Bill No. CS for CS for SB 2962

Amendment No. ___ Barcode 134084

CHAMBER ACTION

Senate	House
1/AD/2R 04/27/2004 06:36 PM	

Senator Smith moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsections (3) and (5) of section 25.241, Florida Statutes, are amended to read:

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

(3) The Clerk of the Supreme Court is hereby required to collect, upon the filing of a certified copy of a notice of appeal or petition, $300~~$250~~ for each case docketed, and for copying, certifying, or furnishing opinions, records, papers, or other instruments, except as otherwise herein provided, the same fees that are allowed clerks of the circuit court; however, no fee shall be less than $1. The State of Florida or its agencies, when appearing as appellant or petitioner, is exempt from the filing fees required in this subsection. From each attorney appearing pro hac vice, the Clerk of the Supreme Court shall collect an additional fee of $100 to be deposited

into the General Revenue Fund.

(5) The Clerk of the Supreme Court is hereby required to prepare a statement of all fees collected ~~in duplicate~~ each month and remit ~~one copy of~~ such statement, together with all fees collected by him or her, to the Chief Financial Officer~~,~~ ~~who shall place the same to the credit of the General Revenue Fund~~. The Chief Financial Officer shall deposit $250 of each $300 filing fee and all other fees collected into the General Revenue Fund. The Chief Financial Officer shall deposit $50 of each filing fee collected into the state court's Grants and Donations Trust Fund to fund court improvement projects as authorized in the General Appropriations Act.

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

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

Section 3. Paragraph (a) of subsection (2) of section 25.384, Florida Statutes, as amended by chapter 2003-402, Laws

of Florida, is amended to read:

25.384 Court Education Trust Fund.--

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

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

27.02 Duties before court.--

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

(2) The state attorney, when complying with the discovery obligation ~~shall provide to the defendant all discovery materials required~~ pursuant to the applicable rule of procedure, ~~and~~ may charge the defendant fees as provided

for in s. 119.07(1)(a), not to exceed 15 cents per page for a copy of a noncertified copy of a public record. However, these fees may be deferred if the defendant has been determined to be indigent as provided in s. 27.52.

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

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

(1) A county or municipality may ~~not~~ contract with, or appropriate or contribute funds to the operation of, the various state attorneys as provided in this subsection ~~for the prosecution of violations of special laws, unless expressly authorized, or ordinances of the county or municipality, unless ancillary to a state prosecution~~. A state attorney prosecuting violations of special laws or county or municipal ordinances punishable by incarceration and not ancillary to a state charge shall contract with counties and municipalities to recover the full cost of services rendered on an hourly basis or reimburse the state for the full cost of assigning one or more full-time equivalent attorney positions to work on behalf of the county or municipality. Notwithstanding any other provision of law, in the case of a county with a population of less than 75,000, the state attorney shall contract for full reimbursement, or for reimbursement as the parties otherwise agree.

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

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

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

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

(3) Notwithstanding s. 27.25, the Chief Financial Officer may contract with the state attorney of any judicial circuit of the state for the prosecution of criminal violations of the Workers' Compensation Law and related crimes if the Chief Financial Officer contributes funds for such purposes. Such contracts may provide for the training, salary, and expenses of one or more assistant state attorneys used in

the prosecution of ~~such~~ crimes. If the Chief Financial Officer contributes funds to the state attorney to prosecute these violations and the accused person is indigent and represented by the public defender, the Chief Financial Officer shall also contract with the public defender to provide representation to the person accused of these crimes. The contract may provide for the training, salary, and expenses of one or more assistant public defenders used in the defense of these crimes.

(4) Unless expressly authorized by law or in the General Appropriations Act, state attorneys are prohibited from spending state-appropriated funds on county funding obligations under s. 14, Art. V of the State Constitution beginning January 1, 2005. This includes expenditures on communications services and facilities as defined in s. 29.008. This does not prohibit a state attorney from spending funds for these purposes in exceptional circumstances when necessary to maintain operational continuity in the form of a short-term advance pending reimbursement by the county. If a state attorney provides short-term advance funding for a county responsibility as authorized by this subsection, the state attorney shall request full reimbursement from the board of county commissioners prior to making the expenditure or at the next meeting of the board of county commissioners after the expenditure is made. The total of all short-term advances authorized by this subsection shall not exceed 2 percent of the state attorney's approved operating budget in any given year. No short-term advances authorized by this subsection shall be permitted until all reimbursements arising from advance funding in the prior state fiscal year have been received by the state attorney. All reimbursement payments

received by the state attorney pursuant to this subsection shall be deposited into the General Revenue Fund. Notwithstanding the provisions of this subsection, the state attorney may expend funds for the purchase of computer systems, including associated hardware and software, and for personnel related to this function.

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

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

(2) No later than October 1, 2004, private counsel appointed by the court to provide representation shall be selected from a registry established by the circuit Article V indigent services committee or procured through a competitive bidding process.

(3) In utilizing a registry:

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

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

(7)(a) An attorney appointed to represent a defendant or other client is entitled to payment ~~of attorney's fees and~~

~~expenses~~ pursuant to s. 27.5304, only upon full performance by the attorney of specified duties, approval of payment by the court, and attorney submission of a payment request to the Justice Administrative Commission. If an attorney is permitted to withdraw or is otherwise removed from representation prior to full performance of the duties specified in this section for reasons other than breach of duty, the trial court shall approve payment of attorney's fees and costs for work performed in an amount not to exceed the amounts specified in s. 27.5304.

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

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

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

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

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

(2)

(b) No later than October 1, 2004, each ~~The~~ circuit Article V indigent services committee shall maintain a

registry pursuant to s. 27.40, even when ~~unless~~ procuring counsel through a competitive bidding process. However, if counsel is procured through a competitive bidding process, the registry shall be used only when counsel obtained through that process is unable to provide representation due to a conflict of interest or reasons beyond their control. The committee shall apply any ~~the~~ eligibility and performance standards set by the Legislature~~, if any, after receiving recommendations from the Article V Indigent Services Advisory Board, for the appropriate category of case~~.

(c) Each ~~The~~ circuit Article V indigent services committee shall develop a schedule of standard fees and expense allowances for the ~~various~~ categories of cases specified in s. 27.5303, consistent with the overall compensation rates in that section and within the amount of appropriated funds allocated by the Justice Administrative Commission to the circuit for this purpose ~~standards adopted by the Legislature, if any, after receiving recommendations from the Article V Indigent Services Advisory Board~~.

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

(4)(a) The funding and positions for the processing of committees' fees and expenses shall be as appropriated to the Justice Administrative Commission in the General

Appropriations Act.

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

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

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

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

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

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

27.51 Duties of public defender.--

(1) The public defender shall represent, without additional compensation, any person ~~who is~~ determined to be

indigent under ~~as provided in~~ s. 27.52 and ~~who is~~:

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

(b) Under arrest for, or ~~is~~ charged with:~~,~~

1. A misdemeanor authorized for prosecution by the state attorney;~~,~~

2. A violation of chapter 316 ~~which is~~ punishable by imprisonment;~~, or~~

3. Criminal contempt; or~~,~~

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

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

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

(d) Sought by petition filed in such court to be involuntarily placed as a mentally ill person under part I of chapter 394, involuntarily committed as a ~~or~~ sexually violent predator under part V of chapter 394, or involuntarily admitted to residential services as a person with developmental disabilities under chapter 393. ~~However,~~ A public defender shall not ~~does not have the authority to~~ represent any ~~person who is a~~ plaintiff in a civil action brought under the Florida Rules of Civil Procedure, the Federal Rules of Civil Procedure, or the federal statutes, or represent ~~who is~~ a petitioner in a rule challenge ~~an~~

~~administrative proceeding challenging a rule~~ under chapter 120, unless specifically authorized by statute; ~~or~~

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

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

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

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

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

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

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

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

Section 9. Section 27.52, Florida Statutes, as amended

by chapter 2003-402, Laws of Florida, is amended to read:

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

(1) The clerk of the circuit court shall determine if a ~~the indigence of each~~ person applying for appointment of a public defender or private attorney or any other due process ~~court-related~~ services is indigent using a form developed by the Supreme Court ~~based on indigence~~. If the defendant is incarcerated, the public defender shall obtain the information necessary for the clerk to make the determination of indigence. The clerk may contract with third parties to perform this function. This determination may be made at any stage of the proceedings. Before appointing the public defender or a private attorney, or providing any other court-related service based on indigent status ~~indigence~~, the court shall receive the determination of indigent status ~~indigence~~ from the clerk. If the clerk has not made this determination at the time a person requests appointment of a public defender or private attorney or provision of any other due process ~~court-related~~ services, the court shall make a preliminary determination of indigent status ~~indigence~~, pending further review ~~verification~~ by the clerk, and may appoint counsel or authorize the provision of any other due process services on an interim basis. The applicant may seek review of the clerk's determination denying indigent status ~~indigence~~ in the court having jurisdiction over the matter at the next scheduled hearing. If the applicant seeks review of the clerk's determination, the court shall make a final determination.

(2)(a) Any person applying for appointment of a public defender or private attorney or any other due process ~~court-related~~ services based on indigent status ~~indigence~~

shall pay a $40 application fee to the clerk of court for each affidavit filed, regardless of the number of required due process services requested in a case ~~and submit a completed affidavit containing the financial information required under paragraph (f)~~. The clerk of court must assist a person who appears before the clerk and requests assistance in completing the affidavit containing financial information and the clerk must notify the court if a person is unable to complete the affidavit after the clerk has provided assistance. The duty of the clerk in determining indigence shall be limited to receiving the affidavit of indigence executed by the individual seeking the determination and comparing the information provided in the affidavit to the standard of indigence established by law. The determination of indigence shall be a ministerial act of the clerk and not a decision based on further investigation or the exercise of independent judgment by the clerk. The application fee shall be paid at the time the financial affidavit is filed or within 7 days thereafter. If, in a criminal proceeding, the application fee is not paid prior to the disposition of the case, the clerk shall advise the sentencing judge of this fact and the court shall:

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

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

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

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

support payments.

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

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

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

(a) The applicant is indigent; or

(b) The applicant is not indigent.

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

1. The income of the person is equal to or below 200 percent of the then-current federal poverty guidelines prescribed for the size of the household of the applicant by the United States Department of Health and Human Services or if the person is receiving Temporary Assistance for Needy Families-Cash Assistance, poverty-related veterans' benefits, or Supplemental Security Income (SSI); or

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

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

1. The person has been released on bail in the amount

of $5,000 or more;

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

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

If the clerk finds discrepancies between the financial affidavit and the 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, or whether the authorization for any other due process services previously authorized shall be revoked. The person may be heard regarding the information discovered by the clerk. If the court, based on the information provided, determines that the person is not indigent, the court shall order the public defender or private attorney to discontinue representation and revoke the provision of any other authorized due process services. Notwithstanding any provision of law, court rule, or administrative order to the contrary, the clerk of the court shall assign the first $40 of any fees or costs paid by an indigent person as payment of the application fee. A person found to be indigent shall not be refused counsel or other required due process services for failure to pay the fee.

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

~~the applicant's ability to pay.~~

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

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

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

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

~~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.~~

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

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

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

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

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

~~1. The applicant is indigent.~~

~~2. The applicant is not indigent.~~

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

~~1. The income of the person is equal to or below 200 percent of the then-current federal poverty guidelines prescribed for the size of the household of the applicant by the United States Department of Health and Human Services or if the person is receiving Temporary Assistance for Needy Families-Cash Assistance, poverty-related veterans' benefits, or Supplemental Security Income (SSI); or~~

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

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

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

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

~~3. The defendant retained private counsel immediately before or after filing the affidavit asserting indigence~~

~~pursuant to subsection (2).~~

(6)~~(d)~~ A nonindigent parent or legal guardian of an applicant who is a minor or an adult tax-dependent person shall furnish the minor or adult tax-dependent person with the necessary legal services and costs incident to a delinquency proceeding or, upon transfer of such person for criminal prosecution as an adult pursuant to chapter 985, a criminal prosecution, in which the person has a right to legal counsel under the Constitution of the United States or the Constitution of the State of Florida. The failure of a parent or legal guardian to furnish legal services and costs under this section does not bar the appointment of legal counsel pursuant to s. 27.40 or s. 27.5303. When the public defender, a special assistant public defender appointed pursuant to s. 27.53(2), or a private attorney is appointed to represent a minor or an adult tax-dependent person in any proceeding in circuit court or in a criminal proceeding in any other court, the parents or the legal guardian shall be liable for payment of the fees, charges, and costs of the representation even if the person is a minor being tried as an adult. Liability for the fees, charges, and costs of the representation shall be imposed in the form of a lien against the property of the nonindigent parents or legal guardian of the minor or adult tax-dependent person. The lien shall be enforceable as provided in s. 27.561 or s. 938.29.

