

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

1 funds for certain civil and criminal
2 proceedings; eliminating provisions requiring
3 counties to provide certain services and pay
4 certain fees, expenses, and costs incurred by
5 the state attorney; amending s. 27.35, F.S.;
6 providing that salaries of state attorneys
7 shall be provided in the General Appropriations
8 Act; revising the title of pt. III, ch. 27,
9 F.S.; creating s. 27.40, F.S.; providing
10 requirements for court-appointed counsel;
11 providing for circuit registries of private
12 attorneys; requiring annual fees; specifying
13 inapplicability to court-appointed counsel in
14 postconviction capital collateral cases;
15 creating s. 27.42, F.S.; providing for the
16 composition, staff, responsibilities, and
17 funding of circuit Article V indigent services
18 committees; requiring the preparation and
19 distribution of a statewide comparative budget
20 report relating to circuit Article V indigent
21 services committees by the Justice
22 Administrative Commission; providing for the
23 appropriation of funds for attorney's fees and
24 expenses in criminal conflict cases and in
25 child dependency cases and other
26 court-appointed counsel cases; amending s.
27 27.51, F.S.; revising duties of the public
28 defender; specifying additional indigent
29 persons for whom the public defender is
30 required to secure representation; deleting
31 provisions relating to limitations on

1 representation by public defenders in direct
2 appeals of death penalty cases; amending s.
3 27.52, F.S.; revising provisions relating to
4 determination of indigence; requiring the clerk
5 of the circuit court to make such
6 determination; providing for payment of
7 application fees; providing for deposit of
8 recovered amounts into the General Revenue
9 Fund; providing for a payment program; amending
10 s. 27.53, F.S.; revising method of funding
11 offices of public defender; specifying that
12 special assistant public defenders are
13 volunteer attorneys; amending s. 27.5301, F.S.;
14 revising method of paying salaries of public
15 defenders; creating s. 27.5303, F.S.; providing
16 requirements for appointment of counsel in
17 conflict of interest of public defender;
18 providing criteria for determining whether a
19 conflict of interest exists; prohibiting
20 withdrawal based solely on lack of funding or
21 excess workload; creating s. 27.5304, F.S.;
22 providing for compensation of private
23 court-appointed counsel; amending s. 27.54,
24 F.S.; prohibiting counties or municipalities
25 from funding the public defenders' offices for
26 prosecution of violations of special laws or
27 ordinances; eliminating provisions requiring
28 counties to provide certain services and pay
29 certain fees, expenses, and costs incurred by
30 the public defender; amending s. 27.562, F.S.;
31 providing for disposition of funds collected

1 for legal assistance; amending s. 27.58, F.S.;
2 revising provisions relating to administration
3 of public defender services; amending s.
4 27.702, F.S.; conforming terminology; amending
5 s. 28.101, F.S.; authorizing an increase in the
6 service charge for filing for dissolution of
7 marriage; renumbering and amending s. 43.195,
8 F.S.; authorizing a clerk to dispose of items
9 of physical evidence in cases where no
10 collateral attack is pending; creating s.
11 28.215, F.S.; providing for pro se assistance;
12 amending s. 28.24, F.S.; prohibiting the clerk
13 of the court from charging court officials for
14 copies of public records; modifying the service
15 charges for services rendered by the clerk of
16 the court in recording documents and
17 instruments and in performing certain other
18 duties; eliminating the charges for court
19 attendance by each clerk or deputy clerk, court
20 minutes, making and reporting payrolls of
21 jurors, issuing jury summons, and paying
22 witnesses and making and reporting payrolls;
23 amending s. 28.2401, F.S.; authorizing an
24 increase in various service charges for probate
25 matters; prohibiting county governing
26 authorities from imposing additional charges;
27 creating s. 28.2402, F.S.; imposing a fee on a
28 county or municipality for filing a municipal
29 code or ordinance violation in court; amending
30 s. 28.241, F.S.; authorizing an increase in the
31 fee for filing a civil action in circuit court;

1 requiring that a portion of the fee be remitted
2 to the Clerk of Court Operations Conference;
3 providing a filing fee for reopening a civil
4 action, suit, or proceeding; providing for a
5 reduction in that fee for a petition to modify
6 a final judgment of dissolution; authorizing
7 increases in other filing fees; deleting
8 provisions authorizing a county to assess
9 amounts in excess of specified service charges;
10 prohibiting additional fees, charges, or costs;
11 amending s. 28.245, F.S.; requiring electronic
12 transmittal of funds collected by the clerks of
13 court to the Department of Revenue; creating s.
14 28.246, F.S.; providing requirements for
15 payment of court-related fees, charges, and
16 costs; providing for collection by private
17 attorney or collection agent; creating s.
18 28.345, F.S.; exempting state attorneys and
19 public defenders from all fees and charges of
20 the clerks of the circuit courts; creating s.
21 28.35, F.S.; establishing the Clerk of Court
22 Operations Conference; providing membership;
23 providing duties of the conference, including
24 recommending changes in court-related fines,
25 fees, service charges, and cost schedules to
26 the Legislature, establishing a process for
27 review and approval of proposed budgets
28 submitted by the clerks of the court,
29 certification of budget insufficiencies, and
30 publication of a schedule of maximum fines,
31 fees, service charges, and costs that may be

1 charged; providing for a clerk education
2 program; requiring maintenance of a public
3 depository to receive funds for operations;
4 requiring an annual financial audit; creating
5 s. 28.36, F.S.; providing budget review and
6 approval procedures for the court-related
7 functions of the clerks of the courts; creating
8 s. 28.37, F.S.; providing for certain revenues
9 collected by the clerks to be remitted to the
10 state to pay certain costs of the state courts
11 system; requiring the Department of Revenue to
12 adopt rules; amending s. 29.001, F.S.; defining
13 the elements of the state courts system;
14 providing for using state revenue to pay
15 certain costs associated with those elements;
16 specifying expenses that counties must pay;
17 amending s. 29.004, F.S.; revising and
18 expanding the list of elements of the state
19 courts system to be provided from state
20 revenues appropriated by general law; amending
21 s. 29.005, F.S.; revising and expanding the
22 list of elements of state attorneys' offices to
23 be provided from state revenues appropriated by
24 general law; amending s. 29.006, F.S.; revising
25 and expanding the list of elements of public
26 defenders' offices to be provided from state
27 revenues appropriated by general law; amending
28 s. 29.007, F.S.; revising and expanding the
29 list of elements of court-appointed counsel to
30 be provided from state revenues appropriated by
31 general law; amending s. 24, ch. 2000-237, Laws

1 of Florida, to delay the effective date of s.
2 29.008, F.S.; amending s. 29.008, F.S.,
3 relating to county funding of court-related
4 functions; redefining terms; providing
5 standards that facilities and communications
6 systems and services must meet to qualify for
7 funding; requiring that the integrated computer
8 system be made capable of electronically
9 exchanging certain data using specified means
10 at certain levels by a specific date; providing
11 for defining local requirements and adopting a
12 budget therefor; creating s. 29.0085, F.S.;
13 modifying county revenue and expenditure
14 reporting requirements; creating s. 29.014,
15 F.S.; creating the Article V Indigent Services
16 Advisory Board; providing for appointment of
17 members and terms; providing for organization;
18 providing duties; creating ss. 29.015 and
19 29.016, F.S.; establishing contingency funds
20 for the Justice Administrative Commission and
21 the judicial branch to alleviate deficits in
22 due process services appropriation categories;
23 providing requirements for utilization of the
24 funds; amending s. 34.032, F.S.; providing for
25 funding of arrest warrants for violation of
26 county or municipal ordinances; amending s.
27 34.041, F.S.; providing for filing fees and
28 costs in county courts; providing for
29 disposition of funds collected; amending s.
30 34.13, F.S.; requiring administration of oaths
31 relating to violation of a municipal ordinance

1 to be at municipal expense; amending s. 34.171,
2 F.S.; requiring county funding of bailiff
3 salaries; amending s. 34.181, F.S., relating to
4 branch courts; providing a cross-reference;
5 amending s. 34.191, F.S.; providing for
6 collection and distribution of fines and
7 forfeitures; amending s. 39.0134, F.S.;
8 providing for compensation of appointed counsel
9 in dependency proceedings; amending s. 39.4075,
10 F.S.; requiring parties to contribute to the
11 cost of dependency mediation; amending s.
12 39.815, F.S.; revising a cross-reference;
13 creating s. 40.001, F.S.; providing authority
14 and duties of the chief judge; amending s.
15 40.02, F.S., relating to selection of jury
16 lists; providing for performance of and payment
17 for such duties; amending s. 40.29, F.S.;
18 revising provisions relating to duty of clerks
19 of court to make estimates and requisitions for
20 certain due process costs; amending s. 40.30,
21 F.S.; requiring the estimate and requisition
22 for payment of jurors and witnesses to be
23 endorsed by the Justice Administrative
24 Commission or designee; updating terminology;
25 amending s. 43.16, F.S.; removing reference to
26 Justice Administrative Commission as part of
27 the judicial branch; expanding duties of the
28 commission relating to court-appointed counsel;
29 amending s. 43.26, F.S.; redesignating the
30 presiding judge of the circuit as the chief
31 judge of the circuit; providing additional

1 powers of the chief judge; amending s. 44.108,
2 F.S.; deleting provisions authorizing a county
3 to levy service charges for court mediation and
4 arbitration; assessing a filing fee on court
5 proceedings; depositing fees in the Mediation
6 and Arbitration Trust Fund; amending s. 49.10,
7 F.S.; removing a cross-reference; amending s.
8 55.10, F.S.; authorizing an increase in the fee
9 for serving a certificate of lien; amending s.
10 55.141, F.S.; conforming a cross-reference;
11 amending s. 55.505, F.S.; authorizing an
12 increase in the service charge for recording a
13 foreign judgment; amending s. 57.081, F.S.;
14 revising provisions relating to costs and
15 services provided to indigent persons; amending
16 s. 57.085, F.S.; revising provisions relating
17 to waiver of prepayment of court costs and fees
18 for indigent prisoners; amending s. 61.14,
19 F.S.; authorizing an increase in certain fees
20 assessed for delinquency of child support and
21 alimony; amending s. 61.181, F.S.; continuing
22 the fee imposed on certain payments of alimony
23 and child support; amending s. 61.21, F.S.;
24 providing for authorization of parenting course
25 by the Department of Children and Family
26 Services; amending s. 77.28, F.S.; conforming a
27 cross-reference; amending s. 92.153, F.S.;
28 providing maximum charges for documents
29 produced pursuant to subpoenas or records
30 request issued by the state attorney or the
31 public defender; amending s. 92.231, F.S.;

1 providing for payment of expert witness fees;
2 renumbering and amending s. 914.09, F.S.;
3 providing for compensation of witnesses
4 summoned in two or more criminal cases;
5 amending s. 125.69, F.S.; providing funding
6 requirements with respect to prosecution of
7 violations of county ordinances; amending s.
8 142.01, F.S.; providing for the clerk of the
9 court to establish a fine and forfeiture fund
10 in each county to be used to pay the costs of
11 court-related functions; deleting provisions
12 authorizing counties to receive funds to pay
13 the cost of criminal prosecutions and transfer
14 excess funds to the county general fund;
15 amending s. 142.02, F.S.; limiting the use of
16 county funds from a levy of a special tax to
17 pay for the cost of criminal prosecutions;
18 amending s. 142.03, F.S.; requiring that fines
19 and forfeitures be used to pay the costs of
20 court-related functions; amending s. 142.15,
21 F.S.; requiring that fees collected by the
22 sheriff be remitted to the clerk in the county
23 where the crime was alleged to have been
24 committed; amending s. 142.16, F.S.; requiring
25 that fines and forfeitures be remitted to the
26 clerk in the county in which the case was
27 adjudicated; amending s. 145.022; prohibiting a
28 county from appropriating a salary to the clerk
29 of the court based on the fees collected;
30 creating s. 162.30, F.S.; providing for civil
31 actions to enforce county and municipal

1 ordinances; amending ss. 197.532, 197.542, and
2 197.582, F.S.; conforming cross-references;
3 amending s. 212.055, F.S.; revising the
4 definition of "infrastructure" for purposes of
5 the local government infrastructure surtax;
6 amending s. 212.20, F.S.; revising the
7 distribution of the proceeds from certain
8 state-shared revenues; amending s. 218.21,
9 F.S.; revising the guaranteed entitlement of
10 municipalities to certain state revenue
11 sharing; amending s. 218.25, F.S.; allowing a
12 county to assign, pledge, or set aside certain
13 funds as a trust for payment on indebtedness;
14 amending s. 218.35, F.S.; revising requirements
15 for budget preparation by the clerk of the
16 circuit court as county fee officer; amending
17 s. 318.15, F.S.; authorizing an increase in
18 various fees for persons failing to comply with
19 civil penalties, attend driver improvement
20 school, or appear at a hearing; amending s.
21 318.18, F.S.; authorizing an increase in
22 various fees for penalties for noncriminal
23 dispositions; creating additional charges and
24 fees to be paid to the clerk of the court;
25 authorizing an increase in the fee to dismiss
26 citations; providing for disposition of funds
27 collected; amending s. 318.21, F.S.; revising
28 disposition of civil penalties collected by
29 county courts; amending s. 318.325, F.S.;
30 specifying jurisdiction and procedure for
31 parking infractions; amending s. 322.245, F.S.;

1 authorizing an increase in the delinquency fee
2 for persons charged with specified criminal
3 offenses who fail to comply with the directives
4 of the court; amending s. 327.73, F.S.;
5 authorizing an increase in the charge for court
6 costs for failure to comply with the court's
7 requirements or failure to pay specified civil
8 penalties; amending s. 382.023, F.S.;
9 authorizing an increase in the fee for
10 dissolution of marriage; revising the portion
11 to be retained by the circuit court and the
12 portion remitted to the state, to conform;
13 amending ss. 392.55, 392.56, and 394.473, F.S.;
14 conforming terminology; amending s. 395.3025,
15 F.S.; conforming cross-references; amending s.
16 397.334, F.S.; making treatment-based drug
17 court programs a county option and providing
18 county funding requirements; amending s.
19 712.06, F.S.; conforming cross-references;
20 amending s. 713.24, F.S.; authorizing an
21 increase in the fee for-certain services
22 performed by the clerk of the court in
23 transferring liens; amending s. 721.83, F.S.;
24 requiring filing fees and service charges to be
25 paid separately for each defendant in a
26 consolidated foreclosure action; amending s.
27 741.30, F.S., relating to domestic violence;
28 providing for certain notice to petitioners
29 relating to indigence; amending s. 744.3135,
30 F.S.; authorizing an increase in the fee paid
31 to the clerk of the court for processing

1 guardian files; amending s. 744.365, F.S.;
2 authorizing an increase in the fee paid to the
3 clerk of the court for an inventory filed by a
4 guardian; deleting provisions requiring that
5 the county pay the auditing fee when such fee
6 is waived by the court; amending s. 744.3678,
7 F.S.; authorizing an increase in the fees paid
8 by the guardian to the clerk of the court for
9 filing an annual financial return; prohibiting
10 the clerk of the circuit court from billing the
11 county for a waived fee; amending s. 775.083,
12 F.S.; deleting provisions authorizing counties
13 to impose and collect additional fines to be
14 used to pay for local crime prevention
15 programs; providing for the disposition of
16 fines and costs; requiring funding of crime
17 prevention programs in counties; amending s.
18 796.07, F.S.; conforming a reference; amending
19 s. 914.11, F.S.; requiring the state to pay
20 certain costs and expenses of indigent
21 defendants presently unable to pay; amending s.
22 916.107, F.S.; providing for right to treatment
23 of forensic clients presently unable to pay;
24 amending s. 916.15, F.S., relating to
25 involuntary commitment of defendant adjudicated
26 not guilty by reason of insanity; providing for
27 representation by the public defender if the
28 defendant is indigent; amending s. 938.01,
29 F.S., relating to Additional Court Cost
30 Clearing Trust Fund; requiring payment of court
31 costs; amending s. 938.03, F.S., relating to

1 Crimes Compensation Trust Fund; requiring
2 payment of additional court costs; amending s.
3 938.05, F.S.; directing court costs to be
4 deposited in the clerk of the courts fine and
5 forfeiture fund instead of the county trust
6 fund; amending s. 938.06, F.S.; removing a
7 restriction on local liability for payment of
8 costs for crime stoppers programs; amending s.
9 938.19, F.S.; authorizing counties to fund teen
10 courts; amending s. 938.27, F.S.; revising
11 provisions relating to judgment for costs on
12 conviction; requiring payment of such costs;
13 amending s. 938.29, F.S.; providing payment
14 requirements for certain legal assistance;
15 providing requirements for deposit and use of
16 funds collected for attorney's fees and costs;
17 amending s. 938.30, F.S.; specifying financial
18 obligations in criminal cases; amending s.
19 938.35, F.S.; revising provisions for
20 collection of court-related financial
21 obligations; amending s. 939.06, F.S., relating
22 to acquitted defendant not liable for costs;
23 removing county obligation to pay; amending s.
24 939.08, F.S.; revising requirements relating to
25 certification of costs of the state courts
26 system; amending s. 939.12, F.S.; providing for
27 payment of costs against state in Supreme
28 Court; reenacting s. 943.053, F.S., relating to
29 the dissemination of criminal justice
30 information, to incorporate the amendments to
31 ss. 27.51 and 27.53, F.S.; amending s. 947.18,

1 F.S.; conforming a reference; amending s.
2 948.03, F.S.; conforming a cross-reference;
3 amending s. 960.001, F.S.; conforming
4 references; amending s. 984.08, F.S.;
5 conforming terminology; amending s. 985.203,
6 F.S., relating to right to counsel; providing
7 for imposition of costs of representation;
8 amending ss. 985.215, 985.231, and 985.233,
9 F.S.; conforming terminology; providing for a
10 review of the Florida Accounting Information
11 Resource subsystem and the Uniform Accounting
12 System Manual with respect to Article V
13 funding; requiring implementation of necessary
14 revisions; providing for a study of county
15 expenditures for court-related services;
16 providing requirements; providing for
17 reimbursement of travel costs; requiring a
18 report; requiring a report on costs of
19 court-related services provided by the
20 counties; providing specific requirements;
21 providing for reimbursement of certain
22 expenses; providing an appropriation; providing
23 a statement of important state interest;
24 providing that the transfer of the funding
25 responsibility for the state courts system
26 shall not affect the validity of any judicial
27 or administrative proceeding pending on the day
28 of the transfer; providing that the entity
29 providing appropriations on and after July 1,
30 2004, shall be considered the successor in
31 interest to any existing contracts, but is not

1 responsible for funding or payment of any
2 service rendered or provided prior to July 1,
3 2004; authorizing judicial acts to be taken or
4 performed on any day of the week, including
5 Sundays and holidays; authorizing surplus funds
6 for teen courts to be used for juvenile drug
7 courts; repealing certain services charges and
8 fees imposed by counties prior to June 30,
9 2004; requiring each clerk of the court to
10 submit to the Legislature a report identifying
11 court-related functions and associated costs
12 for county fiscal year 2003-2004; requiring
13 each clerk of the court to notify the Clerk of
14 Court Operations Conference of the schedule of
15 court-related fees, service charges, and costs
16 to be put into effect July 1, 2004; requiring
17 the conference to submit such information to
18 the Legislature; repealing s. 25.402, F.S.,
19 relating to the County Article V Trust Fund;
20 repealing s. 27.005, F.S., relating to
21 definitions applicable to state attorneys and
22 public defenders; repealing s. 27.006, F.S.,
23 relating to court reporting services; repealing
24 s. 27.271, F.S., relating to per diem and
25 mileage for state attorneys and assistant state
26 attorneys; repealing s. 27.33, F.S., relating
27 to state attorney submission of annual budget;
28 repealing s. 27.3455, F.S., relating to annual
29 statement of court-related revenues and
30 expenditures; repealing s. 27.36, F.S.,
31 relating to the Office of Prosecution

1 Coordination; repealing s. 27.385, F.S.,
2 relating to state attorney budget expenditures
3 and expenditure reports; repealing s. 27.605,
4 F.S., relating to public defender budget
5 expenditures and expenditure reports; repealing
6 s. 29.002, F.S., relating to the basis for
7 funding the state courts system; repealing s.
8 29.003, F.S., relating to the phase-in schedule
9 for court funding; repealing s. 29.009, F.S.,
10 relating to the contingency fund for
11 criminal-related costs of counties; repealing
12 s. 29.011, F.S., relating to conflict counsel
13 pilot projects; repealing s. 34.201, F.S.,
14 relating to the County Article V Trust Fund;
15 repealing s. 43.28, F.S., relating to county
16 provision of court facilities; repealing s.
17 50.071, F.S., relating to court docket funds;
18 repealing s. 57.091, F.S., relating to costs
19 refunded to counties in certain proceedings
20 relating to state prisoners; repealing s.
21 218.325, F.S., relating to the uniform chart of
22 accounts and financial reporting for court and
23 justice system costs and revenues; repealing s.
24 914.06, F.S., relating to compensation of
25 expert witnesses in criminal cases; repealing
26 s. 925.035, F.S., relating to appointment and
27 compensation of an attorney in capital cases
28 and appeals from judgments imposing the death
29 penalty; repealing s. 925.036, F.S., relating
30 to compensation of appointed counsel and
31 prohibition against reassignment or

1 subcontracting of case to another attorney;
2 repealing s. 925.037, F.S., relating to
3 reimbursement of counties for fees paid to
4 appointed counsel and circuit conflict
5 committees; repealing s. 939.05, F.S., relating
6 to discharge of insolvent defendant without
7 payment of costs; repealing s. 939.07, F.S.,
8 relating to payment of defendant's witnesses;
9 repealing s. 939.10, F.S., relating to duty of
10 board of county commissioners to verify mileage
11 and actual and necessary services and expenses;
12 repealing s. 939.15, F.S., relating to costs
13 paid by counties in cases of insolvency;
14 providing for construction of the act in pari
15 materia with laws enacted during the 2003
16 Regular Session of the Legislature; providing
17 effective dates.

18

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

20

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

23

24 25.073 Retired justices or judges assigned to
25 temporary duty; additional compensation; appropriation.--

26

27 (1) For purposes of this section, the term "retired
28 justice" or "retired judge" means any former justice or judge
29 who:

30

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

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

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

4 25.383 Standards for court reporters; procedures;
5 rules of professional conduct, discipline, and training+
6 ~~fees.~~--The Supreme Court shall establish minimum standards and
7 procedures for qualifications, certification, discipline, and
8 training for court reporters. ~~The Supreme Court is authorized~~
9 ~~to set fees to be charged to applicants for certification and~~
10 ~~renewal of certification. The revenues generated from such~~
11 ~~fees shall be used to offset the costs of administration of~~
12 ~~the certification process.~~The Supreme Court may appoint or
13 employ such personnel as are necessary to assist the court in
14 exercising its powers and performing its duties under this
15 section.

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

19 25.384 Court Education Trust Fund.--

20 (2)(a) The trust fund moneys shall be used to provide
21 judicial education and training for judges and other court
22 personnel as defined and determined by the Florida Court
23 Educational Council, ~~the State Courts Administrator and his or~~
24 ~~her staff, trial court administrators, and appellate court law~~
25 ~~clerks.~~ In addition, funds may be used for the development and
26 implementation of an educational program for the clerks of
27 court as set forth in s. 145.051(2).

28 Section 4. Part I of chapter 27, entitled
29 "Definitions; Court Reporters," is retitled as "Court
30 Reporters; Witness Coordination," and shall consist of
31

1 sections 27.0055, 27.006, 27.0061, and 27.0065, Florida
2 Statutes. This section shall take effect July 1, 2004.

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

6 27.0065 ~~43.35~~ Witness coordination ~~coordinating~~
7 ~~offices.--Each state attorney and public defender court~~
8 ~~administrator shall establish a witness coordinating office in~~
9 ~~each county within his or her judicial circuit. The office~~
10 shall be responsible for:

11 (1) Coordinating court appearances, including pretrial
12 conferences and depositions, for all witnesses who are
13 subpoenaed in criminal cases, including law enforcement
14 personnel.

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

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

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

26
27 In addition, the state attorney or public defender ~~the office~~
28 may provide additional services to reduce time and wage losses
29 to a minimum for all witnesses.

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

1 27.02 Duties before court.--

2 (1) The state attorney shall appear in the circuit and
3 county courts within his or her judicial circuit and prosecute
4 or defend on behalf of the state all suits, applications, or
5 motions, civil or criminal, in which the state is a party,
6 except as provided in chapters 39, 984, and 985. The intake
7 procedures of chapters 39, 984, and 985 shall apply as
8 provided therein. The state attorney shall not appear in the
9 circuit and county courts within his or her judicial circuit
10 for the purpose of prosecuting violations of special laws,
11 unless expressly authorized, or violations of county or
12 municipal ordinances, unless ancillary to a state prosecution
13 and authorized by the prosecuting attorney of the county.

14 (2) The state attorney shall provide to the defendant
15 all discovery materials required pursuant to the applicable
16 rule of procedure and may charge fees as provided for in s.
17 119.07(1)(a), not to exceed 15 cents per page for a copy of a
18 noncertified copy of a public record. However, these fees may
19 be deferred if the defendant has been determined to be
20 indigent as provided in s. 27.52.

21 Section 7. Section 27.04, Florida Statutes, is amended
22 to read:

23 27.04 Summoning and examining witnesses for
24 state.--The state attorney shall have summoned all witnesses
25 required on behalf of the state; and he or she is allowed the
26 process of his or her court to summon witnesses from
27 throughout the state to appear before the state attorney in or
28 out of term time at such convenient places in the state
29 attorney's judicial circuit and at such convenient times as
30 may be designated in the summons, to testify before him or her
31 as to any violation of the ~~criminal~~ law upon which they may be

1 interrogated, and he or she is empowered to administer oaths
2 to all witnesses summoned to testify by the process of his or
3 her court or who may voluntarily appear before the state
4 attorney to testify as to any violation or violations of the
5 ~~criminal~~ law.

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

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

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

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

23 27.25 State attorney authorized to employ personnel;
24 funding formula.--

25 (1) The state attorney of each judicial circuit is
26 authorized to employ and establish, in such number as is
27 authorized by the General Appropriations Act ~~he or she shall~~
28 ~~determine~~, assistant state attorneys, ~~investigators, and~~
29 ~~clerical, secretarial, and other~~ staff pursuant to s. 29.005
30 ~~personnel, who shall be paid from funds appropriated for that~~
31 ~~purpose.~~ The state attorneys of all judicial circuits shall

1 jointly develop a coordinated classification and pay plan
 2 which shall be submitted on or before January 1 of each year
 3 to the Justice Administrative Commission, the office of the
 4 President of the Senate, and the office of the Speaker of the
 5 House of Representatives. Such plan shall be developed in
 6 accordance with policies and procedures of the Executive
 7 Office of the Governor established pursuant to s. 216.181.

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

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

15 27.34 Limitations on payment of salaries and other
 16 related costs of state attorneys' offices other than by the
 17 state; limitations.--

18 (1) A ~~No~~ county or municipality may not contract with,
 19 or shall appropriate or contribute funds to the operation of,
 20 the various state attorneys for the prosecution of, except
 21 that a county or municipality may appropriate or contribute
 22 funds to pay the salary of one assistant state attorney whose
 23 sole function shall be to prosecute violations of special
 24 laws, unless expressly authorized, or ordinances of the county
 25 or municipality, unless ancillary to a state prosecution. and
 26 may provide Persons employed by the county or municipality may
 27 be provided to the state attorney to serve as special
 28 investigators pursuant to the provisions of s. 27.251.
 29 ~~However, any county or municipality may contract with the~~
 30 ~~state attorney of the judicial circuit in which such county or~~
 31 ~~municipality is located for the prosecution of violations of~~

1 ~~county or municipal ordinances. In addition, a county or~~
2 ~~municipality may appropriate or contribute funds to pay the~~
3 ~~salary of one or more assistant state attorneys who are~~
4 ~~trained in the use of the civil and criminal provisions of the~~
5 ~~Florida RICO Act, chapter 895, and whose sole function is to~~
6 ~~investigate and prosecute civil and criminal RICO actions when~~
7 ~~one or more offenses identified in s. 895.02(1)(a) occur~~
8 ~~within the boundaries of the municipality or county.~~

9 ~~(2) The state attorneys shall be provided by the~~
10 ~~counties within their judicial circuits with such office~~
11 ~~space, utilities, telephone service, custodial services,~~
12 ~~library services, transportation services, and communication~~
13 ~~services as may be necessary for the proper and efficient~~
14 ~~functioning of these offices, except as otherwise provided in~~
15 ~~the General Appropriations Act. The state attorney's office~~
16 ~~shall also be provided with pretrial consultation fees for~~
17 ~~expert or other potential witnesses consulted before trial by~~
18 ~~the state attorney; travel expenses incurred in criminal cases~~
19 ~~by a state attorney in connection with out-of-jurisdiction~~
20 ~~depositions; out-of-state travel expenses incurred by~~
21 ~~assistant state attorneys or by investigators of state~~
22 ~~attorneys while attempting to locate and interrogate witnesses~~
23 ~~for the state attorney in the prosecution of a criminal case;~~
24 ~~court reporter costs incurred by the state attorney during the~~
25 ~~course of an investigation and criminal prosecution which~~
26 ~~costs are certified by the state attorney as being useful and~~
27 ~~necessary in the prosecution, provided that nothing herein~~
28 ~~shall be construed to prohibit the county from contesting the~~
29 ~~reasonableness of the expenditure in the court wherein the~~
30 ~~criminal case is brought; postindictment and postinformation~~
31 ~~deposition costs incurred by the state attorney during the~~

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

18 ~~(2)(3)~~ It is hereby prohibited for any state attorney
19 to receive from any county or municipality any supplemental
20 salary. ~~However in judicial circuits with a population of 1~~
21 ~~million or more, state attorneys presently holding office and~~
22 ~~now receiving a county supplement may continue to receive a~~
23 ~~county salary supplement at the discretion of the counties for~~
24 ~~the remainder of their term of office.~~

25 ~~(3)(4)~~ Notwithstanding s. 27.25, the Chief Financial
26 Officer Insurance Commissioner may contract with the state
27 attorney of any judicial circuit of the state for the
28 prosecution of criminal violations of the Workers'
29 Compensation Law and related crimes if the Chief Financial
30 Officer contributes ~~and may contribute~~ funds for such
31 purposes. Such contracts may provide for the training, salary,

1 and expenses of one or more assistant state attorneys used in
2 the prosecution of such crimes.

3 Section 11. Section 27.35, Florida Statutes, is
4 amended to read:

5 27.35 Salaries of state attorneys.--

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

9 ~~(2) The annual salaries for state attorneys shall be~~
10 ~~as follows:~~

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

13 ~~(b) In those circuits having a population of more than~~
14 ~~100,000 but less than 200,000 \$30,000.~~

15 ~~(c) In those circuits having a population of more than~~
16 ~~200,000 \$32,000.~~

17 Section 12. Part III of chapter 27, entitled "Public
18 Defenders," is retitled as "Public Defenders and Other
19 Court-appointed Counsel," and shall consist of sections 27.40,
20 27.42, 27.50, 27.51, 27.512, 27.52, 27.525, 27.53, 27.5301,
21 27.5302, 27.5303, 27.5304, 27.54, 27.55, 27.561, 27.562,
22 27.58, and 27.59, Florida Statutes. This section shall take
23 effect July 1, 2004.

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

26 27.40 Court-appointed counsel; circuit registries;
27 minimum requirements; appointment by court.--

28 (1) Counsel shall be appointed to represent any
29 individual in a criminal or civil proceeding entitled to
30 court-appointed counsel under the Federal or State
31 Constitution or as authorized by general law. The court shall

1 appoint a public defender to represent indigent persons as
2 authorized in s. 27.51. Private counsel shall be appointed to
3 represent indigents in those cases in which provision is made
4 for court-appointed counsel but the public defender is unable
5 to provide representation due to a conflict of interest or is
6 not authorized to provide representation.

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

11 (3) In utilizing a registry:

12 (a) Each circuit Article V indigent services committee
13 shall compile and maintain a list of attorneys in private
14 practice, by county and by category of cases. To be included
15 on a registry, attorneys shall certify that they meet any
16 minimum requirements established in general law for court
17 appointment, are available to represent indigent defendants in
18 cases requiring court appointment of private counsel, and are
19 willing to abide by the terms of the contract for services.
20 Each attorney on the registry shall be responsible for
21 notifying the circuit Article V indigent services committee of
22 any change in his or her status. Failure to comply with this
23 requirement shall be cause for removal from the registry until
24 the requirement is fulfilled.

25 (b) The court shall appoint attorneys in rotating
26 order in the order in which names appear on the applicable
27 registry, unless the court makes a finding of good cause on
28 the record for appointing an attorney out of order. An
29 attorney not appointed in the order in which his or her name
30 appears on the list shall remain next in order.

