



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



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;



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



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



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,



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



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, Engrossed 2

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



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 state-shared revenues; 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 local government to assign, pledge, or set
 261 aside certain funds as a trust for payment on
 262 indebtedness; amending s. 218.35, F.S.; revising
 263 requirements for budget preparation by the clerk of the
 264 circuit court as county fee officer; amending s. 318.15,
 265 F.S.; authorizing an increase in various fees for persons
 266 failing to comply with civil penalties, attend driver
 267 improvement school, or appear at a hearing; amending s.
 268 318.18, F.S.; authorizing an increase in various fees for
 269 penalties for noncriminal dispositions; creating
 270 additional charges and fees to be paid to the clerk of the



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



301 processing guardian files; amending s. 744.365, F.S.;

302 authorizing an increase in the fee paid to the clerk of

303 the court for an inventory filed by a guardian; deleting

304 provisions requiring that the county pay the auditing fee

305 when such fee is waived by the court; amending s.

306 744.3678, F.S.; authorizing an increase in the fees paid

307 by the guardian to the clerk of the court for filing an

308 annual financial return; prohibiting the clerk of the

309 circuit court from billing the county for a waived fee;

310 amending s. 775.083, F.S.; deleting provisions authorizing

311 counties to impose and collect additional fines to be used

312 to pay for local crime prevention programs; providing for

313 the disposition of fines and costs; requiring funding of

314 crime prevention programs in counties; amending s. 796.07,

315 F.S.; conforming a reference; amending s. 914.11, F.S.;

316 requiring the state to pay certain costs and expenses of

317 indigent defendants presently unable to pay; amending s.

318 916.107, F.S.; providing for right to treatment of

319 forensic clients presently unable to pay; amending s.

320 916.15, F.S., relating to involuntary commitment of

321 defendant adjudicated not guilty by reason of insanity;

322 providing for representation by the public defender if the

323 defendant is indigent; amending s. 938.01, F.S., relating

324 to 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



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



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;



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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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:



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.



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.



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, Engrossed 2

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, Engrossed 2

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.



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



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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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



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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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



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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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:



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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

2003

1614	each.....	<u>3.00</u>	2.00
1615	<u>(15)</u> (18) For preparing affidavit of domicile.....	5.00	
1616	<u>(16)</u> (19) For exemplified certificates, including signing		
1617	and sealing.....	<u>6.00</u>	4.00
1618	<u>(17)</u> (20) For authenticated certificates, including signing		
1619	and sealing.....	<u>6.00</u>	4.00
1620	<u>(18)</u> (21) (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>	4.00
1623	(b) For signing and sealing only.....	<u>1.50</u>	1.00
1624	(22) For issuing venire facias (includes writing,		
1625	preparing, signing, and sealing).....	5.00	
1626	(23) For paying of witnesses and making and reporting		
1627	payroll to State Comptroller, per copy, per page.....	5.00	
1628	<u>(19)</u> (24) For approving bond.....	<u>7.50</u>	5.00
1629	<u>(20)</u> (25) For searching of records, for each year's		
1630	search.....	<u>1.50</u>	1.00
1631	<u>(21)</u> (26) 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> (27) For disbursement of excess proceeds of tax deed		
1636	sale, first \$100 or fraction thereof.....	10.00	
1637	<u>(23)</u> (28) 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>	20.00
1641	<u>(24)</u> (29) For solemnizing matrimony.....	<u>30.00</u>	20.00
1642	<u>(25)</u> (30) For sealing any court file or expungement of any		
1643	record.....	<u>37.50</u>	25.00



HB 0113A, Engrossed 2

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:

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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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, Engrossed 2

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.

1913 (d) The maximum amount of discretionary fines and other



HB 0113A, Engrossed 2

2003

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.

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



HB 0113A, Engrossed 2

2003

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.

2002 (d) Developing and approving a system of performance
 2003 accountability measurements and performance standards for each



HB 0113A, Engrossed 2

2003

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.

2032 (4) The Clerk of Court Operations Conference shall submit
2033 an annual audited financial statement to the Auditor General in



HB 0113A, Engrossed 2

2003

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
2062 the total of the anticipated expenditures. These revenues
2063 include the following: cash balances brought forward from the



HB 0113A, Engrossed 2

2003

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
 2092 to remit to the Department of Revenue for deposit into the
 2093 Department of Revenue Clerks of the Court Trust Fund pursuant to



HB 0113A, Engrossed 2

2003

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.

2122 (5)(a) For the county fiscal year October 1, 2004, through
2123 September 30, 2005, the maximum annual budget amount that may be



HB 0113A, Engrossed 2

2003

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
2152 adjusted by the projected percentage change in revenue between
2153 the county fiscal years 2005-2006 and 2006-2007. This result



HB 0113A, Engrossed 2

2003

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
2182 proposed legislation to the Governor, the President of the
2183 Senate, and the Speaker of the House of Representatives no later



HB 0113A, Engrossed 2

2003

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 August 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
 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



HB 0113A, Engrossed 2

2003

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
 2242 appeal, circuit courts, county courts, and certain ~~essential~~
 2243 supports thereto. ~~Similarly,~~ The offices of public defenders



HB 0113A, Engrossed 2

2003

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,~~
2272 ~~court-appointed counsel, and the offices of the clerks of the~~
2273 ~~circuit and county courts performing court-related functions,~~



HB 0113A, Engrossed 2

2003

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.

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~~



HB 0113A, Engrossed 2

2003

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.

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

2332



HB 0113A, Engrossed 2

2003

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'
 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:

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:



HB 0113A, Engrossed 2

2003

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.

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



HB 0113A, Engrossed 2

2003

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.

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.



HB 0113A, Engrossed 2

2003

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
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



HB 0113A, Engrossed 2

2003

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.

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
 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,



HB 0113A, Engrossed 2

2003

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,
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



HB 0113A, Engrossed 2

2003

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
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



HB 0113A, Engrossed 2

2003

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:

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.

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,



HB 0113A, Engrossed 2

2003

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.

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



HB 0113A, Engrossed 2

2003

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
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



HB 0113A, Engrossed 2

2003

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
 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.



HB 0113A, Engrossed 2

2003

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.

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



HB 0113A, Engrossed 2

2003

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
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.

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



HB 0113A, Engrossed 2

2003

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
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
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



HB 0113A, Engrossed 2

2003

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.

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



HB 0113A, Engrossed 2

2003

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:

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.
 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:

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,



HB 0113A, Engrossed 2

2003

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~~
 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~~



HB 0113A, Engrossed 2

2003

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 estreatment pursuant to chapter 939. ~~The provisions of s.~~
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



HB 0113A, Engrossed 2

2003

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
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:



HB 0113A, Engrossed 2

2003

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.

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.~~



HB 0113A, Engrossed 2

2003

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.

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.~~



HB 0113A, Engrossed 2

2003

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
 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



HB 0113A, Engrossed 2

2003

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
 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



HB 0113A, Engrossed 2

2003

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~~
 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:



HB 0113A, Engrossed 2

2003

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.

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



HB 0113A, Engrossed 2

2003

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;

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:

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



HB 0113A, Engrossed 2

2003

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~~
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
 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



HB 0113A, Engrossed 2

2003

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,
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



HB 0113A, Engrossed 2

2003

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
 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



HB 0113A, Engrossed 2

2003

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~~
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.~~



HB 0113A, Engrossed 2

2003

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
 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."



HB 0113A, Engrossed 2

2003

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
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
 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



HB 0113A, Engrossed 2

2003

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.

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



HB 0113A, Engrossed 2

2003

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
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:



HB 0113A, Engrossed 2

2003

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:

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.



HB 0113A, Engrossed 2

2003

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
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



HB 0113A, Engrossed 2

2003

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.--

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.



HB 0113A, Engrossed 2

2003

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
 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:



HB 0113A, Engrossed 2

2003

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.

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



HB 0113A, Engrossed 2

2003

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
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.

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
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



HB 0113A, Engrossed 2

2003

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.

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.



HB 0113A, Engrossed 2

2003

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~~
 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



HB 0113A, Engrossed 2

2003

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
 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:



HB 0113A, Engrossed 2

2003

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~~
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.--



HB 0113A, Engrossed 2

2003

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
 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



HB 0113A, Engrossed 2

2003

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.

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



HB 0113A, Engrossed 2

2003

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.

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



HB 0113A, Engrossed 2

2003

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
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



HB 0113A, Engrossed 2

2003

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
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.

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.



HB 0113A, Engrossed 2

2003

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
 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.



HB 0113A, Engrossed 2

2003

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
 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



HB 0113A, Engrossed 2

2003

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.

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, through
 4290 fiscal year 2008-2009, a percentage increase in such amount
 4291 equal to the percentage increase of the Revenue Sharing Trust
 4292 Fund for Municipalities for the preceding fiscal year, except
 4293 that for fiscal year 2005-2006 only, the percentage increase
 4294 shall be based on the amount it received from the Revenue
 4295 Sharing Trust Fund for Municipalities in fiscal year 2004-2005,
 4296 plus a percentage increase in such amount equal to the
 4297 percentage increase of such fund for fiscal year 2004-2005
 4298 excluding the increase in fiscal year 2004-2005 that is
 4299 attributed to the increase in municipal revenue sharing from



4300 1.0715 percent to 1.3409 percent pursuant to section 92 of this
 4301 act.

4302 Section 94. Effective July 1, 2006, subsection (6) of
 4303 section 218.21, Florida Statutes, as amended by section 93 of
 4304 this act, is amended to read:

4305 218.21 Definitions.--As used in this part, the following
 4306 words and terms shall have the meaning ascribed them in this
 4307 section, except where the context clearly indicates a different
 4308 meaning:

4309 (6) "Guaranteed entitlement" means the amount of revenue
 4310 which must be shared with an eligible unit of local government
 4311 so that:

4312 (a) No eligible county shall receive less funds from the
 4313 Revenue Sharing Trust Fund for Counties in any fiscal year than
 4314 the amount received in the aggregate from the state in fiscal
 4315 year 1971-1972 under the provisions of the then-existing s.
 4316 210.20(2)(c), tax on cigarettes; the then-existing s. 323.16(4),
 4317 road tax; and the then-existing s. 199.292(4), tax on intangible
 4318 personal property.

4319 (b) No eligible municipality shall receive less funds from
 4320 the Revenue Sharing Trust Fund for Municipalities in any fiscal
 4321 year than the aggregate amount it received from the state in
 4322 fiscal year 1971-1972 under the provisions of the then-existing
 4323 s. 210.20(2)(a), tax on cigarettes; the then-existing s.
 4324 323.16(3), road tax; and s. 206.605, tax on motor fuel. Any
 4325 government exercising municipal powers under s. 6(f), Art. VIII
 4326 of the State Constitution may not receive less than the
 4327 aggregate amount it received from the Revenue Sharing Trust Fund
 4328 for Municipalities in the preceding fiscal year, plus, through
 4329 fiscal year 2008-2009, a percentage increase in such amount



HB 0113A, Engrossed 2

2003

4330 equal to the percentage increase of the Revenue Sharing Trust
 4331 Fund for Municipalities for the preceding fiscal year, ~~except~~
 4332 ~~that for fiscal year 2005-2006 only, the percentage increase~~
 4333 ~~shall be based on the amount it received from the Revenue~~
 4334 ~~Sharing Trust Fund for Municipalities in fiscal year 2004-2005,~~
 4335 ~~plus a percentage increase in such amount equal to the~~
 4336 ~~percentage increase of such fund for fiscal year 2004-2005~~
 4337 ~~excluding the increase in fiscal year 2004-2005 that is~~
 4338 ~~attributed to the increase in municipal revenue sharing from~~
 4339 ~~1.0715 percent to 1.3409 percent pursuant to section 92 of this~~
 4340 ~~act.~~

4341 Section 95. Effective July 1, 2009, subsection (6) of
 4342 section 218.21, Florida Statutes, as amended by section 94 of
 4343 this act, is amended to read:

4344 218.21 Definitions.--As used in this part, the following
 4345 words and terms shall have the meaning ascribed them in this
 4346 section, except where the context clearly indicates a different
 4347 meaning:

4348 (6) "Guaranteed entitlement" means the amount of revenue
 4349 which must be shared with an eligible unit of local government
 4350 so that:

4351 (a) No eligible county shall receive less funds from the
 4352 Revenue Sharing Trust Fund for Counties in any fiscal year than
 4353 the amount received in the aggregate from the state in fiscal
 4354 year 1971-1972 under the provisions of the then-existing s.
 4355 210.20(2)(c), tax on cigarettes; the then-existing s. 323.16(4),
 4356 road tax; and the then-existing s. 199.292(4), tax on intangible
 4357 personal property.

4358 (b) No eligible municipality shall receive less funds from
 4359 the Revenue Sharing Trust Fund for Municipalities in any fiscal



HB 0113A, Engrossed 2

2003

4360 year than the aggregate amount it received from the state in
 4361 fiscal year 1971-1972 under the provisions of the then-existing
 4362 s. 210.20(2)(a), tax on cigarettes; the then-existing s.
 4363 323.16(3), road tax; and s. 206.605, tax on motor fuel. Any
 4364 government exercising municipal powers under s. 6(f), Art. VIII
 4365 of the State Constitution may not receive less than the
 4366 aggregate amount it received from the Revenue Sharing Trust Fund
 4367 for Municipalities in the preceding fiscal year, ~~plus, through~~
 4368 ~~fiscal year 2008-2009, a percentage increase in such amount~~
 4369 ~~equal to the percentage increase of the Revenue Sharing Trust~~
 4370 ~~Fund for Municipalities for the preceding fiscal year.~~

4371 Section 96. Effective July 1, 2004, subsection (4) is
 4372 added to section 218.25, Florida Statutes, to read:

4373 218.25 Limitation of shared funds; holders of bonds
 4374 protected; limitation on use of second guaranteed entitlement
 4375 for counties.--

4376 (4) Notwithstanding subsections (1) and (2), a local
 4377 government may assign, pledge, or set aside as a trust for the
 4378 payment of principal or interest on bonds, tax anticipation
 4379 certificates, or any other form of indebtedness an amount up to
 4380 50 percent of the funds received in the prior year.