(7)~~(4)~~ If the trial court determines that any applicant, through fraud or misrepresentation, was ~~erroneously or~~ improperly determined to be indigent, the state attorney shall~~, in the name of the state,~~ proceed against the applicant for the reasonable value of the services rendered, including all fees, charges, and costs paid by the state in his or her

behalf. Twenty-five percent of any amount recovered by the state attorney shall be remitted to the Department of Revenue for deposit into the Grants and Donations Trust Fund within the Justice Administrative Commission for appropriation by the Legislature to the state attorney. Seventy-five percent of any amount recovered shall be remitted to the Department of Revenue for deposit into the General Revenue Fund.

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

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

27.5303 Public defenders; conflict of interest.--

(1)

(d) In determining whether or not there is a conflict of interest, the public defender ~~and the court~~ shall apply the standards contained in the Uniform Standards for Use in Conflict of Interest Cases found in appendix C to the Final Report of the Article V Indigent Services Advisory Board dated January 6, 2004 ~~adopted by the Legislature after receiving recommendations from the Article V Indigent Services Advisory Board~~.

(3) Private court-appointed counsel shall be compensated as provided in s. 27.5304 ~~in accordance with compensation standards adopted by the Legislature after~~

~~receiving recommendations from the Article V Indigent Services Advisory Board~~.

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

27.5304 Private court-appointed counsel; compensation.--

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

(2) Prior to filing a motion for an order approving payment of attorney's fees, costs, or related expenses, the private court-appointed counsel shall deliver a copy of the intended billing, together with supporting affidavits and all other necessary documentation, to the Justice Administrative Commission. The Justice Administrative Commission shall review the billings, affidavit, and documentation for completeness and compliance with contractual and statutory requirements. If the Justice Administrative Commission objects to any portion of the proposed billing, the objection and reasons therefor

shall be communicated to the private court-appointed counsel. The private court-appointed counsel may thereafter file his or her motion for order approving payment of attorney's fees, costs, or related expenses together with supporting affidavits and all other necessary documentation. The motion must specify whether the Justice Administrative Commission objects to any portion of the billing or the sufficiency of documentation and, if so, the reasons therefor. A copy of the motion and attachments shall be served on the Justice Administrative Commission. The Justice Administrative Commission shall have standing to appear before the court to contest any motion for order approving payment of attorney's fees, costs, or related expenses. The Justice Administrative Commission may contract with other public or private entities or individuals to appear before the court for the purpose of contesting any motion for order approving payment of attorney's fees, costs, or related expenses. The fact that the Justice Administrative Commission has not objected to any portion of the billing or to the sufficiency of the documentation is not binding on the court. The court retains primary authority and responsibility for determining the reasonableness of all billings for attorney's fees, costs, and related expenses, subject to statutory limitations. Before final disposition of a case, a private court-appointed counsel may file a motion for fees, costs, and related expenses for services completed up to the date of the motion in any case or matter in which legal services have been provided by the attorney for more than 1 year. The amount approved by the court may not exceed 80 percent of the fees earned, or costs and related expenses incurred, to date, or an amount proportionate to the maximum fees permitted under this section based on legal services provided to date, whichever is

less. The court may grant the motion if counsel shows that failure to grant the motion would work a particular hardship upon counsel.

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

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

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

(6) A private attorney appointed in lieu of the public defender to represent an indigent defendant may not reassign or subcontract the case to another attorney or allow another attorney to appear at a critical stage of a case who is ~~does~~ not on the registry developed pursuant to s. 27.40 ~~meet standards adopted by the Legislature after any recommendations from the Article V Indigent Services Advisory Board~~.

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

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

(2) A county or municipality may ~~not~~ contract with, or appropriate or contribute funds to, the operation of the offices of the various public defenders as provided in this subsection ~~for the purpose of defending indigents charged with violations of special laws, unless expressly authorized, or with violations of ordinances of the county or municipality, unless ancillary to a state prosecution~~. A public defender defending violations of special laws or county or municipal ordinances punishable by incarceration and not ancillary to a state charge shall contract with counties and municipalities to recover the full cost of services rendered on an hourly basis or reimburse the state for the full cost of assigning one or more full-time equivalent attorney positions to work on behalf of the county or municipality. Notwithstanding any other provision of law, in the case of a county with a population of less than 75,000, the public defender shall contract for full reimbursement, or for reimbursement as the parties otherwise agree.

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

(b) A contract for assigning one or more full-time equivalent attorney positions to perform work on behalf of the county or municipality shall assign one or more full-time equivalent positions based on estimates by the public defender of the number of hours required to handle the projected workload. The full cost of each full-time equivalent attorney position on an annual basis shall be $50, or the amount specified in the General Appropriations Act, multiplied by the

legislative budget request standard for available work hours for one full-time equivalent attorney position, or, in the absence of that standard, 1,854 hours. The contract may provide for funding full-time equivalent positions in one-quarter increments.

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

(4) Unless expressly authorized by law or in the General Appropriations Act, public defenders are prohibited from spending state-appropriated funds on county funding obligations under s. 14, Art. V of the State Constitution beginning January 1, 2005. This includes expenditures on communications services and facilities as defined in s. 29.008. This does not prohibit a public defender from spending funds for these purposes in exceptional circumstances when necessary to maintain operational continuity in the form of a short-term advance pending reimbursement from the county. If a public defender provides short-term advance funding for a county responsibility as authorized by this subsection, the public defender shall request full reimbursement from the board of county commissioners prior to making the expenditure or at the next meeting of the board of county commissioners after the expenditure is made. The total of all short-term advances authorized by this subsection shall not exceed 2 percent of the public defender's approved operating budget in any given year. No short-term advances authorized by this subsection shall be permitted until all reimbursements arising from advance funding in the prior state fiscal year have been received by the public defender. All reimbursement payments

received by the public defender shall be deposited into the General Revenue Fund. Notwithstanding the provisions of this subsection, the public defender may expend funds for the purchase of computer systems, including associated hardware and software, and for personnel related to this function.

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

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

(1) Twenty-five percent shall be remitted to the Department of Revenue for deposit into the Justice Administrative Commission's Indigent Criminal Defense Trust Fund.

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

The Justice Administrative Commission shall account for funds deposited into the Indigent Criminal Defense Trust Fund by circuit. Appropriations from the fund shall be proportional to each circuit's collections. ~~All funds collected pursuant to s. 938.29, except the application fee imposed under s. 27.52, shall be remitted to the Department of Revenue for deposit into the General Revenue Fund.~~ All judgments entered pursuant to this part shall be in the name of the state.

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

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

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

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

Section 15. Effective June 1, 2004, an additional service charge of $4 per page shall be paid to the clerk of the circuit court for each instrument listed in section 28.222, Florida Statutes, except for a judgment received from the court or a notice of lis pendens, recorded in the official records. The funds collected shall be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund for appropriation by law for the purpose of addressing cash-flow problems that may arise in clerk of the court offices during July and August of 2004, and shall be distributed pursuant to the provisions of section 28.36, Florida Statutes. This section expires July 1, 2004.

Section 16. The introductory paragraph and subsections (12) and (26) of section 28.24, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, are amended to read:

28.24 Service charges by clerk of the circuit court.--The clerk of the circuit court may charge for services rendered by the clerk's office in recording documents and instruments and in performing the duties enumerated in amounts not to exceed those specified in this section. Notwithstanding

any other provision of this section, the clerk of the circuit court shall provide without charge to the state attorney, public defender, and guardian ad litem, and to the authorized staff acting on behalf of each, ~~any justice or judge, to any court staff acting on behalf of any justice or judge, and to any state attorney or public defender~~ access to and a copy ~~copies~~ of any public record, if the requesting party is entitled by law to view the exempt or confidential record ~~records, notwithstanding the exempt or confidential nature of such public records~~, as maintained by and in the custody of the clerk of the circuit court as provided in general law and the Florida Rules of Judicial Administration. The clerk of the circuit court may provide the requested public record in an electronic format in lieu of a paper format when capable of being accessed by the requesting entity.

Charges

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

(a) First page or fraction thereof.....5.00

(b) Each additional page or fraction thereof.....4.00

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

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

1. First page.....1.00

2. Each additional page.....0.50

Said fund shall be held in trust by the clerk and used exclusively for equipment and maintenance of equipment, personnel training, and technical assistance in modernizing the public records system of the office. In a county where the duty of maintaining official records exists in an office other than the office of the clerk of the circuit court, the clerk of the circuit court is entitled to 25 percent of the moneys deposited into the trust fund for equipment, maintenance of equipment, training, and technical assistance in modernizing the system for storing records in the office of the clerk of the circuit court. The fund may not be used for the payment of travel expenses, membership dues, bank charges, staff-recruitment costs, salaries or benefits of employees, construction costs, general operating expenses, or other costs not directly related to obtaining and maintaining equipment for public records systems or for the purchase of furniture or office supplies and equipment not related to the storage of records. On or before December 1, 1995, and on or before December 1 of each year immediately preceding each year during which the trust fund is scheduled for legislative review under s. 19(f)(2), Art. III of the State Constitution, each clerk of the circuit court shall file a report on the Public Records Modernization Trust Fund with the President of the Senate and the Speaker of the House of Representatives. The report must itemize each expenditure made from the trust fund since the last report was filed; each obligation payable from the trust fund on that date; and the percentage of funds expended for each of the following: equipment, maintenance of equipment, personnel training, and technical assistance. The report must

indicate the nature of the system each clerk uses to store, maintain, and retrieve public records and the degree to which the system has been upgraded since the creation of the trust fund.

(e) An additional service charge of $4 per page shall be paid to the clerk of the circuit court for each instrument listed in s. 28.222, except judgments received from the courts and notices of lis pendens, recorded in the official records. From the additional $4 service charge collected:

1. If the counties maintain legal responsibility for the costs of the court-related technology needs as defined in ss. 29.008(1)(f)2. and 29.008(1)(h), 10 cents shall be distributed to the Florida Association of Court Clerks and Comptroller, Inc., for the cost of development, implementation, operation, and maintenance of the clerks' Comprehensive Case Information System; $1.90 shall be retained by the clerk to be deposited in the Public Records Modernization Trust Fund and used exclusively for funding court-related technology needs of the clerk as defined in ss. 29.008(1)(f)2. and 29.008(1)(h); and $2 shall be distributed to the board of county commissioners to be used exclusively to fund court-related technology, and court technology needs as defined in ss. 29.008(1)(f)2. and 29.008(1)(h) for the state trial courts, state attorney and public defender in that county. If the counties maintain legal responsibility for the costs of the court-related technology needs as defined in ss. 29.008(1)(f)2. and 29.008(1)(h), notwithstanding any other provision of law, the county is not required to provide additional funding beyond that provided herein for the court-related technology needs of the clerk as defined in ss. 29.008(1)(f)2. and 29.008(1)(h). All court records and

official records are the property of the State of Florida, including any records generated as part of the Comprehensive Case Information System funded pursuant to this paragraph and the clerk of court is designated as the custodian of such records. The clerk of court or any entity acting on behalf of the clerk of court, including an association, shall not charge a fee to any agency as defined in s. 119.011, the Legislature, or the State Court System for copies of records generated by the Comprehensive Case Information System or held by the clerk of court or any entity acting on behalf of the clerk of court, including an association.

2. If the state becomes legally responsible for the costs of court-related technology needs as defined in ss. 29.008(1)(f)2. and 29.008(1)(h), whether by operation of general law or by court order, $4 shall be remitted to the Department of Revenue for deposit into the General Revenue Fund.

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

(b) For receiving and disbursing all partial payments, other than restitution payments, for which an administrative processing service charge is not imposed pursuant to s. 28.246, per month 5.00

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

Section 17. Subsection (3) of section 28.2401, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is

amended to read:

28.2401 Service charges in probate matters.--

(3) An additional service charge of $4 ~~$2.50~~ on petitions seeking summary administration, formal administration, ancillary administration, guardianship, curatorship, and conservatorship shall be paid to the clerk. The clerk shall transfer $3.50 ~~the $2.50~~ to the Department of Revenue for deposit into the Court Education Trust Fund and shall transfer 50 cents to the Department of Revenue for deposit into the Department of Financial Services' Administrative Trust Fund to fund clerk education. No additional fees, charges, or costs shall be added to the service charges imposed under this section, except as authorized by general law.

