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A bill to be entitled

An act relating to the state judicial system; amending s. 25.241, F.S.; authorizing the Supreme Court to impose certain appearance fees on certain attorneys; providing for deposit of such fees into the state courts Grants and Donations Trust Fund; amending s. 25.383, F.S.; requiring the Supreme Court to determine court reporter certification administration fees; providing for deposit of such fees into the state courts Grants and Donations Trust Fund; clarifying state attorney authorization to charge certain fees for discovery; amending s. 25.384, F.S.; revising purposes for which Court Education Trust Fund moneys must be used; amending s. 27.02, F.S.; authorizing state attorneys to appear in certain courts to prosecute certain special laws and local ordinances; providing for reimbursement of state attorneys for such prosecutions; amending s. 27.34, F.S.; authorizing counties and municipalities to contract with, or appropriate or contribute funds to the operation of, various state attorneys; requiring state attorneys to contract with counties and municipalities to recover the costs of certain services or reimburse the state for costs of assigning certain attorneys for work on behalf of the counties or municipalities; providing contract requirements; specifying amounts of rates or costs; providing for deposit of payments into the state courts Grants and Donations Trust Fund; clarifying a prohibition against certain state attorneys from receiving any supplemental salary under certain circumstances; requiring

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30 the Chief Financial Officer to contract with the public
31 defender to provide certain indigent representation under
32 certain circumstances; providing contract authorizations;
33 prohibiting state attorneys from spending certain state
34 funds on county funding obligations; providing exceptions;
35 requiring a state attorney to request reimbursement by a
36 county for certain authorized short-term advance funding
37 under certain circumstances; providing limitations on such
38 funding; providing for deposit of reimbursement payments
39 into the General Revenue Fund; amending s. 27.40, F.S.;
40 clarifying when a circuit Article V indigent services
41 committee must maintain and use a registry of counsel;
42 revising requirements; amending s. 27.42, F.S.; clarifying
43 membership of Article V indigent services committees;
44 clarifying when a circuit Article V indigent services
45 committee must maintain and use a registry of counsel;
46 revising registry use requirements; revising fee and
47 expense allowance rate schedule criteria; including the
48 Governor and Chief Justice of the Supreme Court in a
49 distribution list for certain reports; requiring the
50 Justice Administrative Commission to provide staff support
51 for such committees from appropriated funds; specifying
52 separate appropriations for certain attorney's fees and
53 expenses and other funds; requiring the Justice
54 Administrative Commission to separately track private
55 court-appointed counsel expenditures by category; amending
56 s. 27.51, F.S.; expanding representation responsibilities
57 of public defenders to include violations of special laws
58 or local ordinances; providing contracting requirements;

59 providing limitations; revising representation
 60 requirements; clarifying appeal procedures; amending s.
 61 27.52, F.S.; revising provisions relating to determining
 62 indigent status of defendants; authorizing clerks of court
 63 to contract for such determinations; providing application
 64 fee requirements and procedures; specifying certain
 65 required financial information; specifying criteria for
 66 indigent status; specifying distributions of application
 67 fees; deleting certain affidavit requirements; providing
 68 for disposition of certain amounts recovered from certain
 69 persons; amending s. 27.5303, F.S.; revising standards for
 70 determining counsel's conflict of interest in certain
 71 cases; revising compensation of private court-appointed
 72 counsel provisions; amending s. 27.5304, F.S.; revising
 73 compensation of private court-appointed counsel
 74 provisions; amending s. 27.54, F.S.; requiring public
 75 defenders to contract with counties and municipalities to
 76 recover the costs of certain services or reimburse the
 77 state for costs of assigning certain attorneys for work on
 78 behalf of the counties or municipalities; providing
 79 contract requirements; specifying amounts of rates or
 80 costs; providing for deposit of payments into the state
 81 courts Grants and Donations Trust Fund; prohibiting public
 82 defenders from spending certain state funds on county
 83 funding obligations; providing exceptions; requiring a
 84 public defender to request reimbursement by a county for
 85 certain authorized short-term advance funding under
 86 certain circumstances; providing limitations on such
 87 funding; providing for deposit of reimbursement payments

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88 into the General Revenue Fund; amending s. 27.562, F.S.;

89 providing for distribution of funds collected pursuant to

90 provisions providing for legal assistance and liens and

91 payments of attorney's fees or costs of a public defender;

92 amending s. 28.101, F.S.; increasing a charge for

93 petitions for dissolution of marriage; amending s. 28.24,

94 F.S.; clarifying access to public records by court

95 personnel, state attorneys, public defenders, and

96 guardians ad litem; providing for administrative fees for

97 partial payments and payment plans; amending s. 28.2401,

98 F.S.; increasing the additional service charge on

99 petitions seeking summary administration in probate

100 matters; providing for distribution of the increase;

101 amending s. 28.2402, F.S.; reducing the filing fee for a

102 county or municipality to file a code or ordinance

103 violation in court; providing a court cost to be assessed

104 against the nonprevailing party; requiring allocation of

105 certain fines to the clerk of the court to offset certain

106 costs relating to processing violations special laws and

107 local ordinances; amending s. 28.241, F.S.; revising

108 filing fees for trial and appellate proceedings; providing

109 exemptions from certain filing fee requirements; providing

110 for deferring such fees for indigent persons; revising

111 distributions of such filing fees; establishing a fee to

112 be paid by counsel appearing pro hac vice before the

113 circuit court; amending s. 28.245, F.S.; requiring

114 electronic transmittal to the Department of Revenue of

115 moneys collected by clerks of court for subsequent

116 distribution to state entities; requiring moneys collected

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117 by clerks of court to be distributed pursuant to the law
 118 in effect at time of collection; amending s. 28.246, F.S.;
 119 revising court-related fees, charges, and costs
 120 information reporting requirements; requiring separate
 121 identification of certain amounts; requiring certain
 122 persons to enroll in payment programs under certain
 123 circumstances; revising a funds distribution priority
 124 provision; authorizing clerks to impose and collect
 125 certain service charges for certain purposes; providing
 126 for collection fees to be in addition to certain amounts;
 127 amending s. 28.345, F.S.; limiting an exemption from
 128 certain court-related fees and charges; amending s. 28.35,
 129 F.S.; replacing the Clerk of Court Operations conference
 130 with the not-for-profit Florida Clerks of Court
 131 Conference, Inc.; providing organizational and operational
 132 requirements; providing for a governing board of
 133 directors; providing for board membership; revising duties
 134 of the conference; providing requirements for and
 135 limitations on court-related functions clerks may fund
 136 from certain fees, charges, costs, and fines; providing
 137 for conference funding; amending s. 28.36, F.S.; revising
 138 certain budget proposal and operations procedures for
 139 court-related functions of clerks of court; providing
 140 limitations; revising requirements; providing reporting
 141 requirements for certain funds insufficiencies; providing
 142 responsibilities of the Department of Revenue; authorizing
 143 clerks of court to retain certain funds under certain
 144 revenue deficit conditions; revising budget proposal and
 145 implementation requirements for clerks of court; providing

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146 for reimbursement of the Clerks of the Court Trust Fund
 147 for certain ineligible budget expenditures for certain
 148 purposes; requiring the department to certify certain
 149 budgets; amending s. 28.37, F.S.; changing the date for
 150 remittance of revenues by clerks of the court; requiring
 151 clerks operating as fee officers for court-related
 152 services to determine certain fees and expenses for such
 153 services; providing for remittance of certain excess fees
 154 to a county; requiring certain deficits to be funded by a
 155 county; revising payment procedures; deleting Department
 156 of Revenue authority to adopt rules providing for
 157 penalties for failure to comply with remittance; amending
 158 s. 29.005, F.S.; clarifying witnesses to be paid from
 159 state revenue when summoned by a state attorney; requiring
 160 certain motor vehicles and transportation services to be
 161 transferred to the state; amending s. 29.006, F.S.;
 162 clarifying witnesses to be paid from state revenue when
 163 summoned by a public defender; amending s. 29.008, F.S.;
 164 revising county funding requirements for certain equipment
 165 and support staff; revising definitions; establishing
 166 funding levels for legal aid programs; requiring the
 167 Department of Revenue to withhold certain revenue sharing
 168 receipts from certain counties under certain
 169 circumstances; specifying criteria for amounts withheld;
 170 requiring the state to apply amounts withheld to certain
 171 to certain payments; creating s. 29.0086, F.S.; creating
 172 the Article V Technology Board; providing for membership;
 173 providing duties and responsibilities of the board;
 174 requiring a report to Legislature; amending s. 29.016,

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175 F.S.; revising purposes for which judicial branch
 176 contingency funds may be used; amending s. 34.01, F.S.;
 177 deleting a requirement that parties instituting civil
 178 actions, suits, or proceedings pay certain fees and
 179 charges to the clerk; correcting a cross reference;
 180 amending s. 34.041, F.S.; requiring parties instituting
 181 civil actions, suits, or proceedings in county court to
 182 pay certain filing fees; providing for allocation of such
 183 fees; providing certain exemptions from such fees;
 184 clarifying application to nonindigent parties; providing
 185 for filing fees in appellate proceedings; authorizing
 186 clerks to impose a fee upon attorneys appearing pro hac
 187 vice; providing for deposit of such fees; creating s.
 188 34.045, F.S.; providing for certain payments in lieu of
 189 filing fees for certain filings in county court; providing
 190 requirements and limitations; providing allocations of
 191 certain fines to offset costs incurred by clerks in
 192 performing court-related functions associated with
 193 violations of special laws or local ordinances; amending
 194 s. 34.191, F.S.; revising distribution requirements for
 195 fines and forfeitures arising from offenses tried in
 196 county court; amending s. 35.22, F.S.; providing for
 197 collecting certain filing fees and services charges;
 198 establishing a fee to be paid by counsel appearing pro hac
 199 vice before a district court of appeal; amending s.
 200 39.0134, F.S.; providing for compensation of appointed
 201 counsel in termination of parental rights proceedings;
 202 amending s. 40.29, F.S.; requiring state attorneys, public
 203 defenders, and clerks of court to provide the Justice

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204 Administrative Commission with estimates of required
 205 payments for witnesses; providing exceptions; providing
 206 for payment of certain invoices by clerks and the
 207 commission; amending s. 40.32, F.S.; revising payment
 208 disbursement requirements and procedures for clerks of
 209 court; amending s. 40.33, F.S.; revising procedures for
 210 deficiencies in certain funds; creating s. 40.361, F.S.;
 211 providing for applicability of laws relating to state
 212 budgeting and finances; amending s. 44.103, F.S.; revising
 213 provisions for compensating arbitrators; amending s.
 214 44.108, F.S.; revising provisions for funding of mediation
 215 and arbitration; amending s. 45.031, F.S.; increasing a
 216 service charge for certain services in sales by clerks;
 217 creating s. 50.0711, F.S.; authorizing clerks of circuit
 218 courts to establish a court docket fund for paying for
 219 publishing notice of certain filings in certain
 220 newspapers; providing for funding by an additional service
 221 charge to certain filing fees; providing fund use
 222 requirements; providing for designating and funding
 223 certain newspapers for purposes of such publications;
 224 providing publication requirements for such newspapers;
 225 amending ss. 55.10 and 55.141, F.S.; clarifying provisions
 226 relating to fees and charges for clerks for certain
 227 services; amending s. 57.085, F.S.; clarifying certain
 228 provisions relating deferral of prepayment of court costs
 229 and fees for indigent prisoners; amending s. 61.14, F.S.;
 230 recharacterizing certain fees as service charges;
 231 increasing a certain charge; amending s. 61.181, F.S.;
 232 deleting an obsolete time period reference; amending s.

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233 125.69, F.S.; deleting a provision authorizing certain
 234 persons to prosecute special laws and county ordinances;
 235 requiring counties to pay attorneys appointed by court to
 236 represent certain indigent defendants; authorizing a
 237 county to contract with the public defender for
 238 representation in certain cases; amending s. 129.02, F.S.;
 239 revising a county fine and forfeiture fund budget
 240 provision; amending s. 142.01, F.S.; specifying
 241 constituent funding sources for clerk of circuit court
 242 fine and forfeiture funds; amending s. 142.03, F.S.;
 243 revising provisions providing for disposition of fines,
 244 forfeitures, and civil penalties municipalities; amending
 245 s. 142.09, F.S.; requiring certain fees of witnesses and
 246 officers arising from criminal causes to be paid by the
 247 state; providing an exception; amending s. 218.245, F.S.;
 248 providing additional distribution requirements for
 249 revenues attributed to increase in distribution to the
 250 Revenue Sharing Trust Fund for Municipalities; amending s.
 251 218.25, F.S.; authorizing local governments to assign,
 252 pledge, or set aside certain additional funds for certain
 253 purposes under provisions relating to limitation of shared
 254 funds; amending s. 318.14, F.S.; providing for deposit of
 255 certain court costs into a fine and forfeiture fund
 256 instead of being retained by a county; amending s. 318.15,
 257 F.S.; recharacterizing and increasing certain fees;
 258 providing for an alternative distribution certain charges;
 259 amending s. 318.18, F.S.; clarifying application of
 260 certain civil penalty deposit provisions; authorizing
 261 boards of county commissioners to impose by ordinance a

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262 surcharge for certain infractions or violations for
 263 payment of certain bond principal and interest payments;
 264 prohibiting court waiver of the surcharge; providing
 265 limitations; amending s. 318.21, F.S.; providing for
 266 deposit of certain funds in the Grants and Donations Trust
 267 Fund in the Justice Administrative Commission rather than
 268 such fund in the state courts system; deleting a
 269 requirement that a certain percentage of certain civil
 270 penalties be deposited into the General Revenue Fund;
 271 deleting a provision requiring certain moneys paid
 272 counties to be used for funding local criminal training
 273 under certain circumstances; amending s. 318.37, F.S.;
 274 expanding the uses that may be made of funds for a Civil
 275 Traffic Infraction Hearing Officer Program; amending s.
 276 321.05, F.S.; specifying a fine and forfeiture fund
 277 designation provision; amending s. 322.245, F.S.;
 278 requiring the Department of Highway Safety and Motor
 279 Vehicles to suspend the driver license of persons failing
 280 to pay certain financial obligations for certain criminal
 281 offenses; providing for reinstatement under certain
 282 circumstances; providing the department with immunity from
 283 liability for such license suspensions; amending s.
 284 327.73, F.S.; increasing a dismissal fee; amending s.
 285 372.72, F.S.; specifying a fine and forfeiture fund
 286 designation provision; amending s. 382.023, F.S.;
 287 specifying the clerk of the circuit court as the entity to
 288 retain a portion of a certain filing fee; amending ss.
 289 384.288 and 392.68, F.S.; revising provisions providing
 290 for compensation of certain personnel for certain services

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291 and taxation of certain fees and charges as court costs;
 292 amending s. 394.473, F.S.; providing for compensation of
 293 attorneys and expert witnesses in cases involving indigent
 294 persons; amending s. 395.3025, F.S.; clarifying certain
 295 patient records copying charge provisions; amending s.
 296 397.334, F.S.; clarifying authority of counties to use
 297 certain alternative moneys to fund treatment-based drug
 298 court programs; amending s. 713.24, F.S.; recharacterizing
 299 a fee as a service charge; amending s. 721.83, F.S.;
 300 providing additional limitations on complaints in certain
 301 timeshare estate foreclosure proceedings; providing
 302 criteria for consolidate timeshare foreclosure actions;
 303 providing for an additional filing fee for joined
 304 timeshare estates; amending s. 741.01, F.S.; increasing a
 305 fee charged for issuance of a marriage license; amending
 306 s. 744.331, F.S.; requiring the state to pay certain fees
 307 instead of counties in certain cases involving indigents;
 308 amending ss. 744.365 and 744.3678, F.S.; providing for
 309 deferral rather than waiver of certain fees; amending s.
 310 766.104, F.S.; increasing a filing fee in certain medical
 311 negligence case proceedings; deleting a requirement that
 312 the fee be established by the chief judge; amending s.
 313 903.035, F.S.; removing a county attorney from certain
 314 notification of bail modification application
 315 requirements; amending s. 903.26, F.S.; specifying a fine
 316 and forfeiture fund designation provision; providing for
 317 application of certain provisions to state attorneys
 318 instead of county attorneys; amending s. 903.28, F.S.;
 319 removing a county attorney from certain notification of

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320 certain remission of forfeiture application requirements;
 321 amending s. 925.09, F.S.; requiring counties to pay
 322 reasonable fees to physicians performing autopsies;
 323 amending s. 938.29, F.S.; deleting a provision authorizing
 324 county clerks to contract to collect certain debts or
 325 liens; amending s. 938.35, F.S.; authorizing governing
 326 bodies of municipalities to pursue collection of fees,
 327 charges, fines, and costs under certain circumstances;
 328 authorizing collection fees and attorney fees to be added
 329 to certain balances owed; creating s. 939.185, F.S.;
 330 authorizing boards of county commissioners to adopt by
 331 ordinance additional court costs for certain pleadings and
 332 findings of guilt; limiting uses; specifying allocations;
 333 providing priorities of disbursements; deleting an annual
 334 financial reporting requirement; amending s. 960.001,
 335 F.S.; clarifying application of certain witness
 336 notification provisions; amending s. 985.203, F.S.;
 337 correcting a cross reference; amending s. 149, ch. 2003-
 338 402, Laws of Florida; providing for repeal of certain
 339 fees, service charges, and costs imposed by county
 340 ordinance and special law; providing legislative intent;
 341 providing a legislative declaration of important state
 342 interest; providing requirements for remittance of court-
 343 related assessments retained by clerks of court; requiring
 344 cash balances on a certain date in county funds
 345 established for certain court-related program purposes to
 346 be used for such purposes; providing legislative intent
 347 relating sharing of due process costs; providing for state
 348 funding of certain due process services; authorizing

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349 contractual agreements to share costs associated with
350 certain due process services; requiring the Division of
351 Statutory Revision to redesignate the title of chapter 40,
352 F.S.; requiring counties to pay for certain billings of
353 certain due process services and certain flat-fee-per-case
354 payments; providing submittal requirements for billings
355 for certain services; requiring the Office of the State
356 Courts Administrator to annually prepare and disseminate a
357 manual of court-related fees, charges, costs, and fines;
358 repealing s. 11.75, F.S., relating to the Joint
359 Legislative Committee on Article V of the State
360 Constitution; repealing s. 40.30, F.S., relating to
361 required juror and witness payment requisition
362 endorsements by the State Courts Administrator or a
363 designee; repealing s. 142.04, F.S., relating to a
364 requirement that clerk of court issue certain certificates
365 to witnesses; repealing s. 142.05, F.S., relating to a
366 prohibition against a clerk of court receiving certain
367 fees; repealing s. 142.06, F.S., relating to a prescribed
368 payroll form; repealing s. 142.07, F.S., relating to clerk
369 of court payroll requirements; repealing s. 142.08, F.S.,
370 relating to clerk responsibility for certain certificates;
371 repealing s. 142.10, F.S., relating to certain required
372 officer accounts; repealing s. 142.11, F.S., relating to
373 powers and duties of county commissioners relating to
374 accounts; repealing s. 142.12, F.S., relating to audit
375 requirements of county commissioners; repealing s. 142.13,
376 F.S., relating to a right of an officer to test the
377 validity of certain bills or accounts; repealing s.

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378 938.17, F.S., relating to county delinquency prevention
 379 provisions; repealing s. 939.18, F.S., relating to court
 380 assessments of additional court costs for court
 381 facilities; requiring the Department of Revenue to adopt
 382 rules; providing requirements; providing appropriations;
 383 providing an effective date.

384

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

386

387 Section 1. Subsection (3) of section 25.241, Florida
 388 Statutes, is amended to read:

389 25.241 Clerk of Supreme Court; compensation; assistants;
 390 filing fees, etc.--

391 (3) The Clerk of the Supreme Court is hereby required to
 392 collect, upon the filing of a certified copy of a notice of
 393 appeal or petition, \$250 for each case docketed, and for
 394 copying, certifying, or furnishing opinions, records, papers, or
 395 other instruments, except as otherwise herein provided, the same
 396 fees that are allowed clerks of the circuit court; however, no
 397 fee shall be less than \$1. The State of Florida or its agencies,
 398 when appearing as appellant or petitioner, is exempt from the
 399 filing fees required in this subsection. For each attorney
 400 appearing pro hac vice before the Supreme Court or a district
 401 court of appeal, the Supreme Court may impose a fee of up to
 402 \$100 for deposit into the Grants and Donations Trust Fund within
 403 the state courts.

404 Section 2. Section 25.383, Florida Statutes, as amended by
 405 chapter 2003-402, Laws of Florida, is amended to read:

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406 25.383 Standards for court reporters; procedures; rules of
 407 professional conduct, discipline, and training.--The Supreme
 408 Court shall establish minimum standards and procedures for
 409 qualifications, certification, discipline, and training for
 410 court reporters. The Supreme Court shall determine the amount of
 411 fees to charge applicants for certification and renewal of
 412 certification. Fees shall be set in an amount necessary to
 413 recover the full cost of administering the certification
 414 process. All proceeds from fees collected pursuant to this
 415 section shall be deposited into the Grants and Donations Trust
 416 Fund within the state courts. The Supreme Court may appoint or
 417 employ such personnel as are necessary to assist the court in
 418 exercising its powers and performing its duties under this
 419 section.

420 Section 3. Paragraph (a) of subsection (2) of section
 421 25.384, Florida Statutes, as amended by chapter 2003-402, Laws
 422 of Florida, is amended to read:

423 25.384 Court Education Trust Fund.--

424 (2)(a) The trust fund moneys shall be used to provide
 425 education and training for judges and other court personnel as
 426 defined and determined by the Florida Court Educational Council.
 427 ~~In addition, funds may be used for the development and~~
 428 ~~implementation of an educational program for the clerks of court~~
 429 ~~as set forth in s. 145.051(2).~~

430 Section 4. Section 27.02, Florida Statutes, as amended by
 431 chapter 2003-402, Laws of Florida, is amended to read:

432 27.02 Duties before court.--

433 (1) The state attorney shall appear in the circuit and
 434 county courts within his or her judicial circuit and prosecute

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435 or defend on behalf of the state all suits, applications, or
 436 motions, civil or criminal, in which the state is a party,
 437 except as provided in chapters 39, 984, and 985. The intake
 438 procedures of chapters 39, 984, and 985 shall apply as provided
 439 therein. The state attorney shall ~~not~~ appear in the circuit and
 440 county courts within his or her judicial circuit for the purpose
 441 of prosecuting violations of special laws and, ~~unless expressly~~
 442 ~~authorized, or violations of~~ county or municipal ordinances
 443 punishable by incarceration if the prosecution is ancillary to a
 444 state prosecution or if the state attorney has contracted with
 445 the county or municipality for reimbursement for services
 446 rendered in accordance with s. 27.34(1), ~~unless ancillary to a~~
 447 ~~state prosecution and authorized by the prosecuting attorney of~~
 448 ~~the county.~~

449 (2) The state attorney, when complying with the discovery
 450 obligation shall provide to the defendant all discovery
 451 ~~materials required~~ pursuant to the applicable rule of procedure,
 452 ~~and~~ may charge the defendant fees as provided for in s.
 453 119.07(1)(a), not to exceed 15 cents per page for a copy of a
 454 noncertified copy of a public record. However, these fees may be
 455 deferred if the defendant has been determined to be indigent as
 456 provided in s. 27.52.

457 Section 5. Section 27.34, Florida Statutes, as amended by
 458 chapter 2003-402, Laws of Florida, is amended to read:

459 27.34 Limitations on payment of salaries and other related
 460 costs of state attorneys' offices other than by the state.--

461 (1) A county or municipality may ~~not~~ contract with, or
 462 appropriate or contribute funds to the operation of, the various
 463 state attorneys ~~for the prosecution of violations of special~~

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464 ~~laws, unless expressly authorized, or ordinances of the county~~
465 ~~or municipality, unless ancillary to a state prosecution. A~~
466 state attorney prosecuting violations of special laws or county
467 or municipal ordinances punishable by incarceration and not
468 ancillary to a state charge shall contract with counties and
469 municipalities to recover the full cost of services rendered on
470 an hourly basis or reimburse the state for the full cost of
471 assigning one or more full-time equivalent attorney positions to
472 work on behalf of the county or municipality. In the case of a
473 county with a population of less than 50,000, the state attorney
474 shall contract for full reimbursement, or for reimbursement as
475 the parties otherwise agree.

476 (a) A contract for reimbursement on an hourly basis shall
477 require counties and municipalities to reimburse the state
478 attorney for services rendered at a rate of \$50 per hour. If an
479 hourly rate is specified in the General Appropriations Act, that
480 rate shall control.

481 (b) A contract for assigning one or more full-time
482 equivalent attorney positions to perform work on behalf of a
483 county or municipality shall assign one or more full-time
484 equivalent positions based on estimates by the state attorney of
485 the number of hours required to handle the projected workload.
486 The full cost of each full-time equivalent attorney position on
487 an annual basis shall be \$50, or the amount specified in the
488 General Appropriations Act, multiplied by the legislative budget
489 request standard for available work hours for one full-time
490 equivalent attorney position, or, in the absence of that
491 standard, 1,854 hours. The contract may provide for funding
492 full-time equivalent positions in one-quarter increments.

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493 (c) Persons employed by the county or municipality may be
 494 provided to the state attorney to serve as special investigators
 495 pursuant to the provisions of s. 27.251. Any payments received
 496 pursuant to this subsection shall be deposited into the Grants
 497 and Donations Trust Fund within the Justice Administrative
 498 Commission for appropriation by the Legislature.

499 (2) ~~A~~ It is hereby prohibited for any state attorney or
 500 assistant state attorney may not ~~to~~ receive from any county or
 501 municipality any supplemental salary, except as provided in this
 502 section.

503 (3) Notwithstanding s. 27.25, the Chief Financial Officer
 504 may contract with the state attorney of any judicial circuit of
 505 the state for the prosecution of criminal violations of the
 506 Workers' Compensation Law and related crimes if the Chief
 507 Financial Officer contributes funds for such purposes. Such
 508 contracts may provide for the training, salary, and expenses of
 509 one or more assistant state attorneys used in the prosecution of
 510 ~~such~~ crimes. If the Chief Financial Officer contributes funds to
 511 the state attorney to prosecute these violations and the accused
 512 person is indigent and represented by the public defender, the
 513 Chief Financial Officer shall also contract with the public
 514 defender to provide representation to the person accused of
 515 these crimes. The contract may provide for the training, salary,
 516 and expenses of one or more assistant public defenders used in
 517 the defense of these crimes.