4381 Section 97. Effective July 1, 2004, subsection (2) of
 4382 section 218.35, Florida Statutes, is amended to read:

4383 218.35 County fee officers; financial matters.--

4384 (2) The clerk of the circuit court, functioning in his or
 4385 her capacity as clerk of the circuit and county courts and as
 4386 clerk of the board of county commissioners, shall prepare his or
 4387 her budget in two parts:

4388 (a) The budget for funds necessary to perform court-
 4389 related functions as provided for in s. 28.36, which shall



HB 0113A, Engrossed 2

2003

4390 detail the methodologies used to apportion costs between court-
 4391 related and non-court-related functions performed by the clerk.

4392 ~~The budget relating to the state courts system, including~~
 4393 ~~recording, which shall be filed with the State Courts~~
 4394 ~~Administrator as well as with the board of county commissioners;~~
 4395 ~~and~~

4396 (b) The budget relating to the requirements of the clerk
 4397 as clerk of the board of county commissioners, county auditor,
 4398 and custodian or treasurer of all county funds and other county-
 4399 related duties.

4400 Section 98. Effective July 1, 2004, paragraph (b) of
 4401 subsection (1) and subsection (2) of section 318.15, Florida
 4402 Statutes, are amended to read:

4403 318.15 Failure to comply with civil penalty or to appear;
 4404 penalty.--

4405 (1)

4406 (b) However, a person who elects to attend driver
 4407 improvement school and has paid the civil penalty as provided in
 4408 s. 318.14(9), but who subsequently fails to attend the driver
 4409 improvement school within the time specified by the court shall
 4410 be deemed to have admitted the infraction and shall be
 4411 adjudicated guilty. In such case the person must pay the clerk
 4412 of the court the 18 percent deducted pursuant to s. 318.14(9),
 4413 and a ~~\$10~~ processing fee of up to \$15, after which no additional
 4414 penalties, court costs, or surcharges shall be imposed for the
 4415 violation. The clerk of the court shall notify the department of
 4416 the person's failure to attend driver improvement school and
 4417 points shall be assessed pursuant to s. 322.27.

4418 (2) After suspension of the driver's license and privilege
 4419 to drive of a person under subsection (1), the license and



HB 0113A, Engrossed 2

2003

4420 privilege may not be reinstated until the person complies with
4421 all obligations and penalties imposed on him or her under s.
4422 318.18 and presents to a driver license office a certificate of
4423 compliance issued by the court, together with a ~~the~~ ~~\$25~~
4424 nonrefundable service fee of up to \$37.50 imposed under s.
4425 322.29, or pays the aforementioned ~~\$25~~ service fee of up to
4426 \$37.50 to the clerk of the court or tax collector clearing such
4427 suspension. Such person shall also be in compliance with
4428 requirements of chapter 322 prior to reinstatement.

4429 Section 99. Effective July 1, 2004, subsection (2),
4430 paragraphs (c), (d), (e), and (f) of subsection (3), and
4431 subsections (6), (7), and (11) of section 318.18, Florida
4432 Statutes, are amended to read:

4433 318.18 Amount of civil penalties.--The penalties required
4434 for a noncriminal disposition pursuant to s. 318.14 are as
4435 follows:

4436 (2) Thirty dollars for all nonmoving traffic violations
4437 and:

4438 (a) For all violations of s. 322.19.

4439 (b) For all violations of ss. 320.0605, 320.07(1),
4440 322.065, and 322.15(1). Any person who is cited for a violation
4441 of s. 320.07(1) shall be charged a delinquent fee pursuant to s.
4442 320.07(4).

4443 1. If a person who is cited for a violation of s. 320.0605
4444 or s. 320.07 can show proof of having a valid registration at
4445 the time of arrest, the clerk of the court may dismiss the case
4446 and may assess a ~~\$5~~ dismissal fee of up to \$7.50. A person who
4447 finds it impossible or impractical to obtain a valid
4448 registration certificate must submit an affidavit detailing the
4449 reasons for the impossibility or impracticality. The reasons may



HB 0113A, Engrossed 2

2003

4450 include, but are not limited to, the fact that the vehicle was
4451 sold, stolen, or destroyed; that the state in which the vehicle
4452 is registered does not issue a certificate of registration; or
4453 that the vehicle is owned by another person.

4454 2. If a person who is cited for a violation of s. 322.03,
4455 s. 322.065, or s. 322.15 can show a driver's license issued to
4456 him or her and valid at the time of arrest, the clerk of the
4457 court may dismiss the case and may assess a \$5 dismissal fee of
4458 up to \$7.50.

4459 3. If a person who is cited for a violation of s. 316.646
4460 can show proof of security as required by s. 627.733, issued to
4461 the person and valid at the time of arrest, the clerk of the
4462 court may dismiss the case and may assess a \$5 dismissal fee of
4463 up to \$7.50. A person who finds it impossible or impractical to
4464 obtain proof of security must submit an affidavit detailing the
4465 reasons for the impracticality. The reasons may include, but are
4466 not limited to, the fact that the vehicle has since been sold,
4467 stolen, or destroyed; that the owner or registrant of the
4468 vehicle is not required by s. 627.733 to maintain personal
4469 injury protection insurance; or that the vehicle is owned by
4470 another person.

4471 (c) For all violations of ss. 316.2935 and 316.610.
4472 However, for a violation of s. 316.2935 or s. 316.610, if the
4473 person committing the violation corrects the defect and obtains
4474 proof of such timely repair by an affidavit of compliance
4475 executed by the law enforcement agency within 30 days from the
4476 date upon which the traffic citation was issued, and pays \$4 to
4477 the law enforcement agency, thereby completing the affidavit of
4478 compliance, then upon presentation of said affidavit by the
4479 defendant to the clerk within the 30-day time period set forth



HB 0113A, Engrossed 2

2003

4480 under s. 318.14(4), the fine must be reduced to \$7.50 ~~\$5~~, which
4481 the clerk of the court shall retain.

4482 (d) For all violations of s. 316.126(1)(b), unless
4483 otherwise specified.

4484 (3)

4485 (c) Notwithstanding paragraph (b), a person cited for
4486 exceeding the speed limit by up to 5 m.p.h. in a legally posted
4487 school zone will be fined \$50. A person exceeding the speed
4488 limit in a school zone shall pay ~~will be assessed~~ a fine double
4489 the amount listed in paragraph (b).

4490 (d) A person cited for exceeding the speed limit in a
4491 posted construction zone shall pay ~~will be assessed~~ a fine
4492 double the amount listed in paragraph (b). The fine shall be
4493 doubled for construction zone violations only if construction
4494 personnel are present or operating equipment on the road or
4495 immediately adjacent to the road under construction.

4496 (e) If a violation of s. 316.1301 or s. 316.1303 results
4497 in an injury to the pedestrian or damage to the property of the
4498 pedestrian, an additional fine of up to \$250 shall be paid ~~must~~
4499 ~~be assessed~~. This amount must be distributed pursuant to s.
4500 318.21.

4501 (f) A person cited for exceeding the speed limit within a
4502 zone posted for any electronic or manual toll collection
4503 facility shall pay ~~will be assessed~~ a fine double the amount
4504 listed in paragraph (b). However, no person cited for exceeding
4505 the speed limit in any toll collection zone shall be subject to
4506 a doubled fine unless the governmental entity or authority
4507 controlling the toll collection zone first installs a traffic
4508 control device providing warning that speeding fines are



HB 0113A, Engrossed 2

2003

4509 doubled. Any such traffic control device must meet the
4510 requirements of the uniform system of traffic control devices.

4511 (6) One hundred dollars or the fine amount designated by
4512 county ordinance, plus court costs for illegally parking, under
4513 s. 316.1955, in a parking space provided for people who have
4514 disabilities. However, this fine will be waived if a person
4515 provides to the law enforcement agency that issued the citation
4516 for such a violation proof that the person committing the
4517 violation has a valid parking permit or license plate issued
4518 pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845,
4519 or s. 320.0848 or a signed affidavit that the owner of the
4520 disabled parking permit or license plate was present at the time
4521 the violation occurred, and that such a parking permit or
4522 license plate was valid at the time the violation occurred. The
4523 law enforcement officer, upon determining that all required
4524 documentation has been submitted verifying that the required
4525 parking permit or license plate was valid at the time of the
4526 violation, must sign an affidavit of compliance. Upon provision
4527 of the affidavit of compliance and payment of a ~~\$5~~
4528 of up to \$7.50 to the clerk of the circuit court, the clerk
4529 shall dismiss the citation.

4530 (7) One hundred dollars for a violation of s. 316.1001.
4531 However, a person may elect to pay \$30 to the clerk of the
4532 court, in which case adjudication is withheld, and no points are
4533 assessed under s. 322.27. Upon receipt of the fine, the clerk of
4534 the court must retain \$5 for administrative purposes and must
4535 forward the \$25 to the governmental entity that issued the
4536 citation. Any funds received by a governmental entity for this
4537 violation may be used for any lawful purpose related to the
4538 operation or maintenance of a toll facility.



HB 0113A, Engrossed 2

2003

4539 (11)(a) Court costs that are to be in addition to the
 4540 stated fine must be paid ~~shall be imposed by the court~~ in an
 4541 amount not less than the following and shall be deposited by the
 4542 clerk into the fine and forfeiture fund established pursuant to
 4543 s. 142.01:

- 4544
- 4545 For pedestrian infractions.....\$ 3.
- 4546 For nonmoving traffic infractions.....\$ 16 ~~\$ 6.~~
- 4547 For moving traffic infractions.....\$ 30 ~~\$ 10.~~
- 4548

4549 (b) In addition to the court cost required ~~assessed~~ under
 4550 paragraph (a), ~~the court shall impose~~ a \$3 court cost must be
 4551 paid for each infraction to be distributed as provided in s.
 4552 938.01 and a \$2 court cost as provided in s. 938.15 when
 4553 assessed by a municipality or county.

4554

4555 ~~Court costs imposed under this subsection may not exceed \$30. A~~
 4556 ~~criminal justice selection center or other local criminal~~
 4557 ~~justice access and assessment center may be funded from these~~
 4558 ~~court costs.~~

4559 Section 100. Effective July 1, 2004, paragraphs (g) and
 4560 (h) of subsection (2) of section 318.21, Florida Statutes, are
 4561 amended to read:

4562 318.21 Disposition of civil penalties by county courts.--
 4563 All civil penalties received by a county court pursuant to the
 4564 provisions of this chapter shall be distributed and paid monthly
 4565 as follows:

4566 (2) Of the remainder:

4567 (g)1. If the violation occurred within a municipality or a
 4568 special improvement district of the Seminole Indian Tribe or



HB 0113A, Engrossed 2

2003

4569 Miccosukee Indian Tribe, 56.4 percent shall be paid to that
4570 municipality or special improvement district.

4571 2. If the violation occurred within the unincorporated
4572 area of a county that is not within a special improvement
4573 district of the Seminole Indian Tribe or Miccosukee Indian
4574 Tribe, 56.4 percent shall be deposited into the fine and
4575 forfeiture fund established pursuant to s. 142.01 ~~paid to that~~
4576 ~~county.~~

4577 (h) Fifteen percent must be deposited into the General
4578 Revenue County Article V Trust Fund.

4579 Section 101. Effective July 1, 2004, section 318.325,
4580 Florida Statutes, is amended to read:

4581 318.325 Jurisdiction and procedure for parking
4582 infractions.--Any county or municipality may adopt an ordinance
4583 that allows the county or municipality to refer cases involving
4584 the violation of a county or municipal parking ordinance to a
4585 hearing officer funded by the county or municipality ~~designated~~
4586 ~~to preside over civil traffic infractions in the county.~~

4587 Notwithstanding the provisions of ss. 318.14 and 775.08(3), any
4588 parking violation shall be deemed to be an infraction as defined
4589 in s. 318.13(3). However, the violation must be enforced and
4590 disposed of in accordance with the provisions of general law
4591 applicable to parking violations and with the charter or code of
4592 the county or municipality where the violation occurred. The
4593 clerk of the court or the designated traffic violations bureau
4594 must collect and distribute the fines, forfeitures, and court
4595 costs assessed under this section. Notwithstanding the
4596 provisions of s. 318.21, fines and forfeitures received from
4597 parking violations committed within the unincorporated areas of
4598 the county or within the boundaries of the municipality must be



HB 0113A, Engrossed 2

2003

4599 collected and paid monthly to the county or municipality,
 4600 respectively. Court costs assessed by the hearing officer must
 4601 be paid to the county.

4602 Section 102. Effective July 1, 2004, subsection (1) of
 4603 section 322.245, Florida Statutes, is amended to read:

4604 322.245 Suspension of license upon failure of person
 4605 charged with specified offense under chapter 316, chapter 320,
 4606 or this chapter to comply with directives ordered by traffic
 4607 court or upon failure to pay child support in non-IV-D cases as
 4608 provided in chapter 61.--

4609 (1) If a person who is charged with a violation of any of
 4610 the criminal offenses enumerated in s. 318.17 or with the
 4611 commission of any offense constituting a misdemeanor under
 4612 chapter 320 or this chapter fails to comply with all of the
 4613 directives of the court within the time allotted by the court,
 4614 the clerk of the traffic court shall mail to the person, at the
 4615 address specified on the uniform traffic citation, a notice of
 4616 such failure, notifying him or her that, if he or she does not
 4617 comply with the directives of the court within 30 days after the
 4618 date of the notice and pay a delinquency fee of up to \$15 ~~\$10~~ to
 4619 the clerk, his or her driver's license will be suspended. The
 4620 notice shall be mailed no later than 5 days after such failure.
 4621 The delinquency fee may be retained by the office of the clerk
 4622 to defray the operating costs of the office.

4623 Section 103. Effective July 1, 2004, paragraph (a) of
 4624 subsection (9) of section 327.73, Florida Statutes, is amended
 4625 to read:

4626 327.73 Noncriminal infractions.--

4627 (9)(a) Any person who fails to comply with the court's
 4628 requirements or who fails to pay the civil penalties specified



HB 0113A, Engrossed 2

2003

4629 in this section within the 30-day period provided for in s.
 4630 327.72 must pay an additional court cost of up to \$18 ~~\$12~~, which
 4631 shall be used by the clerks of the courts to defray the costs of
 4632 tracking unpaid uniform boating citations.

