's recommendations to the Supreme Court  
 4731 Treatment-Based Drug Court Steering Committee, and shall submit  
 4732 a report each year, on or before October 1, to the steering  
 4733 committee.

4734 (5) If a county chooses to fund a treatment-based drug  
 4735 court program, the county must secure funding from sources other  
 4736 than the state for those costs not otherwise assumed by the



HB 0113A

2003

4737 state pursuant to s. 29.004. Counties may provide, by interlocal  
 4738 agreement, for the collective funding of these programs.

4739 Section 108. Effective July 1, 2004, subsection (3) of  
 4740 section 712.06, Florida Statutes, is amended to read:

4741 712.06 Contents of notice; recording and indexing.--

4742 (3) The clerk of the circuit court shall, upon such  
 4743 filing, mail by registered or certified mail to the purported  
 4744 owner of said property, as stated in such notice, a copy thereof  
 4745 and shall enter on the original, before recording the same, a  
 4746 certificate showing such mailing. For preparing the certificate,  
 4747 the claimant shall pay to the clerk the service charge as  
 4748 prescribed in s. 28.24(8)~~(11)~~ and the necessary costs of  
 4749 mailing, in addition to the recording charges as prescribed in  
 4750 s. 28.24(12)~~(15)~~. If the notice names purported owners having  
 4751 more than one address, the person filing the same shall furnish  
 4752 a true copy for each of the several addresses stated, and the  
 4753 clerk shall send one such copy to the purported owners named at  
 4754 each respective address. Such certificate shall be sufficient if  
 4755 the same reads substantially as follows:

4756  
 4757 I hereby certify that I did on this \_\_\_\_\_, mail by  
 4758 registered (or certified) mail a copy of the foregoing notice to  
 4759 each of the following at the address stated:

4760 ... (Clerk of the circuit court) ...

4761 of \_\_\_\_\_ County, Florida,

4762 By ... (Deputy clerk) ...

4763

4764 The clerk of the circuit court is not required to mail to the  
 4765 purported owner of such property any such notice that pertains





HB 0113A

2003

4766 solely to the preserving of any covenant or restriction or any  
4767 portion of a covenant or restriction.

4768 Section 109. Effective July 1, 2004, subsection (1) of  
4769 section 713.24, Florida Statutes, is amended to read:

4770 713.24 Transfer of liens to security.--

4771 (1) Any lien claimed under this part may be transferred,  
4772 by any person having an interest in the real property upon which  
4773 the lien is imposed or the contract under which the lien is  
4774 claimed, from such real property to other security by either:

4775 (a) Depositing in the clerk's office a sum of money, or

4776 (b) Filing in the clerk's office a bond executed as surety  
4777 by a surety insurer licensed to do business in this state,

4778

4779 either to be in an amount equal to the amount demanded in such  
4780 claim of lien, plus interest thereon at the legal rate for 3  
4781 years, plus \$1,000 or 25 percent of the amount demanded in the  
4782 claim of lien, whichever is greater, to apply on any attorney's  
4783 fees and court costs that may be taxed in any proceeding to  
4784 enforce said lien. Such deposit or bond shall be conditioned to  
4785 pay any judgment or decree which may be rendered for the  
4786 satisfaction of the lien for which such claim of lien was  
4787 recorded. Upon making such deposit or filing such bond, the  
4788 clerk shall make and record a certificate showing the transfer  
4789 of the lien from the real property to the security and shall  
4790 mail a copy thereof by registered or certified mail to the  
4791 lienor named in the claim of lien so transferred, at the address  
4792 stated therein. Upon filing the certificate of transfer, the  
4793 real property shall thereupon be released from the lien claimed,  
4794 and such lien shall be transferred to said security. In the  
4795 absence of allegations of privity between the lienor and the



HB 0113A

2003

4796 owner, and subject to any order of the court increasing the  
 4797 amount required for the lien transfer deposit or bond, no other  
 4798 judgment or decree to pay money may be entered by the court  
 4799 against the owner. The clerk shall be entitled to a fee for  
 4800 making and serving the certificate, in the sum of up to \$15 ~~\$10~~.

4801 If the transaction involves the transfer of multiple liens, an  
 4802 additional charge of up to \$7.50 ~~\$5~~ for each additional lien  
 4803 shall be charged. For recording the certificate and approving  
 4804 the bond, the clerk shall receive her or his usual statutory  
 4805 service charges as prescribed in s. 28.24. Any number of liens  
 4806 may be transferred to one such security.

4807 Section 110. Effective July 1, 2004, subsection (3) is  
 4808 added to section 721.83, Florida Statutes, to read:

4809 721.83 Consolidation of foreclosure actions.--

4810 (3) The clerk of court shall require a plaintiff to pay  
 4811 separate filing fees and service charges as provided by general  
 4812 law for each defendant in a consolidated foreclosure action  
 4813 filed pursuant to this section.

4814 Section 111. Effective July 1, 2004, paragraph (c) of  
 4815 subsection (2) of section 741.30, Florida Statutes, is amended  
 4816 to read:

4817 741.30 Domestic violence; injunction; powers and duties of  
 4818 court and clerk; petition; notice and hearing; temporary  
 4819 injunction; issuance of injunction; statewide verification  
 4820 system; enforcement.--

4821 (2)

4822 (c)1. The clerk of the court shall assist petitioners in  
 4823 seeking both injunctions for protection against domestic  
 4824 violence and enforcement for a violation thereof as specified in  
 4825 this section.



HB 0113A

2003

4826 2. All clerks' offices shall provide simplified petition  
4827 forms for the injunction, any modifications, and the enforcement  
4828 thereof, including instructions for completion.

4829 3. The clerk of the court shall advise petitioners of the  
4830 opportunity to apply for a certificate of indigence ~~availability~~  
4831 ~~of affidavits of insolvency or indigence~~ in lieu of prepayment  
4832 ~~payment~~ for the cost of the filing fee, as provided in paragraph  
4833 (a).

4834 4. The clerk of the court shall ensure the petitioner's  
4835 privacy to the extent practical while completing the forms for  
4836 injunctions for protection against domestic violence.

4837 5. The clerk of the court shall provide petitioners with a  
4838 minimum of two certified copies of the order of injunction, one  
4839 of which is serviceable and will inform the petitioner of the  
4840 process for service and enforcement.

4841 6. Clerks of court and appropriate staff in each county  
4842 shall receive training in the effective assistance of  
4843 petitioners as provided or approved by the Florida Association  
4844 of Court Clerks.

4845 7. The clerk of the court in each county shall make  
4846 available informational brochures on domestic violence when such  
4847 brochures are provided by local certified domestic violence  
4848 centers.

4849 8. The clerk of the court in each county shall distribute  
4850 a statewide uniform informational brochure to petitioners at the  
4851 time of filing for an injunction for protection against domestic  
4852 or repeat violence when such brochures become available. The  
4853 brochure must include information about the effect of giving the  
4854 court false information about domestic violence.



HB 0113A

2003

4855 Section 112. Effective July 1, 2004, section 744.3135,  
4856 Florida Statutes, is amended to read:

4857 744.3135 Credit and criminal investigation.--The court may  
4858 require a nonprofessional guardian and shall require a  
4859 professional or public guardian, and all employees of a  
4860 professional guardian who have a fiduciary responsibility to a  
4861 ward, to submit, at their own expense, to an investigation of  
4862 the guardian's credit history and to undergo level 2 background  
4863 screening as required under s. 435.04. The clerk of the court  
4864 shall obtain fingerprint cards from the Federal Bureau of  
4865 Investigation and make them available to guardians. Any guardian  
4866 who is so required shall have his or her fingerprints taken and  
4867 forward the proper fingerprint card along with the necessary fee  
4868 to the Florida Department of Law Enforcement for processing. The  
4869 professional guardian shall pay to the clerk of the court a fee  
4870 of up to \$7.50 ~~\$5~~ for handling and processing professional  
4871 guardian files. The results of the fingerprint checks shall be  
4872 forwarded to the clerk of court who shall maintain the results  
4873 in a guardian file and shall make the results available to the  
4874 court. If credit or criminal investigations are required, the  
4875 court must consider the results of the investigations in  
4876 appointing a guardian. Guardians and all employees of a  
4877 professional guardian who have a fiduciary responsibility to a  
4878 ward, so appointed, must resubmit, at their own expense, to an  
4879 investigation of credit history, and undergo level 1 background  
4880 screening as required under s. 435.03, every 2 years after the  
4881 date of their appointment. The court must consider the results  
4882 of these investigations in reappointing a guardian. This section  
4883 shall not apply to a professional guardian, or to the employees  
4884 of a professional guardian, that is a trust company, a state



HB 0113A

2003

4885 banking corporation or state savings association authorized and  
 4886 qualified to exercise fiduciary powers in this state, or a  
 4887 national banking association or federal savings and loan  
 4888 association authorized and qualified to exercise fiduciary  
 4889 powers in this state.