31

1 (c) If it finds the number of attorneys on the
2 registry in a county or circuit for a particular category of
3 cases is inadequate, the circuit Article V indigent services
4 committee shall notify the chief judge of the particular
5 circuit in writing. The chief judge shall submit the names of
6 at least three private attorneys with relevant experience. The
7 clerk of court shall send an application to each of these
8 attorneys to register for appointment.

9 (d) Quarterly, beginning July 1, 2004, each circuit
10 Article V indigent services committee shall provide the Chief
11 Justice of the Supreme Court, the chief judge, the state
12 attorney and public defender in each judicial circuit, and the
13 clerk of court in each county with a current copy of each
14 registry.

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

18 (5) The Justice Administrative Commission shall
19 approve uniform contract forms for use in procuring the
20 services of private court-appointed counsel based on the
21 recommendations of the Article V Indigent Services Advisory
22 Board.

23 (6) After court appointment, the attorney must
24 immediately file a notice of appearance with the court
25 indicating acceptance of the appointment to represent the
26 defendant.

27 (7)(a) An attorney appointed to represent a defendant
28 or other client is entitled to payment of attorney's fees and
29 expenses pursuant to s. 27.5304, only upon full performance by
30 the attorney of specified duties, approval of payment by the
31 court, and attorney submission of a payment request to the

1 Justice Administrative Commission. If an attorney is permitted
2 to withdraw or is otherwise removed from representation prior
3 to full performance of the duties specified in this section,
4 the trial court shall approve payment of attorney's fees and
5 costs for work performed in an amount not to exceed the
6 amounts specified in s. 27.5304.

7 (b) The attorney shall maintain appropriate
8 documentation, including a current and detailed hourly
9 accounting of time spent representing the defendant or other
10 client.

11 (8) Subject to the attorney-client, work-product
12 privilege, an attorney who withdraws or is removed from
13 representation shall deliver all files, notes, documents, and
14 research to the successor attorney within 15 days after
15 receiving notice from the successor attorney. The successor
16 attorney shall bear the cost of transmitting all files, notes,
17 documents, and research.

18 (9) A circuit Article V indigent services committee or
19 any interested person may advise the court of any circumstance
20 affecting the quality of representation, including, but not
21 limited to, false or fraudulent billing, misconduct, failure
22 to meet continuing legal education requirements, solicitation
23 to receive compensation from the defendant or other client the
24 attorney is appointed to represent, or failure to file
25 appropriate motions in a timely manner.

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

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

31

1 27.42 Circuit Article V indigent services committees;
2 composition; staff; responsibilities; funding.--

3 (1) In each judicial circuit a circuit Article V
4 indigent services committee shall be established. The
5 committee shall consist of the following:

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

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

9 (c) One experienced private criminal defense attorney
10 appointed by the chief judge to serve a 2-year term. During
11 the 2-year term, the attorney is prohibited from serving as
12 court-appointed counsel.

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

17 (2)(a) The responsibility of the circuit Article V
18 indigent services committee is to manage the appointment and
19 compensation of court-appointed counsel within a circuit
20 pursuant to ss. 27.40 and 27.5303. The circuit Article V
21 indigent services committee shall meet at least quarterly.

22 (b) The circuit Article V indigent services committee
23 shall maintain a registry pursuant to s. 27.40, unless
24 procuring counsel through a competitive-bidding process. The
25 committee shall apply the eligibility and performance
26 standards set by the Legislature, if any, after receiving
27 recommendations from the Article V Indigent Services Advisory
28 Board, for the appropriate category of case.

29 (c) The circuit Article V indigent services committee
30 shall develop a schedule of standard fees and expense
31 allowances for the various categories of cases, consistent

1 with the standards adopted by the Legislature, if any, after
2 receiving recommendations from the Article V Indigent Services
3 Advisory Board.

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

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

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

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

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

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

1 27.51 Duties of public defender.--

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

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

6 (b) Under arrest for, or is charged with, a
7 misdemeanor authorized for prosecution by the state attorney,
8 a violation of chapter 316 which is punishable by
9 imprisonment, or criminal contempt, ~~or a violation of a~~
10 ~~municipal or county ordinance in the county court,~~ unless the
11 court, prior to trial, files in the cause an order of no
12 imprisonment which states that the defendant will not be
13 imprisoned if he or she is convicted;

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

16 (d) Sought by petition filed in such court to be
17 involuntarily placed as a mentally ill person or sexually
18 violent predator or involuntarily admitted to residential
19 services as a person with developmental disabilities. However,
20 a public defender does not have the authority to represent any
21 person who is a plaintiff in a civil action brought under the
22 Florida Rules of Civil Procedure, the Federal Rules of Civil
23 Procedure, or the federal statutes, or who is a petitioner in
24 an administrative proceeding challenging a rule under chapter
25 120, unless specifically authorized by statute; or

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

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

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

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

14 (a) Public defender of the second judicial circuit, on
15 behalf of any public defender within the district comprising
16 the First District Court of Appeal.

17 (b) Public defender of the tenth judicial circuit, on
18 behalf of any public defender within the district comprising
19 the Second District Court of Appeal.

20 (c) Public defender of the eleventh judicial circuit,
21 on behalf of any public defender within the district
22 comprising the Third District Court of Appeal.

23 (d) Public defender of the fifteenth judicial circuit,
24 on behalf of any public defender within the district
25 comprising the Fourth District Court of Appeal.

26 (e) Public defender of the seventh judicial circuit,
27 on behalf of any public defender within the district
28 comprising the Fifth District Court of Appeal.

29 ~~(5) When the public defender for a judicial circuit~~
30 ~~enumerated in subsection (4) has represented at trial a person~~
31 ~~sentenced to death, the public defender shall not represent~~

1 ~~that person in any direct appellate proceedings. That public~~
2 ~~defender shall notify the Florida Supreme Court within 10 days~~
3 ~~after filing a notice of appeal, and the Court shall appoint~~
4 ~~another public defender enumerated in subsection (4) to~~
5 ~~represent the person in any direct appellate proceedings.~~

6 (5)(6)(a) When direct appellate proceedings prosecuted
7 by a public defender on behalf of an accused and challenging a
8 judgment of conviction and sentence of death terminate in an
9 affirmance of such conviction and sentence, whether by the
10 Florida Supreme Court or by the United States Supreme Court or
11 by expiration of any deadline for filing such appeal in a
12 state or federal court, the public defender shall notify the
13 accused of his or her rights pursuant to Rule 3.850, Florida
14 Rules of Criminal Procedure, including any time limits
15 pertinent thereto, and shall advise such person that
16 representation in any collateral proceedings is the
17 responsibility of the capital collateral representative. The
18 public defender shall then forward all original files on the
19 matter to the capital collateral representative, retaining
20 such copies for his or her files as may be desired. However,
21 the trial court shall retain the power to appoint the public
22 defender or other attorney not employed by the capital
23 collateral representative to represent such person in
24 proceedings for relief by executive clemency pursuant to ss.
25 27.40 and 27.5303 ~~s. 925.035~~.

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

1 ~~(6)(7)~~ A sum shall be appropriated to the public
2 defender of each judicial circuit enumerated in subsection (4)
3 for the employment of assistant public defenders and clerical
4 employees and the payment of expenses incurred in cases on
5 appeal.

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

8 27.52 Determination of indigence ~~indigency~~.--

9 ~~(1)(a)~~ The clerk of the circuit court shall determine
10 the indigence of each person applying for appointment of a
11 determination of indigency for purposes of appointing the
12 public defender or private or conflict attorney or any other
13 court-related services based on indigence. This determination
14 shall be made by the court, and may be made at any stage of
15 the proceedings. Before appointing the public defender or a
16 private conflict attorney, or providing any other
17 court-related service based on indigence, the court shall
18 receive the determination of indigence from the clerk. If the
19 clerk has not made this determination at the time a person
20 requests appointment of a public defender or private attorney
21 or provision of any other court-related services, the court
22 consider a completed affidavit that contains the financial
23 information required under paragraph (f) and shall make a
24 preliminary determination of indigence indigency, pending
25 verification by the clerk indigency examiner. The applicant
26 may seek review of the clerk's determination denying indigence
27 in the court having jurisdiction over the matter at the next
28 scheduled hearing.

29 (2)(a) Any person applying for appointment of a public
30 defender or private attorney or any other court-related
31 services based on indigence shall pay a \$40 application fee to

1 the clerk of court and submit a completed affidavit containing
2 the financial information required under paragraph (f).

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

9 ~~(b) An accused person, or if applicable a parent or~~
10 ~~legal guardian of an accused minor or an accused adult~~
11 ~~tax-dependent person, asserting indigency and requesting~~
12 ~~representation by the public defender or a conflict attorney,~~
13 ~~shall file with the court a completed affidavit containing the~~
14 ~~financial information required under paragraph (f) and stating~~
15 ~~that the affidavit is signed under oath and under penalty of~~
16 ~~perjury.~~

17 ~~(c) Each person who requests the appointment of the~~
18 ~~public defender or a conflict attorney shall pay to the clerk~~
19 ~~of the court an application fee of \$40, as ordered by the~~
20 ~~court, at the time the financial affidavit is filed, or within~~
21 ~~7 days thereafter. If not paid within 7 days, the application~~
22 ~~fee shall be assessed at sentencing or at the final~~
23 ~~disposition of the case. The application fee shall be assessed~~
24 ~~for each affidavit filed against a defendant who requests~~
25 ~~appointment of the public defender or a conflict attorney. A~~
26 ~~defendant who is found to be indigent may not be refused~~
27 ~~counsel or any other court-related services based on indigence~~
28 ~~for failure to pay the application fee. The defendant shall~~
29 ~~pay a separate application fee for each affidavit filed.~~

30 (d) If the court finds that the accused person
31 applying for representation appears to be indigent based upon

1 the financial affidavit required under paragraph (f), the
2 court shall appoint the public defender or a private ~~conflict~~
3 attorney to provide representation. If the application fee is
4 not paid prior to the disposition of the case, the clerk shall
5 advise the sentencing judge of this fact and the court shall:

6 1. Assess the application fee as part of the sentence
7 or as a condition of probation; or

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

9
10 If the clerk ~~indigency examiner~~ finds discrepancies between
11 the financial affidavit and his or her ~~the examiner's~~
12 investigation of assets, the clerk ~~indigency examiner~~ shall
13 submit the information to the court and the court shall
14 determine whether the public defender or private ~~conflict~~
15 attorney shall continue representation. The defendant may be
16 heard regarding the information discovered by the clerk
17 ~~indigency examiner~~. If the court, based on the information
18 provided, determines that the defendant is not indigent, the
19 court shall order ~~that~~ the public defender or private ~~conflict~~
20 attorney to discontinue representation. Notwithstanding any
21 provision of law or local order to the contrary, the clerk of
22 the court shall assign the first \$40 of any ~~court-assessed~~
23 fees or costs ~~that are~~ paid by an indigent defendant as
24 payment of ~~for~~ the application fee. In no event should a
25 person ~~who is~~ found to be indigent be refused counsel for
26 failure to pay the fee.

27 (e) All application fees shall be transferred monthly
28 by the clerk of the court to the Department of Revenue for
29 deposit to the Indigent Criminal Defense Trust Fund,
30 administered by the Justice Administrative Commission, to be
31 used to supplement the general revenue funds appropriated by

1 the Legislature to the public defenders. The clerk of the
2 court may retain 2 percent of application fees collected
3 monthly for administrative costs prior to remitting the
4 remainder to the Department of Revenue.

5 (f) The affidavit must contain the following financial
6 information and calculations as to the applicant's ~~accused~~
7 ~~person's~~ income:

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

11 2. Other income.--Including, but not limited to,
12 social security benefits, union funds, veterans' benefits,
13 workers' compensation, other regular support from absent
14 family members, public or private employee pensions,
15 unemployment compensation, dividends, interest, rent, trusts,
16 and gifts.

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

21 (g) The income of an applicant who is a ~~accused~~ minor
22 or an ~~accused~~ adult tax-dependent person who is substantially
23 supported by a parent or parents or by a guardian, or who
24 continues to be claimed as a dependent for tax purposes, shall
25 include the income of that dependent person's parent or
26 parents or guardian, except a parent or guardian who has an
27 adverse interest in the proceeding.

28 (h) In addition to the financial information, the
29 affidavit must contain the following statement: "I, ... (name
30 of applicant ~~accused person~~) ..., agree to report any change
31

1 in my financial situation to the court ~~or to the indigency~~
2 ~~examiner.~~"

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

- 6 1. The applicant ~~accused person~~ is indigent.
- 7 2. The applicant ~~accused person~~ is not indigent.

8 (b) An applicant ~~accused person~~, including an
9 applicant who is a minor or an ~~or an accused minor's or~~
10 ~~accused~~ adult tax-dependent person ~~person's parent or~~
11 ~~guardian~~, is indigent if:

- 12 1. The income of the person is equal to or below 200
13 ~~250~~ percent of the then-current federal poverty guidelines
14 prescribed for the size of the household of the applicant
15 ~~accused~~ by the United States Department of Health and Human
16 Services or if the person is receiving Temporary Assistance
17 for Needy Families-Cash Assistance ~~Aid to Families with~~
18 ~~Dependent Children (AFDC)~~, poverty-related veterans' benefits,
19 or Supplemental Security Income (SSI); or

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

22 (c) In determining whether an applicant ~~a defendant~~ is
23 indigent, the clerk court shall determine whether any of the
24 following facts exist, and the existence of any such fact
25 creates a presumption that the applicant ~~defendant~~ is not
26 indigent:

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

- 29 2. The defendant owns, or has equity in, any
30 intangible or tangible personal property or real property or
31 the expectancy of an interest in any such property.

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

4 (d) A nonindigent parent or legal guardian of an
5 applicant who is a ~~accused~~ minor or an ~~accused~~ adult
6 tax-dependent person shall furnish the minor or adult
7 tax-dependent ~~dependent~~ person with the necessary legal
8 services and costs incident to a delinquency proceeding or,
9 upon transfer of such person for criminal prosecution as an
10 adult pursuant to chapter 985, a criminal prosecution, in
11 which the person has a right to legal counsel under the
12 Constitution of the United States or the Constitution of the
13 State of Florida. The failure of a parent or legal guardian to
14 furnish legal services and costs under this section does not
15 bar the appointment of legal counsel pursuant to s. 27.40 or
16 27.5303 ~~27.53~~. When the public defender, a special assistant
17 public defender appointed pursuant to s. 27.53(2), or a
18 ~~appointed~~ private attorney ~~legal counsel~~ is appointed to
19 represent a ~~an~~ ~~accused~~ minor or an ~~accused~~ adult tax-dependent
20 person in any proceeding in circuit court or in a criminal
21 proceeding in any other court, the parents or the legal
22 guardian shall be liable for payment of the fees, charges, and
23 costs of the ~~such~~ representation even if the person is a minor
24 being tried as an adult. Liability for the fees, charges, and
25 costs of the ~~such~~ representation shall ~~may~~ be imposed in the
26 form of a lien against the property of the nonindigent parents
27 or legal guardian of the ~~accused~~ minor or ~~accused~~ adult
28 tax-dependent person. The, which lien shall be ~~is~~ enforceable
29 as provided in s. 27.561 or s. 938.29. ~~The court shall~~
30 ~~determine the amount of the obligation; and, in determining~~
31

1 ~~the amount of the obligation, the court shall follow the~~
 2 ~~procedure outlined by this section.~~

3 ~~(4)(3)~~ If the trial court determines, ~~within 2 years~~
 4 ~~after the determination of indigency,~~ that any applicant
 5 ~~accused~~ was erroneously or improperly determined to be
 6 indigent, the state attorney shall, in the name of the state,
 7 proceed against the applicant ~~such accused~~ for the reasonable
 8 value of the services rendered, ~~to the accused and~~ including
 9 all fees, charges, and costs paid by the state ~~or county~~ in
 10 his or her behalf. Any amount recovered shall be remitted to
 11 the Department of Revenue for deposit into the General Revenue
 12 Fund board of county commissioners of the county wherein the
 13 ~~accused was tried. The funds shall be deposited in the fine~~
 14 ~~and forfeiture fund of that county and be used to defray the~~
 15 ~~expenses incurred by the county with respect to the defense of~~
 16 ~~defendants in criminal prosecutions.~~

17 (5) An individual determined to be indigent and
 18 seeking to defer payment of fees, charges, or costs imposed by
 19 operation of law or order of the court under this section or
 20 any other provision of general law imposing fees, charges, or
 21 costs, shall be enrolled by the clerk in a payment program to
 22 recover unpaid costs in full, with periodic payment amounts
 23 corresponding to the individual's ability to pay.

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

26 27.53 Appointment of assistants and other staff;
 27 method of payment.--

28 (1) The public defender of each judicial circuit is
 29 authorized to employ and establish, in such numbers as
 30 authorized by the General Appropriations Act ~~as he or she~~
 31 ~~shall determine,~~ assistant public defenders, ~~investigators,~~

1 and other staff and personnel pursuant to s. 29.006, who shall
2 be paid from funds appropriated for that purpose.
3 Notwithstanding the provisions of s. 790.01, s. 790.02, or s.
4 790.25(2)(a), an investigator employed by a public defender,
5 while actually carrying out official duties, is authorized to
6 carry concealed weapons if the investigator complies with s.
7 790.25(3)(o). However, such investigators are not eligible for
8 membership in the Special Risk Class of the Florida Retirement
9 System. The public defenders of all judicial circuits shall
10 jointly develop a coordinated classification and pay plan
11 which shall be submitted on or before January 1 of each year
12 to the Justice Administrative Commission, the office of the
13 President of the Senate, and the office of the Speaker of the
14 House of Representatives. Such plan shall be developed in
15 accordance with policies and procedures of the Executive
16 Office of the Governor established in s. 216.181. Each
17 assistant public defender appointed by a public defender under
18 this section shall serve at the pleasure of the public
19 defender. Each investigator employed by a public defender
20 shall have full authority to serve any witness subpoena or
21 court order issued, by any court or judge within the judicial
22 circuit served by such public defender, in a criminal case in
23 which such public defender has been appointed to represent the
24 accused.

25 (2) Any member of The Florida Bar, in good standing,
26 may volunteer ~~register his or her availability to the public~~
27 ~~defender of any judicial circuit for acceptance of special~~
28 ~~assignments~~ without salary to represent indigent defendants.
29 Volunteer attorneys are to be ~~Such persons shall be listed and~~
30 referred to as special assistant public defenders ~~and be paid~~
31 ~~a fee and costs and expenses as provided in s. 925.036. A~~

1 special assistant public defender may not reassign or
2 subcontract a case to another attorney.

3 ~~(3) If, at any time during the representation of two~~
4 ~~or more indigents, the public defender determines that the~~
5 ~~interests of those accused are so adverse or hostile that they~~
6 ~~cannot all be counseled by the public defender or his or her~~
7 ~~staff without conflict of interest, or that none can be~~
8 ~~counseled by the public defender or his or her staff because~~
9 ~~of conflict of interest, the public defender shall file a~~
10 ~~motion to withdraw and move the court to appoint other~~
11 ~~counsel. The court shall review and may inquire or conduct a~~
12 ~~hearing into the adequacy of the public defender's~~
13 ~~representations regarding a conflict of interest without~~
14 ~~requiring the disclosure of any confidential communications.~~
15 ~~The court shall permit withdrawal unless the court determines~~
16 ~~that the asserted conflict is not prejudicial to the indigent~~
17 ~~client. If the court grants the motion to withdraw, it may~~
18 ~~appoint one or more members of The Florida Bar, who are in no~~
19 ~~way affiliated with the public defender, in his or her~~
20 ~~capacity as such, or in his or her private practice, to~~
21 ~~represent those accused. However, the trial court shall~~
22 ~~appoint such other counsel upon its own motion when the facts~~
23 ~~developed upon the face of the record and files in the cause~~
24 ~~disclose such conflict. The court shall advise the appropriate~~
25 ~~public defender and clerk of court, in writing, when making~~
26 ~~such appointment and state the conflict prompting the~~
27 ~~appointment. The appointed attorney shall be compensated as~~
28 ~~provided in s. 925.036.~~

29 (3)(4) The appropriations for the offices of public
30 defender shall be determined by a funding formula and such
31 other factors as may be deemed appropriate in a manner to be

1 determined by this section ~~subsection~~ and the General ~~any~~
2 ~~subsequent~~ Appropriations Act.

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

5 27.5301 Salaries of public defenders and assistant
6 public defenders.--

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

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

12 27.5303 Public defenders; conflict of interest.--

13 (1)(a) If, at any time during the representation of
14 two or more defendants, a public defender determines that the
15 interests of those accused are so adverse or hostile that they
16 cannot all be counseled by the public defender or his or her
17 staff without conflict of interest, or that none can be
18 counseled by the public defender or his or her staff because
19 of a conflict of interest, then the public defender shall file
20 a motion to withdraw and move the court to appoint other
21 counsel. If requested by the Justice Administrative
22 Commission, the public defender shall submit a copy of the
23 motion to the Justice Administrative Commission at the time it
24 is filed with the court. The Justice Administrative Commission
25 shall have standing to appear before the court to contest any
26 motion to withdraw due to a conflict of interest. The Justice
27 Administrative Commission may contract with other public or
28 private entities or individuals to appear before the court for
29 the purpose of contesting any motion to withdraw due to a
30 conflict of interest. The court shall review and may inquire
31 or conduct a hearing into the adequacy of the public

1 defender's representations regarding a conflict of interest
2 without requiring the disclosure of any confidential
3 communications. The court shall deny the motion to withdraw if
4 the court finds the grounds for withdrawal are insufficient or
5 the asserted conflict is not prejudicial to the indigent
6 client. If the court grants the motion to withdraw, the court
7 shall appoint one or more attorneys to represent the accused.

8 (b) Upon its own motion, the court shall appoint such
9 other counsel when the facts developed upon the face of the
10 record and court files in the case disclose a conflict of
11 interest. The court shall advise the appropriate public
12 defender and clerk of court, in writing, with a copy to the
13 Justice Administrative Commission, if so requested by the
14 Justice Administrative Commission, when making the motion and
15 appointing one or more attorneys to represent the accused. The
16 court shall specify the basis for the conflict.

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

20 (d) In determining whether or not there is a conflict
21 of interest, the public defender and the court shall apply the
22 standards adopted by the Legislature after receiving
23 recommendations from the Article V Indigent Services Advisory
24 Board.

25 (2) The court shall appoint conflict counsel pursuant
26 to s. 27.40. The appointed attorney may not be affiliated with
27 the public defender or any assistant public defender in his or
28 her official capacity or any other private attorney appointed
29 to represent a codefendant. The public defender may not
30 participate in case-related decisions, performance
31 evaluations, or expense determinations in conflict cases.

1 (3) Private court-appointed counsel shall be
2 compensated as provided in s. 27.5304 in accordance with
3 compensation standards adopted by the Legislature after
4 receiving recommendations from the Article V Indigent Services
5 Advisory Board.

6 (4)(a) If a defendant is convicted and the death
7 sentence is imposed, the appointed attorney shall continue
8 representation through appeal to the Supreme Court. The
9 attorney shall be compensated as provided in s. 27.5304. If
10 the attorney first appointed is unable to handle the appeal,
11 the court shall appoint another attorney and that attorney
12 shall be compensated as provided in s. 27.5304.

13 (b) The public defender or an attorney appointed
14 pursuant to this section may be appointed by the court
15 rendering the judgment imposing the death penalty to represent
16 an indigent defendant who has applied for executive clemency
17 as relief from the execution of the judgment imposing the
18 death penalty.

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

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

25 27.5304 Private court-appointed counsel;
26 compensation.--

27 (1) Private court-appointed counsel shall be
28 compensated by the Justice Administrative Commission in
29 accordance with standards adopted by the Legislature after
30 receiving recommendations from the Article V Indigent Services
31 Advisory Board. However, compensation shall not exceed the

1 maximum fee limits established by this section. The attorney
2 also shall be reimbursed for reasonable and necessary expenses
3 in accordance with s. 29.007. If the attorney is representing
4 a defendant charged with more than one offense in the same
5 case, the attorney shall be compensated at the rate provided
6 for the most serious offense for which he or she represented
7 the defendant. This section does not allow stacking of the fee
8 limits established by this section.

9 (2) Prior to filing a motion for an order approving
10 payment of attorney's fees, costs, or related expenses, the
11 private court appointed counsel shall deliver a copy of the
12 intended billing, together with supporting affidavits and all
13 other necessary documentation, to the Justice Administrative
14 Commission. The Justice Administrative Commission shall review
15 the billings, affidavit, and documentation for completeness
16 and compliance with contractual and statutory requirements. If
17 the Justice Administrative Commission objects to any portion
18 of the proposed billing, the objection and reasons therefor
19 shall be communicated to the private court-appointed counsel.
20 The private court-appointed counsel may thereafter file his or
21 her motion for order approving payment of attorney's fees,
22 costs, or related expenses together with supporting affidavits
23 and all other necessary documentation. The motion must specify
24 whether the Justice Administrative Commission objects to any
25 portion of the billing or the sufficiency of documentation
26 and, if so, the reasons therefor. A copy of the motion and
27 attachments shall be served on the Justice Administrative
28 Commission. The Justice Administrative Commission shall have
29 standing to appear before the court to contest any motion for
30 order approving payment of attorney's fees, costs, or related
31 expenses. The Justice Administrative Commission may contract

1 with other public or private entities or individuals to appear
2 before the court for the purpose of contesting any motion for
3 order approving payment of attorney's fees, costs, or related
4 expenses. The fact that the Justice Administrative Commission
5 has not objected to any portion of the billing or to the
6 sufficiency of the documentation is not binding on the court.
7 The court retains primary authority and responsibility for
8 determining the reasonableness of all billings for fees,
9 costs, and related expenses, subject to statutory limitations.

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

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

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

16 3. For life felonies represented at the trial level:
17 \$3,000.

18 4. For capital cases represented at the trial level:
19 \$3,500.

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

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

28 (4) By January 1, 2004, the Article V Indigent
29 Services Advisory Board shall recommend to the Legislature any
30 adjustments to existing compensation schedules for criminal
31 proceedings and any proposed compensation standards for

1 private attorneys providing representation in civil
 2 proceedings in which private court-appointed counsel is
 3 required.

4 (5) If counsel is entitled to receive compensation for
 5 representation pursuant to court appointment in a termination
 6 of parental rights proceeding under s. 39.0134, such
 7 compensation shall not exceed \$1,000 at the trial level and
 8 \$2,500 at the appellate level.

9 (6) A private attorney appointed in lieu of the public
 10 defender to represent an indigent defendant may not reassign
 11 or subcontract the case to another attorney or allow another
 12 attorney to appear at a critical stage of a case who does not
 13 meet standards adopted by the Legislature after any
 14 recommendations from the Article V Indigent Services Advisory
 15 Board.

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

18 27.54 Limitation on payment of expenditures for public
 19 defender's office other than by the state.--

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

25 (2) A ~~No~~ county or municipality may not contract with,
 26 or shall appropriate or contribute funds to, the operation of
 27 the offices of the various public defenders for the purpose of
 28 defending, except that a county or municipality may
 29 ~~appropriate or contribute funds to:~~

30 ~~(a) Pay the salary of one assistant public defender~~
 31 ~~whose sole function shall be to defend indigents charged with~~

1 violations of special laws, unless expressly authorized, or
2 with violations of ordinances of the county or municipality,
3 unless ancillary to a state prosecution.

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

8 ~~(3) The public defenders shall be provided by the~~
9 ~~counties within their judicial circuits with such office~~
10 ~~space, utilities, telephone services, custodial services,~~
11 ~~library services, transportation services, and communication~~
12 ~~services as may be necessary for the proper and efficient~~
13 ~~functioning of these offices, except as otherwise provided in~~
14 ~~the General Appropriations Act. The public defender's offices~~
15 ~~shall also be provided with pretrial consultation fees for~~
16 ~~expert or other potential witnesses consulted before trial by~~
17 ~~the public defender; travel expenses incurred in criminal~~
18 ~~cases by a public defender in connection with~~
19 ~~out-of-jurisdiction depositions; out-of-state and~~
20 ~~out-of-jurisdiction travel expenses incurred by public~~
21 ~~defenders or by investigators of public defenders while~~
22 ~~attempting to locate and interrogate witnesses for the public~~
23 ~~defender in the defense of a criminal case; court reporter~~
24 ~~costs incurred by the public defender during the course of an~~
25 ~~investigation and criminal prosecution, which costs are~~
26 ~~certified by the public defender as being useful and necessary~~
27 ~~in the preparation of a criminal defense, provided that~~
28 ~~nothing herein shall be construed to prohibit the county from~~
29 ~~contesting the reasonableness of the expenditure in the court~~
30 ~~wherein the criminal case is brought; postindictment and~~
31 ~~postinformation deposition costs incurred by the public~~

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

19 ~~(3)(4)~~ No public defender or assistant public defender
20 shall receive from any county or municipality any supplemental
21 salary, except as provided in this section.

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

24 27.562 Disposition of funds.--All funds collected
25 pursuant to s. 938.29, except the application fee imposed
26 under s. 27.52, shall be remitted to the Department of Revenue
27 for deposit into the General Revenue Fund ~~board of county~~
28 ~~commissioners of the county in which the judgment was~~
29 ~~entered. Such funds shall be placed in the fine and~~
30 ~~forfeiture fund of that county to be used to defray the~~
31 ~~expenses incurred by the county in defense of criminal~~

1 ~~prosecutions~~. All judgments entered pursuant to this part
2 shall be in the name of the state ~~county in which the judgment~~
3 ~~was rendered~~.

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

6 27.58 Administration of public defender services.--The
7 public defender of each judicial circuit of the state shall be
8 the chief administrator of all public defender services
9 authorized under s. 27.51 within the circuit ~~whether such~~
10 ~~services are rendered by the state or county public defenders~~.

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

14 27.702 Duties of the capital collateral regional
15 counsel; reports.--

16 (3)

17 (b) The court having jurisdiction over any nonindigent
18 or indigent-but-able-to-contribute defendant who has been
19 receiving the services of the capital collateral regional
20 counsel may assess attorney's fees and costs against the
21 defendant at any stage in the proceedings as the court may
22 deem appropriate. The determination of indigence ~~indigency or~~
23 ~~nonindigency~~ of any defendant shall be made ~~by the court~~
24 pursuant to s. 27.52. Liability for the costs of such
25 representation may be imposed in the form of a lien against
26 the property of the nonindigent or
27 indigent-but-able-to-contribute defendant, which lien shall be
28 enforceable as provided in s. 27.561 or s. 938.29.

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

31

1 28.101 Petitions and records of dissolution of
2 marriage; additional charges.--

3 (2) Upon receipt of a final judgment of dissolution of
4 marriage for filing, and in addition to the filing charges in
5 s. 28.241, the clerk may ~~shall~~ collect and receive a service
6 charge of up to \$10.50~~\$7~~ pursuant to s. 382.023 for the
7 recording and reporting of such final judgment of dissolution
8 of marriage to the Department of Health.

9 Section 26. Section 43.195, Florida Statutes, is
10 renumbered as section 28.213, Florida Statutes, and amended to
11 read:

12 28.213 ~~43.195~~ Disposal of physical evidence filed as
13 exhibits.--The clerk of any circuit court or county court may
14 dispose of items of physical evidence which have been held as
15 exhibits in excess of 3 years in cases on which no appeal, or
16 collateral attack, is pending or can be made. Items of
17 evidence having no monetary value which are designated by the
18 clerk for removal shall be disposed of as unusable
19 refuse. Items of evidence having a monetary value which are
20 designated for removal by the clerk shall be sold and the
21 revenue placed in the clerk's general revenue fund.

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

24 28.215 Pro se assistance.--The clerk of the circuit
25 court shall provide ministerial assistance to pro se
26 litigants. Assistance shall not include the provision of legal
27 advice.