518 (4) Unless expressly authorized by law or in the General
 519 Appropriations Act, state attorneys are prohibited from spending
 520 state-appropriated funds on county funding obligations under s.
 521 14, Art. V of the State Constitution beginning January 1, 2005.

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522 This includes expenditures on communications services and
 523 facilities as defined in s. 29.008. This does not prohibit a
 524 state attorney from spending funds for these purposes in
 525 exceptional circumstances when necessary to maintain operational
 526 continuity in the form of a short-term advance pending
 527 reimbursement by the county. If a state attorney provides short-
 528 term advance funding for a county responsibility as authorized
 529 by this subsection, the state attorney shall request full
 530 reimbursement from the board of county commissioners prior to
 531 making the expenditure or at the next meeting of the board of
 532 county commissioners after the expenditure is made. The total of
 533 all short-term advances authorized by this subsection shall not
 534 exceed 2 percent of the state attorney's approved operating
 535 budget in any given year. No short-term advances authorized by
 536 this subsection shall be permitted until all reimbursements
 537 arising from advance funding in the prior state fiscal year have
 538 been received by the state attorney. All reimbursement payments
 539 received by the state attorney pursuant to this subsection shall
 540 be deposited into the General Revenue Fund.

541 Section 6. Subsection (2), paragraph (d) of subsection
 542 (3), subsection (5), paragraph (a) of subsection (7), and
 543 subsection (8) of section 27.40, Florida Statutes, as created by
 544 chapter 2003-402, Laws of Florida, are amended to read:

545 27.40 Court-appointed counsel; circuit registries; minimum
 546 requirements; appointment by court.--

547 (2) No later than October 1, 2005, private counsel
 548 appointed by the court to provide representation shall be
 549 selected from a registry established by the circuit Article V

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550 indigent services committee or procured through a competitive
 551 bidding process.

552 (3) In utilizing a registry:

553 (d) Quarterly, beginning no later than October 1, 2005
 554 ~~July 1, 2004~~, each circuit Article V indigent services committee
 555 shall provide the Chief Justice of the Supreme Court, the chief
 556 judge, the state attorney and public defender in each judicial
 557 circuit, and the clerk of court in each county with a current
 558 copy of each registry.

559 (5) The Justice Administrative Commission shall approve
 560 uniform contract forms for use in procuring the services of
 561 private court-appointed counsel ~~based on the recommendations of~~
 562 ~~the Article V Indigent Services Advisory Board.~~

563 (7)(a) An attorney appointed to represent a defendant or
 564 other client is entitled to payment ~~of attorney's fees and~~
 565 ~~expenses~~ pursuant to s. 27.5304, only upon full performance by
 566 the attorney of specified duties, approval of payment by the
 567 court, and attorney submission of a payment request to the
 568 Justice Administrative Commission. If an attorney is permitted
 569 to withdraw or is otherwise removed from representation prior to
 570 full performance of the duties specified in this section for
 571 reasons other than breach of duty, the trial court shall approve
 572 payment of attorney's fees and costs for work performed in an
 573 amount not to exceed the amounts specified in s. 27.5304.

574 (8) Subject to the attorney-client privilege and the
 575 work-product privilege, an attorney who withdraws or is removed
 576 from representation shall deliver all files, notes, documents,
 577 and research to the successor attorney within 15 days after
 578 receiving notice from the successor attorney. The successor

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579 attorney shall bear the cost of transmitting all files, notes,
580 documents, and research.

581 Section 7. Paragraph (b) of subsection (1), paragraphs (b)
582 and (c) of subsection (2), and subsections (3) and (4) of
583 section 27.42, Florida Statutes, as created by chapter 2003-402,
584 Laws of Florida, are amended to read:

585 27.42 Circuit Article V indigent services committees;
586 composition; staff; responsibilities; funding.--

587 (1) In each judicial circuit a circuit Article V indigent
588 services committee shall be established. The committee shall
589 consist of the following:

590 (b) The public defender of the judicial circuit, or
591 designee from within the office of the public defender.

592 (2)

593 (b) No later than October 1, 2005, each ~~The~~ circuit
594 Article V indigent services committee shall maintain a registry
595 pursuant to s. 27.40, even when ~~unless~~ procuring counsel through
596 a competitive bidding process. However, if counsel is procured
597 through a competitive bidding process, the registry shall be
598 used only when counsel obtained through that process is unable
599 to provide representation due to a conflict of interest or
600 reasons beyond their control. The committee shall apply any ~~the~~
601 eligibility and performance standards set by the Legislature, if
602 any, ~~after receiving recommendations from the Article V Indigent~~
603 ~~Services Advisory Board, for the appropriate category of case.~~

604 (c) Each ~~The~~ circuit Article V indigent services committee
605 shall develop a schedule of standard fees and expense allowances
606 for the ~~various~~ categories of cases specified in s. 27.5303,
607 consistent with the overall compensation rates in that section

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608 and within the amount of appropriated funds allocated by the
609 Justice Administrative Commission to the circuit for this
610 purpose standards adopted by the Legislature, if any, after
611 receiving recommendations from the Article V Indigent Services
612 Advisory Board.

613 (3) The Justice Administrative Commission shall prepare
614 and issue on a quarterly basis a statewide report comparing
615 actual year-to-date expenditures to budgeted amounts for the
616 circuit Article V indigent services committees in each of the
617 judicial circuits. Copies of these quarterly reports shall be
618 distributed to each circuit Article V indigent services
619 committee and to the Governor, the Chief Justice of the Supreme
620 Court, the President of the Senate, and the Speaker of the House
621 of Representatives.

622 (4)(a) The Justice Administrative Commission shall provide
623 staff support for circuit Article V indigent services committees
624 from appropriated funds. The funding and positions for the
625 processing of committees' fees and expenses shall be as
626 appropriated to the Justice Administrative Commission in the
627 General Appropriations Act.

628 (b) Funds for criminal conflict attorney's ~~ease~~ fees and
629 expenses shall be appropriated by the Legislature in a separate
630 appropriations category within the Justice Administrative
631 Commission. These funds shall be allocated to each circuit as
632 prescribed in the General Appropriations Act.

633 ~~(c) Separate funds for attorneys' fees and expenses in~~
634 ~~conflict cases under chapter 394 shall be appropriated by the~~
635 ~~Legislature in a separate appropriations category within the~~
636 ~~Justice Administrative Commission.~~

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637 (c)(d) ~~The Legislature shall appropriate separate Funds~~
 638 for attorney's attorneys' fees and expenses for in child
 639 dependency and civil conflict cases shall be appropriated by the
 640 Legislature and other court-appointed counsel cases in a
 641 separate appropriations category within the Justice
 642 Administrative Commission.

643 (d) Any funds the Legislature appropriates for other
 644 court-appointed counsel cases as appropriated within the Justice
 645 Administrative Commission.

646
 647 The Justice Administrative Commission shall separately track
 648 expenditures on private court-appointed counsel for the
 649 following categories of cases: criminal conflict, civil
 650 conflict, dependency and termination of parental rights, and
 651 guardianship.

652 Section 8. Subsections (1) and (4) of section 27.51,
 653 Florida Statutes, as amended by chapter 2003-402, Laws of
 654 Florida, are amended to read:

655 27.51 Duties of public defender.--

656 (1) The public defender shall represent, without
 657 additional compensation, any person ~~who is~~ determined to be
 658 indigent under ~~as provided in s. 27.52 and who is:~~

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

660 (b) Under arrest for, or ~~is~~ charged with:
 661 1. A misdemeanor authorized for prosecution by the state

662 attorney;
 663 2. A violation of chapter 316 ~~which is~~ punishable by

664 imprisonment;
 665 3. Criminal contempt;

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666 4. A violation of a special law or county or municipal
 667 ordinance ancillary to a state charge, or if not ancillary to a
 668 state charge, only if the public defender contracts with the
 669 county or municipality to provide representation pursuant to ss.
 670 27.54 and 125.69.

671
 672 The public defender shall not provide representation pursuant to
 673 paragraph (b) if ~~unless~~ the court, prior to trial, files in the
 674 cause an order of no imprisonment as provide in s. 27.512 which
 675 states that the defendant will not be imprisoned if he or she is
 676 convicted;

677 (c) Alleged to be a delinquent child pursuant to a
 678 petition filed before a circuit court;

679 (d) Sought by petition filed in such court to be
 680 involuntarily placed as a mentally ill person under part I of
 681 chapter 394, involuntarily committed as a ~~or~~ sexually violent
 682 predator under part V of chapter 394, or involuntarily admitted
 683 to residential services as a person with developmental
 684 disabilities under chapter 393. ~~However,~~ A public defender shall
 685 not ~~does not~~ have the authority to represent any person who is a
 686 plaintiff in a civil action brought under the Florida Rules of
 687 Civil Procedure, the Federal Rules of Civil Procedure, or the
 688 federal statutes, or represent ~~who is~~ a petitioner in a rule
 689 challenge ~~an administrative proceeding challenging a rule~~ under
 690 chapter 120, unless specifically authorized by statute; ~~or~~

691 (e) Convicted and sentenced to death, for purposes of
 692 handling ~~prosecuting~~ an appeal to the Supreme Court; ~~or~~

693 (f) Is appealing a matter in a case arising under
 694 paragraphs (a)-(d).

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695 (4) The public defender for the a judicial circuit
 696 specified ~~enumerated~~ in this subsection shall, after the record
 697 on appeal is transmitted to the appellate court by the office of
 698 the public defender which handled the trial and if requested by
 699 any public defender within the indicated appellate district,
 700 handle all circuit court felony appeals within the state courts
 701 system and any authorized appeals to the ~~state and~~ federal
 702 courts required of the official making such request:

703 (a) Public defender of the second judicial circuit, on
 704 behalf of any public defender within the district comprising the
 705 First District Court of Appeal.

706 (b) Public defender of the tenth judicial circuit, on
 707 behalf of any public defender within the district comprising the
 708 Second District Court of Appeal.

709 (c) Public defender of the eleventh judicial circuit, on
 710 behalf of any public defender within the district comprising the
 711 Third District Court of Appeal.

712 (d) Public defender of the fifteenth judicial circuit, on
 713 behalf of any public defender within the district comprising the
 714 Fourth District Court of Appeal.

715 (e) Public defender of the seventh judicial circuit, on
 716 behalf of any public defender within the district comprising the
 717 Fifth District Court of Appeal.

718 Section 9. Section 27.52, Florida Statutes, as amended by
 719 chapter 2003-402, Laws of Florida, is amended to read:

720 27.52 Determination of indigent status ~~indigence~~.--

721 (1) The clerk of the circuit court shall determine if a
 722 ~~the indigence of each~~ person applying for appointment of a
 723 public defender or private attorney or any other due process

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724 ~~court-related services~~ is indigent ~~based on indigence~~. The clerk
 725 may contract with third parties to perform this function. This
 726 determination may be made at any stage of the proceedings.
 727 Before appointing the public defender or a private attorney, or
 728 providing any other court-related service based on indigent
 729 status ~~indigence~~, the court shall receive the determination of
 730 indigent status ~~indigence~~ from the clerk. If the clerk has not
 731 made this determination at the time a person requests
 732 appointment of a public defender or private attorney or
 733 provision of any other due process ~~court-related~~ services, the
 734 court shall make a preliminary determination of indigent status
 735 ~~indigence~~, pending further review ~~verification~~ by the clerk, and
 736 may appoint counsel or authorize the provision of any other due
 737 process services on an interim basis. The applicant may seek
 738 review of the clerk's determination denying indigent status
 739 ~~indigence~~ in the court having jurisdiction over the matter at
 740 the next scheduled hearing. If the applicant seeks review of the
 741 clerk's determination, the court shall make a final
 742 determination.

743 (2)(a) Any person applying for appointment of a public
 744 defender or private attorney or any other due process ~~court-~~
 745 ~~related~~ services based on indigent status ~~indigence~~ shall pay a
 746 \$40 application fee to the clerk of court for each affidavit
 747 filed, regardless of the number of required due process services
 748 requested in a case ~~and submit a completed affidavit containing~~
 749 ~~the financial information required under paragraph (f).~~ The
 750 application fee shall be paid at the time the financial
 751 affidavit is filed or within 7 days thereafter. If, in a
 752 criminal proceeding, the application fee is not paid prior to

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753 the disposition of the case, the clerk shall advise the
 754 sentencing judge of this fact and the court shall:

755 1. Assess the application fee as part of the sentence or
 756 as a condition of probation; or

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

758 (b) The applicant shall submit, except in the case of
 759 incapacity communicated through the public defender, a completed
 760 affidavit containing the following financial information:

761 1. Net income, consisting of total salary and wages, minus
 762 deductions required by law, including court-ordered support
 763 payments.

764 2. Other income, including, but not limited to, social
 765 security benefits, union funds, veterans' benefits, workers'
 766 compensation, other regular support from absent family members,
 767 public or private employee pensions, unemployment compensation,
 768 dividends, interest, rent, trusts, and gifts.

769 3. Assets, including, but not limited to, cash, savings
 770 accounts, bank accounts, stocks, bonds, certificates of deposit,
 771 equity in real estate, and equity in a boat or a motor vehicle
 772 or in other tangible property.

773 (3) After reviewing the affidavit and questioning the
 774 applicant, the clerk shall make one of the following
 775 determinations:

776 (a) The applicant is indigent; or

777 (b) The applicant is not indigent.

778 (4)(a) An applicant, including an applicant who is a minor
 779 or an adult tax-dependent person, is indigent if:

780 1. The income of the person is equal to or below 200
 781 percent of the then-current federal poverty guidelines

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782 prescribed for the size of the household of the applicant by the
 783 United States Department of Health and Human Services or if the
 784 person is receiving Temporary Assistance for Needy Families-Cash
 785 Assistance, poverty-related veterans' benefits, or Supplemental
 786 Security Income (SSI); or

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

789 (b) In determining whether an applicant is indigent, the
 790 clerk shall determine whether any of the following facts exist,
 791 and the existence of any such fact creates a presumption that
 792 the applicant is not indigent:

793 1. The person has been released on bail in the amount of
 794 \$5,000 or more;

795 2. The person owns, or has equity in, any intangible or
 796 tangible personal property or real property or the expectancy of
 797 an interest in any such property; or

798 3. The person retained private counsel immediately before
 799 or after filing the affidavit asserting indigent status pursuant
 800 to subsection (2).

801
 802 If the clerk finds discrepancies between the financial affidavit
 803 and the investigation of assets, the clerk shall submit the
 804 information to the court and the court shall determine whether
 805 the public defender or private attorney shall continue
 806 representation, or whether the authorization for any other due
 807 process services previously authorized shall be revoked. The
 808 person may be heard regarding the information discovered by the
 809 clerk. If the court, based on the information provided,
 810 determines that the person is not indigent, the court shall

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811 order the public defender or private attorney to discontinue
812 representation and revoke the provision of any other authorized
813 due process services. Notwithstanding any provision of law,
814 court rule, or administrative order to the contrary, the clerk
815 of the court shall assign the first \$40 of any fees or costs
816 paid by an indigent person as payment of the application fee. In
817 no event should a person found to be indigent be refused counsel
818 or other required due process services for failure to pay the
819 fee.

820 ~~(b) The person shall pay the application fee at the time~~
821 ~~the financial affidavit is filed or within 7 days thereafter. If~~
822 ~~not paid within 7 days, the applicant shall be enrolled by the~~
823 ~~clerk in a payment program to recover unpaid fees, in full, with~~
824 ~~periodic payment amounts corresponding to the applicant's~~
825 ~~ability to pay.~~

826 ~~(c) A defendant found to be indigent may not be refused~~
827 ~~counsel or any other court-related services based on indigence~~
828 ~~for failure to pay the application fee. The defendant shall pay~~
829 ~~a separate application fee for each affidavit filed.~~

830 ~~(d) If the court finds that the accused person applying~~
831 ~~for representation appears to be indigent based upon the~~
832 ~~financial affidavit required under paragraph (f), the court~~
833 ~~shall appoint the public defender or a private attorney to~~
834 ~~provide representation. If the application fee is not paid prior~~
835 ~~to the disposition of the case, the clerk shall advise the~~
836 ~~sentencing judge of this fact and the court shall:~~

837 ~~1. Assess the application fee as part of the sentence or~~
838 ~~as a condition of probation; or~~

839 ~~2. Assess the application fee pursuant to s. 938.29.~~

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~~If the clerk finds discrepancies between the financial affidavit and his or her investigation of assets, the clerk shall submit the information to the court and the court shall determine whether the public defender or private attorney shall continue representation defendant may be heard regarding the information discovered by the clerk. If the court, based on the information provided, determines that the defendant is not indigent, the court shall order the public defender or private attorney to discontinue representation. Notwithstanding any provision of law or local order to the contrary, the clerk of the court shall assign the first \$40 of any fees or costs paid by an indigent defendant as payment of the application fee. In no event should a person found to be indigent be refused counsel for failure to pay the fee.~~

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

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

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

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868 ~~2. Other income.--Including, but not limited to, social~~
 869 ~~security benefits, union funds, veterans' benefits, workers'~~
 870 ~~compensation, other regular support from absent family members,~~
 871 ~~public or private employee pensions, unemployment compensation,~~
 872 ~~dividends, interest, rent, trusts, and gifts.~~

873 ~~3. Assets.--Including, but not limited to, cash, savings~~
 874 ~~accounts, bank accounts, stocks, bonds, certificates of deposit,~~
 875 ~~equity in real estate, and equity in a boat or a motor vehicle~~
 876 ~~or in other tangible property.~~

877 ~~(g) The income of an applicant who is a minor or an adult~~
 878 ~~tax-dependent person who is substantially supported by a parent~~
 879 ~~or parents or by a guardian, or who continues to be claimed as a~~
 880 ~~dependent for tax purposes, shall include the income of that~~
 881 ~~dependent person's parent or parents or guardian, except a~~
 882 ~~parent or guardian who has an adverse interest in the~~
 883 ~~proceeding.~~

884 ~~(h) In addition to the financial information, the~~
 885 ~~affidavit must contain the following statement: "I, ... (name~~
 886 ~~of applicant) ..., agree to report any change in my financial~~
 887 ~~situation to the court."~~

888 ~~(3)(a) After reviewing the affidavit and questioning the~~
 889 ~~applicant, the clerk shall make one of the following~~
 890 ~~determinations:~~

- 891 ~~1. The applicant is indigent.~~
- 892 ~~2. The applicant is not indigent.~~

893 ~~(b) An applicant, including an applicant who is a minor or~~
 894 ~~an adult tax-dependent person, is indigent if:~~

- 895 ~~1. The income of the person is equal to or below 200~~
 896 ~~percent of the then-current federal poverty guidelines~~

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897 ~~prescribed for the size of the household of the applicant by the~~
 898 ~~United States Department of Health and Human Services or if the~~
 899 ~~person is receiving Temporary Assistance for Needy Families Cash~~
 900 ~~Assistance, poverty-related veterans' benefits, or Supplemental~~
 901 ~~Security Income (SSI); or~~

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

904 ~~(c) In determining whether an applicant is indigent, the~~
 905 ~~clerk shall determine whether any of the following facts exist,~~
 906 ~~and the existence of any such fact creates a presumption that~~
 907 ~~the applicant is not indigent:~~

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

910 ~~2. The defendant owns, or has equity in, any intangible or~~
 911 ~~tangible personal property or real property or the expectancy of~~
 912 ~~an interest in any such property.~~

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

916 (6)(d) A nonindigent parent or legal guardian of an
 917 applicant who is a minor or an adult tax-dependent person shall
 918 furnish the minor or adult tax-dependent person with the
 919 necessary legal services and costs incident to a delinquency
 920 proceeding or, upon transfer of such person for criminal
 921 prosecution as an adult pursuant to chapter 985, a criminal
 922 prosecution, in which the person has a right to legal counsel
 923 under the Constitution of the United States or the Constitution
 924 of the State of Florida. The failure of a parent or legal
 925 guardian to furnish legal services and costs under this section

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926 does not bar the appointment of legal counsel pursuant to s.
 927 27.40 or s. 27.5303. When the public defender, a special
 928 assistant public defender appointed pursuant to s. 27.53(2), or
 929 a private attorney is appointed to represent a minor or an adult
 930 tax-dependent person in any proceeding in circuit court or in a
 931 criminal proceeding in any other court, the parents or the legal
 932 guardian shall be liable for payment of the fees, charges, and
 933 costs of the representation even if the person is a minor being
 934 tried as an adult. Liability for the fees, charges, and costs of
 935 the representation shall be imposed in the form of a lien
 936 against the property of the nonindigent parents or legal
 937 guardian of the minor or adult tax-dependent person. The lien
 938 shall be enforceable as provided in s. 27.561 or s. 938.29.

939 (7)(4) If the trial court determines that any applicant,
 940 through fraud or misrepresentation, was ~~erroneously or~~
 941 ~~improperly~~ determined to be indigent, the state attorney shall,
 942 ~~in the name of the state,~~ proceed against the applicant for the
 943 reasonable value of the services rendered, including all fees,
 944 charges, and costs paid by the state in his or her behalf.
 945 Twenty-five percent of any amount recovered by the state
 946 attorney shall be deposited into the Grants and Donations Trust
 947 Fund for appropriation by the Legislature. Seventy-five percent
 948 of any amount recovered shall be remitted to the Department of
 949 Revenue for deposit into the General Revenue Fund.

950 ~~(5) An individual determined to be indigent and seeking to~~
 951 ~~defer payment of fees, charges, or costs imposed by operation of~~
 952 ~~law or order of the court under this section or any other~~
 953 ~~provision of general law imposing fees, charges, or costs, shall~~
 954 ~~be enrolled by the clerk in a payment program to recover unpaid~~

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955 ~~costs in full, with periodic payment amounts corresponding to~~
 956 ~~the individual's ability to pay.~~

957 Section 10. Paragraph (d) of subsection (1) and subsection
 958 (3) of section 27.5303, Florida Statutes, as created by chapter
 959 2003-402, Laws of Florida, are amended to read:

960 27.5303 Public defenders; conflict of interest.--

961 (1)

962 ~~(d) In determining whether or not there is a conflict of~~
 963 ~~interest, the public defender and the court shall apply the~~
 964 ~~standards adopted by the Legislature after receiving~~
 965 ~~recommendations from the Article V Indigent Services Advisory~~
 966 ~~Board.~~

967 (3) Private court-appointed counsel shall be compensated
 968 as provided in s. 27.5304 ~~in accordance with compensation~~
 969 ~~standards adopted by the Legislature after receiving~~
 970 ~~recommendations from the Article V Indigent Services Advisory~~
 971 ~~Board.~~

972 Section 11. Subsections (1), (2), (4), (5), and (6) of
 973 section 27.5304, Florida Statutes, as created by chapter 2003-
 974 402, Laws of Florida, are amended to read:

975 27.5304 Private court-appointed counsel; compensation.--

976 (1) Private court-appointed counsel shall be compensated
 977 by the Justice Administrative Commission in an amount ~~accordance~~
 978 ~~with standards adopted by the Legislature after receiving~~
 979 ~~recommendations from the Article V Indigent Services Advisory~~
 980 ~~Board. However, compensation shall not to exceed the maximum fee~~
 981 ~~limits established in by this section. The attorney also shall~~
 982 ~~be reimbursed for reasonable and necessary expenses in~~
 983 ~~accordance with s. 29.007. If the attorney is representing a~~

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984 defendant charged with more than one offense in the same case,
 985 the attorney shall be compensated at the rate provided for the
 986 most serious offense for which he or she represented the
 987 defendant. This section does not allow stacking of the fee
 988 limits established by this section.

989 (2) Prior to filing a motion for an order approving
 990 payment of attorney's fees, costs, or related expenses, the
 991 private court-appointed counsel shall deliver a copy of the
 992 intended billing, together with supporting affidavits and all
 993 other necessary documentation, to the Justice Administrative
 994 Commission. The Justice Administrative Commission shall review
 995 the billings, affidavit, and documentation for completeness and
 996 compliance with contractual and statutory requirements. If the
 997 Justice Administrative Commission objects to any portion of the
 998 proposed billing, the objection and reasons therefor shall be
 999 communicated to the private court-appointed counsel. The private
 1000 court-appointed counsel may thereafter file his or her motion
 1001 for order approving payment of attorney's fees, costs, or
 1002 related expenses together with supporting affidavits and all
 1003 other necessary documentation. The motion must specify whether
 1004 the Justice Administrative Commission objects to any portion of
 1005 the billing or the sufficiency of documentation and, if so, the
 1006 reasons therefor. A copy of the motion and attachments shall be
 1007 served on the Justice Administrative Commission. The Justice
 1008 Administrative Commission shall have standing to appear before
 1009 the court to contest any motion for order approving payment of
 1010 attorney's fees, costs, or related expenses. The Justice
 1011 Administrative Commission may contract with other public or
 1012 private entities or individuals to appear before the court for

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1013 the purpose of contesting any motion for order approving payment
 1014 of attorney's fees, costs, or related expenses. The fact that
 1015 the Justice Administrative Commission has not objected to any
 1016 portion of the billing or to the sufficiency of the
 1017 documentation is not binding on the court. The court retains
 1018 primary authority and responsibility for determining the
 1019 reasonableness of all billings for attorney's fees, costs, and
 1020 related expenses, subject to statutory limitations.

1021 (4) By January 1 of each year, ~~2004~~, the Article V
 1022 Indigent Services Advisory Board shall recommend to the
 1023 Legislature any adjustments to the existing compensation
 1024 provisions of this section ~~schedules for criminal proceedings~~
 1025 ~~and any proposed compensation standards for private attorneys~~
 1026 ~~providing representation in civil proceedings in which private~~
 1027 ~~court-appointed counsel is required.~~

1028 (5)(a) If counsel is entitled to receive compensation for
 1029 representation pursuant to court appointment in a termination of
 1030 parental rights proceeding under chapter 39 ~~s. 39.0134~~, such
 1031 compensation shall not exceed \$1,000 at the trial level and
 1032 \$2,500 at the appellate level.

1033 (b) Counsel entitled to receive compensation for
 1034 representation pursuant to court appointment in a proceeding
 1035 under chapter 384 or chapter 392 shall receive reasonable
 1036 compensation as fixed by the court making the appointment.