4890 Section 113. Effective July 1, 2004, paragraph (a) of  
 4891 subsection (6) of section 744.365, Florida Statutes, is amended  
 4892 to read:

4893 744.365 Verified inventory.--

4894 (6) AUDIT FEE.--

4895 (a) Where the value of the ward's property exceeds  
 4896 \$25,000, a guardian shall pay from the ward's property to the  
 4897 clerk of the circuit court a fee of up to \$75 ~~\$50~~, upon the  
 4898 filing of the verified inventory, for the auditing of the  
 4899 inventory. Any guardian unable to pay the auditing fee may  
 4900 petition the court for waiver of the fee. The court may waive  
 4901 the fee after it has reviewed the documentation filed by the  
 4902 guardian in support of the waiver. ~~If the fee is waived for a~~  
 4903 ~~ward, the audit fee must be paid from the general fund of the~~  
 4904 ~~county in which the guardianship proceeding is conducted.~~

4905 Section 114. Effective July 1, 2004, subsection (4) of  
 4906 section 744.3678, Florida Statutes, is amended to read:

4907 744.3678 Annual accounting.--

4908 (4) The guardian shall pay from the ward's estate to the  
 4909 clerk of the circuit court a fee based upon the following  
 4910 graduated fee schedule, upon the filing of the annual financial  
 4911 return, for the auditing of the return:

4912 (a) For estates with a value of \$25,000 or less the clerk  
 4913 of the court may charge a fee of up to \$15 ~~the fee shall be \$10.~~



HB 0113A

2003

4914 (b) For estates with a value of more than \$25,000 up to  
4915 and including \$100,000 the clerk of the court may charge a fee  
4916 of up to \$75 ~~the fee shall be \$50.~~

4917 (c) For estates with a value of more than \$100,000 up to  
4918 and including \$500,000 the clerk of the court may charge a fee  
4919 of up to \$150 ~~the fee shall be \$100.~~

4920 (d) For estates with a value in excess of \$500,000 the  
4921 clerk of the court may charge a fee of up to \$225 ~~the fee shall~~  
4922 ~~be \$150.~~

4923

4924 Any guardian unable to pay the auditing fee may petition the  
4925 court for a waiver of the fee. The court may waive the fee  
4926 after it has reviewed the documentation filed by the guardian in  
4927 support of the waiver. ~~Upon such waiver, the clerk of the~~  
4928 ~~circuit court shall bill the board of county commissioners for~~  
4929 ~~the auditing fee.~~

4930 Section 115. Effective July 1, 2004, section 775.083,  
4931 Florida Statutes, is amended to read:

4932 775.083 Fines.--

4933 (1) A person who has been convicted of an offense other  
4934 than a capital felony may be sentenced to pay a fine in addition  
4935 to any punishment described in s. 775.082; when specifically  
4936 authorized by statute, he or she may be sentenced to pay a fine  
4937 in lieu of any punishment described in s. 775.082. A person who  
4938 has been convicted of a noncriminal violation may be sentenced  
4939 to pay a fine. Fines for designated crimes and for noncriminal  
4940 violations shall not exceed:

4941 (a) \$15,000, when the conviction is of a life felony.

4942 (b) \$10,000, when the conviction is of a felony of the  
4943 first or second degree.



HB 0113A

2003

4944 (c) \$5,000, when the conviction is of a felony of the  
4945 third degree.

4946 (d) \$1,000, when the conviction is of a misdemeanor of the  
4947 first degree.

4948 (e) \$500, when the conviction is of a misdemeanor of the  
4949 second degree or a noncriminal violation.

4950 (f) Any higher amount equal to double the pecuniary gain  
4951 derived from the offense by the offender or double the pecuniary  
4952 loss suffered by the victim.

4953 (g) Any higher amount specifically authorized by statute.

4954

4955 Fines imposed in this subsection shall be deposited by the clerk  
4956 of the court in the fine and forfeiture fund established  
4957 pursuant to s. 142.01. If a defendant is unable to pay a fine,  
4958 the court may defer payment of the fine to a date certain.

4959 (2)(a) In addition to the fines set forth in subsection  
4960 (1), court costs shall be assessed and collected in each  
4961 instance a defendant pleads nolo contendere to, or is convicted  
4962 of, or adjudicated delinquent for, a felony, a misdemeanor, or a  
4963 criminal traffic offense under state law, or a violation of any  
4964 municipal or county ordinance if the violation constitutes a  
4965 misdemeanor under state law. The court costs imposed by this  
4966 section shall be \$50 for a felony and \$20 for any other offense  
4967 and shall be deposited by the clerk of the court into an  
4968 appropriate county account for disbursement for the purposes  
4969 provided in this subsection. A county shall account for the  
4970 funds separately from other county funds as crime prevention  
4971 funds. The county, in consultation with the sheriff, must expend  
4972 such funds for crime prevention programs in the county,  
4973 including safe neighborhood programs under ss. 163.501-163.523.



HB 0113A

2003

4974 ~~A county may adopt an ordinance imposing, in addition to any~~  
4975 ~~other fine, penalty, or cost imposed by subsection (1) or any~~  
4976 ~~other provision of law, a fine upon any person who, with respect~~  
4977 ~~to a charge, indictment, or prosecution commenced in that~~  
4978 ~~county, pleads guilty or nolo contendere to, or is convicted of~~  
4979 ~~or adjudicated delinquent for, a felony, a misdemeanor, or a~~  
4980 ~~criminal traffic offense under state law, or a violation of any~~  
4981 ~~municipal or county ordinance if the violation constitutes a~~  
4982 ~~misdemeanor under state law.~~

4983 ~~(b) The fine is \$50 for a felony and \$20 for any other~~  
4984 ~~offense. When the defendant enters the plea or is convicted or~~  
4985 ~~adjudicated, in a court in that county, the court may order the~~  
4986 ~~defendant to pay such fine if the court finds that the defendant~~  
4987 ~~has the ability to pay the fine and that the defendant would not~~  
4988 ~~be prevented thereby from being rehabilitated or making~~  
4989 ~~restitution.~~

4990 ~~(c) The clerk of the court shall collect and deposit the~~  
4991 ~~finances in an appropriate county account for disbursement for the~~  
4992 ~~purposes provided in this subsection.~~

4993 ~~(d) A county that imposes the additional fines authorized~~  
4994 ~~under this subsection shall account for the fines separately~~  
4995 ~~from other county funds, as crime prevention funds. The county,~~  
4996 ~~in consultation with the sheriff, must expend such fines for the~~  
4997 ~~costs of collecting the fines and for crime prevention programs~~  
4998 ~~in the county, including safe neighborhood programs under ss.~~  
4999 ~~163.501-163.523.~~

5000 (3) The purpose of this section is to provide uniform  
5001 penalty authorization for criminal offenses and, to this end, a  
5002 reference to this section constitutes a general reference under  
5003 the doctrine of incorporation by reference.





HB 0113A

2003

5004 Section 116. Effective July 1, 2004, subsection (6) of  
5005 section 796.07, Florida Statutes, is amended to read:

5006 796.07 Prohibiting prostitution, etc.; evidence;  
5007 penalties; definitions.--

5008 (6) A person who violates paragraph (2)(f) shall be  
5009 assessed a civil penalty of \$500 if the violation results in any  
5010 judicial disposition other than acquittal or dismissal. The  
5011 proceeds from penalties assessed under this subsection shall be  
5012 paid to the circuit court ~~courts~~ administrator for the sole  
5013 purpose of paying the administrative costs of ~~mandatory~~  
5014 treatment-based drug court programs provided under s. 397.334.

5015 Section 117. Effective July 1, 2004, section 914.11,  
5016 Florida Statutes, is amended to read:

5017 914.11 Indigent defendants.--If a ~~court decides, on the~~  
5018 ~~basis of an affidavit, that~~ a defendant in a criminal case is  
5019 indigent pursuant to s. 27.52 and presently unable to pay the  
5020 cost of procuring the attendance of witnesses, the defendant may  
5021 seek a deferral of these costs; however, the ~~such~~ defendant may  
5022 subpoena the witnesses, and the costs, including the cost of the  
5023 defendant's copy of all depositions and transcripts which are  
5024 certified by the defendant's attorney as serving a useful  
5025 purpose in the disposition of the case, shall be paid by the  
5026 state ~~county~~. When depositions are taken outside the circuit in  
5027 which the case is pending, travel expenses shall be paid by the  
5028 state ~~county~~ in accordance with s. 112.061 and shall also be  
5029 taxed as costs payable to the state.

5030 Section 118. Effective July 1, 2004, paragraph (a) of  
5031 subsection (2) of section 916.107, Florida Statutes, is amended  
5032 to read:

5033 916.107 Rights of forensic clients.--



HB 0113A

2003

5034 (2) RIGHT TO TREATMENT.--

5035 (a) The policy of the state is that the department shall  
5036 not deny treatment or training to any client and that no  
5037 services shall be delayed at a facility because the forensic  
5038 client is indigent pursuant to s. 27.52 and presently unable to  
5039 pay. However, every reasonable effort to collect appropriate  
5040 reimbursement for the cost of providing services to clients able  
5041 to pay for the services, including reimbursement from insurance  
5042 or other third-party payments, shall be made by facilities  
5043 providing services pursuant to this chapter and in accordance  
5044 with the provisions of s. 402.33.

5045 Section 119. Effective July 1, 2004, subsection (3) of  
5046 section 916.15, Florida Statutes, is amended to read:

5047 916.15 Involuntary commitment of defendant adjudicated not  
5048 guilty by reason of insanity.--

5049 (3) In all proceedings under this subsection, both the  
5050 defendant and the state shall have the right to a hearing before  
5051 the committing court. Evidence at such hearing may be presented  
5052 by the hospital administrator or the administrator's designee as  
5053 well as by the state and the defendant. The defendant shall have  
5054 the right to counsel at any such hearing. In the event that a  
5055 defendant is determined to be indigent pursuant to s. 27.52  
5056 ~~cannot afford counsel, the court shall appoint~~ the public  
5057 defender shall ~~to~~ represent the defendant. The parties shall  
5058 have access to the defendant's records at the treating  
5059 facilities and may interview or depose personnel who have had  
5060 contact with the defendant at the treating facilities.

5061 Section 120. Section 938.01, Florida Statutes, as amended  
5062 by section 77 of chapter 2002-402, Laws of Florida, is amended  
5063 to read:



HB 0113A

2003

5064 938.01 Additional Court Cost Clearing Trust Fund.--

5065 (1) All courts created by Art. V of the State Constitution

5066 shall, in addition to any fine or other penalty, require assess

5067 ~~\$3 as a court cost against~~ every person convicted for violation

5068 of a state penal or criminal statute or convicted for violation

5069 of a municipal or county ordinance to pay \$3 as a court cost.

5070 Any person whose adjudication is withheld pursuant to the

5071 provisions of s. 318.14(9) or (10) shall also be liable for

5072 payment of ~~be assessed~~ such cost. In addition, \$3 from every

5073 bond estreature or forfeited bail bond related to such penal

5074 statutes or penal ordinances shall be remitted to the Department

5075 of Revenue as described in this subsection. However, no such

5076 assessment may be made against any person convicted for

5077 violation of any state statute, municipal ordinance, or county

5078 ordinance relating to the parking of vehicles.