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

30 28.24 Service charges by clerk of the circuit
31 court.--The clerk of the circuit court may charge ~~shall make~~

1 ~~the following charges~~ for services rendered by the clerk's
 2 office in recording documents and instruments and in
 3 performing the duties enumerated in amounts not to exceed
 4 those specified in this section. Notwithstanding any other
 5 provision of this section, the clerk of the circuit court
 6 shall provide without charge to any justice or judge, to any
 7 court staff acting on behalf of any justice or judge, and to
 8 any state attorney or public defender access to and copies of
 9 any public records, notwithstanding the exempt or confidential
 10 nature of such public records, as maintained by and in the
 11 custody of the clerk of the circuit court as provided in
 12 general law and the Florida Rules of Judicial Administration
 13 ~~However, in those counties where the clerk's office operates~~
 14 ~~as a fiscal unit of the county pursuant to s. 145.022(1), the~~
 15 ~~clerk shall not charge the county for such services.~~

Charges

19	(1) For court attendance by each clerk or deputy	
20	clerk, per day.....	\$75.00
21	(2) For court minutes, per page.....	5.00
22	<u>(1)</u> (3) For examining, comparing, correcting,	
23	verifying, and certifying transcripts of record in appellate	
24	proceedings, prepared by attorney for appellant or someone	
25	else other than clerk, per page.....	<u>\$4.50</u> 3.00
26	<u>(2)</u> (4) For preparing, numbering, and indexing an	
27	original record of appellate proceedings, per	
28	instrument.....	<u>3.00</u> 2.00
29	<u>(3)</u> (5) For certifying copies of any instrument in the	
30	public records.....	<u>1.50</u> 1.00

1 (4)~~(6)~~ For verifying any instrument presented for
2 certification prepared by someone other than clerk, per
3 page3.00 ~~2.00~~
4 ~~(7)~~ For making and reporting payrolls of jurors to
5 State Comptroller, per page, per copy.....~~5.00~~
6 (5)~~(8)~~(a) For making copies by photographic process of
7 any instrument in the public records consisting of pages of
8 not more than 14 inches by 8 1/2 inches, per page.....1.00
9 (b) For making copies by photographic process of any
10 instrument in the public records of more than 14 inches by 8
11 1/2 inches, per page.....5.00
12 (6)~~(9)~~ For making microfilm copies of any public
13 records:
14 (a) 16 mm 100' microfilm roll.....37.50 ~~25.00~~
15 (b) 35 mm 100' microfilm roll.....52.50 ~~35.00~~
16 (c) Microfiche, per fiche.....3.00 ~~2.00~~
17 (7)~~(10)~~ For copying any instrument in the public
18 records by other than photographic process, per
19 page.....6.00 ~~4.00~~
20 (8)~~(11)~~ For writing any paper other than herein
21 specifically mentioned, same as for copying, including signing
22 and sealing.....6.00 ~~4.00~~
23 (9)~~(12)~~ For indexing each entry not recorded.....1.00
24 (10)~~(13)~~ For receiving money into the registry of
25 court:
26 (a)1. First \$500, percent..... 3 ~~2~~
27 2. Each subsequent \$100, percent.....1.5 ~~1~~
28 (b) Eminent domain actions, per
29 deposit.....\$150.00 ~~\$100.00~~
30
31

1 (11)~~(14)~~ For examining, certifying, and recording
2 plats and for recording condominium exhibits larger than 14
3 inches by 8 1/2 inches:

4 (a) First page.....30.00
5 (b) Each additional page.....15.00

6 (12)~~(15)~~ For recording, indexing, and filing any
7 instrument not more than 14 inches by 8 1/2 inches, including
8 required notice to property appraiser where applicable:

9 (a) First page or fraction thereof.....5.00
10 (b) Each additional page or fraction thereof.....4.00
11 (c) For indexing instruments recorded in the official
12 records which contain more than four names, per additional
13 name.....1.00
14 (d) An additional service charge shall be paid to the
15 clerk of the circuit court to be deposited in the Public
16 Records Modernization Trust Fund for each instrument listed in
17 s. 28.222, except judgments received from the courts and
18 notices of lis pendens, recorded in the official records:

19 1. First page.....1.00
20 2. Each additional page.....0.50
21

22 Said fund shall be held in trust by the clerk and used
23 exclusively for equipment and maintenance of equipment,
24 personnel training, and technical assistance in modernizing
25 the public records system of the office. In a county where
26 the duty of maintaining official records exists in an office
27 other than the office of the clerk of the circuit court, the
28 clerk of the circuit court is entitled to 25 percent of the
29 moneys deposited into the trust fund for equipment,
30 maintenance of equipment, training, and technical assistance
31 in modernizing the system for storing records in the office of

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

- 24 (13)~~(16)~~ Oath, administering, attesting, and sealing,
 25 not otherwise provided for herein.....3.00 ~~2.00~~
- 26 (14)~~(17)~~ For validating certificates, any authorized
 27 bonds, each.....3.00 ~~2.00~~
- 28 (15)~~(18)~~ For preparing affidavit of domicile.....5.00
- 29 (16)~~(19)~~ For exemplified certificates, including
 30 signing and sealing.....6.00 ~~4.00~~

31

1 (17)~~(20)~~ For authenticated certificates, including
2 signing and sealing.....6.00 ~~4.00~~
3 (18)~~(21)~~(a) For issuing and filing a subpoena for a
4 witness, not otherwise provided for herein (includes writing,
5 preparing, signing, and sealing).....6.00 ~~4.00~~
6 (b) For signing and sealing only.....1.50 ~~1.00~~
7 ~~(22)~~ For ~~issuing venire facias (includes writing,~~
8 ~~preparing, signing, and sealing)~~.....~~5.00~~
9 ~~(23)~~ For ~~paying of witnesses and making and reporting~~
10 ~~payroll to State Comptroller, per copy, per page~~.....~~5.00~~
11 (19)~~(24)~~ For approving bond.....7.50 ~~5.00~~
12 (20)~~(25)~~ For searching of records, for each year's
13 search.....1.50 ~~1.00~~
14 (21)~~(26)~~ For processing an application for a tax deed
15 sale (includes application, sale, issuance, and preparation of
16 tax deed, and disbursement of proceeds of sale), other than
17 excess proceeds.....60.00
18 (22)~~(27)~~ For disbursement of excess proceeds of tax
19 deed sale, first \$100 or fraction thereof.....10.00
20 (23)~~(28)~~ Upon receipt of an application for a marriage
21 license, for preparing and administering of oath; issuing,
22 sealing, and recording of the marriage license; and providing
23 a certified copy.....30.00 ~~20.00~~
24 (24)~~(29)~~ For solemnizing matrimony.....30.00 ~~20.00~~
25 (25)~~(30)~~ For sealing any court file or expungement of
26 any record.....37.50 ~~25.00~~
27 (26)~~(31)~~ For receiving and disbursing all restitution
28 payments, per payment.....3.00 ~~2.00~~
29 (27)~~(32)~~ Postal charges incurred by the clerk of the
30 circuit court in any mailing by certified or registered mail
31

1 shall be paid by the party at whose instance the mailing is
2 made.

3 (28)~~(33)~~ For furnishing an electronic copy of
4 information contained in a computer database: a fee as
5 provided for in chapter 119.

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

8 28.2401 Service charges in probate matters.--

9 (1) Except when otherwise provided, the clerk may
10 impose service charges for the following services, not to
11 exceed the following amounts ~~shall be~~:

12 (a) For the opening of any estate of one document or
13 more, including, but not limited to, petitions and orders to
14 approve settlement of minor's claims; to open a safe-deposit
15 box; to enter rooms and places; for the determination of
16 heirs, if not formal administration; and for a foreign
17 guardian to manage property of a nonresident; but not to
18 include issuance of letters or order of summary and family
19 administration.....\$100 ~~\$20.00~~

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

21 (c) Petition and order to admit foreign wills,
22 authenticated copies, exemplified copies, or transcript to
23 record.....\$100 ~~30.00~~

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

26 (e) Summary administration--estates valued at \$1,000
27 or more.....\$200 ~~35.00~~

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

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

- 1 (h) Guardianship proceedings of person only\$100
- 2 ~~25.00~~
- 3 (i) Veterans' guardianship pursuant to chapter 744
- 4\$100
- 5 ~~25.00~~
- 6 (j) Exemplified certificates.....\$6 ~~4.00~~
- 7 (k) Petition for determination of incompetency
- 8\$100.00
- 9 ~~25.00~~

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

15 (3) ~~Service charges in excess of those fixed in this~~
 16 ~~section may be imposed by the governing authority of the~~
 17 ~~county by ordinance, or by special or local law, to provide~~
 18 ~~and maintain facilities, including a law library; to or local~~
 19 ~~law, to provide and maintain facilities, including a law~~
 20 ~~library; to provide and maintain equipment; or to provide or~~
 21 ~~maintain a legal aid program. Service charges other than those~~
 22 ~~fixed in this section shall be governed by s. 28.24.~~An
 23 additional service charge of \$2.50 on petitions seeking
 24 summary administration, ~~family administration,~~formal
 25 administration, ancillary administration, guardianship,
 26 curatorship, and conservatorship shall be paid to the clerk.
 27 The clerk shall transfer the \$2.50 to the Department of
 28 Revenue for deposit into the Court Education Trust Fund. No
 29 additional fees, charges, or costs shall be added to the
 30 service charges imposed under this section, except as
 31 authorized by general law.

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

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

9 28.2402 Additional costs for performance of clerk
10 court-related functions.--The sum of \$200 shall be assessed to
11 a county or municipality when filing a county or municipal
12 code or ordinance violation in court. The \$200 fee shall be
13 paid to the clerk of the circuit and county court for
14 performing court-related functions.

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

17 28.241 Filing charges for trial and appellate
18 proceedings.--

19 (1)(a) The party instituting any civil action, suit,
20 or proceeding in the circuit court shall pay to the clerk of
21 that court a service charge of \$40 in all cases in which there
22 are not more than five defendants and an additional service
23 charge of \$2 for each defendant in excess of five. An
24 additional service charge of \$10 shall be paid by the party
25 seeking each severance that is granted. An additional service
26 charge of \$35 shall be paid to the clerk for all proceedings
27 of garnishment, attachment, replevin, and distress. An
28 additional service charge of \$8 shall be paid to the clerk for
29 each civil action filed, \$7 of such charge to be remitted by
30 the clerk to the Department of Revenue for deposit into the
31 General Revenue Fund unallocated. An additional charge of

1 \$2.50 shall be paid to the clerk for each civil action brought
2 in circuit or county court, to be remitted by the clerk to the
3 Department of Revenue for deposit into the Court Education
4 Trust Fund. Service charges in excess of those herein fixed
5 may be imposed by the governing authority of the county by
6 ordinance or by special or local law; and such excess shall be
7 expended as provided by such ordinance or any special or local
8 law, now or hereafter in force, to provide and maintain
9 facilities, including a law library, for the use of the courts
10 of the county wherein the service charges are collected; to
11 provide and maintain equipment; or for a legal aid program in
12 such county. In addition, the county is authorized to impose,
13 by ordinance or by special or local law, a fee of up to \$15
14 for each civil action filed, for the establishment,
15 maintenance, or supplementation of a public guardian pursuant
16 to ss. 744.701-744.708, inclusive. Postal charges incurred by
17 the clerk of the circuit court in making service by certified
18 or registered mail on defendants or other parties shall be
19 paid by the party at whose instance service is made. That part
20 of the within fixed or allowable service charges which is not
21 by local or special law applied to the special purposes shall
22 constitute the total service charges of the clerk of such
23 court for all services performed by him or her in civil
24 actions, suits, or proceedings. The sum of all service charges
25 and fees permitted under this subsection may not exceed \$200;
26 however, the \$200 cap may be increased to \$210 in order to
27 provide for the establishment, maintenance, or supplementation
28 of a public guardian as indicated in this subsection.

29 (b) A party reopening any civil action, suit, or
30 proceeding in the circuit court shall pay to the clerk of that
31 court a filing fee of \$50. Of fees collected for any civil

1 action, suit, or proceeding reopened in the circuit court
2 between July 1, 2003, and June 30, 2004, the clerk shall remit
3 \$49 of each \$50 collected to the Department of Revenue for
4 deposit into the Department of Revenue Clerks of the Court
5 Trust Fund and shall retain the remaining \$1 for
6 administrative costs. In the case of a petition for
7 modification of a final judgment of dissolution, the amount of
8 the fee paid pursuant to s. 44.108 shall be deducted from the
9 portion of the fee required in this paragraph which is not
10 retained by the clerk. For purposes of this section, a case is
11 reopened when a case previously reported as disposed of is
12 resubmitted to a court.

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

15 28.241 Filing ~~fees~~ ~~charges~~ for trial and appellate
16 proceedings.--

17 (1)(a) The party instituting any civil action, suit,
18 or proceeding in the circuit court shall pay to the clerk of
19 that court a filing fee ~~a service charge~~ of up to ~~\$250~~~~\$40~~ in
20 all cases in which there are not more than five defendants and
21 an additional filing fee ~~service charge~~ of up to \$2 for each
22 defendant in excess of five. Of the first \$57.50 in filing
23 fees, \$50 must be remitted by the clerk to the Department of
24 Revenue for deposit into the General Revenue Fund; \$5 must be
25 remitted to the Clerk of Court Operations Conference; and
26 \$2.50 shall be paid to the clerk for each civil action brought
27 in circuit or county court, to be remitted by the clerk to the
28 Department of Revenue for deposit into the Court Education
29 Trust Fund. One-third of any filing fees collected by the
30 clerk of the circuit court in excess of \$57.50 shall be
31 remitted to the Department of Revenue for deposit into the

1 Department of Revenue Clerks of the Court Trust Fund.An
2 additional filing fee ~~service charge~~ of up to ~~\$15~~^{\$10} shall be
3 paid by the party seeking each severance that is granted. The
4 clerk may impose an additional filing fee ~~service charge~~ of up
5 ~~to \$75~~^{\$35} shall be paid to the clerk for all proceedings of
6 garnishment, attachment, replevin, and distress. ~~An additional~~
7 ~~service charge of \$8 shall be paid to the clerk for each civil~~
8 ~~action filed, \$7 of such charge to be remitted by the clerk to~~
9 ~~the Department of Revenue for deposit into the General Revenue~~
10 ~~Fund unallocated. An additional charge of \$2.50 shall be paid~~
11 ~~to the clerk for each civil action brought in circuit or~~
12 ~~county court, to be remitted by the clerk to the Department of~~
13 ~~Revenue for deposit into the Court Education Trust Fund.~~
14 ~~Service charges in excess of those herein fixed may be imposed~~
15 ~~by the governing authority of the county by ordinance or by~~
16 ~~special or local law; and such excess shall be expended as~~
17 ~~provided by such ordinance or any special or local law, now or~~
18 ~~hereafter in force, to provide and maintain facilities,~~
19 ~~including a law library, for the use of the courts of the~~
20 ~~county wherein the service charges are collected; to provide~~
21 ~~and maintain equipment; or for a legal aid program in such~~
22 ~~county. In addition, the county is authorized to impose, by~~
23 ~~ordinance or by special or local law, a fee of up to \$15 for~~
24 ~~each civil action filed, for the establishment, maintenance,~~
25 ~~or supplementation of a public guardian pursuant to ss.~~
26 ~~744.701-744.708, inclusive.~~Postal charges incurred by the
27 clerk of the circuit court in making service by certified or
28 registered mail on defendants or other parties shall be paid
29 by the party at whose instance service is made. No additional
30 fees, charges, or costs shall be added to the filing fees
31 imposed under this section, except as authorized by general

1 ~~law. That part of the within fixed or allowable service~~
2 ~~charges which is not by local or special law applied to the~~
3 ~~special purposes shall constitute the total service charges of~~
4 ~~the clerk of such court for all services performed by him or~~
5 ~~her in civil actions, suits, or proceedings. The sum of all~~
6 ~~service charges and fees permitted under this subsection may~~
7 ~~not exceed \$200; however, the \$200 cap may be increased to~~
8 ~~\$210 in order to provide for the establishment, maintenance,~~
9 ~~or supplementation of a public guardian as indicated in this~~
10 ~~subsection.~~

11 (b) A party reopening any civil action, suit, or
12 proceeding in the circuit court shall pay to the clerk of that
13 court a filing fee set by the clerk in an amount not to exceed
14 of \$50. ~~Of fees collected for any civil action, suit, or~~
15 ~~proceeding reopened in the circuit court between July 1, 2003,~~
16 ~~and June 30, 2004, the clerk shall remit \$49 of each \$50~~
17 ~~collected to the Department of Revenue for deposit into the~~
18 ~~Department of Revenue Clerks of the Court Trust Fund and shall~~
19 ~~retain the remaining \$1 for administrative costs. In the case~~
20 ~~of a petition for modification of a final judgment of~~
21 ~~dissolution, the amount of the fee paid pursuant to s. 44.108~~
22 ~~shall be deducted from the portion of the fee required in this~~
23 ~~paragraph which is not retained by the clerk. For purposes of~~
24 ~~this section, a case is reopened when a case previously~~
25 ~~reported as disposed of is resubmitted to a court and includes~~
26 ~~petitions for modification of a final judgment of dissolution.~~

27 ~~(2) The clerk of the circuit court of any county in~~
28 ~~the state who operates his or her office from fees and service~~
29 ~~charges collected, as opposed to budgeted allocations from~~
30 ~~county general revenue, shall be paid by the county as service~~
31 ~~charges for all services to be performed by him or her in any~~

1 ~~criminal or juvenile action or proceeding in such court, in~~
2 ~~lieu of all other service charges heretofore charged, except~~
3 ~~as hereinafter provided, the sum of \$40 for each defendant or~~
4 ~~juvenile. However, in cases involving capital punishment the~~
5 ~~charge shall be \$50. In any county where a law creates a law~~
6 ~~library fund or other special fund, this charge may be~~
7 ~~increased for that purpose by a special or local law or an~~
8 ~~ordinance. The sum of all service charges and fees permitted~~
9 ~~under this subsection may not exceed \$200.~~

10 ~~(2)(3)~~ Upon the institution of any appellate
11 proceeding from any inferior court to the circuit court of any
12 such county or from the circuit court to an appellate court of
13 the state, the clerk shall charge and collect from the party
14 or parties instituting such appellate proceedings a service
15 charge of up to \$250~~\$75~~ for filing a notice of appeal from an
16 inferior court or ~~and \$50~~ for filing a notice of appeal to a
17 higher court.

18 ~~(3)(4)~~ A filing ~~service charge or a~~ fee may not be
19 imposed upon a party for responding by pleading, motion, or
20 other paper to a civil or criminal action, suit, proceeding,
21 or appeal in a circuit court.

22 ~~(4)(5)~~ The fees prescribed in this section do not
23 include the service charges required by law for the clerk as
24 provided in s. 28.24 or by other sections of the Florida
25 Statutes. Filing fees ~~Service charges~~ authorized by this
26 section may not be added to any civil penalty imposed by
27 chapter 316 or chapter 318.

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

30 28.245 Transmittal of funds to Department of Revenue;
31 uniform remittance form required.--Notwithstanding any other

1 provision of law, all moneys collected by the clerks of the
2 court for subsequent distribution must be transmitted
3 electronically to a state agency or to the Supreme Court must
4 ~~be transmitted to~~ the Department of Revenue for appropriate
5 distribution. A uniform remittance form provided by the
6 Department of Revenue detailing the specific amounts due each
7 fund must accompany such submittal.

8 Section 34. Section 28.246, Florida Statutes, is
9 created to read:

10 28.246 Payment of court-related fees, charges, and
11 costs; partial payments; distribution of funds.--

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

16 (a) The total amount of mandatory fees, services
17 charges, and costs; the total amount actually assessed; the
18 total amount discharged or waived; and the total amount
19 collected.

20 (b) The maximum amount of discretionary fees, service
21 charges, and costs authorized; the total amount actually
22 assessed; the total amount discharged or waived; and the total
23 amount collected.

24 (c) The total amount of mandatory fines and other
25 monetary penalties; the total amount assessed; the total
26 amount discharged or waived; and the total amount collected.

27 (d) The maximum amount of discretionary fines and
28 other monetary penalties; the total amount assessed; the total
29 amount discharged or waived; and the total amount collected.

30

31

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

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

8 (3) Court costs, fines, and other dispositional
9 assessments shall be enforced by the courts, collected by the
10 clerks of the circuit and county courts, and disbursed in
11 accordance with authorizations and procedures as established
12 by general law. Each clerk of the circuit court shall enter
13 into a payment plan with defendants determined to be indigent
14 and demonstrating an inability to pay court-related fees,
15 charges, and costs in full.

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

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

23 (a) That portion of fees, services charges, court
24 costs, and fines payable to the clerk for the operations of
25 the clerk and to be remitted to the state for deposit into the
26 General Revenue Fund.

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

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

7
8 To offset processing costs, clerks may retain up to 1 percent
9 of all collections of fees, service charges, court costs, and
10 fines payable to other entities, except where otherwise
11 provided in general law.

12 (6) A clerk of court may pursue the collection of any
13 fees, fines, court costs, or other costs imposed by the court
14 which remain unpaid for 90 days or more, or refer such
15 collection to a private attorney who is a member in good
16 standing of The Florida Bar or collection agent who is
17 registered and in good standing pursuant to chapter 559. In
18 pursuing the collection of such unpaid financial obligations
19 through a private attorney or collection agent, the clerk of
20 the court must determine this is cost effective and follow
21 applicable procurement practices.

22 Section 35. Section 28.345, Florida Statutes, is
23 created to read:

24 28.345 Exemption from fees and
25 charges.--Notwithstanding any other provision of this chapter
26 or law to the contrary, state attorneys and public defenders
27 are exempt from all fees and charges assessed by the clerks of
28 the circuit courts.

29 Section 36. Section 28.35, Florida Statutes, is
30 created to read:

31 28.35 Clerk of Court Operations Conference.--

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

3 (a) Eight clerks elected by the clerks of the courts
4 for a term of 2 years, with two clerks from counties of fewer
5 than 100,000 residents, two clerks from counties of at least
6 100,000 residents but fewer than 500,000 residents, two clerks
7 from counties of at least 500,000 residents but fewer than 1
8 million residents, and two clerks from counties of more than 1
9 million residents.

10 (b) The Chief Justice of the Supreme Court or his or
11 her designee.

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

13 (a) Periodically recommending to the Legislature
14 changes in the various court-related fines, fees, service
15 charges, and cost schedules established by law to ensure
16 reasonable and adequate funding of the clerks of the court in
17 the performance of their court-related functions.

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

21 (c) Certifying to the Legislature, the Governor, the
22 Chief Financial Officer, and the Department of Revenue which
23 clerks of court will have court-related revenues insufficient
24 to fund the anticipated court-related functions of their
25 offices and the actions taken to resolve any deficits pursuant
26 to s. 28.36.

27 (d) Developing and approving a system of performance
28 accountability measurements and performance standards for each
29 clerk of the court. These measures must assess the fiscal
30 management, efficient operations, and effective collection of
31

1 finer, fees, service charges, and costs using data reported in
2 28.246 as well as other data.

3 (e) Publishing a schedule of maximum fines, fees,
4 service charges, and costs that may be charged by a clerk of
5 the court for court-related functions pursuant to general law
6 that reflects any adjustments based on changes in the Consumer
7 Price Index. Effective July 1, 2004, the schedule shall
8 reflect the maximum fines, fees, service charges, and costs
9 established by general law. The schedule may be adjusted on or
10 after October 1, 2005, and no more frequently than annually
11 thereafter, by the average percentage change in the Consumer
12 Price Index issued by the United States Department of Labor
13 since the last adjustment by the conference. Any adjustment to
14 the schedule authorized in this paragraph must be
15 affirmatively approved by a majority of the clerks of the
16 circuit courts before such adjustments may take effect.

17 (3) The Clerk of Court Operations Conference shall
18 maintain a public depository to receive funds for its
19 operations. The Clerk of Court Operations Conference shall
20 receive a portion of the fees collected by the clerk for
21 filing a civil action in circuit court as specified in s.
22 28.241. These funds shall be available to the conference for
23 the performance of the duties and responsibilities as set
24 forth in this section. The conference may hire staff and pay
25 for other expenses from this fund only as necessary to perform
26 the official duties and responsibilities of the conference as
27 described in this section.

28 (4) The Clerk of Court Operations Conference shall
29 submit an annual audited financial statement to the Auditor
30 General in a form and manner prescribed by the Auditor
31 General. The Auditor General shall conduct an annual audit of

1 the operations of the conference, including the use of funds
2 and compliance with the provisions of this section and ss.
3 28.36 and 28.37.

4 Section 37. Section 28.36, Florida Statutes, is
5 created to read:

6 28.36 Budget review and approval procedure.--There is
7 established a budget procedure for the court-related functions
8 of the clerks of the court.

9 (1) For the period July 1, 2004, through September 30,
10 2004, and for each county fiscal year ending September 30
11 thereafter, each clerk of the court shall prepare a budget
12 relating solely to the performance of the court-related
13 functions.

14 (2) Each proposed budget shall conform to the
15 following requirements:

16 (a) On May 1, 2004, for the fiscal period of July 1,
17 2004, through September 30, 2004, and on or before August 1
18 for each fiscal year thereafter, the proposed budget shall be
19 prepared, summarized, and submitted by the clerk in each
20 county to the Clerk of Court Operations Conference in the
21 manner and form prescribed by the conference. The proposed
22 budget must provide detailed information on the anticipated
23 revenues available and expenditures necessary for the
24 performance of the court-related functions of the clerk's
25 office for the county fiscal year beginning the following
26 October 1.

27 (b) The proposed budget must be balanced, such that
28 the total of the estimated revenues available must equal or
29 exceed the total of the anticipated expenditures. These
30 revenues include the following: cash balances brought forward
31 from the prior fiscal period; supplemental revenue that may be

1 requested pursuant to subsection (3); and the contingency
2 reserve authorized in paragraph (c). The anticipated
3 expenditures must be itemized as required by the Clerk of
4 Court Operations Conference.

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

7 (3) If a clerk of the court estimates that available
8 revenues are insufficient to meet the anticipated expenditures
9 for the court-related functions performed by his or her
10 office, the clerk must report the budget deficit to the Clerk
11 of Court Operations Conference in the manner and form
12 prescribed by the conference. The conference shall determine
13 whether the clerk is meeting his or her performance standards
14 for the current year relating to fiscal management, efficient
15 operations, and the effective collection of fines, fees,
16 service charges, and costs.

17 (a) If the conference determines that a clerk is
18 meeting his or her performance standards for fiscal
19 management; efficient operations; and effective collection of
20 fines, fees, service charges, and costs; and a deficit is
21 projected, that clerk shall increase all fines, fees, service
22 charges, and costs to the maximum amounts specified by law or
23 the amount necessary to resolve the deficit, whichever is
24 less. If, after increasing such fines, fees, service charges,
25 and costs, a budget deficit is still projected, the conference
26 shall certify a deficit and notify the Department of Revenue
27 that that clerk is authorized to retain revenues, in an amount
28 necessary to fully fund the projected deficit, which he or she
29 would otherwise be required to remit to the Department of
30 Revenue for deposit into the Department of Revenue Clerks of
31 the Court Trust Fund pursuant to s. 28.37. If a budget deficit

1 is projected after retaining all of the collections from
2 court-related fines, fees, service charges, and costs, the
3 conference shall certify the deficit amount to the Chief
4 Financial Officer. An amount equal to the deficit is hereby
5 appropriated each year from the Department of Revenue Clerks
6 of the Court Trust Fund, without further legislative action,
7 period after period, until altered or revoked by the
8 Legislature. The Department of Revenue is directed to make a
9 monthly distribution of equal amounts to each clerk certified
10 to have a deficit until the Clerk of Court Operations
11 Conference certifies a different amount to be distributed.

12 (b) The Clerk of Court Operations Conference shall
13 notify the Governor, the President of the Senate, and the
14 Speaker of the House of Representatives prior to taking
15 actions specified in this subsection. The notification shall
16 include a certification by the conference that all of the
17 conditions in this subsection have been met.

18 (4) The Clerk of Court Operations Conference must
19 approve the court-related budget for each clerk in the state,
20 and shall certify to the Legislature by October 15 of each
21 year, the proposed budget amount approved for each clerk's
22 budget; the revenue projection supporting each clerk's budget;
23 each clerk who must retain some or all of the state's share of
24 fines, fees, service charges, and costs; the amount to be paid
25 from the Department of Revenue Clerks of the Court Trust Fund
26 to each clerk; and the performance measures and standards
27 approved by the conference for each clerk.

28 (5)(a) For the county fiscal year October 1, 2004,
29 through September 30, 2005, the maximum annual budget amount
30 that may be authorized by the Clerk of Court Operations
31 Conference for each clerk may not exceed 103 percent of the

1 clerk's actual expenditures for the prior county fiscal year
2 for court-related functions that are required by law effective
3 July 1, 2004. The conference shall use the clerk's actual
4 expenditures for the prior county fiscal year for
5 court-related functions as reported by the Chief Financial
6 Officer based on the county financial reporting required under
7 s. 218.32.

8 (b) For the county fiscal year 2005-2006, the maximum
9 budget amount that may be authorized by the conference for
10 each clerk budget shall be the approved budget for county
11 fiscal year 2004-2005 adjusted by the projected percentage
12 change in revenue between the county fiscal years 2004-2005
13 and 2005-2006.

14 (c) For the county fiscal years 2006-2007 and
15 thereafter, the maximum budget amount that may be authorized
16 by the conference for each clerk shall be established by first
17 rebasings the prior fiscal year budget to reflect the actual
18 percentage change in the prior fiscal year revenue and then
19 adjusting the rebased prior fiscal year budget by the
20 projected percentage change in revenue for the proposed budget
21 year. The rebasing calculations and maximum annual budget
22 calculations shall be as follows:

23 1. For county fiscal year 2006-2007, the approved
24 budget for county fiscal year 2004-2005 shall be adjusted for
25 the actual percentage change in revenue between the two
26 12-month periods ending June 30, 2005, and June 30, 2006. This
27 result is the rebased budget for the county fiscal year
28 2005-2006. Then the rebased budget for the county fiscal year
29 2005-2006 shall be adjusted by the projected percentage change
30 in revenue between the county fiscal years 2005-2006 and
31 2006-2007. This result shall be the maximum annual budget

1 amount that may be authorized by the conference for each clerk
2 for the county fiscal year 2006-2007.

3 2. For county fiscal year 2007-2008, the rebased
4 budget for county fiscal year 2005-2006 shall be adjusted for
5 the actual percentage change in revenue between the two
6 12-month periods ending June 30, 2006, and June 30, 2007. This
7 result is the rebased budget for the county fiscal year
8 2006-2007. The rebased budget for county fiscal year 2006-2007
9 shall be adjusted by the projected percentage change in
10 revenue between the county fiscal years 2006-2007 and
11 2007-2008. This result shall be the maximum annual budget
12 amount that may be authorized by the conference for each clerk
13 budget for county fiscal year 2007-2008.

14 3. For county fiscal years 2008-2009 and thereafter,
15 the maximum budget amount that may be authorized by the
16 conference for each clerk budget shall be calculated as the
17 rebased budget for the prior county fiscal year adjusted by
18 the projected percentage change in revenues between the prior
19 county fiscal year and the county fiscal year for which the
20 maximum budget amount is being authorized. The rebased budget
21 for the prior county fiscal year shall always be calculated by
22 adjusting the rebased budget for the year preceding the prior
23 county fiscal year by the actual percentage change in revenues
24 between the 12-month period ending June 30 of the year
25 preceding the prior county fiscal year and the 12-month period
26 ending June 30 of the prior county fiscal year.

27 (6) The Clerk of Court Operations Conference may
28 submit proposed legislation to the Governor, the President of
29 the Senate, and the Speaker of the House of Representatives no
30 later than November 1 in any year for approval of clerk budget
31 request amounts exceeding the restrictions in this section for

1 the following October 1. If proposed legislation is
2 recommended, the conference shall also submit supporting
3 justification with sufficient detail to identify the specific
4 proposed expenditures that would cause the limitations to be
5 exceeded for each affected clerk and the estimated fiscal
6 impact on state revenues.

7 Section 38. Section 28.37, Florida Statutes, is
8 created to read:

9 28.37 Fines, fees, service charges, and costs remitted
10 to the state.--

11 (1) Pursuant to s. 14(b), Art. V of the State
12 Constitution, selected salaries, costs, and expenses of the
13 state courts system and court-related functions shall be
14 funded from a portion of the revenues derived from statutory
15 finances, fees, service charges, and costs collected by the
16 clerks of the court.

17 (2) Beginning August 1, 2004, except as otherwise
18 provided in ss. 28.241 and 34.041, one-third of all fines,
19 fees, service charges, and costs collected by the clerks of
20 the court during the prior month for the performance of
21 court-related functions shall be remitted to the Department of
22 Revenue for deposit in the Department of Revenue Clerks of the
23 Court Trust Fund. These collections do not include funding
24 received for the operation of the Title IV-D child support
25 collections and disbursement program. The clerk of the court
26 shall remit the revenues collected during the prior month due
27 to the state on or before the 5th day of each month. The
28 Department of Revenue shall make a monthly transfer of the
29 funds in the Department of Revenue Clerks of the Court Trust
30 Fund that are not needed to resolve clerk of the court budget

31

1 deficits, as specified in s. 28.36, to the General Revenue
 2 Fund.

3 (3) Beginning January 1, 2005, for the period July 1,
 4 2004, through September 30, 2004, and each January 1
 5 thereafter for the preceding county fiscal year of October 1
 6 through September 30, the clerk of the court must remit to the
 7 Department of Revenue for deposit in the General Revenue Fund
 8 the cumulative excess of all statutory fines, fees, service
 9 charges, and costs collected for the clerk's court-related
 10 functions over the amount needed to meet the approved budget
 11 amounts established under s. 28.36.