4633 Section 104. Effective July 1, 2004, section 382.023,
 4634 Florida Statutes, is amended to read:

4635 382.023 Department to receive dissolution-of-marriage
 4636 records; fees.--Clerks of the circuit courts shall collect for
 4637 their services at the time of the filing of a final judgment of
 4638 dissolution of marriage a fee of up to \$10.50 ~~\$7~~, of which 43
 4639 percent ~~\$3~~ shall be retained by the circuit court as a part of
 4640 the cost in the cause in which the judgment is granted. The
 4641 remaining 57 percent ~~\$4~~ shall be remitted to the Department of
 4642 Revenue for deposit to the Department of Health to defray part
 4643 of the cost of maintaining the dissolution-of-marriage records.
 4644 A record of each and every judgment of dissolution of marriage
 4645 granted by the court during the preceding calendar month, giving
 4646 names of parties and such other data as required by forms
 4647 prescribed by the department, shall be transmitted to the
 4648 department, on or before the 10th day of each month, along with
 4649 an accounting of the funds remitted to the Department of Revenue
 4650 pursuant to this section.

4651 Section 105. Effective July 1, 2004, paragraph (c) of
 4652 subsection (4) of section 392.55, Florida Statutes, is amended
 4653 to read:

4654 392.55 Physical examination and treatment.--

4655 (4) A warrant requiring a person to be apprehended or
 4656 examined on an outpatient basis may not be issued unless:

4657 (c) The court advises the person of the right to have
 4658 legal counsel present. If the person is insolvent and unable to



HB 0113A, Engrossed 2

2003

4659 employ counsel, the court shall appoint legal counsel for the
4660 person pursuant to the indigence ~~indigency~~ criteria in s. 27.52.

4661 Section 106. Effective July 1, 2004, paragraph (c) of
4662 subsection (3) of section 392.56, Florida Statutes, is amended
4663 to read:

4664 392.56 Hospitalization, placement, and residential
4665 isolation.--

4666 (3) A person may not be ordered by a circuit court to be
4667 hospitalized, placed in another health care facility or
4668 residential facility, or isolated from the general public in the
4669 home, unless:

4670 (c) The court advises the person of the right to have
4671 counsel present. If the person is insolvent and unable to employ
4672 counsel, the court shall appoint legal counsel for the person
4673 pursuant to the indigence ~~indigency~~ criteria in s. 27.52.

4674 Section 107. Effective July 1, 2004, section 394.473,
4675 Florida Statutes, is amended to read:

4676 394.473 Attorney's fee; expert witness fee.--

4677 (1) In case of the indigence ~~indigency~~ of any person for
4678 whom an attorney is appointed pursuant to the provisions of this
4679 part, the attorney shall be entitled to a reasonable fee to be
4680 determined by the court and paid from the general fund of the
4681 county from which the patient was involuntarily detained. In
4682 case of the indigence ~~indigency~~ of any such person, the court
4683 may appoint a public defender. The public defender shall receive
4684 no additional compensation other than that usually paid his or
4685 her office.

4686 (2) In case of the indigence ~~indigency~~ of any person for
4687 whom expert testimony is required in a court hearing pursuant to
4688 the provisions of this act, the expert, except one who is



HB 0113A, Engrossed 2

2003

4689 classified as a full-time employee of the state or who is
4690 receiving remuneration from the state for his or her time in
4691 attendance at the hearing, shall be entitled to a reasonable fee
4692 to be determined by the court and paid from the general fund of
4693 the county from which the patient was involuntarily detained.

4694 Section 108. Effective July 1, 2004, subsection (1) of
4695 section 395.3025, Florida Statutes, is amended to read:

4696 395.3025 Patient and personnel records; copies;
4697 examination.--

4698 (1) Any licensed facility shall, upon written request, and
4699 only after discharge of the patient, furnish, in a timely
4700 manner, without delays for legal review, to any person admitted
4701 therein for care and treatment or treated thereat, or to any
4702 such person's guardian, curator, or personal representative, or
4703 in the absence of one of those persons, to the next of kin of a
4704 decedent or the parent of a minor, or to anyone designated by
4705 such person in writing, a true and correct copy of all patient
4706 records, including X rays, and insurance information concerning
4707 such person, which records are in the possession of the licensed
4708 facility, provided the person requesting such records agrees to
4709 pay a charge. The exclusive charge for copies of patient records
4710 may include sales tax and actual postage, and, except for
4711 nonpaper records which are subject to a charge not to exceed \$2
4712 as provided in s. 28.24~~(6)~~~~(9)~~(c), may not exceed \$1 per page, as
4713 provided in s. 28.24~~(5)~~~~(8)~~(a). A fee of up to \$1 may be charged
4714 for each year of records requested. These charges shall apply to
4715 all records furnished, whether directly from the facility or
4716 from a copy service providing these services on behalf of the
4717 facility. However, a patient whose records are copied or
4718 searched for the purpose of continuing to receive medical care



HB 0113A, Engrossed 2

2003

4719 is not required to pay a charge for copying or for the search.
4720 The licensed facility shall further allow any such person to
4721 examine the original records in its possession, or microforms or
4722 other suitable reproductions of the records, upon such
4723 reasonable terms as shall be imposed to assure that the records
4724 will not be damaged, destroyed, or altered.

4725 Section 109. Effective July 1, 2004, section 397.334,
4726 Florida Statutes, is amended to read:

4727 397.334 Treatment-based drug court programs.--

4728 ~~(1) It is the intent of the Legislature to implement~~
4729 ~~treatment-based drug court programs in each judicial circuit in~~
4730 ~~an effort to reduce crime and recidivism, abuse and neglect~~
4731 ~~cases, and family dysfunction by breaking the cycle of addiction~~
4732 ~~which is the most predominant cause of cases entering the~~
4733 ~~justice system. The Legislature recognizes that the integration~~
4734 ~~of judicial supervision, treatment, accountability, and~~
4735 ~~sanctions greatly increases the effectiveness of substance abuse~~
4736 ~~treatment. The Legislature also seeks to ensure that there is a~~
4737 ~~coordinated, integrated, and multidisciplinary response to the~~
4738 ~~substance abuse problem in this state, with special attention~~
4739 ~~given to creating partnerships between the public and private~~
4740 ~~sectors and to the coordinated, supported, and integrated~~
4741 ~~delivery of multiple-system services for substance abusers,~~
4742 ~~including a multiagency team approach to service delivery.~~

4743 (1)(2) Each county may fund ~~judicial circuit shall~~
4744 ~~establish a model of~~ a treatment-based drug court program under
4745 which persons in the justice system assessed with a substance
4746 abuse problem will be processed in such a manner as to
4747 appropriately address the severity of the identified substance
4748 abuse problem through treatment plans tailored to the individual



HB 0113A, Engrossed 2

2003

4749 needs of the participant. ~~These treatment-based drug court~~
4750 ~~program models may be established in the misdemeanor, felony,~~
4751 ~~family, delinquency, and dependency divisions of the judicial~~
4752 ~~circuits.~~ It is the intent of the Legislature to encourage the
4753 Department of Corrections, the Department of Children and Family
4754 Services, the Department of Juvenile Justice, the Department of
4755 Health, the Department of Law Enforcement, and such other
4756 agencies, local governments, law enforcement agencies, and other
4757 interested public or private sources to support the creation and
4758 establishment of these problem-solving court programs.
4759 Participation in the treatment-based drug court programs does
4760 not divest any public or private agency of its responsibility
4761 for a child or adult, but allows these agencies to better meet
4762 their needs through shared responsibility and resources.

4763 (2)~~(3)~~ The treatment-based drug court programs shall
4764 include therapeutic jurisprudence principles and adhere to the
4765 following 10 key components, recognized by the Drug Courts
4766 Program Office of the Office of Justice Programs of the United
4767 States Department of Justice and adopted by the Florida Supreme
4768 Court Treatment-Based Drug Court Steering Committee:

4769 (a) Drug court programs integrate alcohol and other drug
4770 treatment services with justice system case processing.

4771 (b) Using a nonadversarial approach, prosecution and
4772 defense counsel promote public safety while protecting
4773 participants' due process rights.

4774 (c) Eligible participants are identified early and
4775 promptly placed in the drug court program.

4776 (d) Drug court programs provide access to a continuum of
4777 alcohol, drug, and other related treatment and rehabilitation
4778 services.



HB 0113A, Engrossed 2

2003

4779 (e) Abstinence is monitored by frequent testing for
4780 alcohol and other drugs.

4781 (f) A coordinated strategy governs drug court program
4782 responses to participants' compliance.

4783 (g) Ongoing judicial interaction with each drug court
4784 program participant is essential.

4785 (h) Monitoring and evaluation measure the achievement of
4786 program goals and gauge program effectiveness.

4787 (i) Continuing interdisciplinary education promotes
4788 effective drug court program planning, implementation, and
4789 operations.

4790 (j) Forging partnerships among drug court programs, public
4791 agencies, and community-based organizations generates local
4792 support and enhances drug court program effectiveness.

4793 ~~(3)~~~~(4)~~ Treatment-based drug court programs may include
4794 pretrial intervention programs as provided in ss. 948.08,
4795 948.16, and 985.306.

4796 ~~(4)~~~~(5)~~(a) The Florida Association of Drug Court Program
4797 Professionals is created. The membership of the association may
4798 consist of drug court program practitioners who comprise the
4799 multidisciplinary drug court program team, including, but not
4800 limited to, judges, state attorneys, defense counsel, drug court
4801 program coordinators, probation officers, law enforcement
4802 officers, members of the academic community, and treatment
4803 professionals. Membership in the association shall be voluntary.

4804 (b) The association shall annually elect a chair whose
4805 duty is to solicit recommendations from members on issues
4806 relating to the expansion, operation, and institutionalization
4807 of drug court programs. The chair is responsible for providing
4808 the association's recommendations to the Supreme Court



HB 0113A, Engrossed 2

2003

4809 Treatment-Based Drug Court Steering Committee, and shall submit
 4810 a report each year, on or before October 1, to the steering
 4811 committee.

4812 (5) If a county chooses to fund a treatment-based drug
 4813 court program, the county must secure funding from sources other
 4814 than the state for those costs not otherwise assumed by the
 4815 state pursuant to s. 29.004. Counties may provide, by interlocal
 4816 agreement, for the collective funding of these programs.

4817 Section 110. Effective July 1, 2004, subsection (3) of
 4818 section 712.06, Florida Statutes, is amended to read:

4819 712.06 Contents of notice; recording and indexing.--

4820 (3) The clerk of the circuit court shall, upon such
 4821 filing, mail by registered or certified mail to the purported
 4822 owner of said property, as stated in such notice, a copy thereof
 4823 and shall enter on the original, before recording the same, a
 4824 certificate showing such mailing. For preparing the certificate,
 4825 the claimant shall pay to the clerk the service charge as
 4826 prescribed in s. 28.24(8)~~(11)~~ and the necessary costs of
 4827 mailing, in addition to the recording charges as prescribed in
 4828 s. 28.24(12)~~(15)~~. If the notice names purported owners having
 4829 more than one address, the person filing the same shall furnish
 4830 a true copy for each of the several addresses stated, and the
 4831 clerk shall send one such copy to the purported owners named at
 4832 each respective address. Such certificate shall be sufficient if
 4833 the same reads substantially as follows:

4834
 4835 I hereby certify that I did on this _____, mail by
 4836 registered (or certified) mail a copy of the foregoing notice to
 4837 each of the following at the address stated:

4838 ... (Clerk of the circuit court) ...



HB 0113A, Engrossed 2

2003

4839 of _____ County, Florida,
 4840 By ... (Deputy clerk) ...

4841
 4842 The clerk of the circuit court is not required to mail to the
 4843 purported owner of such property any such notice that pertains
 4844 solely to the preserving of any covenant or restriction or any
 4845 portion of a covenant or restriction.

4846 Section 111. Effective July 1, 2004, subsection (1) of
 4847 section 713.24, Florida Statutes, is amended to read:

4848 713.24 Transfer of liens to security.--

4849 (1) Any lien claimed under this part may be transferred,
 4850 by any person having an interest in the real property upon which
 4851 the lien is imposed or the contract under which the lien is
 4852 claimed, from such real property to other security by either:

- 4853 (a) Depositing in the clerk's office a sum of money, or
- 4854 (b) Filing in the clerk's office a bond executed as surety
 4855 by a surety insurer licensed to do business in this state,

4856
 4857 either to be in an amount equal to the amount demanded in such
 4858 claim of lien, plus interest thereon at the legal rate for 3
 4859 years, plus \$1,000 or 25 percent of the amount demanded in the
 4860 claim of lien, whichever is greater, to apply on any attorney's
 4861 fees and court costs that may be taxed in any proceeding to
 4862 enforce said lien. Such deposit or bond shall be conditioned to
 4863 pay any judgment or decree which may be rendered for the
 4864 satisfaction of the lien for which such claim of lien was
 4865 recorded. Upon making such deposit or filing such bond, the
 4866 clerk shall make and record a certificate showing the transfer
 4867 of the lien from the real property to the security and shall
 4868 mail a copy thereof by registered or certified mail to the



HB 0113A, Engrossed 2

2003

4869 lienor named in the claim of lien so transferred, at the address
 4870 stated therein. Upon filing the certificate of transfer, the
 4871 real property shall thereupon be released from the lien claimed,
 4872 and such lien shall be transferred to said security. In the
 4873 absence of allegations of privity between the lienor and the
 4874 owner, and subject to any order of the court increasing the
 4875 amount required for the lien transfer deposit or bond, no other
 4876 judgment or decree to pay money may be entered by the court
 4877 against the owner. The clerk shall be entitled to a fee for
 4878 making and serving the certificate, in the sum of up to \$15 ~~\$10~~.

4879 If the transaction involves the transfer of multiple liens, an
 4880 additional charge of up to \$7.50 ~~\$5~~ for each additional lien
 4881 shall be charged. For recording the certificate and approving
 4882 the bond, the clerk shall receive her or his usual statutory
 4883 service charges as prescribed in s. 28.24. Any number of liens
 4884 may be transferred to one such security.

4885 Section 112. Effective July 1, 2004, subsection (3) is
 4886 added to section 721.83, Florida Statutes, to read:

4887 721.83 Consolidation of foreclosure actions.--

4888 (3) The clerk of court shall require a plaintiff to pay
 4889 separate filing fees and service charges as provided by general
 4890 law for each defendant in a consolidated foreclosure action
 4891 filed pursuant to this section.