1037 (6) A private attorney appointed in lieu of the public
 1038 defender to represent an indigent defendant may not reassign or
 1039 subcontract the case to another attorney or allow another
 1040 attorney to appear at a critical stage of a case who is ~~does~~ not
 1041 on the registry developed pursuant to s. 27.40 ~~meet standards~~

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1042 ~~adopted by the Legislature after any recommendations from the~~
 1043 ~~Article V Indigent Services Advisory Board.~~

1044 Section 12. Subsection (2) of section 27.54, Florida
 1045 Statutes, as amended by chapter 2003-402, Laws of Florida, is
 1046 amended, and subsection (4) is added to said section, to read:

1047 27.54 Limitation on payment of expenditures for public
 1048 defender's office other than by the state.--

1049 (2) A county or municipality may ~~not~~ contract with, or
 1050 appropriate or contribute funds to, the operation of the offices
 1051 of the various public defenders ~~for the purpose of defending~~
 1052 ~~indigents charged with violations of special laws, unless~~
 1053 ~~expressly authorized, or with violations of ordinances of the~~
 1054 ~~county or municipality, unless ancillary to a state prosecution.~~

1055 A public defender defending violations of special laws or county
 1056 or municipal ordinances punishable by incarceration and not
 1057 ancillary to a state charge shall contract with counties and
 1058 municipalities to recover the full cost of services rendered on
 1059 an hourly basis or reimburse the state for the full cost of
 1060 assigning one or more full-time equivalent attorney positions to
 1061 work on behalf of the county or municipality. In the case of a
 1062 county with a population of less than 50,000, the public
 1063 defender shall contract for full reimbursement, or for
 1064 reimbursement as the parties otherwise agree.

1065 (a) A contract for reimbursement on an hourly basis shall
 1066 require a county or municipality to reimburse the public
 1067 defender for services rendered at a rate of \$50 per hour. If an
 1068 hourly rate is specified in the General Appropriations Act, that
 1069 rate shall control.

1070 (b) A contract for assigning one or more full-time

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1071 equivalent attorney positions to perform work on behalf of the
 1072 county or municipality shall assign one or more full-time
 1073 equivalent positions based on estimates by the public defender
 1074 of the number of hours required to handle the projected
 1075 workload. The full cost of each full-time equivalent attorney
 1076 position on an annual basis shall be \$50, or the amount
 1077 specified in the General Appropriations Act, multiplied by the
 1078 legislative budget request standard for available work hours for
 1079 one full-time equivalent attorney position, or, in the absence
 1080 of that standard, 1,854 hours. The contract may provide for
 1081 funding full-time equivalent positions in one-quarter
 1082 increments.

1083 (c) Any payments received pursuant to this subsection
 1084 shall deposited into the Grants and Donations Trust Fund within
 1085 the Justice Administrative Commission for appropriation by the
 1086 Legislature.

1087 (4) Unless expressly authorized by law or in the General
 1088 Appropriations Act, public defenders are prohibited from
 1089 spending state-appropriated funds on county funding obligations
 1090 under s. 14, Art. V of the State Constitution beginning January
 1091 1, 2005. This includes expenditures on communications services
 1092 and facilities as defined in s. 29.008. This does not prohibit a
 1093 public defender from spending funds for these purposes in
 1094 exceptional circumstances when necessary to maintain operational
 1095 continuity in the form of a short-term advance pending
 1096 reimbursement from the county. If a public defender provides
 1097 short-term advance funding for a county responsibility as
 1098 authorized by this subsection, the public defender shall request
 1099 full reimbursement from the board of county commissioners prior

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1100 to making the expenditure or at the next meeting of the board of
 1101 county commissioners after the expenditure is made. The total of
 1102 all short-term advances authorized by this subsection shall not
 1103 exceed 2 percent of the public defender's approved operating
 1104 budget in any given year. No short-term advances authorized by
 1105 this subsection shall be permitted until all reimbursements
 1106 arising from advance funding in the prior state fiscal year have
 1107 been received by the public defender. All reimbursement payments
 1108 received by the public defender shall be deposited into the
 1109 General Revenue Fund.

1110 Section 13. Section 27.562, Florida Statutes, as amended
 1111 by chapter 2003-402, Laws of Florida, is amended to read:

1112 27.562 Disposition of funds.--The first \$40 of all funds
 1113 collected pursuant to s. 938.29 shall be deposited into the
 1114 Indigent Criminal Defense Trust Fund pursuant to s. 27.525. The
 1115 remaining funds collected pursuant to s. 938.29 shall be
 1116 distributed as follows:

1117 (1) Twenty-five percent shall be remitted to the Justice
 1118 Administrative Commission for deposit into the Indigent Criminal
 1119 Defense Trust Fund.

1120 (2) Seventy-five percent shall be remitted to the
 1121 Department of Revenue for deposit into the General Revenue Fund.

1122
 1123 The Justice Administrative Commission shall account for these
 1124 funds by circuit, and appropriations from the fund shall be
 1125 proportional to each circuit's collections. All funds collected
 1126 pursuant to s. 938.29, except the application fee imposed under
 1127 s. 27.52, shall be remitted to the Department of Revenue for
 1128 deposit into the General Revenue Fund. All judgments entered

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1129 pursuant to this part shall be in the name of the state.

1130 Section 14. Paragraph (c) of subsection (1) of section
 1131 28.101, Florida Statutes, is amended to read:

1132 28.101 Petitions and records of dissolution of marriage;
 1133 additional charges.--

1134 (1) When a party petitions for a dissolution of marriage,
 1135 in addition to the filing charges in s. 28.241, the clerk shall
 1136 collect and receive:

1137 (c) A charge of \$55 ~~\$18~~. On a monthly basis, the clerk
 1138 shall transfer the moneys collected pursuant to this paragraph
 1139 to the Department of Revenue for deposit in the Domestic
 1140 Violence Trust Fund. Such funds which are generated shall be
 1141 directed to the Department of Children and Family Services for
 1142 the specific purpose of funding domestic violence centers.

1143 Section 15. The introductory paragraph and subsection (26)
 1144 of section 28.24, Florida Statutes, as amended by chapter 2003-
 1145 402, Laws of Florida, are amended to read:

1146 28.24 Service charges by clerk of the circuit court.--The
 1147 clerk of the circuit court may charge for services rendered by
 1148 the clerk's office in recording documents and instruments and in
 1149 performing the duties enumerated in amounts not to exceed those
 1150 specified in this section. Notwithstanding any other provision
 1151 of this section, the clerk of the circuit court shall provide
 1152 without charge to the state attorney, public defender, and
 1153 guardian ad litem, and to the authorized staff acting on behalf
 1154 of each, any justice or judge, to any court staff acting on
 1155 behalf of any justice or judge, and to any state attorney or
 1156 public defender access to and a copy ~~copies~~ of any public
 1157 record, if the requesting party is entitled by law to view the

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1158 ~~exempt or confidential record records, notwithstanding the~~
 1159 ~~exempt or confidential nature of such public records, as~~
 1160 maintained by and in the custody of the clerk of the circuit
 1161 court as provided in general law and the Florida Rules of
 1162 Judicial Administration. The clerk of the circuit court may
 1163 provide the requested public record in an electronic format in
 1164 lieu of a paper format when capable of being accessed by the
 1165 requesting entity.

Charges

1166
 1167 (26)(a) For receiving and disbursing all restitution
 1168 payments, per payment.....3.00

1169 (b) For receiving and disbursing all partial payments,
 1170 other than restitution payments, for which an administrative
 1171 processing service charge is not imposed pursuant to s. 28.246,
 1172 per month5.00

1173 (c) For setting up a payment plan, a one-time
 1174 administrative processing charge in lieu of a per month charge
 1175 under paragraph (b).....25.00

1176 Section 16. Subsection (3) of section 28.2401, Florida
 1177 Statutes, as amended by chapter 2003-402, Laws of Florida, is
 1178 amended to read:

28.2401 Service charges in probate matters.--

1180 (3) An additional service charge of \$4 ~~\$2.50~~ on petitions
 1181 seeking summary administration, formal administration, ancillary
 1182 administration, guardianship, curatorship, and conservatorship
 1183 shall be paid to the clerk. The clerk shall transfer \$3.50 ~~the~~
 1184 ~~\$2.50~~ to the Department of Revenue for deposit into the Court
 1185 Education Trust Fund and shall transfer 50 cents to the Clerk of
 1186 Court Operations Conference to fund clerk education. No

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1187 additional fees, charges, or costs shall be added to the service
 1188 charges imposed under this section, except as authorized by
 1189 general law.

1190 Section 17. Section 28.2402, Florida Statutes, as created
 1191 by chapter 2003-402, Laws of Florida, is amended to read:

1192 28.2402 Cost recovery; use of the circuit court for
 1193 ordinance or special law violations ~~Additional costs for~~
 1194 ~~performance of clerk court-related functions.--~~

1195 (1)(a) In lieu of payment of a filing fee under s. 28.241,
 1196 a filing fee of \$10 ~~The sum of \$200~~ shall be paid by ~~assessed to~~
 1197 a county or municipality when filing a county or municipal ~~code~~
 1198 ~~or~~ ordinance violation or violation of a special law in circuit
 1199 court. ~~This~~ ~~The \$200~~ fee shall be paid to the clerk of the
 1200 ~~circuit and county~~ court for performing court-related functions.

1201 (b) No other filing fee may be assessed for filing the
 1202 violation in circuit court. If a person contests the violation
 1203 in court, the court shall assess \$40 in costs against the
 1204 nonprevailing party. The county or municipality shall be
 1205 considered the prevailing party when there is a finding of
 1206 violation to any count or lesser included offense of the charge.
 1207 Costs recovered pursuant to this paragraph shall be deposited
 1208 into the clerk's fine and forfeiture fund established pursuant
 1209 to s. 142.01.

1210 (2) To offset costs incurred by the clerks of the court in
 1211 performing court-related functions associated with the
 1212 processing of violations of special laws and county and
 1213 municipal ordinances, 30 percent of the total amount of fines
 1214 paid to each county and municipality for special law or
 1215 ordinance violations filed in circuit court shall be directed to

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1216 the clerk of the court for deposit into the clerk's fine and
 1217 forfeiture fund established pursuant to s. 142.01, except for
 1218 finest a portion of which the clerk of the court retains pursuant
 1219 to any other provision of state law.

1220 Section 18. Subsections (1) and (2) of section 28.241,
 1221 Florida Statutes, as amended by chapter 2003-402, Laws of
 1222 Florida, are amended, and subsections (5) and (6) are added to
 1223 said section, to read:

1224 28.241 Filing fees for trial and appellate proceedings.--

1225 (1)(a) The party instituting any civil action, suit, or
 1226 proceeding in the circuit court shall pay to the clerk of that
 1227 court a filing fee of up to \$250 in all cases in which there are
 1228 not more than five defendants and an additional filing fee of up
 1229 to \$2 for each defendant in excess of five. Of the first \$55
 1230 ~~\$57.50~~ in filing fees, \$50 must be remitted by the clerk to the
 1231 Department of Revenue for deposit into the General Revenue
 1232 Fund, ~~+~~ and \$5 must be remitted to the Department of Revenue for
 1233 deposit into the Administrative Trust Fund in the Department of
 1234 Financial Services to fund the contract with the Florida Clerks
 1235 Clerk of Court Operations Corporation created in s. 28.35
 1236 ~~Operations Conference; and \$2.50 shall be paid to the clerk for~~
 1237 ~~each civil action brought in circuit or county court, to be~~
 1238 ~~remitted by the clerk to the Department of Revenue for deposit~~
 1239 ~~into the Court Education Trust Fund.~~ One-third of any filing
 1240 fees collected by the clerk of the circuit court in excess of
 1241 \$55 ~~\$57.50~~ shall be remitted to the Department of Revenue for
 1242 deposit into the Department of Revenue Clerks of the Court Trust
 1243 Fund. An additional filing fee of \$4 shall be paid to the clerk.
 1244 The clerk shall transfer \$3.50 to the Department of Revenue for

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1245 deposit into the Court Education Trust Fund and shall transfer
 1246 50 cents to the Clerk of Court Operations Conference to fund
 1247 clerk education. An additional filing fee of up to \$15 shall be
 1248 paid by the party seeking each severance that is granted. The
 1249 clerk may impose an additional filing fee of up to \$75 for all
 1250 proceedings of garnishment, attachment, replevin, and distress.
 1251 Postal charges incurred by the clerk of the circuit court in
 1252 making service by certified or registered mail on defendants or
 1253 other parties shall be paid by the party at whose instance
 1254 service is made. No additional fees, charges, or costs shall be
 1255 added to the filing fees imposed under this section, except as
 1256 authorized herein or by general law.

1257 (b) A party reopening any civil action, suit, or
 1258 proceeding in the circuit court shall pay to the clerk of court
 1259 a filing fee set by the clerk in an amount not to exceed \$50.
 1260 For purposes of this section, a case is reopened when a case
 1261 previously reported as disposed of is resubmitted to a court and
 1262 includes petitions for modification of a final judgment of
 1263 dissolution. A party is exempt from paying the fee for any of
 1264 the following:

- 1265 1. A writ of garnishment;
- 1266 2. A writ of replevin;
- 1267 3. A distress writ;
- 1268 4. A writ of attachment;
- 1269 5. A motion for rehearing filed within 10 days;
- 1270 6. A motion for attorney's fees filed within 30 days after
 1271 entry of a judgment or final order;
- 1272 7. A motion for dismissal filed after a mediation
 1273 agreement has been filed;

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8. A disposition of personal property without administration;

9. Any probate case prior to the discharge of a personal representative;

10. Any guardianship pleading prior to discharge;

11. Any mental health pleading;

12. Motions to withdraw by attorneys;

13. Motions exclusively for the enforcement of child support orders;

14. A petition for credit of child support;

15. Stipulations;

16. Responsive pleadings; or

17. Cases in which there is no initial filing fee.

(2) Upon the institution of any appellate proceeding from any lower ~~inferior~~ court to the circuit court of any such county, including appeals filed by a county or municipality as provided in s. 34.041(6), or from the circuit court to an appellate court of the state, the clerk shall charge and collect from the party or parties instituting such appellate proceedings a filing fee not to exceed ~~service charge of up to~~ \$250 for filing a notice of appeal from the county court to the circuit ~~an inferior court~~ and, in addition to the filing fee required under s. 25.241 or s. 35.22, \$50 ~~or~~ for filing a notice of appeal from the circuit court to the district court of appeal or to the Supreme Court ~~to a higher court~~. If the party is determined to be indigent, the clerk shall defer payment of the fee. The clerk shall remit the first \$50 to the Department of Revenue for deposit into the General Revenue Fund. One-third of the fee collected by the clerk in excess of \$50 also shall be

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1303 remitted to the Department of Revenue for deposit into the
 1304 Clerks of the Court Trust Fund.

1305 (5) Filing fees for the institution or reopening of any
 1306 civil action, suit, or proceeding in county court shall be
 1307 charged and collected as provided in s. 34.041.

1308 (6) For each attorney appearing pro hac vice, the clerk of
 1309 the circuit court may impose a fee of up to \$100 for deposit
 1310 into the Clerk of the Courts Trust Fund within the Department of
 1311 Revenue.

1312 Section 19. Section 28.245, Florida Statutes, as amended
 1313 by chapter 2003-402, Laws of Florida, is amended to read:

1314 28.245 Transmittal of funds to Department of Revenue;
 1315 uniform remittance form required.--Notwithstanding any other
 1316 provision of law, all moneys collected by the clerks of the
 1317 court for subsequent distribution to any state entity must be
 1318 transmitted electronically to the Department of Revenue for
 1319 appropriate distribution. A uniform remittance form provided by
 1320 the Department of Revenue detailing the specific amounts due
 1321 each fund must accompany such submittal. All moneys collected by
 1322 the clerks of court for remittance to any entity must be
 1323 distributed pursuant to the law in effect at the time of
 1324 collection.

1325 Section 20. Section 28.246, Florida Statutes, as created
 1326 by chapter 2003-402, Laws of Florida, is amended to read:

1327 28.246 Payment of court-related fees, charges, and costs;
 1328 partial payments; distribution of funds.--

1329 (1) Beginning July 1, 2003, the clerk of the circuit court
 1330 shall report the following information to the Legislature and

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1331 the Clerk of Court Operations Conference on a form developed by
 1332 the Department of Financial Services:

1333 (a) The total amount of mandatory fees, services charges,
 1334 and costs; the total amount actually assessed; the total amount
 1335 discharged, ~~or~~ waived, or otherwise not assessed; and the total
 1336 amount collected.

1337 (b) The ~~maximum~~ amount of discretionary fees, service
 1338 charges, and costs ~~authorized; the total amount actually~~
 1339 ~~assessed; the total amount discharged or waived~~; and the total
 1340 amount collected.

1341 (c) The total amount of mandatory fines and other monetary
 1342 penalties; the total amount assessed; the total amount
 1343 discharged, ~~or~~ waived, or otherwise not assessed; and the total
 1344 amount collected.

1345 (d) The ~~maximum~~ amount of discretionary fines and other
 1346 monetary penalties; ~~the total amount~~ assessed; the ~~total~~ amount
 1347 discharged ~~or waived~~; and the total amount collected.

1348
 1349 If provided to the clerk of court by the judge, the clerk, in
 1350 reporting the amount assessed, shall separately identify the
 1351 amount assessed pursuant to s. 938.30 as community service;
 1352 assessed by reducing the amount to a judgment or lien; satisfied
 1353 by time served; or other. The form developed by the Chief
 1354 Financial Officer shall include separate entries for recording
 1355 these amounts. The clerk shall submit the report on a quarterly
 1356 basis 30 days after the end of the quarter for the period from
 1357 July 1, 2003, through June 30, 2004, and on an annual basis
 1358 thereafter, 60 days after the end of the county fiscal year.

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1359 (2) The clerk of the circuit court shall establish and
 1360 maintain a system of accounts receivable for court-related fees,
 1361 charges, and costs.

1362 (3) Court costs, fines, and other dispositional
 1363 assessments shall be enforced by order of the courts, collected
 1364 by the clerks of the circuit and county courts, and disbursed in
 1365 accordance with authorizations and procedures as established by
 1366 general law. ~~Each clerk of the circuit court shall enter into a~~
 1367 ~~payment plan with defendants determined to be indigent and~~
 1368 ~~demonstrating an inability to pay court-related fees, charges,~~
 1369 ~~and costs in full.~~

1370 (4) The clerk of the circuit court shall accept partial
 1371 payments for ~~unpaid~~ court-related fees, service charges, ~~and~~
 1372 ~~costs, and fines~~ in accordance with the terms of an established
 1373 payment plan. An individual seeking to defer payment of fees,
 1374 service charges, costs, or fines imposed by operation of law or
 1375 order of the court under any provision of general law, and
 1376 determined by the court to be unable to make payment in full,
 1377 shall be enrolled by the clerk in a payment program, with
 1378 periodic payment amounts corresponding to the individual's
 1379 ability to pay.

1380 (5) When receiving partial payment of fees, service
 1381 charges, court costs, and fines, clerks shall distribute funds
 1382 according to the following order of priority:

1383 (a) That portion of fees, services charges, court costs,
 1384 and fines ~~payable to the clerk for the operations of the clerk~~
 1385 ~~and~~ to be remitted to the state for deposit into the General
 1386 Revenue Fund.

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1387 (b) That portion of fees, services charges, court costs,
 1388 and fines which are required to be retained by the clerk of the
 1389 court or deposited into the Clerks of the Court Trust Fund.

1390 (c)~~(b)~~ That portion of fees, service charges, court costs,
 1391 and fines payable to state trust funds, allocated on a pro rata
 1392 basis among the various authorized funds if the total collection
 1393 amount is insufficient to fully fund all such funds as provided
 1394 by law.

1395 (d)~~(e)~~ That portion of fees, service charges, court costs,
 1396 and fines payable to counties, municipalities, or other local
 1397 entities, allocated on a pro rata basis among the various
 1398 authorized recipients if the total collection amount is
 1399 insufficient to fully fund all such recipients as provided by
 1400 law.

1401
 1402 To offset processing costs, clerks may impose either a per-month
 1403 service charge pursuant to s. 28.24(26)(b) or a one-time
 1404 administrative processing service charge at the inception of the
 1405 payment plan pursuant to s. 28.24(26)(c) ~~retain up to 1 percent~~
 1406 ~~of all collections of fees, service charges, court costs, and~~
 1407 ~~fines payable to other entities, except where otherwise provided~~
 1408 ~~in general law.~~

1409 (6) A clerk of court may pursue the collection of any
 1410 fees, service charges, fines, court costs, and liens for the
 1411 payment of attorney's fees and costs pursuant to s. 938.29 ~~or~~
 1412 ~~other costs imposed by the court~~ which remain unpaid for 90 days
 1413 or more, or refer the account ~~such collection~~ to a private
 1414 attorney who is a member in good standing of The Florida Bar or
 1415 collection agent who is registered and in good standing pursuant

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1416 to chapter 559. In pursuing the collection of such unpaid
 1417 financial obligations through a private attorney or collection
 1418 agent, the clerk of the court must have attempted to collect the
 1419 unpaid amount through a collection court, collections docket, or
 1420 other collections process, if any, established by the court,
 1421 find ~~determine~~ this to be ~~is~~ cost-effective and follow any
 1422 applicable procurement practices. The collection fee, including
 1423 any reasonable attorney's fee, paid to any attorney or
 1424 collection agent retained by the clerk may be added to the
 1425 balance owed in an amount not to exceed 40 percent of the amount
 1426 owed at the time the account is referred to the attorney or
 1427 agent for collection.

1428 Section 21. Section 28.345, Florida Statutes, as created
 1429 by chapter 2003-402, Laws of Florida, is amended to read:

1430 28.345 Exemption from court-related fees and
 1431 charges.--Notwithstanding any other provision of this chapter or
 1432 law to the contrary, judges, state attorneys, guardians ad
 1433 litem, and public defenders, acting in their official capacity;
 1434 and state agencies; are exempt from all court-related fees and
 1435 charges assessed by the clerks of the circuit courts.

1436 Section 22. Section 28.35, Florida Statutes, as created by
 1437 chapter 2003-402, Laws of Florida, is amended to read:

1438 28.35 Florida Clerks ~~Clerk~~ of Court Operations Corporation
 1439 Conference.--

1440 (1)(a) The Florida Clerks of Court Operations Corporation
 1441 is hereby created as a public corporation organized to perform
 1442 the functions specified in this section. All clerks of the
 1443 circuit court shall be members of the corporation and hold their
 1444 position and authority in an ex officio capacity. The functions

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1445 assigned to the corporation shall be performed by an executive
 1446 council pursuant to the plan of operation approved by the
 1447 members.

1448 (b) The executive council shall be composed of ~~The Clerk~~
 1449 ~~of Court Operations conference is created and shall be composed~~
 1450 ~~of:~~

1451 ~~(a)~~ eight clerks of the court elected by the clerks of the
 1452 courts for a term of 2 years, with two clerks from counties with
 1453 a population of fewer than 100,000 ~~residents~~, two clerks from
 1454 counties with a population of at least 100,000 ~~residents~~ but
 1455 fewer than 500,000 ~~residents~~, two clerks from counties with a
 1456 population of at least 500,000 ~~residents~~ but fewer than 1
 1457 million ~~residents~~, and two clerks from counties with a
 1458 population of more than 1 million ~~residents~~.

1459 (c) For the purposes of s. 199.183(1), the corporation
 1460 shall be considered a political subdivision of the state and
 1461 shall be exempt from the corporate income tax. The corporation
 1462 is not subject to the procurement provisions of chapter 287 and
 1463 policies and decisions of the corporation relating to incurring
 1464 debt, levying assessments, and the sale, issuance, continuation,
 1465 terms, and claims under corporation policies, and all services
 1466 relating thereto, are not subject to the provisions of chapter
 1467 120.

1468 (d) The functions assigned to the corporation under this
 1469 section and ss. 28.36 and 28.37 are considered to be for a valid
 1470 public purpose.

1471 ~~(b) The Chief Justice of the Supreme Court or his or her~~
 1472 ~~designee.~~

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1473 (2) The duties of the corporation ~~conference~~ shall include
1474 the following:

1475 (a) Adopting a plan of operation.

1476 (b) Conducting the election of directors as required in
1477 paragraph (1)(a).

1478 (c)(a) Periodically Recommending to the Legislature
1479 changes in the various court-related fines, fees, service
1480 charges, and court costs ~~cost~~ ~~schedules~~ established by law to
1481 ensure reasonable and adequate funding of the clerks of the
1482 court in the performance of their court-related functions.

1483 (d)(b) Pursuant to contract with the Chief Financial
1484 Officer, establishing a process for the review and certification
1485 approval of proposed court-related proposed budgets submitted by
1486 clerks of the court for completeness and compliance with this
1487 section and ss. 28.36 and 28.37. This process shall be designed
1488 and be of sufficient detail to permit independent verification
1489 and validation of the budget certification. The contract shall
1490 specify the process to be used in determining compliance by the
1491 corporation with this section and ss. 28.36 and 28.37.

1492 (e) Assisting the Department of Revenue in calculating the
1493 maximum annual budget amount for the standard list of court-
1494 related functions that clerks may fund from filing fees, service
1495 charges, court costs, and fines retained by the clerks of the
1496 court pursuant to the requirements of ~~pursuant to~~ s. 28.36.

1497 ~~(e) Certifying to the Legislature, the Governor, the Chief~~
1498 ~~Financial Officer, and the Department of Revenue which clerks of~~
1499 ~~court will have court-related revenues insufficient to fund the~~
1500 ~~anticipated court-related functions of their offices and the~~
1501 ~~actions taken to resolve any deficits pursuant to s. 28.36.~~

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1502 (f)(d) Developing and certifying ~~approving~~ a uniform
 1503 system of performance measures ~~accountability measurements~~ and
 1504 applicable performance standards for the functions specified in
 1505 paragraph (4)(a) and each clerk performance in meeting the
 1506 performance standards of the court. These measures and standards
 1507 shall be designed to facilitate an objective determination of
 1508 the performance of each clerk in accordance with minimum
 1509 standards for ~~must assess the~~ fiscal management, operational
 1510 efficiency ~~efficient operations~~, and effective collection of
 1511 fines, fees, service charges, and court costs using data
 1512 reported in s. 28.246 as well as other data. When the
 1513 corporation finds a clerk has not met the performance standards,
 1514 the corporation shall identify the nature of each deficiency and
 1515 any corrective action recommended and taken by the affected
 1516 clerk of the court.