12 (4) The Department of Revenue shall adopt rules
 13 governing the remittance of the funds to be transferred to the
 14 General Revenue Fund under this section, the required forms
 15 and procedures, and penalties for failure to comply. The
 16 department shall collect any funds that the Clerk of Court
 17 Operations Conference determines upon investigation were due
 18 on January 1 but not remitted to the department.

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

21 29.001 ~~Intent: State courts system essential elements~~
 22 ~~and definitions; funding through filing fees, service charges,~~
 23 ~~and costs; county responsibilities.--~~

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

1 ~~state attorneys' offices~~ are defined to include the enumerated
2 ~~essential~~ elements of the 20 state attorneys' offices and the
3 enumerated ~~public defenders' offices~~ are defined to include
4 ~~the essential~~ elements of the 20 public defenders' offices.
5 Court-appointed counsel are defined to include the enumerated
6 elements for ~~as~~ counsel appointed to ensure due process in
7 criminal and civil proceedings in accordance with state and
8 federal constitutional guarantees. Funding for the state
9 courts system, the state attorneys' offices, the public
10 defenders' offices, and court-appointed counsel shall be
11 provided from state revenues appropriated by general law.

12 ~~(2) All funding for the court-related functions of the~~
13 ~~offices of the clerks of the circuit and county courts shall~~
14 ~~be provided by adequate and appropriate filing fees for~~
15 ~~judicial proceedings and service charges and costs for~~
16 ~~performing court-related functions.~~

17 ~~(3) Pursuant to general law, Counties shall be~~
18 ~~required to fund the cost of communications services, existing~~
19 ~~radio systems, existing multiagency criminal justice~~
20 ~~information systems, and the cost of construction or lease,~~
21 ~~maintenance, utilities, and security of facilities for the~~
22 ~~circuit courts and county courts, public defenders' offices,~~
23 ~~state attorneys' offices, and the offices of the clerks of the~~
24 ~~circuit and county courts, as defined by general law. In~~
25 ~~addition, the counties will continue to fund existing elements~~
26 ~~of the state courts system, state attorneys' offices, public~~
27 ~~defenders' offices, court-appointed counsel, and the offices~~
28 ~~of the clerks of the circuit and county courts performing~~
29 ~~court-related functions, consistent with current law and~~
30 ~~practice, until such time as the Legislature expressly assumes~~
31 ~~the responsibility for funding those elements. Counties will~~

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

6 (2)~~(4)~~ Although a program or function currently may be
7 funded by the state or prescribed or established in general
8 law, this does not designate the program or function as an
9 ~~essential~~ element of the state courts system, state attorneys'
10 offices, public defenders' offices, or the offices of the
11 circuit and county court clerks performing court-related
12 functions as described in s. 14, Art. V of the State
13 Constitution.

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

16 29.004 State courts system.--For purposes of
17 implementing s. 14, Art. V of the State Constitution, the
18 ~~essential~~ elements of the state courts system to be provided
19 from state revenues appropriated by general law are as
20 follows:

21 (1) Judges appointed or elected pursuant to chapters
22 25, 26, 34, and 35, ~~and essential staff, expenses, and costs~~
23 ~~as determined by general law.~~

24 (2) Juror compensation and expenses ~~and reasonable~~
25 ~~juror accommodations when necessary.~~

26 (3) Reasonable court reporting and transcription
27 services necessary to meet constitutional requirements.

28 ~~(4) Auxiliary aids and services for qualified~~
29 ~~individuals with a disability which are necessary to ensure~~
30 ~~access to the courts. Such auxiliary aids and services~~
31 ~~include, but are not limited to, sign-language interpreters,~~

1 ~~translators, real-time transcription services for individuals~~
2 ~~who are hearing impaired, and assistive listening devices.~~
3 ~~This section does not include physical modifications to court~~
4 ~~facilities; noncourtroom communication services; or other~~
5 ~~accommodations, auxiliary aids, or services for which the~~
6 ~~counties are responsible pursuant to s. 14, Art. V of the~~
7 ~~State Constitution.~~

8 (4)(5) Construction or lease of facilities,
9 maintenance, utilities, and security for the district courts
10 of appeal and the Supreme Court.

11 (5)(6) Court foreign language and sign-language
12 interpreters and translators essential to comply with
13 constitutional requirements.

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

17 (7) Judicial assistants, law clerks, and resource
18 materials.

19 (8) Masters and hearing officers.

20 (9) Court administration.

21 (10) Case management. Case management includes:

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

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

25 (c) Scheduling of judicial events.

26 (d) Service referral, coordination, monitoring, and
27 tracking for treatment-based drug court programs under s.
28 397.334.

29
30 Case management may not include costs associated with the
31 application of therapeutic jurisprudence principles by the

1 courts. Case management also may not include case intake and
2 records management conducted by the clerk of court.

3 (11) Mediation and arbitration, limited to trial court
4 referral of a pending judicial case to a mediator or a
5 court-related mediation program, or to an arbitrator or a
6 court related arbitration program, for the limited purpose of
7 encouraging and assisting the litigants in partially or
8 completely settling the case prior to adjudication on the
9 merits by the court. This does not include citizen dispute
10 settlement centers under s. 44.201 and community arbitration
11 programs under s. 985.304.

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

16 ~~(13)(7) Staff and expenses of The Judicial~~
17 ~~Qualifications Commission.~~

18 (14) Offices of the appellate clerks and marshals and
19 appellate law libraries.

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

22 29.005 State attorneys' offices and prosecution
23 expenses.--For purposes of implementing s. 14, Art. V of the
24 State Constitution, the ~~essential~~ elements of the state
25 attorneys' offices to be provided from state revenues
26 appropriated by general law are as follows:

27 (1) The state attorney of each judicial circuit and
28 assistant state attorneys and other ~~essential~~ staff as
29 determined by general law.

30 (2) Reasonable court reporting and transcription
31 services necessary to meet constitutional or statutory

1 requirements, including the cost of transcribing and copying
2 depositions of witnesses and the cost of foreign-language and
3 sign-language interpreters and translators.

4 (3) Witnesses, including expert witnesses, summoned to
5 appear for an investigation, preliminary hearing, or trial in
6 a criminal case when the witnesses are summoned by a state
7 attorney, and any other expert witnesses the state attorney
8 deems necessary for the performance of his or her duties.

9 (4) Mental health professionals ~~who are~~ appointed
10 pursuant to s. 394.473 and required in a court hearing
11 involving an indigent, and mental health professionals expert
12 ~~witnesses who are~~ appointed pursuant to s. 916.115(2) and
13 required in a court hearing involving an indigent.

14 (5) Reasonable transportation services in the
15 performance of constitutional and statutory responsibilities.

16 (6) Travel expenses reimbursable under s. 112.061
17 reasonably necessary in the performance of constitutional and
18 statutory responsibilities.

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

21 (8) Reasonable pretrial consultation fees and costs.

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

24 29.006 Public defenders and indigent defense
25 costs.--For purposes of implementing s. 14, Art. V of the
26 State Constitution, the ~~essential~~ elements of the public
27 defenders' offices to be provided from state revenues
28 appropriated by general law are as follows:

29 (1) The public defender of each judicial circuit and
30 assistant public defenders and other ~~essential~~ staff as
31 determined by general law.

1 (2) Reasonable court reporting and transcription
2 services necessary to meet constitutional or statutory
3 requirements, including the cost of transcribing and copying
4 depositions of witnesses and the cost of foreign-language and
5 sign-language interpreters and translators.

6 (3) Witnesses, including expert witnesses, summoned to
7 appear for an investigation, preliminary hearing, or trial in
8 a criminal case when the witnesses are summoned on behalf of
9 an indigent defendant, and any other expert witnesses approved
10 by the court.†

11 (4) Mental health professionals ~~who are~~ appointed
12 pursuant to s. 394.473 and required in a court hearing
13 involving an indigent, ~~†~~ and mental health professionals expert
14 ~~witnesses who are~~ appointed pursuant to s. 916.115(2) and
15 required in a court hearing involving an indigent.

16 (5) Reasonable transportation services in the
17 performance of constitutional and statutory responsibilities.

18 (6) Travel expenses reimbursable under s. 112.061
19 reasonably necessary in the performance of constitutional and
20 statutory responsibilities.

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

23 (8) Reasonable pretrial consultation fees and costs.

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

26 29.007 Court-appointed counsel.--For purposes of
27 implementing s. 14, Art. V of the State Constitution, the
28 ~~essential~~ elements of court-appointed counsel to be provided
29 from state revenues appropriated by general law are as
30 follows:
31

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

4 (2) Private attorneys appointed by the court to
5 represent indigents or other classes of litigants in civil
6 proceedings requiring court-appointed counsel in accordance
7 with state and federal constitutional guarantees and federal
8 and state statutes.

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

14 (4) Witnesses, including expert witnesses, summoned to
15 appear for an investigation, preliminary hearing, or trial in
16 a ~~criminal~~ case when the witnesses are summoned on behalf of
17 an indigent, and any other expert witnesses approved by the
18 court. ~~defendant.~~

19 (5) Mental health professionals ~~who are~~ appointed
20 pursuant to s. 394.473 and required in a court hearing
21 involving an indigent, and mental health professionals ~~expert~~
22 ~~witnesses who are~~ appointed pursuant to s. 916.115(2) and
23 required in a court hearing involving an indigent.

24 (6) Reasonable pretrial consultation fees and costs.

25 (7) Travel expenses reimbursable under s. 112.061
26 reasonably necessary in the performance of constitutional and
27 statutory responsibilities.

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

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

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

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

10 29.008 County funding of court-related functions.--

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

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

1 provided by a county may not be less than the standards for
2 space allotment adopted by the Department of Management
3 Services. County funding must include physical modifications
4 and improvements to all facilities as are required for
5 compliance with the Americans with Disabilities Act. Upon
6 mutual agreement of a county and the affected entity in this
7 paragraph, the office space provided by the county may vary
8 from the standards for space allotment adopted by the
9 Department of Management Services. This section applies only
10 to facilities that are leased, or on which construction
11 commences, after June 30, 2003.

12 (b)1. "Construction or lease" includes, but is not
13 limited to, all reasonable and necessary costs of the
14 acquisition or lease of facilities, equipment, and furnishings
15 for all judicial officers, staff, jurors, volunteers of a
16 tenant agency, and the public for the circuit and county
17 courts, the public defenders' offices, state attorneys'
18 offices, and for performing the court-related functions of the
19 offices of the clerks of the circuit and county courts. This
20 includes expenses related to financing such facilities and the
21 existing and future cost and bonded indebtedness associated
22 with placing the facilities in use.

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

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

31

1 (c) "Maintenance" includes, but is not limited to, all
2 reasonable and necessary costs of custodial and groundskeeping
3 services and renovation and reconstruction as needed to
4 accommodate functions for the circuit and county courts, the
5 public defenders' offices, and state attorneys' offices and
6 for performing the court-related functions of the offices of
7 the clerks of the circuit and county court and for maintaining
8 the facilities in a condition appropriate and safe for the use
9 intended.

10 (d) "Utilities" means all electricity services for
11 light, heat, or power; natural or manufactured gas services
12 for light, heat, or power; water and wastewater services and
13 systems, stormwater or runoff services and systems, sewer
14 services and systems, all costs or fees associated with these
15 services and systems, and any costs or fees associated with
16 the mitigation of environmental impacts directly related to
17 the facility.

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

29 (f) "Communications ~~systems or communications~~
30 services" are defined as any reasonable and necessary
31 transmission, emission, and reception of signs, signals,

1 writings, images, and sounds of intelligence of any nature by
2 wire, radio, optical, or other electromagnetic systems and
3 includes all facilities and equipment owned, leased, or used
4 by judges, clerks, public defenders, state attorneys, and all
5 staff of the state courts system, state attorneys' offices,
6 public defenders' offices, and clerks of the circuit and
7 county courts performing court-related functions. Such system
8 or services shall include, but not be limited to:

9 1. Telephone system infrastructure, including computer
10 lines, telephone switching equipment, and maintenance. Each
11 county shall continue to provide access to a local carrier for
12 local and long distance service and shall pay for the local
13 service. Telephone equipment, including facsimile and video
14 teleconferencing equipment, owned by the counties shall be
15 transferred to the state at no charge, effective July 1, 2004
16 ~~Telephone services and equipment, including facsimile,~~
17 ~~wireless communications, video teleconferencing, pagers,~~
18 ~~computer lines, and telephone switching equipment and the~~
19 ~~maintenance, supplies, hardware, software, and line charges,~~
20 ~~including local and long-distance toll charges, and support~~
21 ~~staff or services necessary for operation.~~

22 2. All computer systems and equipment, including
23 computer hardware and software, modems, printers, wiring,
24 network connections, maintenance, support staff or services,
25 training, supplies, and line charges necessary for an
26 integrated computer system to support the operations and
27 management of the state courts system, the offices of the
28 public defenders, the offices of the state attorneys, and the
29 offices of the clerks of the circuit and county courts and the
30 capability to connect those entities and reporting data to the
31 state as required for the transmission of revenue, performance

1 accountability, case management, data collection, budgeting,
2 and auditing purposes. The integrated computer system shall be
3 operational by January 1, 2006, and, at a minimum, must be
4 able to electronically exchange judicial case background,
5 sentencing guidelines and scoresheets, and video evidence
6 information stored in integrated case-management systems over
7 secure networks.

8 3. ~~Postage, printed documents, radio, Courier~~
9 ~~messenger and subpoena services, support services, all~~
10 ~~maintenance, supplies, and line charges.~~

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

18 (g) "Existing radio systems" includes, but is not
19 limited to, law enforcement radio systems that are used by the
20 circuit and county courts, the offices of the public
21 defenders, the offices of the state attorneys, and for
22 court-related functions of the offices of the clerks of the
23 circuit and county courts. This includes radio systems that
24 were operational or under contract at the time Revision No. 7,
25 1998, to Art. V of the State Constitution was adopted and any
26 enhancements made thereafter, the maintenance of those
27 systems, and the personnel and supplies necessary for
28 operation.

29 (h) "Existing multiagency criminal justice information
30 systems" includes, but is not limited to, those components of
31 the multiagency criminal justice information system as defined

1 in s. 943.045, supporting the offices of the circuit or county
2 courts, the public defenders' offices, the state attorneys'
3 offices, or those portions of the offices of the clerks of the
4 circuit and county courts performing court-related functions
5 that are used to carry out the court-related activities of
6 those entities. This includes upgrades and maintenance of the
7 current equipment, maintenance and upgrades of supporting
8 technology infrastructure and associated staff, and services
9 and expenses to assure continued information sharing and
10 reporting of information to the state. The counties shall
11 also provide additional information technology services,
12 hardware, and software as needed for new judges and staff of
13 the state courts system, state attorneys' offices, public
14 defenders' offices, and the offices of the clerks of the
15 circuit and county courts performing court-related functions.

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

20 (a) Local requirements are those specialized programs,
21 nonjudicial staff, and other expenses associated with
22 specialized court programs, specialized prosecution needs,
23 specialized defense needs, or resources required of a local
24 jurisdiction as a result of special factors or circumstances.
25 Local requirements exist:

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

29 2. When:

30 a. The county has enacted an ordinance, adopted a
31 local program, or funded activities with a financial or

1 operational impact on the circuit or a county within the
2 circuit; or

3 b. Circumstances in a given circuit or county result
4 in or necessitate implementation of specialized programs, the
5 provision of nonjudicial staff and expenses to specialized
6 court programs, special prosecution needs, specialized defense
7 needs, or the commitment of resources to the court's
8 jurisdiction.

9 (b) Factors and circumstances resulting in the
10 establishment of a local requirement include, but are not
11 limited to:

12 1. Geographic factors;
13 2. Demographic factors;
14 3. Labor market forces;
15 4. The number and location of court facilities; or
16 5. The volume, severity, complexity, or mix of court
17 cases.

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

20 1. The chief judge of the circuit, in conjunction with
21 the state attorney and the public defender only on matters
22 that impact their offices, shall identify all local
23 requirements within the circuit or within each county in the
24 circuit and shall identify the reasonable and necessary
25 salaries, costs, and expenses to meet these local
26 requirements.

27 2. On or before June 1 of each year, the chief judge
28 shall submit to the board of county commissioners a tentative
29 budget request for local requirements for the ensuing fiscal
30 year. The tentative budget must certify a listing of all local
31 requirements and the reasonable and necessary salaries, costs,

1 and expenses for each local requirement. The board of county
2 commissioners may, by resolution, require the certification to
3 be submitted earlier.

4 3. The board of county commissioners shall thereafter
5 treat the certification in accordance with the county's
6 budgetary procedures. A board of county commissioners may:

7 a. Determine whether to provide funding, and to what
8 extent it will provide funding, for salaries, costs, and
9 expenses under this section;

10 b. Require a county finance officer to conduct a
11 preaudit review of any county funds provided under this
12 section prior to disbursement;

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

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

17 (d) Counties may satisfy these requirements by
18 entering into interlocal agreements for the collective funding
19 of these reasonable and necessary salaries, costs, and
20 expenses.

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

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

25 (b) Alternative sanctions coordinators pursuant to ss.
26 984.09 and 985.216.

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

29 29.0085 Annual statement of certain revenues and
30 expenditures.--

31

1 (1) Each county shall submit annually to the Chief
2 Financial Officer a statement of revenues and expenditures as
3 set forth in this section in the form and manner prescribed by
4 the Chief Financial Officer in consultation with the
5 Legislative Committee on Intergovernmental Relations, provided
6 that such statement identify total county expenditures on each
7 of the services outlined in s. 29.008.

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

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

19 1. The county failed to submit timely its annual
20 statement;

21 2. Discrepancies were noted by the independent
22 certified public accountant; or

23 3. The county failed to file before March 31 of each
24 year the certified public accountant statement of compliance,
25 the Chief Financial Officer may send his or her personnel or
26 contract for services to bring the county into compliance. The
27 costs incurred by the Chief Financial Officer shall be paid
28 promptly by the county upon certification by the Chief
29 Financial Officer.

30 (c) Where the Chief Financial Officer elects to
31 utilize the services of an independent contractor, such

1 certification by the Chief Financial Officer may require the
2 county to make direct payment to a contractor. Any funds owed
3 by a county in such matters shall be recovered pursuant to s.
4 17.04 or s. 17.041.

5 (3) The Chief Financial Officer shall adopt any rules
6 necessary to implement his or her responsibilities pursuant to
7 this section.

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

10 29.0095 Budget expenditure reports.--

11 (1) The chief judge of each circuit shall, by October
12 1 of each fiscal year, submit an itemized report to the
13 Governor, the President of the Senate, and the Speaker of the
14 House of Representatives showing the amount of state funds
15 expended during the previous fiscal year ending in June for
16 each of the items enumerated in s. 29.004 that pertain to
17 circuit and county courts.

18 (2) Each state attorney shall, by October 1 of each
19 fiscal year, submit an itemized report to the Governor, the
20 President of the Senate, and the Speaker of the House of
21 Representatives showing the amount of state funds expended
22 during the previous fiscal year ending in June for each of the
23 items enumerated in s. 29.005.

24 (3) Each public defender shall, by October 1 of each
25 fiscal year, submit an itemized report to the Governor, the
26 President of the Senate, and the Speaker of the House of
27 Representatives showing the amount of state funds expended
28 during the previous fiscal year ending in June for each of the
29 items enumerated in s. 29.006.

30 (4) The Legislative Budget Commission shall prescribe
31 the format of the report required by this section in

1 consultation with the Chief Justice and the Justice
2 Administrative Commission.

3 Section 48. Section 29.014, Florida Statutes, is
4 created to read:

5 29.014 Article V Indigent Services Advisory Board.--

6 (1) There is created the Article V Indigent Services
7 Advisory Board. The board shall exist for the purpose of
8 advising the Legislature in establishing qualifications and
9 compensation standards governing the expenditure of state
10 appropriated funds for those providing state-funded due
11 process services for indigents provided through the courts,
12 state attorneys, public defenders, and private court-appointed
13 counsel. These services include, but are not limited to,
14 court-appointed counsel, court reporting and transcription
15 services, interpreter services, and expert witnesses.
16 Standards recommended by the Board shall take into account
17 local variations and market conditions and availability of
18 attorneys and other service providers. The board shall also
19 exist for the purpose of advising the Legislature on cost
20 containment strategies and policies.

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

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

26 (b) The President of the Senate and the Speaker of the
27 House of Representatives shall each appoint three members. Of
28 the members appointed by the President of the Senate one shall
29 be a county commissioner and one shall be an attorney in
30 private practice with significant criminal trial experience.
31 Of the members appointed by the Speaker of the House of

1 Representatives one shall be a county commissioner and one
2 shall be an attorney in private practice with significant
3 civil trial experience. The President of the Senate and the
4 Speaker of the House of Representatives may each appoint a
5 member from their respective chambers.

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

11 (3) Members shall be appointed for 4-year terms,
12 except for an appointment to fill an unexpired term, in which
13 event the appointment shall be for the remainder of the
14 unexpired term only. In the case where a member must hold
15 office to be qualified for board membership, the member's term
16 shall also expire upon failure to maintain the office,
17 whichever occurs first.

18 (4) The members shall elect a chairperson annually and
19 shall meet at the call of the chairperson, at the request of a
20 majority of the membership, or at the request of the President
21 of the Senate or the Speaker of the House of Representatives.
22 Members shall serve without pay but shall be entitled to
23 reimbursement for their expenses in carrying out their duties
24 as provided in s. 112.061. Public officer members shall be
25 reimbursed through the budget entity through which they are
26 compensated.

27 (5) The board shall:

28 (a) Recommend qualifications for those providing
29 authorized state-funded due process services, including
30 qualifications for state-funded court reporters, interpreters,
31 and private court-appointed counsel, in addition to those set

1 forth in s. 27.40. At a minimum, the board shall incorporate
2 into the eligibility and performance standards for
3 court-appointed counsel requirements relating to length of
4 membership in The Florida Bar, continuing legal education, and
5 relevant trial experience. At a minimum, the experience
6 standards for criminal cases must require participation in
7 three criminal trials for an attorney to be eligible for a
8 third-degree felony case and five criminal trials to be
9 eligible for a case involving a felony of the second degree or
10 a higher degree.

11 (b) Recommend any needed adjustments to existing
12 compensation standards for private court-appointed counsel and
13 other providers of due process services pursuant to s.
14 27.5304.

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

18 (d) Recommend statewide contracting standards for
19 procurement of state-funded due process services and
20 developing uniform contract forms for use in procuring
21 services.

22 (e) Advise the Legislature on strategies and policies
23 to contain costs.

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

27 (6) To aid in the transition to full implementation of
28 Revision 7 to Article V, the board shall issue its initial
29 recommendations by November 1, 2003. Thereafter, the board
30 shall issue any additional recommendations or revisions
31 thereto by September 1 of each year.

1 (7) In preparing budgets and entering into contractual
2 arrangements for the procurement of state-funded due process
3 services for fiscal year 2004-2005, the Chief Justice and the
4 circuit Article V indigent services committees are authorized
5 and encouraged to consider the advice and recommendations of
6 the board.

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

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

11 29.015 Contingency fund; limitation of authority to
12 transfer funds in contracted due process services
13 appropriation categories.--

14 (1) An appropriation may be provided in the General
15 Appropriations Act in the Justice Administrative Commission to
16 serve as a contingency fund for the purpose of alleviating
17 deficits in contracted due process services appropriation
18 categories, including private court-appointed counsel
19 appropriation categories, that may occur from time to time due
20 to extraordinary events that lead to unexpected expenditures.

21 (2) In the event that a state attorney or public
22 defender incurs a deficit in a contracted due process services
23 appropriation category, the following steps shall be taken in
24 order:

25 (a) The state attorney or public defender shall first
26 attempt to identify surplus funds from other appropriation
27 categories within his or her office and submit a budget
28 amendment pursuant to chapter 216 to transfer funds from
29 within the office.

30 (b) In the event that the state attorney or public
31 defender is unable to identify surplus funds from within his

1 or her office, he or she shall certify this to the Justice
2 Administrative Commission along with a complete explanation of
3 the circumstances which led to the deficit and steps the
4 office has taken to reduce or alleviate the deficit. The
5 Justice Administrative Commission shall inquire as to whether
6 any other office has surplus funds in its contracted due
7 process services appropriation categories which can be
8 transferred to the office that is experiencing the deficit. If
9 other offices indicate that surplus funds are available, the
10 Justice Administrative Commission shall request a budget
11 amendment to transfer funds from the office or offices to
12 alleviate the deficit upon agreement of the contributing
13 office or offices.

14 (c) If no office indicates that surplus funds are
15 available to alleviate the deficit, the Justice Administrative
16 Commission may request a budget amendment to transfer funds
17 from the contingency fund. Such transfers shall be in
18 accordance with all applicable provisions of chapter 216 and
19 shall be subject to review and approval by the Legislative
20 Budget Commission. The Justice Administrative Commission shall
21 submit the documentation provided by the office explaining the
22 circumstances that led to the deficit and the steps taken by
23 the office and the Justice Administrative Commission to
24 identify surplus funds to the Legislative Budget Commission.

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

30 (a) The Justice Administrative Commission shall first
31 attempt to identify surplus funds from other contracted due

1 process services appropriation categories within the Justice
2 Administrative Commission and submit a budget amendment
3 pursuant to chapter 216 to transfer funds from within the
4 commission.

5 (b) In the event that the Justice Administrative
6 Commission is unable to identify surplus funds from within the
7 commission, the commission shall inquire of each of the public
8 defenders as to whether any office has surplus funds in its
9 contracted due process services appropriations categories
10 which can be transferred. If any public defender office or
11 offices indicate that surplus funds are available, the Justice
12 Administrative Commission shall request a budget amendment to
13 transfer funds from the office or offices to alleviate the
14 deficit upon agreement of the contributing office or offices.

15 (c) If no public defender office has surplus funds
16 available to alleviate the deficit, the Justice Administrative
17 commission may request a budget amendment to transfer funds
18 from the contingency fund. Such transfers shall be in
19 accordance with all applicable provisions of chapter 216 and
20 shall be subject to review and approval by the Legislative
21 Budget Commission. The Justice Administrative Commission shall
22 submit the documentation provided by the office explaining the
23 circumstances that led to the deficit and the steps taken by
24 the Justice Administrative Commission to identify surplus
25 funds to the Legislative Budget Commission.

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

31

1 (a) The Justice Administrative Commission shall first
2 attempt to identify surplus funds from other contracted due
3 process services appropriation categories within the Justice
4 Administrative Commission and submit a budget amendment
5 pursuant to chapter 216 to transfer funds from within the
6 commission.

7 (b) In the event that the Justice Administrative
8 Commission is unable to identify surplus funds from within the
9 commission, the commission may submit a budget amendment to
10 transfer funds from the contingency fund. Such transfers shall
11 be in accordance with all applicable provisions of chapter 216
12 and shall be subject to review and approval by the Legislative
13 Budget Commission. The Justice Administrative Commission shall
14 submit documentation explaining the circumstances that led to
15 the deficit and the steps taken to identify surplus funds to
16 the Legislative Budget Commission.

17 (5) Notwithstanding any provisions in chapter 216 to
18 the contrary, no office shall transfer funds from a contracted
19 due process services appropriation category or from a
20 contingency fund category authorized in this section except as
21 specifically authorized in this section. In addition, funds
22 shall not be transferred from a state attorney office to
23 alleviate a deficit in a public defender office and funds
24 shall not be transferred from a public defender office to
25 alleviate a deficit in a state attorney office.

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

28 29.016 Contingency fund; judicial branch.--

29 (1) An appropriation may be provided in the General
30 Appropriations Act for the judicial branch to serve as a
31 contingency fund to alleviate deficits in contracted due

1 process services appropriation categories, including private
2 court-appointed counsel categories, that may occur from time
3 to time due to extraordinary events that lead to unexpected
4 expenditures.

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

7 (a) The chief judge shall attempt to identify surplus
8 funds from other appropriation categories within his or her
9 circuit and submit a request to the Chief Justice for a budget
10 amendment pursuant to chapter 216 to transfer funds from
11 within the circuit budget.

12 (b) In the event that the chief judge is unable to
13 identify surplus funds from within his or her circuit, he or
14 she shall certify this to the Office of the State Courts
15 Administrator along with a complete explanation of the
16 circumstances which led to the deficit and steps taken to
17 reduce or alleviate the deficit. The Office of the State
18 Courts Administrator shall inquire as to whether any other
19 circuit has surplus funds in its contracted due process
20 service appropriation categories which can be transferred to
21 the circuit that is experiencing the deficit. If other
22 circuits indicate that surplus funds are available, the Office
23 of the State Courts Administrator shall notify the Trial Court
24 Budget Commission established within the judicial branch by
25 Rule of Judicial Administration. The Trial Court Budget
26 Commission shall make recommendations to the Chief Justice to
27 alleviate the deficit. The Chief Justice may authorize a
28 transfer of funds among circuits to alleviate the deficit.

29 (3) If no other circuits indicate that surplus funds
30 are available to alleviate the deficit, the Trial Court Budget
31 Commission may request the Chief Justice to request a budget

1 amendment to transfer funds from the contingency fund. Such
 2 transfers shall be requested subject to the notice and review
 3 requirements set forth in s. 216.177. The Office of the State
 4 Courts Administrator shall include in the budget amendment
 5 documentation provided by the chief judge explaining the
 6 circumstances that led to the deficit and the steps taken to
 7 identify surplus funds to alleviate the deficit.

8 (4) Notwithstanding any provisions in chapter 216 to
 9 the contrary, no circuit shall transfer funds from a
 10 contracted due process services appropriation category or from
 11 a contingency fund category authorized in this section except
 12 as specifically authorized in this section.

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

15 34.032 Power of clerk to appoint deputies.--

16 (2) Any deputy county court clerk appointed for the
 17 sole purpose of issuing arrest warrants for violation of
 18 chapter 316 or county or municipal ordinances triable in the
 19 county courts shall have and exercise only those powers of the
 20 clerk which are required to achieve such limited purpose, and
 21 those arrest warrants issued for violation of county or
 22 municipal ordinances shall be funded by the county or
 23 municipality which approved the ordinance.

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

26 34.041 Filing fees ~~Service charges and costs.~~--

27 (1) Upon the institution of any civil action or
 28 proceeding in county court, the clerk of court may require the
 29 plaintiff, when filing an action or proceeding, to shall pay
 30 the following filing fee, not to exceed service charges:

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

- 1 (b) For all claims of \$100 or more but not more than
- 2 ~~\$500~~~~\$2,500~~\$75 ~~25.00~~.
- 3 (c) For all claims of \$500 or more but not more than
- 4 \$2,500\$150.
- 5 (d)~~(e)~~ For all claims of more than \$2,500 .\$250 ~~40.00~~.
- 6 (e)~~(d)~~ In addition, for all proceedings of
- 7 garnishment, attachment, replevin, and distress\$75
- 8 ~~35.00~~.
- 9 (f)~~(e)~~ For removal of tenant action\$75 ~~35.00~~.

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The first \$50 of the filing fee collected under paragraph (d) shall be remitted to the Department of Revenue for deposit into the General Revenue Fund. One-third of any filing fees collected by the clerk under paragraph (d) in excess of the first \$50 shall be remitted to the Department of Revenue for deposit into the Department of Revenue Clerks of the Court Trust Fund.Postal charges incurred by the clerk of the county court in making service by mail on defendants or other parties shall be paid by the party at whose instance service is made. Except as provided herein, filing fees and service charges for performing duties of the clerk relating to the county court shall be as provided in ss. 28.24 and 28.241. ~~Service charges in excess of those herein fixed may be imposed by the governing authority of the county by ordinance or by special or local law, and such excess shall be expended as provided by such ordinance or any special or local law now or hereafter in force to provide and maintain facilities, including a law library, for the use of the county court in the county in which the charge is collected; to provide and maintain equipment; or for a legal aid program.~~Except as otherwise provided herein,all filing fees shall be retained as fee

CODING:Words ~~stricken~~ are deletions; words underlined are additions.