4892 Section 113. Effective July 1, 2004, paragraph (c) of
 4893 subsection (2) of section 741.30, Florida Statutes, is amended
 4894 to read:

4895 741.30 Domestic violence; injunction; powers and duties of
 4896 court and clerk; petition; notice and hearing; temporary
 4897 injunction; issuance of injunction; statewide verification
 4898 system; enforcement.--



4899
4900
4901
4902
4903
4904
4905
4906
4907
4908
4909
4910
4911
4912
4913
4914
4915
4916
4917
4918
4919
4920
4921
4922
4923
4924
4925
4926
4927
4928

(2)

(c)1. The clerk of the court shall assist petitioners in seeking both injunctions for protection against domestic violence and enforcement for a violation thereof as specified in this section.

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

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

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

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

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

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

8. The clerk of the court in each county shall distribute a statewide uniform informational brochure to petitioners at the



HB 0113A, Engrossed 2

2003

4929 time of filing for an injunction for protection against domestic
4930 or repeat violence when such brochures become available. The
4931 brochure must include information about the effect of giving the
4932 court false information about domestic violence.

4933 Section 114. Effective July 1, 2004, section 744.3135,
4934 Florida Statutes, is amended to read:

4935 744.3135 Credit and criminal investigation.--The court may
4936 require a nonprofessional guardian and shall require a
4937 professional or public guardian, and all employees of a
4938 professional guardian who have a fiduciary responsibility to a
4939 ward, to submit, at their own expense, to an investigation of
4940 the guardian's credit history and to undergo level 2 background
4941 screening as required under s. 435.04. The clerk of the court
4942 shall obtain fingerprint cards from the Federal Bureau of
4943 Investigation and make them available to guardians. Any guardian
4944 who is so required shall have his or her fingerprints taken and
4945 forward the proper fingerprint card along with the necessary fee
4946 to the Florida Department of Law Enforcement for processing. The
4947 professional guardian shall pay to the clerk of the court a fee
4948 of up to \$7.50 ~~\$5~~ for handling and processing professional
4949 guardian files. The results of the fingerprint checks shall be
4950 forwarded to the clerk of court who shall maintain the results
4951 in a guardian file and shall make the results available to the
4952 court. If credit or criminal investigations are required, the
4953 court must consider the results of the investigations in
4954 appointing a guardian. Guardians and all employees of a
4955 professional guardian who have a fiduciary responsibility to a
4956 ward, so appointed, must resubmit, at their own expense, to an
4957 investigation of credit history, and undergo level 1 background
4958 screening as required under s. 435.03, every 2 years after the



HB 0113A, Engrossed 2

2003

4959 date of their appointment. The court must consider the results
 4960 of these investigations in reappointing a guardian. This section
 4961 shall not apply to a professional guardian, or to the employees
 4962 of a professional guardian, that is a trust company, a state
 4963 banking corporation or state savings association authorized and
 4964 qualified to exercise fiduciary powers in this state, or a
 4965 national banking association or federal savings and loan
 4966 association authorized and qualified to exercise fiduciary
 4967 powers in this state.

4968 Section 115. Effective July 1, 2004, paragraph (a) of
 4969 subsection (6) of section 744.365, Florida Statutes, is amended
 4970 to read:

4971 744.365 Verified inventory.--

4972 (6) AUDIT FEE.--

4973 (a) Where the value of the ward's property exceeds
 4974 \$25,000, a guardian shall pay from the ward's property to the
 4975 clerk of the circuit court a fee of up to \$75 ~~\$50~~, upon the
 4976 filing of the verified inventory, for the auditing of the
 4977 inventory. Any guardian unable to pay the auditing fee may
 4978 petition the court for waiver of the fee. The court may waive
 4979 the fee after it has reviewed the documentation filed by the
 4980 guardian in support of the waiver. ~~If the fee is waived for a~~
 4981 ~~ward, the audit fee must be paid from the general fund of the~~
 4982 ~~county in which the guardianship proceeding is conducted.~~

4983 Section 116. Effective July 1, 2004, subsection (4) of
 4984 section 744.3678, Florida Statutes, is amended to read:

4985 744.3678 Annual accounting.--

4986 (4) The guardian shall pay from the ward's estate to the
 4987 clerk of the circuit court a fee based upon the following



HB 0113A, Engrossed 2

2003

4988 graduated fee schedule, upon the filing of the annual financial
4989 return, for the auditing of the return:

4990 (a) For estates with a value of \$25,000 or less the clerk
4991 of the court may charge a fee of up to \$15 ~~the fee shall be \$10.~~

4992 (b) For estates with a value of more than \$25,000 up to
4993 and including \$100,000 the clerk of the court may charge a fee
4994 of up to \$75 ~~the fee shall be \$50.~~

4995 (c) For estates with a value of more than \$100,000 up to
4996 and including \$500,000 the clerk of the court may charge a fee
4997 of up to \$150 ~~the fee shall be \$100.~~

4998 (d) For estates with a value in excess of \$500,000 the
4999 clerk of the court may charge a fee of up to \$225 ~~the fee shall~~
5000 ~~be \$150.~~

5001
5002 Any guardian unable to pay the auditing fee may petition the
5003 court for a waiver of the fee. The court may waive the fee
5004 after it has reviewed the documentation filed by the guardian in
5005 support of the waiver. ~~Upon such waiver, the clerk of the~~
5006 ~~circuit court shall bill the board of county commissioners for~~
5007 ~~the auditing fee.~~

5008 Section 117. Effective July 1, 2004, section 775.083,
5009 Florida Statutes, is amended to read:

5010 775.083 Fines.--

5011 (1) A person who has been convicted of an offense other
5012 than a capital felony may be sentenced to pay a fine in addition
5013 to any punishment described in s. 775.082; when specifically
5014 authorized by statute, he or she may be sentenced to pay a fine
5015 in lieu of any punishment described in s. 775.082. A person who
5016 has been convicted of a noncriminal violation may be sentenced



HB 0113A, Engrossed 2

2003

5017 to pay a fine. Fines for designated crimes and for noncriminal
5018 violations shall not exceed:

5019 (a) \$15,000, when the conviction is of a life felony.

5020 (b) \$10,000, when the conviction is of a felony of the
5021 first or second degree.

5022 (c) \$5,000, when the conviction is of a felony of the
5023 third degree.

5024 (d) \$1,000, when the conviction is of a misdemeanor of the
5025 first degree.

5026 (e) \$500, when the conviction is of a misdemeanor of the
5027 second degree or a noncriminal violation.

5028 (f) Any higher amount equal to double the pecuniary gain
5029 derived from the offense by the offender or double the pecuniary
5030 loss suffered by the victim.

5031 (g) Any higher amount specifically authorized by statute.
5032

5033 Fines imposed in this subsection shall be deposited by the clerk
5034 of the court in the fine and forfeiture fund established
5035 pursuant to s. 142.01. If a defendant is unable to pay a fine,
5036 the court may defer payment of the fine to a date certain.

5037 (2)(a) In addition to the fines set forth in subsection
5038 (1), court costs shall be assessed and collected in each
5039 instance a defendant pleads nolo contendere to, or is convicted
5040 of, or adjudicated delinquent for, a felony, a misdemeanor, or a
5041 criminal traffic offense under state law, or a violation of any
5042 municipal or county ordinance if the violation constitutes a
5043 misdemeanor under state law. The court costs imposed by this
5044 section shall be \$50 for a felony and \$20 for any other offense
5045 and shall be deposited by the clerk of the court into an
5046 appropriate county account for disbursement for the purposes



HB 0113A, Engrossed 2

2003

5047 provided in this subsection. A county shall account for the
5048 funds separately from other county funds as crime prevention
5049 funds. The county, in consultation with the sheriff, must expend
5050 such funds for crime prevention programs in the county,
5051 including safe neighborhood programs under ss. 163.501-163.523.
5052 ~~A county may adopt an ordinance imposing, in addition to any~~
5053 ~~other fine, penalty, or cost imposed by subsection (1) or any~~
5054 ~~other provision of law, a fine upon any person who, with respect~~
5055 ~~to a charge, indictment, or prosecution commenced in that~~
5056 ~~county, pleads guilty or nolo contendere to, or is convicted of~~
5057 ~~or adjudicated delinquent for, a felony, a misdemeanor, or a~~
5058 ~~criminal traffic offense under state law, or a violation of any~~
5059 ~~municipal or county ordinance if the violation constitutes a~~
5060 ~~misdemeanor under state law.~~

5061 ~~(b) The fine is \$50 for a felony and \$20 for any other~~
5062 ~~offense. When the defendant enters the plea or is convicted or~~
5063 ~~adjudicated, in a court in that county, the court may order the~~
5064 ~~defendant to pay such fine if the court finds that the defendant~~
5065 ~~has the ability to pay the fine and that the defendant would not~~
5066 ~~be prevented thereby from being rehabilitated or making~~
5067 ~~restitution.~~

5068 ~~(c) The clerk of the court shall collect and deposit the~~
5069 ~~finances in an appropriate county account for disbursement for the~~
5070 ~~purposes provided in this subsection.~~

5071 ~~(d) A county that imposes the additional fines authorized~~
5072 ~~under this subsection shall account for the fines separately~~
5073 ~~from other county funds, as crime prevention funds. The county,~~
5074 ~~in consultation with the sheriff, must expend such fines for the~~
5075 ~~costs of collecting the fines and for crime prevention programs~~



HB 0113A, Engrossed 2

2003

5076 ~~in the county, including safe neighborhood programs under ss.~~
 5077 ~~163.501-163.523.~~

5078 (3) The purpose of this section is to provide uniform
 5079 penalty authorization for criminal offenses and, to this end, a
 5080 reference to this section constitutes a general reference under
 5081 the doctrine of incorporation by reference.

5082 Section 118. Effective July 1, 2004, subsection (6) of
 5083 section 796.07, Florida Statutes, is amended to read:

5084 796.07 Prohibiting prostitution, etc.; evidence;
 5085 penalties; definitions.--

5086 (6) A person who violates paragraph (2)(f) shall be
 5087 assessed a civil penalty of \$500 if the violation results in any
 5088 judicial disposition other than acquittal or dismissal. The
 5089 proceeds from penalties assessed under this subsection shall be
 5090 paid to the circuit court ~~courts~~ administrator for the sole
 5091 purpose of paying the administrative costs of ~~mandatory~~
 5092 treatment-based drug court programs provided under s. 397.334.

5093 Section 119. Effective July 1, 2004, section 914.11,
 5094 Florida Statutes, is amended to read:

5095 914.11 Indigent defendants.--~~If a court decides, on the~~
 5096 ~~basis of an affidavit, that a~~ defendant in a criminal case is
 5097 indigent pursuant to s. 27.52 and presently unable to pay the
 5098 cost of procuring the attendance of witnesses, the defendant may
 5099 seek a deferral of these costs; however, the ~~such~~ defendant may
 5100 subpoena the witnesses, and the costs, including the cost of the
 5101 defendant's copy of all depositions and transcripts which are
 5102 certified by the defendant's attorney as serving a useful
 5103 purpose in the disposition of the case, shall be paid by the
 5104 state ~~county~~. When depositions are taken outside the circuit in
 5105 which the case is pending, travel expenses shall be paid by the



HB 0113A, Engrossed 2

2003

5106 ~~state county~~ in accordance with s. 112.061 and shall also be
5107 taxed as costs payable to the state.

5108 Section 120. Effective July 1, 2004, paragraph (a) of
5109 subsection (2) of section 916.107, Florida Statutes, is amended
5110 to read:

5111 916.107 Rights of forensic clients.--

5112 (2) RIGHT TO TREATMENT.--

5113 (a) The policy of the state is that the department shall
5114 not deny treatment or training to any client and that no
5115 services shall be delayed at a facility because the forensic
5116 client is indigent pursuant to s. 27.52 and presently unable to
5117 pay. However, every reasonable effort to collect appropriate
5118 reimbursement for the cost of providing services to clients able
5119 to pay for the services, including reimbursement from insurance
5120 or other third-party payments, shall be made by facilities
5121 providing services pursuant to this chapter and in accordance
5122 with the provisions of s. 402.33.

5123 Section 121. Effective July 1, 2004, subsection (3) of
5124 section 916.15, Florida Statutes, is amended to read:

5125 916.15 Involuntary commitment of defendant adjudicated not
5126 guilty by reason of insanity.--

5127 (3) In all proceedings under this subsection, both the
5128 defendant and the state shall have the right to a hearing before
5129 the committing court. Evidence at such hearing may be presented
5130 by the hospital administrator or the administrator's designee as
5131 well as by the state and the defendant. The defendant shall have
5132 the right to counsel at any such hearing. In the event that a
5133 defendant is determined to be indigent pursuant to s. 27.52
5134 ~~cannot afford counsel, the court shall appoint~~ the public
5135 defender shall ~~to~~ represent the defendant. The parties shall



HB 0113A, Engrossed 2

2003

5136 have access to the defendant's records at the treating
 5137 facilities and may interview or depose personnel who have had
 5138 contact with the defendant at the treating facilities.

5139 Section 122. Section 938.01, Florida Statutes, as amended
 5140 by section 77 of chapter 2002-402, Laws of Florida, is amended
 5141 to read:

5142 938.01 Additional Court Cost Clearing Trust Fund.--

5143 (1) All courts created by Art. V of the State Constitution
 5144 shall, in addition to any fine or other penalty, require assess
 5145 ~~\$3 as a court cost against~~ every person convicted for violation
 5146 of a state penal or criminal statute or convicted for violation
 5147 of a municipal or county ordinance to pay \$3 as a court cost.

5148 Any person whose adjudication is withheld pursuant to the
 5149 provisions of s. 318.14(9) or (10) shall also be liable for
 5150 payment of ~~be assessed~~ such cost. In addition, \$3 from every
 5151 bond estreature or forfeited bail bond related to such penal
 5152 statutes or penal ordinances shall be remitted to the Department
 5153 of Revenue as described in this subsection. However, no such
 5154 assessment may be made against any person convicted for
 5155 violation of any state statute, municipal ordinance, or county
 5156 ordinance relating to the parking of vehicles.

5157 (a) All costs collected by the courts pursuant to this
 5158 subsection shall be remitted to the Department of Revenue in
 5159 accordance with administrative rules adopted by the executive
 5160 director of the Department of Revenue for deposit in the
 5161 Additional Court Cost Clearing Trust Fund. These funds and the
 5162 funds deposited in the Additional Court Cost Clearing Trust Fund
 5163 pursuant to s. 318.21(2)(c) shall be distributed as follows:

5164 1. Ninety-two percent to the Department of Law Enforcement
 5165 Criminal Justice Standards and Training Trust Fund.