5079 (a) All costs collected by the courts pursuant to this

5080 subsection shall be remitted to the Department of Revenue in

5081 accordance with administrative rules adopted by the executive

5082 director of the Department of Revenue for deposit in the

5083 Additional Court Cost Clearing Trust Fund. These funds and the

5084 funds deposited in the Additional Court Cost Clearing Trust Fund

5085 pursuant to s. 318.21(2)(c) shall be distributed as follows:

5086 1. Ninety-two percent to the Department of Law Enforcement

5087 Criminal Justice Standards and Training Trust Fund.

5088 2. Six and three-tenths percent to the Department of Law

5089 Enforcement Operating Trust Fund for the Criminal Justice Grant

5090 Program.

5091 3. One and seven-tenths percent to the Department of

5092 Children and Family Services Domestic Violence Trust Fund for

5093 the domestic violence program pursuant to s. 39.903(3).



HB 0113A

2003

5094 (b) The funds deposited in the Department of Law  
 5095 Enforcement Criminal Justice Standards and Training Trust Fund,  
 5096 the Department of Law Enforcement Operating Trust Fund, and the  
 5097 Department of Children and Family Services Domestic Violence  
 5098 Trust Fund may be invested. Any interest earned from investing  
 5099 such funds and any unencumbered funds remaining at the end of  
 5100 the budget cycle shall remain in the respective trust fund.

5101 (c) All funds in the Department of Law Enforcement  
 5102 Criminal Justice Standards and Training Trust Fund shall be  
 5103 disbursed only in compliance with s. 943.25(9).

5104 (2) Except as provided by s. 938.15 and notwithstanding  
 5105 any other provision of law, no funds collected and deposited  
 5106 pursuant to this section or s. 943.25 shall be expended unless  
 5107 specifically appropriated by the Legislature.

5108 Section 121. Section 938.03, Florida Statutes, is amended  
 5109 to read:

5110 938.03 Crimes Compensation Trust Fund.--

5111 (1) ~~When~~ Any person pleading ~~pleads~~ guilty or nolo  
 5112 contendere to, or being ~~is~~ convicted of or adjudicated  
 5113 delinquent for, any felony, misdemeanor, delinquent act, or  
 5114 criminal traffic offense under the laws of this state or the  
 5115 violation of any municipal or county ordinance which adopts by  
 5116 reference any misdemeanor under state law, ~~there shall~~ pay ~~be~~  
 5117 ~~imposed~~ as an additional cost in the case, in addition and prior  
 5118 to any other cost required to be imposed by law, the sum of \$50.  
 5119 Any person whose adjudication is withheld shall also be assessed  
 5120 such cost.

5121 (2) These costs shall not be ~~are considered assessed~~  
 5122 ~~unless specifically~~ waived by the court. ~~If the court does not~~



HB 0113A

2003

5123 ~~order these costs, it shall state on the record, in detail, the~~  
 5124 ~~reasons therefor.~~

5125 (3) In the event that the individual has been ordered to  
 5126 pay restitution in accordance with s. 775.089, costs referenced  
 5127 in this section shall be included in a judgment.

5128 (4) The clerk of the court shall collect and forward \$49  
 5129 of each \$50 collected to the Department of Revenue, to be  
 5130 deposited in the Crimes Compensation Trust Fund. The clerk shall  
 5131 retain the remaining \$1 of each \$50 collected as an additional  
 5132 cost by a service charge of the clerk's office. ~~Under no~~  
 5133 ~~condition shall a political subdivision be held liable for the~~  
 5134 ~~payment of this sum of \$50.~~

5135 Section 122. Effective July 1, 2004, section 938.05,  
 5136 Florida Statutes, is amended to read:

5137 938.05 Additional court costs for felonies, misdemeanors,  
 5138 and criminal traffic offenses ~~Local Government Criminal Justice~~  
 5139 ~~Trust Fund.--~~

5140 (1) ~~When~~ Any person pleading ~~pleads~~ nolo contendere to a  
 5141 misdemeanor or criminal traffic offense under s. 318.14(10)(a)  
 5142 or pleading ~~pleads~~ guilty or nolo contendere to, or being is  
 5143 found guilty of, any felony, misdemeanor, or criminal traffic  
 5144 offense under the laws of this state or the violation of any  
 5145 municipal or county ordinance which adopts by reference any  
 5146 misdemeanor under state law, ~~there shall pay be imposed~~ as a  
 5147 cost in the case, in addition to any other cost required to be  
 5148 imposed by law, a sum in accordance with the following schedule:

- 5149 (a) Felonies.....\$200
- 5150 (b) Misdemeanors.....\$50
- 5151 (c) Criminal traffic offenses.....\$50



HB 0113A

2003

5152 (2) Payment of the additional court costs provided for in  
5153 subsection (1) shall be made part of any plea agreement reached  
5154 by the prosecuting attorney and defense counsel or the criminal  
5155 defendant where the plea agreement provides for the defendant to  
5156 plead guilty or nolo contendere to any felony, misdemeanor, or  
5157 criminal traffic offense under the laws of this state or any  
5158 municipal or county ordinance which adopts by reference any  
5159 misdemeanor under state law.

5160 (3) The clerk of the court shall collect such additional  
5161 costs for deposit in the fine and forfeiture fund established  
5162 pursuant to s. 142.01 and shall notify the agency supervising a  
5163 person upon whom costs have been imposed upon full payment of  
5164 fees. ~~The clerk shall deposit all but \$3 for each misdemeanor or~~  
5165 ~~criminal traffic case and all but \$5 for each felony case in a~~  
5166 ~~special trust fund of the county. Such funds shall be used~~  
5167 ~~exclusively for those purposes set forth in s. 27.3455(3). The~~  
5168 ~~clerk shall retain \$3 for each misdemeanor or criminal traffic~~  
5169 ~~case and \$5 for each felony case of each scheduled amount~~  
5170 ~~collected as a service charge of the clerk's office. A~~  
5171 ~~political subdivision shall not be held liable for the payment~~  
5172 ~~of the additional costs imposed by this section.~~

5173 Section 123. Effective July 1, 2004, subsection (1) of  
5174 section 938.06, Florida Statutes, is amended to read:

5175 938.06 Additional cost for crime stoppers programs.--

5176 (1) In addition to any fine prescribed by law for any  
5177 criminal offense, there is hereby assessed as a court cost an  
5178 additional surcharge of \$20 on such fine, which shall be imposed  
5179 by all county and circuit courts and collected by the clerks of  
5180 the courts together with such fine. ~~No political subdivision~~  
5181 ~~shall be held liable for payment of costs under this section.~~



HB 0113A

2003

5182 Section 124. Effective July 1, 2004, section 938.19,  
5183 Florida Statutes, is amended to read:

5184 938.19 Teen courts; ~~operation and administration.~~ --  
5185 Counties are hereby authorized to fund teen courts.

5186 ~~Notwithstanding s. 318.121, in each county in which a teen court~~  
5187 ~~has been created, a county may adopt a mandatory cost to be~~  
5188 ~~assessed in specific cases as provided for in subsection (1) by~~  
5189 ~~incorporating by reference the provisions of this section in a~~  
5190 ~~county ordinance. Assessments collected by the clerk of the~~  
5191 ~~circuit court pursuant to this section shall be deposited into~~  
5192 ~~an account specifically for the operation and administration of~~  
5193 ~~the teen court:~~

5194 (1) ~~A sum of \$3, which shall be assessed as a court cost~~  
5195 ~~by both the circuit court and the county court in the county~~  
5196 ~~against every person who pleads guilty or nolo contendere to, or~~  
5197 ~~is convicted of, regardless of adjudication, a violation of a~~  
5198 ~~state criminal statute or a municipal ordinance or county~~  
5199 ~~ordinance or who pays a fine or civil penalty for any violation~~  
5200 ~~of chapter 316. Any person whose adjudication is withheld~~  
5201 ~~pursuant to the provisions of s. 318.14(9) or (10) shall also be~~  
5202 ~~assessed such cost. The \$3 assessment for court costs shall be~~  
5203 ~~assessed in addition to any fine, civil penalty, or other court~~  
5204 ~~cost and shall not be deducted from the proceeds of that portion~~  
5205 ~~of any fine or civil penalty which is received by a municipality~~  
5206 ~~in the county or by the county in accordance with ss. 316.660~~  
5207 ~~and 318.21. The \$3 assessment shall specifically be added to any~~  
5208 ~~civil penalty paid for a violation of chapter 316, whether such~~  
5209 ~~penalty is paid by mail, paid in person without request for a~~  
5210 ~~hearing, or paid after hearing and determination by the court.~~  
5211 ~~However, the \$3 assessment shall not be made against a person~~



HB 0113A

2003

5212 ~~for a violation of any state statutes, county ordinance, or~~  
 5213 ~~municipal ordinance relating to the parking of vehicles, with~~  
 5214 ~~the exception of a violation of the handicapped parking laws.~~  
 5215 ~~The clerk of the circuit court shall collect the respective \$3~~  
 5216 ~~assessments for court costs established in this subsection and~~  
 5217 ~~shall remit the same to the teen court monthly, less 5 percent,~~  
 5218 ~~which is to be retained as fee income of the office of the clerk~~  
 5219 ~~of the circuit court.~~

5220 ~~(2) Such other moneys as become available for establishing~~  
 5221 ~~and operating teen courts under the provisions of Florida law.~~

5222 Section 125. Section 938.27, Florida Statutes, is amended  
 5223 to read:

5224 938.27 Judgment for costs on conviction.--

5225 (1) In all criminal cases, convicted persons are liable  
 5226 for payment of the documented costs of prosecution, including  
 5227 investigative costs incurred by law enforcement agencies, by  
 5228 fire departments for arson investigations, and by investigations  
 5229 of the ~~Division of Financial Investigations of the Department of~~  
 5230 Financial Services or the Office of Financial Regulation of the  
 5231 Financial Services Commission Banking and Finance, if requested  
 5232 ~~and documented~~ by such agencies. These costs, shall be included  
 5233 and entered in the judgment rendered against the convicted  
 5234 person.