1517 (g) Reviewing and certifying proposed budgets submitted by
 1518 clerks of the court utilizing the process approved by the Chief
 1519 Financial Officer pursuant to paragraph (c) for the purpose of
 1520 making the certification in subsection (3)(a). As part of this
 1521 process, the corporation shall:

1522 1. Calculate the maximum authorized annual budget pursuant
 1523 to the requirements of s. 28.36.

1524 2. Identify those proposed budgets exceeding the maximum
 1525 annual budget pursuant to s. 28.36(5) for the standard list of
 1526 court-related functions.

1527 3. Identify those proposed budgets containing funding for
 1528 items not included on the standard list of court-related
 1529 functions developed pursuant to paragraph (3)(a).

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1530 4. Identify those clerks projected to have court-related
 1531 revenues insufficient to fund their anticipated court-related
 1532 expenditures.

1533 (3)(a) The Clerk of Court Operations Corporation shall
 1534 certify to the President of the Senate, the Speaker of the House
 1535 of Representatives, the Chief Financial Officer, and the
 1536 Department of Revenue by October 15 of each year, the amount of
 1537 the proposed budget certified for each clerk; the revenue
 1538 projection supporting each clerk's budget; each clerk eligible
 1539 to retain some or all of the state's share of fines, fees,
 1540 service charges, and costs; the amount to be paid to each clerk
 1541 from the Clerks of the Court Trust Fund within the Department of
 1542 Revenue; the performance measures and standards approved by the
 1543 conference for each clerk; and the performance of each clerk in
 1544 meeting the performance standards.

1545 (b) Prior to December 1 of each year, the Chief Financial
 1546 Officer shall review the certifications made by the corporation
 1547 for the purpose of determining compliance with the approved
 1548 process and report its findings to the President of the Senate,
 1549 the Speaker of the House of Representatives and to the
 1550 Department of Revenue. To determine compliance with this
 1551 process, the Chief Financial Officer may examine the budgets
 1552 submitted to the corporation by the clerks.

1553 (4)(a) The list of court-related functions clerks may fund
 1554 from filing fees, service charges, court costs, and fines shall
 1555 be limited to those functions expressly authorized by law or
 1556 court rule. Those functions must include the following: case
 1557 maintenance; records management; court preparation and
 1558 attendance; processing the assignment, reopening, and

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1559 reassignment of cases; processing of appeals; collection and
 1560 distribution of fines, fees, service charges, and court costs;
 1561 processing of bond forfeiture payments; payment of jurors and
 1562 witnesses; data collection and reporting; processing of jurors;
 1563 determinations of indigent status; and reasonable administrative
 1564 support costs to enable the clerk of the court to carry out
 1565 these court-related functions.

1566 (b) The list of functions clerks may not fund from filing
 1567 fees, service charges, court costs, and fines shall include:

1568 1. Those functions not specified within paragraph (a).

1569 2. Functions assigned by administrative orders which are
 1570 not required for the clerk to perform the functions in paragraph
 1571 (a).

1572 3. Enhanced levels of service which are not required for
 1573 the clerk to perform the functions in paragraph (a).

1574 4. Functions identified as local requirements or local
 1575 optional programs.

1576 (c)(e) Publishing a uniform schedule of actual ~~maximum~~
 1577 ~~fees,~~ fees, service charges, and costs ~~that may be~~ charged by a
 1578 clerk of the court for court-related functions pursuant to
 1579 general law ~~that reflects any adjustments based on changes in~~
 1580 ~~the Consumer Price Index. Effective July 1, 2004, the schedule~~
 1581 ~~shall reflect the maximum fines, fees, service charges, and~~
 1582 ~~costs established by general law. The schedule may be adjusted~~
 1583 ~~on or after October 1, 2005, and no more frequently than~~
 1584 ~~annually thereafter, by the average percentage change in the~~
 1585 ~~Consumer Price Index issued by the United States Department of~~
 1586 ~~Labor since the last adjustment by the conference. Any~~
 1587 ~~adjustment to the schedule authorized in this paragraph must be~~

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1588 ~~affirmatively approved by a majority of the clerks of the~~
 1589 ~~circuit courts before such adjustments may take effect.~~

1590 ~~(5)(3)~~ The corporation Clerk of Court Operations
 1591 ~~conference~~ shall be funded pursuant to contract with the Chief
 1592 Financial Officer. Funds shall be provided to the Chief
 1593 Financial Officer for this purpose as appropriated by general
 1594 law ~~maintain a public depository to receive funds for its~~
 1595 ~~operations. The Clerk of Court Operations Conference shall~~
 1596 ~~receive a portion of the fees collected by the clerk for filing~~
 1597 ~~a civil action in circuit court as specified in s. 28.241. These~~
 1598 funds shall be available to the corporation conference for the
 1599 performance of the duties and responsibilities as set forth in
 1600 this section. The corporation conference may hire staff and pay
 1601 ~~for~~ other expenses from these funds ~~this fund only~~ as necessary
 1602 to perform the official duties and responsibilities of the
 1603 corporation conference as described in this section.

1604 ~~(6)(a)(4)~~ The corporation Clerk of Court Operations
 1605 ~~conference~~ shall submit an annual audited financial statement to
 1606 the Auditor General in a form and manner prescribed by the
 1607 Auditor General. The Auditor General shall conduct an annual
 1608 audit of the operations of the corporation conference, including
 1609 the use of funds and compliance with the provisions of this
 1610 section and ss. 28.36 and 28.37.

1611 (b) Certified public accountants conducting audits of
 1612 counties pursuant to s. 218.39 shall report, as part of the
 1613 audit, whether or not the clerks of the courts have complied
 1614 with the budgets certified by the Florida Clerk of Courts
 1615 Operations Corporation pursuant to the budget review process
 1616 pursuant to contract with the Chief Financial Officer and with

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1617 the performance standards developed and certified pursuant to
 1618 this section. The Auditor General shall develop a compliance
 1619 supplement for the audit of compliance with the budgets and
 1620 applicable performance standards certified by the corporation.

1621 Section 23. Section 28.36, Florida Statutes, as created by
 1622 chapter 2003-402, Laws of Florida, is amended to read:

1623 28.36 Budget ~~review and approval~~ procedure.--There is
 1624 hereby established a budget procedure for the court-related
 1625 functions of the clerks of the court.

1626 (1) Only those functions on the standard list developed
 1627 pursuant to s. 28.35(4)(a) may be funded from fees, service
 1628 charges, court costs, and fines retained by the clerks of the
 1629 court. No clerk may use fees, service charges, court costs, and
 1630 fines in excess of the maximum budget amounts as established in
 1631 subsection (5).

1632 (2)(1) For the period July 1, 2004, through September 30,
 1633 2004, and for each county fiscal year ending September 30
 1634 thereafter, each clerk of the court shall prepare a budget
 1635 relating solely to the performance of the standard list of
 1636 court-related functions pursuant to s. 28.35(4)(a).

1637 (3)(2) Each proposed budget shall further conform to the
 1638 following requirements:

1639 (a) ~~On May 1, 2004, for the fiscal period of July 1, 2004,~~
 1640 ~~through September 30, 2004, and~~ On or before August 1 for each
 1641 fiscal year thereafter, the proposed budget shall be prepared,
 1642 summarized, and submitted by the clerk in each county to the
 1643 Clerk of Court Operations Corporation ~~Conference~~ in the manner
 1644 and form prescribed by the corporation pursuant to contract with
 1645 the Chief Financial Officer ~~conference~~. The proposed budget must

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1646 provide detailed information on the anticipated revenues
 1647 available and expenditures necessary for the performance of the
 1648 standard list of court-related functions of the clerk's office
 1649 developed pursuant to s. 28.35(4)(a) for the county fiscal year
 1650 beginning the following October 1.

1651 (b) The proposed budget must be balanced, such that the
 1652 total of the estimated revenues available must equal or exceed
 1653 the total of the anticipated expenditures. These revenues
 1654 include the following: cash balances brought forward from the
 1655 prior fiscal period; revenue projected to be received from fees,
 1656 service charges, court costs, and fines for court-related
 1657 functions during the fiscal period covered by the budget; and
 1658 supplemental revenue that may be requested pursuant to
 1659 subsection (4)(3); and the contingency reserve authorized in
 1660 paragraph (e). The anticipated expenditures must be itemized as
 1661 required by the corporation, pursuant to contract with the Chief
 1662 Financial Officer Clerk of Court Operations conference.

1663 (c) The proposed budget may include a contingency reserve
 1664 not to exceed 10 percent of the total budget, provided that,
 1665 overall, the proposed budget does not exceed the limits
 1666 prescribed in subsection (5).

1667 ~~(4)(3)~~ If a clerk of the court estimates that available
 1668 funds plus projected revenues from fines, fees, service charges,
 1669 and costs for court-related services are insufficient to meet
 1670 the anticipated expenditures for the standard list of court-
 1671 related functions in s. 28.35(4)(a) performed by his or her
 1672 office, the clerk must report the budget deficit to the Clerk of
 1673 Court Operations Corporation conference in the manner and form
 1674 prescribed by the corporation pursuant to contract with the

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1675 Chief Financial Officer conference. The corporation conference
 1676 shall verify that the proposed budget is limited to the standard
 1677 list of court-related functions in s. 28.35(4)(a) determine
 1678 ~~whether the clerk is meeting his or her performance standards~~
 1679 ~~for the current year relating to fiscal management, efficient~~
 1680 ~~operations, and the effective collection of fines, fees, service~~
 1681 ~~charges, and costs.~~

1682 (a) If the corporation verifies that the proposed budget
 1683 is limited to the standard list of court-related functions in s.
 1684 28.35(4)(a) conference determines that a clerk is meeting his or
 1685 her ~~performance standards for fiscal management, operational~~
 1686 ~~efficiency,; efficient operations; and effective collection of~~
 1687 ~~fines, fees, service charges, and costs; and a revenue~~ deficit
 1688 is projected, that clerk may ~~shall~~ increase all fines, fees,
 1689 service charges, and any other court-related clerk fees and
 1690 charges ~~costs~~ to the maximum amounts specified by law ~~or the~~
 1691 ~~amount necessary to resolve the deficit, whichever is less.~~ If,
 1692 after increasing ~~such fines, fees, service charges, and any~~
 1693 other court-related clerk fees and charges to the maximum
 1694 amounts specified by law ~~costs~~, a revenue ~~budget~~ deficit is
 1695 still projected, the corporation conference shall, pursuant to
 1696 the terms of the contract with the Chief Financial Officer,
 1697 certify a deficit and notify the Department of Revenue that the
 1698 ~~that~~ clerk is authorized to retain revenues, in an amount
 1699 necessary to fully fund the projected revenue deficit, which he
 1700 or she would otherwise be required to remit to the Department of
 1701 Revenue for deposit into the Department of Revenue Clerks of the
 1702 Court Trust Fund pursuant to s. 28.37. If a revenue ~~budget~~
 1703 deficit is projected for that clerk after retaining all of the

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1704 projected collections from the court-related fines, fees,
 1705 service charges, and costs, the department conference shall
 1706 certify the amount of the revenue deficit amount to the
 1707 Executive Office of the Governor and request authority for funds
 1708 appropriated for this purpose from the department's Clerks of
 1709 the Court Trust Fund. Pursuant to s. 216.341, and
 1710 notwithstanding provisions of s. 216.192 related to the release
 1711 of funds, the Executive Office of the Governor may approve the
 1712 release of funds appropriated to resolve projected revenue
 1713 deficits in accordance with the notice, review, and objection
 1714 procedures set forth in s. 216.177 and shall provide notice to
 1715 the Chief Financial Officer. An amount equal to the deficit is
 1716 hereby appropriated each year from The department is directed to
 1717 request monthly amounts to each clerk certified to have a
 1718 deficit, in accordance with the releases approved by the
 1719 Governor of Revenue Clerks of the Court Trust Fund, without
 1720 further legislative action, period after period, until altered
 1721 or revoked by the Legislature. The Department of Revenue is
 1722 directed to make a monthly distribution of equal amounts to each
 1723 elrk certified to have a deficit until the Clerk of Court
 1724 Operations Conference certifies a different amount to be
 1725 distributed.

1726 (b) If the Department of Revenue finds the court-related
 1727 budget proposed by a clerk includes functions not included in
 1728 the standard list of court-related functions in s. 28.35(3)(a),
 1729 the department shall notify the clerk of the amount of the
 1730 proposed budget not eligible to be funded from fees, service
 1731 charges, costs, and fines for court-related functions. The clerk
 1732 shall then immediately discontinue the expenditures of funds for

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1733 this purpose and reimburse the Clerks of the Court Trust Fund
 1734 for any expenditures incurred to date for these functions ~~The~~
 1735 ~~Clerk of Court Operations Conference shall notify the Governor,~~
 1736 ~~the President of the Senate, and the Speaker of the House of~~
 1737 ~~Representatives prior to taking actions specified in this~~
 1738 ~~subsection. The notification shall include a certification by~~
 1739 ~~the conference that all of the conditions in this subsection~~
 1740 ~~have been met.~~

1741 ~~(4) The Clerk of Court Operations Conference must approve~~
 1742 ~~the court-related budget for each clerk in the state, and shall~~
 1743 ~~certify to the Legislature by October 15 of each year, the~~
 1744 ~~proposed budget amount approved for each clerk's budget; the~~
 1745 ~~revenue projection supporting each clerk's budget; each clerk~~
 1746 ~~who must retain some or all of the state's share of fines, fees,~~
 1747 ~~service charges, and costs; the amount to be paid from the~~
 1748 ~~Department of Revenue Clerks of the Court Trust Fund to each~~
 1749 ~~clerk; and the performance measures and standards approved by~~
 1750 ~~the conference for each clerk.~~

1751 (5)(a) For the county fiscal year October 1, 2004, through
 1752 September 30, 2005, the maximum annual budget amount for the
 1753 standard list of court-related functions of the clerks of court
 1754 in s. 28.35(4)(a) that may be funded from fees, service charges,
 1755 court costs, and fines retained by the clerks of the court shall
 1756 ~~authorized by the Clerk of Court Operations Conference for each~~
 1757 ~~clerk may not exceed 103 percent of the clerk's estimated actual~~
 1758 ~~expenditures for the prior county fiscal year for court-related~~
 1759 ~~functions that are required by law effective July 1, 2004. The~~
 1760 ~~conference shall use the clerk's actual expenditures for the~~
 1761 ~~prior county fiscal year for court-related functions as reported~~

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1762 ~~by the Chief Financial Officer based on the county financial~~
 1763 ~~reporting required under s. 218.32.~~

1764 (b) For the county fiscal year 2005-2006, the maximum
 1765 budget amount for the standard list of court-related functions
 1766 of the clerks of court in s. 28.35(4)(a) that may be funded from
 1767 fees, service charges, court costs, and fines retained by the
 1768 clerks of the court ~~authorized by the conference for each clerk~~
 1769 ~~budget~~ shall be the approved budget for county fiscal year 2004-
 1770 2005 adjusted by the projected percentage change in revenue
 1771 between the county fiscal years 2004-2005 and 2005-2006.

1772 (c) For the county fiscal years 2006-2007 and thereafter,
 1773 the maximum budget amount for the standard list of court-related
 1774 functions of the clerks of court in s. 28.35(4)(a) that may be
 1775 funded from fees, service charges, court costs, and fines
 1776 retained by the clerks of the court ~~authorized by the conference~~
 1777 ~~for each clerk~~ shall be established by first rebasing the prior
 1778 fiscal year budget to reflect the actual percentage change in
 1779 the prior fiscal year revenue and then adjusting the rebased
 1780 prior fiscal year budget by the projected percentage change in
 1781 revenue for the proposed budget year. The rebasing calculations
 1782 and maximum annual budget calculations shall be as follows:

1783 1. For county fiscal year 2006-2007, the approved budget
 1784 for county fiscal year 2004-2005 shall be adjusted for the
 1785 actual percentage change in revenue between the two 12-month
 1786 periods ending June 30, 2005, and June 30, 2006. This result is
 1787 the rebased budget for the county fiscal year 2005-2006. Then
 1788 the rebased budget for the county fiscal year 2005-2006 shall be
 1789 adjusted by the projected percentage change in revenue between
 1790 the county fiscal years 2005-2006 and 2006-2007. This result

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1791 shall be the maximum annual budget amount for the standard list
 1792 of court-related functions of the clerks of court in s.
 1793 28.35(4)(a) that may be funded from fees, service charges, court
 1794 costs, and fines retained by the clerks of the court ~~authorized~~
 1795 ~~by the conference~~ for each clerk for the county fiscal year
 1796 2006-2007.

1797 2. For county fiscal year 2007-2008, the rebased budget
 1798 for county fiscal year 2005-2006 shall be adjusted for the
 1799 actual percentage change in revenue between the two 12-month
 1800 periods ending June 30, 2006, and June 30, 2007. This result is
 1801 the rebased budget for the county fiscal year 2006-2007. The
 1802 rebased budget for county fiscal year 2006-2007 shall be
 1803 adjusted by the projected percentage change in revenue between
 1804 the county fiscal years 2006-2007 and 2007-2008. This result
 1805 shall be the maximum annual budget amount for the standard list
 1806 of court-related functions of the clerks of court in s.
 1807 28.35(4)(a) that may be funded from fees, service charges, court
 1808 costs, and fines retained by the clerks of the court ~~authorized~~
 1809 ~~by the conference for each clerk budget~~ for county fiscal year
 1810 2007-2008.

1811 3. For county fiscal years 2008-2009 and thereafter, the
 1812 maximum budget amount for the standard list of court-related
 1813 functions of the clerks of court in s. 28.35(4)(a) that may be
 1814 funded from fees, service charges, court costs, and fines
 1815 retained by the clerks of the court ~~authorized by the conference~~
 1816 ~~for each clerk budget~~ shall be calculated as the rebased budget
 1817 for the prior county fiscal year adjusted by the projected
 1818 percentage change in revenues between the prior county fiscal
 1819 year and the county fiscal year for which the maximum budget

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1820 amount is being authorized. The rebased budget for the prior
 1821 county fiscal year shall always be calculated by adjusting the
 1822 rebased budget for the year preceding the prior county fiscal
 1823 year by the actual percentage change in revenues between the 12-
 1824 month period ending June 30 of the year preceding the prior
 1825 county fiscal year and the 12-month period ending June 30 of the
 1826 prior county fiscal year.

1827 (6) The corporation ~~Clerk of Court Operations~~ conference
 1828 may submit proposed legislation to the Governor, the President
 1829 of the Senate, and the Speaker of the House of Representatives
 1830 no later than November 1 in any year for approval of clerk
 1831 budget request amounts exceeding the restrictions in this
 1832 section for the following October 1. If proposed legislation is
 1833 recommended, the corporation ~~conference~~ shall also submit
 1834 supporting justification with sufficient detail to identify the
 1835 specific proposed expenditures that would cause the limitations
 1836 to be exceeded for each affected clerk and the estimated fiscal
 1837 impact on state revenues.

1838 Section 24. Subsection (2) of section 28.37, Florida
 1839 Statutes, as amended by chapter 2003-402, Laws of Florida, is
 1840 amended, subsections (3) and (4) of said section are renumbered
 1841 as subsections (4) and (5), respectively, and amended, and a new
 1842 subsection (3) is added to said section, to read:

1843 28.37 Fines, fees, service charges, and costs remitted to
 1844 the state.--

1845 (2) Beginning August 1, 2004, except as otherwise provided
 1846 in ss. 28.241 and 34.041, one-third of all fines, fees, service
 1847 charges, and costs collected by the clerks of the court during
 1848 the prior month for the performance of court-related functions

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1849 shall be remitted to the Department of Revenue for deposit in
 1850 the Department of Revenue Clerks of the Court Trust Fund. These
 1851 collections do not include funding received for the operation of
 1852 the Title IV-D child support collections and disbursement
 1853 program. The clerk of the court shall remit the revenues
 1854 collected during the prior month due to the state on or before
 1855 the 20th ~~5th~~ day of each month. The Department of Revenue shall
 1856 make a monthly transfer of the funds in the Department of
 1857 Revenue Clerks of the Court Trust Fund that are not needed to
 1858 resolve clerk of the court revenue ~~budget~~ deficits, as specified
 1859 in s. 28.36, to the General Revenue Fund.

1860 (3) For the period of October 1, 2003, to June 30, 2004,
 1861 those clerks operating as fee officers for court-related
 1862 services shall determine the amount of fees collected and
 1863 expenses generated for court-related services. Any excess fees
 1864 generated during this period shall be remitted to the county on
 1865 December 31, 2004. However, any billings for payment of due
 1866 process services rendered before July 1, 2004, may be paid by
 1867 the clerk from these funds. Due process services shall include,
 1868 but not be limited to, court reporter services, court
 1869 interpreter services, expert witness services, mental health
 1870 evaluations, and court-appointed counsel services. In addition,
 1871 any deficit experienced by the clerk for court-related services
 1872 during the period from October 1, 2003, to June 30, 2004, shall
 1873 be funded by the county.

1874 (4)~~(3)~~ Beginning January 1, 2005, for the period July 1,
 1875 2004, through September 30, 2004, and each January 1 thereafter
 1876 for the preceding county fiscal year of October 1 through
 1877 September 30, the clerk of the court must remit to the

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1878 Department of Revenue for deposit in the General Revenue Fund
 1879 the cumulative excess of all fees, service charges, court costs,
 1880 and fines retained by the clerks of the court ~~statutory fines,~~
 1881 ~~fees, service charges, and costs collected for the clerk's~~
 1882 ~~court-related functions~~ over the amount needed to meet the
 1883 approved budget amounts established under s. 28.36.

1884 ~~(5)(4) The Department of Revenue shall adopt rules~~
 1885 ~~governing the remittance of the funds to be transferred to the~~
 1886 ~~General Revenue Fund under this section, the required forms and~~
 1887 ~~procedures, and penalties for failure to comply.~~ The Department
 1888 of Revenue shall collect any funds that the corporation Clerk of
 1889 ~~Court Operations conference~~ determines upon investigation were
 1890 due on January 1 but not remitted to the department.

1891 Section 25. Subsections (3) and (5) of section 29.005,
 1892 Florida Statutes, as amended by chapter 2003-402, Laws of
 1893 Florida, are amended to read:

1894 29.005 State attorneys' offices and prosecution
 1895 expenses.--For purposes of implementing s. 14, Art. V of the
 1896 State Constitution, the elements of the state attorneys' offices
 1897 to be provided from state revenues appropriated by general law
 1898 are as follows:

1899 (3) Witnesses, including expert witnesses, summoned to
 1900 appear for an investigation, preliminary hearing, or trial in a
 1901 ~~criminal~~ case when the witnesses are summoned by a state
 1902 attorney, and any other expert witnesses required in a court
 1903 hearing by law or whomever the state attorney deems necessary
 1904 for the performance of his or her duties.

1905 (5) Reasonable transportation services in the performance
 1906 of constitutional and statutory responsibilities. Motor vehicles

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1907 provided by counties to state attorneys as of July 1, 2003, and
 1908 any additional vehicles provided to state attorneys during
 1909 fiscal year 2003-2004 shall be transferred to the state
 1910 effective July 1, 2004.

1911 Section 26. Subsections (3) and (5) of section 29.006,
 1912 Florida Statutes, as amended by chapter 2003-402, Laws of
 1913 Florida, are amended to read:

1914 29.006 Public defenders and indigent defense costs.--For
 1915 purposes of implementing s. 14, Art. V of the State
 1916 Constitution, the elements of the public defenders' offices to
 1917 be provided from state revenues appropriated by general law are
 1918 as follows:

1919 (3) Witnesses, including expert witnesses, summoned to
 1920 appear for an investigation, preliminary hearing, or trial in a
 1921 ~~criminal~~ case when the witnesses are summoned on behalf of an
 1922 indigent defendant, and any other expert witnesses required in a
 1923 court hearing by law or whomever the public defender deems
 1924 necessary for the performance of his or her duties ~~approved by~~
 1925 ~~the court.~~

1926 (5) Reasonable transportation services in the performance
 1927 of constitutional and statutory responsibilities. Motor vehicles
 1928 provided by counties to public defenders as of July 1, 2003, and
 1929 any additional vehicles provided to public defenders during
 1930 fiscal year 2003-2004 shall be transferred by title to the state
 1931 effective July 1, 2004.

1932 Section 27. Paragraphs (a), (b), (d), and (f) of
 1933 subsection (1) and paragraph (a) of subsection (3) of section
 1934 29.008, Florida Statutes, as amended by chapter 2003-402, Laws

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1935 of Florida, are amended, and subsection (4) is added to said
 1936 section, to read:

1937 29.008 County funding of court-related functions.--

1938 (1) Counties are required by s. 14, Art. V of the State
 1939 Constitution to fund the cost of communications services,
 1940 existing radio systems, existing multiagency criminal justice
 1941 information systems, and the cost of construction or lease,
 1942 maintenance, utilities, and security of facilities for the
 1943 circuit and county courts, public defenders' offices, state
 1944 attorneys' offices, guardian ad litem offices, and the offices
 1945 of the clerks of the circuit and county courts performing court-
 1946 related functions. For purposes of implementing these
 1947 requirements, the term:

1948 (a) "Facility" means reasonable and necessary buildings
 1949 and office space and appurtenant equipment and furnishings,
 1950 structures, real estate, easements, and related interests in
 1951 real estate, including, but not limited to, those for the
 1952 purpose of housing legal materials for use by the general public
 1953 and personnel, equipment, or functions of the circuit or county
 1954 courts, public defenders' offices, state attorneys' offices, and
 1955 court-related functions of the office of the clerks of the
 1956 circuit and county courts and all storage. The term also
 1957 includes access to parking for such facilities in connection
 1958 with such court-related functions that may be available free or
 1959 from a private provider or a local government for a fee. The
 1960 office space provided by a county may not be less than the
 1961 standards for space allotment adopted by the Department of
 1962 Management Services. County funding must include physical
 1963 modifications and improvements to all facilities as are required

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1964 for compliance with the Americans with Disabilities Act. Upon
 1965 mutual agreement of a county and the affected entity in this
 1966 paragraph, the office space provided by the county may vary from
 1967 the standards for space allotment adopted by the Department of
 1968 Management Services. This section applies only to facilities
 1969 that are leased, or on which construction commences, after June
 1970 30, 2003.

1971 1. As of July 1, 2005, equipment and furnishings shall be
 1972 limited to that appropriate and customary for courtrooms, jury
 1973 facilities, and other public areas in courthouses and any other
 1974 facility occupied by the courts, state attorneys, and public
 1975 defenders.