HB 0113A, Engrossed 2

2003

5166 2. Six and three-tenths percent to the Department of Law
5167 Enforcement Operating Trust Fund for the Criminal Justice Grant
5168 Program.

5169 3. One and seven-tenths percent to the Department of
5170 Children and Family Services Domestic Violence Trust Fund for
5171 the domestic violence program pursuant to s. 39.903(3).

5172 (b) The funds deposited in the Department of Law
5173 Enforcement Criminal Justice Standards and Training Trust Fund,
5174 the Department of Law Enforcement Operating Trust Fund, and the
5175 Department of Children and Family Services Domestic Violence
5176 Trust Fund may be invested. Any interest earned from investing
5177 such funds and any unencumbered funds remaining at the end of
5178 the budget cycle shall remain in the respective trust fund.

5179 (c) All funds in the Department of Law Enforcement
5180 Criminal Justice Standards and Training Trust Fund shall be
5181 disbursed only in compliance with s. 943.25(9).

5182 (2) Except as provided by s. 938.15 and notwithstanding
5183 any other provision of law, no funds collected and deposited
5184 pursuant to this section or s. 943.25 shall be expended unless
5185 specifically appropriated by the Legislature.

5186 Section 123. Section 938.03, Florida Statutes, is amended
5187 to read:

5188 938.03 Crimes Compensation Trust Fund.--

5189 (1) ~~When~~ Any person pleading ~~pleads~~ guilty or nolo
5190 contendere to, or being ~~is~~ convicted of or adjudicated
5191 delinquent for, any felony, misdemeanor, delinquent act, or
5192 criminal traffic offense under the laws of this state or the
5193 violation of any municipal or county ordinance which adopts by
5194 reference any misdemeanor under state law, ~~there~~ shall pay ~~be~~
5195 ~~imposed~~ as an additional cost in the case, in addition and prior



HB 0113A, Engrossed 2

2003

5196 to any other cost required to be imposed by law, the sum of \$50.
 5197 Any person whose adjudication is withheld shall also be assessed
 5198 such cost.

5199 (2) These costs shall not be ~~are considered assessed~~
 5200 ~~unless specifically~~ waived by the court. ~~If the court does not~~
 5201 ~~order these costs, it shall state on the record, in detail, the~~
 5202 ~~reasons therefor.~~

5203 (3) In the event that the individual has been ordered to
 5204 pay restitution in accordance with s. 775.089, costs referenced
 5205 in this section shall be included in a judgment.

5206 (4) The clerk of the court shall collect and forward \$49
 5207 of each \$50 collected to the Department of Revenue, to be
 5208 deposited in the Crimes Compensation Trust Fund. The clerk shall
 5209 retain the remaining \$1 of each \$50 collected as an additional
 5210 cost by a service charge of the clerk's office. ~~Under no~~
 5211 ~~condition shall a political subdivision be held liable for the~~
 5212 ~~payment of this sum of \$50.~~

5213 Section 124. Effective July 1, 2004, section 938.05,
 5214 Florida Statutes, is amended to read:

5215 938.05 Additional court costs for felonies, misdemeanors,
 5216 and criminal traffic offenses ~~Local Government Criminal Justice~~
 5217 ~~Trust Fund.--~~

5218 (1) ~~When~~ Any person pleading ~~pleads~~ nolo contendere to a
 5219 misdemeanor or criminal traffic offense under s. 318.14(10)(a)
 5220 or pleading ~~pleads~~ guilty or nolo contendere to, or being is
 5221 found guilty of, any felony, misdemeanor, or criminal traffic
 5222 offense under the laws of this state or the violation of any
 5223 municipal or county ordinance which adopts by reference any
 5224 misdemeanor under state law, ~~there shall~~ pay ~~be imposed~~ as a



HB 0113A, Engrossed 2

2003

5225 cost in the case, in addition to any other cost required to be
 5226 imposed by law, a sum in accordance with the following schedule:

- 5227 (a) Felonies.....\$200
- 5228 (b) Misdemeanors.....\$50
- 5229 (c) Criminal traffic offenses.....\$50

5230 (2) Payment of the additional court costs provided for in
 5231 subsection (1) shall be made part of any plea agreement reached
 5232 by the prosecuting attorney and defense counsel or the criminal
 5233 defendant where the plea agreement provides for the defendant to
 5234 plead guilty or nolo contendere to any felony, misdemeanor, or
 5235 criminal traffic offense under the laws of this state or any
 5236 municipal or county ordinance which adopts by reference any
 5237 misdemeanor under state law.

5238 (3) The clerk of the court shall collect such additional
 5239 costs for deposit in the fine and forfeiture fund established
 5240 pursuant to s. 142.01 and shall notify the agency supervising a
 5241 person upon whom costs have been imposed upon full payment of
 5242 fees. ~~The clerk shall deposit all but \$3 for each misdemeanor or~~
 5243 ~~criminal traffic case and all but \$5 for each felony case in a~~
 5244 ~~special trust fund of the county. Such funds shall be used~~
 5245 ~~exclusively for those purposes set forth in s. 27.3455(3). The~~
 5246 ~~clerk shall retain \$3 for each misdemeanor or criminal traffic~~
 5247 ~~case and \$5 for each felony case of each scheduled amount~~
 5248 ~~collected as a service charge of the clerk's office. A~~
 5249 ~~political subdivision shall not be held liable for the payment~~
 5250 ~~of the additional costs imposed by this section.~~

5251 Section 125. Effective July 1, 2004, subsection (1) of
 5252 section 938.06, Florida Statutes, is amended to read:

5253 938.06 Additional cost for crime stoppers programs.--



HB 0113A, Engrossed 2

2003

5254 (1) In addition to any fine prescribed by law for any
 5255 criminal offense, there is hereby assessed as a court cost an
 5256 additional surcharge of \$20 on such fine, which shall be imposed
 5257 by all county and circuit courts and collected by the clerks of
 5258 the courts together with such fine. ~~No political subdivision~~
 5259 ~~shall be held liable for payment of costs under this section.~~

5260 Section 126. Effective July 1, 2004, section 938.19,
 5261 Florida Statutes, is amended to read:

5262 938.19 ~~Teen courts; operation and administration.--~~

5263 Counties are hereby authorized to fund teen courts.

5264 ~~Notwithstanding s. 318.121, in each county in which a teen court~~
 5265 ~~has been created, a county may adopt a mandatory cost to be~~
 5266 ~~assessed in specific cases as provided for in subsection (1) by~~
 5267 ~~incorporating by reference the provisions of this section in a~~
 5268 ~~county ordinance. Assessments collected by the clerk of the~~
 5269 ~~circuit court pursuant to this section shall be deposited into~~
 5270 ~~an account specifically for the operation and administration of~~
 5271 ~~the teen court:~~

5272 (1) ~~A sum of \$3, which shall be assessed as a court cost~~
 5273 ~~by both the circuit court and the county court in the county~~
 5274 ~~against every person who pleads guilty or nolo contendere to, or~~
 5275 ~~is convicted of, regardless of adjudication, a violation of a~~
 5276 ~~state criminal statute or a municipal ordinance or county~~
 5277 ~~ordinance or who pays a fine or civil penalty for any violation~~
 5278 ~~of chapter 316. Any person whose adjudication is withheld~~
 5279 ~~pursuant to the provisions of s. 318.14(9) or (10) shall also be~~
 5280 ~~assessed such cost. The \$3 assessment for court costs shall be~~
 5281 ~~assessed in addition to any fine, civil penalty, or other court~~
 5282 ~~cost and shall not be deducted from the proceeds of that portion~~
 5283 ~~of any fine or civil penalty which is received by a municipality~~



HB 0113A, Engrossed 2

2003

5284 ~~in the county or by the county in accordance with ss. 316.660~~
5285 ~~and 318.21. The \$3 assessment shall specifically be added to any~~
5286 ~~civil penalty paid for a violation of chapter 316, whether such~~
5287 ~~penalty is paid by mail, paid in person without request for a~~
5288 ~~hearing, or paid after hearing and determination by the court.~~
5289 ~~However, the \$3 assessment shall not be made against a person~~
5290 ~~for a violation of any state statutes, county ordinance, or~~
5291 ~~municipal ordinance relating to the parking of vehicles, with~~
5292 ~~the exception of a violation of the handicapped parking laws.~~
5293 ~~The clerk of the circuit court shall collect the respective \$3~~
5294 ~~assessments for court costs established in this subsection and~~
5295 ~~shall remit the same to the teen court monthly, less 5 percent,~~
5296 ~~which is to be retained as fee income of the office of the clerk~~
5297 ~~of the circuit court.~~

5298 ~~(2) Such other moneys as become available for establishing~~
5299 ~~and operating teen courts under the provisions of Florida law.~~

5300 Section 127. Section 938.27, Florida Statutes, is amended
5301 to read:

5302 938.27 Judgment for costs on conviction.--

5303 (1) In all criminal cases, convicted persons are liable
5304 for payment of the documented costs of prosecution, including
5305 investigative costs incurred by law enforcement agencies, by
5306 fire departments for arson investigations, and by investigations
5307 of the Division of Financial Investigations of the Department of
5308 Financial Services or the Office of Financial Regulation of the
5309 Financial Services Commission Banking and Finance, if requested
5310 and documented by such agencies. These costs, shall be included
5311 and entered in the judgment rendered against the convicted
5312 person.



HB 0113A, Engrossed 2

2003

5313 ~~(2) If the court does not enter costs, or orders only~~
5314 ~~partial costs under this section, it shall state on the record~~
5315 ~~the reasons therefor.~~

5316 (2)(3)(a) The court shall ~~may~~ require ~~that~~ the defendant
5317 to pay the costs within a specified period or in specified
5318 installments.

5319 (b) The end of such period or the last such installment
5320 shall not be later than:

5321 1. The end of the period of probation or community
5322 control, if probation or community control is ordered;

5323 2. Five years after the end of the term of imprisonment
5324 imposed, if the court does not order probation or community
5325 control; or

5326 3. Five years after the date of sentencing in any other
5327 case.

5328

5329 However, in no event shall the obligation to pay any unpaid
5330 amounts expire if not paid in full within the period specified
5331 in this paragraph.

5332 (c) If not otherwise provided by the court under this
5333 section, costs shall be paid immediately.

5334 (3)(4) If a defendant is placed on probation or community
5335 control, payment of any costs ~~ordered~~ under this section shall
5336 be a condition of such probation or community control. The court
5337 may revoke probation or community control if the defendant fails
5338 to pay these costs ~~comply with such order.~~

5339 ~~(5) The court, in determining whether to order costs and~~
5340 ~~the amount of such costs, shall consider the amount of the costs~~
5341 ~~incurred, the financial resources of the defendant, the~~



HB 0113A, Engrossed 2

2003

5342 ~~financial needs and earning ability of the defendant, and such~~
5343 ~~other factors which it deems appropriate.~~

5344 (4)~~(6)~~ Any dispute as to the proper amount or type of
5345 costs ~~ordered~~ shall be resolved by the court by the
5346 preponderance of the evidence. The burden of demonstrating the
5347 amount of costs incurred is on the state attorney. The burden of
5348 demonstrating the financial resources of the defendant and the
5349 financial needs of the defendant is on the defendant. The burden
5350 of demonstrating such other matters as the court deems
5351 appropriate is upon the party designated by the court as justice
5352 requires.

5353 (5)~~(7)~~ Any default in payment of costs ~~ordered~~ may be
5354 collected by any means authorized by law for enforcement of a
5355 judgment.

5356 (6)~~(8)~~ The ~~court may order the~~ clerk of the court shall ~~to~~
5357 collect and dispense cost payments in any case.

5358 (7)~~(9)~~ Investigative costs which are recovered shall be
5359 returned to the appropriate investigative agency which incurred
5360 the expense. Costs shall include actual expenses incurred in
5361 conducting the investigation and prosecution of the criminal
5362 case; however, costs may also include the salaries of permanent
5363 employees. Any investigative costs recovered on behalf of a
5364 state agency must be remitted to the Department of Revenue for
5365 deposit in the agency operating trust fund, and a report of the
5366 payment must be sent to the agency.

5367 (8)~~(10)~~ Costs that are collected by the state attorney
5368 under this section shall be deposited into the state attorney's
5369 grants and donations trust fund to be used during the fiscal
5370 year in which the funds are collected, or in any subsequent
5371 fiscal year, for actual expenses incurred in investigating and



HB 0113A, Engrossed 2

2003

5372 prosecuting criminal cases, which may include the salaries of
 5373 permanent employees.

5374 Section 128. Section 938.29, Florida Statutes, is amended
 5375 to read:

5376 938.29 Legal assistance; lien for payment of attorney's
 5377 fees or costs.--

5378 (1)(a) A defendant ~~The court having jurisdiction over any~~
 5379 ~~defendant who has been~~ determined to be guilty of a criminal act
 5380 by a court or jury or through a plea of guilty or nolo
 5381 contendere and who has received the assistance of the public
 5382 defender's office, a special assistant public defender, or a
 5383 conflict attorney shall be liable for payment of assess
 5384 attorney's fees and costs. ~~The court against the defendant at~~
 5385 ~~the sentencing hearing and~~ shall determine the appropriate
 5386 amount of the obligation and method of payment. Such costs shall
 5387 may include, but not be limited to, the cost of depositions;
 5388 cost of transcripts of depositions, including the cost of
 5389 defendant's copy, which transcripts are certified by the
 5390 defendant's attorney as having served a useful purpose in the
 5391 disposition of the case; investigative costs; witness fees; the
 5392 cost of psychiatric examinations; or other reasonable costs
 5393 specially incurred by the state and the clerk of court county
 5394 for the defense of the defendant in criminal prosecutions ~~within~~
 5395 ~~the county~~. Costs shall not include expenses inherent in
 5396 providing a constitutionally guaranteed jury trial or
 5397 expenditures in connection with the maintenance and operation of
 5398 government agencies that must be made by the public irrespective
 5399 of specific violations of law. Any costs assessed pursuant to
 5400 this paragraph shall be reduced by any amount assessed against a
 5401 defendant pursuant to s. 938.05.



HB 0113A, Engrossed 2

2003

5402 (b) Upon entering a judgment of conviction, ~~the trial~~
 5403 ~~court shall order~~ the defendant shall be liable to pay the costs
 5404 ~~assessed by the court in full, or within a time certain as set~~
 5405 ~~by the court,~~ after the judgment of conviction becomes final.