5235 ~~(2) If the court does not enter costs, or orders only~~  
 5236 ~~partial costs under this section, it shall state on the record~~  
 5237 ~~the reasons therefor.~~

5238 ~~(2)(3)(a)~~ The court shall ~~may~~ require ~~that~~ the defendant  
 5239 to pay the costs within a specified period or in specified  
 5240 installments.





HB 0113A

2003

5241 (b) The end of such period or the last such installment  
5242 shall not be later than:

5243 1. The end of the period of probation or community  
5244 control, if probation or community control is ordered;

5245 2. Five years after the end of the term of imprisonment  
5246 imposed, if the court does not order probation or community  
5247 control; or

5248 3. Five years after the date of sentencing in any other  
5249 case.

5250

5251 However, in no event shall the obligation to pay any unpaid  
5252 amounts expire if not paid in full within the period specified  
5253 in this paragraph.

5254 (c) If not otherwise provided by the court under this  
5255 section, costs shall be paid immediately.

5256 (3)(4) If a defendant is placed on probation or community  
5257 control, payment of any costs ~~ordered~~ under this section shall  
5258 be a condition of such probation or community control. The court  
5259 may revoke probation or community control if the defendant fails  
5260 to pay these costs ~~comply with such order.~~

5261 ~~(5) The court, in determining whether to order costs and~~  
5262 ~~the amount of such costs, shall consider the amount of the costs~~  
5263 ~~incurred, the financial resources of the defendant, the~~  
5264 ~~financial needs and earning ability of the defendant, and such~~  
5265 ~~other factors which it deems appropriate.~~

5266 (4)(6) Any dispute as to the proper amount or type of  
5267 costs ~~ordered~~ shall be resolved by the court by the  
5268 preponderance of the evidence. The burden of demonstrating the  
5269 amount of costs incurred is on the state attorney. The burden of  
5270 demonstrating the financial resources of the defendant and the



HB 0113A

2003

5271 financial needs of the defendant is on the defendant. The burden  
 5272 of demonstrating such other matters as the court deems  
 5273 appropriate is upon the party designated by the court as justice  
 5274 requires.

5275 (5)~~(7)~~ Any default in payment of costs ~~ordered~~ may be  
 5276 collected by any means authorized by law for enforcement of a  
 5277 judgment.

5278 (6)~~(8)~~ The ~~court may order the~~ clerk of the court shall ~~to~~  
 5279 collect and dispense cost payments in any case.

5280 (7)~~(9)~~ Investigative costs which are recovered shall be  
 5281 returned to the appropriate investigative agency which incurred  
 5282 the expense. Costs shall include actual expenses incurred in  
 5283 conducting the investigation and prosecution of the criminal  
 5284 case; however, costs may also include the salaries of permanent  
 5285 employees. Any investigative costs recovered on behalf of a  
 5286 state agency must be remitted to the Department of Revenue for  
 5287 deposit in the agency operating trust fund, and a report of the  
 5288 payment must be sent to the agency.

5289 (8)~~(10)~~ Costs that are collected by the state attorney  
 5290 under this section shall be deposited into the state attorney's  
 5291 grants and donations trust fund to be used during the fiscal  
 5292 year in which the funds are collected, or in any subsequent  
 5293 fiscal year, for actual expenses incurred in investigating and  
 5294 prosecuting criminal cases, which may include the salaries of  
 5295 permanent employees.

5296 Section 126. Section 938.29, Florida Statutes, is amended  
 5297 to read:

5298 938.29 Legal assistance; lien for payment of attorney's  
 5299 fees or costs.--



HB 0113A

2003

5300           (1)(a) A defendant ~~The court having jurisdiction over any~~  
5301 ~~defendant who has been~~ determined to be guilty of a criminal act  
5302 by a court or jury or through a plea of guilty or nolo  
5303 contendere and who has received the assistance of the public  
5304 defender's office, a special assistant public defender, or a  
5305 conflict attorney shall be liable for payment of assess  
5306 attorney's fees and costs. ~~The court against the defendant at~~  
5307 ~~the sentencing hearing and~~ shall determine the appropriate  
5308 amount of the obligation and method of payment. Such costs shall  
5309 may include, but not be limited to, the cost of depositions;  
5310 cost of transcripts of depositions, including the cost of  
5311 defendant's copy, which transcripts are certified by the  
5312 defendant's attorney as having served a useful purpose in the  
5313 disposition of the case; investigative costs; witness fees; the  
5314 cost of psychiatric examinations; or other reasonable costs  
5315 specially incurred by the state and the clerk of court county  
5316 for the defense of the defendant in criminal prosecutions ~~within~~  
5317 ~~the county.~~ Costs shall not include expenses inherent in  
5318 providing a constitutionally guaranteed jury trial or  
5319 expenditures in connection with the maintenance and operation of  
5320 government agencies that must be made by the public irrespective  
5321 of specific violations of law. Any costs assessed pursuant to  
5322 this paragraph shall be reduced by any amount assessed against a  
5323 defendant pursuant to s. 938.05.

5324           (b) Upon entering a judgment of conviction, ~~the trial~~  
5325 ~~court shall order~~ the defendant shall be liable to pay the costs  
5326 ~~assessed by the court in full, or within a time certain as set~~  
5327 ~~by the court,~~ after the judgment of conviction becomes final.

5328           (c) ~~After assessment of the application fee under s.~~  
5329 ~~27.52(1)(c) and attorney's fees and costs, the court shall order~~



HB 0113A

2003

5330 The defendant shall ~~to~~ pay the application fee under s.  
 5331 27.52(2)(a) and attorney's fees and costs in full or in  
 5332 installments, at the time or times specified. The court may  
 5333 order payment of the assessed application fee and attorney's  
 5334 fees and costs as a condition of probation, of suspension of  
 5335 sentence, or of withholding the imposition of sentence.  
 5336 Attorney's fees and costs collected under this section shall be  
 5337 deposited into the General Revenue Fund. All fees and costs may  
 5338 be assessed under one judgment.

5339 (2)(a) ~~When payment of the application fee and attorney's~~  
 5340 ~~fees and costs has been ordered by the court,~~ There is created  
 5341 in the name of the state county in which such assistance was  
 5342 ~~rendered~~ a lien, enforceable as hereinafter provided, upon all  
 5343 the property, both real and personal, of any person who:

5344 1. Has received any assistance from any public defender of  
 5345 the state, from any special assistant public defender, or from  
 5346 any conflict attorney; or

5347 2. Is a parent of an accused minor or an accused adult  
 5348 tax-dependent person who is being, or has been, represented by  
 5349 any public defender of the state, by any special assistant  
 5350 public defender, or by a conflict attorney.

5351  
 5352 Such lien constitutes a claim against the defendant-recipient or  
 5353 parent and his or her estate, enforceable according to law, ~~in~~  
 5354 ~~an amount to be determined by the court in which such assistance~~  
 5355 ~~was rendered.~~

5356 (b) ~~Immediately after the issuance of an order for the~~  
 5357 ~~payment of the application fee and attorney's fees and costs,~~ A  
 5358 judgment showing the name and residence of the defendant-  
 5359 recipient or parent shall be filed for record in the office of



HB 0113A

2003

5360 the clerk of the circuit court in the county where the  
5361 defendant-recipient or parent resides and in each county in  
5362 which such defendant-recipient or parent then owns or later  
5363 acquires any property. Such judgments shall be enforced on  
5364 behalf of the state ~~county~~ by the clerk of the circuit court  
5365 ~~board of county commissioners~~ of the county in which assistance  
5366 was rendered.

5367 (3) The clerk of the circuit court within the county ~~board~~  
5368 ~~of county commissioners of the county~~ wherein the defendant-  
5369 recipient was tried or received the services of a public  
5370 defender, special assistant public defender, or appointed  
5371 private legal counsel shall enforce, satisfy, compromise,  
5372 settle, subordinate, release, or otherwise dispose of any debt  
5373 or lien imposed under this section. A defendant-recipient or  
5374 parent, liable ~~who has been ordered~~ to pay attorney's fees or  
5375 costs and who is not in willful default in the payment thereof,  
5376 may, at any time, petition the court which entered the order for  
5377 deferral ~~remission~~ of the payment of attorney's fees or costs or  
5378 of any unpaid portion thereof. ~~If it appears to the~~  
5379 ~~satisfaction of the court that payment of the amount due will~~  
5380 ~~impose manifest hardship on such person or his or her immediate~~  
5381 ~~family, the court may remit all or part of the amount due in~~  
5382 ~~attorney's fees or costs or may modify the method of payment.~~

5383 (4) The clerk ~~board of county commissioners~~ of the county  
5384 claiming such lien is authorized to contract with a private  
5385 attorney or collection agency for collection of such debts or  
5386 liens, provided the fee for such collection shall be on a  
5387 contingent basis not to exceed 50 percent of the recovery.  
5388 However, no fee shall be paid to any collection agency by reason



HB 0113A

2003

5389 of foreclosure proceedings against real property or from the  
5390 proceeds from the sale or other disposition of real property.

5391 (5) No lien thus created shall be foreclosed upon the  
5392 homestead of such defendant-recipient or parent, nor shall any  
5393 defendant-recipient or parent liable for payment of ~~who is~~  
5394 ~~ordered to pay~~ attorney's fees or costs be denied any of the  
5395 protections afforded any other civil judgment debtor.

5396 (6) The court having jurisdiction of the defendant-  
5397 recipient shall ~~may~~, at such stage of the proceedings as the  
5398 court may deem appropriate, determine the value of the services  
5399 of the public defender, special assistant public defender, or  
5400 appointed private legal counsel and costs, at which time the  
5401 defendant-recipient or parent, after adequate notice thereof,  
5402 shall have opportunity to be heard and offer objection to the  
5403 determination, and to be represented by counsel, with due  
5404 opportunity to exercise and be accorded the procedures and  
5405 rights provided in the laws and court rules pertaining to civil  
5406 cases at law.