1 income of the office of the clerk of circuit court. Filing
2 fees ~~Service charges~~ imposed by this section may not be added
3 to any penalty imposed by chapter 316 or chapter 318. ~~The sum~~
4 ~~of all service charges and fees permitted under this~~
5 ~~subsection may not exceed \$200.~~

6 (2) ~~The judge shall have full discretionary power to~~
7 ~~waive the prepayment of costs or the payment of costs accruing~~
8 ~~during the action upon the sworn written statement of the~~
9 ~~plaintiff and upon other satisfactory evidence of the~~
10 ~~plaintiff's inability to pay such costs. When costs are so~~
11 ~~waived, the notation to be made on the records shall be~~
12 ~~"Prepayment of costs waived," or "Costs waived." The term~~
13 ~~"pauper" or "in forma pauperis" shall not be employed. If a~~
14 ~~party shall fail to pay accrued costs, though able to do so,~~
15 ~~the judge shall have power to deny that party the right to~~
16 ~~file any new case while such costs remain unpaid and,~~
17 ~~likewise, to deny such litigant the right to proceed further~~
18 ~~in any case pending. The award of other court costs shall be~~
19 ~~according to the discretion of the judge who may include~~
20 ~~therein the reasonable costs of bonds and undertakings and~~
21 ~~other reasonable court costs incident to the suit incurred by~~
22 ~~either party.~~

23 (3) In criminal proceedings in county courts, costs
24 shall be taxed against a person in county court upon
25 conviction or estreatment pursuant to chapter 939. ~~The~~
26 ~~provisions of s. 28.241(2) shall not apply to criminal~~
27 ~~proceedings in county court.~~

28 (4) Upon the institution of any appellate proceeding
29 from the county court to the circuit court, there shall be
30 charged and collected from the party or parties instituting
31 such appellate proceedings, including appeals filed by a

1 county or municipality, filing fees ~~a service charge~~ as
2 provided in chapter 28.

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

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

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

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

17 34.13 Method of prosecution.--

18 (6) Any circuit court clerk acting as clerk of the
19 county court, or any deputy county court clerk appointed for
20 the sole purpose of issuing arrest warrants, or any county
21 court clerk, may, at municipal expense, administer an oath to
22 and take affidavit of any person charging another person with
23 a violation of a municipal ordinance and may issue a warrant
24 on the usual form, making it returnable to the appropriate
25 county court judge. The authority granted to a clerk or deputy
26 clerk under this section shall be subordinate to that of any
27 state judge.

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

30 34.171 Salaries and expenses.--~~Unless the state shall~~
31 ~~pay such expenses,~~The county shall pay all reasonable

1 salaries of bailiffs, ~~secretaries, and assistants of the~~
2 ~~circuit and county courts and all reasonable expenses of the~~
3 ~~offices of circuit and county court judges.~~

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

6 34.181 Branch courts.--

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

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

12 34.191 Fines and, ~~forfeitures, and costs.--~~

13 ~~(1)~~ All fines and forfeitures arising from offenses
14 tried in the county court shall be collected and accounted for
15 by the clerk of the court ~~and deposited in a special trust~~
16 ~~account.~~ All fines and forfeitures received from violations of
17 ~~ordinances or misdemeanors committed within a county, or of~~
18 municipal ordinances committed within a municipality within
19 the territorial jurisdiction of the county court, ~~shall be~~
20 paid monthly to the ~~county or municipality respectively~~ except
21 as provided in s. 318.21 or s. 943.25. All other fines and
22 forfeitures collected by the clerk shall be considered income
23 of the office of the clerk for use in performing court-related
24 duties of the office.

25 ~~(2) All court costs assessed in county court must be~~
26 ~~paid to and retained by the county, except as provided in s.~~
27 ~~943.25 and subsection (3) of this section.~~

28 ~~(3) If a municipality incurs any cost of operation of~~
29 ~~the county court, including any cost of prosecution, it may~~
30 ~~apply to the chief judge of the circuit for an order directing~~
31 ~~the county to distribute reasonable court costs to the~~

1 ~~municipality. If not satisfied with the order of the chief~~
2 ~~judge, the municipality may apply to the Supreme Court for an~~
3 ~~order apportioning the costs.~~

4 ~~(4) The board of county commissioners may assign the~~
5 ~~collection of fines, court costs, and other costs imposed by~~
6 ~~the court that are past due for 90 days or more to a private~~
7 ~~attorney or collection agency that is licensed or registered~~
8 ~~in this state, if the board of county commissioners determines~~
9 ~~that the assignment is cost-effective and follows established~~
10 ~~bid practices. The board of county commissioners may authorize~~
11 ~~a fee to be added to the outstanding balance to offset any~~
12 ~~collection costs that will be incurred.~~

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

15 39.0134 Appointed counsel; compensation.--

16 ~~(1)~~ If counsel is entitled to receive compensation for
17 representation pursuant to a court appointment in a dependency
18 proceeding pursuant to this chapter, ~~such~~ compensation shall
19 be paid in accordance with s. 27.5304 ~~established by each~~
20 ~~county~~. The state ~~county~~ may acquire and enforce a lien upon
21 court-ordered payment of attorney's fees and costs in
22 accordance with s. 984.08.

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

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

30 39.4075 Referral of a dependency case to mediation.--

31

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

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

6 39.815 Appeal.--

7 (1) Any child, any parent or guardian ad litem of any
8 child, any other party to the proceeding who is affected by an
9 order of the court, or the department may appeal to the
10 appropriate district court of appeal within the time and in
11 the manner prescribed by the Florida Rules of Appellate
12 Procedure. The district court of appeal shall give an appeal
13 from an order terminating parental rights priority in
14 docketing and shall render a decision on the appeal as
15 expeditiously as possible. Appointed counsel shall be
16 compensated as provided in s. ~~27.5304(5)~~39.0134.

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

19 40.001 Chief judge; authority; duties.--The chief
20 judge of each judicial circuit is vested with overall
21 authority and responsibility for the management, operation,
22 and oversight of the jury system within his or her circuit.
23 However, in accordance with this chapter and chapter 905, the
24 clerk of the circuit court has specific responsibilities
25 regarding the processing of jurors, including, but not limited
26 to, qualifications, summons, selection lists, reporting, and
27 compensation of jurors. The clerk of the circuit court may
28 contract with the chief judge for the court's assistance in
29 the provision of services to process jurors. The chief judge
30 may also designate to the clerk of the circuit court
31 additional duties consistent with established uniform

1 standards of jury management practices that the Supreme Court
2 may adopt by rule or issue through administrative order.

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

5 40.02 Selection of jury lists.--

6 (3) The clerk of the court shall ~~chief judge may~~
7 ~~designate the court administrator to perform the duties set~~
8 ~~forth in this section and in ss. 40.221, 40.23, and 40.231 in~~
9 ~~counties having an approved, computerized jury selection~~
10 ~~system, the provisions of any special law or general law of~~
11 ~~local application to the contrary notwithstanding. However,~~
12 the chief judge may designate the court administrator to
13 perform these duties if the county provides funding to the
14 court administrator to provide the personnel and other costs
15 associated with jury services.

16 Section 62. Effective July 1, 2004, section 40.29,
17 Florida Statutes, is amended to read:

18 40.29 Clerks to make estimates and requisitions for
19 certain due process costs ~~estimate amount for pay of jurors~~
20 ~~and witnesses and make requisition.--~~

21 (1) The clerk of the court in and for any county shall
22 make an estimate of the amount necessary during any quarterly
23 fiscal period beginning July 1 and during each succeeding
24 quarterly fiscal period for the payment by the state of juror
25 compensation and expenses; court reporter, interpreter, and
26 translator services; witnesses, including expert witnesses;
27 mental health professionals; and private court-appointed
28 counsel, each in accordance with the applicable requirements
29 of ss. 29.005, 29.006, and 29.007. The clerk of such court+

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

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

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

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

8 ~~(e) Expert witnesses who are appointed pursuant to s.~~
 9 ~~916.115(2) and required in a court hearing involving an~~
 10 ~~indigent;~~

11
 12 ~~and shall forward each such estimate to the Justice~~
 13 ~~Administrative Commission State Courts Administrator no later~~
 14 ~~than the date scheduled by the Justice Administrative~~
 15 ~~Commission State Courts Administrator. At the time of any~~
 16 ~~forwarding of such estimate, the clerk of such court shall~~
 17 ~~make a requisition upon the Justice Administrative Commission~~
 18 ~~State Courts Administrator for the amount of such estimate;~~
 19 ~~and the Justice Administrative Commission State Courts~~
 20 ~~Administrator may reduce the amount upon finding that the~~
 21 ~~costs are unreasonable, inconsistent with applicable~~
 22 ~~contractual terms, or inconsistent with compensation standards~~
 23 ~~established by general law if in his or her judgment the~~
 24 ~~requisition is excessive.~~

25 (2) The provisions of chapter 82-176, Laws of Florida,
 26 shall take effect July 1, 1982, except that those provisions
 27 which provide for the state assumption of witness fees which
 28 are currently paid by the counties shall take effect on a date
 29 determined by the appropriation of funds for this purpose.

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

1 40.30 Requisition endorsed by Justice Administrative
2 Commission ~~State Courts Administrator~~ or designee.--Upon
3 receipt of such estimate and the requisition from the clerk of
4 the court pursuant to s. 40.29, the Justice Administrative
5 Commission ~~State Courts Administrator~~ or designee shall
6 endorse the amount deemed ~~that he or she may deem~~ necessary
7 for payment to the state ~~the pay of jurors and witnesses~~
8 during the quarterly fiscal period and shall submit a request
9 for payment to the Chief Financial Officer ~~Comptroller~~.

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

12 43.16 Justice Administrative Commission; membership,
13 powers and duties.--

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

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

21 (a) The maintenance of a central state office for
22 administrative services and assistance when possible to and on
23 behalf of the state attorneys and public defenders of Florida,
24 the office of capital collateral representative of Florida,
25 and the Judicial Qualifications Commission.

26 (b) Each state attorney and public defender and the
27 Judicial Qualifications Commission shall continue to prepare
28 necessary budgets, vouchers which represent valid claims for
29 reimbursement by the state for authorized expenses, and other
30 things incidental to the proper administrative operation of
31 the office, such as revenue transmittals to the Chief

1 Financial Officer and treasurer, automated systems plans,
 2 ~~etc.~~, but will forward same to the commission for recording
 3 and submission to the proper state officer. However, when
 4 requested by a state attorney or a public defender or the
 5 Judicial Qualifications Commission, the commission will either
 6 assist in the preparation of budget requests, voucher
 7 schedules, and other forms and reports or accomplish the
 8 entire project involved.

9 Section 65. Section 43.26, Florida Statutes, is
 10 amended to read:

11 43.26 Chief ~~Presiding~~ judge of circuit; selection;
 12 powers.--

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

18 (2) The chief ~~presiding~~ judge of the circuit shall
 19 have the power:

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

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

24 ~~(b)(c)~~ To regulate use of courtrooms;

25 ~~(c)(d)~~ To supervise dockets and calendars;

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

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

1 (f) To delegate to the trial court administrator, by
2 administrative order, the authority to bind the circuit in
3 contract.

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

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

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

15 ~~(4)(5)~~ Failure of any judge, clerk, prosecutor, public
16 defender, or other officer of the court to comply with an
17 order or directive of the chief ~~presiding~~ judge under this
18 section shall constitute neglect of duty for which such
19 officer may be suspended from office as provided by law.

20 ~~(5)(6)~~ There may be a trial court administrator ~~an~~
21 ~~executive assistant to the presiding judge~~ who shall perform
22 such duties as the chief ~~presiding~~ judge may direct.

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

25 44.108 Funding of mediation and
26 arbitration.--Mediation should be accessible to all parties
27 regardless of financial status. A filing fee of \$1 is levied
28 on all proceedings in the circuit or county courts to fund
29 mediation and arbitration services which are the
30 responsibility of the Supreme Court pursuant to the provisions
31 of s. 44.106. The clerk of the court shall forward the monies

1 collected to the Department of Revenue for deposit in the
2 state courts' Mediation and Arbitration Trust Fund. ~~Each board~~
3 ~~of county commissioners may support mediation and arbitration~~
4 ~~services by appropriating moneys from county revenues and by:~~

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

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

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

24 ~~(4) If a board of county commissioners levies the~~
25 ~~service charge authorized in subsection (1), subsection (2),~~
26 ~~or subsection (3), the clerk of the court shall forward \$1 of~~
27 ~~each charge to the Department of Revenue for deposit in the~~
28 ~~state mediation and arbitration trust fund which is hereby~~
29 ~~established. Such fund shall be used by the Supreme Court to~~
30 ~~carry out its responsibilities set forth in s. 44.106.~~

31

1 Section 67. Paragraph (b) of subsection (1) of section
2 49.10, Florida Statutes, is amended to read:

3 49.10 Notice of action, publication, proof.--

4 (1)

5 (b) In proceedings described in s. 49.011(4), (10),
6 and (11), ~~except in those counties where, pursuant to s.~~
7 ~~50.071(3), notices are by law required to be published by~~
8 ~~designated record newspaper,~~the clerk of the court shall post
9 notices of action in the manner prescribed by s. 49.11 when
10 such notices are required of persons authorized to proceed as
11 indigent insolvent and poverty-stricken persons under s.
12 57.081.

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

15 55.10 Judgments, orders, and decrees; lien of all,
16 generally; extension of liens; transfer of liens to other
17 security.--

18 (5) Any lien claimed under this section may be
19 transferred, by any person having an interest in the real
20 property upon which the lien is imposed or the contract under
21 which the lien is claimed, from such real property to other
22 security by either depositing in the clerk's office a sum of
23 money or filing in the clerk's office a bond executed as
24 surety by a surety insurer licensed to do business in this
25 state. Such deposit or bond shall be in an amount equal to the
26 amount demanded in such claim of lien plus interest thereon at
27 the legal rate for 3 years plus \$500 to apply on any court
28 costs which may be taxed in any proceeding to enforce said
29 lien. Such deposit or bond shall be conditioned to pay any
30 judgment, order, or decree which may be rendered for the
31 satisfaction of the lien for which such claim of lien was

1 recorded and costs plus \$500 for court costs. Upon such
 2 deposit being made or such bond being filed, the clerk shall
 3 make and record a certificate showing the transfer of the lien
 4 from the real property to the security and mail a copy thereof
 5 by registered or certified mail to the lienor named in the
 6 claim of lien so transferred, at the address stated therein.
 7 Upon the filing of the certificate of transfer, the real
 8 property shall thereupon be released from the lien claimed,
 9 and such lien shall be transferred to said security. The clerk
 10 shall be entitled to a fee of up to \$15~~\$10~~ for making and
 11 serving the certificate. If the transaction involves the
 12 transfer of multiple liens, an additional charge of up to
 13 \$7.50~~\$5~~ for each additional lien shall be charged. Any number
 14 of liens may be transferred to one such security.

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

17 55.141 Satisfaction of judgments and decrees; duties
 18 of clerk and judge.--

19 (2) Upon such payment, the clerk, or the judge if
 20 there is no clerk, shall issue his or her receipt therefor and
 21 shall record a satisfaction of judgment, provided by the
 22 judgment holder, upon payment of the recording charge
 23 prescribed in s. 28.24(12)~~(15)~~ plus the necessary costs of
 24 mailing to the clerk or judge. The clerk or judge shall
 25 formally notify the owner of record of such judgment or
 26 decree, if such person and his or her address are known to the
 27 clerk or judge receiving such payment, and, upon request
 28 therefor, shall pay over to the person entitled, or to his or
 29 her order, the full amount of the payment so received, less
 30 his or her fees for issuing execution on such judgment or
 31 decree, if any has been issued, and less his or her fees for

1 receiving into and paying out of the registry of the court
2 such payment, together with the fees of the clerk for
3 receiving into and paying such money out of the registry of
4 the court.

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

7 55.505 Notice of recording; prerequisite to
8 enforcement.--

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

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

17 57.081 Costs; right to proceed where prepayment of
18 costs waived.--

19 (1) Any indigent person, except a prisoner as defined
20 in s. 57.085, who is a party or intervenor in any judicial or
21 administrative agency proceeding or who initiates such
22 proceeding shall receive the services of the courts, sheriffs,
23 and clerks, with respect to such proceedings, despite his or
24 her present inability to pay for these services ~~without~~
25 ~~charge~~. Such services are limited to filing fees; service of
26 process; certified copies of orders or final judgments; a
27 single photocopy of any court pleading, record, or instrument
28 filed with the clerk; examining fees; mediation services and
29 fees; private court-appointed counsel fees; subpoena fees and
30 services; service charges for collecting and disbursing funds;
31 and any other cost or service arising out of pending

1 litigation. In any appeal from an administrative agency
2 decision, for which the clerk is responsible for preparing the
3 transcript, the clerk shall record ~~waive~~ the cost of preparing
4 the transcripts and the cost for copies of any exhibits in the
5 record. Prepayment of costs to any court, clerk, or sheriff is
6 not required in any action if the party has obtained ~~from the~~
7 ~~clerk~~ in each proceeding a certification of indigence in
8 accordance with s. 27.52 indigency, ~~based on an affidavit of~~
9 ~~the applicant claiming that the applicant is indigent and~~
10 ~~unable to pay the charges otherwise payable by law to any of~~
11 ~~such officers, providing the details of the applicant's~~
12 ~~financial condition, and containing a statement that certifies~~
13 ~~that no person has been paid or promised any payment of any~~
14 ~~remuneration by the applicant for services performed on behalf~~
15 ~~of the applicant in connection with the action or proceeding.~~
16 ~~However, when the person is represented by an attorney, the~~
17 ~~person need not file an affidavit in order to be exempt from~~
18 ~~payment of charges under this subsection. A represented person~~
19 ~~is exempt from charges under this subsection if the attorney~~
20 ~~of such person files a written certificate, signed by the~~
21 ~~attorney, certifying that the attorney has made an~~
22 ~~investigation to ascertain the financial condition of the~~
23 ~~client and has found the client to be indigent; that the~~
24 ~~attorney has investigated the nature of the applicant's~~
25 ~~position and in the attorney's opinion it is meritorious as a~~
26 ~~matter of law; and that the attorney has not been paid or~~
27 ~~promised payment of any remuneration for services and intends~~
28 ~~to act as attorney for the applicant without compensation. On~~
29 ~~the failure or refusal of the clerk to issue a certificate of~~
30 ~~indigency, the applicant is entitled to a review of the~~
31

1 ~~application for the certificate by the court having~~
2 ~~jurisdiction of the cause of action.~~

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

6 57.085 Waiver of prepayment of court costs and fees
7 for indigent prisoners.--

8 (2) When a prisoner who is intervening in or
9 initiating a judicial proceeding seeks to defer the ~~waiver of~~
10 prepayment of court costs and fees because of indigence
11 ~~indigency~~, the prisoner must file an affidavit of indigence
12 ~~indigency~~ with the appropriate clerk of the court. The
13 affidavit must contain complete information about the
14 prisoner's identity; the nature and amount of the prisoner's
15 income; all real property owned by the prisoner; all tangible
16 and intangible property worth more than \$100 which is owned by
17 the prisoner; the amount of cash held by the prisoner; the
18 balance of any checking, savings, or money market account held
19 by the prisoner; the prisoner's dependents, including their
20 names and ages; the prisoner's debts, including the name of
21 each debtor and the amount owed to each debtor; and the
22 prisoner's monthly expenses. The prisoner must certify in the
23 affidavit whether the prisoner has been adjudicated indigent
24 under this section, certified indigent under s. 57.081, or
25 authorized to proceed as an indigent under 28 U.S.C. s. 1915
26 by a federal court. The prisoner must attach to the affidavit
27 a photocopy of the prisoner's trust account records for the
28 preceding 6 months or for the length of the prisoner's
29 incarceration, whichever period is shorter. The affidavit must
30 contain the following statements: "I am unable to pay court
31

1 costs and fees. Under penalty of perjury, I swear or affirm
2 that all statements in this affidavit are true and complete."

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

8 (4) When the clerk has issued a certificate of
9 indigence under this section ~~a court adjudicates a prisoner~~
10 ~~indigent~~ but concludes, ~~from the affidavit of indigency or~~
11 ~~other information,~~ that the prisoner is able to pay part of
12 the court costs and fees required by law, the court shall
13 order the prisoner to make, prior to service of process, an
14 initial partial payment of those court costs and fees. The
15 initial partial payment must total at least 20 percent of the
16 average monthly balance of the prisoner's trust account for
17 the preceding 6 months or for the length of the prisoner's
18 incarceration, whichever period is shorter.

19 (5) When the clerk has issued a certificate of
20 indigence ~~a court adjudicates a prisoner indigent~~ under this
21 section, the court shall order the prisoner to make monthly
22 payments of no less than 20 percent of the balance of the
23 prisoner's trust account as payment of court costs and fees.
24 When a court orders such payment, the Department of
25 Corrections or the local detention facility shall place a lien
26 on the inmate's trust account for the full amount of the court
27 costs and fees, and shall withdraw money maintained in that
28 trust account and forward the money, when the balance exceeds
29 \$10, to the appropriate clerk of the court until the
30 prisoner's court costs and fees are paid in full.

31

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

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

9 (b) The prisoner provided false or misleading
10 information regarding another judicial or administrative
11 proceeding in which the prisoner was a party;

12 (c) The prisoner failed to pay court costs and fees
13 ~~assessed~~ under this section despite having the ability to pay;
14 or

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

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

20 61.14 Enforcement and modification of support,
21 maintenance, or alimony agreements or orders.--

22 (6)

23 (d) The court shall hear the obligor's motion to
24 contest the impending judgment within 15 days after the date
25 of the filing of the motion. Upon the court's denial of the
26 obligor's motion, the amount of the delinquency and all other
27 amounts which thereafter become due, together with costs and a
28 fee of up to \$7.50~~\$5~~, become a final judgment by operation of
29 law against the obligor. The depository shall charge interest
30 at the rate established in s. 55.03 on all judgments for
31 support.

1 (e) If the obligor fails to file a motion to contest
2 the impending judgment within the time limit prescribed in
3 paragraph (c) and fails to pay the amount of the delinquency
4 and all other amounts which thereafter become due, together
5 with costs and a fee of up to \$7.50~~\$5~~, such amounts become a
6 final judgment by operation of law against the obligor at the
7 expiration of the time for filing a motion to contest the
8 impending judgment.

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

15 2. When the depository records show that the obligor's
16 account is current, the depository shall record a satisfaction
17 of the judgment upon request of any interested person and upon
18 receipt of the appropriate recording fee. Any person shall be
19 entitled to rely upon the recording of the satisfaction.

20 3. The local depository, at the direction of the
21 department, or the obligee in a non-IV-D case, may partially
22 release the judgment as to specific real property, and the
23 depository shall record a partial release upon receipt of the
24 appropriate recording fee.

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

29 Section 74. Paragraph (b) of subsection (2) of section
30 61.181, Florida Statutes, is amended to read:

31

1 61.181 Depository for alimony transactions, support,
2 maintenance, and support payments; fees.--

3 (2)

4 (b)1. For the period of July 1, 1992, through June 30,
5 2004 ~~2003~~, The fee imposed in paragraph (a) shall be increased
6 to 4 percent of the support payments which the party is
7 obligated to pay, except that no fee shall be more than
8 \$5.25. The fee shall be considered by the court in
9 determining the amount of support that the obligor is, or may
10 be, required to pay. Notwithstanding the provisions of s.
11 145.022, 75 percent of the additional revenues generated by
12 this paragraph shall be remitted monthly to the Clerk of the
13 Court Child Support Enforcement Collection System Trust Fund
14 administered by the department as provided in subparagraph
15 2. These funds shall be used exclusively for the development,
16 implementation, and operation of the Clerk of the Court Child
17 Support Enforcement Collection System to be operated by the
18 depositories, including the automation of civil case
19 information necessary for the State Case Registry. The
20 department shall contract with the Florida Association of
21 Court Clerks and the depositories to design, establish,
22 operate, upgrade, and maintain the automation of the
23 depositories to include, but not be limited to, the provision
24 of on-line electronic transfer of information to the IV-D
25 agency as otherwise required by this chapter. The department's
26 obligation to fund the automation of the depositories is
27 limited to the state share of funds available in the Clerk of
28 the Court Child Support Enforcement Collection System Trust
29 Fund. Each depository created under this section shall fully
30 participate in the Clerk of the Court Child Support
31 Enforcement Collection System and transmit data in a readable

1 format as required by the contract between the Florida
2 Association of Court Clerks and the department.

3 2. Moneys to be remitted to the department by the
4 depository shall be done daily by electronic funds transfer
5 and calculated as follows:

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

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

10 c. For each support payment in excess of \$140, 18.75
11 cents.

12 3. The fees established by this section shall be set
13 forth and included in every order of support entered by a
14 court of this state which requires payment to be made into the
15 depository.

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

18 61.21 Parenting course authorized; fees; required
19 attendance authorized; contempt.--

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

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

31

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

3 2. Emotional aspects of separation and divorce on
4 adults.

5 3. Emotional aspects of separation and divorce on
6 children.

7 4. Family relationships and family dynamics.

8 5. Financial responsibilities to a child or children.

9 6. Issues regarding spousal or child abuse and
10 neglect.

11 7. Skill-based relationship education that may be
12 generalized to parenting, workplace, school, neighborhood, and
13 civic relationships.

14 (b) Information regarding spousal and child abuse and
15 neglect shall be included in every parent education and family
16 stabilization course. A list of local agencies that provide
17 assistance with such issues shall also be provided.

18 (c) The parent education and family stabilization
19 course shall be educational in nature and shall not be
20 designed to provide individual mental health therapy for
21 parents or children, or individual legal advice to parents or
22 children.

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

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

28 (6) The department shall provide each judicial circuit
29 with ~~may establish~~ a list of approved ~~registry of~~ course
30 providers and sites at which the parent education and family
31 stabilization course required by this section may be

1 completed. The department ~~court~~ shall also include on within
2 the list ~~registry~~ of course providers and sites at least one
3 site in each circuit at which the parent education and family
4 stabilization course may be completed on a sliding fee scale,
5 if available.

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

8 77.28 Garnishment; attorney's fees, costs, expenses;
9 deposit required.--Before issuance of any writ of garnishment,
10 the party applying for it shall deposit \$100 in the registry
11 of the court which shall be paid to the garnishee on the
12 garnishee's demand at any time after the service of the writ
13 for the payment or part payment of his or her attorney's fee
14 which the garnishee expends or agrees to expend in obtaining
15 representation in response to the writ. At the time of
16 deposit, the clerk shall collect the statutory fee provided by
17 s. 28.24(10)(~~13~~) in addition to the \$100 deposited into the
18 registry of the court. On rendering final judgment, the court
19 shall determine the garnishee's costs and expenses, including
20 a reasonable attorney's fee, and in the event of a judgment in
21 favor of the plaintiff, the amount shall be subject to offset
22 by the garnishee against the defendant whose property or debt
23 owing is being garnished. In addition, the court shall tax the
24 garnishee's costs and expenses as costs. Plaintiff may recover
25 in this manner the sum advanced by plaintiff and paid into
26 registry of court, and if the amount allowed by the court is
27 greater than the amount of the deposit, together with any
28 offset, judgment for the garnishee shall be entered against
29 the party against whom the costs are taxed for the deficiency.

30 Section 77. Paragraph (a) of subsection (2) of section
31 92.153, Florida Statutes, is amended to read:

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

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

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

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

14 92.231 Expert witnesses; fee.--

15 (1) The term "expert witness" as used herein shall
16 apply to any witness who offers himself or herself in the
17 trial of any ~~civil~~ action as an expert witness or who is
18 subpoenaed to testify in such capacity before a state attorney
19 in the investigation of a criminal matter, or before a grand
20 jury, and who is permitted by the court to qualify and testify
21 as such, upon any matter pending before any court.

22 (2) Any expert or skilled witness who shall have
23 testified in any cause shall be allowed a witness fee
24 including the cost of any exhibits used by such witness in an
25 the amount agreed to by the parties of \$10 per hour or such
26 amount as the trial judge may deem reasonable, and the same
27 shall be taxed as costs. In instances where services are
28 provided for the state, including for state-paid private
29 court-appointed counsel, payment from state funds shall be in
30 accordance with standards adopted by the Legislature after

31

1 receiving recommendations from the Article V Indigent Services
2 Advisory Board.

3 (3) In a criminal case in which the state or an
4 indigent defendant requires the services of an expert witness
5 whose opinion is relevant to the issues of the case, the
6 expert witness shall be compensated in accordance with
7 standards adopted by the Legislature after receiving
8 recommendations from the Article V Indigent Services Advisory
9 Board.

10 Section 79. Section 914.09, Florida Statutes, is
11 renumbered as section 92.233, Florida Statutes, and amended to
12 read:

13 92.233 ~~914.09~~ Compensation of witness summoned in two
14 or more criminal cases.--A witness subpoenaed in two or more
15 criminal cases pending at the same time shall be paid one
16 charge for per diem and mileage, but when the costs are taxed
17 against the defendant, a witness may charge the full amount in
18 each case.

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

21 125.69 Penalties; enforcement by code inspectors.--

22 (1) Violations of county ordinances shall be
23 prosecuted in the same manner as misdemeanors are prosecuted.
24 Such violations shall be prosecuted in the name of the county
25 ~~state~~ in a court having jurisdiction of misdemeanors by the
26 prosecuting attorney thereof and upon conviction shall be
27 punished by a fine not to exceed \$500 or by imprisonment in
28 the county jail not to exceed 60 days or by both such fine and
29 imprisonment. However, a county may specify, by ordinance, a
30 violation of a county ordinance which is punishable by a fine
31 in an amount exceeding \$500, but not exceeding \$2,000 a day,

1 if the county must have authority to punish a violation of
2 that ordinance by a fine in an amount greater than \$500 in
3 order for the county to carry out a federally mandated
4 program.

5 (2) For the purpose of prosecuting violations of
6 special laws and county ordinances notwithstanding the
7 prosecutorial authority of the state attorney pursuant to s.
8 27.02(1), the board of county commissioners of each county and
9 the governing board of each charter county may designate as
10 the county's prosecuting attorney an attorney employed by the
11 county or a contract attorney. Subject to the control and
12 oversight of the appointing authority, such attorney may
13 employ assistants as necessary. Such person shall have all
14 powers exercisable by the state attorney in the prosecution of
15 violations of county ordinances under this section as of June
16 30, 2004. Such person shall be subject to suspension and
17 removal by the Governor and Senate from the exercise of
18 prosecutorial powers in the same manner as state attorneys.

19 (3) Each county is authorized and required to pay any
20 attorney appointed by the court to represent a defendant
21 prosecuted under this section if the provision of an attorney
22 at public expense is required by the Constitution of the
23 United States or the Constitution of the State of Florida and
24 if the party is indigent as established pursuant to s. 27.52.
25 In such cases, the court shall appoint counsel to represent
26 the defendant in accordance with s. 27.40, and shall order the
27 county to pay the reasonable fees, expenses, and costs of such
28 defense.

29 (4) The county shall bear all court fees and costs of
30 any prosecution under this section, and may, if it prevails,
31 recover the court fees and costs paid by it and the fees and

1 expenses paid to court-appointed counsel as part of its
2 judgment. The state shall bear no expense of actions brought
3 under this section except those that it would bear in an
4 ordinary civil action between private parties in county court.

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

12 (a) Prior to issuing a citation, a code inspector
13 shall provide notice to the violator that the violator has
14 committed a violation of a code or ordinance and shall
15 establish a reasonable time period within which the violator
16 must correct the violation. Such time period shall be no more
17 than 30 days. If, upon personal investigation, a code
18 inspector finds that the violator has not corrected the
19 violation within the time period, a code inspector may issue a
20 citation to the violator. A code inspector does not have to
21 provide the violator with a reasonable time period to correct
22 the violation prior to issuing a citation and may immediately
23 issue a citation if the code inspector has reason to believe
24 that the violation presents a serious threat to the public
25 health, safety, or welfare, or if the violation is irreparable
26 or irreversible.

27 (b) A citation issued by a code inspector shall state
28 the date and time of issuance, name and address of the person
29 in violation, date of the violation, section of the codes or
30 ordinances, or subsequent amendments thereto, violated, name
31

1 of the code inspector, and date and time when the violator
2 shall appear in county court.

3 (c) If a repeat violation is found subsequent to the
4 issuance of a citation, the code inspector is not required to
5 give the violator a reasonable time to correct the violation
6 and may immediately issue a citation. For purposes of this
7 subsection, the term "repeat violation" means a violation of a
8 provision of a code or ordinance by a person who has
9 previously been found to have violated the same provision
10 within 5 years prior to the violation, notwithstanding the
11 violations occurred at different locations.

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

17 1. Disclose, in writing, the existence and the nature
18 of the proceeding to the prospective transferee.

19 2. Deliver to the prospective transferee a copy of the
20 pleadings, notices, and other materials relating to the county
21 court proceeding received by the transferor.

22 3. Disclose, in writing, to the prospective transferee
23 that the new owner will be responsible for compliance with the
24 applicable code and with orders issued in the county court
25 proceeding.

26 4. File a notice with the code enforcement official of
27 the transfer of the property, with the identity and address of
28 the new owner and copies of the disclosures made to the new
29 owner, within 5 days after the date of the transfer.