Section 18. Section 28.2402, Florida Statutes, as created by chapter 2003-402, Laws of Florida, is amended to read:

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

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

(b) No other filing fee may be assessed for filing the violation in circuit court. If a person contests the violation in court, the court shall assess $40 in costs against the nonprevailing party. The county or municipality shall be

considered the prevailing party when there is a finding of violation to any count or lesser included offense of the charge. Costs recovered pursuant to this paragraph shall be deposited into the clerk's fine and forfeiture fund established pursuant to s. 142.01.

(2) To offset costs incurred by the clerks of the court in performing court-related functions associated with the processing of violations of special laws and municipal ordinances, 10 percent of the total amount of fines paid to each municipality for special law or ordinance violations filed in circuit court shall be retained by the clerk of the court for deposit into the clerk's fine and forfeiture fund established pursuant to s. 142.01, except for fines a portion of which the clerk of the court retains pursuant to any other provision of state law.

Section 19. Subsections (1) and (2) of section 28.241, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, are amended, and subsections (5) and (6) are added to said section, to read:

28.241 Filing fees for trial and appellate proceedings.--

(1)(a) The party instituting any civil action, suit, or proceeding in the circuit court shall pay to the clerk of that court a filing fee of up to $250 in all cases in which there are not more than five defendants and an additional filing fee of up to $2 for each defendant in excess of five. Of the first $55~~$57.50~~ in filing fees, $50 must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund~~,~~ and $5 must be remitted to the Department of Revenue for deposit into the Department of Financial Services' Administrative Trust Fund to fund the

contract with the Florida Clerks ~~Clerk~~ of Court Operations Corporation created in s. 28.35 ~~Operations Conference; and $2.50 shall be paid to the clerk for each civil action brought in circuit or county court, to be remitted by the clerk to the Department of Revenue for deposit into the Court Education Trust Fund~~. One-third of any filing fees collected by the clerk of the circuit court in excess of$55~~$57.50~~ shall be remitted to the Department of Revenue for deposit into the Department of Revenue Clerks of the Court Trust Fund. An additional filing fee of $4 shall be paid to the clerk. The clerk shall remit $3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall remit 50 cents to the Department of Revenue for deposit into the Department of Financial Services Administrative Trust Fund to fund clerk education. An additional filing fee of up to $15 shall be paid by the party seeking each severance that is granted. The clerk may impose an additional filing fee of up to $75 for all proceedings of garnishment, attachment, replevin, and distress. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. No additional fees, charges, or costs shall be added to the filing fees imposed under this section, except as authorized herein or by general law.

(b) A party reopening any civil action, suit, or proceeding in the circuit court shall pay to the clerk of court a filing fee set by the clerk in an amount not to exceed $50. For purposes of this section, a case is reopened when a case previously reported as disposed of is resubmitted to a court and includes petitions for modification of a final

judgment of dissolution. A party is exempt from paying the fee for any of the following:

1. A writ of garnishment;

2. A writ of replevin;

3. A distress writ;

4. A writ of attachment;

5. A motion for rehearing filed within 10 days;

6. A motion for attorney's fees filed within 30 days after entry of a judgment or final order;

7. A motion for dismissal filed after a mediation agreement has been filed;

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(5), 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 remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund.

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

(6) From each attorney appearing pro hac vice, the clerk of the circuit court shall collect a fee of $100 for deposit into the General Revenue Fund.

Section 20. Section 28.245, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

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

Section 21. Section 28.246, Florida Statutes, as created by chapter 2003-402, Laws of Florida, is amended to read:

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

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

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

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

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

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

If provided to the clerk of court by the judge, the clerk, in reporting the amount assessed, shall separately identify the amount assessed pursuant to s. 938.30 as community service; assessed by reducing the amount to a judgment or lien; satisfied by time served; or other. The form developed by the Chief Financial Officer shall include separate entries for

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

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

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

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

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

(a) That portion of fees, services charges, court costs, and fines ~~payable to the clerk for the operations of~~

~~the clerk and~~ to be remitted to the state for deposit into the General Revenue Fund.

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

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

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

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

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

Florida Bar or collection agent who is registered and in good standing pursuant to chapter 559. In pursuing the collection of such unpaid financial obligations through a private attorney or collection agent, the clerk of the court must have attempted to collect the unpaid amount through a collection court, collections docket, or other collections process, if any, established by the court, find ~~determine~~ this to be ~~is~~ cost-effective and follow any applicable procurement practices. The collection fee, including any reasonable attorney's fee, paid to any attorney or collection agent retained by the clerk may be added to the balance owed in an amount not to exceed 40 percent of the amount owed at the time the account is referred to the attorney or agent for collection.

Section 22. Section 28.345, Florida Statutes, as created by chapter 2003-402, Laws of Florida, is amended to read:

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

Section 23. Section 28.35, Florida Statutes, as created by chapter 2003-402, Laws of Florida, is amended to read:

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

(1)(a) The Florida Clerks of Court Operations Corporation is hereby created as a public corporation

organized to perform the functions specified in this section. All clerks of the circuit court shall be members of the corporation and hold their position and authority in an ex officio capacity. The functions assigned to the corporation shall be performed by an executive council pursuant to the plan of operation approved by the members.

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

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

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

(d) The functions assigned to the corporation under this section and ss. 28.36 and 28.37 are considered to be for a valid public purpose.~~(b) The Chief Justice of the Supreme Court or his or her designee~~.

(2) The duties of the corporation ~~conference~~ shall

include the following:

(a) Adopting a plan of operation.

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

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

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

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

(e)~~(d)~~ Developing and certifying ~~approving~~ a uniform system of performance measures ~~accountability measurements~~ and applicable performance standards for the functions specified in paragraph (4)(a) and ~~each~~ clerk performance in meeting the performance standards ~~of the court~~. These measures and standards shall be designed to facilitate an objective

determination of the performance of each clerk in accordance with minimum standards for ~~must assess the~~ fiscal management, operational efficiency ~~efficient operations~~, and effective collection of fines, fees, service charges, and court costs ~~using data reported in s. 28.246 as well as other data~~. When the corporation finds a clerk has not met the performance standards, the corporation shall identify the nature of each deficiency and any corrective action recommended and taken by the affected clerk of the court.

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

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

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

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

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

(g) Developing and conducting clerk education programs.

(3)(a) The Clerk of Court Operations Corporation shall certify to the President of the Senate, the Speaker of the House of Representatives, the Chief Financial Officer, and the Department of Revenue by October 15 of each year, the amount

of the proposed budget certified for each clerk; the revenue projection supporting each clerk's budget; each clerk eligible to retain some or all of the state's share of fines, fees, service charges, and costs; the amount to be paid to each clerk from the Clerks of the Court Trust Fund within the Department of Revenue; the performance measures and standards approved by the conference for each clerk; and the performance of each clerk in meeting the performance standards.

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

(4)(a) The list of court-related functions clerks may fund from filing fees, service charges, court costs, and fines shall be limited to those functions expressly authorized by law or court rule. Those functions must include the following: case maintenance; records management; court preparation and attendance; processing the assignment, reopening, and reassignment of cases; processing of appeals; collection and distribution of fines, fees, service charges, and court costs; processing of bond forfeiture payments; payment of jurors and witnesses; data collection and reporting; processing of jurors; determinations of indigent status; and reasonable administrative support costs to enable the clerk of the court to carry out these court-related functions.

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

include:

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

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

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

4. Functions identified as local requirements in law or local optional programs.

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

(5)~~(3)~~ The corporation ~~Clerk of Court Operations conference~~ shall be funded pursuant to contract with the Chief Financial Officer. Funds shall be provided to the Chief Financial Officer for this purpose as appropriated by general law ~~maintain a public depository to receive funds for its operations. The Clerk of Court Operations Conference shall receive a portion of the fees collected by the clerk for filing a civil action in circuit court as specified in s.~~

~~28.241~~. These funds shall be available to the corporation ~~conference~~ for the performance of the duties and responsibilities as set forth in this section. The corporation ~~conference~~ may hire staff and pay ~~for~~ other expenses from these funds ~~this fund only~~ as necessary to perform the official duties and responsibilities of the corporation ~~conference~~ as described in this section.

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

(b) Certified public accountants conducting audits of counties pursuant to s. 218.39 shall report, as part of the audit, whether or not the clerks of the courts have complied with the budgets certified by the Florida Clerk of Courts Operations Corporation pursuant to the budget review process pursuant to contract with the Chief Financial Officer and with the performance standards developed and certified pursuant to this section. The Auditor General shall develop a compliance supplement for the audit of compliance with the budgets and applicable performance standards certified by the corporation.

Section 24. Section 28.36, Florida Statutes, as created by chapter 2003-402, Laws of Florida, is amended to read:

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

(1) Only those functions on the standard list

developed pursuant to s. 28.35(4)(a) may be funded from fees, service charges, court costs, and fines retained by the clerks of the court. No clerk may use fees, service charges, court costs, and fines in excess of the maximum budget amounts as established in subsection (5).

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

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

(a) ~~On May 1, 2004, for the fiscal period of July 1, 2004, through September 30, 2004, and~~ On or before August 1 for each fiscal year thereafter, the proposed budget shall be prepared, summarized, and submitted by the clerk in each county to the Clerk of Court Operations Corporation ~~Conference~~ in the manner and form prescribed by the conference. The proposed budget must provide detailed information on the anticipated revenues available and expenditures necessary for the performance of the standard list of court-related functions of the clerk's office developed pursuant to s. 28.35(4)(a) for the county fiscal year beginning the following October 1.

(b) The proposed budget must be balanced, such that the total of the estimated revenues available must equal or exceed the total of the anticipated expenditures. These revenues include the following: cash balances brought forward from the prior fiscal period; revenue projected to be received from fees, service charges, court costs, and fines for court-related functions during the fiscal period covered by

the budget; and supplemental revenue that may be requested pursuant to subsection (4)~~(3); and the contingency reserve authorized in paragraph (c)~~. The anticipated expenditures must be itemized as required by the corporation, pursuant to contract with the Chief Financial Officer ~~Clerk of Court Operations conference~~.

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

(4)~~(3)~~ If a clerk of the court estimates that available funds plus projected revenues from fines, fees, service charges, and costs for court-related services are insufficient to meet the anticipated expenditures for the standard list of court-related functions in s. 28.35(4)(a) performed by his or her office, the clerk must report the revenue ~~budget~~ deficit to the Clerk of Court Operations Corporation ~~conference~~ in the manner and form prescribed by the corporation pursuant to contract with the Chief Financial Officer ~~conference~~. The corporation ~~conference~~ shall verify that the proposed budget is limited to the standard list of court-related functions in s. 28.35(4)(a) ~~determine whether the clerk is meeting his or her performance standards for the current year relating to fiscal management, efficient operations, and the effective collection of fines, fees, service charges, and costs~~.

(a) If the corporation verifies that the proposed budget is limited to the standard list of court-related functions in s. 28.35(4)(a) ~~conference determines that a clerk is meeting his or her performance standards for fiscal management, operational efficiency; efficient operations; and~~

~~effective collection of fines, fees, service charges, and costs;~~ and a revenue deficit is projected, a ~~that~~ clerk seeking to retain revenues pursuant to this subsection shall increase all ~~fines,~~ fees, service charges, and any other court-related clerk fees and charges ~~costs~~ to the maximum amounts specified by law or the amount necessary to resolve the deficit, whichever is less. If, after increasing ~~such fines,~~ fees, service charges, and any other court-related clerk fees and charges to the maximum amounts specified by law ~~costs~~, a revenue ~~budget~~ deficit is still projected, the corporation ~~conference~~ shall, pursuant to the terms of the contract with the Chief Financial Officer, certify a revenue deficit and notify the Department of Revenue that the ~~that~~ clerk is authorized to retain revenues, in an amount necessary to fully fund the projected revenue deficit, which he or she would otherwise be required to remit to the Department of Revenue for deposit into the Department of Revenue Clerks of the Court Trust Fund pursuant to s. 28.37. If a revenue ~~budget~~ deficit is projected for that clerk after retaining all of the projected collections from the court-related fines, fees, service charges, and costs, the Department of Revenue ~~conference~~ shall certify the amount of the revenue deficit amount to the Executive Office of the Governor and request release authority for funds appropriated for this purpose from the Department of Revenue s Clerks of the Court Trust Fund. Notwithstanding provisions of s. 216.192 related to the release of funds, the Executive Office of the Governor may approve the release of funds appropriated to resolve projected revenue deficits in accordance with the notice, review, and objection procedures set forth in s. 216.177 and shall provide notice to the Chief Financial Officer. ~~An amount equal to the~~

~~deficit is hereby appropriated each year from~~ The Department of Revenue is directed to request monthly distributions from the Chief Financial Officer in equal amounts to each clerk certified to have a revenue deficit, in accordance with the releases approved by the Governor ~~of Revenue Clerks of the Court Trust Fund, without further legislative action, period after period, until altered or revoked by the Legislature. The Department of Revenue is directed to make a monthly distribution of equal amounts to each clerk certified to have a deficit until the Clerk of Court Operations Conference certifies a different amount to be distributed~~.