1976 2. Equipment and furnishings under this paragraph in
 1977 existence and owned by counties on July 1, 2005, except for that
 1978 in the possession of the clerks, for areas other than
 1979 courtrooms, jury facilities, and other public areas in
 1980 courthouses and any other facility occupied by the courts, state
 1981 attorneys, and public defenders, shall be transferred to the
 1982 state at no charge.

1983 (b)~~1~~. "Construction or lease" includes, but is not limited
 1984 to, all reasonable and necessary costs of the acquisition or
 1985 lease of facilities, ~~equipment, and furnishings~~ for all judicial
 1986 officers, staff, jurors, volunteers of a tenant agency, and the
 1987 public for the circuit and county courts, the public defenders'
 1988 offices, state attorneys' offices, and for performing the court-
 1989 related functions of the offices of the clerks of the circuit
 1990 and county courts. This includes expenses related to financing
 1991 such facilities and the existing and future cost and bonded
 1992 indebtedness associated with placing the facilities in use.

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1993 ~~2. As of July 1, 2005, equipment and furnishings shall be~~
 1994 ~~limited to that appropriate and customary for courtrooms, jury~~
 1995 ~~facilities, and other public areas in courthouses.~~

1996 ~~3. Equipment and furnishings under this paragraph in~~
 1997 ~~existence and owned by counties on July 1, 2005, for areas other~~
 1998 ~~than courtrooms, jury facilities, and other public areas in~~
 1999 ~~courthouses, shall be transferred to the state at no charge.~~

2000 (d) "Utilities" means all electricity services for light,
 2001 heat, and ~~or~~ power; natural or manufactured gas services for
 2002 light, heat, and ~~or~~ power; water and wastewater services and
 2003 systems, stormwater or runoff services and systems, sewer
 2004 services and systems, all costs or fees associated with these
 2005 services and systems, and any costs or fees associated with the
 2006 mitigation of environmental impacts directly related to the
 2007 facility.

2008 (f) "Communications services" are defined as any
 2009 reasonable and necessary transmission, emission, and reception
 2010 of signs, signals, writings, images, and sounds of intelligence
 2011 of any nature by wire, radio, optical, or other electromagnetic
 2012 systems and includes all facilities and equipment owned, leased,
 2013 or used by judges, clerks, public defenders, state attorneys,
 2014 and all staff of the state courts system, state attorneys'
 2015 offices, public defenders' offices, and clerks of the circuit
 2016 and county courts performing court-related functions. Such
 2017 system or services shall include, but not be limited to:

2018 1. Telephone system infrastructure, including computer
 2019 lines, telephone switching equipment, and maintenance, and
 2020 facsimile, wireless communications, cellular telephones, pagers,
 2021 and video teleconferencing equipment and line charges. Each

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2022 county shall continue to provide access to a local carrier for
 2023 local and long distance service and shall pay toll charges for
 2024 ~~the local and long distance service. Telephone equipment,~~
 2025 ~~including facsimile and video teleconferencing equipment, owned~~
 2026 ~~by the counties shall be transferred to the state at no charge,~~
 2027 ~~effective July 1, 2004.~~

2028 2. All computer systems and equipment, including computer
 2029 hardware and software, modems, printers, wiring, network
 2030 connections, maintenance, support staff or services including
 2031 any county-funded support staff located in the offices of the
 2032 circuit court, county courts, state attorneys, and public
 2033 defenders, training, supplies, and line charges necessary for an
 2034 integrated computer system to support the operations and
 2035 management of the state courts system, the offices of the public
 2036 defenders, the offices of the state attorneys, and the offices
 2037 of the clerks of the circuit and county courts and the
 2038 capability to connect those entities and reporting data to the
 2039 state as required for the transmission of revenue, performance
 2040 accountability, case management, data collection, budgeting, and
 2041 auditing purposes. The integrated computer system shall be
 2042 operational by ~~July~~ January 1, 2006, and, at a minimum, permit
 2043 the exchange of financial, performance accountability, case
 2044 management, case disposition, and other data across multiple
 2045 state and county information systems involving multiple users at
 2046 both the state level and within each judicial circuit and ~~must~~
 2047 be able to electronically exchange judicial case background
 2048 data, sentencing ~~guidelines~~ and scoresheets, and video evidence
 2049 information stored in integrated case management systems over
 2050 secure networks. Once the integrated system becomes operational,

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2051 counties may reject requests to purchase communication services
 2052 included in this subparagraph not in compliance with standards,
 2053 protocols, or processes adopted by the board established
 2054 pursuant to s. 29.0085.

2055 3. Courier messenger and subpoena services.

2056 4. Auxiliary aids and services for qualified individuals
 2057 with a disability which are necessary to ensure access to the
 2058 courts. Such auxiliary aids and services include, but are not
 2059 limited to, sign language interpretation services required under
 2060 the federal Americans with Disabilities Act other than services
 2061 required to satisfy due process requirements and identified as a
 2062 state funding responsibility pursuant to ss. 29.004, 29.005,
 2063 29.006, and 29.007, real-time transcription services for
 2064 individuals who are hearing impaired, and assistive listening
 2065 devices and the equipment necessary to implement such
 2066 accommodations.

2067 (3) The following shall be considered a local requirement
 2068 pursuant to subparagraph (2)(a)1.:

2069 (a) Legal aid programs, which shall be funded at a level
 2070 equal to or greater than the amount provided from filing fees
 2071 and surcharges to legal aid programs from October 1, 2002, to
 2072 September 30, 2003. ~~Counties with a population of less than~~
 2073 75,000 are exempt from this requirement.

2074 (4)(a) Except for revenues used for the payment of
 2075 principal or interest on bonds, tax anticipation certificates,
 2076 or any other form of indebtedness as allowed under ss.
 2077 218.25(1), (2), or (4), the Department of Revenue shall withhold
 2078 revenue sharing receipts distributed pursuant to part II of
 2079 chapter 218 from any county not in compliance with the county

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2080 funding obligations for items specified in paragraphs (1)(a),
 2081 (c), (d), (e), (f), (g), and (h) and subsection (3). The
 2082 department shall withhold an amount equal to the difference
 2083 between the amount spent by the county for the particular item
 2084 in county fiscal year 2002-2003, the base year, plus 3 percent,
 2085 and the amount budgeted by the county for these obligations in
 2086 county fiscal year 2004-2005, if the latter is less than the
 2087 former. Every year thereafter, the department shall withhold
 2088 such an amount if the amount budgeted in that year is less than
 2089 the base year plus 1.5 percent growth per year. On or before
 2090 December 31, 2004, each county shall send to the department a
 2091 certified copy of their budget documents for the respective 2
 2092 years, separately identifying expenditure amounts for each
 2093 county funding obligation specified in paragraphs (1)(a), (c),
 2094 (d), (e), (f), (g), and (h), and subsection (3). Each year
 2095 thereafter, on or before December 31 of that year, each county
 2096 shall send a certified copy of its budget document to the
 2097 department.

2098 (b) Beginning in fiscal year 2005-2006, additional amounts
 2099 shall be withheld pursuant to paragraph (a), if the amount spent
 2100 in the previous fiscal year on the items specified in paragraphs
 2101 (1)(a), (c), (d), (e), (f), (g), and (h), and subsection (3) is
 2102 less than the amount budgeted for those items. Each county shall
 2103 certify expenditures for these county obligations for the prior
 2104 fiscal year to the department within 90 days after the end of
 2105 the fiscal year.

2106 (c) The department shall transfer the withheld payments to
 2107 the General Revenue Fund by March 31 of each year. These
 2108 payments are hereby appropriated to pay for these

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2109 responsibilities on behalf of the county.

2110 Section 28. Section 29.0086, Florida Statutes, is created
2111 to read:

2112 29.0086 Article V Technology Board.--

2113 (1) The Article V Technology Board is created.

2114 (2) The board shall be composed of ten members, as
2115 follows:

2116 (a) A person appointed by the Governor to represent
2117 executive branch agencies that maintain information routinely
2118 accessed by the courts in performance of official duties.

2119 (b) The Chief Justice of the Supreme Court, or his or her
2120 designee, who shall serve as chair.

2121 (c) A person appointed by the President of the Senate.

2122 (d) A person appointed by the Speaker of the House of
2123 Representatives.

2124 (e) A state attorney, appointed by the Florida Prosecuting
2125 Attorneys Association.

2126 (f) A public defender, appointed by the Florida Public
2127 Defender Association.

2128 (g) A court clerk, appointed by the Florida Association of
2129 Court Clerks.

2130 (h) A county commissioner, appointed by the Florida
2131 Association of Counties.

2132 (i) A sheriff, appointed by the Florida Sheriff's
2133 Association.

2134 (j) The executive director of the Department of Law
2135 Enforcement, or his or her designee.

2136 (3) The board shall:

2137 (a) Inventory existing communications services identified

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2138 in s. 29.008(1)(f) serving the state courts system, state
 2139 attorneys, public defenders, and clerks of court at both the
 2140 state level and within each judicial circuit.

2141 (b) Propose various alternative models, along with
 2142 advantages and disadvantages, for achieving system integration.

2143 (c) Propose solutions to achieve system integration and
 2144 data exchange across multiple state and county systems involving
 2145 multiple users at both the state level and within each judicial
 2146 circuit through the development of standards and procedures,
 2147 including common identifiers, common data field elements, data
 2148 transfer protocols, and a common data dictionary.

2149 (d) Propose a governance structure to achieve the
 2150 necessary coordination among system users at both the state and
 2151 circuit levels.

2152 (e) Propose solutions for maintaining system security to
 2153 prevent unauthorized access to applications or data.

2154 (4) The board shall issue recommendations, together with
 2155 any statutory changes necessary to implement proposed solutions,
 2156 to the Legislature by February 1, 2005.

2157 Section 29. Subsection (1) of section 29.016, Florida
 2158 Statutes, as created by chapter 2003-402, Laws of Florida, is
 2159 amended to read:

2160 29.016 Contingency fund; judicial branch.--

2161 (1) An appropriation may be provided in the General
 2162 Appropriations Act for the judicial branch to serve as a
 2163 contingency fund to alleviate deficits in contracted due process
 2164 services appropriation categories, ~~including private court-~~
 2165 ~~appointed counsel categories,~~ that may occur from time to time

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2166 due to extraordinary events that lead to unexpected
 2167 expenditures.

2168 Section 30. Subsections (1) and (2) of section 34.01,
 2169 Florida Statutes, are amended to read:

2170 34.01 Jurisdiction of county court.--

2171 (1) County courts shall have original jurisdiction:

2172 (a) In all misdemeanor cases not cognizable by the circuit
 2173 courts;

2174 (b) Of all violations of municipal and county ordinances;
 2175 and

2176 (c) Of all actions at law in which the matter in
 2177 controversy does not exceed the sum of \$15,000, exclusive of
 2178 interest, costs, and attorney's fees, except those within the
 2179 exclusive jurisdiction of the circuit courts. ~~The party~~
 2180 ~~instituting any civil action, suit, or proceeding pursuant to~~
 2181 ~~this paragraph where the amount in controversy is in excess of~~
 2182 ~~\$5,000 shall pay to the clerk of the county court the filing~~
 2183 ~~fees and service charges in the same amounts and in the same~~
 2184 ~~manner as provided in s. 28.241.~~

2185 (2) The county courts shall have jurisdiction previously
 2186 exercised by county judges' courts other than that vested in the
 2187 circuit court by s. 26.012, except that county court judges may
 2188 hear matters involving dissolution of marriage under the
 2189 simplified dissolution procedure pursuant to the ~~Rule 1.611(e),~~
 2190 Florida Family Rules of ~~Civil~~ Procedure or may issue a final
 2191 order for dissolution in cases where the matter is uncontested,
 2192 and the jurisdiction previously exercised by county courts, the
 2193 claims court, small claims courts, small claims magistrates
 2194 courts, magistrates courts, justice of the peace courts,

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2195 municipal courts, and courts of chartered counties, including
 2196 but not limited to the counties referred to in ss. 9, 10, 11,
 2197 and 24, Art. VIII of the State Constitution of 1885.

2198 Section 31. Section 34.041, Florida Statutes, as amended
 2199 by chapter 2003-402, Laws of Florida, is amended to read:

2200 34.041 Filing fees.--

2201 (1)(a) Upon the institution of any civil action, suit, or
 2202 proceeding in county court, the party shall ~~clerk of court may~~
 2203 ~~require the plaintiff, when filing an action or proceeding, to~~
 2204 pay the following filing fee, not to exceed:

2205 1.(a) For all claims less than
 2206 \$100.....\$50.

2207 2.(b) For all claims of \$100 or more but not more than
 2208 \$500.....\$75

2209 .
 2210 3.(c) For all claims of more than \$500 but not more than
 2211 \$2,500.....\$150

2212 .
 2213 4.(d) For all claims of more than
 2214 \$2,500.....\$250.

2215 5.(e) In addition, for all proceedings of garnishment,
 2216 attachment, replevin, and
 2217 distress.....\$75.

2218 6.(f) For removal of tenant
 2219 action.....\$75.

2220 (b) The first \$50 of the filing fee collected under
 2221 subparagraph (a)4. ~~paragraph (d)~~ shall be remitted to the
 2222 Department of Revenue for deposit into the General Revenue Fund.
 2223 One-third of any filing fees collected by the clerk under this

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2224 section paragraph (d) in excess of the first \$50 collected under
 2225 subparagraph (a)4. shall be remitted to the Department of
 2226 Revenue for deposit into the Department of Revenue Clerks of the
 2227 Court Trust Fund. An additional filing fee of \$4 shall be paid
 2228 to the clerk. The clerk shall transfer \$3.50 to the Department
 2229 of Revenue for deposit into the Court Education Trust Fund and
 2230 shall transfer 50 cents to the Clerk of Court Operations
 2231 Conference to fund clerk education. Postal charges incurred by
 2232 the clerk of the county court in making service by mail on
 2233 defendants or other parties shall be paid by the party at whose
 2234 instance service is made. Except as provided herein, filing fees
 2235 and service charges for performing duties of the clerk relating
 2236 to the county court shall be as provided in ss. 28.24 and
 2237 28.241. Except as otherwise provided herein, all filing fees
 2238 shall be retained as fee income of the office of the clerk of
 2239 circuit court. Filing fees imposed by this section may not be
 2240 added to any penalty imposed by chapter 316 or chapter 318.

2241 (2) A party reopening any civil action, suit, or
 2242 proceeding in the county court shall pay to the clerk of court a
 2243 filing fee set by the clerk in an amount not to exceed \$25 for
 2244 all claims of not more than \$500 and an amount not to exceed \$50
 2245 for all claims of more than \$500. For purposes of this section,
 2246 a case is reopened when a case previously reported as disposed
 2247 of is resubmitted to a court. A party is exempt from paying the
 2248 fee for any of the following:

- 2249 1. A writ of garnishment;
- 2250 2. A writ of replevin;
- 2251 3. A distress writ;
- 2252 4. A writ of attachment;

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- 2253 5. A motion for rehearing filed within 10 days;
- 2254 6. A motion for attorney's fees filed within 30 days of
- 2255 the entry of the judgment or final order;
- 2256 7. A motion for dismissal filed after a mediation
- 2257 agreement has been filed;
- 2258 8. A motion to withdraw by attorneys;
- 2259 9. Stipulations; or
- 2260 10. Responsive pleadings.

2261 ~~(3)(2)~~ If a nonindigent party fails ~~shall fail~~ to pay
 2262 accrued costs, ~~though able to do so,~~ the judge shall have power
 2263 to deny that party the right to file any new case while such
 2264 costs remain unpaid and, likewise, to deny such litigant the
 2265 right to proceed further in any pending case ~~pending~~.

2266 ~~(4)(3)~~ In criminal proceedings in county courts, costs
 2267 shall be taxed against a person in county court upon conviction
 2268 or estreatment pursuant to chapter 939.

2269 ~~(5)(4)~~ Upon the institution of any appellate proceeding
 2270 from the county court to the circuit court, including any appeal
 2271 filed by a county or municipality, the clerk shall charge and
 2272 collect filing fees as provided in s. 28.241(2) ~~there shall be~~
 2273 ~~charged and collected~~ from the party or parties instituting the
 2274 ~~such~~ appellate proceedings, ~~including appeals filed by a county~~
 2275 ~~or municipality, filing fees as provided in chapter 28.~~ If the
 2276 party is determined to be indigent, the clerk shall defer
 2277 payment of the fee.

2278 ~~(6)(5)~~ A charge or a fee may not be imposed upon a party
 2279 for responding by pleading, motion, or other paper to a civil or
 2280 criminal action, suit, or proceeding in a county court or to an
 2281 appeal to the circuit court.

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2282 (7)~~(6)~~ For purposes of this section, the term "party"
 2283 "plaintiff" includes a county or municipality filing any civil
 2284 action.

2285 (8) From each attorney appearing pro hac vice, the clerk
 2286 must collect a fee of \$100 for deposit into the General Revenue
 2287 Fund.

2288 Section 32. Section 34.045, Florida Statutes, is created
 2289 to read:

2290 34.045 Cost recovery; use of the county court for
 2291 ordinance or special law violations.--

2292 (1)(a) In lieu of payment of a filing fee under s. 34.041,
 2293 a filing fee of \$10 shall be paid by a county or municipality
 2294 when filing a violation of a county or municipal ordinance or a
 2295 violation of a special law in county court. This fee shall be
 2296 paid to the clerk of the court for performing court-related
 2297 functions.

2298 (b) No other filing fee may be assessed for filing the
 2299 violation in county court. If a person contests the violation in
 2300 court, the court shall assess \$40 in costs against the
 2301 nonprevailing party. The county or municipality shall be
 2302 considered the prevailing party when there is a finding of
 2303 violation to any count or lesser included offense of the charge.
 2304 Cost recovered pursuant to this paragraph shall be deposited
 2305 into the clerk's fine and forfeiture fund established pursuant
 2306 to s. 142.01.

2307 (2) To offset costs incurred by the clerks of the court in
 2308 performing court-related functions associated with the
 2309 processing of violations of special laws and county and
 2310 municipal ordinances, 30 percent of the total amount of fines

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2311 paid to each county and municipality for special law or
 2312 ordinance violations filed in county court shall be directed to
 2313 the clerk of the court for deposit into the clerk's fine and
 2314 forfeiture fund established pursuant to s. 142.01, except for
 2315 finest a portion of which the clerk of the court retains pursuant
 2316 to any other provision of state law.

2317 Section 33. Section 34.191, Florida Statutes, as amended
 2318 by chapter 2003-402, Laws of Florida, is amended to read:

2319 34.191 Fines and forfeitures; ordinance violations.--All
 2320 fines and forfeitures arising from offenses tried in the county
 2321 court shall be collected and accounted for by the clerk of the
 2322 court and disbursed to the appropriate entities in accordance
 2323 with ss. 28.2402, 34.045, 142.01, and 142.13 and are subject to
 2324 the provisions of s. 28.246(5). ~~All fines and forfeitures~~
 2325 ~~received from violations of municipal ordinances committed~~
 2326 ~~within a municipality within the territorial jurisdiction of the~~
 2327 ~~county court shall be paid monthly to the municipality except as~~
 2328 ~~provided in s. 318.21 or s. 943.25. All other fines and~~
 2329 ~~forfeitures collected by the clerk shall be considered income of~~
 2330 ~~the office of the clerk for use in performing court-related~~
 2331 ~~duties of the office.~~

2332 Section 34. Subsection (3) of section 35.22, Florida
 2333 Statutes, is amended to read:

2334 35.22 Clerk of district court; appointment; compensation;
 2335 assistants; filing fees; teleconferencing.--

2336 (3) The clerk, upon the filing of a certified copy of a
 2337 notice of appeal or petition, shall charge and collect a filing
 2338 fee ~~service charge~~ of \$250 for each case docketed, and service
 2339 charges as provided in s. 28.24 for copying, certifying or

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2340 furnishing opinions, records, papers or other instruments and
 2341 for other services ~~the same service charges as provided in s.~~
 2342 ~~28.24.~~ The State of Florida or its agencies, when appearing as
 2343 appellant or petitioner, is exempt from the filing fee required
 2344 in this subsection. The clerk shall collect from each attorney
 2345 appearing pro hac vice the fee imposed by the Supreme Court
 2346 pursuant to s. 25.241.

2347 Section 35. Section 39.0134, Florida Statutes, as amended
 2348 by chapter 2003-402, Laws of Florida, is amended to read:

2349 39.0134 Appointed counsel; compensation.--If counsel is
 2350 entitled to receive compensation for representation pursuant to
 2351 a court appointment in a dependency proceeding or a termination
 2352 of parental rights proceeding pursuant to this chapter,
 2353 compensation shall be paid in accordance with s. 27.5304. The
 2354 state may acquire and enforce a lien upon court-ordered payment
 2355 of attorney's fees and costs in accordance with s. 984.08.

2356 Section 36. Section 40.29, Florida Statutes, as amended by
 2357 chapter 2003-402, Laws of Florida, is amended to read:

2358 40.29 Payment of Clerks to make estimates and requisitions
 2359 for certain due process costs.--

2360 (1)(a) Each clerk of the circuit court, on behalf of the
 2361 courts, the state attorney, and the public defender shall
 2362 forward to the Justice Administrative Commission, by county, a
 2363 quarterly estimate of funds necessary to pay for witnesses,
 2364 except for expert witnesses paid pursuant to a contract or other
 2365 professional services agreement, pursuant to ss. 29.005 and
 2366 29.006.

2367 (b) Each clerk of the circuit court shall forward to the
 2368 Office of the State Courts Administrator, by county, a quarterly

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2369 estimate of funds necessary to pay juror compensation. ~~The clerk~~
 2370 ~~of the court in and for any county shall make an estimate of the~~
 2371 ~~amount necessary during any quarterly fiscal period beginning~~
 2372 ~~July 1 and during each succeeding quarterly fiscal period for~~
 2373 ~~the payment by the state of juror compensation and expenses;~~
 2374 ~~court reporter, interpreter, and translator services; witnesses,~~
 2375 ~~including expert witnesses; mental health professionals; and~~
 2376 ~~private court-appointed counsel, each in accordance with the~~
 2377 ~~applicable requirements of ss. 29.005, 29.006, and 29.007. The~~
 2378 ~~clerk of such court shall forward each such estimate to the~~
 2379 ~~Justice Administrative Commission no later than the date~~
 2380 ~~scheduled by the Justice Administrative Commission. At the time~~
 2381 ~~of any forwarding of such estimate, the clerk of such court~~
 2382 ~~shall make a requisition upon the Justice Administrative~~
 2383 ~~Commission for the amount of such estimate; and the Justice~~
 2384 ~~Administrative Commission may reduce the amount upon finding~~
 2385 ~~that the costs are unreasonable, inconsistent with applicable~~
 2386 ~~contractual terms, or inconsistent with compensation standards~~
 2387 ~~established by general law.~~

2388 (2) Upon receipt of an estimate pursuant to subsection
 2389 (1), the Justice Administrative Commission or Office of State
 2390 Courts Administrator, as applicable, shall endorse the amount
 2391 deemed necessary for payment by the clerk of the court during
 2392 the quarterly fiscal period and shall submit a request for
 2393 payment to the Chief Financial Officer. ~~The provisions of~~
 2394 ~~chapter 82-176, Laws of Florida, shall take effect July 1, 1982,~~
 2395 ~~except that those provisions which provide for the state~~
 2396 ~~assumption of witness fees which are currently paid by the~~
 2397 ~~counties shall take effect on a date determined by the~~

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2398 ~~appropriation of funds for this purpose.~~

2399 (3) Upon receipt of the funds from the Chief Financial
 2400 Officer, the clerk of the court shall pay all invoices approved
 2401 and submitted by the state attorney, public defender, and
 2402 circuit court administrator for the items enumerated in
 2403 paragraphs (1)(a) and (b).

2404 (4) After review for compliance with the rates and
 2405 requirements set by the circuit Article V indigent services
 2406 committees, the Article V Indigent Services Advisory Board, and
 2407 other applicable general laws, the Justice Administrative
 2408 Commission shall pay all due process service related invoices,
 2409 except those enumerated in paragraphs (1)(a) and (b), approved
 2410 and submitted by the state attorney, public defender, or court
 2411 appointed counsel in accordance with the applicable requirements
 2412 of ss. 29.005, 29.006, and 29.007.

2413 Section 37. Section 40.32, Florida Statutes, is amended to
 2414 read:

2415 40.32 Clerks to disburse money.--All moneys drawn from the
 2416 treasury under the provisions of this chapter by the clerk of
 2417 the court shall be disbursed by the clerk of the court as far as
 2418 needed in payment of jurors and witnesses, except for expert
 2419 witnesses paid pursuant to a contract or other professional
 2420 services agreement pursuant to ss. 29.004, 29.005, 29.006, and
 2421 29.007, for the legal compensation for service during the
 2422 quarterly fiscal period for which said moneys were drawn and for
 2423 no other purposes. Jurors and witnesses shall be paid by the
 2424 clerk of the court either in cash or by warrant within 20 days
 2425 after completion of jury service or of completion of service as
 2426 a witness. Whenever the clerk of the court pays a juror or

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2427 witness by cash, said juror or witness shall sign the payroll in
 2428 the presence of the clerk, a deputy clerk, or some other person
 2429 designated by the clerk. Whenever the clerk pays a juror or
 2430 witness by warrant, he or she shall endorse on the payroll
 2431 opposite the juror's or witness's name the words "Paid by
 2432 warrant," giving the number and date of the warrant.

2433 Section 38. Section 40.33, Florida Statutes, is amended to
 2434 read:

2435 40.33 Deficiency.--If the funds required for payment of
 2436 the items enumerated in s. 40.29(1)(a) or (b) in any county
 2437 ~~compensation of jurors and witnesses~~ during a quarterly fiscal
 2438 period exceeds the amount of the funds provided pursuant to s.
 2439 40.29(3) estimated by the clerk of the court and therefore is
 2440 ~~insufficient to pay in full the jurors and witnesses, the state~~
 2441 ~~attorney or public defender, as applicable, clerk of the court~~
 2442 shall make a further request ~~requisition~~ upon the Justice
 2443 Administrative Commission for the items enumerated in s.
 2444 40.29(1)(a) or the clerk of court shall make a further request
 2445 upon the Office of the State Courts Administrator for items
 2446 enumerated in s. 40.29(1)(b) for the amount necessary to allow
 2447 for full payment ~~pay such default, and the amount required shall~~
 2448 ~~be transmitted to the clerk of the court by warrant issued by~~
 2449 ~~the Chief Financial Officer in the same manner as the original~~
 2450 ~~requisition or order.~~

2451 Section 39. Section 40.361, Florida Statutes, is created
 2452 to read:

2453 40.361 Applicability of laws regarding state budgeting and
 2454 finances.--The requirements contained within chapter 216,
 2455 including the provisions of s. 216.192 related to release of

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2456 funds, chapter 29, including ss. 29.015 and 29.016 related to
 2457 use of contingency funds for due process services, and all other
 2458 laws of this state relating to state budgeting and financing
 2459 shall apply to all processes authorized or required under this
 2460 chapter for the payment of the items enumerated in s.
 2461 40.29(1)(a) and (b).