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

9 (e) If the code inspector has reason to believe a
10 violation or the condition causing the violation presents a
11 serious threat to the public health, safety, and welfare or if
12 the violation is irreparable or irreversible in nature, or if
13 after attempts under this section to bring a repeat violation
14 into compliance with a provision of a code or ordinance prove
15 unsuccessful, the local governing body may make all reasonable
16 repairs which are required to bring the property into
17 compliance and charge the owner with the reasonable cost of
18 the repairs along with the fine imposed pursuant to this
19 section. Making such repairs does not create a continuing
20 obligation on the part of the local governing body to make
21 further repairs or to maintain the property and does not
22 create any liability against the local governing body for any
23 damages to the property if such repairs were completed in good
24 faith.

25 (f) Nothing in this subsection shall be construed to
26 authorize any person designated as a code inspector to perform
27 any function or duties of a law enforcement officer other than
28 as specified in this subsection. A code inspector shall not
29 make physical arrests or take any person into custody and
30 shall be exempt from requirements relating to the Special Risk
31 Class of the Florida Retirement System, bonding, and the

1 Criminal Justice Standards and Training Commission, as defined
2 and provided by general law.

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

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

10 (i) The provisions of this subsection are additional
11 or supplemental means of enforcing county codes and
12 ordinances. Except as provided in paragraph (h), nothing in
13 this subsection shall prohibit a county from enforcing its
14 codes or ordinances by any other means.

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

17 142.01 Fine and forfeiture fund ~~contents~~.--There shall
18 be established by the clerk of the circuit court in each every
19 county of this state a separate fund to be known as the fine
20 and forfeiture fund for use by the clerk of the circuit court
21 in performing court-related functions. The ~~said~~ fund shall
22 consist of all fines and forfeitures collected by the clerk of
23 the court for violations of in the county under the penal or
24 traffic laws of the state, except those fines imposed under s.
25 775.0835(1); allocations of court costs and civil penalties
26 pursuant to ss. 318.18 and 318.21;~~and~~ assessments imposed
27 under ss. 938.21, 938.23, and 938.25; and all costs refunded
28 to the county.~~;~~ ~~all funds arising from the hire or other~~
29 ~~disposition of convicts; and the proceeds of any special tax~~
30 ~~that may be levied by the county commissioners for expenses of~~
31 ~~criminal prosecutions. Said funds shall be paid out only for~~

1 ~~criminal expenses, fees, and costs, where the crime was~~
2 ~~committed in the county and the fees and costs are a legal~~
3 ~~claim against the county, in accordance with the provisions of~~
4 ~~this chapter. Any surplus funds remaining in the fine and~~
5 ~~forfeiture fund at the end of a fiscal year may be transferred~~
6 ~~to the county general fund.~~

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

9 142.02 Levy of a special tax.--The board of county
10 commissioners of every county may levy a special tax, not to
11 exceed 2 mills, upon the real and personal property of the
12 respective counties, to be assessed and collected as other
13 county taxes are assessed and collected, for such costs of
14 criminal prosecutions. Proceeds of the special tax funds shall
15 be paid out only for criminal expenses, fees, and costs, if
16 the crime was committed in the county, and the fees and costs
17 are a legal claim against the county, in accordance with the
18 provisions of this chapter. Any surplus funds remaining from
19 the tax to fund criminal prosecutions at the end of a fiscal
20 year may be transferred to the county general revenue fund.

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

23 142.03 Disposition of fines, forfeitures, and civil
24 penalties.--Except as to fines, forfeitures, and civil
25 penalties collected in cases involving violations of municipal
26 ordinances, violations of chapter 316 committed within a
27 municipality, or infractions under the provisions of chapter
28 318 committed within a municipality, in which cases such
29 fines, forfeitures, and civil penalties shall be fully paid
30 monthly to the appropriate municipality as provided in ss.
31 34.191, 316.660, and 318.21, and except as to fines imposed

1 under s. 775.0835(1), and assessments imposed under ss.
2 938.21, 938.23, and 938.25, all fines imposed under the penal
3 laws of this state in all other cases, and the proceeds of all
4 forfeited bail bonds or recognizances in all other cases,
5 shall be paid into the fine and forfeiture fund of the clerk
6 of the county in which the indictment was found or the
7 prosecution commenced, and judgment must be entered therefor
8 in favor of the state for the use by the clerk of the circuit
9 court in performing court-related functions ~~of the particular~~
10 ~~county.~~

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

13 142.15 Prisoner confined in different county.--Where
14 the prisoner is confined in the jail of a different county
15 from the one in which the crime was committed, then the
16 sheriff's bill for feeding such prisoner shall be presented to
17 the board of county commissioners of the county in which the
18 crime is alleged to have been committed, and paid by such
19 county. If the sheriff should subsequently collect any such
20 fees for feeding a prisoner, he or she shall pay the same to
21 the county in which the crime is alleged to have been
22 committed ~~depository, to go into the fine and forfeiture fund.~~
23 ~~The county commissioners shall see that there is always set~~
24 ~~aside and retained in the fine and forfeiture fund out of the~~
25 ~~moneys collected from the special tax authorized to be~~
26 ~~collected for such fund, enough cash to pay for keeping and~~
27 ~~feeding such prisoners.~~

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

30 142.16 Change of venue.--In case of change of venue in
31 any case, all fines and forfeitures in such case go to the

1 clerk in the county in which the case was adjudicated
2 ~~indictment was found, and the fees of all officers and~~
3 ~~witnesses are a charge upon the county in which the indictment~~
4 ~~was found, in like manner as if the trial had not been~~
5 ~~removed. All costs and fees arising from the coroner's inquest~~
6 ~~shall be a charge upon the county where the inquest is held,~~
7 ~~and shall be payable from the general revenue fund of the~~
8 ~~county.~~

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

11 145.022 Guaranteed salary upon resolution of board of
12 county commissioners.--

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

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

18 162.30 Civil actions to enforce county and municipal
19 ordinances.--In addition to other provisions of law
20 authorizing the enforcement of county and municipal codes and
21 ordinances, a county or municipality may enforce any violation
22 of a county or municipal code or ordinance by filing a civil
23 action in the same manner as instituting a civil action. The
24 action shall be brought in county or circuit court, whichever
25 is appropriate depending upon the relief sought. Counties and
26 municipalities are authorized and required to pay any counsel
27 appointed by the court to represent a private party in such
28 action if the provision of counsel at public expense is
29 required by the Constitution of the United States or the
30 Constitution of the State of Florida and if the party is
31 indigent as established pursuant to s. 27.52. The county or

1 municipality shall bear all court fees and costs of any such
2 action, and may, if it prevails, recover the court fees and
3 costs and expense of the court-appointed counsel as part of
4 its judgment. The state shall bear no expense of actions
5 brought under this section except those that it would bear in
6 an ordinary civil action between private parties in county
7 court.

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

10 197.532 Fees for mailing additional notices, when
11 application is made by holder.--When the certificateholder
12 makes a written request of the clerk and furnishes the names
13 and addresses at the time of the filing of the application,
14 the clerk shall send a copy of the notice referred to in s.
15 197.522 to anyone to whom the certificateholder may request
16 him or her to send it, and the clerk shall include in such
17 notice the statement required in s. 197.522. The
18 certificateholder shall pay the clerk the service charges as
19 prescribed in s. 28.24(5)~~(8)~~ for preparing and mailing each
20 copy of notice requested by the holder. When the charges are
21 made, they shall be added by the clerk to the amount required
22 to redeem the land from sale.

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

25 197.542 Sale at public auction.--

26 (3) If the sale is canceled for any reason, the clerk
27 shall immediately readvertise the sale to be held no later
28 than 30 days after the date the sale was canceled. Only one
29 advertisement is necessary. No further notice is required. The
30 amount of the statutory (opening) bid shall be increased by
31 the cost of advertising, additional clerk's fees as provided

1 for in s. 28.24~~(21)~~~~(26)~~, and interest as provided for in
2 subsection (1). The clerk shall receive full payment prior to
3 the issuance of the tax deed.

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

6 197.582 Disbursement of proceeds of sale.--

7 (2) If the property is purchased for an amount in
8 excess of the statutory bid of the certificateholder, the
9 excess shall be paid over and disbursed by the clerk. If the
10 property purchased is homestead property and the statutory bid
11 includes an amount equal to at least one-half of the assessed
12 value of the homestead, that amount shall be treated as excess
13 and distributed in the same manner. The clerk shall distribute
14 the excess to the governmental units for the payment of any
15 lien of record held by a governmental unit against the
16 property. In the event the excess is not sufficient to pay all
17 of such liens in full, the excess shall then be paid to each
18 governmental unit pro rata. If, after all liens of record of
19 the governmental units upon the property are paid in full,
20 there remains a balance of undistributed funds, the balance of
21 the purchase price shall be retained by the clerk for the
22 benefit of the persons described in s. 197.522(1)(a), as their
23 interests may appear. The clerk shall mail notices to such
24 persons notifying them of the funds held for their benefit.
25 Any service charges, at the same rate as prescribed in s.
26 28.24~~(10)~~~~(13)~~, and costs of mailing notices shall be paid out
27 of the excess balance held by the clerk. Excess proceeds shall
28 be held and disbursed in the same manner as unclaimed
29 redemption moneys in s. 197.473. In the event excess proceeds
30 are not sufficient to cover the service charges and mailing
31

1 costs, the clerk shall receive the total amount of excess
2 proceeds as a service charge.

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

6 212.055 Discretionary sales surtaxes; legislative
7 intent; authorization and use of proceeds.--It is the
8 legislative intent that any authorization for imposition of a
9 discretionary sales surtax shall be published in the Florida
10 Statutes as a subsection of this section, irrespective of the
11 duration of the levy. Each enactment shall specify the types
12 of counties authorized to levy; the rate or rates which may be
13 imposed; the maximum length of time the surtax may be imposed,
14 if any; the procedure which must be followed to secure voter
15 approval, if required; the purpose for which the proceeds may
16 be expended; and such other requirements as the Legislature
17 may provide. Taxable transactions and administrative
18 procedures shall be as provided in s. 212.054.

19 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.

20 (d)1. The proceeds of the surtax authorized by this
21 subsection and any interest accrued thereto shall be expended
22 by the school district or within the county and municipalities
23 within the county, or, in the case of a negotiated joint
24 county agreement, within another county, to finance, plan, and
25 construct infrastructure and to acquire land for public
26 recreation or conservation or protection of natural resources
27 and to finance the closure of county-owned or municipally
28 owned solid waste landfills that are already closed or are
29 required to close by order of the Department of Environmental
30 Protection. Any use of such proceeds or interest for purposes
31 of landfill closure prior to July 1, 1993, is ratified.

1 Neither the proceeds nor any interest accrued thereto shall be
2 used for operational expenses of any infrastructure, except
3 that any county with a population of less than 75,000 that is
4 required to close a landfill by order of the Department of
5 Environmental Protection may use the proceeds or any interest
6 accrued thereto for long-term maintenance costs associated
7 with landfill closure. Counties, as defined in s. 125.011(1),
8 and charter counties may, in addition, use the proceeds and
9 any interest accrued thereto to retire or service indebtedness
10 incurred for bonds issued prior to July 1, 1987, for
11 infrastructure purposes, and for bonds subsequently issued to
12 refund such bonds. Any use of such proceeds or interest for
13 purposes of retiring or servicing indebtedness incurred for
14 such refunding bonds prior to July 1, 1999, is ratified.

15 2. For the purposes of this paragraph,
16 "infrastructure" means:

17 a. Any fixed capital expenditure or fixed capital
18 outlay associated with the construction, reconstruction, or
19 improvement of public facilities which have a life expectancy
20 of 5 or more years and any land acquisition, land improvement,
21 design, and engineering costs related thereto.

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

27 c. Any expenditure for the construction, lease, or
28 maintenance of, or provision of utilities or security for,
29 facilities as defined in s. 29.008.

30 3. Notwithstanding any other provision of this
31 subsection, a discretionary sales surtax imposed or extended

1 after the effective date of this act may provide for an amount
2 not to exceed 15 percent of the local option sales surtax
3 proceeds to be allocated for deposit to a trust fund within
4 the county's accounts created for the purpose of funding
5 economic development projects of a general public purpose
6 targeted to improve local economies, including the funding of
7 operational costs and incentives related to such economic
8 development. The ballot statement must indicate the intention
9 to make an allocation under the authority of this
10 subparagraph.

11 Section 92. Effective July 1, 2004, paragraph (d) of
12 subsection (6) of section 212.20, Florida Statutes, as amended
13 by section 1 of chapter 2002-291, Laws of Florida, is amended
14 to read:

15 212.20 Funds collected, disposition; additional powers
16 of department; operational expense; refund of taxes
17 adjudicated unconstitutionally collected.--

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

20 (d) The proceeds of all other taxes and fees imposed
21 pursuant to this chapter or remitted pursuant to s.

22 202.18(1)(b) and (2)(b) shall be distributed as follows:

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

30
31

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

4 3. After the distribution under subparagraphs 1. and
5 2., 8.814 ~~9.653~~ percent of the amount remitted by a sales tax
6 dealer located within a participating county pursuant to s.
7 218.61 shall be transferred into the Local Government
8 Half-cent Sales Tax Clearing Trust Fund.

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

13 5. ~~For proceeds received after July 1, 2000, and After~~
14 the distributions under subparagraphs 1., 2., 3., and 4.,
15 2.0440 ~~2.25~~ percent of the available proceeds pursuant to this
16 paragraph shall be transferred monthly to the Revenue Sharing
17 Trust Fund for Counties pursuant to s. 218.215.

18 6. ~~For proceeds received after July 1, 2000, and After~~
19 the distributions under subparagraphs 1., 2., 3., and 4.,
20 1.3409 ~~1.0715~~ percent of the available proceeds pursuant to
21 this paragraph shall be transferred monthly to the Revenue
22 Sharing Trust Fund for Municipalities pursuant to s. 218.215.
23 If the total revenue to be distributed pursuant to this
24 subparagraph is at least as great as the amount due from the
25 Revenue Sharing Trust Fund for Municipalities and the
26 Municipal Financial Assistance Trust Fund in state fiscal year
27 1999-2000, no municipality shall receive less than the amount
28 due from the Revenue Sharing Trust Fund for Municipalities and
29 the Municipal Financial Assistance Trust Fund in state fiscal
30 year 1999-2000. If the total proceeds to be distributed are
31 less than the amount received in combination from the Revenue

1 Sharing Trust Fund for Municipalities and the Municipal
2 Financial Assistance Trust Fund in state fiscal year
3 1999-2000, each municipality shall receive an amount
4 proportionate to the amount it was due in state fiscal year
5 1999-2000.

6 7. Of the remaining proceeds:

7 a. ~~Beginning July 1, 2000, and~~ In each fiscal year
8 ~~thereafter~~, the sum of \$29,915,500 shall be divided into as
9 many equal parts as there are counties in the state, and one
10 part shall be distributed to each county. The distribution
11 among the several counties shall begin each fiscal year on or
12 before January 5th and shall continue monthly for a total of 4
13 months. If a local or special law required that any moneys
14 accruing to a county in fiscal year 1999-2000 under the
15 then-existing provisions of s. 550.135 be paid directly to the
16 district school board, special district, or a municipal
17 government, such payment shall continue until such time that
18 the local or special law is amended or repealed. The state
19 covenants with holders of bonds or other instruments of
20 indebtedness issued by local governments, special districts,
21 or district school boards prior to July 1, 2000, that it is
22 not the intent of this subparagraph to adversely affect the
23 rights of those holders or relieve local governments, special
24 districts, or district school boards of the duty to meet their
25 obligations as a result of previous pledges or assignments or
26 trusts entered into which obligated funds received from the
27 distribution to county governments under then-existing s.
28 550.135. This distribution specifically is in lieu of funds
29 distributed under s. 550.135 prior to July 1, 2000.

30 b. The department shall distribute \$166,667 monthly
31 pursuant to s. 288.1162 to each applicant that has been

1 certified as a "facility for a new professional sports
2 franchise" or a "facility for a retained professional sports
3 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
4 distributed monthly by the department to each applicant that
5 has been certified as a "facility for a retained spring
6 training franchise" pursuant to s. 288.1162; however, not more
7 than \$208,335 may be distributed monthly in the aggregate to
8 all certified facilities for a retained spring training
9 franchise. Distributions shall begin 60 days following such
10 certification and shall continue for not more than 30 years.
11 Nothing contained in this paragraph shall be construed to
12 allow an applicant certified pursuant to s. 288.1162 to
13 receive more in distributions than actually expended by the
14 applicant for the public purposes provided for in s.
15 288.1162(6). However, a certified applicant is entitled to
16 receive distributions up to the maximum amount allowable and
17 undistributed under this section for additional renovations
18 and improvements to the facility for the franchise without
19 additional certification.

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

26 d. Beginning 30 days after notice by the Office of
27 Tourism, Trade, and Economic Development to the Department of
28 Revenue that the applicant has been certified as the
29 International Game Fish Association World Center facility
30 pursuant to s. 288.1169, and the facility is open to the
31 public, \$83,333 shall be distributed monthly, for up to 168

1 months, to the applicant. This distribution is subject to
2 reduction pursuant to s. 288.1169. A lump sum payment of
3 \$999,996 shall be made, after certification and before July 1,
4 2000.

5 8. All other proceeds shall remain with the General
6 Revenue Fund.

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

9 218.21 Definitions.--As used in this part, the
10 following words and terms shall have the meanings ascribed
11 them in this section, except where the context clearly
12 indicates a different meaning:

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

16 (a) No eligible county shall receive less funds from
17 the Revenue Sharing Trust Fund for Counties in any fiscal year
18 than the amount received in the aggregate from the state in
19 fiscal year 1971-1972 under the provisions of the
20 then-existing s. 210.20(2)(c), tax on cigarettes; the
21 then-existing s. 323.16(4), road tax; and the then-existing s.
22 199.292(4), tax on intangible personal property.

23 (b) No eligible municipality shall receive less funds
24 from the Revenue Sharing Trust Fund for Municipalities in any
25 fiscal year than the aggregate amount it received from the
26 state in fiscal year 1971-1972 under the provisions of the
27 then-existing s. 210.20(2)(a), tax on cigarettes; the
28 then-existing s. 323.16(3), road tax; and s. 206.605, tax on
29 motor fuel. Any government exercising municipal powers under
30 s. 6(f), Art. VIII of the State Constitution may not receive
31 less than the aggregate amount it received from the Revenue

1 Sharing Trust Fund for Municipalities in the ~~preceding fiscal~~
2 ~~year, plus a percentage increase in such amount equal to the~~
3 ~~percentage increase of the Revenue Sharing Trust Fund for~~
4 ~~Municipalities for the preceding 2003-2004~~ fiscal year.

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

7 218.25 Limitation of shared funds; holders of bonds
8 protected; limitation on use of second guaranteed entitlement
9 for counties.--

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

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

17 218.35 County fee officers; financial matters.--

18 (2) The clerk of the circuit court, functioning in his
19 or her capacity as clerk of the circuit and county courts and
20 as clerk of the board of county commissioners, shall prepare
21 his or her budget in two parts:

22 (a) The budget for funds necessary to perform
23 court-related functions as provided for in s. 28.36, which
24 shall detail the methodologies used to apportion costs between
25 court-related and non-court-related functions performed by the
26 clerk.~~The budget relating to the state courts system,~~
27 ~~including recording, which shall be filed with the State~~
28 ~~Courts Administrator as well as with the board of county~~
29 ~~commissioners; and~~

30 (b) The budget relating to the requirements of the
31 clerk as clerk of the board of county commissioners, county

1 auditor, and custodian or treasurer of all county funds and
2 other county-related duties.

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

6 318.15 Failure to comply with civil penalty or to
7 appear; penalty.--

8 (1)

9 (b) However, a person who elects to attend driver
10 improvement school and has paid the civil penalty as provided
11 in s. 318.14(9), but who subsequently fails to attend the
12 driver improvement school within the time specified by the
13 court shall be deemed to have admitted the infraction and
14 shall be adjudicated guilty. In such case the person must pay
15 the clerk of the court the 18 percent deducted pursuant to s.
16 318.14(9), and a~~\$10~~ processing fee of up to \$15, after which
17 no additional penalties, court costs, or surcharges shall be
18 imposed for the violation. The clerk of the court shall notify
19 the department of the person's failure to attend driver
20 improvement school and points shall be assessed pursuant to s.
21 322.27.

22 (2) After suspension of the driver's license and
23 privilege to drive of a person under subsection (1), the
24 license and privilege may not be reinstated until the person
25 complies with all obligations and penalties imposed on him or
26 her under s. 318.18 and presents to a driver license office a
27 certificate of compliance issued by the court, together with a
28 the \$25 nonrefundable service fee of up to \$37.50 imposed
29 under s. 322.29, or pays the aforementioned~~\$25~~ service fee of
30 up to \$37.50 to the clerk of the court or tax collector
31 clearing such suspension. Such person shall also be in

1 compliance with requirements of chapter 322 prior to
2 reinstatement.

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

7 318.18 Amount of civil penalties.--The penalties
8 required for a noncriminal disposition pursuant to s. 318.14
9 are as follows:

10 (2) Thirty dollars for all nonmoving traffic
11 violations and:

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

13 (b) For all violations of ss. 320.0605, 320.07(1),
14 322.065, and 322.15(1). Any person who is cited for a
15 violation of s. 320.07(1) shall be charged a delinquent fee
16 pursuant to s. 320.07(4).

17 1. If a person who is cited for a violation of s.
18 320.0605 or s. 320.07 can show proof of having a valid
19 registration at the time of arrest, the clerk of the court may
20 dismiss the case and may assess a ~~a~~\$5 dismissal fee of up to
21 \$7.50. A person who finds it impossible or impractical to
22 obtain a valid registration certificate must submit an
23 affidavit detailing the reasons for the impossibility or
24 impracticality. The reasons may include, but are not limited
25 to, the fact that the vehicle was sold, stolen, or destroyed;
26 that the state in which the vehicle is registered does not
27 issue a certificate of registration; or that the vehicle is
28 owned by another person.

29 2. If a person who is cited for a violation of s.
30 322.03, s. 322.065, or s. 322.15 can show a driver's license
31 issued to him or her and valid at the time of arrest, the

1 clerk of the court may dismiss the case and may assess a ~~\$5~~
2 dismissal fee of up to \$7.50.

3 3. If a person who is cited for a violation of s.
4 316.646 can show proof of security as required by s. 627.733,
5 issued to the person and valid at the time of arrest, the
6 clerk of the court may dismiss the case and may assess a ~~\$5~~
7 dismissal fee of up to \$7.50. A person who finds it impossible
8 or impractical to obtain proof of security must submit an
9 affidavit detailing the reasons for the impracticality. The
10 reasons may include, but are not limited to, the fact that the
11 vehicle has since been sold, stolen, or destroyed; that the
12 owner or registrant of the vehicle is not required by s.
13 627.733 to maintain personal injury protection insurance; or
14 that the vehicle is owned by another person.

15 (c) For all violations of ss. 316.2935 and 316.610.
16 However, for a violation of s. 316.2935 or s. 316.610, if the
17 person committing the violation corrects the defect and
18 obtains proof of such timely repair by an affidavit of
19 compliance executed by the law enforcement agency within 30
20 days from the date upon which the traffic citation was issued,
21 and pays \$4 to the law enforcement agency, thereby completing
22 the affidavit of compliance, then upon presentation of said
23 affidavit by the defendant to the clerk within the 30-day time
24 period set forth under s. 318.14(4), the fine must be reduced
25 to \$7.50~~\$5~~, which the clerk of the court shall retain.

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

28 (3)

29 (c) Notwithstanding paragraph (b), a person cited for
30 exceeding the speed limit by up to 5 m.p.h. in a legally
31 posted school zone will be fined \$50. A person exceeding the

1 speed limit in a school zone shall pay ~~will be assessed~~ a fine
2 double the amount listed in paragraph (b).

3 (d) A person cited for exceeding the speed limit in a
4 posted construction zone shall pay ~~will be assessed~~ a fine
5 double the amount listed in paragraph (b). The fine shall be
6 doubled for construction zone violations only if construction
7 personnel are present or operating equipment on the road or
8 immediately adjacent to the road under construction.

9 (e) If a violation of s. 316.1301 or s. 316.1303
10 results in an injury to the pedestrian or damage to the
11 property of the pedestrian, an additional fine of up to \$250
12 shall be paid ~~must be assessed~~. This amount must be
13 distributed pursuant to s. 318.21.

14 (f) A person cited for exceeding the speed limit
15 within a zone posted for any electronic or manual toll
16 collection facility shall pay ~~will be assessed~~ a fine double
17 the amount listed in paragraph (b). However, no person cited
18 for exceeding the speed limit in any toll collection zone
19 shall be subject to a doubled fine unless the governmental
20 entity or authority controlling the toll collection zone first
21 installs a traffic control device providing warning that
22 speeding fines are doubled. Any such traffic control device
23 must meet the requirements of the uniform system of traffic
24 control devices.

25 (6) One hundred dollars or the fine amount designated
26 by county ordinance, plus court costs for illegally parking,
27 under s. 316.1955, in a parking space provided for people who
28 have disabilities. However, this fine will be waived if a
29 person provides to the law enforcement agency that issued the
30 citation for such a violation proof that the person committing
31 the violation has a valid parking permit or license plate

1 issued pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s.
 2 320.0845, or s. 320.0848 or a signed affidavit that the owner
 3 of the disabled parking permit or license plate was present at
 4 the time the violation occurred, and that such a parking
 5 permit or license plate was valid at the time the violation
 6 occurred. The law enforcement officer, upon determining that
 7 all required documentation has been submitted verifying that
 8 the required parking permit or license plate was valid at the
 9 time of the violation, must sign an affidavit of compliance.
 10 Upon provision of the affidavit of compliance and payment of a
 11 ~~\$5~~ dismissal fee of up to \$7.50 to the clerk of the circuit
 12 court, the clerk shall dismiss the citation.

13 (7) One hundred dollars for a violation of s.
 14 316.1001. However, a person may elect to pay \$30 to the clerk
 15 of the court, in which case adjudication is withheld, and no
 16 points are assessed under s. 322.27. Upon receipt of the fine,
 17 the clerk of the court must retain \$5 for administrative
 18 purposes and must forward the \$25 to the governmental entity
 19 that issued the citation. Any funds received by a governmental
 20 entity for this violation may be used for any lawful purpose
 21 related to the operation or maintenance of a toll facility.

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

- 27
- 28 For pedestrian infractions.....\$ 3.
- 29 For nonmoving traffic infractions.....~~\$ 16~~\$ 6.
- 30 For moving traffic infractions.....~~\$ 30~~\$ 10.
- 31

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

6
7 ~~Court costs imposed under this subsection may not exceed~~
8 ~~\$30. A criminal justice selection center or other local~~
9 ~~criminal justice access and assessment center may be funded~~
10 ~~from these court costs.~~

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

14 318.21 Disposition of civil penalties by county
15 courts.--All civil penalties received by a county court
16 pursuant to the provisions of this chapter shall be
17 distributed and paid monthly as follows:

18 (2) Of the remainder:

19 (g)1. If the violation occurred within a municipality
20 or a special improvement district of the Seminole Indian Tribe
21 or Miccosukee Indian Tribe, 56.4 percent shall be paid to that
22 municipality or special improvement district.

23 2. If the violation occurred within the unincorporated
24 area of a county that is not within a special improvement
25 district of the Seminole Indian Tribe or Miccosukee Indian
26 Tribe, 56.4 percent shall be deposited into the fine and
27 forfeiture fund established pursuant to s. 142.01 ~~paid to that~~
28 ~~county.~~

29 (h) Fifteen percent must be deposited into the General
30 Revenue ~~County Article V Trust~~ Fund.

31

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

3 318.325 Jurisdiction and procedure for parking
4 infractions.--Any county or municipality may adopt an
5 ordinance that allows the county or municipality to refer
6 cases involving the violation of a county or municipal parking
7 ordinance to a hearing officer funded by the county or
8 municipality ~~designated to preside over civil traffic~~
9 ~~infractions in the county~~. Notwithstanding the provisions of
10 ss. 318.14 and 775.08(3), any parking violation shall be
11 deemed to be an infraction as defined in s. 318.13(3).
12 However, the violation must be enforced and disposed of in
13 accordance with the provisions of general law applicable to
14 parking violations and with the charter or code of the county
15 or municipality where the violation occurred. The clerk of the
16 court or the designated traffic violations bureau must collect
17 and distribute the fines, forfeitures, and court costs
18 assessed under this section. Notwithstanding the provisions of
19 s. 318.21, fines and forfeitures received from parking
20 violations committed within the unincorporated areas of the
21 county or within the boundaries of the municipality must be
22 collected and paid monthly to the county or municipality,
23 respectively. Court costs assessed by the hearing officer must
24 be paid to the county.

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

27 322.245 Suspension of license upon failure of person
28 charged with specified offense under chapter 316, chapter 320,
29 or this chapter to comply with directives ordered by traffic
30 court or upon failure to pay child support in non-IV-D cases
31 as provided in chapter 61.--

1 (1) If a person who is charged with a violation of any
2 of the criminal offenses enumerated in s. 318.17 or with the
3 commission of any offense constituting a misdemeanor under
4 chapter 320 or this chapter fails to comply with all of the
5 directives of the court within the time allotted by the court,
6 the clerk of the traffic court shall mail to the person, at
7 the address specified on the uniform traffic citation, a
8 notice of such failure, notifying him or her that, if he or
9 she does not comply with the directives of the court within 30
10 days after the date of the notice and pay a delinquency fee of
11 up to \$15~~\$10~~ to the clerk, his or her driver's license will
12 be suspended. The notice shall be mailed no later than 5 days
13 after such failure. The delinquency fee may be retained by the
14 office of the clerk to defray the operating costs of the
15 office.

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

19 327.73 Noncriminal infractions.--

20 (9)(a) Any person who fails to comply with the court's
21 requirements or who fails to pay the civil penalties specified
22 in this section within the 30-day period provided for in s.
23 327.72 must pay an additional court cost of up to \$18~~\$12~~,
24 which shall be used by the clerks of the courts to defray the
25 costs of tracking unpaid uniform boating citations.

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

28 382.023 Department to receive dissolution-of-marriage
29 records; fees.--Clerks of the circuit courts shall collect for
30 their services at the time of the filing of a final judgment
31 of dissolution of marriage a fee of up to \$10.50~~\$7~~, of which

1 43 percent~~\$3~~ shall be retained by the circuit court as a part
2 of the cost in the cause in which the judgment is granted. The
3 remaining 57 percent~~\$4~~ shall be remitted to the Department of
4 Revenue for deposit to the Department of Health to defray part
5 of the cost of maintaining the dissolution-of-marriage
6 records. A record of each and every judgment of dissolution of
7 marriage granted by the court during the preceding calendar
8 month, giving names of parties and such other data as required
9 by forms prescribed by the department, shall be transmitted to
10 the department, on or before the 10th day of each month, along
11 with an accounting of the funds remitted to the Department of
12 Revenue pursuant to this section.

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

16 392.55 Physical examination and treatment.--

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

19 (c) The court advises the person of the right to have
20 legal counsel present. If the person is insolvent and unable
21 to employ counsel, the court shall appoint legal counsel for
22 the person pursuant to the indigence ~~indigency~~ criteria in s.
23 27.52.

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

27 392.56 Hospitalization, placement, and residential
28 isolation.--

29 (3) A person may not be ordered by a circuit court to
30 be hospitalized, placed in another health care facility or
31

1 residential facility, or isolated from the general public in
2 the home, unless:

3 (c) The court advises the person of the right to have
4 counsel present. If the person is insolvent and unable to
5 employ counsel, the court shall appoint legal counsel for the
6 person pursuant to the indigence ~~indigency~~ criteria in s.
7 27.52.

8 Section 105. Effective July 1, 2004, section 394.473,
9 Florida Statutes, is amended to read:

10 394.473 Attorney's fee; expert witness fee.--

11 (1) In case of the indigence ~~indigency~~ of any person
12 for whom an attorney is appointed pursuant to the provisions
13 of this part, the attorney shall be entitled to a reasonable
14 fee to be determined by the court and paid from the general
15 fund of the county from which the patient was involuntarily
16 detained. In case of the indigence ~~indigency~~ of any such
17 person, the court may appoint a public defender. The public
18 defender shall receive no additional compensation other than
19 that usually paid his or her office.

20 (2) In case of the indigence ~~indigency~~ of any person
21 for whom expert testimony is required in a court hearing
22 pursuant to the provisions of this act, the expert, except one
23 who is classified as a full-time employee of the state or who
24 is receiving remuneration from the state for his or her time
25 in attendance at the hearing, shall be entitled to a
26 reasonable fee to be determined by the court and paid from the
27 general fund of the county from which the patient was
28 involuntarily detained.