(b) If the Department of Revenue finds the court-related budget proposed by a clerk includes functions not included in the standard list of court-related functions in s. 28.35(3)(a), the department shall notify the clerk of the amount of the proposed budget not eligible to be funded from fees, service charges, costs, and fines for court-related functions. The clerk shall then immediately discontinue the expenditures of funds for this purpose and reimburse the Clerks of the Court Trust Fund for any expenditures incurred to date for these functions ~~The Clerk of Court Operations Conference shall notify the Governor, the President of the Senate, and the Speaker of the House of Representatives prior to taking actions specified in this subsection. The notification shall include a certification by the conference that all of the conditions in this subsection have been met~~.

~~(4) The Clerk of Court Operations Conference must approve the court-related budget for each clerk in the state, and shall certify to the Legislature by October 15 of each year, the proposed budget amount approved for each clerk's budget; the revenue projection supporting each clerk's budget;~~

~~each clerk who must retain some or all of the state's share of fines, fees, service charges, and costs; the amount to be paid from the Department of Revenue Clerks of the Court Trust Fund to each clerk; and the performance measures and standards approved by the conference for each clerk.~~

(5)(a) For the county fiscal year October 1, 2004, through September 30, 2005, the maximum annual budget amount for the standard list of court-related functions of the clerks of court in s. 28.35(4)(a) that may be funded from fees, service charges, court costs, and fines retained by the clerks of the court shall ~~authorized by the Clerk of Court Operations Conference for each clerk may~~ not exceed:

1. One hundred and three ~~103~~ percent of the clerk's estimated ~~actual~~ expenditures for the prior county fiscal year; or

2. One hundred and five percent of the clerk's estimated expenditures for the prior county fiscal year for those clerks in counties that for calendar years 1998-2002 experienced an average annual increase of at least 5 percent in both population and case filings for all case types as reported through the Summary Reporting System used by the state courts system ~~for court-related functions that are required by law effective July 1, 2004. The conference shall use the clerk's actual expenditures for the prior county fiscal year for court-related functions as reported by the Chief Financial Officer based on the county financial reporting required under s. 218.32~~.

(b) For the county fiscal year 2005-2006, the maximum budget amount for the standard list of court-related functions of the clerks of court in s. 28.35(4)(a) that may be funded from fees, service charges, court costs, and fines retained by

the clerks of the court ~~authorized by the conference for each clerk budget~~ shall be the approved budget for county fiscal year 2004-2005 adjusted by the projected percentage change in revenue between the county fiscal years 2004-2005 and 2005-2006.

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

1. For county fiscal year 2006-2007, the approved budget for county fiscal year 2004-2005 shall be adjusted for the actual percentage change in revenue between the two 12-month periods ending June 30, 2005, and June 30, 2006. This result is the rebased budget for the county fiscal year 2005-2006. Then the rebased budget for the county fiscal year 2005-2006 shall be adjusted by the projected percentage change in revenue between the county fiscal years 2005-2006 and 2006-2007. This result shall be the maximum annual budget amount for the standard list of court-related functions of the clerks of court in s. 28.35(4)(a) that may be funded from fees, service charges, court costs, and fines retained by the clerks of the court ~~authorized by the conference~~ for each clerk for the county fiscal year 2006-2007.

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

3. For county fiscal years 2008-2009 and thereafter, the maximum budget amount for the standard list of court-related functions of the clerks of court in s. 28.35(4)(a) that may be funded from fees, service charges, court costs, and fines retained by the clerks of the court ~~authorized by the conference for each clerk budget~~ shall be calculated as the rebased budget for the prior county fiscal year adjusted by the projected percentage change in revenues between the prior county fiscal year and the county fiscal year for which the maximum budget amount is being authorized. The rebased budget for the prior county fiscal year shall always be calculated by adjusting the rebased budget for the year preceding the prior county fiscal year by the actual percentage change in revenues between the 12-month period ending June 30 of the year preceding the prior county fiscal year and the 12-month period ending June 30 of the prior county fiscal year.

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

Section 25. Subsection (2) of section 28.37, Florida Statutes, is amended, subsections (3) and (4) of said section are renumbered as subsections (4) and (5), respectively, and amended, and a new subsection (3) is added to said section, to read:

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

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

funds in the Department of Revenue Clerks of the Court Trust Fund that are not needed to resolve clerk of the court revenue ~~budget~~ deficits, as specified in s. 28.36, to the General Revenue Fund.

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

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

(5)~~(4)~~ ~~The Department of Revenue shall adopt rules governing the remittance of the funds to be transferred to the General Revenue Fund under this section, the required forms~~

~~and procedures, and penalties for failure to comply.~~ The Department of Revenue shall collect any funds that the corporation ~~Clerk of Court Operations conference~~ determines upon investigation were due on January 1 but not remitted to the department.

Section 26. Subsections (3) and (5) of section 29.005, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, are amended to read:

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

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

(5) Reasonable transportation services in the performance of constitutional and statutory responsibilities. Motor vehicles owned by the counties and provided exclusively to state attorneys as of July 1, 2003, and any additional vehicles owned by the counties and provided exclusively to state attorneys during fiscal year 2003-2004 shall be transferred by title to the state effective July 1, 2004.

Section 27. Subsections (3) and (5) of section 29.006, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, are amended to read:

29.006 Public defenders and indigent defense costs.--For purposes of implementing s. 14, Art. V of the

State Constitution, the elements of the public defenders' offices to be provided from state revenues appropriated by general law are as follows:

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

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

Section 28. Paragraphs (a), (b), (d), and (f) of subsection (1) and paragraph (a) of subsection (3) of section 29.008, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, are amended, and subsection (4) is added to said section, to read:

29.008 County funding of court-related functions.--

(1) Counties are required by s. 14, Art. V of the State Constitution to fund the cost of communications services, existing radio systems, existing multiagency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the circuit and county courts, public defenders' offices, state attorneys' offices, guardian ad litem offices, and the offices of the clerks of the circuit

and county courts performing court-related functions. For purposes of implementing these requirements, the term:

(a) "Facility" means reasonable and necessary buildings and office space and appurtenant equipment and furnishings, structures, real estate, easements, and related interests in real estate, including, but not limited to, those for the purpose of housing legal materials for use by the general public and personnel, equipment, or functions of the circuit or county courts, public defenders' offices, state attorneys' offices, and court-related functions of the office of the clerks of the circuit and county courts and all storage. The term also includes access to parking for such facilities in connection with such court-related functions that may be available free or from a private provider or a local government for a fee. The office space provided by a county may not be less than the standards for space allotment adopted by the Department of Management Services. County funding must include physical modifications and improvements to all facilities as are required for compliance with the Americans with Disabilities Act. Upon mutual agreement of a county and the affected entity in this paragraph, the office space provided by the county may vary from the standards for space allotment adopted by the Department of Management Services. This section applies only to facilities that are leased, or on which construction commences, after June 30, 2003.

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

2. Equipment and furnishings under this paragraph in existence and owned by counties on July 1, 2005, except for that in the possession of the clerks, for areas other than courtrooms, jury facilities, and other public areas in courthouses and any other facility occupied by the courts, state attorneys, and public defenders, shall be transferred to the state at no charge. This provision does not apply to any communication services as defined in s. 29.008(1)(f).

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

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

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

(d) "Utilities" means all electricity services for light, heat, and ~~or~~ power; natural or manufactured gas services for light, heat, and ~~or~~ power; water and wastewater services and systems, stormwater or runoff services and

systems, sewer services and systems, all costs or fees associated with these services and systems, and any costs or fees associated with the mitigation of environmental impacts directly related to the facility.

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

1. Telephone system infrastructure, including computer lines, telephone switching equipment, and maintenance, and facsimile equipment, wireless communications, cellular telephones, pagers, and video teleconferencing equipment and line charges. Each county shall continue to provide access to a local carrier for local and long distance service and shall pay toll charges for ~~the~~ local and long distance service. ~~Telephone equipment, including facsimile and video teleconferencing equipment, owned by the counties shall be transferred to the state at no charge, effective July 1, 2004.~~

2. All computer networks, systems and equipment, including computer hardware and software, modems, printers, wiring, network connections, maintenance, support staff or services including any county-funded support staff located in the offices of the circuit court, county courts, state attorneys, and public defenders, training, supplies, and line

charges necessary for an integrated computer system to support the operations and management of the state courts system, the offices of the public defenders, the offices of the state attorneys, and the offices of the clerks of the circuit and county courts and the capability to connect those entities and reporting data to the state as required for the transmission of revenue, performance accountability, case management, data collection, budgeting, and auditing purposes. The integrated computer system shall be operational by July ~~January~~ 1, 2006, and, at a minimum, permit the exchange of financial, performance accountability, case management, case disposition, and other data across multiple state and county information systems involving multiple users at both the state level and within each judicial circuit and ~~must~~ be able to electronically exchange judicial case background data, sentencing ~~guidelines and~~ scoresheets, and video evidence information stored in integrated case management systems over secure networks. Once the integrated system becomes operational, counties may reject requests to purchase communication services included in this subparagraph not in compliance with standards, protocols, or processes adopted by the board established pursuant to s. 29.0086.

3. Courier messenger and subpoena services.

4. Auxiliary aids and services for qualified individuals with a disability which are necessary to ensure access to the courts. Such auxiliary aids and services include, but are not limited to, sign language interpretation services required under the federal Americans with Disabilities Act other than services required to satisfy due process requirements and identified as a state funding responsibility pursuant to ss. 29.004, 29.005, 29.006, and

29.007, real-time transcription services for individuals who are hearing impaired, and assistive listening devices and the equipment necessary to implement such accommodations.

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

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

(4)(a) Except for revenues used for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness as allowed under ss. 218.25(1),(2) or (4), the Department of Revenue shall withhold revenue sharing receipts distributed pursuant to part II of chapter 218 from any county not in compliance with the county funding obligations for items specified in paragraphs (1)(a), (c), (d), (e), (f), (g), and (h) and subsection (3). The department shall withhold an amount equal to the difference between the amount spent by the county for the particular item in county fiscal year 2002-2003, the base year, plus 3 percent, and the amount budgeted by the county for these obligations in county fiscal year 2004-2005, if the latter is less than the former. Every year thereafter, the department shall withhold such an amount if the amount budgeted in that year is less than the base year plus 1.5 percent growth per year. On or before December 31, 2004, counties shall send to the department a certified copy of their budget documents for the respective 2 years, separately identifying expenditure amounts for each county funding obligation specified in paragraphs (1) (a), (c), (d), (e), (f), (g), and (h) and

subsection (3). Each year thereafter, on or before December 31 of that year, each county shall send a certified copy of its budget document to the department.

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

(c) The department shall transfer the withheld payments to the General Revenue Fund by March 31 of each year. These payments are hereby appropriated to the Department of Revenue to pay for these responsibilities on behalf of the county.

Section 29. Section 29.0086, Florida Statutes, is created to read:

29.0086 Article V Technology Board.--

(1) The Article V Technology Board is created and administratively housed in the Office of Legislative Services within the Legislature.

(2) The Board shall be composed of ten members, as follows:

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

(b) A person appointed by the Speaker of the House of Representatives to represent executive branch agencies that participate on the Criminal and Juvenile Justice Information Systems Council established pursuant to s. 943.06.

(c) A private sector representative appointed by the

Speaker of the House of Representatives with general knowledge of or experience in managing enterprise integration projects; however, representatives of information technology products and services vendors or any of their subsidiaries that sell products or services to the state shall not be appointed.

(d) A person appointed by the President of the Senate representing law enforcement agencies.

(e) A private sector representative appointed by the President of the Senate with general knowledge of or experience in managing enterprise integration projects; however, representatives of information technology products and services vendors or any of their subsidiaries that sell products or services to the state shall not be appointed.

(f) A state attorney, appointed by the Florida Prosecuting Attorneys Association, or his or her designee.

(g) A public defender, appointed by the Florida Public Defender Association, or his or her designee.

(h) A court clerk, appointed by the Florida Association of Court Clerks and Comptroller, Inc., or his or her designee.

(i) A county budget director, appointed by the Florida Association of Counties.

(j) A county management information system director, appointed by the Florida Association of Counties.

(3) An appointment may be made to fill a vacancy. When a member must hold office to be qualified for membership on the board, the member's term on the board shall expire upon failure to maintain the office.