5407 Section 127. Subsections (1), (2), (9), (10), (11), (12),  
5408 (13), and (14) of section 938.30, Florida Statutes, are amended  
5409 to read:

5410 938.30 ~~Court-imposed~~ Financial obligations in criminal  
5411 cases; supplementary proceedings.--

5412 (1) Any person liable for payment of ~~who has been ordered~~  
5413 ~~to pay~~ any financial obligation in any criminal case is subject  
5414 to the provisions of this section. Courts operating under the  
5415 provisions of this section shall have jurisdiction over such  
5416 ~~court-imposed~~ financial obligations to ensure compliance.

5417 (2) The court may require a person liable for payment of  
5418 ~~ordered to pay~~ an obligation to appear and be examined under



HB 0113A

2003

5419 oath concerning the person's financial ability to pay the  
5420 obligation. ~~The court may reduce a person's court-ordered~~  
5421 ~~financial obligation based on the court's determination of the~~  
5422 ~~person's ability to pay the obligation.~~ The judge may convert  
5423 the statutory financial ~~court-ordered~~ obligation into to pay  
5424 ~~court costs to~~ a court-ordered obligation to perform community  
5425 service after examining a person under oath and determining a  
5426 person's inability to pay. Any person failing to attend a  
5427 hearing may be arrested on warrant or capias which may be issued  
5428 by the clerk upon order of the court.

5429 (9) Any person failing to appear or willfully failing to  
5430 comply with an order under this section, including an order to  
5431 comply with a payment schedule established by the clerk of  
5432 court, may be held in civil contempt.

5433 (10) Administrative costs incurred in enforcing compliance  
5434 under this section shall be paid by ~~may be assessed against~~ the  
5435 person. Such costs may include postage, copying, docketing fees,  
5436 service fees, court reporter's fees, and reimbursements for the  
5437 costs of processing bench warrants and pickup orders. Reasonable  
5438 attorney's fees may be assessed at the court's discretion.  
5439 Judges may assess such administrative costs and attorney's fees  
5440 against the person as the court deems necessary to offset such  
5441 fees and costs incurred under this section.

5442 (11) The court may refer any proceeding under this section  
5443 to a special master who shall report findings and make  
5444 recommendations to the court. The court shall act on such  
5445 recommendations within a reasonable amount of time.

5446 ~~(12) A record of court-imposed financial obligations~~  
5447 ~~collected by the clerk of court under the provisions of this~~



HB 0113A

2003

5448 ~~section shall be reported quarterly by the clerk of court to the~~  
 5449 ~~chief judge of the judicial circuit.~~

5450 ~~(13) Court imposed financial obligations arising from~~  
 5451 ~~criminal cases which are past due, and which have been reduced~~  
 5452 ~~to judgment by the court, may be referred by the county~~  
 5453 ~~commission to a collection agent who is registered and in good~~  
 5454 ~~standing pursuant to chapter 559 or a private attorney. Such~~  
 5455 ~~referrals must be made in accordance with established bid~~  
 5456 ~~practices.~~

5457 ~~(12)~~(14) The provisions of this section may be used in  
 5458 addition to, or in lieu of, other provisions of law for  
 5459 enforcing payment of court-imposed financial obligations in  
 5460 criminal cases. The court may enter any orders necessary to  
 5461 carry out the purposes of this section.

5462 Section 128. Section 938.35, Florida Statutes, is amended  
 5463 to read:

5464 938.35 Collection of court-related financial obligations. -  
 5465 -The board of county commissioners may pursue the collection of  
 5466 any fines, court costs, or other costs to which it is entitled  
 5467 which remain unpaid for 90 days or more, or refer such  
 5468 collection to a private attorney who is a member in good  
 5469 standing of The Florida Bar or collection agent who is  
 5470 registered and in good standing pursuant to chapter 559. In  
 5471 pursuing the collection of such unpaid financial obligations  
 5472 through a private attorney or collection agent, the board of  
 5473 county commissioners must determine this is cost-effective and  
 5474 follow applicable procurement practices. ~~Any provision of law~~  
 5475 ~~notwithstanding, a county may pursue the collection of any~~  
 5476 ~~fines, court costs, or other costs imposed by the court which~~  
 5477 ~~remain unpaid for 90 days or more, or refer such collection to a~~





HB 0113A

2003

5478 ~~private attorney who is a member in good standing of The Florida~~  
5479 ~~Bar or collection agent who is registered and in good standing~~  
5480 ~~pursuant to chapter 559. In pursuing the collection of such~~  
5481 ~~unpaid financial obligations through a private attorney or~~  
5482 ~~collection agent, the governing body of the county must~~  
5483 ~~determine that such collection is cost-effective and the county~~  
5484 ~~must follow applicable procurement practices. The costs of~~  
5485 ~~collection, including a reasonable attorney's fee, may be~~  
5486 ~~recovered, except that such fees and costs of collection may not~~  
5487 ~~exceed 40 percent of the total fines and costs owed.~~

5488 Section 129. Effective July 1, 2004, section 939.06,  
5489 Florida Statutes, is amended to read:

5490 939.06 Acquitted defendant not liable for costs.--No  
5491 defendant in a criminal prosecution who is acquitted or  
5492 discharged shall be liable for any costs or fees of the court or  
5493 any ministerial office, or for any charge of subsistence while  
5494 detained in custody. If the defendant shall have paid any  
5495 taxable costs in the case, the clerk or judge shall give him or  
5496 her a certificate of the payment of such costs, with the items  
5497 thereof, which, when audited and approved according to law,  
5498 shall be refunded to the defendant ~~by the county.~~

5499 Section 130. Effective July 1, 2004, section 939.08,  
5500 Florida Statutes, is amended to read:

5501 (Substantial rewording of section. See  
5502 s. 939.08, F.S., for present text.)

5503 939.08 Costs to be certified before audit.--In all cases  
5504 wherein is claimed the payment of applicable bills of costs,  
5505 fees, or expenses of the state courts system as provided in s.  
5506 29.004, other than juror and witness fees, in the adjudication  
5507 of any case payable by the state, the trial court administrator



HB 0113A

2003

5508 shall review the itemized bill. The bill shall not be paid until  
 5509 the trial court administrator has approved it and certified that  
 5510 it is just, correct, and reasonable and contains no unnecessary  
 5511 or illegal item.

5512 Section 131. Effective July 1, 2004, section 939.12,  
 5513 Florida Statutes, is amended to read:

5514 939.12 Cost against state in Supreme Court.--The clerk of  
 5515 the Supreme Court shall give, upon application, a certified copy  
 5516 of any judgment against the state upon appeal in criminal cases,  
 5517 and the state ~~county commissioners of the county from the court~~  
 5518 ~~of which such appeal was taken~~ shall pay the same to the  
 5519 appellant, or the appellant's agent or attorney, on demand.

5520 Section 132. For the purpose of incorporating the  
 5521 amendments made by this act to sections 27.51 and 27.53, Florida  
 5522 Statutes, in references thereto, effective July 1, 2004, section  
 5523 943.053, Florida Statutes, as otherwise amended is reenacted to  
 5524 read:

5525 943.053 Dissemination of criminal justice information;  
 5526 fees.--

5527 (1) The Department of Law Enforcement shall disseminate  
 5528 criminal justice information only in accordance with federal and  
 5529 state laws, regulations, and rules.

5530 (2) Criminal justice information derived from federal  
 5531 criminal justice information systems or criminal justice  
 5532 information systems of other states shall not be disseminated in  
 5533 a manner inconsistent with the laws, regulations, or rules of  
 5534 the originating agency.

5535 (3) Criminal history information, including information  
 5536 relating to minors, compiled by the Criminal Justice Information  
 5537 Program from intrastate sources shall be available on a priority



HB 0113A

2003

5538 basis to criminal justice agencies for criminal justice purposes  
5539 free of charge and, otherwise, to governmental agencies not  
5540 qualified as criminal justice agencies on an approximate-cost  
5541 basis. After providing the program with all known identifying  
5542 information, persons in the private sector may be provided  
5543 criminal history information upon tender of fees as established  
5544 and in the manner prescribed by rule of the Department of Law  
5545 Enforcement. Such fees shall approximate the actual cost of  
5546 producing the record information. As used in this subsection,  
5547 the department's determination of actual cost shall take into  
5548 account the total cost of creating, storing, maintaining,  
5549 updating, retrieving, improving, and providing criminal history  
5550 information in a centralized, automated database, including  
5551 personnel, technology, and infrastructure expenses. Actual cost  
5552 shall be computed on a fee-per-record basis, and any access to  
5553 criminal history information by the private sector as provided  
5554 in this subsection shall be assessed the per-record fee without  
5555 regard to the quantity or category of criminal history record  
5556 information requested. Fees may be waived by the executive  
5557 director of the Department of Law Enforcement for good cause  
5558 shown.

5559 (4) Criminal justice information provided by the  
5560 Department of Law Enforcement shall be used only for the purpose  
5561 stated in the request.

5562 (5) Notwithstanding any other provision of law, the  
5563 department shall provide to the Florida Department of Revenue  
5564 Child Support Enforcement access to Florida criminal records  
5565 which are not exempt from disclosure under chapter 119, and to  
5566 such information as may be lawfully available from other states  
5567 via the National Law Enforcement Telecommunications System, for



HB 0113A

2003

5568 the purpose of locating subjects who owe or potentially owe  
5569 support, as defined in s. 409.2554, or to whom such obligation  
5570 is owed pursuant to Title IV-D of the Social Security Act. Such  
5571 information may be provided to child support enforcement  
5572 authorities in other states for these specific purposes.

5573 (6) Notwithstanding any other provision of law, the  
5574 department shall provide to each office of the public defender  
5575 on-line access to criminal records of this state which are not  
5576 exempt from disclosure under chapter 119 or confidential under  
5577 law. Such access shall be used solely in support of the duties  
5578 of a public defender as provided in s. 27.51 or of any attorney  
5579 specially assigned as authorized in s. 27.53 in the  
5580 representation of any person who is determined indigent as  
5581 provided in s. 27.52. The costs of establishing and maintaining  
5582 such on-line access shall be borne by the office to which the  
5583 access has been provided.