29 Section 106. Effective July 1, 2004, subsection (1) of
30 section 395.3025, Florida Statutes, is amended to read:

31

1 395.3025 Patient and personnel records; copies;
2 examination.--
3 (1) Any licensed facility shall, upon written request,
4 and only after discharge of the patient, furnish, in a timely
5 manner, without delays for legal review, to any person
6 admitted therein for care and treatment or treated thereat, or
7 to any such person's guardian, curator, or personal
8 representative, or in the absence of one of those persons, to
9 the next of kin of a decedent or the parent of a minor, or to
10 anyone designated by such person in writing, a true and
11 correct copy of all patient records, including X rays, and
12 insurance information concerning such person, which records
13 are in the possession of the licensed facility, provided the
14 person requesting such records agrees to pay a charge. The
15 exclusive charge for copies of patient records may include
16 sales tax and actual postage, and, except for nonpaper records
17 which are subject to a charge not to exceed \$2 as provided in
18 s. 28.24(6)(~~9~~)(c), may not exceed \$1 per page, as provided in
19 s. 28.24(5)(~~8~~)(a). A fee of up to \$1 may be charged for each
20 year of records requested. These charges shall apply to all
21 records furnished, whether directly from the facility or from
22 a copy service providing these services on behalf of the
23 facility. However, a patient whose records are copied or
24 searched for the purpose of continuing to receive medical care
25 is not required to pay a charge for copying or for the search.
26 The licensed facility shall further allow any such person to
27 examine the original records in its possession, or microforms
28 or other suitable reproductions of the records, upon such
29 reasonable terms as shall be imposed to assure that the
30 records will not be damaged, destroyed, or altered.
31

1 Section 107. Effective July 1, 2004, section 397.334,
2 Florida Statutes, is amended to read:

3 397.334 Treatment-based drug court programs.--

4 ~~(1) It is the intent of the Legislature to implement~~
5 ~~treatment-based drug court programs in each judicial circuit~~
6 ~~in an effort to reduce crime and recidivism, abuse and neglect~~
7 ~~cases, and family dysfunction by breaking the cycle of~~
8 ~~addiction which is the most predominant cause of cases~~
9 ~~entering the justice system. The Legislature recognizes that~~
10 ~~the integration of judicial supervision, treatment,~~
11 ~~accountability, and sanctions greatly increases the~~
12 ~~effectiveness of substance abuse treatment. The Legislature~~
13 ~~also seeks to ensure that there is a coordinated, integrated,~~
14 ~~and multidisciplinary response to the substance abuse problem~~
15 ~~in this state, with special attention given to creating~~
16 ~~partnerships between the public and private sectors and to the~~
17 ~~coordinated, supported, and integrated delivery of~~
18 ~~multiple-system services for substance abusers, including a~~
19 ~~multiagency team approach to service delivery.~~

20 (1)(2) Each county may fund ~~judicial circuit shall~~
21 ~~establish a model of a treatment-based drug court program~~
22 under which persons in the justice system assessed with a
23 substance abuse problem will be processed in such a manner as
24 to appropriately address the severity of the identified
25 substance abuse problem through treatment plans tailored to
26 the individual needs of the participant. ~~These treatment-based~~
27 ~~drug court program models may be established in the~~
28 ~~misdemeanor, felony, family, delinquency, and dependency~~
29 ~~divisions of the judicial circuits.~~ It is the intent of the
30 Legislature to encourage the Department of Corrections, the
31 Department of Children and Family Services, the Department of

1 Juvenile Justice, the Department of Health, the Department of
2 Law Enforcement, and such other agencies, local governments,
3 law enforcement agencies, and other interested public or
4 private sources to support the creation and establishment of
5 these problem-solving court programs. Participation in the
6 treatment-based drug court programs does not divest any public
7 or private agency of its responsibility for a child or adult,
8 but allows these agencies to better meet their needs through
9 shared responsibility and resources.

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

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

18 (b) Using a nonadversarial approach, prosecution and
19 defense counsel promote public safety while protecting
20 participants' due process rights.

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

23 (d) Drug court programs provide access to a continuum
24 of alcohol, drug, and other related treatment and
25 rehabilitation services.

26 (e) Abstinence is monitored by frequent testing for
27 alcohol and other drugs.

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

30 (g) Ongoing judicial interaction with each drug court
31 program participant is essential.

1 (h) Monitoring and evaluation measure the achievement
2 of program goals and gauge program effectiveness.

3 (i) Continuing interdisciplinary education promotes
4 effective drug court program planning, implementation, and
5 operations.

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

9 ~~(3)(4)~~ Treatment-based drug court programs may include
10 pretrial intervention programs as provided in ss. 948.08,
11 948.16, and 985.306.

12 ~~(4)(5)~~(a) The Florida Association of Drug Court
13 Program Professionals is created. The membership of the
14 association may consist of drug court program practitioners
15 who comprise the multidisciplinary drug court program team,
16 including, but not limited to, judges, state attorneys,
17 defense counsel, drug court program coordinators, probation
18 officers, law enforcement officers, members of the academic
19 community, and treatment professionals. Membership in the
20 association shall be voluntary.

21 (b) The association shall annually elect a chair whose
22 duty is to solicit recommendations from members on issues
23 relating to the expansion, operation, and institutionalization
24 of drug court programs. The chair is responsible for providing
25 the association's recommendations to the Supreme Court
26 Treatment-Based Drug Court Steering Committee, and shall
27 submit a report each year, on or before October 1, to the
28 steering committee.

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

1 the state pursuant to s. 29.004. Counties may provide, by
2 interlocal agreement, for the collective funding of these
3 programs.

4 Section 108. Effective July 1, 2004, subsection (3) of
5 section 712.06, Florida Statutes, is amended to read:

6 712.06 Contents of notice; recording and indexing.--

7 (3) The clerk of the circuit court shall, upon such
8 filing, mail by registered or certified mail to the purported
9 owner of said property, as stated in such notice, a copy
10 thereof and shall enter on the original, before recording the
11 same, a certificate showing such mailing. For preparing the
12 certificate, the claimant shall pay to the clerk the service
13 charge as prescribed in s. 28.24(8)~~(11)~~and the necessary
14 costs of mailing, in addition to the recording charges as
15 prescribed in s. 28.24(12)~~(15)~~. If the notice names purported
16 owners having more than one address, the person filing the
17 same shall furnish a true copy for each of the several
18 addresses stated, and the clerk shall send one such copy to
19 the purported owners named at each respective address. Such
20 certificate shall be sufficient if the same reads
21 substantially as follows:

22
23 I hereby certify that I did on this _____, mail by
24 registered (or certified) mail a copy of the foregoing notice
25 to each of the following at the address stated:

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

27 of _____ County, Florida,

28 By ... (Deputy clerk) ...

29
30 The clerk of the circuit court is not required to mail to the
31 purported owner of such property any such notice that pertains

1 solely to the preserving of any covenant or restriction or any
2 portion of a covenant or restriction.

3 Section 109. Effective July 1, 2004, subsection (1) of
4 section 713.24, Florida Statutes, is amended to read:

5 713.24 Transfer of liens to security.--

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

11 (a) Depositing in the clerk's office a sum of money,
12 or

13 (b) Filing in the clerk's office a bond executed as
14 surety by a surety insurer licensed to do business in this
15 state,

16
17 either to be in an amount equal to the amount demanded in such
18 claim of lien, plus interest thereon at the legal rate for 3
19 years, plus \$1,000 or 25 percent of the amount demanded in the
20 claim of lien, whichever is greater, to apply on any
21 attorney's fees and court costs that may be taxed in any
22 proceeding to enforce said lien. Such deposit or bond shall be
23 conditioned to pay any judgment or decree which may be
24 rendered for the satisfaction of the lien for which such claim
25 of lien was recorded. Upon making such deposit or filing such
26 bond, the clerk shall make and record a certificate showing
27 the transfer of the lien from the real property to the
28 security and shall mail a copy thereof by registered or
29 certified mail to the lienor named in the claim of lien so
30 transferred, at the address stated therein. Upon filing the
31 certificate of transfer, the real property shall thereupon be

1 released from the lien claimed, and such lien shall be
2 transferred to said security. In the absence of allegations of
3 privity between the lienor and the owner, and subject to any
4 order of the court increasing the amount required for the lien
5 transfer deposit or bond, no other judgment or decree to pay
6 money may be entered by the court against the owner. The clerk
7 shall be entitled to a fee for making and serving the
8 certificate, in the sum of up to \$15~~\$10~~. If the transaction
9 involves the transfer of multiple liens, an additional charge
10 of up to \$7.50~~\$5~~ for each additional lien shall be
11 charged. For recording the certificate and approving the
12 bond, the clerk shall receive her or his usual statutory
13 service charges as prescribed in s. 28.24. Any number of liens
14 may be transferred to one such security.

15 Section 110. Effective July 1, 2004, subsection (3) is
16 added to section 721.83, Florida Statutes, to read:

17 721.83 Consolidation of foreclosure actions.--

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

22 Section 111. Effective July 1, 2004, paragraph (c) of
23 subsection (2) of section 741.30, Florida Statutes, is amended
24 to read:

25 741.30 Domestic violence; injunction; powers and
26 duties of court and clerk; petition; notice and hearing;
27 temporary injunction; issuance of injunction; statewide
28 verification system; enforcement.--

29 (2)

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

1 violence and enforcement for a violation thereof as specified
2 in this section.

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

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

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

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

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

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

27 8. The clerk of the court in each county shall
28 distribute a statewide uniform informational brochure to
29 petitioners at the time of filing for an injunction for
30 protection against domestic or repeat violence when such
31 brochures become available. The brochure must include

1 information about the effect of giving the court false
2 information about domestic violence.

3 Section 112. Effective July 1, 2004, section 744.3135,
4 Florida Statutes, is amended to read:

5 744.3135 Credit and criminal investigation.--The court
6 may require a nonprofessional guardian and shall require a
7 professional or public guardian, and all employees of a
8 professional guardian who have a fiduciary responsibility to a
9 ward, to submit, at their own expense, to an investigation of
10 the guardian's credit history and to undergo level 2
11 background screening as required under s. 435.04. The clerk of
12 the court shall obtain fingerprint cards from the Federal
13 Bureau of Investigation and make them available to guardians.
14 Any guardian who is so required shall have his or her
15 fingerprints taken and forward the proper fingerprint card
16 along with the necessary fee to the Florida Department of Law
17 Enforcement for processing. The professional guardian shall
18 pay to the clerk of the court a fee of up to \$7.50~~\$5~~ for
19 handling and processing professional guardian files. The
20 results of the fingerprint checks shall be forwarded to the
21 clerk of court who shall maintain the results in a guardian
22 file and shall make the results available to the court. If
23 credit or criminal investigations are required, the court must
24 consider the results of the investigations in appointing a
25 guardian. Guardians and all employees of a professional
26 guardian who have a fiduciary responsibility to a ward, so
27 appointed, must resubmit, at their own expense, to an
28 investigation of credit history, and undergo level 1
29 background screening as required under s. 435.03, every 2
30 years after the date of their appointment. The court must
31 consider the results of these investigations in reappointing a

1 guardian. This section shall not apply to a professional
2 guardian, or to the employees of a professional guardian, that
3 is a trust company, a state banking corporation or state
4 savings association authorized and qualified to exercise
5 fiduciary powers in this state, or a national banking
6 association or federal savings and loan association authorized
7 and qualified to exercise fiduciary powers in this state.

8 Section 113. Effective July 1, 2004, paragraph (a) of
9 subsection (6) of section 744.365, Florida Statutes, is
10 amended to read:

11 744.365 Verified inventory.--

12 (6) AUDIT FEE.--

13 (a) Where the value of the ward's property exceeds
14 \$25,000, a guardian shall pay from the ward's property to the
15 clerk of the circuit court a fee of up to \$75~~\$50~~, upon the
16 filing of the verified inventory, for the auditing of the
17 inventory. Any guardian unable to pay the auditing fee may
18 petition the court for waiver of the fee. The court may waive
19 the fee after it has reviewed the documentation filed by the
20 guardian in support of the waiver. ~~If the fee is waived for a~~
21 ~~ward, the audit fee must be paid from the general fund of the~~
22 ~~county in which the guardianship proceeding is conducted.~~

23 Section 114. Effective July 1, 2004, subsection (4) of
24 section 744.3678, Florida Statutes, is amended to read:

25 744.3678 Annual accounting.--

26 (4) The guardian shall pay from the ward's estate to
27 the clerk of the circuit court a fee based upon the following
28 graduated fee schedule, upon the filing of the annual
29 financial return, for the auditing of the return:
30
31

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

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

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

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

13
 14 Any guardian unable to pay the auditing fee may petition the
 15 court for a waiver of the fee. The court may waive the fee
 16 after it has reviewed the documentation filed by the guardian
 17 in support of the waiver. ~~Upon such waiver, the clerk of the~~
 18 ~~circuit court shall bill the board of county commissioners for~~
 19 ~~the auditing fee.~~

20 Section 115. Effective July 1, 2004, section 775.083,
 21 Florida Statutes, is amended to read:

22 775.083 Fines.--

23 (1) A person who has been convicted of an offense
 24 other than a capital felony may be sentenced to pay a fine in
 25 addition to any punishment described in s. 775.082; when
 26 specifically authorized by statute, he or she may be sentenced
 27 to pay a fine in lieu of any punishment described in s.
 28 775.082. A person who has been convicted of a noncriminal
 29 violation may be sentenced to pay a fine. Fines for designated
 30 crimes and for noncriminal violations shall not exceed:

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

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

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

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

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

9 (f) Any higher amount equal to double the pecuniary
10 gain derived from the offense by the offender or double the
11 pecuniary loss suffered by the victim.

12 (g) Any higher amount specifically authorized by
13 statute.

14

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

19 (2)~~(a)~~ In addition to the fines set forth in
20 subsection (1), court costs shall be assessed and collected in
21 each instance a defendant pleads nolo contendere to, or is
22 convicted of, or adjudicated delinquent for, a felony, a
23 misdemeanor, or a criminal traffic offense under state law, or
24 a violation of any municipal or county ordinance if the
25 violation constitutes a misdemeanor under state law. The court
26 costs imposed by this section shall be \$50 for a felony and
27 \$20 for any other offense and shall be deposited by the clerk
28 of the court into an appropriate county account for
29 disbursement for the purposes provided in this subsection. A
30 county shall account for the funds separately from other
31 county funds as crime prevention funds. The county, in

1 consultation with the sheriff, must expend such funds for
2 crime prevention programs in the county, including safe
3 neighborhood programs under ss. 163.501-163.523.~~A county may~~
4 ~~adopt an ordinance imposing, in addition to any other fine,~~
5 ~~penalty, or cost imposed by subsection (1) or any other~~
6 ~~provision of law, a fine upon any person who, with respect to~~
7 ~~a charge, indictment, or prosecution commenced in that county,~~
8 ~~pleads guilty or nolo contendere to, or is convicted of or~~
9 ~~adjudicated delinquent for, a felony, a misdemeanor, or a~~
10 ~~criminal traffic offense under state law, or a violation of~~
11 ~~any municipal or county ordinance if the violation constitutes~~
12 ~~a misdemeanor under state law.~~

13 ~~(b) The fine is \$50 for a felony and \$20 for any other~~
14 ~~offense. When the defendant enters the plea or is convicted or~~
15 ~~adjudicated, in a court in that county, the court may order~~
16 ~~the defendant to pay such fine if the court finds that the~~
17 ~~defendant has the ability to pay the fine and that the~~
18 ~~defendant would not be prevented thereby from being~~
19 ~~rehabilitated or making restitution.~~

20 ~~(c) The clerk of the court shall collect and deposit~~
21 ~~the fines in an appropriate county account for disbursement~~
22 ~~for the purposes provided in this subsection.~~

23 ~~(d) A county that imposes the additional fines~~
24 ~~authorized under this subsection shall account for the fines~~
25 ~~separately from other county funds, as crime prevention~~
26 ~~funds. The county, in consultation with the sheriff, must~~
27 ~~expend such fines for the costs of collecting the fines and~~
28 ~~for crime prevention programs in the county, including safe~~
29 ~~neighborhood programs under ss. 163.501-163.523.~~

30 (3) The purpose of this section is to provide uniform
31 penalty authorization for criminal offenses and, to this end,

1 a reference to this section constitutes a general reference
2 under the doctrine of incorporation by reference.

3 Section 116. Effective July 1, 2004, subsection (6) of
4 section 796.07, Florida Statutes, is amended to read:

5 796.07 Prohibiting prostitution, etc.; evidence;
6 penalties; definitions.--

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

15 Section 117. Effective July 1, 2004, section 914.11,
16 Florida Statutes, is amended to read:

17 914.11 Indigent defendants.--If a ~~court decides, on~~
18 ~~the basis of an affidavit, that a~~ defendant in a criminal case
19 is indigent pursuant to s. 27.52 and presently unable to pay
20 the cost of procuring the attendance of witnesses, the
21 defendant may seek a deferral of these costs; however, the
22 ~~such~~ defendant may subpoena the witnesses, and the costs,
23 including the cost of the defendant's copy of all depositions
24 and transcripts which are certified by the defendant's
25 attorney as serving a useful purpose in the disposition of the
26 case, shall be paid by the state ~~county~~. When depositions are
27 taken outside the circuit in which the case is pending, travel
28 expenses shall be paid by the state ~~county~~ in accordance with
29 s. 112.061 and shall also be taxed as costs payable to the
30 state.

31

1 Section 118. Effective July 1, 2004, paragraph (a) of
2 subsection (2) of section 916.107, Florida Statutes, is
3 amended to read:

4 916.107 Rights of forensic clients.--

5 (2) RIGHT TO TREATMENT.--

6 (a) The policy of the state is that the department
7 shall not deny treatment or training to any client and that no
8 services shall be delayed at a facility because the forensic
9 client is indigent pursuant to s. 27.52 and presently unable
10 to pay. However, every reasonable effort to collect
11 appropriate reimbursement for the cost of providing services
12 to clients able to pay for the services, including
13 reimbursement from insurance or other third-party payments,
14 shall be made by facilities providing services pursuant to
15 this chapter and in accordance with the provisions of s.
16 402.33.

17 Section 119. Effective July 1, 2004, subsection (3) of
18 section 916.15, Florida Statutes, is amended to read:

19 916.15 Involuntary commitment of defendant adjudicated
20 not guilty by reason of insanity.--

21 (3) In all proceedings under this subsection, both the
22 defendant and the state shall have the right to a hearing
23 before the committing court. Evidence at such hearing may be
24 presented by the hospital administrator or the administrator's
25 designee as well as by the state and the defendant. The
26 defendant shall have the right to counsel at any such hearing.
27 In the event that a defendant is determined to be indigent
28 pursuant to s. 27.52 ~~cannot afford counsel, the court shall~~
29 ~~appoint~~ the public defender shall ~~to~~ represent the defendant.
30 The parties shall have access to the defendant's records at
31 the treating facilities and may interview or depose personnel

1 who have had contact with the defendant at the treating
2 facilities.

3 Section 120. Section 938.01, Florida Statutes, as
4 amended by section 77 of chapter 2002-402, Laws of Florida, is
5 amended to read:

6 938.01 Additional Court Cost Clearing Trust Fund.--

7 (1) All courts created by Art. V of the State
8 Constitution shall, in addition to any fine or other penalty,
9 require ~~assess \$3 as a court cost against~~ every person
10 convicted for violation of a state penal or criminal statute
11 or convicted for violation of a municipal or county ordinance
12 to pay \$3 as a court cost. Any person whose adjudication is
13 withheld pursuant to the provisions of s. 318.14(9) or (10)
14 shall also be liable for payment of ~~be assessed~~ such cost. In
15 addition, \$3 from every bond estreature or forfeited bail bond
16 related to such penal statutes or penal ordinances shall be
17 remitted to the Department of Revenue as described in this
18 subsection. However, no such assessment may be made against
19 any person convicted for violation of any state statute,
20 municipal ordinance, or county ordinance relating to the
21 parking of vehicles.

22 (a) All costs collected by the courts pursuant to this
23 subsection shall be remitted to the Department of Revenue in
24 accordance with administrative rules adopted by the executive
25 director of the Department of Revenue for deposit in the
26 Additional Court Cost Clearing Trust Fund. These funds and the
27 funds deposited in the Additional Court Cost Clearing Trust
28 Fund pursuant to s. 318.21(2)(c) shall be distributed as
29 follows:

30
31

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

4 2. Six and three-tenths percent to the Department of
5 Law Enforcement Operating Trust Fund for the Criminal Justice
6 Grant Program.

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

10 (b) The funds deposited in the Department of Law
11 Enforcement Criminal Justice Standards and Training Trust
12 Fund, the Department of Law Enforcement Operating Trust Fund,
13 and the Department of Children and Family Services Domestic
14 Violence Trust Fund may be invested. Any interest earned from
15 investing such funds and any unencumbered funds remaining at
16 the end of the budget cycle shall remain in the respective
17 trust fund.

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

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

25 Section 121. Section 938.03, Florida Statutes, is
26 amended to read:

27 938.03 Crimes Compensation Trust Fund.--

28 (1) ~~When~~ Any person pleading ~~pleads~~ guilty or nolo
29 contendere to, or being ~~is~~ convicted of or adjudicated
30 delinquent for, any felony, misdemeanor, delinquent act, or
31 criminal traffic offense under the laws of this state or the

1 violation of any municipal or county ordinance which adopts by
 2 reference any misdemeanor under state law, ~~there shall pay be~~
 3 ~~imposed~~ as an additional cost in the case, in addition and
 4 prior to any other cost required to be imposed by law, the sum
 5 of \$50. Any person whose adjudication is withheld shall also
 6 be assessed such cost.

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

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

14 (4) The clerk of the court shall collect and forward
 15 \$49 of each \$50 collected to the Department of Revenue, to be
 16 deposited in the Crimes Compensation Trust Fund. The clerk
 17 shall retain the remaining \$1 of each \$50 collected as an
 18 additional cost by a service charge of the clerk's office.
 19 ~~Under no condition shall a political subdivision be held~~
 20 ~~liable for the payment of this sum of \$50.~~

21 Section 122. Effective July 1, 2004, section 938.05,
 22 Florida Statutes, is amended to read:

23 938.05 Additional court costs for felonies,
 24 misdemeanors, and criminal traffic offenses ~~Local Government~~
 25 ~~Criminal Justice Trust Fund.--~~

26 (1) ~~When~~ Any person pleading ~~pleads~~ nolo contendere to
 27 a misdemeanor or criminal traffic offense under s.
 28 318.14(10)(a) or pleading ~~pleads~~ guilty or nolo contendere to,
 29 or being ~~is~~ found guilty of, any felony, misdemeanor, or
 30 criminal traffic offense under the laws of this state or the
 31 violation of any municipal or county ordinance which adopts by

1 reference any misdemeanor under state law, ~~there shall pay be~~
2 ~~imposed~~ as a cost in the case, in addition to any other cost
3 required to be imposed by law, a sum in accordance with the
4 following schedule:

- 5 (a) Felonies.....\$200
- 6 (b) Misdemeanors.....\$50
- 7 (c) Criminal traffic offenses.....\$50

8 (2) Payment of the additional court costs provided for
9 in subsection (1) shall be made part of any plea agreement
10 reached by the prosecuting attorney and defense counsel or the
11 criminal defendant where the plea agreement provides for the
12 defendant to plead guilty or nolo contendere to any felony,
13 misdemeanor, or criminal traffic offense under the laws of
14 this state or any municipal or county ordinance which adopts
15 by reference any misdemeanor under state law.

16 (3) The clerk of the court shall collect such
17 additional costs for deposit in the fine and forfeiture fund
18 established pursuant to s. 142.01 and shall notify the agency
19 supervising a person upon whom costs have been imposed upon
20 full payment of fees. ~~The clerk shall deposit all but \$3 for~~
21 ~~each misdemeanor or criminal traffic case and all but \$5 for~~
22 ~~each felony case in a special trust fund of the county. Such~~
23 ~~funds shall be used exclusively for those purposes set forth~~
24 ~~in s. 27.3455(3). The clerk shall retain \$3 for each~~
25 ~~misdemeanor or criminal traffic case and \$5 for each felony~~
26 ~~case of each scheduled amount collected as a service charge of~~
27 ~~the clerk's office. A political subdivision shall not be held~~
28 ~~liable for the payment of the additional costs imposed by this~~
29 ~~section.~~

30 Section 123. Effective July 1, 2004, subsection (1) of
31 section 938.06, Florida Statutes, is amended to read:

CODING:Words ~~stricken~~ are deletions; words underlined are additions.

1 938.06 Additional cost for crime stoppers programs.--

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

9 Section 124. Effective July 1, 2004, section 938.19,
10 Florida Statutes, is amended to read:

11 938.19 ~~Teen courts, operation and~~
12 administration.--Counties are hereby authorized to fund teen
13 courts.~~Notwithstanding s. 318.121, in each county in which a~~
14 ~~teen court has been created, a county may adopt a mandatory~~
15 ~~cost to be assessed in specific cases as provided for in~~
16 ~~subsection (1) by incorporating by reference the provisions of~~
17 ~~this section in a county ordinance. Assessments collected by~~
18 ~~the clerk of the circuit court pursuant to this section shall~~
19 ~~be deposited into an account specifically for the operation~~
20 ~~and administration of the teen court:~~

21 ~~(1) A sum of \$3, which shall be assessed as a court~~
22 ~~cost by both the circuit court and the county court in the~~
23 ~~county against every person who pleads guilty or nolo~~
24 ~~contendere to, or is convicted of, regardless of adjudication,~~
25 ~~a violation of a state criminal statute or a municipal~~
26 ~~ordinance or county ordinance or who pays a fine or civil~~
27 ~~penalty for any violation of chapter 316. Any person whose~~
28 ~~adjudication is withheld pursuant to the provisions of s.~~
29 ~~318.14(9) or (10) shall also be assessed such cost. The \$3~~
30 ~~assessment for court costs shall be assessed in addition to~~
31 ~~any fine, civil penalty, or other court cost and shall not be~~

1 ~~deducted from the proceeds of that portion of any fine or~~
2 ~~civil penalty which is received by a municipality in the~~
3 ~~county or by the county in accordance with ss. 316.660 and~~
4 ~~318.21. The \$3 assessment shall specifically be added to any~~
5 ~~civil penalty paid for a violation of chapter 316, whether~~
6 ~~such penalty is paid by mail, paid in person without request~~
7 ~~for a hearing, or paid after hearing and determination by the~~
8 ~~court. However, the \$3 assessment shall not be made against a~~
9 ~~person for a violation of any state statutes, county~~
10 ~~ordinance, or municipal ordinance relating to the parking of~~
11 ~~vehicles, with the exception of a violation of the handicapped~~
12 ~~parking laws. The clerk of the circuit court shall collect the~~
13 ~~respective \$3 assessments for court costs established in this~~
14 ~~subsection and shall remit the same to the teen court monthly,~~
15 ~~less 5 percent, which is to be retained as fee income of the~~
16 ~~office of the clerk of the circuit court.~~

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

20 Section 125. Section 938.27, Florida Statutes, is
21 amended to read:

22 938.27 Judgment for costs on conviction.--

23 (1) In all criminal cases, convicted persons are
24 liable for payment of the documented costs of prosecution,
25 including investigative costs incurred by law enforcement
26 agencies, by fire departments for arson investigations, and by
27 investigations of the ~~Division of Financial Investigations of~~
28 the Department of Financial Services or the Office of
29 Financial Regulation of the Financial Services Commission
30 Banking and Finance, if requested ~~and documented~~ by such

31

1 agencies. These costs, shall be included and entered in the
2 judgment rendered against the convicted person.

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

6 (2)(3)(a) The court shall ~~may~~ require ~~that~~ the
7 defendant to pay the costs within a specified period or in
8 specified installments.

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

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

13 2. Five years after the end of the term of
14 imprisonment imposed, if the court does not order probation or
15 community control; or

16 3. Five years after the date of sentencing in any
17 other case.

18
19 However, in no event shall the obligation to pay any unpaid
20 amounts expire if not paid in full within the period specified
21 in this paragraph.

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

24 (3)(4) If a defendant is placed on probation or
25 community control, payment of any costs ~~ordered~~ under this
26 section shall be a condition of such probation or community
27 control. The court may revoke probation or community control
28 if the defendant fails to pay these costs ~~comply with such~~
29 ~~order.~~

30 ~~(5) The court, in determining whether to order costs~~
31 ~~and the amount of such costs, shall consider the amount of the~~

1 ~~costs incurred, the financial resources of the defendant, the~~
2 ~~financial needs and earning ability of the defendant, and such~~
3 ~~other factors which it deems appropriate.~~

4 (4)~~(6)~~ Any dispute as to the proper amount or type of
5 costs ~~ordered~~ shall be resolved by the court by the
6 preponderance of the evidence. The burden of demonstrating the
7 amount of costs incurred is on the state attorney. The burden
8 of demonstrating the financial resources of the defendant and
9 the financial needs of the defendant is on the defendant. The
10 burden of demonstrating such other matters as the court deems
11 appropriate is upon the party designated by the court as
12 justice requires.

13 (5)~~(7)~~ Any default in payment of costs ~~ordered~~ may be
14 collected by any means authorized by law for enforcement of a
15 judgment.

16 (6)~~(8)~~ The ~~court may order the~~ clerk of the court
17 shall ~~to~~ collect and dispense cost payments in any case.

18 (7)~~(9)~~ Investigative costs which are recovered shall
19 be returned to the appropriate investigative agency which
20 incurred the expense. Costs shall include actual expenses
21 incurred in conducting the investigation and prosecution of
22 the criminal case; however, costs may also include the
23 salaries of permanent employees. Any investigative costs
24 recovered on behalf of a state agency must be remitted to the
25 Department of Revenue for deposit in the agency operating
26 trust fund, and a report of the payment must be sent to the
27 agency.

28 (8)~~(10)~~ Costs that are collected by the state attorney
29 under this section shall be deposited into the state
30 attorney's grants and donations trust fund to be used during
31 the fiscal year in which the funds are collected, or in any

1 subsequent fiscal year, for actual expenses incurred in
2 investigating and prosecuting criminal cases, which may
3 include the salaries of permanent employees.

4 Section 126. Section 938.29, Florida Statutes, is
5 amended to read:

6 938.29 Legal assistance; lien for payment of
7 attorney's fees or costs.--

8 (1)(a) A defendant ~~The court having jurisdiction over~~
9 ~~any defendant who has been~~ determined to be guilty of a
10 criminal act by a court or jury or through a plea of guilty or
11 nolo contendere and who has received the assistance of the
12 public defender's office, a special assistant public defender,
13 or a conflict attorney shall be liable for payment of ~~assess~~
14 attorney's fees and costs. The court ~~against the defendant at~~
15 ~~the sentencing hearing and~~ shall determine the appropriate
16 amount of the obligation and method of payment. Such costs
17 shall may include, but not be limited to, the cost of
18 depositions; cost of transcripts of depositions, including the
19 cost of defendant's copy, which transcripts are certified by
20 the defendant's attorney as having served a useful purpose in
21 the disposition of the case; investigative costs; witness
22 fees; the cost of psychiatric examinations; or other
23 reasonable costs specially incurred by the state and the clerk
24 of court ~~county~~ for the defense of the defendant in criminal
25 prosecutions ~~within the county~~. Costs shall not include
26 expenses inherent in providing a constitutionally guaranteed
27 jury trial or expenditures in connection with the maintenance
28 and operation of government agencies that must be made by the
29 public irrespective of specific violations of law. Any costs
30 assessed pursuant to this paragraph shall be reduced by any
31 amount assessed against a defendant pursuant to s. 938.05.

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

6 (c) ~~After assessment of the application fee under s.~~
 7 ~~27.52(1)(c) and attorney's fees and costs, the court shall~~
 8 ~~order~~ The defendant shall to pay the application fee under s.
 9 27.52(2)(a) and attorney's fees and costs in full or in
 10 installments, at the time or times specified. The court may
 11 order payment of the assessed application fee and attorney's
 12 fees and costs as a condition of probation, of suspension of
 13 sentence, or of withholding the imposition of sentence.
 14 Attorney's fees and costs collected under this section shall
 15 be deposited into the General Revenue Fund. ~~All fees and costs~~
 16 ~~may be assessed under one judgment.~~

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

23 1. Has received any assistance from any public
 24 defender of the state, from any special assistant public
 25 defender, or from any conflict attorney; or

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

30

31

1 Such lien constitutes a claim against the defendant-recipient
2 or parent and his or her estate, enforceable according to law,
3 ~~in an amount to be determined by the court in which such~~
4 ~~assistance was rendered.~~

5 (b) ~~Immediately after the issuance of an order for the~~
6 ~~payment of the application fee and attorney's fees and costs,~~

7 A judgment showing the name and residence of the
8 defendant-recipient or parent shall be filed for record in the
9 office of the clerk of the circuit court in the county where
10 the defendant-recipient or parent resides and in each county
11 in which such defendant-recipient or parent then owns or later
12 acquires any property. Such judgments shall be enforced on
13 behalf of the state county by the clerk of the circuit court
14 ~~board of county commissioners~~ of the county in which
15 assistance was rendered.