(4) Board members shall serve without compensation but are entitled to reimbursement for expenses incurred in carrying out their duties as provided in s. 112.061. Members

who are public officers or employees shall be reimbursed through the budget entity through which they are compensated.

(5) The board shall:

(a) Adopt a charter that defines the major objectives, activities, and deliverables necessary to implement only the requirements of this section.

(b) By January 15, 2005, provide a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court. The report shall:

1. Identify the minimum data elements and functional requirements needed by each of the state court system entities to conduct business transactions, and needed by the legislature to maintain policy oversight.

2. Identify the security and access requirements needed to enable and maintain data integration.

3. Identify information standards and protocols for data integration, to include common identifiers, common data field elements, and a common data dictionary.

4. Recommend policy, functional, and operational changes needed to achieve necessary access to data.

(c) Based upon the review and consideration of the January 15, 2005, report by the Legislature, and not later than January 15, 2006, provide a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court that proposes alternative integration models and analyzes associated advantages and disadvantages of each model. To the extent possible, standards, protocols, and processes that integrate disparate network systems using open standards, and data warehouse and middleware connectivity strategies that

maintain and leverage existing networks and information systems should be considered in the report. For each alternative integration model proposed, the board shall:

1. Analyze and describe the specific policy, functional, operational, fiscal, and technical advantages and disadvantages. This shall also include an analysis of the specific plans and integration requirements related to the Judicial Inquiry System developed by the Office of State Court Administrator within the Supreme Court and the Comprehensive Case Information System developed by the Florida Association of Court Clerks and Comptroller, Inc.

2. Propose a system for maintaining security to prevent unauthorized access to applications or data.

The report shall also propose an operational governance structure to achieve and maintain the necessary level of integration among system users at both the state and judicial circuit levels as provided for in this subsection.

(6) For purposes of this section, integration shall be defined as the minimum requirements needed to provide authorized users of the state courts system, the legislature, and authorized Executive Branch agencies access to data reasonably required for the performance of official duties regardless of where the data is maintained. Such access should enable the secure and reliable transfer and exchange of state court system and legislative reporting data across multiple state and county systems involving multiple users at both the state level and within each judicial circuit.

(7) The board may establish workgroups as needed that shall be composed of representatives from their respective organizations who are knowledgeable concerning applicable

business functions, related data processing requirements, and information system networks and infrastructure within their respective jurisdiction.

(8) The appointment of board members shall be completed in time to allow for the initial meeting of the board to be held no later than August 15, 2004. The board shall meet at the call of the chair.

(9) This section is repealed effective July 1, 2006.

Section 30. Subsection (1) of section 29.016, Florida Statutes, as created by chapter 2003-402, Laws of Florida, is amended to read:

29.016 Contingency fund; judicial branch.--

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

Section 31. Subsections (1) and (2) of section 34.01, Florida Statutes, are amended to read:

34.01 Jurisdiction of county court.--

(1) County courts shall have original jurisdiction:

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

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

(c) Of all actions at law in which the matter in controversy does not exceed the sum of $15,000, exclusive of interest, costs, and attorney's fees, except those within the exclusive jurisdiction of the circuit courts. ~~The party~~

~~instituting any civil action, suit, or proceeding pursuant to this paragraph where the amount in controversy is in excess of $5,000 shall pay to the clerk of the county court the filing fees and service charges in the same amounts and in the same manner as provided in s. 28.241.~~

(2) The county courts shall have jurisdiction previously exercised by county judges' courts other than that vested in the circuit court by s. 26.012, except that county court judges may hear matters involving dissolution of marriage under the simplified dissolution procedure pursuant to the ~~Rule 1.611(c),~~ Florida Family Rules of ~~Civil~~ Procedure or may issue a final order for dissolution in cases where the matter is uncontested, and the jurisdiction previously exercised by county courts, the claims court, small claims courts, small claims magistrates courts, magistrates courts, justice of the peace courts, municipal courts, and courts of chartered counties, including but not limited to the counties referred to in ss. 9, 10, 11, and 24, Art. VIII of the State Constitution of 1885.

Section 32. Section 34.041, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

34.041 Filing fees.--

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

1.~~(a)~~ For all claims less than $100 .....$50.

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

3.~~(c)~~ For all claims of more than $500 but not more

than $2,500.....$150.

4.~~(d)~~ For all claims of more than $2,500.....$250.

5.~~(e)~~ In addition, for all proceedings of garnishment, attachment, replevin, and distress.....$75.

6.~~(f)~~ For removal of tenant action.....$75.

(b) The first $50 of the filing fee collected under subparagraph (a)4. ~~paragraph (d)~~ shall be remitted to the Department of Revenue for deposit into the General Revenue Fund. One-third of any filing fees collected by the clerk under this section ~~paragraph (d)~~ in excess of the first $50 collected under subparagraph (a)4. shall be remitted to the Department of Revenue for deposit into the Department of Revenue Clerks of the Court Trust Fund. An additional filing fee of $4 shall be paid to the clerk. The clerk shall transfer $3.50 to the Department of Revenue for deposit into the Court Education Trust Fund and shall transfer 50 cents to the Department of Revenue for deposit into the Department of Financial Services' Administrative Trust Fund to fund clerk education. Postal charges incurred by the clerk of the county court in making service by mail on defendants or other parties shall be paid by the party at whose instance service is made. Except as provided herein, filing fees and service charges for performing duties of the clerk relating to the county court shall be as provided in ss. 28.24 and 28.241. Except as otherwise provided herein, all filing fees shall be retained as fee income of the office of the clerk of circuit court. Filing fees imposed by this section may not be added to any penalty imposed by chapter 316 or chapter 318.

(2) A party reopening any civil action, suit, or proceeding in the county court shall pay to the clerk of court

a filing fee set by the clerk in an amount not to exceed $25 for all claims of not more than $500 and an amount not to exceed $50 for all claims of more than $500. For purposes of this section, a case is reopened when a case previously reported as disposed of is resubmitted to a court. A party is exempt from paying the fee for any of the following:

1. A writ of garnishment;

2. A writ of replevin;

3. A distress writ;

4. A writ of attachment;

5. A motion for rehearing filed within 10 days;

6. A motion for attorney's fees filed within 30 days of the entry of the judgment or final order;

7. A motion for dismissal filed after a mediation agreement has been filed;

8. A motion to withdraw by attorneys;

9. Stipulations; or

10. Responsive pleadings.

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

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

(5)~~(4)~~ Upon the institution of any appellate proceeding from the county court to the circuit court, including any appeal filed by a county or municipality, the clerk shall charge and collect filing fees as provided in s. 28.241(2) ~~there shall be charged and collected~~ from the party

or parties instituting the ~~such~~ appellate proceedings~~,~~ ~~including appeals filed by a county or municipality, filing fees as provided in chapter 28~~. If the party is determined to be indigent, the clerk shall defer payment of the fee.

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

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

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

Section 33. Section 34.045, Florida Statutes, is created to read:

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

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

(b) No other filing fee may be assessed for filing the violation in county court. If a person contests the violation in court, the court shall assess $40 in costs against the nonprevailing party. The county or municipality shall be considered the prevailing party when there is a finding of violation to any count or lesser included offense of the charge. Cost recovered pursuant to this paragraph shall be

deposited into the clerk's fine and forfeiture fund established pursuant to s. 142.01.

(2) To offset costs incurred by the clerks of the court in performing court-related functions associated with the processing of violations of special laws and municipal ordinances, 10 percent of the total amount of fines paid to each municipality for special law or ordinance violations filed in county court shall be retained by the clerk of the court for deposit into the clerk's fine and forfeiture fund established pursuant to s. 142.01, except for fines a portion of which the clerk of the court retains pursuant to any other provision of state law.

Section 34. Section 34.191, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

34.191 Fines and forfeitures; dispositions.--All fines and forfeitures arising from offenses tried in the county court shall be collected and accounted for by the clerk of the court and, other than the charge provided in s. 318.1215, disbursed in accordance with ss. 28.2402, 34.045, 142.01, and 142.13 and subject to the provisions of s. 28.246(5) and (6). Notwithstanding the provisions of this section, all fines and forfeitures arising from operation of the provisions of s. 318.1215 shall be disbursed in accordance with that section. All fines and forfeitures received from violations of municipal ordinances committed within a municipality within the territorial jurisdiction of the county court, other than the charge provided in s. 318.1215, shall be paid monthly to the municipality except as provided in s. 28.2402(2), s. 34.045(2), s. 318.21, or s. 943.25. All other fines and forfeitures collected by the clerk, other than the charge

provided in s. 318.1215, shall be considered income of the office of the clerk for use in performing court-related duties of the office.

Section 35. Subsections (3) and (6) of section 35.22, Florida Statutes, are amended to read:

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

(3) The clerk, upon the filing of a certified copy of a notice of appeal or petition, shall charge and collect a filing fee ~~service charge~~ of$300~~$250~~ for each case docketed, and service charges as provided in s. 28.24 for copying, certifying or furnishing opinions, records, papers or other instruments and for other services ~~the same service charges as provided in s. 28.24~~. The State of Florida or its agencies, when appearing as appellant or petitioner, is exempt from the filing fee required in this subsection. From each attorney appearance pro hac vice, the clerk shall collect a fee of $100 for deposit as provided in this section.

(6) The clerk of each district court of appeal is required to deposit all fees collected in the State Treasury to the credit of the General Revenue Fund, except that $50 of each $300 filing fee collected shall be deposited into the state court's Grants and Donations Trust Fund to fund court improvement projects as authorized in the General Appropriations Act. The clerk shall retain an accounting of each such remittance.

Section 36. Section 39.0134, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

39.0134 Appointed counsel; compensation.--If counsel is entitled to receive compensation for representation

pursuant to a court appointment in a dependency proceeding or a termination of parental rights proceeding pursuant to this chapter, compensation shall be paid in accordance with s. 27.5304. The state may acquire and enforce a lien upon court-ordered payment of attorney's fees and costs in accordance with s. 984.08.

Section 37. Subsection (3) of section 39.3035, Florida Statutes, is amended to read:

39.3035 Child advocacy centers; standards; state funding.--

(3) A child advocacy center within this state may not receive the funds generated pursuant to s. 983.10, state or federal funds administered by a state agency, or any other funds appropriated by the Legislature unless all of the standards of subsection (1) are met and the screening requirement of subsection (2) is met. The Florida Network of Children's Advocacy Centers, Inc., shall be responsible for tracking and documenting compliance with subsections (1) and (2) for any of the funds it administers to member child advocacy centers. ~~Any child advocacy center within this state that meets the standards of subsection (1) and is certified by the Florida Network of Children's Advocacy Centers, Inc., as being a full member in the organization shall be eligible to receive state funds that are appropriated by the Legislature.~~

Section 38. Section 40.29, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

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

(1)(a) Each clerk of the circuit court, on behalf of the courts, the state attorney, and the public defender shall

forward to the Justice Administrative Commission, by county, a quarterly estimate of funds necessary to pay for witnesses, except expert witnesses paid pursuant to a contract or other professional services agreement, pursuant to ss. 29.005 and 29.006.

(b) Each clerk of the circuit court shall forward to the Office of the State Courts Administrator, by county, a quarterly estimate of funds necessary to pay juror compensation. ~~The clerk of the court in and for any county shall make an estimate of the amount necessary during any quarterly fiscal period beginning July 1 and during each succeeding quarterly fiscal period for the payment by the state of juror compensation and expenses; court reporter, interpreter, and translator services; witnesses, including expert witnesses; mental health professionals; and private court-appointed counsel, each in accordance with the applicable requirements of ss. 29.005, 29.006, and 29.007. The clerk of such court shall forward each such estimate to the Justice Administrative Commission no later than the date scheduled by the Justice Administrative Commission. At the time of any forwarding of such estimate, the clerk of such court shall make a requisition upon the Justice Administrative Commission for the amount of such estimate; and the Justice Administrative Commission may reduce the amount upon finding that the costs are unreasonable, inconsistent with applicable contractual terms, or inconsistent with compensation standards established by general law.~~

(2) Upon receipt of an estimate pursuant to subsection (1), the Justice Administrative Commission or Office of State Courts Administrator, as applicable, shall endorse the amount deemed necessary for payment by the clerk of the court during

the quarterly fiscal period and shall submit a request for payment to the Chief Financial Officer. ~~The provisions of chapter 82-176, Laws of Florida, shall take effect July 1, 1982, except that those provisions which provide for the state assumption of witness fees which are currently paid by the counties shall take effect on a date determined by the appropriation of funds for this purpose.~~

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

(4) After review for compliance with applicable rates and requirements, the Justice Administrative Commission shall pay all due process service related invoices, except those enumerated in paragraphs (1)(a) and (b), approved and submitted by the state attorney, public defender, or court appointed counsel in accordance with the applicable requirements of ss. 29.005, 29.006, and 29.007.