5406 (c) ~~After assessment of the application fee under s.~~
 5407 ~~27.52(1)(c) and attorney's fees and costs, the court shall order~~
 5408 The defendant shall ~~to~~ pay the application fee under s.
 5409 27.52(2)(a) and attorney's fees and costs in full or in
 5410 installments, at the time or times specified. The court may
 5411 order payment of the assessed application fee and attorney's
 5412 fees and costs as a condition of probation, of suspension of
 5413 sentence, or of withholding the imposition of sentence.
 5414 Attorney's fees and costs collected under this section shall be
 5415 deposited into the General Revenue Fund. ~~All fees and costs may~~
 5416 ~~be assessed under one judgment.~~

5417 (2)(a) ~~When payment of the application fee and attorney's~~
 5418 ~~fees and costs has been ordered by the court,~~ There is created
 5419 in the name of the state ~~county in which such assistance was~~
 5420 ~~rendered~~ a lien, enforceable as hereinafter provided, upon all
 5421 the property, both real and personal, of any person who:

5422 1. Has received any assistance from any public defender of
 5423 the state, from any special assistant public defender, or from
 5424 any conflict attorney; or

5425 2. Is a parent of an accused minor or an accused adult
 5426 tax-dependent person who is being, or has been, represented by
 5427 any public defender of the state, by any special assistant
 5428 public defender, or by a conflict attorney.

5429
 5430 Such lien constitutes a claim against the defendant-recipient or
 5431 parent and his or her estate, enforceable according to law, ~~in~~



HB 0113A, Engrossed 2

2003

5432 ~~an amount to be determined by the court in which such assistance~~
5433 ~~was rendered.~~

5434 (b) ~~Immediately after the issuance of an order for the~~
5435 ~~payment of the application fee and attorney's fees and costs, A~~
5436 judgment showing the name and residence of the defendant-
5437 recipient or parent shall be filed for record in the office of
5438 the clerk of the circuit court in the county where the
5439 defendant-recipient or parent resides and in each county in
5440 which such defendant-recipient or parent then owns or later
5441 acquires any property. Such judgments shall be enforced on
5442 behalf of the state county by the clerk of the circuit court
5443 ~~board of county commissioners~~ of the county in which assistance
5444 was rendered.

5445 (3) The clerk of the circuit court within the county board
5446 ~~of county commissioners of the county~~ wherein the defendant-
5447 recipient was tried or received the services of a public
5448 defender, special assistant public defender, or appointed
5449 private legal counsel shall enforce, satisfy, compromise,
5450 settle, subordinate, release, or otherwise dispose of any debt
5451 or lien imposed under this section. A defendant-recipient or
5452 parent, liable ~~who has been ordered~~ to pay attorney's fees or
5453 costs and who is not in willful default in the payment thereof,
5454 may, at any time, petition the court which entered the order for
5455 deferral ~~remission~~ of the payment of attorney's fees or costs or
5456 of any unpaid portion thereof. ~~If it appears to the~~
5457 ~~satisfaction of the court that payment of the amount due will~~
5458 ~~impose manifest hardship on such person or his or her immediate~~
5459 ~~family, the court may remit all or part of the amount due in~~
5460 ~~attorney's fees or costs or may modify the method of payment.~~



HB 0113A, Engrossed 2

2003

5461 (4) The clerk ~~board of county commissioners~~ of the county
5462 claiming such lien is authorized to contract with a private
5463 attorney or collection agency for collection of such debts or
5464 liens, provided the fee for such collection shall be on a
5465 contingent basis not to exceed 50 percent of the recovery.
5466 However, no fee shall be paid to any collection agency by reason
5467 of foreclosure proceedings against real property or from the
5468 proceeds from the sale or other disposition of real property.

5469 (5) No lien thus created shall be foreclosed upon the
5470 homestead of such defendant-recipient or parent, nor shall any
5471 defendant-recipient or parent liable for payment of ~~who is~~
5472 ~~ordered to pay~~ attorney's fees or costs be denied any of the
5473 protections afforded any other civil judgment debtor.

5474 (6) The court having jurisdiction of the defendant-
5475 recipient shall ~~may~~, at such stage of the proceedings as the
5476 court may deem appropriate, determine the value of the services
5477 of the public defender, special assistant public defender, or
5478 appointed private legal counsel and costs, at which time the
5479 defendant-recipient or parent, after adequate notice thereof,
5480 shall have opportunity to be heard and offer objection to the
5481 determination, and to be represented by counsel, with due
5482 opportunity to exercise and be accorded the procedures and
5483 rights provided in the laws and court rules pertaining to civil
5484 cases at law.

5485 Section 129. Subsections (1), (2), (9), (10), (11), (12),
5486 (13), and (14) of section 938.30, Florida Statutes, are amended
5487 to read:

5488 938.30 ~~Court-imposed~~ Financial obligations in criminal
5489 cases; supplementary proceedings.--



HB 0113A, Engrossed 2

2003

5490 (1) Any person liable for payment of ~~who has been ordered~~
5491 ~~to pay~~ any financial obligation in any criminal case is subject
5492 to the provisions of this section. Courts operating under the
5493 provisions of this section shall have jurisdiction over such
5494 ~~court-imposed~~ financial obligations to ensure compliance.

5495 (2) The court may require a person liable for payment of
5496 ~~ordered to pay~~ an obligation to appear and be examined under
5497 oath concerning the person's financial ability to pay the
5498 obligation. ~~The court may reduce a person's court-ordered~~
5499 ~~financial obligation based on the court's determination of the~~
5500 ~~person's ability to pay the obligation.~~ The judge may convert
5501 the statutory financial ~~court-ordered~~ obligation into ~~to pay~~
5502 ~~court costs to~~ a court-ordered obligation to perform community
5503 service after examining a person under oath and determining a
5504 person's inability to pay. Any person failing to attend a
5505 hearing may be arrested on warrant or *capias* which may be issued
5506 by the clerk upon order of the court.

5507 (9) Any person failing to appear or willfully failing to
5508 comply with an order under this section, including an order to
5509 comply with a payment schedule established by the clerk of
5510 court, may be held in civil contempt.

5511 (10) Administrative costs incurred in enforcing compliance
5512 under this section shall be paid by ~~may be assessed against~~ the
5513 person. Such costs may include postage, copying, docketing fees,
5514 service fees, court reporter's fees, and reimbursements for the
5515 costs of processing bench warrants and pickup orders. Reasonable
5516 attorney's fees may be assessed at the court's discretion.
5517 Judges may assess such administrative costs and attorney's fees
5518 against the person as the court deems necessary to offset such
5519 fees and costs incurred under this section.



HB 0113A, Engrossed 2

2003

5520 (11) The court may refer any proceeding under this section
5521 to a special master who shall report findings and make
5522 recommendations to the court. The court shall act on such
5523 recommendations within a reasonable amount of time.

5524 ~~(12) A record of court-imposed financial obligations~~
5525 ~~collected by the clerk of court under the provisions of this~~
5526 ~~section shall be reported quarterly by the clerk of court to the~~
5527 ~~chief judge of the judicial circuit.~~

5528 ~~(13) Court-imposed financial obligations arising from~~
5529 ~~criminal cases which are past due, and which have been reduced~~
5530 ~~to judgment by the court, may be referred by the county~~
5531 ~~commission to a collection agent who is registered and in good~~
5532 ~~standing pursuant to chapter 559 or a private attorney. Such~~
5533 ~~referrals must be made in accordance with established bid~~
5534 ~~practices.~~

5535 (12)~~(14)~~ The provisions of this section may be used in
5536 addition to, or in lieu of, other provisions of law for
5537 enforcing payment of court-imposed financial obligations in
5538 criminal cases. The court may enter any orders necessary to
5539 carry out the purposes of this section.

5540 Section 130. Section 938.35, Florida Statutes, is amended
5541 to read:

5542 938.35 Collection of court-related financial obligations.-
5543 -The board of county commissioners may pursue the collection of
5544 any fines, court costs, or other costs to which it is entitled
5545 which remain unpaid for 90 days or more, or refer such
5546 collection to a private attorney who is a member in good
5547 standing of The Florida Bar or collection agent who is
5548 registered and in good standing pursuant to chapter 559. In
5549 pursuing the collection of such unpaid financial obligations



HB 0113A, Engrossed 2

2003

5550 through a private attorney or collection agent, the board of
5551 county commissioners must determine this is cost-effective and
5552 follow applicable procurement practices. Any provision of law
5553 ~~notwithstanding, a county may pursue the collection of any~~
5554 ~~finer, court costs, or other costs imposed by the court which~~
5555 ~~remain unpaid for 90 days or more, or refer such collection to a~~
5556 ~~private attorney who is a member in good standing of The Florida~~
5557 ~~Bar or collection agent who is registered and in good standing~~
5558 ~~pursuant to chapter 559. In pursuing the collection of such~~
5559 ~~unpaid financial obligations through a private attorney or~~
5560 ~~collection agent, the governing body of the county must~~
5561 ~~determine that such collection is cost-effective and the county~~
5562 ~~must follow applicable procurement practices. The costs of~~
5563 ~~collection, including a reasonable attorney's fee, may be~~
5564 ~~recovered, except that such fees and costs of collection may not~~
5565 ~~exceed 40 percent of the total fines and costs owed.~~

5566 Section 131. Effective July 1, 2004, section 939.06,
5567 Florida Statutes, is amended to read:

5568 939.06 Acquitted defendant not liable for costs.--No
5569 defendant in a criminal prosecution who is acquitted or
5570 discharged shall be liable for any costs or fees of the court or
5571 any ministerial office, or for any charge of subsistence while
5572 detained in custody. If the defendant shall have paid any
5573 taxable costs in the case, the clerk or judge shall give him or
5574 her a certificate of the payment of such costs, with the items
5575 thereof, which, when audited and approved according to law,
5576 shall be refunded to the defendant ~~by the county.~~

5577 Section 132. Effective July 1, 2004, section 939.08,
5578 Florida Statutes, is amended to read:

5579 (Substantial rewording of section. See



5580 s. 939.08, F.S., for present text.)
 5581 939.08 Costs to be certified before audit.--In all cases
 5582 wherein is claimed the payment of applicable bills of costs,
 5583 fees, or expenses of the state courts system as provided in s.
 5584 29.004, other than juror and witness fees, in the adjudication
 5585 of any case payable by the state, the trial court administrator
 5586 shall review the itemized bill. The bill shall not be paid until
 5587 the trial court administrator has approved it and certified that
 5588 it is just, correct, and reasonable and contains no unnecessary
 5589 or illegal item.

5590 Section 133. Effective July 1, 2004, section 939.12,
 5591 Florida Statutes, is amended to read:

5592 939.12 Cost against state in Supreme Court.--The clerk of
 5593 the Supreme Court shall give, upon application, a certified copy
 5594 of any judgment against the state upon appeal in criminal cases,
 5595 and the ~~state county commissioners of the county from the court~~
 5596 ~~of which such appeal was taken~~ shall pay the same to the
 5597 appellant, or the appellant's agent or attorney, on demand.

5598 Section 134. For the purpose of incorporating the
 5599 amendments made by this act to sections 27.51 and 27.53, Florida
 5600 Statutes, in references thereto, effective July 1, 2004, section
 5601 943.053, Florida Statutes, as otherwise amended is reenacted to
 5602 read:

5603 943.053 Dissemination of criminal justice information;
 5604 fees.--

5605 (1) The Department of Law Enforcement shall disseminate
 5606 criminal justice information only in accordance with federal and
 5607 state laws, regulations, and rules.

5608 (2) Criminal justice information derived from federal
 5609 criminal justice information systems or criminal justice



HB 0113A, Engrossed 2

2003

5610 information systems of other states shall not be disseminated in
 5611 a manner inconsistent with the laws, regulations, or rules of
 5612 the originating agency.

5613 (3) Criminal history information, including information
 5614 relating to minors, compiled by the Criminal Justice Information
 5615 Program from intrastate sources shall be available on a priority
 5616 basis to criminal justice agencies for criminal justice purposes
 5617 free of charge and, otherwise, to governmental agencies not
 5618 qualified as criminal justice agencies on an approximate-cost
 5619 basis. After providing the program with all known identifying
 5620 information, persons in the private sector may be provided
 5621 criminal history information upon tender of fees as established
 5622 and in the manner prescribed by rule of the Department of Law
 5623 Enforcement. Such fees shall approximate the actual cost of
 5624 producing the record information. As used in this subsection,
 5625 the department's determination of actual cost shall take into
 5626 account the total cost of creating, storing, maintaining,
 5627 updating, retrieving, improving, and providing criminal history
 5628 information in a centralized, automated database, including
 5629 personnel, technology, and infrastructure expenses. Actual cost
 5630 shall be computed on a fee-per-record basis, and any access to
 5631 criminal history information by the private sector as provided
 5632 in this subsection shall be assessed the per-record fee without
 5633 regard to the quantity or category of criminal history record
 5634 information requested. Fees may be waived by the executive
 5635 director of the Department of Law Enforcement for good cause
 5636 shown.

5637 (4) Criminal justice information provided by the
 5638 Department of Law Enforcement shall be used only for the purpose
 5639 stated in the request.



HB 0113A, Engrossed 2

2003

5640 (5) Notwithstanding any other provision of law, the
5641 department shall provide to the Florida Department of Revenue
5642 Child Support Enforcement access to Florida criminal records
5643 which are not exempt from disclosure under chapter 119, and to
5644 such information as may be lawfully available from other states
5645 via the National Law Enforcement Telecommunications System, for
5646 the purpose of locating subjects who owe or potentially owe
5647 support, as defined in s. 409.2554, or to whom such obligation
5648 is owed pursuant to Title IV-D of the Social Security Act. Such
5649 information may be provided to child support enforcement
5650 authorities in other states for these specific purposes.

5651 (6) Notwithstanding any other provision of law, the
5652 department shall provide to each office of the public defender
5653 on-line access to criminal records of this state which are not
5654 exempt from disclosure under chapter 119 or confidential under
5655 law. Such access shall be used solely in support of the duties
5656 of a public defender as provided in s. 27.51 or of any attorney
5657 specially assigned as authorized in s. 27.53 in the
5658 representation of any person who is determined indigent as
5659 provided in s. 27.52. The costs of establishing and maintaining
5660 such on-line access shall be borne by the office to which the
5661 access has been provided.