16 (3) The clerk of the circuit court within the county
17 ~~board of county commissioners of the county~~ wherein the
18 defendant-recipient was tried or received the services of a
19 public defender, special assistant public defender, or
20 appointed private legal counsel shall enforce, satisfy,
21 compromise, settle, subordinate, release, or otherwise dispose
22 of any debt or lien imposed under this section. A
23 defendant-recipient or parent, liable ~~who has been ordered~~ to
24 pay attorney's fees or costs and who is not in willful default
25 in the payment thereof, may, at any time, petition the court
26 which entered the order for deferral ~~remission~~ of the payment
27 of attorney's fees or costs or of any unpaid portion
28 thereof. ~~If it appears to the satisfaction of the court that~~
29 ~~payment of the amount due will impose manifest hardship on~~
30 ~~such person or his or her immediate family, the court may~~

31

1 ~~remit all or part of the amount due in attorney's fees or~~
2 ~~costs or may modify the method of payment.~~

3 (4) The clerk ~~board of county commissioners~~ of the
4 county claiming such lien is authorized to contract with a
5 private attorney or collection agency for collection of such
6 debts or liens, provided the fee for such collection shall be
7 on a contingent basis not to exceed 50 percent of the
8 recovery. However, no fee shall be paid to any collection
9 agency by reason of foreclosure proceedings against real
10 property or from the proceeds from the sale or other
11 disposition of real property.

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

17 (6) The court having jurisdiction of the
18 defendant-recipient shall ~~may~~, at such stage of the
19 proceedings as the court may deem appropriate, determine the
20 value of the services of the public defender, special
21 assistant public defender, or appointed private legal counsel
22 and costs, at which time the defendant-recipient or parent,
23 after adequate notice thereof, shall have opportunity to be
24 heard and offer objection to the determination, and to be
25 represented by counsel, with due opportunity to exercise and
26 be accorded the procedures and rights provided in the laws and
27 court rules pertaining to civil cases at law.

28 Section 127. Section 938.30, Florida Statutes, is
29 amended to read:

30 938.30 ~~Court imposed~~ Financial obligations in criminal
31 cases; supplementary proceedings.--

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

7 (2) The court may require a person liable for payment
8 of ~~ordered to pay~~ an obligation to appear and be examined
9 under oath concerning the person's financial ability to pay
10 the obligation. ~~The court may reduce a person's court-ordered~~
11 ~~financial obligation based on the court's determination of the~~
12 ~~person's ability to pay the obligation.~~The judge may convert
13 the statutory financial ~~court-ordered~~ obligation into to pay
14 ~~court costs~~ to a court-ordered obligation to perform community
15 service after examining a person under oath and determining a
16 person's inability to pay. Any person failing to attend a
17 hearing may be arrested on warrant or capias which may be
18 issued by the clerk upon order of the court.

19 (3) The order requiring the person's appearance shall
20 be served a reasonable time before the date of the examination
21 in the manner provided for service of summons, as provided for
22 service of papers under rules of civil procedure, or by actual
23 notice.

24 (4) Testimony may be taken regarding any subject
25 relevant to the financial interests of the person tending to
26 aid in satisfying the obligation. Other witnesses who may have
27 information relevant to the issue of the person's ability or
28 lack of ability to pay the obligation may be examined.
29 Documents and other exhibits may also be produced as evidence.

30

31

1 (5) The court may order that any nonexempt property of
2 the person which is in the hands of another be applied toward
3 satisfying the obligation.

4 (6) If judgment has not been previously entered on any
5 court-imposed financial obligation, the court may enter
6 judgment thereon and issue any writ necessary to enforce the
7 judgment in the manner allowed in civil cases. Any judgment
8 issued under this section constitutes a civil lien against the
9 judgment debtor's presently owned or after-acquired property,
10 when recorded pursuant to s. 55.10. Supplementary proceedings
11 undertaken by any governmental entity to satisfy a judgment
12 imposed pursuant to this section may proceed without bond.

13 (7) Provisions of the Uniform Fraudulent Transfer Act
14 apply to collection matters under this section and may be used
15 to collect any court-imposed financial obligation subject to
16 this section.

17 (8) In lieu of examining the person, or in addition
18 thereto, the court may order the person to comply with a
19 payment schedule to satisfy the obligation.

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

24 (10) Administrative costs incurred in enforcing
25 compliance under this section shall be paid by ~~may be assessed~~
26 ~~against~~ the person. Such costs may include postage, copying,
27 docketing fees, service fees, court reporter's fees, and
28 reimbursements for the costs of processing bench warrants and
29 pickup orders. Reasonable attorney's fees may be assessed at
30 the court's discretion. Judges may assess such administrative
31 costs and attorney's fees against the person as the court

1 deems necessary to offset such fees and costs incurred under
2 this section.

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

7 ~~(12) A record of court-imposed financial obligations~~
8 ~~collected by the clerk of court under the provisions of this~~
9 ~~section shall be reported quarterly by the clerk of court to~~
10 ~~the chief judge of the judicial circuit.~~

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

18 ~~(12)~~~~(14)~~ The provisions of this section may be used in
19 addition to, or in lieu of, other provisions of law for
20 enforcing payment of court-imposed financial obligations in
21 criminal cases. The court may enter any orders necessary to
22 carry out the purposes of this section.

23 Section 128. Section 938.35, Florida Statutes, is
24 amended to read:

25 938.35 Collection of court-related financial
26 obligations.--The board of county commissioners may pursue the
27 collection of any fines, court costs, or other costs to which
28 it is entitled which remain unpaid for 90 days or more, or
29 refer such collection to a private attorney who is a member in
30 good standing of The Florida Bar or collection agent who is
31 registered and in good standing pursuant to chapter 559. In

1 pursuing the collection of such unpaid financial obligations
2 through a private attorney or collection agent, the board of
3 county commissioners must determine this is cost-effective and
4 follow applicable procurement practices.~~Any provision of law~~
5 ~~notwithstanding, a county may pursue the collection of any~~
6 ~~finer, court costs, or other costs imposed by the court which~~
7 ~~remain unpaid for 90 days or more, or refer such collection to~~
8 ~~a private attorney who is a member in good standing of The~~
9 ~~Florida Bar or collection agent who is registered and in good~~
10 ~~standing pursuant to chapter 559. In pursuing the collection~~
11 ~~of such unpaid financial obligations through a private~~
12 ~~attorney or collection agent, the governing body of the county~~
13 ~~must determine that such collection is cost-effective and the~~
14 ~~county must follow applicable procurement practices. The costs~~
15 ~~of collection, including a reasonable attorney's fee, may be~~
16 ~~recovered, except that such fees and costs of collection may~~
17 ~~not exceed 40 percent of the total fines and costs owed.~~

18 Section 129. Effective July 1, 2004, section 939.06,
19 Florida Statutes, is amended to read:

20 939.06 Acquitted defendant not liable for costs.--No
21 defendant in a criminal prosecution who is acquitted or
22 discharged shall be liable for any costs or fees of the court
23 or any ministerial office, or for any charge of subsistence
24 while detained in custody. If the defendant shall have paid
25 any taxable costs in the case, the clerk or judge shall give
26 him or her a certificate of the payment of such costs, with
27 the items thereof, which, when audited and approved according
28 to law, shall be refunded to the defendant ~~by the county.~~

29 Section 130. Effective July 1, 2004, section 939.08,
30 Florida Statutes, is amended to read:

31 (Substantial rewording of section. See

1 s. 939.08, F.S., for present text.)
2 939.08 Costs to be certified before audit.--In all
3 cases wherein is claimed the payment of applicable bills of
4 costs, fees, or expenses of the state courts system as
5 provided in s. 29.004, other than juror and witness fees, in
6 the adjudication of any case payable by the state, the trial
7 court administrator shall review the itemized bill. The bill
8 shall not be paid until the trial court administrator has
9 approved it and certified that it is just, correct, and
10 reasonable and contains no unnecessary or illegal item.

11 Section 131. Effective July 1, 2004, section 939.12,
12 Florida Statutes, is amended to read:

13 939.12 Cost against state in Supreme Court.--The clerk
14 of the Supreme Court shall give, upon application, a certified
15 copy of any judgment against the state upon appeal in criminal
16 cases, and the state county commissioners of the county from
17 the court of which such appeal was taken shall pay the same to
18 the appellant, or the appellant's agent or attorney, on
19 demand.

20 Section 132. For the purpose of incorporating the
21 amendments made by this act to sections 27.51 and 27.53,
22 Florida Statutes, in references thereto, effective July 1,
23 2004, section 943.053, Florida Statutes, as otherwise amended
24 is reenacted to read:

25 943.053 Dissemination of criminal justice information;
26 fees.--

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

30 (2) Criminal justice information derived from federal
31 criminal justice information systems or criminal justice

1 information systems of other states shall not be disseminated
2 in a manner inconsistent with the laws, regulations, or rules
3 of the originating agency.

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

29 (4) Criminal justice information provided by the
30 Department of Law Enforcement shall be used only for the
31 purpose stated in the request.

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

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

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

1 may assess a charge for the Florida criminal history records
2 pursuant to the provisions of chapter 119. Sealed records
3 received by the private entity under this section remain
4 confidential and exempt from the provisions of s. 119.07(1).

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

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

1 charge for the Florida criminal history records pursuant to
2 the provisions of chapter 119. Sealed records received by the
3 private entity under this section remain confidential and
4 exempt from the provisions of s. 119.07(1). Information
5 provided under this section shall be used only for the
6 criminal justice purpose for which it was requested and may
7 not be further disseminated.

8 Section 133. Effective July 1, 2004, section 947.18,
9 Florida Statutes, is amended to read:

10 947.18 Conditions of parole.--No person shall be
11 placed on parole merely as a reward for good conduct or
12 efficient performance of duties assigned in prison. No person
13 shall be placed on parole until and unless the commission
14 finds that there is reasonable probability that, if the person
15 is placed on parole, he or she will live and conduct himself
16 or herself as a respectable and law-abiding person and that
17 the person's release will be compatible with his or her own
18 welfare and the welfare of society. No person shall be placed
19 on parole unless and until the commission is satisfied that he
20 or she will be suitably employed in self-sustaining employment
21 or that he or she will not become a public charge. The
22 commission shall determine the terms upon which such person
23 shall be granted parole. If the person's conviction was for a
24 controlled substance violation, one of the conditions must be
25 that the person submit to random substance abuse testing
26 intermittently throughout the term of supervision, upon the
27 direction of the correctional probation officer as defined in
28 s. 943.10(3). In addition to any other lawful condition of
29 parole, the commission may make the payment of the debt due
30 and owing to the state under s. 960.17 or the payment of the
31 attorney's fees and costs due and owing to the state ~~a county~~

1 under s. 938.29 a condition of parole subject to modification
2 based on change of circumstances.

3 Section 134. Effective July 1, 2004, paragraph (i) of
4 subsection (1) of section 948.03, Florida Statutes, is amended
5 to read:

6 948.03 Terms and conditions of probation or community
7 control.--

8 (1) The court shall determine the terms and conditions
9 of probation or community control. Conditions specified in
10 paragraphs (a)-(m) do not require oral pronouncement at the
11 time of sentencing and may be considered standard conditions
12 of probation. Conditions specified in paragraphs (a)-(m) and
13 (2)(a) do not require oral pronouncement at sentencing and may
14 be considered standard conditions of community control. These
15 conditions may include among them the following, that the
16 probationer or offender in community control shall:

17 (i) Pay any application fee assessed under s.
18 27.52(2)(a)~~(1)(c)~~ and attorney's fees and costs assessed under
19 s. 938.29, subject to modification based on change of
20 circumstances.

21 Section 135. Effective July 1, 2004, paragraphs (a)
22 and (1) of subsection (1) of section 960.001, Florida
23 Statutes, are amended to read:

24 960.001 Guidelines for fair treatment of victims and
25 witnesses in the criminal justice and juvenile justice
26 systems.--

27 (1) The Department of Legal Affairs, the state
28 attorneys, the Department of Corrections, the Department of
29 Juvenile Justice, the Parole Commission, the State Courts
30 Administrator and circuit court administrators, the Department
31 of Law Enforcement, and every sheriff's department, police

1 department, or other law enforcement agency as defined in s.
2 943.10(4) shall develop and implement guidelines for the use
3 of their respective agencies, which guidelines are consistent
4 with the purposes of this act and s. 16(b), Art. I of the
5 State Constitution and are designed to implement the
6 provisions of s. 16(b), Art. I of the State Constitution and
7 to achieve the following objectives:

8 (a) Information concerning services available to
9 victims of adult and juvenile crime.--~~Witness coordination~~
10 ~~offices~~ As provided in s. 27.0065, state attorneys and public
11 defenders ~~43.35~~ shall gather information regarding the
12 following services in the geographic boundaries of their
13 respective circuits and shall provide such information to each
14 law enforcement agency with jurisdiction within such
15 geographic boundaries. Law enforcement personnel shall ensure,
16 through distribution of a victim's rights information card or
17 brochure at the crime scene, during the criminal
18 investigation, and in any other appropriate manner, that
19 victims are given, as a matter of course at the earliest
20 possible time, information about:

21 1. The availability of crime victim compensation, when
22 applicable;

23 2. Crisis intervention services, supportive or
24 bereavement counseling, social service support referrals, and
25 community-based victim treatment programs;

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

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

1 5. The right of a victim, who is not incarcerated,
2 including the victim's parent or guardian if the victim is a
3 minor, the lawful representative of the victim or of the
4 victim's parent or guardian if the victim is a minor, and the
5 next of kin of a homicide victim, to be informed, to be
6 present, and to be heard when relevant, at all crucial stages
7 of a criminal or juvenile proceeding, to the extent that this
8 right does not interfere with constitutional rights of the
9 accused, as provided by s. 16(b), Art. I of the State
10 Constitution;

11 6. In the case of incarcerated victims, the right to
12 be informed and to submit written statements at all crucial
13 stages of the criminal proceedings, parole proceedings, or
14 juvenile proceedings; and

15 7. The right of a victim to a prompt and timely
16 disposition of the case in order to minimize the period during
17 which the victim must endure the responsibilities and stress
18 involved to the extent that this right does not interfere with
19 the constitutional rights of the accused.

20 (1) Local witness coordination services ~~coordinating~~
21 ~~office~~.--The requirements for notification provided for in
22 paragraphs (b), (d), (f), and (i) may be performed by the
23 state attorney or public defender as provided in local witness
24 ~~coordinating office established by s. 27.0065 43.35~~, as
25 appropriate.

26 Section 136. Effective July 1, 2004, paragraph (a) of
27 subsection (1) of section 984.08, Florida Statutes, is amended
28 to read:

29 984.08 Attorney's fees.--
30
31

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

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

9 Section 137. Effective July 1, 2004, subsections (1),
10 (2), and (3) of section 985.203, Florida Statutes, are amended
11 to read:

12 985.203 Right to counsel.--

13 (1) A child is entitled to representation by legal
14 counsel at all stages of any proceedings under this part. If
15 the child and the parents or other legal guardian are indigent
16 and unable to employ counsel for the child, the court shall
17 appoint counsel pursuant to s. 27.52. Determination of
18 indigence ~~indigency~~ and costs of representation shall be as
19 provided by ss. 27.52 and 938.29. Legal counsel representing a
20 child who exercises the right to counsel shall be allowed to
21 provide advice and counsel to the child at any time subsequent
22 to the child's arrest, including prior to a detention hearing
23 while in secure detention care. A child shall be represented
24 by legal counsel at all stages of all court proceedings unless
25 the right to counsel is freely, knowingly, and intelligently
26 waived by the child. If the child appears without counsel, the
27 court shall advise the child of his or her rights with respect
28 to representation of court-appointed counsel.

29 (2) If the parents or legal guardian of an indigent
30 child are not indigent but refuse to employ counsel, the court
31 shall appoint counsel pursuant to s. 27.52(3)~~(2)~~(d) to

1 represent the child at the detention hearing and until counsel
2 is provided. Costs of representation are hereby imposed ~~shall~~
3 ~~be assessed~~ as provided by ss. 27.52(3)(2)(d) and 938.29.
4 Thereafter, the court shall not appoint counsel for an
5 indigent child with nonindigent parents or legal guardian but
6 shall order the parents or legal guardian to obtain private
7 counsel. A parent or legal guardian of an indigent child who
8 has been ordered to obtain private counsel for the child and
9 who willfully fails to follow the court order shall be
10 punished by the court in civil contempt proceedings.

11 (3) An indigent child with nonindigent parents or
12 legal guardian may have counsel appointed pursuant to s.
13 27.52(2)(d) if the parents or legal guardian have willfully
14 refused to obey the court order to obtain counsel for the
15 child and have been punished by civil contempt and then still
16 have willfully refused to obey the court order. Costs of
17 representation are hereby imposed ~~shall be assessed~~ as
18 provided by ss. 27.52(2)(d) and 938.29.

19 Section 138. Effective July 1, 2004, paragraph (b) of
20 subsection (6) of section 985.215, Florida Statutes, is
21 amended to read:

22 985.215 Detention.--

23 (6)

24 (b) At the time of the detention hearing, the
25 department shall report to the court, verbally or in writing,
26 any available information concerning the ability of the parent
27 or guardian of the child to pay such fee. If the court makes a
28 finding of indigence ~~indigency~~, the parent or guardian shall
29 pay to the department a nominal subsistence fee of \$2 per day
30 that the child is securely detained outside the home or \$1 per
31 day if the child is otherwise detained in lieu of other fees

1 related to the parent's obligation for the child's cost of
2 care. The nominal subsistence fee may only be waived or
3 reduced if the court makes a finding that such payment would
4 constitute a significant financial hardship. Such finding
5 shall be in writing and shall contain a detailed description
6 of the facts that led the court to make both the finding of
7 indigence ~~indigency~~ and the finding of significant financial
8 hardship.

9 Section 139. Effective July 1, 2004, paragraph (b) of
10 subsection (1) of section 985.231, Florida Statutes, is
11 amended to read:

12 985.231 Powers of disposition in delinquency cases.--

13 (1)

14 (b)1. When any child is adjudicated by the court to
15 have committed a delinquent act and temporary legal custody of
16 the child has been placed with a licensed child-caring agency
17 or the Department of Juvenile Justice, the court shall order
18 the parents of such child to pay fees to the department in the
19 amount of \$5 per day that the child is under the care or
20 supervision of the department in order to partially offset the
21 cost of the care, support, maintenance, and other usual and
22 ordinary obligations of parents to provide for the needs of
23 their children while in the recommended residential commitment
24 level, unless the court makes a finding on the record that the
25 parent or guardian of the child is indigent.

26 2. No later than the disposition hearing, the
27 department shall provide the court with information concerning
28 the actual cost of care, support, and maintenance of the child
29 in the recommended residential commitment level and concerning
30 the ability of the parent or guardian of the child to pay any
31 fees. If the court makes a finding of indigence ~~indigency~~, the

1 parent or guardianship shall pay to the department a nominal
2 subsistence fee of \$2 per day that the child is committed
3 outside the home or \$1 per day if the child is otherwise
4 supervised in lieu of other fees related to the parents'
5 obligation for the child's cost of care. The nominal
6 subsistence fee may only be waived or reduced if the court
7 makes a finding that such payment would constitute a
8 significant financial hardship. Such finding shall be in
9 writing and shall contain a detailed description of the facts
10 that led the court to make both the finding of indigence
11 ~~indigency~~ and the finding of significant financial hardship.

12 3. In addition, the court may reduce the fees or waive
13 the fees as to each parent or guardian if the court makes a
14 finding on the record that the parent or guardian was the
15 victim of the delinquent act or violation of law for which the
16 child is subject to placement under this section and that the
17 parent or guardian has cooperated in the investigation and
18 prosecution of the offense.

19 4. All orders committing a child to a residential
20 commitment program shall include specific findings as to what
21 fees are ordered, reduced, or waived. If the court fails to
22 enter an order as required by this paragraph, it shall be
23 presumed that the court intended the parent or guardian to pay
24 fees to the department in an amount of \$5 per day related to
25 the care, support, and maintenance of the child. With regard
26 to a child who reaches the age of 18 prior to the disposition
27 hearing, the court may elect to direct an order required by
28 this paragraph to such child, rather than the parent or
29 guardian. With regard to a child who reaches the age of 18
30 while in the custody of the department, the court may, upon
31 proper motion of any party, hold a hearing as to whether any

1 party should be further obligated respecting the payment of
2 fees. When the order affects the guardianship estate, a
3 certified copy of the order shall be delivered to the judge
4 having jurisdiction of the guardianship estate.

5 5. The clerk of the circuit court shall act as a
6 depository for these fees. Upon each payment received, the
7 clerk of the circuit court shall receive a fee from the total
8 payment of 3 percent of any payment made except that no fee
9 shall be less than \$1 nor more than \$5 per payment made. This
10 fee shall serve as a service charge for the administration,
11 management, and maintenance of each payment. At the end of
12 each month, the clerk of the circuit court shall send all
13 money collected under this section to the state Grants and
14 Donations Trust Fund.

15 6. The parent or guardian shall provide to the
16 department the parent or guardian's name, address, social
17 security number, state of birth, and driver's license number
18 or identification card number and sufficient financial
19 information for the department to be able to determine the
20 parent or guardian's ability to pay. If the parent or guardian
21 refuses to provide the department with any identifying
22 information or financial information, the court shall order
23 the parent to comply and may pursue contempt of court
24 sanctions for failure to comply.

25 7. The department may employ a collection agency for
26 the purpose of receiving, collecting, and managing the payment
27 of unpaid and delinquent fees. The collection agency must be
28 registered and in good standing under chapter 559. The
29 department may pay to the collection agency a fee from the
30 amount collected under the claim or may authorize the agency
31 to deduct the fee from the amount collected. The department

1 may also pay for collection services from available authorized
2 funds.

3 8. The department may enter into agreements with
4 parents or guardians to establish a schedule of periodic
5 payments if payment of the obligation in full presents an
6 undue hardship. Any such agreement may provide for payment of
7 interests consistent with prevailing loan rates.

8 9. The Department of Juvenile Justice shall provide to
9 the payor documentation of any amounts paid by the payor to
10 the Department of Juvenile Justice on behalf of the child. All
11 payments received by the department pursuant to this
12 subsection shall be deposited in the state Grants and
13 Donations Trust Fund.

14 10. Neither the court nor the department may extend
15 the child's length of stay in placement care solely for the
16 purpose of collecting fees.

17 Section 140. Effective July 1, 2004, paragraph (d) of
18 subsection (4) of section 985.233, Florida Statutes, is
19 amended to read:

20 985.233 Sentencing powers; procedures; alternatives
21 for juveniles prosecuted as adults.--

22 (4) SENTENCING ALTERNATIVES.--

23 (d) Recoupment of cost of care in juvenile justice
24 facilities.--

25 1. When the court orders commitment of a child to the
26 Department of Juvenile Justice for treatment in any of the
27 department's programs for children, the court shall order the
28 parents of such child to pay fees in the amount of \$5 per day
29 that the child is under the care or supervision of the
30 department in order to partially offset the cost of the care,
31 support, maintenance, and other usual and ordinary obligations

1 of parents to provide for the needs of their children, unless
2 the court makes a finding on the record that the parent or
3 legal guardian of the child is indigent.

4 2. Prior to commitment, the department shall provide
5 the court with information concerning the actual cost of care
6 in the recommended residential commitment level and concerning
7 the ability of the parent or guardian of the child to pay
8 specified fees. If the court makes a finding of indigence
9 ~~indigency~~, the parent or guardian shall pay to the department
10 a nominal subsistence fee of \$2 per day that the child is
11 committed outside the home or \$1 per day if the child is
12 otherwise supervised in lieu of other fees related to the
13 parent's obligation for the child's cost of care. The nominal
14 subsistence fee may only be waived or reduced if the court
15 makes a finding that such payment would constitute a
16 significant financial hardship. Such finding shall be in
17 writing and shall contain a detailed description of the facts
18 that led the court to make both the finding of indigence
19 ~~indigency~~ and the finding of significant financial hardship.

20 3. In addition, the court may reduce the fees or waive
21 the fees as to each parent or guardian if the court makes a
22 finding on the record that the parent or guardian was the
23 victim of the delinquent act or violation of law for which the
24 child is subject to commitment under this section and that the
25 parent or guardian has cooperated in the investigation and
26 prosecution of the offense. When the order affects the
27 guardianship estate, a certified copy of the order shall be
28 delivered to the judge having jurisdiction of the guardianship
29 estate.

30 4. All orders committing a child to a residential
31 commitment program shall include specific findings as to what

1 fees are ordered, reduced, or waived. If the court fails to
2 enter an order as required by this paragraph, it shall be
3 presumed that the court intended the parent or guardian to pay
4 fees to the department in an amount of \$5 per day related to
5 the care, support, and maintenance of the child. With regard
6 to a child who reaches the age of 18 prior to the disposition
7 hearing, the court may elect to direct an order required by
8 this paragraph to such child, rather than the parent or
9 guardian. With regard to a child who reaches the age of 18
10 while in the custody of the department, the court may, upon
11 proper motion of any party, hold a hearing as to whether any
12 party should be further obligated respecting the payment of
13 fees.

14 5. The clerk of the circuit court shall act as a
15 depository for these fees. Upon each payment received, the
16 clerk of the circuit court shall receive a fee from the total
17 payment of 3 percent of any payment made except that no fee
18 shall be less than \$1 nor more than \$5 per payment made. This
19 fee shall serve as a service charge for the administration,
20 management, and maintenance of each payment. At the end of
21 each month, the clerk of the circuit court shall send all
22 money collected under this section to the state Grants and
23 Donations Trust Fund.

24 6. The parent or guardian shall provide to the
25 department the parent or guardian's name, address, social
26 security number, date of birth, and driver's license number or
27 identification card number and sufficient financial
28 information for the department to be able to determine the
29 parent or guardian's ability to pay. If the parent or guardian
30 refuses to provide the department with any identifying
31 information or financial information, the court shall order

1 the parent to comply and may pursue contempt of court
2 sanctions for failure to comply.

3 7. The department may employ a collection agency for
4 the purpose of receiving, collecting, and managing the payment
5 of unpaid and delinquent fees. The collection agency must be
6 registered and in good standing under chapter 559. The
7 department may pay to the collection agency a fee from the
8 amount collected under the claim or may authorize the agency
9 to deduct the fee from the amount collected. The department
10 may also pay for collection services from available authorized
11 funds. The Department of Juvenile Justice shall provide to the
12 payor documentation of any amounts paid by the payor to the
13 Department of Juvenile Justice on behalf of the child. All
14 payments received by the department pursuant to this
15 subsection shall be deposited in the state Grants and
16 Donations Trust Fund.

17 8. Neither the court nor the department may extend the
18 child's length of stay in commitment care solely for the
19 purpose of collecting fees.

20
21 It is the intent of the Legislature that the criteria and
22 guidelines in this subsection are mandatory and that a
23 determination of disposition under this subsection is subject
24 to the right of the child to appellate review under s.
25 985.234.

26 Section 141. The Department of Financial Services
27 shall undertake a review of the Florida Accounting Information
28 Resource subsystem and Uniform Accounting System Manual in
29 accounting for state and county expenditures and revenues
30 associated with Article V of the Florida Constitution.
31 Necessary revisions to account codes, account descriptions,

1 categories, and object codes shall be implemented prior to
2 July 1, 2004. In completing this review, the department shall
3 consult with clerks of court, county commissioners, judges,
4 state attorneys, and public defenders. The Auditor General
5 shall provide technical advice to the department in
6 undertaking this review.

7 Section 142. Effective July 1, 2003, the Chief
8 Financial Officer shall undertake a study to determine county
9 expenditures for court-related services for the county fiscal
10 year ended September 30, 2002. The Chief Financial Officer
11 shall provide the form and manner in which the clerks of
12 court, or the appropriate county officer in those counties
13 where the clerk of court is not the county's chief financial
14 officer, shall submit expenditure data and the timeframes
15 within which the data must be provided. The clerks of court,
16 state attorneys, public defenders, court administrators,
17 boards of county commissioners, and sheriffs shall assist the
18 Chief Financial Officer in the collection of the necessary
19 expenditure data. The Legislative Committee on
20 Intergovernmental Relations may also assist in gathering and
21 assessing the expenditure data and provide technical
22 assistance. The Auditor General shall provide technical advice
23 with respect to the collection and analysis of the expenditure
24 data.

25 (1) Expenditure data shall be reported to the Chief
26 Financial Officer at the transaction code level and, for
27 specific transaction codes specified by the Chief Financial
28 Officer, object/sub-object level, as set forth in the Uniform
29 Accounting System Manual developed by the Chief Financial
30 Officer pursuant to section 218.33, Florida Statutes.
31 Expenditure data provided for specific programs or purposes

1 shall include identification of the specific account codes
2 within the Uniform Accounting System Manual in which the costs
3 were recorded. The clerks of the court, or the appropriate
4 county officer in those counties where the clerk of court is
5 not the county's chief financial officer, must reconcile the
6 expenditure data provided to the Chief Financial Officer with
7 the Annual Financial Report required by section 218.32,
8 Florida Statutes. The clerks of court must attest to the
9 accuracy of the expenditure data provided to the Chief
10 Financial Officer. State attorneys, public defenders, court
11 administrators, boards of county commissions chairpersons, and
12 sheriffs shall each attest to the accuracy of any expenditure
13 data they submit to the clerks.

14 (2) The Chief Financial Officer shall reimburse
15 individuals for travel costs incurred as a result of
16 participation in the collection and analysis of the
17 expenditure data from funds specifically appropriated for such
18 purpose.

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

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

28 Section 143. It is the intent of the Legislature to
29 implement Revision 7 to Article V of the Florida Constitution
30 in a way which recognizes the allocation of funding
31 responsibilities among the state, counties, and system users.

1 The Legislature hereby declares that the provisions of this
2 act designed to achieve that allocation of responsibility
3 fulfills an important state interest.

4 Section 144. For the purpose of implementing Section
5 14, Article V of the State Constitution, the transfer of the
6 funding responsibility for the state courts system shall not
7 affect the validity of any judicial or administrative
8 proceeding pending on the day of the transfer. The entity
9 providing appropriations on and after July 1, 2004, shall be
10 considered the successor in interest to any existing contracts
11 ratified by the successor entity, but is not responsible for
12 funding or payment of any service rendered or provided, in
13 whole or in part, prior to July 1, 2004.

14 Section 145. Notwithstanding any law to the contrary,
15 any judicial act may be taken or performed on any day of the
16 week, including Sundays and holidays.

17 Section 146. Notwithstanding section 938.19, Florida
18 Statutes, to the contrary, any court may use surplus funds
19 provided for teen courts for juvenile drug courts. This
20 section expires July 1, 2004.

21 Section 147. Service charges and fees imposed by the
22 governing authority of counties by ordinance and special law
23 pursuant to authority granted in sections 28.242-34.041,
24 Florida Statutes, prior to June 30, 2004, are repealed and
25 abolished effective July 1, 2004.

26 Section 148. Each clerk of the court shall submit to
27 the President of the Senate and the Speaker of the House of
28 Representatives by November 1, 2003, a report identifying
29 court-related functions and associated costs for county fiscal
30 year 2003-2004. The report shall detail the methodologies used

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1 to apportion costs between court-related and non-court-related
2 functions performed by the clerk.

3 Section 149. By October 1, 2003, each clerk of the
4 court must notify the Clerk of Court Operations Conference
5 created pursuant to section 28.35, Florida Statutes, of the
6 entire schedule of court-related fees, service charges, and
7 costs that he or she elects to charge effective July 1, 2004,
8 based on the statutory authorizations that are effective July
9 1, 2004. The Clerk of Court Operations Conference shall submit
10 this information to the Legislature in a uniform format with
11 appropriate summaries and explanatory information no later
12 than November 1, 2003.

13 Section 150. Sections 25.402 and 34.201, Florida
14 Statutes, are repealed.

15 Section 151. Effective July 1, 2004, sections 27.005,
16 27.006, 27.271, 27.33, 27.3455, 27.36, 27.385, 27.605, 29.002,
17 29.003, 29.009, 29.011, 43.28, 50.071, 57.091, 218.325,
18 914.06, 925.035, 925.036, 925.037, 939.05, 939.07, 939.10, and
19 939.15, Florida Statutes, are repealed.

20 Section 152. If any law amended by this act was also
21 amended by a law enacted at the 2003 Regular Session of the
22 Legislature, such laws shall be construed as if they had been
23 enacted at the same session of the Legislature, and full
24 effect shall be given to each if possible.

25 Section 153. Except as otherwise provided herein, this
26 act shall take effect July 1, 2003.

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