Section 39. Section 40.32, Florida Statutes, is amended to read:

40.32 Clerks to disburse money.--All moneys drawn from the treasury under the provisions of this chapter by the clerk of the court shall be disbursed by the clerk of the court as far as needed in payment of jurors and witnesses, except for expert witnesses paid pursuant to a contract or other professional services agreement pursuant to ss. 29.004, 29.005, 29.006, and 29.007, for the legal compensation for service during the quarterly fiscal period for which said moneys were drawn and for no other purposes. Jurors and witnesses shall be paid by the clerk of the court either in

cash or by warrant within 20 days after completion of jury service or of completion of service as a witness. Whenever the clerk of the court pays a juror or witness by cash, said juror or witness shall sign the payroll in the presence of the clerk, a deputy clerk, or some other person designated by the clerk. Whenever the clerk pays a juror or witness by warrant, he or she shall endorse on the payroll opposite the juror's or witness's name the words "Paid by warrant," giving the number and date of the warrant.

Section 40. Section 40.33, Florida Statutes, is amended to read:

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

Section 41. Section 40.361, Florida Statutes, is created to read:

40.361 Applicability of laws regarding state budgeting and finances.--The requirements contained within chapter 216,

including the provisions of s. 216.192 related to release of funds, chapter 29, including ss. 29.015 and 29.016 related to use of contingency funds for due process services, and all other laws of this state relating to state budgeting and financing shall apply to all processes authorized or required under this chapter for the payment of the items enumerated in s. 40.29(1)(a) and (b).

Section 42. Subsection (1) of section 43.16, Florida Statutes, is amended to read:

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

(1) There is hereby created a Justice Administrative Commission, with headquarters located in the state capital. The necessary office space for use of the commission shall be furnished by the proper state agency in charge of state buildings. For purposes of the fees imposed on agencies pursuant to s. 287.057(23), the Justice Administrative Commission shall be exempt from such fees.

Section 43. Subsection (3) of section 44.103, Florida Statutes, is amended to read:

44.103 Court-ordered, nonbinding arbitration.--

(3) Arbitrators shall be selected and compensated in accordance with rules adopted by the Supreme Court. Arbitrators shall ~~may~~ be compensated by the ~~county or by the~~ parties, or, upon a finding by the court that a party is indigent, an arbitrator may be partially or fully compensated from state funds according to the party's present ability to pay. Prior to approving the use of state funds to reimburse an arbitrator, the court must ensure that the party reimburses the portion of the total cost that the party is immediately able to pay and that the party has agreed to a payment plan

established by the clerk of the court that will fully reimburse the state for the balance of all state costs for both the arbitrator and any costs of administering the payment plan and any collection efforts that may be necessary in the future. ~~Compensation for arbitrators shall not exceed $200 per day, unless otherwise agreed by the parties and approved by the court.~~ Whenever possible, qualified individuals who have volunteered their time to serve as arbitrators shall be appointed. If an arbitration program is funded pursuant to s. 44.108, volunteer arbitrators shall be entitled to be reimbursed pursuant to s. 112.061 for all actual expenses necessitated by service as an arbitrator.

Section 44. Section 44.108, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

44.108 Funding of mediation and arbitration.--

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

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

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

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

(c) Forty dollars per person per session in county court cases.

No mediation fees shall be assessed under this subsection in eviction cases, against a party found to be indigent, or for any small claims action. Fees collected by the clerk of court pursuant to this section shall be remitted to the Department of Revenue for deposit into the state court s Mediation and Arbitration Trust Fund to fund court-ordered mediation. The clerk of court may deduct $1 per fee assessment for processing this fee.

Section 45. Subsection (1) of section 45.031, Florida Statutes, is amended to read:

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

(1) SALE BY CLERK.--In the order or final judgment, the court shall direct the clerk to sell the property at public sale on a specified day that shall be not less than 20 days or more than 35 days after the date thereof, on terms and conditions specified in the order or judgment. A sale may be held more than 35 days after the date of final judgment or order if the plaintiff or plaintiff's attorney consents to such time. Any sale held more than 35 days after the final judgment or order shall not affect the validity or finality of the final judgment or order or any sale held pursuant thereto. Notice of sale shall be published once a week for 2

consecutive weeks in a newspaper of general circulation, as defined in chapter 50, published in the county where the sale is to be held. The second publication shall be at least 5 days before the sale. The notice shall contain:

(a) A description of the property to be sold.

(b) The time and place of sale.

(c) A statement that the sale will be made pursuant to the order or final judgment.

(d) The caption of the action.

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

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

Section 46. Section 50.0711, Florida Statutes, is created to read:

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

(1) The clerk of the court in each county may establish a court docket fund for the purpose of paying the cost of publication of the fact of the filing of any civil case in the circuit court of the county by the style and of the calendar relating to such cases. This court docket fund shall be funded by $1 mandatory court cost for all civil actions, suits, or proceedings filed in the circuit court of the county. The clerk shall maintain such funds separate and apart, and the proceeds from this court cost shall not be diverted to any other fund or for any purpose other than that established in this section. The clerk of the court shall

dispense the fund to the designated record newspaper in the county on a quarterly basis.

(2) A newspaper qualified under the terms of s. 50.011 shall be designated as the record newspaper for such publication by an order of the majority of the judges in the judicial circuit in which such county is located, and such order shall be filed and recorded with the clerk of the circuit court for such county. The designated record newspaper may be changed at the end of any fiscal year of the county by a majority vote of the judges of the judicial circuit of the county ordering such change 30 days prior to the end of the fiscal year, notice of which order shall be given to the previously designated record newspaper.

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

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

Section 47. Subsection (5) of section 55.10, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

55.10 Judgments, orders, and decrees; lien of all,

generally; extension of liens; transfer of liens to other security.--

(5) Any lien claimed under this section may be transferred, by any person having an interest in the real property upon which the lien is imposed or the contract under which the lien is claimed, from such real property to other security by either depositing in the clerk's office a sum of money or filing in the clerk's office a bond executed as surety by a surety insurer licensed to do business in this state. Such deposit or bond shall be in an amount equal to the amount demanded in such claim of lien plus interest thereon at the legal rate for 3 years plus $500 to apply on any court costs which may be taxed in any proceeding to enforce said lien. Such deposit or bond shall be conditioned to pay any judgment, order, or decree which may be rendered for the satisfaction of the lien for which such claim of lien was recorded and costs plus $500 for court costs. Upon such deposit being made or such bond being filed, the clerk shall make and record a certificate showing the transfer of the lien from the real property to the security and mail a copy thereof by registered or certified mail to the lienor named in the claim of lien so transferred, at the address stated therein. Upon the filing of the certificate of transfer, the real property shall thereupon be released from the lien claimed, and such lien shall be transferred to said security. The clerk shall be entitled to a <u>service charge</u> ~~fee~~ of up to $15 for making and serving the certificate. If the transaction involves the transfer of multiple liens, an additional <u>service</u> charge of up to $7.50 for each additional lien shall be charged. Any number of liens may be transferred to one such security.

Section 48. Subsection (2) of section 55.141, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

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

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

Section 49. Subsections (2), (3), (4), and (5) of section 57.085, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, are amended to read:

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

(2) When a prisoner who is intervening in or initiating a judicial proceeding seeks to defer the prepayment of court costs and fees because of indigence, the prisoner

must file an affidavit of indigence with the appropriate clerk of the court. The affidavit must contain complete information about the prisoner's identity; the nature and amount of the prisoner's income; all real property owned by the prisoner; all tangible and intangible property worth more than $100 which is owned by the prisoner; the amount of cash held by the prisoner; the balance of any checking, savings, or money market account held by the prisoner; the prisoner's dependents, including their names and ages; the prisoner's debts, including the name of each creditor and the amount owed to each creditor; and the prisoner's monthly expenses. The prisoner must certify in the affidavit whether the prisoner has been adjudicated indigent under this section, certified indigent under s. 57.081, or authorized to proceed as an indigent under 28 U.S.C. s. 1915 by a federal court. The prisoner must attach to the affidavit a photocopy of the prisoner's trust account records for the preceding 6 months or for the length of the prisoner's incarceration, whichever period is shorter. The affidavit must contain the following statements: "I am presently unable to pay court costs and fees. Under penalty of perjury, I swear or affirm that all statements in this affidavit are true and complete."

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

(4) When the clerk has found the prisoner to be indigent ~~issued a certificate of indigence under this section~~ but concludes the prisoner is able to pay part of the court costs and fees required by law, the court shall order the

prisoner to make, prior to service of process, an initial partial payment of those court costs and fees. The initial partial payment must total at least 20 percent of the average monthly balance of the prisoner's trust account for the preceding 6 months or for the length of the prisoner's incarceration, whichever period is shorter.

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

Section 50. Paragraphs (b), (d), (e), and (f) of subsection (6) of section 61.14, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, are amended to read:

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

(6)

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

a. The delinquency and its amount.

b. An impending judgment by operation of law against

him or her in the amount of the delinquency and all other amounts which thereafter become due and are unpaid, together with costs and a service charge ~~fee~~ of up to $7.50~~$5~~, for failure to pay the amount of the delinquency.

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

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

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

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

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

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

the obligor at the expiration of the time for filing a motion to contest the impending judgment.

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

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

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

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

Section 51. Paragraph (b) of subsection (2) of section 61.181, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

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

(2)

(b)1. ~~For the period of July 1, 1992, through June 30, 2004,~~ The fee imposed in paragraph (a) shall be increased to 4

percent of the support payments which the party is obligated to pay, except that no fee shall be more than $5.25. The fee shall be considered by the court in determining the amount of support that the obligor is, or may be, required to pay. Notwithstanding the provisions of s. 145.022, 75 percent of the additional revenues generated by this paragraph shall be remitted monthly to the Clerk of the Court Child Support Enforcement Collection System Trust Fund administered by the department as provided in subparagraph 2. These funds shall be used exclusively for the development, implementation, and operation of the Clerk of the Court Child Support Enforcement Collection System to be operated by the depositories, including the automation of civil case information necessary for the State Case Registry. The department shall contract with the Florida Association of Court Clerks and the depositories to design, establish, operate, upgrade, and maintain the automation of the depositories to include, but not be limited to, the provision of on-line electronic transfer of information to the IV-D agency as otherwise required by this chapter. The department's obligation to fund the automation of the depositories is limited to the state share of funds available in the Clerk of the Court Child Support Enforcement Collection System Trust Fund. Each depository created under this section shall fully participate in the Clerk of the Court Child Support Enforcement Collection System and transmit data in a readable format as required by the contract between the Florida Association of Court Clerks and the department.

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

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

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

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

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

Section 52. Subsections (1) and (2) of section 125.69, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, are amended, subsections (3), (4), and (5) of said section are renumbered as subsections (2), (3), and (4), respectively, and present subsections (3) and (4) of said section are amended, to read:

125.69 Penalties; enforcement by code inspectors.--

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

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

(2)~~(3)~~ Each county is authorized and required to pay any attorney appointed by the court to represent a defendant charged with a criminal violation of a special law or county ordinance not ancillary to a state charge ~~prosecuted under this section~~ if the defendant is indigent and otherwise entitled to court-appointed counsel under ~~provision of an attorney at public expense is required by~~ the Constitution of the United States or the Constitution of the State of Florida ~~and if the party is indigent as established pursuant to s. 27.52~~. In these ~~such~~ cases, the court shall appoint counsel to represent the defendant in accordance with s. 27.40, and shall order the county to pay the reasonable attorney's fees, ~~expenses, and~~ costs, and related expenses of the ~~of such~~ defense. The county may contract with the public defender of the judicial circuit in which the county is located to serve as court-appointed counsel pursuant to s. 27.54.

(3)~~(4)~~ ~~The county shall bear all court fees and costs~~

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

Section 53. Subsection (3) of section 129.02, Florida Statutes, is amended to read:

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

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

Section 54. Section 142.01, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

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

(1) Fines and penalties pursuant to ss. 28.2402(2),

34.045(2), 316.193, 327.35, 327.72, 372.72(1), and 775.083(1).

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

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

(4) Proceeds from forfeited bail bonds or recognizances pursuant to ss. 321.05(4)(a), 372.72(1), and 903.26(3)(a).

(5) Fines and forfeitures pursuant to s. 34.191.

(6) All other revenues received by the clerk as revenue authorized by law to be retained by the clerk.