5662 (7) Notwithstanding the provisions of s. 943.0525, and any
5663 user agreements adopted pursuant thereto, and notwithstanding
5664 the confidentiality of sealed records as provided for in s.
5665 943.059, the sheriff of any county that has contracted with a
5666 private entity to operate a county detention facility pursuant
5667 to the provisions of s. 951.062 shall provide that private
5668 entity, in a timely manner, copies of the Florida criminal
5669 history records for its inmates. The sheriff may assess a charge



HB 0113A, Engrossed 2

2003

5670 for the Florida criminal history records pursuant to the
5671 provisions of chapter 119. Sealed records received by the
5672 private entity under this section remain confidential and exempt
5673 from the provisions of s. 119.07(1).

5674 (8) Notwithstanding the provisions of s. 943.0525, and any
5675 user agreements adopted pursuant thereto, and notwithstanding
5676 the confidentiality of sealed records as provided for in s.
5677 943.059, the Department of Corrections shall provide, in a
5678 timely manner, copies of the Florida criminal history records
5679 for inmates housed in a private state correctional facility to
5680 the private entity under contract to operate the facility
5681 pursuant to the provisions of s. 944.105 or s. 957.03. The
5682 department may assess a charge for the Florida criminal history
5683 records pursuant to the provisions of chapter 119. Sealed
5684 records received by the private entity under this section remain
5685 confidential and exempt from the provisions of s. 119.07(1).

5686 (9) Notwithstanding the provisions of s. 943.0525 and any
5687 user agreements adopted pursuant thereto, and notwithstanding
5688 the confidentiality of sealed records as provided for in s.
5689 943.059, the Department of Juvenile Justice or any other state
5690 or local criminal justice agency may provide copies of the
5691 Florida criminal history records for juvenile offenders
5692 currently or formerly detained or housed in a contracted
5693 juvenile assessment center or detention facility or serviced in
5694 a contracted treatment program and for employees or other
5695 individuals who will have access to these facilities, only to
5696 the entity under direct contract with the Department of Juvenile
5697 Justice to operate these facilities or programs pursuant to the
5698 provisions of s. 985.411. The criminal justice agency providing
5699 such data may assess a charge for the Florida criminal history



HB 0113A, Engrossed 2

2003

5700 records pursuant to the provisions of chapter 119. Sealed
5701 records received by the private entity under this section remain
5702 confidential and exempt from the provisions of s. 119.07(1).
5703 Information provided under this section shall be used only for
5704 the criminal justice purpose for which it was requested and may
5705 not be further disseminated.

5706 Section 135. Effective July 1, 2004, section 947.18,
5707 Florida Statutes, is amended to read:

5708 947.18 Conditions of parole.--No person shall be placed on
5709 parole merely as a reward for good conduct or efficient
5710 performance of duties assigned in prison. No person shall be
5711 placed on parole until and unless the commission finds that
5712 there is reasonable probability that, if the person is placed on
5713 parole, he or she will live and conduct himself or herself as a
5714 respectable and law-abiding person and that the person's release
5715 will be compatible with his or her own welfare and the welfare
5716 of society. No person shall be placed on parole unless and until
5717 the commission is satisfied that he or she will be suitably
5718 employed in self-sustaining employment or that he or she will
5719 not become a public charge. The commission shall determine the
5720 terms upon which such person shall be granted parole. If the
5721 person's conviction was for a controlled substance violation,
5722 one of the conditions must be that the person submit to random
5723 substance abuse testing intermittently throughout the term of
5724 supervision, upon the direction of the correctional probation
5725 officer as defined in s. 943.10(3). In addition to any other
5726 lawful condition of parole, the commission may make the payment
5727 of the debt due and owing to the state under s. 960.17 or the
5728 payment of the attorney's fees and costs due and owing to the



HB 0113A, Engrossed 2

2003

5729 state ~~a county~~ under s. 938.29 a condition of parole subject to
 5730 modification based on change of circumstances.

5731 Section 136. Effective July 1, 2004, paragraph (i) of
 5732 subsection (1) of section 948.03, Florida Statutes, is amended
 5733 to read:

5734 948.03 Terms and conditions of probation or community
 5735 control.--

5736 (1) The court shall determine the terms and conditions of
 5737 probation or community control. Conditions specified in
 5738 paragraphs (a)-(m) do not require oral pronouncement at the time
 5739 of sentencing and may be considered standard conditions of
 5740 probation. Conditions specified in paragraphs (a)-(m) and (2)(a)
 5741 do not require oral pronouncement at sentencing and may be
 5742 considered standard conditions of community control. These
 5743 conditions may include among them the following, that the
 5744 probationer or offender in community control shall:

5745 (i) Pay any application fee assessed under s.
 5746 27.52(2)(a)~~(1)(e)~~ and attorney's fees and costs assessed under
 5747 s. 938.29, subject to modification based on change of
 5748 circumstances.

5749 Section 137. Effective July 1, 2004, paragraphs (a) and
 5750 (1) of subsection (1) of section 960.001, Florida Statutes, are
 5751 amended to read:

5752 960.001 Guidelines for fair treatment of victims and
 5753 witnesses in the criminal justice and juvenile justice systems.-

5754 -
 5755 (1) The Department of Legal Affairs, the state attorneys,
 5756 the Department of Corrections, the Department of Juvenile
 5757 Justice, the Parole Commission, the State Courts Administrator
 5758 and circuit court administrators, the Department of Law



HB 0113A, Engrossed 2

2003

5759 Enforcement, and every sheriff's department, police department,
 5760 or other law enforcement agency as defined in s. 943.10(4) shall
 5761 develop and implement guidelines for the use of their respective
 5762 agencies, which guidelines are consistent with the purposes of
 5763 this act and s. 16(b), Art. I of the State Constitution and are
 5764 designed to implement the provisions of s. 16(b), Art. I of the
 5765 State Constitution and to achieve the following objectives:

5766 (a) Information concerning services available to victims
 5767 of adult and juvenile crime.--~~Witness coordination offices~~ As
 5768 provided in s. 27.0065, state attorneys and public defenders
 5769 ~~43.35~~ shall gather information regarding the following services
 5770 in the geographic boundaries of their respective circuits and
 5771 shall provide such information to each law enforcement agency
 5772 with jurisdiction within such geographic boundaries. Law
 5773 enforcement personnel shall ensure, through distribution of a
 5774 victim's rights information card or brochure at the crime scene,
 5775 during the criminal investigation, and in any other appropriate
 5776 manner, that victims are given, as a matter of course at the
 5777 earliest possible time, information about:

- 5778 1. The availability of crime victim compensation, when
 5779 applicable;
- 5780 2. Crisis intervention services, supportive or bereavement
 5781 counseling, social service support referrals, and community-
 5782 based victim treatment programs;
- 5783 3. The role of the victim in the criminal or juvenile
 5784 justice process, including what the victim may expect from the
 5785 system as well as what the system expects from the victim;
- 5786 4. The stages in the criminal or juvenile justice process
 5787 which are of significance to the victim and the manner in which
 5788 information about such stages can be obtained;



5789 5. The right of a victim, who is not incarcerated,
 5790 including the victim's parent or guardian if the victim is a
 5791 minor, the lawful representative of the victim or of the
 5792 victim's parent or guardian if the victim is a minor, and the
 5793 next of kin of a homicide victim, to be informed, to be present,
 5794 and to be heard when relevant, at all crucial stages of a
 5795 criminal or juvenile proceeding, to the extent that this right
 5796 does not interfere with constitutional rights of the accused, as
 5797 provided by s. 16(b), Art. I of the State Constitution;

5798 6. In the case of incarcerated victims, the right to be
 5799 informed and to submit written statements at all crucial stages
 5800 of the criminal proceedings, parole proceedings, or juvenile
 5801 proceedings; and

5802 7. The right of a victim to a prompt and timely
 5803 disposition of the case in order to minimize the period during
 5804 which the victim must endure the responsibilities and stress
 5805 involved to the extent that this right does not interfere with
 5806 the constitutional rights of the accused.

5807 (1) Local witness coordination services ~~coordinating~~
 5808 ~~office~~--The requirements for notification provided for in
 5809 paragraphs (b), (d), (f), and (i) may be performed by the state
 5810 attorney or public defender as provided in local witness
 5811 ~~coordinating office established by s. 27.0065 43.35~~, as
 5812 appropriate.

5813 Section 138. Effective July 1, 2004, paragraph (a) of
 5814 subsection (1) of section 984.08, Florida Statutes, is amended
 5815 to read:

5816 984.08 Attorney's fees.--



HB 0113A, Engrossed 2

2003

5817 (1) The court may appoint an attorney to represent a
5818 parent or legal guardian under this chapter only upon a finding
5819 that the parent or legal guardian is indigent.

5820 (a) The finding of indigence ~~indigency~~ of any parent or
5821 legal guardian may be made by the court at any stage of the
5822 proceedings. Any parent or legal guardian claiming indigence
5823 ~~indigency~~ shall file with the court an affidavit containing the
5824 factual information required in paragraphs (c) and (d).

5825 Section 139. Effective July 1, 2004, subsections (1), (2),
5826 and (3) of section 985.203, Florida Statutes, are amended to
5827 read:

5828 985.203 Right to counsel.--

5829 (1) A child is entitled to representation by legal counsel
5830 at all stages of any proceedings under this part. If the child
5831 and the parents or other legal guardian are indigent and unable
5832 to employ counsel for the child, the court shall appoint counsel
5833 pursuant to s. 27.52. Determination of indigence ~~indigency~~ and
5834 costs of representation shall be as provided by ss. 27.52 and
5835 938.29. Legal counsel representing a child who exercises the
5836 right to counsel shall be allowed to provide advice and counsel
5837 to the child at any time subsequent to the child's arrest,
5838 including prior to a detention hearing while in secure detention
5839 care. A child shall be represented by legal counsel at all
5840 stages of all court proceedings unless the right to counsel is
5841 freely, knowingly, and intelligently waived by the child. If the
5842 child appears without counsel, the court shall advise the child
5843 of his or her rights with respect to representation of court-
5844 appointed counsel.

5845 (2) If the parents or legal guardian of an indigent child
5846 are not indigent but refuse to employ counsel, the court shall



HB 0113A, Engrossed 2

2003

5847 appoint counsel pursuant to s. 27.52(3)(2)(d) to represent the
5848 child at the detention hearing and until counsel is provided.
5849 Costs of representation are hereby imposed ~~shall be assessed~~ as
5850 provided by ss. 27.52(3)(2)(d) and 938.29. Thereafter, the court
5851 shall not appoint counsel for an indigent child with nonindigent
5852 parents or legal guardian but shall order the parents or legal
5853 guardian to obtain private counsel. A parent or legal guardian
5854 of an indigent child who has been ordered to obtain private
5855 counsel for the child and who willfully fails to follow the
5856 court order shall be punished by the court in civil contempt
5857 proceedings.

5858 (3) An indigent child with nonindigent parents or legal
5859 guardian may have counsel appointed pursuant to s. 27.52(2)(d)
5860 if the parents or legal guardian have willfully refused to obey
5861 the court order to obtain counsel for the child and have been
5862 punished by civil contempt and then still have willfully refused
5863 to obey the court order. Costs of representation are hereby
5864 imposed ~~shall be assessed~~ as provided by ss. 27.52(2)(d) and
5865 938.29.

5866 Section 140. Effective July 1, 2004, paragraph (b) of
5867 subsection (6) of section 985.215, Florida Statutes, is amended
5868 to read:

5869 985.215 Detention.--

5870 (6)

5871 (b) At the time of the detention hearing, the department
5872 shall report to the court, verbally or in writing, any available
5873 information concerning the ability of the parent or guardian of
5874 the child to pay such fee. If the court makes a finding of
5875 indigence ~~indigency~~, the parent or guardian shall pay to the
5876 department a nominal subsistence fee of \$2 per day that the



HB 0113A, Engrossed 2

2003

5877 child is securely detained outside the home or \$1 per day if the
5878 child is otherwise detained in lieu of other fees related to the
5879 parent's obligation for the child's cost of care. The nominal
5880 subsistence fee may only be waived or reduced if the court makes
5881 a finding that such payment would constitute a significant
5882 financial hardship. Such finding shall be in writing and shall
5883 contain a detailed description of the facts that led the court
5884 to make both the finding of indigence ~~indigency~~ and the finding
5885 of significant financial hardship.

5886 Section 141. Effective July 1, 2004, paragraph (b) of
5887 subsection (1) of section 985.231, Florida Statutes, is amended
5888 to read:

5889 985.231 Powers of disposition in delinquency cases.--

5890 (1)

5891 (b)1. When any child is adjudicated by the court to have
5892 committed a delinquent act and temporary legal custody of the
5893 child has been placed with a licensed child-caring agency or the
5894 Department of Juvenile Justice, the court shall order the
5895 parents of such child to pay fees to the department in the
5896 amount of \$5 per day that the child is under the care or
5897 supervision of the department in order to partially offset the
5898 cost of the care, support, maintenance, and other usual and
5899 ordinary obligations of parents to provide for the needs of
5900 their children while in the recommended residential commitment
5901 level, unless the court makes a finding on the record that the
5902 parent or guardian of the child is indigent.

5903 2. No later than the disposition hearing, the department
5904 shall provide the court with information concerning the actual
5905 cost of care, support, and maintenance of the child in the
5906 recommended residential commitment level and concerning the



HB 0113A, Engrossed 2

2003

5907 ability of the parent or guardian of the child to pay any fees.
5908 If the court makes a finding of indigence ~~indigency~~, the parent
5909 or guardianship shall pay to the department a nominal
5910 subsistence fee of \$2 per day that the child is committed
5911 outside the home or \$1 per day if the child is otherwise
5912 supervised in lieu of other fees related to the parents'
5913 obligation for the child's cost of care. The nominal subsistence
5914 fee may only be waived or reduced if the court makes a finding
5915 that such payment would constitute a significant financial
5916 hardship. Such finding shall be in writing and shall contain a
5917 detailed description of the facts that led the court to make
5918 both the finding of indigence ~~indigency~~ and the finding of
5919 significant financial hardship.

5920 3. In addition, the court may reduce the fees or waive the
5921 fees as to each parent or guardian if the court makes a finding
5922 on the record that the parent or guardian was the victim of the
5923 delinquent act or violation of law for which the child is
5924 subject to placement under this section and that the parent or
5925 guardian has cooperated in the investigation and prosecution of
5926 the offense.