5584 (7) Notwithstanding the provisions of s. 943.0525, and any  
5585 user agreements adopted pursuant thereto, and notwithstanding  
5586 the confidentiality of sealed records as provided for in s.  
5587 943.059, the sheriff of any county that has contracted with a  
5588 private entity to operate a county detention facility pursuant  
5589 to the provisions of s. 951.062 shall provide that private  
5590 entity, in a timely manner, copies of the Florida criminal  
5591 history records for its inmates. The sheriff may assess a charge  
5592 for the Florida criminal history records pursuant to the  
5593 provisions of chapter 119. Sealed records received by the  
5594 private entity under this section remain confidential and exempt  
5595 from the provisions of s. 119.07(1).

5596 (8) Notwithstanding the provisions of s. 943.0525, and any  
5597 user agreements adopted pursuant thereto, and notwithstanding



HB 0113A

2003

5598 the confidentiality of sealed records as provided for in s.  
 5599 943.059, the Department of Corrections shall provide, in a  
 5600 timely manner, copies of the Florida criminal history records  
 5601 for inmates housed in a private state correctional facility to  
 5602 the private entity under contract to operate the facility  
 5603 pursuant to the provisions of s. 944.105 or s. 957.03. The  
 5604 department may assess a charge for the Florida criminal history  
 5605 records pursuant to the provisions of chapter 119. Sealed  
 5606 records received by the private entity under this section remain  
 5607 confidential and exempt from the provisions of s. 119.07(1).

5608 (9) Notwithstanding the provisions of s. 943.0525 and any  
 5609 user agreements adopted pursuant thereto, and notwithstanding  
 5610 the confidentiality of sealed records as provided for in s.  
 5611 943.059, the Department of Juvenile Justice or any other state  
 5612 or local criminal justice agency may provide copies of the  
 5613 Florida criminal history records for juvenile offenders  
 5614 currently or formerly detained or housed in a contracted  
 5615 juvenile assessment center or detention facility or serviced in  
 5616 a contracted treatment program and for employees or other  
 5617 individuals who will have access to these facilities, only to  
 5618 the entity under direct contract with the Department of Juvenile  
 5619 Justice to operate these facilities or programs pursuant to the  
 5620 provisions of s. 985.411. The criminal justice agency providing  
 5621 such data may assess a charge for the Florida criminal history  
 5622 records pursuant to the provisions of chapter 119. Sealed  
 5623 records received by the private entity under this section remain  
 5624 confidential and exempt from the provisions of s. 119.07(1).  
 5625 Information provided under this section shall be used only for  
 5626 the criminal justice purpose for which it was requested and may  
 5627 not be further disseminated.



HB 0113A

2003

5628 Section 133. Effective July 1, 2004, section 947.18,  
 5629 Florida Statutes, is amended to read:

5630 947.18 Conditions of parole.--No person shall be placed on  
 5631 parole merely as a reward for good conduct or efficient  
 5632 performance of duties assigned in prison. No person shall be  
 5633 placed on parole until and unless the commission finds that  
 5634 there is reasonable probability that, if the person is placed on  
 5635 parole, he or she will live and conduct himself or herself as a  
 5636 respectable and law-abiding person and that the person's release  
 5637 will be compatible with his or her own welfare and the welfare  
 5638 of society. No person shall be placed on parole unless and until  
 5639 the commission is satisfied that he or she will be suitably  
 5640 employed in self-sustaining employment or that he or she will  
 5641 not become a public charge. The commission shall determine the  
 5642 terms upon which such person shall be granted parole. If the  
 5643 person's conviction was for a controlled substance violation,  
 5644 one of the conditions must be that the person submit to random  
 5645 substance abuse testing intermittently throughout the term of  
 5646 supervision, upon the direction of the correctional probation  
 5647 officer as defined in s. 943.10(3). In addition to any other  
 5648 lawful condition of parole, the commission may make the payment  
 5649 of the debt due and owing to the state under s. 960.17 or the  
 5650 payment of the attorney's fees and costs due and owing to the  
 5651 state ~~a county~~ under s. 938.29 a condition of parole subject to  
 5652 modification based on change of circumstances.

5653 Section 134. Effective July 1, 2004, paragraph (i) of  
 5654 subsection (1) of section 948.03, Florida Statutes, is amended  
 5655 to read:

5656 948.03 Terms and conditions of probation or community  
 5657 control.--



HB 0113A

2003

5658 (1) The court shall determine the terms and conditions of  
 5659 probation or community control. Conditions specified in  
 5660 paragraphs (a)-(m) do not require oral pronouncement at the time  
 5661 of sentencing and may be considered standard conditions of  
 5662 probation. Conditions specified in paragraphs (a)-(m) and (2)(a)  
 5663 do not require oral pronouncement at sentencing and may be  
 5664 considered standard conditions of community control. These  
 5665 conditions may include among them the following, that the  
 5666 probationer or offender in community control shall:

5667 (i) Pay any application fee assessed under s.  
 5668 27.52(2)(a)(1)(e) and attorney's fees and costs assessed under  
 5669 s. 938.29, subject to modification based on change of  
 5670 circumstances.

5671 Section 135. Effective July 1, 2004, paragraphs (a) and  
 5672 (1) of subsection (1) of section 960.001, Florida Statutes, are  
 5673 amended to read:

5674 960.001 Guidelines for fair treatment of victims and  
 5675 witnesses in the criminal justice and juvenile justice systems.-

5676 -  
 5677 (1) The Department of Legal Affairs, the state attorneys,  
 5678 the Department of Corrections, the Department of Juvenile  
 5679 Justice, the Parole Commission, the State Courts Administrator  
 5680 and circuit court administrators, the Department of Law  
 5681 Enforcement, and every sheriff's department, police department,  
 5682 or other law enforcement agency as defined in s. 943.10(4) shall  
 5683 develop and implement guidelines for the use of their respective  
 5684 agencies, which guidelines are consistent with the purposes of  
 5685 this act and s. 16(b), Art. I of the State Constitution and are  
 5686 designed to implement the provisions of s. 16(b), Art. I of the  
 5687 State Constitution and to achieve the following objectives:



HB 0113A

2003

5688 (a) Information concerning services available to victims  
5689 of adult and juvenile crime.--~~Witness coordination offices~~ As  
5690 provided in s. 27.0065, state attorneys and public defenders  
5691 ~~43.35~~ shall gather information regarding the following services  
5692 in the geographic boundaries of their respective circuits and  
5693 shall provide such information to each law enforcement agency  
5694 with jurisdiction within such geographic boundaries. Law  
5695 enforcement personnel shall ensure, through distribution of a  
5696 victim's rights information card or brochure at the crime scene,  
5697 during the criminal investigation, and in any other appropriate  
5698 manner, that victims are given, as a matter of course at the  
5699 earliest possible time, information about:

- 5700 1. The availability of crime victim compensation, when  
5701 applicable;
- 5702 2. Crisis intervention services, supportive or bereavement  
5703 counseling, social service support referrals, and community-  
5704 based victim treatment programs;
- 5705 3. The role of the victim in the criminal or juvenile  
5706 justice process, including what the victim may expect from the  
5707 system as well as what the system expects from the victim;
- 5708 4. The stages in the criminal or juvenile justice process  
5709 which are of significance to the victim and the manner in which  
5710 information about such stages can be obtained;
- 5711 5. The right of a victim, who is not incarcerated,  
5712 including the victim's parent or guardian if the victim is a  
5713 minor, the lawful representative of the victim or of the  
5714 victim's parent or guardian if the victim is a minor, and the  
5715 next of kin of a homicide victim, to be informed, to be present,  
5716 and to be heard when relevant, at all crucial stages of a  
5717 criminal or juvenile proceeding, to the extent that this right





HB 0113A

2003

5718 does not interfere with constitutional rights of the accused, as  
 5719 provided by s. 16(b), Art. I of the State Constitution;

5720 6. In the case of incarcerated victims, the right to be  
 5721 informed and to submit written statements at all crucial stages  
 5722 of the criminal proceedings, parole proceedings, or juvenile  
 5723 proceedings; and

5724 7. The right of a victim to a prompt and timely  
 5725 disposition of the case in order to minimize the period during  
 5726 which the victim must endure the responsibilities and stress  
 5727 involved to the extent that this right does not interfere with  
 5728 the constitutional rights of the accused.

5729 (1) Local witness coordination services ~~coordinating~~  
 5730 ~~office~~--The requirements for notification provided for in  
 5731 paragraphs (b), (d), (f), and (i) may be performed by the state  
 5732 attorney or public defender as provided in local witness  
 5733 ~~coordinating office established by s. 27.0065 43.35~~, as  
 5734 appropriate.

5735 Section 136. Effective July 1, 2004, paragraph (a) of  
 5736 subsection (1) of section 984.08, Florida Statutes, is amended  
 5737 to read:

5738 984.08 Attorney's fees.--

5739 (1) The court may appoint an attorney to represent a  
 5740 parent or legal guardian under this chapter only upon a finding  
 5741 that the parent or legal guardian is indigent.

5742 (a) The finding of indigence ~~indigency~~ of any parent or  
 5743 legal guardian may be made by the court at any stage of the  
 5744 proceedings. Any parent or legal guardian claiming indigence  
 5745 ~~indigency~~ shall file with the court an affidavit containing the  
 5746 factual information required in paragraphs (c) and (d).



HB 0113A

2003

5747 Section 137. Effective July 1, 2004, subsections (1), (2),  
5748 and (3) of section 985.203, Florida Statutes, are amended to  
5749 read:

5750 985.203 Right to counsel.--

5751 (1) A child is entitled to representation by legal counsel  
5752 at all stages of any proceedings under this part. If the child  
5753 and the parents or other legal guardian are indigent and unable  
5754 to employ counsel for the child, the court shall appoint counsel  
5755 pursuant to s. 27.52. Determination of indigence ~~indigency~~ and  
5756 costs of representation shall be as provided by ss. 27.52 and  
5757 938.29. Legal counsel representing a child who exercises the  
5758 right to counsel shall be allowed to provide advice and counsel  
5759 to the child at any time subsequent to the child's arrest,  
5760 including prior to a detention hearing while in secure detention  
5761 care. A child shall be represented by legal counsel at all  
5762 stages of all court proceedings unless the right to counsel is  
5763 freely, knowingly, and intelligently waived by the child. If the  
5764 child appears without counsel, the court shall advise the child  
5765 of his or her rights with respect to representation of court-  
5766 appointed counsel.