2462 Section 40. Subsection (3) of section 44.103, Florida
 2463 Statutes, is amended to read:

2464 44.103 Court-ordered, nonbinding arbitration.--

2465 (3) Arbitrators shall be selected and compensated in
 2466 accordance with rules adopted by the Supreme Court. Arbitrators
 2467 shall may be compensated by the county or by the parties, or,
 2468 upon a finding by the court that a party is indigent, an
 2469 arbitrator may be partially or fully compensated from state
 2470 funds according to the party's present ability to pay. Prior to
 2471 approving the use of state funds to reimburse an arbitrator, the
 2472 court must ensure that the party reimburses the portion of the
 2473 total cost that the party is immediately able to pay and that
 2474 the party has agreed to a payment plan established by the clerk
 2475 of the court that will fully reimburse the state for the balance
 2476 of all state costs for both the arbitrator and any costs of
 2477 administering the payment plan and any collection efforts that
 2478 may be necessary in the future. Compensation for arbitrators
 2479 shall not exceed \$200 per day, unless otherwise agreed by the
 2480 parties and approved by the court. Whenever possible, qualified
 2481 individuals who have volunteered their time to serve as
 2482 arbitrators shall be appointed. If an arbitration program is
 2483 funded pursuant to s. 44.108, volunteer arbitrators shall be

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2484 entitled to be reimbursed pursuant to s. 112.061 for all actual
 2485 expenses necessitated by service as an arbitrator.

2486 Section 41. Section 44.108, Florida Statutes, as amended
 2487 by chapter 2003-402, Laws of Florida, is amended to read:

2488 44.108 Funding of mediation and arbitration.--

2489 (1) Mediation and arbitration should be accessible to all
 2490 parties regardless of financial status. A filing fee of \$1 is
 2491 levied on all proceedings in the circuit or county courts to
 2492 fund mediation and arbitration services which are the
 2493 responsibility of the Supreme Court pursuant to the provisions
 2494 of s. 44.106. The clerk of the court shall forward the moneys
 2495 collected to the Department of Revenue for deposit in the state
 2496 courts' Mediation and Arbitration Trust Fund.

2497 (2) When court-ordered mediation services are provided by
 2498 a circuit court's mediation program, the following fees, unless
 2499 otherwise established in the General Appropriations Act, shall
 2500 be collected by the clerk of court:

2501 (a) Eighty dollars per person per session in family
 2502 mediation when the parties' combined income is greater than
 2503 \$50,000, but less than \$100,000 per year;

2504 (b) Forty dollars per person per session in family
 2505 mediation when the parties' combined income is less than
 2506 \$50,000; or

2507 (c) Fifty dollars per person per session in county court
 2508 cases.

2509
 2510 No mediation fees shall be assessed under this subsection in
 2511 eviction cases, against a party found to be indigent, or for any
 2512 small claims action. Fees collected by the clerk of court

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2513 pursuant to this section shall be used to fund court-ordered
 2514 mediation. The clerk of court may deduct \$1 per fee assessment
 2515 for processing this fee.

2516 Section 42. Subsection (1) of section 45.031, Florida
 2517 Statutes, is amended to read:

2518 45.031 Judicial sales procedure.--In any sale of real or
 2519 personal property under an order or judgment, the following
 2520 procedure may be followed as an alternative to any other sale
 2521 procedure if so ordered by the court:

2522 (1) SALE BY CLERK.--In the order or final judgment, the
 2523 court shall direct the clerk to sell the property at public sale
 2524 on a specified day that shall be not less than 20 days or more
 2525 than 35 days after the date thereof, on terms and conditions
 2526 specified in the order or judgment. A sale may be held more than
 2527 35 days after the date of final judgment or order if the
 2528 plaintiff or plaintiff's attorney consents to such time. Any
 2529 sale held more than 35 days after the final judgment or order
 2530 shall not affect the validity or finality of the final judgment
 2531 or order or any sale held pursuant thereto. Notice of sale shall
 2532 be published once a week for 2 consecutive weeks in a newspaper
 2533 of general circulation, as defined in chapter 50, published in
 2534 the county where the sale is to be held. The second publication
 2535 shall be at least 5 days before the sale. The notice shall
 2536 contain:

- 2537 (a) A description of the property to be sold.
- 2538 (b) The time and place of sale.
- 2539 (c) A statement that the sale will be made pursuant to the
- 2540 order or final judgment.
- 2541 (d) The caption of the action.

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2542 (e) The name of the clerk making the sale.

2543
 2544 The clerk shall receive a service charge of up to \$60 ~~\$40~~ for
 2545 services in making, recording, and certifying the sale and title
 2546 that shall be assessed as costs. The court, in its discretion,
 2547 may enlarge the time of the sale. Notice of the changed time of
 2548 sale shall be published as provided herein.

2549 Section 43. Section 50.0711, Florida Statutes, is created
 2550 to read:

2551 50.0711 Court docket fund; service charges;
 2552 publications.--

2553 (1) The clerk of the court in each county may establish a
 2554 court docket fund for the purpose of paying the cost of
 2555 publication of the fact of the filing of any civil case in the
 2556 circuit court of the county by the style and of the calendar
 2557 relating to such cases. This court docket fund shall be funded
 2558 by a service charge of \$1 added to the filing fee for all civil
 2559 actions, suits, or proceedings filed in the circuit court of the
 2560 county. The clerk shall maintain such funds separate and apart,
 2561 and the proceeds from the service charge shall not be diverted
 2562 to any other fund or for any purpose other than that established
 2563 in this section. The clerk of the court shall dispense the fund
 2564 to the designated record newspaper in the county on a quarterly
 2565 basis.

2566 (2) A newspaper qualified under the terms of s. 50.011
 2567 shall be designated as the record newspaper for such publication
 2568 by an order of the majority of the judges in the judicial
 2569 circuit in which such county is located, and such order shall be
 2570 filed and recorded with the clerk of the circuit court for such

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2571 county. The designated record newspaper may be changed at the
 2572 end of any fiscal year of the county by a majority vote of the
 2573 judges of the judicial circuit of the county ordering such
 2574 change 30 days prior to the end of the fiscal year, notice of
 2575 which order shall be given to the previously designated record
 2576 newspaper.

2577 (3) The publishers of any designated record newspapers
 2578 receiving payment from this court docket fund shall publish,
 2579 without additional charge, the fact of the filing of any civil
 2580 case, suit, or action filed in such county in the circuit. Such
 2581 publication shall be in accordance with a schedule agreed upon
 2582 between the record newspaper and the clerk of the court in such
 2583 county.

2584 (4) The publishers of any designated record newspapers
 2585 receiving revenues from the court docket fund established in
 2586 subsection (1) shall, without charge, accept legal
 2587 advertisements for the purpose of service of process by
 2588 publication under s. 49.011(4), (10), and (11) when such
 2589 publication is required of persons authorized to proceed as
 2590 indigent persons under s. 57.081.

2591 Section 44. Subsection (5) of section 55.10, Florida
 2592 Statutes, as amended by chapter 2003-402, Laws of Florida, is
 2593 amended to read:

2594 55.10 Judgments, orders, and decrees; lien of all,
 2595 generally; extension of liens; transfer of liens to other
 2596 security.--

2597 (5) Any lien claimed under this section may be
 2598 transferred, by any person having an interest in the real
 2599 property upon which the lien is imposed or the contract under

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2600 which the lien is claimed, from such real property to other
 2601 security by either depositing in the clerk's office a sum of
 2602 money or filing in the clerk's office a bond executed as surety
 2603 by a surety insurer licensed to do business in this state. Such
 2604 deposit or bond shall be in an amount equal to the amount
 2605 demanded in such claim of lien plus interest thereon at the
 2606 legal rate for 3 years plus \$500 to apply on any court costs
 2607 which may be taxed in any proceeding to enforce said lien. Such
 2608 deposit or bond shall be conditioned to pay any judgment, order,
 2609 or decree which may be rendered for the satisfaction of the lien
 2610 for which such claim of lien was recorded and costs plus \$500
 2611 for court costs. Upon such deposit being made or such bond being
 2612 filed, the clerk shall make and record a certificate showing the
 2613 transfer of the lien from the real property to the security and
 2614 mail a copy thereof by registered or certified mail to the
 2615 lienor named in the claim of lien so transferred, at the address
 2616 stated therein. Upon the filing of the certificate of transfer,
 2617 the real property shall thereupon be released from the lien
 2618 claimed, and such lien shall be transferred to said security.
 2619 The clerk shall be entitled to a service charge ~~fee~~ of up to \$15
 2620 for making and serving the certificate. If the transaction
 2621 involves the transfer of multiple liens, an additional service
 2622 charge of up to \$7.50 for each additional lien shall be charged.
 2623 Any number of liens may be transferred to one such security.

2624 Section 45. Subsection (2) of section 55.141, Florida
 2625 Statutes, as amended by chapter 2003-402, Laws of Florida, is
 2626 amended to read:

2627 55.141 Satisfaction of judgments and decrees; duties of
 2628 clerk and judge.--

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2629 (2) Upon such payment, the clerk, or the judge if there is
 2630 no clerk, shall issue his or her receipt therefor and shall
 2631 record a satisfaction of judgment, provided by the judgment
 2632 holder, upon payment of the recording charge prescribed in s.
 2633 28.24(15)(12) plus the necessary costs of mailing to the clerk
 2634 or judge. The clerk or judge shall formally notify the owner of
 2635 record of such judgment or decree, if such person and his or her
 2636 address are known to the clerk or judge receiving such payment,
 2637 and, upon request therefor, shall pay over to the person
 2638 entitled, or to his or her order, the full amount of the payment
 2639 so received, less his or her service charge fees for providing a
 2640 receipt upon the court issuing a writ of execution on such
 2641 judgment or decree, if any has been issued, and less his or her
 2642 service charge fees for receiving into and paying out of the
 2643 registry of the court such payment, together with the service
 2644 charge fees of the clerk for receiving into and paying such
 2645 money out of the registry of the court.

2646 Section 46. Subsections (2), (3), (4), and (5) of section
 2647 57.085, Florida Statutes, as amended by chapter 2003-402, Laws
 2648 of Florida, are amended to read:

2649 57.085 Deferral Waiver of prepayment of court costs and
 2650 fees for indigent prisoners.--

2651 (2) When a prisoner who is intervening in or initiating a
 2652 judicial proceeding seeks to defer the prepayment of court costs
 2653 and fees because of indigence, the prisoner must file an
 2654 affidavit of indigence with the appropriate clerk of the court.
 2655 The affidavit must contain complete information about the
 2656 prisoner's identity; the nature and amount of the prisoner's
 2657 income; all real property owned by the prisoner; all tangible

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2658 and intangible property worth more than \$100 which is owned by
 2659 the prisoner; the amount of cash held by the prisoner; the
 2660 balance of any checking, savings, or money market account held
 2661 by the prisoner; the prisoner's dependents, including their
 2662 names and ages; the prisoner's debts, including the name of each
 2663 creditor and the amount owed to each creditor; and the
 2664 prisoner's monthly expenses. The prisoner must certify in the
 2665 affidavit whether the prisoner has been adjudicated indigent
 2666 under this section, certified indigent under s. 57.081, or
 2667 authorized to proceed as an indigent under 28 U.S.C. s. 1915 by
 2668 a federal court. The prisoner must attach to the affidavit a
 2669 photocopy of the prisoner's trust account records for the
 2670 preceding 6 months or for the length of the prisoner's
 2671 incarceration, whichever period is shorter. The affidavit must
 2672 contain the following statements: "I am presently unable to pay
 2673 court costs and fees. Under penalty of perjury, I swear or
 2674 affirm that all statements in this affidavit are true and
 2675 complete."

2676 (3) Before a prisoner may receive a deferral of prepayment
 2677 of any court costs and fees for an action brought under this
 2678 section, the clerk of court must review the affidavit and
 2679 determine ~~certify~~ the prisoner to be ~~is~~ indigent.

2680 (4) When the clerk has found the prisoner to be indigent
 2681 ~~issued a certificate of indigence under this section~~ but
 2682 concludes the prisoner is able to pay part of the court costs
 2683 and fees required by law, the court shall order the prisoner to
 2684 make, prior to service of process, an initial partial payment of
 2685 those court costs and fees. The initial partial payment must
 2686 total at least 20 percent of the average monthly balance of the

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2687 prisoner's trust account for the preceding 6 months or for the
 2688 length of the prisoner's incarceration, whichever period is
 2689 shorter.

2690 (5) When the clerk has found the prisoner to be indigent
 2691 ~~issued a certificate of indigence under this section~~, the court
 2692 shall order the prisoner to make monthly payments of no less
 2693 than 20 percent of the balance of the prisoner's trust account
 2694 as payment of court costs and fees. When a court orders such
 2695 payment, the Department of Corrections or the local detention
 2696 facility shall place a lien on the inmate's trust account for
 2697 the full amount of the court costs and fees, and shall withdraw
 2698 money maintained in that trust account and forward the money,
 2699 when the balance exceeds \$10, to the appropriate clerk of the
 2700 court until the prisoner's court costs and fees are paid in
 2701 full.

2702 Section 47. Paragraphs (b), (d), (e), and (f) of
 2703 subsection (6) of section 61.14, Florida Statutes, as amended by
 2704 chapter 2003-402, Laws of Florida, are amended to read:

2705 61.14 Enforcement and modification of support,
 2706 maintenance, or alimony agreements or orders.--

2707 (6)

2708 (b)1. When an obligor is 15 days delinquent in making a
 2709 payment or installment of support and the amount of the
 2710 delinquency is greater than the periodic payment amount ordered
 2711 by the court, the local depository shall serve notice on the
 2712 obligor informing him or her of:

2713 a. The delinquency and its amount.

2714 b. An impending judgment by operation of law against him
 2715 or her in the amount of the delinquency and all other amounts

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2716 which thereafter become due and are unpaid, together with costs
 2717 and a service charge ~~fee~~ of up to \$7.50 ~~\$5~~, for failure to pay
 2718 the amount of the delinquency.

2719 c. The obligor's right to contest the impending judgment
 2720 and the ground upon which such contest can be made.

2721 d. The local depository's authority to release information
 2722 regarding the delinquency to one or more credit reporting
 2723 agencies.

2724 2. The local depository shall serve the notice by mailing
 2725 it by first class mail to the obligor at his or her last address
 2726 of record with the local depository. If the obligor has no
 2727 address of record with the local depository, service shall be by
 2728 publication as provided in chapter 49.

2729 3. When service of the notice is made by mail, service is
 2730 complete on the date of mailing.

2731 (d) The court shall hear the obligor's motion to contest
 2732 the impending judgment within 15 days after the date of the
 2733 filing of the motion. Upon the court's denial of the obligor's
 2734 motion, the amount of the delinquency and all other amounts
 2735 which thereafter become due, together with costs and a service
 2736 charge ~~fee~~ of up to \$7.50, become a final judgment by operation
 2737 of law against the obligor. The depository shall charge interest
 2738 at the rate established in s. 55.03 on all judgments for
 2739 support.

2740 (e) If the obligor fails to file a motion to contest the
 2741 impending judgment within the time limit prescribed in paragraph
 2742 (c) and fails to pay the amount of the delinquency and all other
 2743 amounts which thereafter become due, together with costs and a
 2744 service charge ~~fee~~ of up to \$7.50, such amounts become a final

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2745 judgment by operation of law against the obligor at the
 2746 expiration of the time for filing a motion to contest the
 2747 impending judgment.

2748 (f)1. Upon request of any person, the local depository
 2749 shall issue, upon payment of a service charge fee of up to
 2750 \$7.50, a payoff statement of the total amount due under the
 2751 judgment at the time of the request. The statement may be relied
 2752 upon by the person for up to 30 days from the time it is issued
 2753 unless proof of satisfaction of the judgment is provided.

2754 2. When the depository records show that the obligor's
 2755 account is current, the depository shall record a satisfaction
 2756 of the judgment upon request of any interested person and upon
 2757 receipt of the appropriate recording fee. Any person shall be
 2758 entitled to rely upon the recording of the satisfaction.

2759 3. The local depository, at the direction of the
 2760 department, or the obligee in a non-IV-D case, may partially
 2761 release the judgment as to specific real property, and the
 2762 depository shall record a partial release upon receipt of the
 2763 appropriate recording fee.

2764 4. The local depository is not liable for errors in its
 2765 recordkeeping, except when an error is a result of unlawful
 2766 activity or gross negligence by the clerk or his or her
 2767 employees.

2768 Section 48. Paragraph (b) of subsection (2) of section
 2769 61.181, Florida Statutes, as amended by chapter 2003-402, Laws
 2770 of Florida, is amended to read:

2771 61.181 Depository for alimony transactions, support,
 2772 maintenance, and support payments; fees.--

2773 (2)

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2774 (b)1. ~~For the period of July 1, 1992, through June 30,~~
 2775 ~~2004,~~ The fee imposed in paragraph (a) shall be increased to 4
 2776 percent of the support payments which the party is obligated to
 2777 pay, except that no fee shall be more than \$5.25. The fee shall
 2778 be considered by the court in determining the amount of support
 2779 that the obligor is, or may be, required to pay. Notwithstanding
 2780 the provisions of s. 145.022, 75 percent of the additional
 2781 revenues generated by this paragraph shall be remitted monthly
 2782 to the Clerk of the Court Child Support Enforcement Collection
 2783 System Trust Fund administered by the department as provided in
 2784 subparagraph 2. These funds shall be used exclusively for the
 2785 development, implementation, and operation of the Clerk of the
 2786 Court Child Support Enforcement Collection System to be operated
 2787 by the depositories, including the automation of civil case
 2788 information necessary for the State Case Registry. The
 2789 department shall contract with the Florida Association of Court
 2790 Clerks and the depositories to design, establish, operate,
 2791 upgrade, and maintain the automation of the depositories to
 2792 include, but not be limited to, the provision of on-line
 2793 electronic transfer of information to the IV-D agency as
 2794 otherwise required by this chapter. The department's obligation
 2795 to fund the automation of the depositories is limited to the
 2796 state share of funds available in the Clerk of the Court Child
 2797 Support Enforcement Collection System Trust Fund. Each
 2798 depository created under this section shall fully participate in
 2799 the Clerk of the Court Child Support Enforcement Collection
 2800 System and transmit data in a readable format as required by the
 2801 contract between the Florida Association of Court Clerks and the
 2802 department.

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2803 2. Moneys to be remitted to the department by the
 2804 depository shall be done daily by electronic funds transfer and
 2805 calculated as follows:

2806 a. For each support payment of less than \$33, 18.75 cents.

2807 b. For each support payment between \$33 and \$140, an
 2808 amount equal to 18.75 percent of the fee charged.

2809 c. For each support payment in excess of \$140, 18.75
 2810 cents.

2811 3. The fees established by this section shall be set forth
 2812 and included in every order of support entered by a court of
 2813 this state which requires payment to be made into the
 2814 depository.

2815 Section 49. Subsections (1) and (2) of section 125.69,
 2816 Florida Statutes, as amended by chapter 2003-402, Laws of
 2817 Florida, are amended, subsections (3), (4), and (5) of said
 2818 section are renumbered as subsections (2), (3), and (4),
 2819 respectively, and present subsections (3) and (4) of said
 2820 section are amended, to read:

2821 125.69 Penalties; enforcement by code inspectors.--

2822 (1) Violations of county ordinances shall be prosecuted in
 2823 the same manner as misdemeanors are prosecuted. Such violations
 2824 shall be prosecuted in the name of the state ~~county~~ in a court
 2825 having jurisdiction of misdemeanors by the prosecuting attorney
 2826 thereof and upon conviction shall be punished by a fine not to
 2827 exceed \$500 or by imprisonment in the county jail not to exceed
 2828 60 days or by both such fine and imprisonment. However, a county
 2829 may specify, by ordinance, a violation of a county ordinance
 2830 which is punishable by a fine in an amount exceeding \$500, but
 2831 not exceeding \$2,000 a day, if the county must have authority to

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2832 punish a violation of that ordinance by a fine in an amount
 2833 greater than \$500 in order for the county to carry out a
 2834 federally mandated program.

2835 ~~(2) For the purpose of prosecuting violations of special~~
 2836 ~~laws and county ordinances notwithstanding the prosecutorial~~
 2837 ~~authority of the state attorney pursuant to s. 27.02(1), the~~
 2838 ~~board of county commissioners of each county and the governing~~
 2839 ~~board of each charter county may designate as the county's~~
 2840 ~~prosecuting attorney an attorney employed by the county or a~~
 2841 ~~contract attorney. Subject to the control and oversight of the~~
 2842 ~~appointing authority, such attorney may employ assistants as~~
 2843 ~~necessary. Such person shall have all powers exercisable by the~~
 2844 ~~state attorney in the prosecution of violations of county~~
 2845 ~~ordinances under this section as of June 30, 2004. Such person~~
 2846 ~~shall be subject to suspension and removal by the Governor and~~
 2847 ~~Senate from the exercise of prosecutorial powers in the same~~
 2848 ~~manner as state attorneys.~~

2849 (2)(3) Each county is authorized and required to pay any
 2850 attorney appointed by the court to represent a defendant charged
 2851 with a criminal violation of a special law or county ordinance
 2852 not ancillary to a state charge prosecuted under this section if
 2853 the defendant is indigent and otherwise entitled to court-
 2854 appointed counsel under provision of an attorney at public
 2855 ~~expense is required by~~ the Constitution of the United States or
 2856 the Constitution of the State of Florida ~~and if the party is~~
 2857 ~~indigent as established pursuant to s. 27.52.~~ In these such
 2858 cases, the court shall appoint counsel to represent the
 2859 defendant in accordance with s. 27.40, and shall order the
 2860 county to pay the reasonable attorney's fees, expenses, and

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2861 costs, and related expenses of the ~~of such~~ defense. The county
 2862 may contract with the public defender of the judicial circuit in
 2863 which the county is located to serve as court-appointed counsel
 2864 pursuant to s. 27.54.

2865 ~~(3)(4) The county shall bear all court fees and costs of~~
 2866 ~~any prosecution under this section, and may, If~~ the county is
 2867 the prevailing party it prevails, the county may recover the
 2868 court fees and costs paid by it and the fees and expenses paid
 2869 to court-appointed counsel as part of its judgment. The state
 2870 shall bear no expense of actions brought under this section
 2871 except those that it would bear in an ordinary civil action
 2872 between private parties in county court.

2873 Section 50. Subsection (3) of section 129.02, Florida
 2874 Statutes, is amended to read:

2875 129.02 Requisites of budgets.--Each budget shall conform
 2876 to the following specific directions and requirements:

2877 (3) The budget for the county fine and forfeiture fund
 2878 ~~budget~~ shall contain an estimate of receipts by source and
 2879 balances as provided herein, and an itemized estimate of
 2880 expenditures that need to be incurred to carry on all criminal
 2881 prosecution ~~as provided in s. 142.01~~, and all other law
 2882 enforcement functions and activities of the county now or
 2883 hereafter authorized by law, and of indebtedness of the county
 2884 fine and forfeiture fund; also of the reserve for contingencies
 2885 and the balance, as hereinbefore provided, which should be
 2886 carried forward at the end of the year.

2887 Section 51. Section 142.01, Florida Statutes, as amended
 2888 by chapter 2003-402, Laws of Florida, is amended to read:

2889 142.01 Fine and forfeiture fund; clerk of the circuit

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2890 court.--There shall be established by the clerk of the circuit
 2891 court in each county of this state a separate fund to be known
 2892 as the fine and forfeiture fund for use by the clerk of the
 2893 circuit court in performing court-related functions. The fund
 2894 shall consist of the following:

2895 (1) Fines and penalties pursuant to ss. 28.2402(2),
 2896 34.045(2), 316.193, 327.35, 327.72, 372.72(1), and 775.083(1).

2897 (2) That portion of civil penalties directed to this fund
 2898 pursuant to s. 318.21.

2899 (3) Court costs pursuant to ss. 28.2402(1)(b),
 2900 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a) and
 2901 (11)(a), and 938.05(3).

2902 (4) Proceeds from forfeited bail bonds or recognizances
 2903 pursuant to ss. 321.05(4)(a), 372.72(1), and 903.26(3)(a) ~~all~~
 2904 ~~finer and forfeitures collected by the clerk of the court for~~
 2905 ~~violations of the penal or traffic laws of the state, except~~
 2906 ~~those fines imposed under s. 775.0835(1); allocations of court~~
 2907 ~~costs and civil penalties pursuant to ss. 318.18 and 318.21;~~
 2908 ~~assessments imposed under ss. 938.21, 938.23, and 938.25; and~~
 2909 ~~all costs refunded to the county.~~

2910 Section 52. Section 142.03, Florida Statutes, as amended
 2911 by chapter 2003-402, Laws of Florida, is amended to read:

2912 142.03 Disposition of fines, forfeitures, and civil
 2913 penalties to municipalities.--~~Except as to~~ Fines, forfeitures,
 2914 and civil penalties collected in cases involving violations of
 2915 municipal ordinances, violations of chapter 316 committed within
 2916 a municipality, or infractions under the provisions of chapter
 2917 318 committed within a municipality, ~~in which cases such fines,~~
 2918 ~~forfeitures, and civil penalties~~ shall be fully paid in full

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2919 each month ~~monthly~~ to the appropriate municipality as provided
 2920 in ss. 28.2402, 34.045 ~~34.191~~, 316.660, and 318.21, ~~and except~~
 2921 ~~as to fines imposed under s. 775.0835(1), and assessments~~
 2922 ~~imposed under ss. 938.21, 938.23, and 938.25, all fines imposed~~
 2923 ~~under the penal laws of this state in all other cases, and the~~
 2924 ~~proceeds of all forfeited bail bonds or recognizances in all~~
 2925 ~~other cases, shall be paid into the fine and forfeiture fund of~~
 2926 ~~the clerk of the county in which the indictment was found or the~~
 2927 ~~prosecution commenced, and judgment must be entered therefor in~~
 2928 ~~favor of the state for the use by the clerk of the circuit court~~
 2929 ~~in performing court-related functions.~~

2930 Section 53. Section 142.09, Florida Statutes, is amended
 2931 to read:

2932 142.09 If defendant is not convicted or dies.--If the
 2933 defendant is not convicted, or the prosecution is abated by the
 2934 death of the defendant, or if the costs are imposed on the
 2935 defendant and execution against him or her is returned no
 2936 property found, or if a nolle prosequere be entered, in each of
 2937 these cases the fees of witnesses and officers arising from
 2938 criminal causes shall be paid by the state ~~county~~ in the manner
 2939 specified in s. 40.29 ~~ss. 142.10-142.12~~; provided, that when a
 2940 committing magistrate holds to bail or commits a person to
 2941 answer to a criminal charge and an information is not filed or
 2942 an indictment found against such person, the costs and fees of
 2943 such committing trial shall not be paid by the state ~~county~~,
 2944 except the costs of executing the warrants.