Notwithstanding the provisions of this section, all fines and forfeitures arising from operation of the provisions of s. 318.1215 shall be disbursed in accordance with that section. ~~all fines and forfeitures collected by the clerk of the court for violations of the penal or traffic laws of the state, except those fines imposed under s. 775.0835(1); allocations of court costs and civil penalties pursuant to ss. 318.18 and 318.21; assessments imposed under ss. 938.21, 938.23, and 938.25; and all costs refunded to the county~~.

Section 55. Section 142.03, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

142.03 Disposition of fines, forfeitures, and civil penalties to municipalities.--~~Except as to~~ Fines, forfeitures, and civil penalties collected in cases involving violations of municipal ordinances, violations of chapter 316 committed within a municipality, or infractions under the provisions of chapter 318 committed within a municipality~~, in which cases~~

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

Section 56. Section 142.09, Florida Statutes, is amended to read:

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

Section 57. Subsection (3) is added to section 218.245, Florida Statutes, to read:

218.245 Revenue sharing; apportionment.--

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

Section 58. Paragraph (b) of subsection (10) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.--

(10)

(b) Any person cited for an offense listed in this subsection shall present proof of compliance prior to the scheduled court appearance date. For the purposes of this subsection, proof of compliance shall consist of a valid, renewed, or reinstated driver's license or registration certificate and proper proof of maintenance of security as required by s. 316.646. Notwithstanding waiver of fine, any person establishing proof of compliance shall be assessed

court costs of $22, except that a person charged with violation of s. 316.646(1)-(3) may be assessed court costs of $7. One dollar of such costs shall be remitted to the Department of Revenue for deposit into the Child Welfare Training Trust Fund of the Department of Children and Family Services. One dollar of such costs shall be distributed to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund. Twelve dollars of such costs shall be distributed to the municipality and $8 shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01 ~~retained by the county~~, if the offense was committed within the municipality. If the offense was committed in an unincorporated area of a county or if the citation was for a violation of s. 316.646(1)-(3), the ~~county shall retain the~~ entire amount shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, except for the moneys to be deposited into the Child Welfare Training Trust Fund and the Juvenile Justice Training Trust Fund. This subsection shall not be construed to authorize the operation of a vehicle without a valid driver's license, without a valid vehicle tag and registration, or without the maintenance of required security.

Section 59. Subsection (2) of section 318.15, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

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

(2) After suspension of the driver's license and privilege to drive of a person under subsection (1), the license and privilege may not be reinstated until the person

complies with all obligations and penalties imposed on him or her under s. 318.18 and presents to a driver license office a certificate of compliance issued by the court, together with a nonrefundable service charge ~~fee~~ of up to$47.50~~$37.50~~ imposed under s. 322.29, or presents a certificate of compliance and pays the aforementioned service charge ~~fee~~ of up to$47.50~~$37.50~~ to the clerk of the court or tax collector clearing such suspension. Of the charge collected by the clerk of the court or the tax collector, $10 shall be remitted to the Department of Revenue to be deposited into the Highway Safety Operating Trust Fund. Such person shall also be in compliance with requirements of chapter 322 prior to reinstatement.

Section 60. Subsection (11) of section 318.18, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended, and subsection (13) is added to said section, to read:

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

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

For pedestrian infractions.....$ 3.
For nonmoving traffic infractions.....$ 16.
For moving traffic infractions.....$ 30.

(b) In addition to the court cost required under

paragraph (a), up to $3 for each infraction shall be collected and distributed by the clerk in those counties that have been authorized to establish a criminal justice selection center or a criminal justice access and assessment center pursuant to the following special acts of the Legislature:

1. Chapter 87-423, Laws of Florida, for Brevard County.

2. Chapter 89-521, Laws of Florida, for Bay County.

3. Chapter 94-444, Laws of Florida, for Alachua County.

4. Chapter 97-333, Laws of Florida, for Pinellas County.

Funds collected by the clerk pursuant to this paragraph shall be distributed to the centers authorized by those special acts.

(c) In addition to the court cost required under paragraph (a), a $2.50 court cost must be paid for each infraction to be distributed by the clerk to the county to help pay for criminal justice education and training programs pursuant to s. 938.15. Funds from the distribution to the county not directed by the county to fund these centers or programs shall be retained by the clerk and used for funding the court-related services of the clerk.

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

(13) In addition to any penalties imposed for noncriminal traffic infractions pursuant to chapter 318 or

imposed for criminal violations listed in s. 318.17, a board of county commissioners or any unit of local government which is consolidated as provided by s. 9, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the Constitution of 1968:

(a) May impose by ordinance a surcharge of up to $15 for any infraction or violation to fund state court facilities. The court shall not waive this surcharge.

(b) That imposed increased fees or service charges by ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the purpose of securing payment of the principal and interest on bonds issued by the county before July 1, 2003, to finance state court facilities, may impose by ordinance a surcharge for any infraction or violation for the exclusive purpose of securing payment of the principal and interest on bonds issued by the county before July 1, 2003, to fund state court facilities until the date of stated maturity. The court shall not waive this surcharge. Such surcharge may not exceed an amount per violation calculated as the quotient of the maximum annual payment of the principal and interest on the bonds as of July 1, 2003, divided by the number of traffic citations for county fiscal year 2002-2003 certified as paid by the clerk of the court of the county. Such quotient shall be rounded up to the next highest dollar amount. The bonds may be refunded only if savings will be realized on payments of debt service and the refunding bonds are scheduled to mature on the same date or before the bonds being refunded.

A county may not impose both of the surcharges authorized under paragraphs (a) and (b) concurrently.

Section 61. Paragraphs (a), (g), and (h) of subsection

(2), paragraphs (a) and (b) of subsection (3), and subsection (8) of section 318.21, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, are amended to read:

Section 62. Disposition of civil penalties by county courts.--All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(2) Of the remainder:

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

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

2. If the violation occurred within a municipality, 50.8 percent shall be paid to that municipality and 5.6 percent shall be deposited into the fine and forfeiture trust fund established pursuant to s. 142.01.

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

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

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

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

(8) Fines and forfeitures received from violations committed within a municipality must be paid monthly to that municipality; fines and forfeitures received from violations committed within a special improvement district created for the Seminole Indian Tribe or Miccosukee Indian Tribe under s. 285.17 must be paid monthly to that special improvement district. These fines and forfeitures must be paid monthly to that municipality or special improvement district in addition to any other fines and forfeitures received by a county court which are required to be paid to that municipality or special improvement district under any other law. If, on February 1, 1972, any chartered county court that has countywide jurisdiction was trying traffic offenses committed within a municipality in that county, two-thirds of the fines and forfeitures received as a result of violations of this chapter, or of any ordinances adopting matter covered by this chapter, committed within a municipality must be paid and distributed to the municipality, and the remainder must be

paid into the fine and forfeiture fund established pursuant to s. 142.01 ~~to the county~~, except as otherwise provided in subsection (5). The amount of fines and forfeitures payable to a special improvement district created under s. 285.17 which is located in a charter county must be determined in the same manner as the amount of fines and forfeitures payable to a municipality in that county. All fines and forfeitures received by any county court as the result of citations issued under s. 316.640(2)(c)1. must be paid into the fine and forfeiture fund established pursuant to s. 142.01 ~~to the county~~ whether or not such citations were issued for parking violations that occurred within a municipality or special improvement district created under s. 285.17.

Section 63. Section 318.325, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

318.325 Jurisdiction and procedure for parking infractions.--Any county or municipality may adopt an ordinance that allows the county or municipality to refer cases involving the violation of a county or municipal parking ordinance to a hearing officer funded by the county or municipality. Notwithstanding the provisions of ss. 318.14 and 775.08(3), any parking violation shall be deemed to be an infraction as defined in s. 318.13(3). However, the violation must be enforced and disposed of in accordance with the provisions of general law applicable to parking violations and with the charter or code of the county or municipality where the violation occurred. The clerk of the court or the designated traffic violations bureau must collect and distribute the fines, forfeitures, and court costs assessed under this section. ~~Notwithstanding the provisions of s.~~

~~318.21, fines and forfeitures received from parking violations committed within the unincorporated areas of the county or within the boundaries of the municipality must be collected and paid monthly to the county or municipality, respectively. Court costs assessed by the hearing officer must be paid to the county.~~

Section 64. Paragraph (a) of subsection (4) of section 321.05, Florida Statutes, is amended to read:

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

and Motor Vehicles shall perform and exercise throughout the state the following duties, functions, and powers:

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

patrol officer is appearing as an official witness to testify at any hearing or law action in any court of this state as a direct result of his or her employment as a patrol officer during time not compensated as a part of his or her normal duties. Nothing herein shall be construed as limiting the power to locate and to take from any person under arrest or about to be arrested deadly weapons. Nothing contained in this section shall be construed as a limitation upon existing powers and duties of sheriffs or police officers.

Section 65. Section 322.245, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

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

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

office of the clerk to defray the operating costs of the office.

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

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

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

suspended for nonpayment of child support in non-IV-D cases, until the person complies with the reinstatement provisions of s. 322.058 and makes payment of the delinquency fee imposed by subsection (2).

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

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

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

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

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

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

Section 66. Paragraph (b) of subsection (4) of section 327.73, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

327.73 Noncriminal infractions.--

(4) Any person charged with a noncriminal infraction

under this section may:

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

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

Section 67. Subsection (1) of section 372.72, Florida Statutes, is amended to read:

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

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

Section 68. Section 382.023, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

382.023 Department to receive dissolution-of-marriage

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

Section 69. Section 384.288, Florida Statutes, is amended to read:

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

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

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

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

(2) All court-related fees, mileage, and charges provided to the sheriff pursuant to paragraph (1)(a) shall be

taxed by the court as costs in each proceeding and shall be paid by the board of county commissioners ~~out of the general fund or fine and forfeiture fund of the county~~. All compensation provided to court-appointed counsel pursuant to paragraph (1)(b) shall be taxed by the court as costs and paid by the state.

Section 70. Section 392.68, Florida Statutes, is amended to read:

392.68 Fees and other compensation.--

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

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

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

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

Section 71. Section 394.473, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

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

(1) In the case of an indigent ~~the indigence of any~~

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

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

Section 72. Subsection (1) of section 395.3025, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

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

(1) Any licensed facility shall, upon written request, and only after discharge of the patient, furnish, in a timely manner, without delays for legal review, to any person admitted therein for care and treatment or treated thereat, or to any such person's guardian, curator, or personal representative, or in the absence of one of those persons, to the next of kin of a decedent or the parent of a minor, or to

anyone designated by such person in writing, a true and correct copy of all patient records, including X rays, and insurance information concerning such person, which records are in the possession of the licensed facility, provided the person requesting such records agrees to pay a charge. The exclusive charge for copies of patient records may include sales tax and actual postage, and, except for nonpaper records that ~~which~~ are subject to a charge not to exceed $2 ~~as provided in s. 28.24(6)(c)~~, may not exceed $1 per page~~, as provided in s. 28.24(5)(a)~~. A fee of up to $1 may be charged for each year of records requested. These charges shall apply to all records furnished, whether directly from the facility or from a copy service providing these services on behalf of the facility. However, a patient whose records are copied or searched for the purpose of continuing to receive medical care is not required to pay a charge for copying or for the search. The licensed facility shall further allow any such person to examine the original records in its possession, or microforms or other suitable reproductions of the records, upon such reasonable terms as shall be imposed to assure that the records will not be damaged, destroyed, or altered.

Section 73. Subsection (5) of section 397.334, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

397.334 Treatment-based drug court programs.--

(5) If a county chooses to fund a treatment-based drug court program, the county must secure funding from sources other than the state for those costs not otherwise assumed by the state pursuant to s. 29.004. However, this does not preclude counties from using treatment and other service dollars provided through state executive branch agencies.

Counties may provide, by interlocal agreement, for the collective funding of these programs.

Section 74. Subsection (1) of section 713.24, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

713.24 Transfer of liens to security.--

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

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

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

either to be in an amount equal to the amount demanded in such claim of lien, plus interest thereon at the legal rate for 3 years, plus $1,000 or 25 percent of the amount demanded in the claim of lien, whichever is greater, to apply on any attorney's fees and court costs that may be taxed in any proceeding to enforce said lien. Such deposit or bond shall be conditioned to pay any judgment or decree which may be rendered for the satisfaction of the lien for which such claim of lien was recorded. Upon making such deposit or filing such bond, the clerk shall make and record a certificate showing the transfer of the lien from the real property to the security and shall mail a copy thereof by registered or certified mail to the lienor named in the claim of lien so transferred, at the address stated therein. Upon filing the

certificate of transfer, the real property shall thereupon be released from the lien claimed, and such lien shall be transferred to said security. In the absence of allegations of privity between the lienor and the owner, and subject to any order of the court increasing the amount required for the lien transfer deposit or bond, no other judgment or decree to pay money may be entered by the court against the owner. The clerk shall be entitled to a service charge ~~fee~~ for making and serving the certificate, in the amount ~~sum~~ of up to $15. If the transaction involves the transfer of multiple liens, an additional charge of up to $7.50 for each additional lien shall be charged. For recording the certificate and approving the bond, the clerk shall receive her or his usual statutory service charges as prescribed in s. 28.24. Any number of liens may be transferred to one such security.