5767 (2) If the parents or legal guardian of an indigent child  
5768 are not indigent but refuse to employ counsel, the court shall  
5769 appoint counsel pursuant to s. 27.52~~(3)~~~~(2)~~(d) to represent the  
5770 child at the detention hearing and until counsel is provided.  
5771 Costs of representation are hereby imposed ~~shall be assessed~~ as  
5772 provided by ss. 27.52~~(3)~~~~(2)~~(d) and 938.29. Thereafter, the court  
5773 shall not appoint counsel for an indigent child with nonindigent  
5774 parents or legal guardian but shall order the parents or legal  
5775 guardian to obtain private counsel. A parent or legal guardian  
5776 of an indigent child who has been ordered to obtain private



HB 0113A

2003

5777 counsel for the child and who willfully fails to follow the  
5778 court order shall be punished by the court in civil contempt  
5779 proceedings.

5780 (3) An indigent child with nonindigent parents or legal  
5781 guardian may have counsel appointed pursuant to s. 27.52(2)(d)  
5782 if the parents or legal guardian have willfully refused to obey  
5783 the court order to obtain counsel for the child and have been  
5784 punished by civil contempt and then still have willfully refused  
5785 to obey the court order. Costs of representation are hereby  
5786 imposed ~~shall be assessed~~ as provided by ss. 27.52(2)(d) and  
5787 938.29.

5788 Section 138. Effective July 1, 2004, paragraph (b) of  
5789 subsection (6) of section 985.215, Florida Statutes, is amended  
5790 to read:

5791 985.215 Detention.--

5792 (6)

5793 (b) At the time of the detention hearing, the department  
5794 shall report to the court, verbally or in writing, any available  
5795 information concerning the ability of the parent or guardian of  
5796 the child to pay such fee. If the court makes a finding of  
5797 indigence ~~indigency~~, the parent or guardian shall pay to the  
5798 department a nominal subsistence fee of \$2 per day that the  
5799 child is securely detained outside the home or \$1 per day if the  
5800 child is otherwise detained in lieu of other fees related to the  
5801 parent's obligation for the child's cost of care. The nominal  
5802 subsistence fee may only be waived or reduced if the court makes  
5803 a finding that such payment would constitute a significant  
5804 financial hardship. Such finding shall be in writing and shall  
5805 contain a detailed description of the facts that led the court



HB 0113A

2003

5806 to make both the finding of indigence ~~indigency~~ and the finding  
 5807 of significant financial hardship.

5808 Section 139. Effective July 1, 2004, paragraph (b) of  
 5809 subsection (1) of section 985.231, Florida Statutes, is amended  
 5810 to read:

5811 985.231 Powers of disposition in delinquency cases.--

5812 (1)

5813 (b)1. When any child is adjudicated by the court to have  
 5814 committed a delinquent act and temporary legal custody of the  
 5815 child has been placed with a licensed child-caring agency or the  
 5816 Department of Juvenile Justice, the court shall order the  
 5817 parents of such child to pay fees to the department in the  
 5818 amount of \$5 per day that the child is under the care or  
 5819 supervision of the department in order to partially offset the  
 5820 cost of the care, support, maintenance, and other usual and  
 5821 ordinary obligations of parents to provide for the needs of  
 5822 their children while in the recommended residential commitment  
 5823 level, unless the court makes a finding on the record that the  
 5824 parent or guardian of the child is indigent.

5825 2. No later than the disposition hearing, the department  
 5826 shall provide the court with information concerning the actual  
 5827 cost of care, support, and maintenance of the child in the  
 5828 recommended residential commitment level and concerning the  
 5829 ability of the parent or guardian of the child to pay any fees.  
 5830 If the court makes a finding of indigence ~~indigency~~, the parent  
 5831 or guardianship shall pay to the department a nominal  
 5832 subsistence fee of \$2 per day that the child is committed  
 5833 outside the home or \$1 per day if the child is otherwise  
 5834 supervised in lieu of other fees related to the parents'  
 5835 obligation for the child's cost of care. The nominal subsistence



HB 0113A

2003

5836 fee may only be waived or reduced if the court makes a finding  
5837 that such payment would constitute a significant financial  
5838 hardship. Such finding shall be in writing and shall contain a  
5839 detailed description of the facts that led the court to make  
5840 both the finding of indigence ~~indigency~~ and the finding of  
5841 significant financial hardship.

5842 3. In addition, the court may reduce the fees or waive the  
5843 fees as to each parent or guardian if the court makes a finding  
5844 on the record that the parent or guardian was the victim of the  
5845 delinquent act or violation of law for which the child is  
5846 subject to placement under this section and that the parent or  
5847 guardian has cooperated in the investigation and prosecution of  
5848 the offense.

5849 4. All orders committing a child to a residential  
5850 commitment program shall include specific findings as to what  
5851 fees are ordered, reduced, or waived. If the court fails to  
5852 enter an order as required by this paragraph, it shall be  
5853 presumed that the court intended the parent or guardian to pay  
5854 fees to the department in an amount of \$5 per day related to the  
5855 care, support, and maintenance of the child. With regard to a  
5856 child who reaches the age of 18 prior to the disposition  
5857 hearing, the court may elect to direct an order required by this  
5858 paragraph to such child, rather than the parent or guardian.  
5859 With regard to a child who reaches the age of 18 while in the  
5860 custody of the department, the court may, upon proper motion of  
5861 any party, hold a hearing as to whether any party should be  
5862 further obligated respecting the payment of fees. When the order  
5863 affects the guardianship estate, a certified copy of the order  
5864 shall be delivered to the judge having jurisdiction of the  
5865 guardianship estate.



HB 0113A

2003

5866           5. The clerk of the circuit court shall act as a  
5867 depository for these fees. Upon each payment received, the clerk  
5868 of the circuit court shall receive a fee from the total payment  
5869 of 3 percent of any payment made except that no fee shall be  
5870 less than \$1 nor more than \$5 per payment made. This fee shall  
5871 serve as a service charge for the administration, management,  
5872 and maintenance of each payment. At the end of each month, the  
5873 clerk of the circuit court shall send all money collected under  
5874 this section to the state Grants and Donations Trust Fund.

5875           6. The parent or guardian shall provide to the department  
5876 the parent or guardian's name, address, social security number,  
5877 state of birth, and driver's license number or identification  
5878 card number and sufficient financial information for the  
5879 department to be able to determine the parent or guardian's  
5880 ability to pay. If the parent or guardian refuses to provide the  
5881 department with any identifying information or financial  
5882 information, the court shall order the parent to comply and may  
5883 pursue contempt of court sanctions for failure to comply.

5884           7. The department may employ a collection agency for the  
5885 purpose of receiving, collecting, and managing the payment of  
5886 unpaid and delinquent fees. The collection agency must be  
5887 registered and in good standing under chapter 559. The  
5888 department may pay to the collection agency a fee from the  
5889 amount collected under the claim or may authorize the agency to  
5890 deduct the fee from the amount collected. The department may  
5891 also pay for collection services from available authorized  
5892 funds.

5893           8. The department may enter into agreements with parents  
5894 or guardians to establish a schedule of periodic payments if  
5895 payment of the obligation in full presents an undue hardship.



HB 0113A

2003

5896 Any such agreement may provide for payment of interests  
5897 consistent with prevailing loan rates.

5898 9. The Department of Juvenile Justice shall provide to the  
5899 payor documentation of any amounts paid by the payor to the  
5900 Department of Juvenile Justice on behalf of the child. All  
5901 payments received by the department pursuant to this subsection  
5902 shall be deposited in the state Grants and Donations Trust Fund.

5903 10. Neither the court nor the department may extend the  
5904 child's length of stay in placement care solely for the purpose  
5905 of collecting fees.

5906 Section 140. Effective July 1, 2004, paragraph (d) of  
5907 subsection (4) of section 985.233, Florida Statutes, is amended  
5908 to read:

5909 985.233 Sentencing powers; procedures; alternatives for  
5910 juveniles prosecuted as adults.--

5911 (4) SENTENCING ALTERNATIVES.--

5912 (d) *Recoupment of cost of care in juvenile justice*  
5913 *facilities.--*

5914 1. When the court orders commitment of a child to the  
5915 Department of Juvenile Justice for treatment in any of the  
5916 department's programs for children, the court shall order the  
5917 parents of such child to pay fees in the amount of \$5 per day  
5918 that the child is under the care or supervision of the  
5919 department in order to partially offset the cost of the care,  
5920 support, maintenance, and other usual and ordinary obligations  
5921 of parents to provide for the needs of their children, unless  
5922 the court makes a finding on the record that the parent or legal  
5923 guardian of the child is indigent.

5924 2. Prior to commitment, the department shall provide the  
5925 court with information concerning the actual cost of care in the



HB 0113A

2003

5926 recommended residential commitment level and concerning the  
5927 ability of the parent or guardian of the child to pay specified  
5928 fees. If the court makes a finding of indigence ~~indigency~~, the  
5929 parent or guardian shall pay to the department a nominal  
5930 subsistence fee of \$2 per day that the child is committed  
5931 outside the home or \$1 per day if the child is otherwise  
5932 supervised in lieu of other fees related to the parent's  
5933 obligation for the child's cost of care. The nominal subsistence  
5934 fee may only be waived or reduced if the court makes a finding  
5935 that such payment would constitute a significant financial  
5936 hardship. Such finding shall be in writing and shall contain a  
5937 detailed description of the facts that led the court to make  
5938 both the finding of indigence ~~indigency~~ and the finding of  
5939 significant financial hardship.