2945 Section 54. Subsection (3) is added to section 218.245,
 2946 Florida Statutes, to read:

2947 218.245 Revenue sharing; apportionment.--

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2948 (3) Revenues attributed to the increase in distribution to
 2949 the Revenue Sharing Trust Fund for Municipalities pursuant to s.
 2950 212.20(6)(d)6. from 1.0715 percent to 1.3409 percent provided in
 2951 chapter 2003-402, Laws of Florida, shall be distributed to each
 2952 eligible municipality and any unit of local government which is
 2953 consolidated as provided by s. 9, Article VIII of the State
 2954 Constitution of 1885, as preserved by s. 6(e), Art. VIII, 1968
 2955 revised constitution, as follows: each eligible local
 2956 government's allocation shall be based on the amount it received
 2957 from the half-cent sales tax under s. 218.61 in the prior state
 2958 fiscal year divided by the total receipts under s. 218.61 in the
 2959 prior state fiscal year for all eligible local governments. For
 2960 eligible municipalities that began participating in the
 2961 allocation of half-cent sales tax under s. 218.61 in the
 2962 previous state fiscal year, their annual receipts shall be
 2963 calculated by dividing their actual receipts by the number of
 2964 months they participated, and the result multiplied by 12.

2965 Section 55. Subsection (4) of section 218.25, Florida
 2966 Statutes, as amended by chapter 2003-402, Laws of Florida, is
 2967 amended to read:

2968 218.25 Limitation of shared funds; holders of bonds
 2969 protected; limitation on use of second guaranteed entitlement
 2970 for counties.--

2971 (4) Notwithstanding subsections (1) and (2), a local
 2972 government may assign, pledge, or set aside as a trust for the
 2973 payment of principal or interest on bonds, tax anticipation
 2974 certificates, or any other form of indebtedness an amount of up
 2975 to 50 percent of the funds received in the prior year and, in
 2976 the case of any county as defined in s. 125.011(1), from the

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2977 amounts received from the Revenue Sharing Trust Fund for
 2978 Counties, an additional amount equal to the amount necessary to
 2979 secure payment of the principal and interest on bonds issued by
 2980 the county before July 1, 2003, to finance state court
 2981 facilities until the date of stated maturity.

2982 Section 56. Paragraph (b) of subsection (10) of section
 2983 318.14, Florida Statutes, is amended to read:

2984 318.14 Noncriminal traffic infractions; exception;
 2985 procedures.--

2986 (10)

2987 (b) Any person cited for an offense listed in this
 2988 subsection shall present proof of compliance prior to the
 2989 scheduled court appearance date. For the purposes of this
 2990 subsection, proof of compliance shall consist of a valid,
 2991 renewed, or reinstated driver's license or registration
 2992 certificate and proper proof of maintenance of security as
 2993 required by s. 316.646. Notwithstanding waiver of fine, any
 2994 person establishing proof of compliance shall be assessed court
 2995 costs of \$22, except that a person charged with violation of s.
 2996 316.646(1)-(3) may be assessed court costs of \$7. One dollar of
 2997 such costs shall be remitted to the Department of Revenue for
 2998 deposit into the Child Welfare Training Trust Fund of the
 2999 Department of Children and Family Services. One dollar of such
 3000 costs shall be distributed to the Department of Juvenile Justice
 3001 for deposit into the Juvenile Justice Training Trust Fund.
 3002 Twelve dollars of such costs shall be distributed to the
 3003 municipality and \$8 shall be deposited by the clerk of the court
 3004 into the fine and forfeiture fund established pursuant to s.
 3005 142.01 ~~retained by the county~~, if the offense was committed

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3006 within the municipality. If the offense was committed in an
 3007 unincorporated area of a county or if the citation was for a
 3008 violation of s. 316.646(1)-(3), the ~~county shall retain the~~
 3009 entire amount shall be deposited by the clerk of the court into
 3010 the fine and forfeiture fund established pursuant to s. 142.01,
 3011 except for the moneys to be deposited into the Child Welfare
 3012 Training Trust Fund and the Juvenile Justice Training Trust
 3013 Fund. This subsection shall not be construed to authorize the
 3014 operation of a vehicle without a valid driver's license, without
 3015 a valid vehicle tag and registration, or without the maintenance
 3016 of required security.

3017 Section 57. Subsection (2) of section 318.15, Florida
 3018 Statutes, as amended by chapter 2003-402, Laws of Florida, is
 3019 amended to read:

3020 318.15 Failure to comply with civil penalty or to appear;
 3021 penalty.--

3022 (2) After suspension of the driver's license and privilege
 3023 to drive of a person under subsection (1), the license and
 3024 privilege may not be reinstated until the person complies with
 3025 all obligations and penalties imposed on him or her under s.
 3026 318.18 and presents to a driver license office a certificate of
 3027 compliance issued by the court, together with a nonrefundable
 3028 service charge fee of up to \$47.50 ~~\$37.50~~ imposed under s.
 3029 322.29, or presents a certificate of compliance and pays the
 3030 aforementioned service charge fee of up to \$47.50 ~~\$37.50~~ to the
 3031 clerk of the court or tax collector clearing such suspension. Of
 3032 the charge collected by the clerk of the court or the tax
 3033 collector, \$10 shall be remitted to the Department of Revenue to
 3034 be deposited into the Highway Safety Operating Trust Fund. Such

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3035 person shall also be in compliance with requirements of chapter
 3036 322 prior to reinstatement.

3037 Section 58. Paragraph (a) of subsection (11) of section
 3038 318.18, Florida Statutes, as amended by chapter 2003-402, Laws
 3039 of Florida, is amended, and subsection (13) is added to said
 3040 section, to read:

3041 318.18 Amount of civil penalties.--The penalties required
 3042 for a noncriminal disposition pursuant to s. 318.14 are as
 3043 follows:

3044 (11)(a) ~~Court costs that are to be~~ In addition to the
 3045 stated fine, court costs must be paid in ~~an amount not less than~~
 3046 the following amounts and shall be deposited by the clerk into
 3047 the fine and forfeiture fund established pursuant to s. 142.01:

- 3048
- 3049 For pedestrian infractions \$ 3.
- 3050 For nonmoving traffic infractions..... \$
- 3051 16.
- 3052 For moving traffic infractions..... \$
- 3053 30.

3054 (13) In addition to any penalties imposed for noncriminal
 3055 traffic infractions pursuant to chapter 318 or imposed for
 3056 criminal violations listed in s. 318.17, a board of county
 3057 commissioners may impose by ordinance a surcharge of up to \$15
 3058 for any infraction or violation for the exclusive purpose of
 3059 securing payment of the principal and interest on bonds issued
 3060 by the county to finance state court facilities until the date
 3061 of stated maturity. The court shall not waive this surcharge.
 3062 The bonds may be refunded only if savings will be realized on
 3063 payments of debt service and the refunding bonds are scheduled

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3064 to mature on the same date or before the bonds being refunded.

3065 Section 59. Paragraphs (a), (g), and (h) of subsection (2)
 3066 and paragraphs (a) and (b) of subsection (3) of section 318.21,
 3067 Florida Statutes, as amended by chapter 2003-402, Laws of
 3068 Florida, are amended to read:

3069 318.21 Disposition of civil penalties by county
 3070 courts.--All civil penalties received by a county court pursuant
 3071 to the provisions of this chapter shall be distributed and paid
 3072 monthly as follows:

3073 (2) Of the remainder:

3074 (a) Twenty and six-tenths percent shall be remitted to the
 3075 Department of Revenue for deposit into the General Revenue Fund
 3076 of the state, except that the first \$300,000 shall be deposited
 3077 into the Grants and Donations Trust Fund in the Justice
 3078 Administrative Commission ~~state courts system~~ for administrative
 3079 costs, training costs, and costs associated with the
 3080 implementation and maintenance of Florida foster care citizen
 3081 review panels in a constitutional charter county as provided for
 3082 in s. 39.702.

3083 (g)1. If the violation occurred within ~~a municipality or a~~
 3084 special improvement district of the Seminole Indian Tribe or
 3085 Miccosukee Indian Tribe, 56.4 percent shall be paid to that
 3086 ~~municipality or special improvement district~~ and 8.4 percent
 3087 shall be deposited into the fine and forfeiture fund established
 3088 pursuant to s. 142.01.

3089 2. If the violation occurred within a municipality, 48
 3090 percent shall be paid to that municipality and 8.4 percent shall
 3091 be deposited to the fine and forfeiture trust fund established
 3092 pursuant to s. 142.01.

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3093 3.2- If the violation occurred within the unincorporated
 3094 area of a county that is not within a special improvement
 3095 district of the Seminole Indian Tribe or Miccosukee Indian
 3096 Tribe, 56.4 percent shall be deposited into the fine and
 3097 forfeiture fund established pursuant to s. 142.01.

3098 ~~(h) Fifteen percent must be deposited into the General~~
 3099 ~~Revenue Fund.~~

3100 (3)(a) Moneys paid to a municipality or special
 3101 improvement district under subparagraph (2)(g)1. must be used to
 3102 fund local criminal justice training as provided in s. 938.15
 3103 when such a program is established by ordinance; to fund a
 3104 municipal school crossing guard training program; and for any
 3105 other lawful purpose.

3106 ~~(b) Moneys paid to a county under subparagraph (2)(g)2.~~
 3107 ~~shall be used to fund local criminal justice training as~~
 3108 ~~provided in s. 938.15 when such a program is established by~~
 3109 ~~ordinance, to fund a county school crossing guard training~~
 3110 ~~program, and for any other lawful purpose.~~

3111 Section 60. Section 318.37, Florida Statutes, is amended
 3112 to read:

3113 318.37 Funding.--In any county electing to establish a
 3114 Civil Traffic Infraction Hearing Officer Program under ss.
 3115 318.30-318.38 the court shall develop a plan for its
 3116 implementation and shall submit the plan to the Office of the
 3117 State Courts Administrator. Funds for the program are to be used
 3118 for hearing officer salaries, which may not exceed \$50 per hour,
 3119 and other necessary expenses such as hearing officer training,
 3120 office rental, furniture, ~~and~~ administrative staff salaries,
 3121 providing and maintaining court facilities and personnel, and

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3122 other general courthouse expenses. Any county electing to
 3123 establish such a program shall provide the funds necessary to
 3124 operate the program.

3125 Section 61. Paragraph (a) of subsection (4) of section
 3126 321.05, Florida Statutes, is amended to read:

3127 321.05 Duties, functions, and powers of patrol
 3128 officers.--The members of the Florida Highway Patrol are hereby
 3129 declared to be conservators of the peace and law enforcement
 3130 officers of the state, with the common-law right to arrest a
 3131 person who, in the presence of the arresting officer, commits a
 3132 felony or commits an affray or breach of the peace constituting
 3133 a misdemeanor, with full power to bear arms; and they shall
 3134 apprehend, without warrant, any person in the unlawful
 3135 commission of any of the acts over which the members of the
 3136 Florida Highway Patrol are given jurisdiction as hereinafter set
 3137 out and deliver him or her to the sheriff of the county that
 3138 further proceedings may be had against him or her according to
 3139 law. In the performance of any of the powers, duties, and
 3140 functions authorized by law, members of the Florida Highway
 3141 Patrol shall have the same protections and immunities afforded
 3142 other peace officers, which shall be recognized by all courts
 3143 having jurisdiction over offenses against the laws of this
 3144 state, and shall have authority to apply for, serve, and execute
 3145 search warrants, arrest warrants, capias, and other process of
 3146 the court in those matters in which patrol officers have primary
 3147 responsibility as set forth in subsection (1). The patrol
 3148 officers under the direction and supervision of the Department
 3149 of Highway Safety and Motor Vehicles shall perform and exercise

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3150 throughout the state the following duties, functions, and
 3151 powers:

3152 (4)(a) All fines and costs and the proceeds of the
 3153 forfeiture of bail bonds and recognizances resulting from the
 3154 enforcement of this chapter by patrol officers shall be paid
 3155 into the fine and forfeiture fund established pursuant to s.
 3156 142.01 of the county where the offense is committed. In all
 3157 cases of arrest by patrol officers, the person arrested shall be
 3158 delivered forthwith by said officer to the sheriff of the
 3159 county, or he or she shall obtain from such person arrested a
 3160 recognizance or, if deemed necessary, a cash bond or other
 3161 sufficient security conditioned for his or her appearance before
 3162 the proper tribunal of such county to answer the charge for
 3163 which he or she has been arrested; and all fees accruing shall
 3164 be taxed against the party arrested, which fees are hereby
 3165 declared to be part of the compensation of said sheriffs
 3166 authorized to be fixed by the Legislature under s. 5(c), Art. II
 3167 of the State Constitution, to be paid such sheriffs in the same
 3168 manner as fees are paid for like services in other criminal
 3169 cases. All patrol officers are hereby directed to deliver all
 3170 bonds accepted and approved by them to the sheriff of the county
 3171 in which the offense is alleged to have been committed. However,
 3172 no sheriff shall be paid any arrest fee for the arrest of a
 3173 person for violation of any section of chapter 316 when the
 3174 arresting officer was transported in a Florida Highway Patrol
 3175 car to the vicinity where the arrest was made; and no sheriff
 3176 shall be paid any fee for mileage for himself or herself or a
 3177 prisoner for miles traveled in a Florida Highway Patrol car. No
 3178 patrol officer shall be entitled to any fee or mileage cost

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3179 | except when responding to a subpoena in a civil cause or except
 3180 | when such patrol officer is appearing as an official witness to
 3181 | testify at any hearing or law action in any court of this state
 3182 | as a direct result of his or her employment as a patrol officer
 3183 | during time not compensated as a part of his or her normal
 3184 | duties. Nothing herein shall be construed as limiting the power
 3185 | to locate and to take from any person under arrest or about to
 3186 | be arrested deadly weapons. Nothing contained in this section
 3187 | shall be construed as a limitation upon existing powers and
 3188 | duties of sheriffs or police officers.

3189 | Section 62. Section 322.245, Florida Statutes, as amended
 3190 | by chapter 2003-402, Laws of Florida, is amended to read:

3191 | 322.245 Suspension of license upon failure of person
 3192 | charged with specified offense under chapter 316, chapter 320,
 3193 | or this chapter to comply with directives ordered by traffic
 3194 | court or upon failure to pay child support in non-IV-D cases as
 3195 | provided in chapter 61 or failure to pay any financial
 3196 | obligation in any other criminal case.--

3197 | (1) If a person ~~who is~~ charged with a violation of any of
 3198 | the criminal offenses enumerated in s. 318.17 or with the
 3199 | commission of any offense constituting a misdemeanor under
 3200 | chapter 320 or this chapter fails to comply with all of the
 3201 | directives of the court within the time allotted by the court,
 3202 | the clerk of the traffic court shall mail to the person, at the
 3203 | address specified on the uniform traffic citation, a notice of
 3204 | such failure, notifying him or her that, if he or she does not
 3205 | comply with the directives of the court within 30 days after the
 3206 | date of the notice and pay a delinquency fee of up to \$15 to the
 3207 | clerk, his or her driver's license will be suspended. The notice

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3208 shall be mailed no later than 5 days after such failure. The
 3209 delinquency fee may be retained by the office of the clerk to
 3210 defray the operating costs of the office.

3211 (2) In non-IV-D cases, if a person fails to pay child
 3212 support under chapter 61 and the obligee so requests, the
 3213 depository or the clerk of the court shall mail in accordance
 3214 with s. 61.13016 the notice specified in that section, notifying
 3215 him or her that if he or she does not comply with the
 3216 requirements of that section and pay a delinquency fee of \$10 to
 3217 the depository or the clerk, his or her driver's license and
 3218 motor vehicle registration will be suspended. The delinquency
 3219 fee may be retained by the depository or the office of the clerk
 3220 to defray the operating costs of the office.

3221 (3) If the person fails to comply with the directives of
 3222 the court within the 30-day period, or, in non-IV-D cases, fails
 3223 to comply with the requirements of s. 61.13016 within the period
 3224 specified in that statute, the depository or the clerk of the
 3225 court shall notify the department of such failure within 10
 3226 days. Upon receipt of the notice, the department shall
 3227 immediately issue an order suspending the person's driver's
 3228 license and privilege to drive effective 20 days after the date
 3229 the order of suspension is mailed in accordance with s.
 3230 322.251(1), (2), and (6).

3231 (4) After suspension of the driver's license of a person
 3232 pursuant to subsection (1), subsection (2), or subsection (3)
 3233 ~~this section~~, the license may not be reinstated until the person
 3234 complies with all court directives imposed upon him or her,
 3235 including payment of the delinquency fee imposed by subsection
 3236 (1), and presents certification of such compliance to a driver

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3237 licensing office and complies with the requirements of this
 3238 chapter or, in the case of a license suspended for nonpayment of
 3239 child support in non-IV-D cases, until the person complies with
 3240 the reinstatement provisions of s. 322.058 and makes payment of
 3241 the delinquency fee imposed by subsection (2).

3242 (5)(a) When the department receives notice from a clerk of
 3243 the court that a person licensed to operate a motor vehicle in
 3244 this state under the provisions of this chapter has failed to
 3245 pay financial obligations for any criminal offense other than
 3246 those specified in subsection (1), in full or in part under a
 3247 payment plan pursuant to s. 28.246(4), the department shall
 3248 suspend the license of the person named in the notice.

3249 (b) The department must reinstate the driving privilege
 3250 when the clerk of the court provides an affidavit to the
 3251 department stating that:

3252 1. The person has satisfied the financial obligation in
 3253 full or made all payments currently due under a payment plan;

3254 2. The person has entered into a written agreement for
 3255 payment of the financial obligation if not presently enrolled in
 3256 a payment plan; or

3257 3. A court has entered an order granting relief to the
 3258 person ordering the reinstatement of the license.

3259 (c) The department shall not be held liable for any
 3260 license suspension resulting from the discharge of its duties
 3261 under this section.

3262 Section 63. Paragraph (b) of subsection (4) of section
 3263 327.73, Florida Statutes, as amended by chapter 2003-402, Laws
 3264 of Florida, is amended to read:

3265 327.73 Noncriminal infractions.--

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3266 (4) Any person charged with a noncriminal infraction under
 3267 this section may:

3268 (b) If he or she has posted bond, forfeit bond by not
 3269 appearing at the designated time and location.

3270
 3271 If the person cited follows either of the above procedures, he
 3272 or she shall be deemed to have admitted the noncriminal
 3273 infraction and to have waived the right to a hearing on the
 3274 issue of commission of the infraction. Such admission shall not
 3275 be used as evidence in any other proceedings. If a person who is
 3276 cited for a violation of s. 327.395 can show a boating safety
 3277 identification card issued to that person and valid at the time
 3278 of the citation, the clerk of the court may dismiss the case and
 3279 may assess a ~~\$5~~ dismissal fee of up to \$7.50. If a person who is
 3280 cited for a violation of s. 328.72(13) can show proof of having
 3281 a registration for that vessel which was valid at the time of
 3282 the citation, the clerk may dismiss the case and may assess the
 3283 ~~a \$5~~ dismissal fee.

3284 Section 64. Subsection (1) of section 372.72, Florida
 3285 Statutes, is amended to read:

3286 372.72 Disposition of fines, penalties, and forfeitures.--

3287 (1) All moneys collected from fines, penalties, or
 3288 forfeitures of bail of persons convicted under this chapter
 3289 shall be deposited in the fine and forfeiture fund established
 3290 pursuant to s. 142.01 ~~of the county~~ where such convictions are
 3291 had, except for the disposition of moneys as provided in
 3292 subsection (2).

3293 Section 65. Section 382.023, Florida Statutes, as amended
 3294 by chapter 2003-402, Laws of Florida, is amended to read:

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3295 382.023 Department to receive dissolution-of-marriage
 3296 records; fees.--Clerks of the circuit courts shall collect for
 3297 their services at the time of the filing of a final judgment of
 3298 dissolution of marriage a fee of up to \$10.50, of which 43
 3299 percent shall be retained by the clerk of the circuit court as a
 3300 part of the cost in the cause in which the judgment is granted.
 3301 The remaining 57 percent shall be remitted to the Department of
 3302 Revenue for deposit to the Department of Health to defray part
 3303 of the cost of maintaining the dissolution-of-marriage records.
 3304 A record of each and every judgment of dissolution of marriage
 3305 granted by the court during the preceding calendar month, giving
 3306 names of parties and such other data as required by forms
 3307 prescribed by the department, shall be transmitted to the
 3308 department, on or before the 10th day of each month, along with
 3309 an accounting of the funds remitted to the Department of Revenue
 3310 pursuant to this section.

3311 Section 66. Section 384.288, Florida Statutes, is amended
 3312 to read:

3313 384.288 Fees and other compensation; payment by board of
 3314 county commissioners.--

3315 (1) For the services required to be performed under the
 3316 provisions of ss. 384.27, 384.28, and 384.281, compensation
 3317 shall be paid as follows:

3318 (a) The sheriff shall receive the same fees and mileage as
 3319 are prescribed for like services in criminal cases.

3320 (b) The counsel appointed by the court to represent an
 3321 indigent person shall receive ~~such reasonable~~ compensation as
 3322 provided in s. 27.5304 ~~is fixed by the court appointing him or~~
 3323 ~~her~~.

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3324 (2) All court-related fees, mileage, and charges provided
 3325 to the sheriff pursuant to paragraph (1)(a) shall be taxed by
 3326 the court as costs in each proceeding and shall be paid by the
 3327 board of county commissioners ~~out of the general fund or fine~~
 3328 ~~and forfeiture fund of the county.~~ All compensation provided to
 3329 court-appointed counsel pursuant to paragraph (1)(b) shall be
 3330 taxed by the court as costs and paid by the state.

3331 Section 67. Section 392.68, Florida Statutes, is amended
 3332 to read:

3333 392.68 Fees and other compensation.--

3334 (1) For the services required to be performed under ss.
 3335 392.55, 392.56, 392.57, and 392.62, compensation shall be paid
 3336 as follows:

3337 (a) The sheriff shall receive the same fees and mileage as
 3338 are prescribed for like services in criminal cases.

3339 (b) The counsel appointed by the court to represent an
 3340 indigent person shall receive ~~such reasonable~~ compensation as
 3341 provided in s. 27.5304 ~~shall be fixed by the court appointing~~
 3342 ~~him or her.~~

3343 (2) All fees, mileage, and charges provided to the sheriff
 3344 pursuant to paragraph (1)(a) shall be taxed by the court as
 3345 costs in each proceeding and shall be paid by the board of
 3346 county commissioners ~~out of the general funds or the fine and~~
 3347 ~~forfeiture funds of the county.~~ All compensation provided to
 3348 court-appointed counsel pursuant to paragraph (1)(b) shall be
 3349 taxed by the court as costs and paid by the state.

3350 Section 68. Section 394.473, Florida Statutes, as amended
 3351 by chapter 2003-402, Laws of Florida, is amended to read:

3352 394.473 Attorney's fee; expert witness fee.--

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3353 (1) In the case of an indigent ~~the indigence of any~~ person
 3354 for whom an attorney is appointed pursuant to the provisions of
 3355 this part, the attorney shall be compensated by the state
 3356 pursuant to s. 27.5304 ~~entitled to a reasonable fee to be~~
 3357 ~~determined by the court and paid from the general fund of the~~
 3358 ~~county from which the patient was involuntarily detained.~~ In the
 3359 case of an indigent ~~the indigence of any such~~ person, the court
 3360 may appoint a public defender. The public defender shall receive
 3361 no additional compensation other than that usually paid his or
 3362 her office.

3363 (2) In the case of an indigent ~~the indigence of any~~ person
 3364 for whom expert testimony is required in a court hearing
 3365 pursuant to the provisions of this act, the expert, except one
 3366 who is classified as a full-time employee of the state or who is
 3367 receiving remuneration from the state for his or her time in
 3368 attendance at the hearing, shall be compensated by the state
 3369 pursuant to s. 27.5304 ~~entitled to a reasonable fee to be~~
 3370 ~~determined by the court and paid from the general fund of the~~
 3371 ~~county from which the patient was involuntarily detained.~~

3372 Section 69. Subsection (1) of section 395.3025, Florida
 3373 Statutes, as amended by chapter 2003-402, Laws of Florida, is
 3374 amended to read:

3375 395.3025 Patient and personnel records; copies;
 3376 examination.--

3377 (1) Any licensed facility shall, upon written request, and
 3378 only after discharge of the patient, furnish, in a timely
 3379 manner, without delays for legal review, to any person admitted
 3380 therein for care and treatment or treated thereat, or to any
 3381 such person's guardian, curator, or personal representative, or

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3382 in the absence of one of those persons, to the next of kin of a
 3383 decedent or the parent of a minor, or to anyone designated by
 3384 such person in writing, a true and correct copy of all patient
 3385 records, including X rays, and insurance information concerning
 3386 such person, which records are in the possession of the licensed
 3387 facility, provided the person requesting such records agrees to
 3388 pay a charge. The exclusive charge for copies of patient records
 3389 may include sales tax and actual postage, and, except for
 3390 nonpaper records that ~~which~~ are subject to a charge not to
 3391 exceed \$2 ~~as provided in s. 28.24(6)(c)~~, may not exceed \$1 per
 3392 page, ~~as provided in s. 28.24(5)(a)~~. A fee of up to \$1 may be
 3393 charged for each year of records requested. These charges shall
 3394 apply to all records furnished, whether directly from the
 3395 facility or from a copy service providing these services on
 3396 behalf of the facility. However, a patient whose records are
 3397 copied or searched for the purpose of continuing to receive
 3398 medical care is not required to pay a charge for copying or for
 3399 the search. The licensed facility shall further allow any such
 3400 person to examine the original records in its possession, or
 3401 microforms or other suitable reproductions of the records, upon
 3402 such reasonable terms as shall be imposed to assure that the
 3403 records will not be damaged, destroyed, or altered.