5927 4. All orders committing a child to a residential
5928 commitment program shall include specific findings as to what
5929 fees are ordered, reduced, or waived. If the court fails to
5930 enter an order as required by this paragraph, it shall be
5931 presumed that the court intended the parent or guardian to pay
5932 fees to the department in an amount of \$5 per day related to the
5933 care, support, and maintenance of the child. With regard to a
5934 child who reaches the age of 18 prior to the disposition
5935 hearing, the court may elect to direct an order required by this
5936 paragraph to such child, rather than the parent or guardian.



HB 0113A, Engrossed 2

2003

5937 With regard to a child who reaches the age of 18 while in the
5938 custody of the department, the court may, upon proper motion of
5939 any party, hold a hearing as to whether any party should be
5940 further obligated respecting the payment of fees. When the order
5941 affects the guardianship estate, a certified copy of the order
5942 shall be delivered to the judge having jurisdiction of the
5943 guardianship estate.

5944 5. The clerk of the circuit court shall act as a
5945 depository for these fees. Upon each payment received, the clerk
5946 of the circuit court shall receive a fee from the total payment
5947 of 3 percent of any payment made except that no fee shall be
5948 less than \$1 nor more than \$5 per payment made. This fee shall
5949 serve as a service charge for the administration, management,
5950 and maintenance of each payment. At the end of each month, the
5951 clerk of the circuit court shall send all money collected under
5952 this section to the state Grants and Donations Trust Fund.

5953 6. The parent or guardian shall provide to the department
5954 the parent or guardian's name, address, social security number,
5955 state of birth, and driver's license number or identification
5956 card number and sufficient financial information for the
5957 department to be able to determine the parent or guardian's
5958 ability to pay. If the parent or guardian refuses to provide the
5959 department with any identifying information or financial
5960 information, the court shall order the parent to comply and may
5961 pursue contempt of court sanctions for failure to comply.

5962 7. The department may employ a collection agency for the
5963 purpose of receiving, collecting, and managing the payment of
5964 unpaid and delinquent fees. The collection agency must be
5965 registered and in good standing under chapter 559. The
5966 department may pay to the collection agency a fee from the



HB 0113A, Engrossed 2

2003

5967 amount collected under the claim or may authorize the agency to
5968 deduct the fee from the amount collected. The department may
5969 also pay for collection services from available authorized
5970 funds.

5971 8. The department may enter into agreements with parents
5972 or guardians to establish a schedule of periodic payments if
5973 payment of the obligation in full presents an undue hardship.
5974 Any such agreement may provide for payment of interests
5975 consistent with prevailing loan rates.

5976 9. The Department of Juvenile Justice shall provide to the
5977 payor documentation of any amounts paid by the payor to the
5978 Department of Juvenile Justice on behalf of the child. All
5979 payments received by the department pursuant to this subsection
5980 shall be deposited in the state Grants and Donations Trust Fund.

5981 10. Neither the court nor the department may extend the
5982 child's length of stay in placement care solely for the purpose
5983 of collecting fees.

5984 Section 142. Effective July 1, 2004, paragraph (d) of
5985 subsection (4) of section 985.233, Florida Statutes, is amended
5986 to read:

5987 985.233 Sentencing powers; procedures; alternatives for
5988 juveniles prosecuted as adults.--

5989 (4) SENTENCING ALTERNATIVES.--

5990 (d) *Recoupment of cost of care in juvenile justice*
5991 *facilities.--*

5992 1. When the court orders commitment of a child to the
5993 Department of Juvenile Justice for treatment in any of the
5994 department's programs for children, the court shall order the
5995 parents of such child to pay fees in the amount of \$5 per day
5996 that the child is under the care or supervision of the



HB 0113A, Engrossed 2

2003

5997 department in order to partially offset the cost of the care,
5998 support, maintenance, and other usual and ordinary obligations
5999 of parents to provide for the needs of their children, unless
6000 the court makes a finding on the record that the parent or legal
6001 guardian of the child is indigent.

6002 2. Prior to commitment, the department shall provide the
6003 court with information concerning the actual cost of care in the
6004 recommended residential commitment level and concerning the
6005 ability of the parent or guardian of the child to pay specified
6006 fees. If the court makes a finding of indigence ~~indigency~~, the
6007 parent or guardian shall pay to the department a nominal
6008 subsistence fee of \$2 per day that the child is committed
6009 outside the home or \$1 per day if the child is otherwise
6010 supervised in lieu of other fees related to the parent's
6011 obligation for the child's cost of care. The nominal subsistence
6012 fee may only be waived or reduced if the court makes a finding
6013 that such payment would constitute a significant financial
6014 hardship. Such finding shall be in writing and shall contain a
6015 detailed description of the facts that led the court to make
6016 both the finding of indigence ~~indigency~~ and the finding of
6017 significant financial hardship.

6018 3. In addition, the court may reduce the fees or waive the
6019 fees as to each parent or guardian if the court makes a finding
6020 on the record that the parent or guardian was the victim of the
6021 delinquent act or violation of law for which the child is
6022 subject to commitment under this section and that the parent or
6023 guardian has cooperated in the investigation and prosecution of
6024 the offense. When the order affects the guardianship estate, a
6025 certified copy of the order shall be delivered to the judge
6026 having jurisdiction of the guardianship estate.



6027 4. All orders committing a child to a residential
6028 commitment program shall include specific findings as to what
6029 fees are ordered, reduced, or waived. If the court fails to
6030 enter an order as required by this paragraph, it shall be
6031 presumed that the court intended the parent or guardian to pay
6032 fees to the department in an amount of \$5 per day related to the
6033 care, support, and maintenance of the child. With regard to a
6034 child who reaches the age of 18 prior to the disposition
6035 hearing, the court may elect to direct an order required by this
6036 paragraph to such child, rather than the parent or guardian.
6037 With regard to a child who reaches the age of 18 while in the
6038 custody of the department, the court may, upon proper motion of
6039 any party, hold a hearing as to whether any party should be
6040 further obligated respecting the payment of fees.

6041 5. The clerk of the circuit court shall act as a
6042 depository for these fees. Upon each payment received, the clerk
6043 of the circuit court shall receive a fee from the total payment
6044 of 3 percent of any payment made except that no fee shall be
6045 less than \$1 nor more than \$5 per payment made. This fee shall
6046 serve as a service charge for the administration, management,
6047 and maintenance of each payment. At the end of each month, the
6048 clerk of the circuit court shall send all money collected under
6049 this section to the state Grants and Donations Trust Fund.

6050 6. The parent or guardian shall provide to the department
6051 the parent or guardian's name, address, social security number,
6052 date of birth, and driver's license number or identification
6053 card number and sufficient financial information for the
6054 department to be able to determine the parent or guardian's
6055 ability to pay. If the parent or guardian refuses to provide the
6056 department with any identifying information or financial



HB 0113A, Engrossed 2

2003

6057 information, the court shall order the parent to comply and may
6058 pursue contempt of court sanctions for failure to comply.

6059 7. The department may employ a collection agency for the
6060 purpose of receiving, collecting, and managing the payment of
6061 unpaid and delinquent fees. The collection agency must be
6062 registered and in good standing under chapter 559. The
6063 department may pay to the collection agency a fee from the
6064 amount collected under the claim or may authorize the agency to
6065 deduct the fee from the amount collected. The department may
6066 also pay for collection services from available authorized
6067 funds. The Department of Juvenile Justice shall provide to the
6068 payor documentation of any amounts paid by the payor to the
6069 Department of Juvenile Justice on behalf of the child. All
6070 payments received by the department pursuant to this subsection
6071 shall be deposited in the state Grants and Donations Trust Fund.

6072 8. Neither the court nor the department may extend the
6073 child's length of stay in commitment care solely for the purpose
6074 of collecting fees.

6075
6076 It is the intent of the Legislature that the criteria and
6077 guidelines in this subsection are mandatory and that a
6078 determination of disposition under this subsection is subject to
6079 the right of the child to appellate review under s. 985.234.

6080 Section 143. The Department of Financial Services shall
6081 undertake a review of the Florida Accounting Information
6082 Resource subsystem and Uniform Accounting System Manual in
6083 accounting for state and county expenditures and revenues
6084 associated with Article V of the Florida Constitution. Necessary
6085 revisions to account codes, account descriptions, categories,
6086 and object codes shall be implemented prior to July 1, 2004. In



HB 0113A, Engrossed 2

2003

6087 completing this review, the department shall consult with clerks
6088 of court, county commissioners, judges, state attorneys, and
6089 public defenders. The Auditor General shall provide technical
6090 advice to the department in undertaking this review.

6091 Section 144. Effective July 1, 2003, the Chief Financial
6092 Officer shall undertake a study to determine county expenditures
6093 for court-related services for the county fiscal year ended
6094 September 30, 2002. The Chief Financial Officer shall provide
6095 the form and manner in which the clerks of court, or the
6096 appropriate county officer in those counties where the clerk of
6097 court is not the county's chief financial officer, shall submit
6098 expenditure data and the timeframes within which the data must
6099 be provided. The clerks of court, state attorneys, public
6100 defenders, court administrators, boards of county commissioners,
6101 and sheriffs shall assist the Chief Financial Officer in the
6102 collection of the necessary expenditure data. The Legislative
6103 Committee on Intergovernmental Relations may also assist in
6104 gathering and assessing the expenditure data and provide
6105 technical assistance. The Auditor General shall provide
6106 technical advice with respect to the collection and analysis of
6107 the expenditure data.

6108 (1) Expenditure data shall be reported to the Chief
6109 Financial Officer at the transaction code level and, for
6110 specific transaction codes specified by the Chief Financial
6111 Officer, object/sub-object level, as set forth in the Uniform
6112 Accounting System Manual developed by the Chief Financial
6113 Officer pursuant to s. 218.33. Expenditure data provided for
6114 specific programs or purposes shall include identification of
6115 the specific account codes within the Uniform Accounting System
6116 Manual in which the costs were recorded. The clerks of the



HB 0113A, Engrossed 2

2003

6117 court, or the appropriate county officer in those counties where
6118 the clerk of court is not the county's chief financial officer,
6119 must reconcile the expenditure data provided to the Chief
6120 Financial Officer with the Annual Financial Report required by
6121 s. 218.32. The clerks of court must attest to the accuracy of
6122 the expenditure data provided to the Chief Financial Officer.
6123 State attorneys, public defenders, court administrators, boards
6124 of county commissions chairpersons, and sheriffs shall each
6125 attest to the accuracy of any expenditure data they submit to
6126 the clerks.

6127 (2) The Chief Financial Officer shall reimburse
6128 individuals for travel costs incurred as a result of
6129 participation in the collection and analysis of the expenditure
6130 data from funds specifically appropriated for such purpose.

6131 (3) The Chief Financial Officer shall submit a report to
6132 the President of the Senate and Speaker of the House of
6133 Representatives no later than November 1, 2003, summarizing the
6134 court-related cost information submitted by the clerks of court.

6135 (4) The sum of \$200,000 from the Insurance Regulatory
6136 Trust Fund is appropriated to the Department of Financial
6137 Services for state fiscal year 2003-2004 to support this
6138 project.

6139 Section 145. It is the intent of the Legislature to
6140 implement Revision 7 to Article V of the Florida Constitution in
6141 a way which recognizes the allocation of funding
6142 responsibilities among the state, counties, and system users.
6143 The Legislature hereby declares that the provisions of this act
6144 designed to achieve that allocation of responsibility fulfills
6145 an important state interest.

6146 Section 146. For the purpose of implementing Section 14,



HB 0113A, Engrossed 2

2003

6147 Article V of the State Constitution, the transfer of the funding
6148 responsibility for the state courts system shall not affect the
6149 validity of any judicial or administrative proceeding pending on
6150 the day of the transfer. The entity providing appropriations on
6151 and after July 1, 2004, shall be considered the successor in
6152 interest to any existing contracts ratified by the successor
6153 entity, but is not responsible for funding or payment of any
6154 service rendered or provided, in whole or in part, prior to July
6155 1, 2004.

6156 Section 147. Notwithstanding any law to the contrary, any
6157 judicial act may be taken or performed on any day of the week,
6158 including Sundays and holidays.

6159 Section 148. Notwithstanding s. 938.19, Florida Statutes,
6160 to the contrary, any court may use surplus funds provided for
6161 teen courts for juvenile drug courts. This section expires July
6162 1, 2004.

6163 Section 149. Service charges and fees imposed by the
6164 governing authority of counties by ordinance and special law
6165 pursuant to authority granted in ss. 28.242-34.041, Florida
6166 Statutes, prior to June 30, 2004, are repealed and abolished
6167 effective July 1, 2004.

6168 Section 150. Each clerk of the court shall submit to the
6169 President of the Senate and the Speaker of the House of
6170 Representatives by November 1, 2003, a report identifying court-
6171 related functions and associated costs for county fiscal year
6172 2003-2004. The report shall detail the methodologies used to
6173 apportion costs between court-related and non-court-related
6174 functions performed by the clerk.

6175 Section 151. By October 1, 2003, each clerk of the court
6176 must notify the Clerk of Court Operations Conference created



HB 0113A, Engrossed 2

2003

6177 pursuant to s. 28.35, Florida Statutes, of the entire schedule
6178 of court-related fees, service charges, and costs that he or she
6179 elects to charge effective July 1, 2004, based on the statutory
6180 authorizations that are effective July 1, 2004. The Clerk of
6181 Court Operations Conference shall submit this information to the
6182 Legislature in a uniform format with appropriate summaries and
6183 explanatory information no later than November 1, 2003.

6184 Section 152. Sections 25.402 and 34.201, Florida Statutes,
6185 are repealed.

6186 Section 153. Effective July 1, 2004, sections 27.005,
6187 27.006, 27.271, 27.33, 27.3455, 27.36, 27.385, 27.605, 29.002,
6188 29.003, 29.009, 29.011, 43.28, 50.071, 57.091, 218.325, 914.06,
6189 925.035, 925.036, 925.037, 939.05, 939.07, 939.10, and 939.15,
6190 Florida Statutes, are repealed.

6191 Section 154. If any law amended by this act was also
6192 amended by a law enacted at the 2003 Regular Session of the
6193 Legislature, such laws shall be construed as if they had been
6194 enacted at the same session of the Legislature, and full effect
6195 shall be given to each if possible.

6196 Section 155. Except as otherwise provided herein, this act
6197 shall take effect July 1, 2003.

6198