5940         3. In addition, the court may reduce the fees or waive the  
5941 fees as to each parent or guardian if the court makes a finding  
5942 on the record that the parent or guardian was the victim of the  
5943 delinquent act or violation of law for which the child is  
5944 subject to commitment under this section and that the parent or  
5945 guardian has cooperated in the investigation and prosecution of  
5946 the offense. When the order affects the guardianship estate, a  
5947 certified copy of the order shall be delivered to the judge  
5948 having jurisdiction of the guardianship estate.

5949         4. All orders committing a child to a residential  
5950 commitment program shall include specific findings as to what  
5951 fees are ordered, reduced, or waived. If the court fails to  
5952 enter an order as required by this paragraph, it shall be  
5953 presumed that the court intended the parent or guardian to pay  
5954 fees to the department in an amount of \$5 per day related to the  
5955 care, support, and maintenance of the child. With regard to a





HB 0113A

2003

5956 child who reaches the age of 18 prior to the disposition  
5957 hearing, the court may elect to direct an order required by this  
5958 paragraph to such child, rather than the parent or guardian.  
5959 With regard to a child who reaches the age of 18 while in the  
5960 custody of the department, the court may, upon proper motion of  
5961 any party, hold a hearing as to whether any party should be  
5962 further obligated respecting the payment of fees.

5963 5. The clerk of the circuit court shall act as a  
5964 depository for these fees. Upon each payment received, the clerk  
5965 of the circuit court shall receive a fee from the total payment  
5966 of 3 percent of any payment made except that no fee shall be  
5967 less than \$1 nor more than \$5 per payment made. This fee shall  
5968 serve as a service charge for the administration, management,  
5969 and maintenance of each payment. At the end of each month, the  
5970 clerk of the circuit court shall send all money collected under  
5971 this section to the state Grants and Donations Trust Fund.

5972 6. The parent or guardian shall provide to the department  
5973 the parent or guardian's name, address, social security number,  
5974 date of birth, and driver's license number or identification  
5975 card number and sufficient financial information for the  
5976 department to be able to determine the parent or guardian's  
5977 ability to pay. If the parent or guardian refuses to provide the  
5978 department with any identifying information or financial  
5979 information, the court shall order the parent to comply and may  
5980 pursue contempt of court sanctions for failure to comply.

5981 7. The department may employ a collection agency for the  
5982 purpose of receiving, collecting, and managing the payment of  
5983 unpaid and delinquent fees. The collection agency must be  
5984 registered and in good standing under chapter 559. The  
5985 department may pay to the collection agency a fee from the



HB 0113A

2003

5986 amount collected under the claim or may authorize the agency to  
 5987 deduct the fee from the amount collected. The department may  
 5988 also pay for collection services from available authorized  
 5989 funds. The Department of Juvenile Justice shall provide to the  
 5990 payor documentation of any amounts paid by the payor to the  
 5991 Department of Juvenile Justice on behalf of the child. All  
 5992 payments received by the department pursuant to this subsection  
 5993 shall be deposited in the state Grants and Donations Trust Fund.

5994 8. Neither the court nor the department may extend the  
 5995 child's length of stay in commitment care solely for the purpose  
 5996 of collecting fees.

5997  
 5998 It is the intent of the Legislature that the criteria and  
 5999 guidelines in this subsection are mandatory and that a  
 6000 determination of disposition under this subsection is subject to  
 6001 the right of the child to appellate review under s. 985.234.

6002 Section 141. The Department of Financial Services shall  
 6003 undertake a review of the Florida Accounting Information  
 6004 Resource subsystem and Uniform Accounting System Manual in  
 6005 accounting for state and county expenditures and revenues  
 6006 associated with Article V of the Florida Constitution. Necessary  
 6007 revisions to account codes, account descriptions, categories,  
 6008 and object codes shall be implemented prior to July 1, 2004. In  
 6009 completing this review, the department shall consult with clerks  
 6010 of court, county commissioners, judges, state attorneys, and  
 6011 public defenders. The Auditor General shall provide technical  
 6012 advice to the department in undertaking this review.

6013 Section 142. Effective July 1, 2003, the Chief Financial  
 6014 Officer shall undertake a study to determine county expenditures  
 6015 for court-related services for the county fiscal year ended



HB 0113A

2003

6016 September 30, 2002. The Chief Financial Officer shall provide  
6017 the form and manner in which the clerks of court, or the  
6018 appropriate county officer in those counties where the clerk of  
6019 court is not the county's chief financial officer, shall submit  
6020 expenditure data and the timeframes within which the data must  
6021 be provided. The clerks of court, state attorneys, public  
6022 defenders, court administrators, boards of county commissioners,  
6023 and sheriffs shall assist the Chief Financial Officer in the  
6024 collection of the necessary expenditure data. The Legislative  
6025 Committee on Intergovernmental Relations may also assist in  
6026 gathering and assessing the expenditure data and provide  
6027 technical assistance. The Auditor General shall provide  
6028 technical advice with respect to the collection and analysis of  
6029 the expenditure data.

6030 (1) Expenditure data shall be reported to the Chief  
6031 Financial Officer at the transaction code level and, for  
6032 specific transaction codes specified by the Chief Financial  
6033 Officer, object/sub-object level, as set forth in the Uniform  
6034 Accounting System Manual developed by the Chief Financial  
6035 Officer pursuant to s. 218.33. Expenditure data provided for  
6036 specific programs or purposes shall include identification of  
6037 the specific account codes within the Uniform Accounting System  
6038 Manual in which the costs were recorded. The clerks of the  
6039 court, or the appropriate county officer in those counties where  
6040 the clerk of court is not the county's chief financial officer,  
6041 must reconcile the expenditure data provided to the Chief  
6042 Financial Officer with the Annual Financial Report required by  
6043 s. 218.32. The clerks of court must attest to the accuracy of  
6044 the expenditure data provided to the Chief Financial Officer.  
6045 State attorneys, public defenders, court administrators, boards



HB 0113A

2003

6046 of county commissions chairpersons, and sheriffs shall each  
6047 attest to the accuracy of any expenditure data they submit to  
6048 the clerks.

6049 (2) The Chief Financial Officer shall reimburse  
6050 individuals for travel costs incurred as a result of  
6051 participation in the collection and analysis of the expenditure  
6052 data from funds specifically appropriated for such purpose.

6053 (3) The Chief Financial Officer shall submit a report to  
6054 the President of the Senate and Speaker of the House of  
6055 Representatives no later than November 1, 2003, summarizing the  
6056 court-related cost information submitted by the clerks of court.

6057 (4) The sum of \$200,000 from the Insurance Regulatory  
6058 Trust Fund is appropriated to the Department of Financial  
6059 Services for state fiscal year 2003-2004 to support this  
6060 project.

6061 Section 143. It is the intent of the Legislature to  
6062 implement Revision 7 to Article V of the Florida Constitution in  
6063 a way which recognizes the allocation of funding  
6064 responsibilities among the state, counties, and system users.  
6065 The Legislature hereby declares that the provisions of this act  
6066 designed to achieve that allocation of responsibility fulfills  
6067 an important state interest.

6068 Section 144. For the purpose of implementing Section 14,  
6069 Article V of the State Constitution, the transfer of the funding  
6070 responsibility for the state courts system shall not affect the  
6071 validity of any judicial or administrative proceeding pending on  
6072 the day of the transfer. The entity providing appropriations on  
6073 and after July 1, 2004, shall be considered the successor in  
6074 interest to any existing contracts ratified by the successor  
6075 entity, but is not responsible for funding or payment of any



HB 0113A

2003

6076 service rendered or provided, in whole or in part, prior to July  
6077 1, 2004.

6078 Section 145. Notwithstanding any law to the contrary, any  
6079 judicial act may be taken or performed on any day of the week,  
6080 including Sundays and holidays.

6081 Section 146. Notwithstanding s. 938.19, Florida Statutes,  
6082 to the contrary, any court may use surplus funds provided for  
6083 teen courts for juvenile drug courts. This section expires July  
6084 1, 2004.

6085 Section 147. Service charges and fees imposed by the  
6086 governing authority of counties by ordinance and special law  
6087 pursuant to authority granted in ss. 28.242-34.041, Florida  
6088 Statutes, prior to June 30, 2004, are repealed and abolished  
6089 effective July 1, 2004.

6090 Section 148. Each clerk of the court shall submit to the  
6091 President of the Senate and the Speaker of the House of  
6092 Representatives by November 1, 2003, a report identifying court-  
6093 related functions and associated costs for county fiscal year  
6094 2003-2004. The report shall detail the methodologies used to  
6095 apportion costs between court-related and non-court-related  
6096 functions performed by the clerk.

6097 Section 149. By October 1, 2003, each clerk of the court  
6098 must notify the Clerk of Court Operations Conference created  
6099 pursuant to s. 28.35, Florida Statutes, of the entire schedule  
6100 of court-related fees, service charges, and costs that he or she  
6101 elects to charge effective July 1, 2004, based on the statutory  
6102 authorizations that are effective July 1, 2004. The Clerk of  
6103 Court Operations Conference shall submit this information to the  
6104 Legislature in a uniform format with appropriate summaries and  
6105 explanatory information no later than November 1, 2003.



HB 0113A

2003

6106           Section 150. Sections 25.402 and 34.201, Florida Statutes,  
 6107 are repealed.

6108           Section 151. Effective July 1, 2004, sections 27.005,  
 6109 27.006, 27.271, 27.33, 27.3455, 27.36, 27.385, 27.605, 29.002,  
 6110 29.003, 29.009, 29.011, 43.28, 50.071, 57.091, 218.325, 914.06,  
 6111 925.035, 925.036, 925.037, 939.05, 939.07, 939.10, and 939.15,  
 6112 Florida Statutes, are repealed.

6113           Section 152. If any law amended by this act was also  
 6114 amended by a law enacted at the 2003 Regular Session of the  
 6115 Legislature, such laws shall be construed as if they had been  
 6116 enacted at the same session of the Legislature, and full effect  
 6117 shall be given to each if possible.

6118           Section 153. Except as otherwise provided herein, this act  
 6119 shall take effect July 1, 2003.

6120