3404 Section 70. Subsection (5) of section 397.334, Florida
 3405 Statutes, as amended by chapter 2003-402, Laws of Florida, is
 3406 amended to read:

3407 397.334 Treatment-based drug court programs.--

3408 (5) If a county chooses to fund a treatment-based drug
 3409 court program, the county must secure funding from sources other
 3410 than the state for those costs not otherwise assumed by the

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3411 state pursuant to s. 29.004. However, this does not preclude
 3412 counties from using treatment and other service dollars provided
 3413 through state executive branch agencies. Counties may provide,
 3414 by interlocal agreement, for the collective funding of these
 3415 programs.

3416 Section 71. Subsection (1) of section 713.24, Florida
 3417 Statutes, as amended by chapter 2003-402, Laws of Florida, is
 3418 amended to read:

3419 713.24 Transfer of liens to security.--

3420 (1) Any lien claimed under this part may be transferred,
 3421 by any person having an interest in the real property upon which
 3422 the lien is imposed or the contract under which the lien is
 3423 claimed, from such real property to other security by either:

3424 (a) Depositing in the clerk's office a sum of money, or

3425 (b) Filing in the clerk's office a bond executed as surety
 3426 by a surety insurer licensed to do business in this state,

3427
 3428 either to be in an amount equal to the amount demanded in such
 3429 claim of lien, plus interest thereon at the legal rate for 3
 3430 years, plus \$1,000 or 25 percent of the amount demanded in the
 3431 claim of lien, whichever is greater, to apply on any attorney's
 3432 fees and court costs that may be taxed in any proceeding to
 3433 enforce said lien. Such deposit or bond shall be conditioned to
 3434 pay any judgment or decree which may be rendered for the
 3435 satisfaction of the lien for which such claim of lien was
 3436 recorded. Upon making such deposit or filing such bond, the
 3437 clerk shall make and record a certificate showing the transfer
 3438 of the lien from the real property to the security and shall
 3439 mail a copy thereof by registered or certified mail to the

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3440 lienor named in the claim of lien so transferred, at the address
 3441 stated therein. Upon filing the certificate of transfer, the
 3442 real property shall thereupon be released from the lien claimed,
 3443 and such lien shall be transferred to said security. In the
 3444 absence of allegations of privity between the lienor and the
 3445 owner, and subject to any order of the court increasing the
 3446 amount required for the lien transfer deposit or bond, no other
 3447 judgment or decree to pay money may be entered by the court
 3448 against the owner. The clerk shall be entitled to a service
 3449 charge fee for making and serving the certificate, in the amount
 3450 ~~sum~~ of up to \$15. If the transaction involves the transfer of
 3451 multiple liens, an additional charge of up to \$7.50 for each
 3452 additional lien shall be charged. For recording the certificate
 3453 and approving the bond, the clerk shall receive her or his usual
 3454 statutory service charges as prescribed in s. 28.24. Any number
 3455 of liens may be transferred to one such security.

3456 Section 72. Subsections (1) and (3) of section 721.83,
 3457 Florida Statutes, as amended by chapter 2003-402, Laws of
 3458 Florida, are amended to read:

3459 721.83 Consolidation of foreclosure actions.--

3460 (1) A complaint in a foreclosure proceeding involving
 3461 timeshare estates may join in the same action multiple defendant
 3462 obligors and junior interestholders of separate timeshare
 3463 estates, provided:

3464 (a) The foreclosure proceeding involves a single timeshare
 3465 property.†

3466 (b) The foreclosure proceeding is filed by a single
 3467 plaintiff.†

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3468 (c) The default and remedy provisions in the written
 3469 instruments on which the foreclosure proceeding is based are
 3470 substantially the same for each defendant. ~~;~~ ~~and~~

3471 (d) The nature of the defaults alleged is the same for
 3472 each defendant.

3473 (e) No more than fifteen timeshare estates, without regard
 3474 to the number of defendants, are joined within the same
 3475 consolidated foreclosure action.

3476 (3) A consolidated timeshare foreclosure action shall be
 3477 considered a single action, suit, or proceeding for the payment
 3478 of filing fees and service charges pursuant to general law. In
 3479 addition to the payment of such filing fees and service charges,
 3480 an additional filing fee of up to \$5 for each timeshare estate
 3481 joined in that action shall be paid to the clerk of court. The
 3482 ~~clerk of court shall require a plaintiff to pay separate filing~~
 3483 ~~fees and service charges as provided by general law for each~~
 3484 ~~defendant in a consolidated foreclosure action filed pursuant to~~
 3485 ~~this section.~~

3486 Section 73. Subsection (2) of section 741.01, Florida
 3487 Statutes, is amended to read:

3488 741.01 County court judge or clerk of the circuit court to
 3489 issue marriage license; fee.--

3490 (2) The fee charged for each marriage license issued in
 3491 the state shall be increased by the sum of \$25 ~~\$30~~. This fee
 3492 shall be collected upon receipt of the application for the
 3493 issuance of a marriage license and remitted by the clerk to the
 3494 Department of Revenue for deposit in the Domestic Violence Trust
 3495 Fund. The Executive Office of the Governor shall establish a
 3496 Domestic Violence Trust Fund for the purpose of collecting and

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3497 disbursing funds generated from the increase in the marriage
 3498 license fee. Such funds which are generated shall be directed to
 3499 the Department of Children and Family Services for the specific
 3500 purpose of funding domestic violence centers, and the funds
 3501 shall be appropriated in a "grants-in-aid" category to the
 3502 Department of Children and Family Services for the purpose of
 3503 funding domestic violence centers. From the proceeds of the
 3504 surcharge deposited into the Domestic Violence Trust Fund as
 3505 required under s. 938.08, the Executive Office of the Governor
 3506 may spend up to \$500,000 each year for the purpose of
 3507 administering a statewide public-awareness campaign regarding
 3508 domestic violence.

3509 Section 74. Paragraph (b) of subsection (7) of section
 3510 744.331, Florida Statutes, is amended to read:

3511 744.331 Procedures to determine incapacity.--

3512 (7) FEES.--

3513 (b) The fees awarded under paragraph (a) shall be paid by
 3514 the guardian from the property of the ward or, if the ward is
 3515 indigent, by the state county. The state county shall have a
 3516 creditor's claim against the guardianship property for any
 3517 amounts paid under this section. The state may county ~~must~~ file
 3518 its claim within 90 days after the entry of an order awarding
 3519 attorney ad litem fees. If the state county does not file its
 3520 claim within the 90-day period, the state county is thereafter
 3521 barred from asserting the claim. Upon petition by the state
 3522 ~~county~~ for payment of the claim, the court shall enter an order
 3523 authorizing immediate payment out of the property of the ward.
 3524 The state ~~board of county commissioners~~ shall keep a record of
 3525 such payments.

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3526 Section 75. Subsection (6) of section 744.365, Florida
 3527 Statutes, as amended by chapter 2003-402, Laws of Florida, is
 3528 amended to read:

3529 744.365 Verified inventory.--

3530 (6) AUDIT FEE.--

3531 (a) Where the value of the ward's property exceeds
 3532 \$25,000, a guardian shall pay from the ward's property to the
 3533 clerk of the circuit court a fee of up to \$75, upon the filing
 3534 of the verified inventory, for the auditing of the inventory.
 3535 Upon petition by the guardian, the court may waive the auditing
 3536 fee upon a showing of insufficient funds in the ward's estate.

3537 Any guardian unable to pay the auditing fee may petition the
 3538 court for waiver of the fee. The court may waive the fee after
 3539 it has reviewed the documentation filed by the guardian in
 3540 support of the waiver.

3541 (b) An audit fee may not be charged to any ward whose
 3542 property has a value of less than \$25,000. ~~In such case, the~~
 3543 ~~audit fee must be paid from the general fund of the county in~~
 3544 ~~which the guardianship proceeding is conducted.~~

3545 Section 76. Subsection (4) of section 744.3678, Florida
 3546 Statutes, as amended by chapter 2003-402, Laws of Florida, is
 3547 amended to read:

3548 744.3678 Annual accounting.--

3549 (4) The guardian shall pay from the ward's estate to the
 3550 clerk of the circuit court a fee based upon the following
 3551 graduated fee schedule, upon the filing of the annual financial
 3552 return, for the auditing of the return:

3553 (a) For estates with a value of \$25,000 or less the clerk
 3554 of the court may charge a fee of up to \$15.

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3555 (b) For estates with a value of more than \$25,000 up to
 3556 and including \$100,000 the clerk of the court may charge a fee
 3557 of up to \$75.

3558 (c) For estates with a value of more than \$100,000 up to
 3559 and including \$500,000 the clerk of the court may charge a fee
 3560 of up to \$150.

3561 (d) For estates with a value in excess of \$500,000 the
 3562 clerk of the court may charge a fee of up to \$225.

3563

3564 Upon petition by the guardian, the court may waive the auditing
 3565 fee upon a showing of insufficient funds in the ward's estate.

3566 Any guardian unable to pay the auditing fee may petition the
 3567 court for a waiver of the fee. The court may waive the fee after
 3568 it has reviewed the documentation filed by the guardian ~~in~~
 3569 support of the waiver.

3570 Section 77. Subsection (2) of section 766.104, Florida
 3571 Statutes, is amended to read:

3572 766.104 Pleading in medical negligence cases; claim for
 3573 punitive damages; authorization for release of records for
 3574 investigation.--

3575 (2) Upon petition to the clerk of the court where the suit
 3576 will be filed and payment to the clerk of a filing fee, not to
 3577 exceed \$37.50 ~~\$25, established by the chief judge~~, an automatic
 3578 90-day extension of the statute of limitations shall be granted
 3579 to allow the reasonable investigation required by subsection
 3580 (1). This period shall be in addition to other tolling periods.
 3581 No court order is required for the extension to be effective.
 3582 The provisions of this subsection shall not be deemed to revive
 3583 a cause of action on which the statute of limitations has run.

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3584 Section 78. Subsection (2) of section 903.035, Florida
 3585 Statutes, is amended to read:

3586 903.035 Applications for bail; information provided;
 3587 hearing on application for modification; penalty for providing
 3588 false or misleading information or omitting material
 3589 information.--

3590 (2) An application for modification of bail on any felony
 3591 charge must be heard by a court in person, at a hearing with the
 3592 defendant present, and with at least 3 hours' notice to the
 3593 state attorney ~~and the county attorney~~.

3594 Section 79. Paragraph (a) of subsection (3) and subsection
 3595 (8) of section 903.26, Florida Statutes, are amended to read:

3596 903.26 Forfeiture of the bond; when and how directed;
 3597 discharge; how and when made; effect of payment.--

3598 (3) Sixty days after the forfeiture notice has been
 3599 mailed:

3600 (a) State and county officials having custody of forfeited
 3601 money shall deposit the money in the ~~county~~ fine and forfeiture
 3602 fund established pursuant to s. 142.01;

3603 (8) If the defendant is arrested and returned to the
 3604 county of jurisdiction of the court prior to judgment, the
 3605 clerk, upon affirmation by the sheriff or the chief correctional
 3606 officer, shall, without further order of the court, discharge
 3607 the forfeiture of the bond. However, if the surety agent fails
 3608 to pay the costs and expenses incurred in returning the
 3609 defendant to the county of jurisdiction, the clerk shall not
 3610 discharge the forfeiture of the bond. If the surety agent and
 3611 the state ~~county~~ attorney fail to agree on the amount of said

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3612 costs, then the court, after notice to the state ~~county~~
 3613 attorney, shall determine the amount of the costs.

3614 Section 80. Subsection (8) of section 903.28, Florida
 3615 Statutes, is amended to read:

3616 903.28 Remission of forfeiture; conditions.--

3617 (8) An application for remission must be accompanied by
 3618 affidavits setting forth the facts on which it is founded;
 3619 however, the surety must establish by further documentation or
 3620 other evidence any claimed attempt at procuring or causing the
 3621 apprehension or surrender of the defendant before the court may
 3622 order remission based upon an attempt to procure or cause such
 3623 apprehension or surrender. The state attorney ~~and the county~~
 3624 ~~attorney~~ must be given 20 days' notice before a hearing on an
 3625 application and be furnished copies of all papers, applications,
 3626 and affidavits. Remission shall be granted on the condition of
 3627 payment of costs, unless the ground for remission is that there
 3628 was no breach of the bond.

3629 Section 81. Section 925.09, Florida Statutes, is amended
 3630 to read:

3631 925.09 Authority of state attorney to order
 3632 autopsies.--The state attorney may have an autopsy performed,
 3633 before or after interment, on a dead body found in the county
 3634 when she or he decides it is necessary in determining whether or
 3635 not death was the result of a crime. Physicians performing the
 3636 autopsy shall be paid reasonable fees by ~~from~~ the county ~~fine~~
 3637 ~~and forfeiture fund~~ upon the approval of the county commission
 3638 and the state attorney ordering the autopsy.

3639 Section 82. Subsection (4) of section 938.29, Florida
 3640 Statutes, as amended by chapter 2003-402, Laws of Florida, is

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3641 amended, and subsections (5) and (6) of said section are
 3642 renumbered as subsections (4) and (5), respectively, to read:

3643 938.29 Legal assistance; lien for payment of attorney's
 3644 fees or costs.--

3645 ~~(4) The clerk of the county claiming such lien is~~
 3646 ~~authorized to contract with a private attorney or collection~~
 3647 ~~agency for collection of such debts or liens, provided the fee~~
 3648 ~~for such collection shall be on a contingent basis not to exceed~~
 3649 ~~50 percent of the recovery. However, no fee shall be paid to any~~
 3650 ~~collection agency by reason of foreclosure proceedings against~~
 3651 ~~real property or from the proceeds from the sale or other~~
 3652 ~~disposition of real property.~~

3653 Section 83. Section 938.35, Florida Statutes, as amended
 3654 by chapter 2003-402, Laws of Florida, is amended to read:

3655 938.35 Collection of court-related financial
 3656 obligations.--The board of county commissioners or the governing
 3657 body of a municipality may pursue the collection of any fees,
 3658 service charges, fines, ~~court costs,~~ or ~~other~~ costs to which it
 3659 is entitled which remain unpaid for 90 days or more, or refer
 3660 the account ~~such collection~~ to a private attorney who is a
 3661 member in good standing of The Florida Bar or collection agent
 3662 who is registered and in good standing pursuant to chapter 559.
 3663 In pursuing the collection of such unpaid financial obligations
 3664 through a private attorney or collection agent, the board of
 3665 county commissioners or the governing body of a municipality
 3666 must determine this is cost-effective and follow applicable
 3667 procurement practices. The collection fee, including any
 3668 reasonable attorney's fee, paid to any attorney or collection
 3669 agent retained by the board of county commissioners or the

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3670 governing body of a municipality may be added to the balance
 3671 owed, in an amount not to exceed 40 percent of the amount owed
 3672 at the time the account is referred to the attorney or agents
 3673 for collection.

3674 Section 84. Section 939.185, Florida Statutes, is created
 3675 to read:

3676 939.185 Assessment of additional court costs.--

3677 (1)(a) The board of county commissioners may adopt by
 3678 ordinance an additional court cost, not to exceed \$60, to be
 3679 imposed by the court when a person pleads guilty or nolo
 3680 contendere to, or is found guilty of, any felony, misdemeanor,
 3681 or criminal traffic offense under the laws of this state. Such
 3682 additional assessment shall be accounted for separately by the
 3683 county in which the offense occurred and be used only in the
 3684 county imposing this cost, to be allocated as follows:

3685 1. Thirty-four percent of the amount collected shall be
 3686 allocated to each judicial circuit to fund innovations to
 3687 supplement state funding for the elements of the state courts
 3688 system identified in s. 29.004 and county funding for local
 3689 requirements under s. 29.008(2)(a)2. The funds shall be
 3690 separately accounted for within the Grants and Donations Trust
 3691 Fund of the state courts according to the amount received in
 3692 each circuit.

3693 2. Twenty-two percent of the amount collected shall be
 3694 allocated to assist counties in providing legal aid programs
 3695 required under s. 29.008(3)(a).

3696 3. Twenty-two percent of the amount collected shall be
 3697 allocated to fund legal materials for the public as part of a
 3698 law library.

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3699 4. Twenty-two percent of the amount collected shall be
 3700 used as determined by the board of county commissioners to
 3701 support teen court programs and other juvenile alternative
 3702 programs.

3703
 3704 Any unspent funds at the close of the county fiscal year
 3705 allocated under subparagraphs 2., 3., and 4., shall be
 3706 transferred for use pursuant to subparagraph 1.

3707 (b) The disbursement of costs collected under this section
 3708 shall be subordinate in priority order of disbursement to all
 3709 other state-imposed costs authorized in this chapter,
 3710 restitution or other compensation to victims, and child support
 3711 payments.

3712 (2) The court shall order a person to pay the additional
 3713 court cost. If the person is determined to be indigent, the
 3714 clerk shall defer payment of this cost.

3715 Section 85. Paragraph (1) of subsection (1) of section
 3716 960.001, Florida Statutes, as amended by chapter 2003-402, Laws
 3717 of Florida, is amended to read:

3718 960.001 Guidelines for fair treatment of victims and
 3719 witnesses in the criminal justice and juvenile justice
 3720 systems.--

3721 (1) The Department of Legal Affairs, the state attorneys,
 3722 the Department of Corrections, the Department of Juvenile
 3723 Justice, the Parole Commission, the State Courts Administrator
 3724 and circuit court administrators, the Department of Law
 3725 Enforcement, and every sheriff's department, police department,
 3726 or other law enforcement agency as defined in s. 943.10(4) shall
 3727 develop and implement guidelines for the use of their respective

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3728 agencies, which guidelines are consistent with the purposes of
 3729 this act and s. 16(b), Art. I of the State Constitution and are
 3730 designed to implement the provisions of s. 16(b), Art. I of the
 3731 State Constitution and to achieve the following objectives:

3732 (1) Local witness coordination services.--The requirements
 3733 for notification provided for in paragraphs (c)~~(b)~~, (d), ~~(f)~~,
 3734 and (i) may be performed by the state attorney or public
 3735 defender for their own witnesses ~~as provided in s. 27.0065, as~~
 3736 ~~appropriate.~~

3737 Section 86. Subsections (2) and (3) of section 985.203,
 3738 Florida Statutes, as amended by chapter 2003-402, Laws of
 3739 Florida, are amended to read:

3740 985.203 Right to counsel.--

3741 (2) If the parents or legal guardian of an indigent child
 3742 are not indigent but refuse to employ counsel, the court shall
 3743 appoint counsel pursuant to s. 27.52~~(3)~~~~(d)~~ to represent the
 3744 child at the detention hearing and until counsel is provided.
 3745 Costs of representation are hereby imposed as provided by ss.
 3746 27.52~~(3)~~~~(d)~~ and 938.29. Thereafter, the court shall not appoint
 3747 counsel for an indigent child with nonindigent parents or legal
 3748 guardian but shall order the parents or legal guardian to obtain
 3749 private counsel. A parent or legal guardian of an indigent child
 3750 who has been ordered to obtain private counsel for the child and
 3751 who willfully fails to follow the court order shall be punished
 3752 by the court in civil contempt proceedings.

3753 (3) An indigent child with nonindigent parents or legal
 3754 guardian may have counsel appointed pursuant to s. 27.52~~(2)~~~~(d)~~
 3755 if the parents or legal guardian have willfully refused to obey
 3756 the court order to obtain counsel for the child and have been

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3757 | punished by civil contempt and then still have willfully refused
 3758 | to obey the court order. Costs of representation are hereby
 3759 | imposed as provided by ss. 27.52(2)(d) and 938.29.

3760 | Section 87. Section 149 of chapter 2003-402, Laws of
 3761 | Florida, is amended to read:

3762 | Section 149. Fees, service charges, and costs ~~fees~~ imposed
 3763 | by the governing authority of counties by ordinance and special
 3764 | law pursuant to authority granted in ss. 28.2401, 28.241, 34.041
 3765 | ~~28.242-34.041~~, 938.17, and 938.19, Florida Statutes, prior to
 3766 | June 30, 2004, are repealed and abolished effective July 1,
 3767 | 2004.

3768 | Section 88. (1) It is the intent of the Legislature to
 3769 | implement Revision 7 to Article V of the State Constitution in a
 3770 | way which recognizes the allocation of funding responsibilities
 3771 | among the state, counties, and system users.

3772 | (2) The Legislature hereby declares that the provisions of
 3773 | this act designed to achieve that allocation of responsibility
 3774 | fulfill an important state interest.

3775 | Section 89. Court-related assessments to be retained by
 3776 | the clerk of the court after July 1, 2004, to fund court-related
 3777 | functions included on the standard list in s. 28.35(3)(a),
 3778 | Florida Statutes, shall be remitted to the clerk of the court
 3779 | after July 1, 2004, regardless of the date of assessment.

3780 | Section 90. On July 1, 2004, all cash balances within
 3781 | county funds previously established to provide dedicated funding
 3782 | to benefit specific court-related programs shall be used to fund
 3783 | these programs after July 1, 2004, until those funds are
 3784 | depleted.

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3785 Section 91. Cost sharing of due process costs; legislative
3786 intent.--It is the intent of the Legislature to provide state-
3787 funded due process services to the state courts system, state
3788 attorneys, public defenders, and court-appointed counsel in the
3789 most cost-effective and efficient manner. The state courts
3790 system, state attorneys, public defenders, and court-appointed
3791 counsel may enter into contractual agreements to share, on a pro
3792 rata basis, the costs associated with court reporting services,
3793 court interpreter and translation services, court experts, and
3794 all other due process services funded by the state pursuant to
3795 chapter 29, Florida Statutes. These costs shall be budgeted
3796 within the funds appropriated to each of the affected users of
3797 services.

3798 Section 92. The Division of Statutory Revision of the
3799 Office of Legislative Services shall redesignate, in the next
3800 edition of the Florida Statutes, the title of chapter 40,
3801 Florida Statutes, as "Juries; Payment of Jurors and Due Process
3802 Costs."

3803 Section 93. Billing submitted for payment of due process
3804 services, including, but not limited to, court reporter
3805 services, court interpreter services, expert witness services,
3806 mental health evaluations, and court-appointed counsel services
3807 must be paid by the counties if the services were rendered
3808 before July 1, 2004. Counties must also pay for the entire cost
3809 of any flat-fee-per-case payment pursuant to a contract or
3810 professional services agreement with court-appointed counsel for
3811 appointments made before July 1, 2004, regardless of whether
3812 work on the case is actually concluded prior to July 1, 2004.
3813 Except for flat-fee contracts with court-appointed counsel,

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3814 billings for services on any case that commenced prior to July
 3815 1, 2004, but continues past July 1, 2004, must be submitted with
 3816 an itemized listing of payment due for services rendered before
 3817 July 1, 2004, and on or after July 1, 2004. The county shall pay
 3818 the portion of the bill for services rendered before July 1,
 3819 2004, and provide a copy of the itemized bill to the Justice
 3820 Administrative Commission or the Office of the State Courts
 3821 Administrator as appropriate for payment of the portion of the
 3822 bill for services provided on or after July 1, 2004.

3823 Section 94. No later than July 1, 2004, the Office of the
 3824 State Courts Administrator shall prepare and disseminate a
 3825 manual of court-related filing fees, service charges, costs, and
 3826 fin es imposed pursuant to state law, organized by county for
 3827 each type of action and offense and classified as either
 3828 mandatory or discretionary. The Office of the State Courts
 3829 Administrator shall disseminate this manual to the chief judge,
 3830 state attorney, public defender, and court administrator in each
 3831 circuit and to the clerk of the court in each county. The Office
 3832 of the State Courts Administrator shall update and disseminate
 3833 this manual annually.

3834 Section 95. Effective July 1, 2004, sections 11.75, 40.30,
 3835 142.04, 142.05, 142.06, 142.07, 142.08, 142.10, 142.11, 142.12,
 3836 142.13, 938.17, and 939.18, Florida Statutes, are repealed.

3837 Section 96. The Department of Revenue shall adopt rules
 3838 necessary to carry out its responsibilities in ss. 28.35, 28.36,
 3839 and 28.37, Florida Statutes. The rules shall include forms and
 3840 procedures for transferring funds from the clerks of the court
 3841 to the Clerks of the Court Trust Fund within the Department of
 3842 Revenue.

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3843 Section 97. There is appropriated \$2,500,000 from the
 3844 Department of Financial Services' Administrative Trust Fund and
 3845 five full-time equivalent positions are authorized for fiscal
 3846 year 2004-2005 to fund the contract with the Florida Clerks of
 3847 Court Operations Corporation created pursuant to s. 28.35,
 3848 Florida Statutes, and to provide for personnel and other
 3849 expenses necessary to implement the department's
 3850 responsibilities pursuant to this act. Funds for the contract
 3851 with the Clerks of the Court Operations Corporation shall be
 3852 appropriated in a special category created only for this purpose
 3853 by the Executive Office of the Governor in consultation with the
 3854 chairs of the respective committees responsible for
 3855 appropriations in the Senate and the House of Representatives.

3856 Section 98. There is appropriated \$20,000,000 from the
 3857 Clerks of the Court Trust Fund in the Department of Revenue for
 3858 fiscal year 2004-2005 to fund the revenue deficits for the
 3859 clerks of the circuit court in accordance with the provisions of
 3860 s. 28.36, Florida Statutes. The Executive Office of the
 3861 Governor may provide release authority for these funds as needed
 3862 in accordance with the provisions of s. 28.36, Florida Statutes,
 3863 and subject to all other provisions of chapter 216, Florida
 3864 Statutes.

3865 Section 99. There is appropriated from the Clerks of the
 3866 Court Trust Fund in the Department of Revenue, \$4,000,000 from
 3867 funds resulting from the imposition of the filing fee for
 3868 reopened cases required by section 31 of 2003-402, Laws of
 3869 Florida. These funds shall be used for the purpose of addressing
 3870 cash-flow problems that may arise in Clerks of the Court offices
 3871 during July and August of 2004, and shall be distributed

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3872 pursuant to the provisions of s. 28.36, Florida Statutes.

3873 Section 100. This act shall take effect July 1, 2004.