Section 75. Subsections (1) and (3) of section 721.83, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, are amended to read:

721.83 Consolidation of foreclosure actions.--

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

(a) The foreclosure proceeding involves a single timeshare property.~~;~~

(b) The foreclosure proceeding is filed by a single plaintiff.~~;~~

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

(d) The nature of the defaults alleged is the same for

each defendant.

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

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

Section 76. Subsection (2) of section 741.01, Florida Statutes, is amended to read:

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

(2) The fee charged for each marriage license issued in the state shall be increased by the sum of$25~~$30~~. This fee shall be collected upon receipt of the application for the issuance of a marriage license and remitted by the clerk to the Department of Revenue for deposit in the Domestic Violence Trust Fund. The Executive Office of the Governor shall establish a Domestic Violence Trust Fund for the purpose of collecting and disbursing funds generated from the increase in the marriage license fee. Such funds which are generated shall be directed to the Department of Children and Family Services for the specific purpose of funding domestic violence centers, and the funds shall be appropriated in a "grants-in-aid" category to the Department of Children and Family Services for

the purpose of funding domestic violence centers. From the proceeds of the surcharge deposited into the Domestic Violence Trust Fund as required under s. 938.08, the Executive Office of the Governor may spend up to $500,000 each year for the purpose of administering a statewide public-awareness campaign regarding domestic violence.

Section 77. Paragraph (b) of subsection (7) of section 744.331, Florida Statutes, is amended to read:

744.331 Procedures to determine incapacity.--

(7) FEES.--

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

Section 78. Subsection (6) of section 744.365, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

744.365 Verified inventory.--

(6) AUDIT FEE.--

(a) Where the value of the ward's property exceeds $25,000, a guardian shall pay from the ward's property to the clerk of the circuit court a fee of up to $75, upon the filing

of the verified inventory, for the auditing of the inventory. Upon petition by the guardian, the court may waive the auditing fee upon a showing of insufficient funds in the ward's estate. Any guardian unable to pay the auditing fee may petition the court for waiver of the fee. The court may waive the fee after it has reviewed the documentation filed by the guardian in support of the waiver.

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

Section 79. Subsection (4) of section 744.3678, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

744.3678 Annual accounting.--

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

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

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

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

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

Upon petition by the guardian, the court may waive the

auditing fee upon a showing of insufficient funds in the ward's estate. Any guardian unable to pay the auditing fee may petition the court for a waiver of the fee. The court may waive the fee after it has reviewed the documentation filed by the guardian ~~in~~ support of the waiver.

Section 80. Subsection (2) of section 766.104, Florida Statutes, is amended to read:

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

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

Section 81. Subsection (2) of section 903.035, Florida Statutes, is amended to read:

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

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

Section 82. Paragraph (a) of subsection (3) and

subsection (8) of section 903.26, Florida Statutes, are amended to read:

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

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

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

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

Section 83. Subsection (8) of section 903.28, Florida Statutes, is amended to read:

903.28 Remission of forfeiture; conditions.--

(8) An application for remission must be accompanied by affidavits setting forth the facts on which it is founded; however, the surety must establish by further documentation or other evidence any claimed attempt at procuring or causing the apprehension or surrender of the defendant before the court may order remission based upon an attempt to procure or cause such apprehension or surrender. The state attorney ~~and the~~

~~county attorney~~ must be given 20 days' notice before a hearing on an application and be furnished copies of all papers, applications, and affidavits. Remission shall be granted on the condition of payment of costs, unless the ground for remission is that there was no breach of the bond.

Section 84. Section 925.09, Florida Statutes, is amended to read:

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

Section 85. Section 938.10, Florida Statutes, is created to read:

938.10 Additional court cost imposed in cases of certain crimes against minors.--

(1) If a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, any offense against a minor in violation of s. 784.085, chapter 787, chapter 794, s. 796.03, s. 800.04, chapter 827, s. 847.0145, or s. 985.4045, the court shall impose a court cost of $101 against the offender in addition to any other cost or penalty required by law.

(2) Each month the clerk of the court shall transfer the proceeds of the court cost, less $1 from each sum collected which the clerk shall retain as a service charge, to the Department of Revenue for deposit into the Department of Children and Family Services' Child Advocacy Trust Fund for

disbursement to the Florida Network of Children's Advocacy Centers, Inc., for the purpose of funding children's advocacy centers that are members of the network. If the Child Advocacy Trust Fund is not created by law within the Department of Children and Family Services, the clerk of the court shall transfer the proceeds to the Department of Revenue for deposit into the Department of Children and Family Services' Grants and Donations Trust Fund for disbursement to the Florida Network of Children's Advocacy Centers, Inc., for the purpose of funding children's advocacy centers that are members of the network.

(3) At the end of each fiscal year, each children's advocacy center receiving revenue as provided in this section must provide a report to the Board of Directors of the Florida Network of Children's Advocacy Centers, Inc., which reflects center expenditures, all sources of revenue received, and outputs that have been standardized and agreed upon by network members and the board of directors, such as the number of clients served, client demographic information, and number and types of services provided. The Florida Network of Children's Advocacy Centers, Inc., must compile reports from the centers and provide a report to the President of the Senate and the Speaker of the House of Representatives in August of each year beginning in 2005.

Section 86. Section 938.17, Florida Statutes, is amended to read:

938.17 County delinquency prevention; juvenile assessment centers and school board suspension programs.--

(1) ~~A county may adopt a mandatory cost to be assessed in specific cases by incorporating by reference the provisions of this section in a county ordinance.~~ Prior to the use of

costs received pursuant to s. 939.185 ~~adoption of the county ordinance~~, the sheriff's office of the county must be a partner in a written agreement with the Department of Juvenile Justice to participate in a juvenile assessment center or with the district school board to participate in a suspension program.

~~(2) In counties in which the sheriff's office is a partner in a juvenile assessment center pursuant to s. 985.209, or a partner in a suspension program developed in conjunction with the district school board in the county of the sheriff's jurisdiction, the court shall assess court costs of $3 per case, in addition to any other authorized cost or fine, on every person who, with respect to a charge, indictment, prosecution commenced, or petition of delinquency filed in that county or circuit, pleads guilty, nolo contendere to, or is convicted of, or adjudicated delinquent for, or has an adjudication withheld for, a felony or misdemeanor, or a criminal traffic offense or handicapped parking violation under state law, or a violation of any municipal or county ordinance, if the violation constitutes a misdemeanor under state law.~~

~~(3)(a) The clerks of the county and circuit court, in a county where the sheriff's office is a partner in an assessment center or suspension program as specified in subsection (1), shall collect and deposit the assessments collected pursuant to this section in an appropriate, designated account established by the clerk of the court, for disbursement to the sheriff as needed for the implementation and operation of an assessment center or suspension program.~~

~~(b) The clerk of the circuit and county court shall withhold 5 percent of the assessments each court collects~~

~~pursuant to this section, for the costs of administering the collection of assessments under this section.~~

(2)~~(c)~~ Assessments collected by clerks of the circuit courts comprised of more than one county shall remit the funds collected pursuant to s. 939.185 ~~this section~~ to the county in which the offense at issue was committed for deposit and disbursement ~~according to this section~~.

(3)~~(d)~~ Any other funds the sheriff's office obtains for the implementation or operation of an assessment center or suspension program may be deposited into the designated account for disbursement to the sheriff as needed.

(4) A sheriff's office that receives proceeds pursuant to s. 939.185 ~~the cost assessments established in subsection (1)~~ shall account for all funds annually ~~that have been deposited into the designated account~~ by August 1 ~~annually~~ in a written report to the juvenile justice county council if funds are used for assessment centers, and to the district school board if funds are used for suspension programs.

Section 87. Subsection (4) of section 938.29, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended, and subsections (5) and (6) of said section are renumbered as subsections (4) and (5), respectively, to read:

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

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

~~the sale or other disposition of real property.~~

Section 88. Section 938.35, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

938.35 Collection of court-related financial obligations.--The board of county commissioners or the governing body of a municipality may pursue the collection of any fees, service charges, fines, ~~court costs,~~ or ~~other~~ costs to which it is entitled which remain unpaid for 90 days or more, or refer the account ~~such collection~~ to a private attorney who is a member in good standing of The Florida Bar or collection agent who is registered and in good standing pursuant to chapter 559. In pursuing the collection of such unpaid financial obligations through a private attorney or collection agent, the board of county commissioners or the governing body of a municipality must determine this is cost-effective and follow applicable procurement practices. The collection fee, including any reasonable attorney's fee, paid to any attorney or collection agent retained by the board of county commissioners or the governing body of a municipality may be added to the balance owed, in an amount not to exceed 40 percent of the amount owed at the time the account is referred to the attorney or agents for collection.

Section 89. Section 939.185, Florida Statutes, is created to read:

939.185 Assessment of additional court costs.--

(1)(a) The board of county commissioners may adopt by ordinance an additional court cost, not to exceed $65, to be imposed by the court when a person pleads guilty or nolo contendere to, or is found guilty of, any felony, misdemeanor, or criminal traffic offense under the laws of this state. Such

additional assessment shall be accounted for separately by the county in which the offense occurred and be used only in the county imposing this cost, to be allocated as follows:

1. Twenty-five percent of the amount collected shall be allocated to fund innovations to supplement state funding for the elements of the state courts system identified in s. 29.004 and county funding for local requirements under s. 29.008(2)(a)2.

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

3. Twenty-five percent of the amount collected shall be allocated to fund personnel and legal materials for the public as part of a law library.

4. Twenty-five percent of the amount collected shall be used as determined by the board of county commissioners to support teen court programs, juvenile assessment centers, and other juvenile alternative programs.

Each county receiving funds under this section shall report the amount of funds collected pursuant to this section and an itemized list of expenditures for all authorized programs and activities. The report shall be submitted in a format developed by the Supreme Court to the Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives on a quarterly basis beginning with the quarter ending September 30, 2004. Quarterly reports shall be submitted no later than 30 days after the end of the quarter. Any unspent funds at the close of the county fiscal year allocated under subparagraphs 2., 3., and 4., shall be transferred for use pursuant to

subparagraph 1.

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

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

Section 90. Paragraph (l) of subsection (1) of section 960.001, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, is amended to read:

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

(1) The Department of Legal Affairs, the state attorneys, the Department of Corrections, the Department of Juvenile Justice, the Parole Commission, the State Courts Administrator and circuit court administrators, the Department of Law Enforcement, and every sheriff's department, police department, or other law enforcement agency as defined in s. 943.10(4) shall develop and implement guidelines for the use of their respective agencies, which guidelines are consistent with the purposes of this act and s. 16(b), Art. I of the State Constitution and are designed to implement the provisions of s. 16(b), Art. I of the State Constitution and to achieve the following objectives:

(l) Local witness coordination services.--The requirements for notification provided for in paragraphs (c)~~(b)~~, (d),~~(f),~~ and (i) may be performed by the state attorney or public defender for their own witnesses ~~as~~

~~provided in s. 27.0065, as appropriate~~.

Section 91. Subsections (2) and (3) of section 985.203, Florida Statutes, as amended by chapter 2003-402, Laws of Florida, are amended to read:

985.203 Right to counsel.--

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

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

Section 92. Section 149 of chapter 2003-402, Laws of Florida, is amended to read:

Section 149. Fees, service charges, and costs ~~fees~~ imposed by the governing authority of counties by ordinance and special law pursuant to authority granted in ss. 28.2401,

28.241, 34.041 ~~28.242-34.041~~, 938.17, and 938.19, Florida Statutes, on or before ~~prior to~~ June 30, 2004, are repealed and abolished effective July 1, 2004.

Section 93. (1) It is the intent of the Legislature to implement Revision 7 to Article V of the State Constitution in a way which recognizes the allocation of funding responsibilities among the state, counties, and system users.

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

Section 94. Court-related assessments to be retained by the clerk of the court after July 1, 2004, to fund court-related functions included on the standard list in section 28.35(4)(a), Florida Statutes, shall be remitted to the clerk of the court after July 1, 2004, regardless of the date of assessment.

Section 95. On July 1, 2004, all cash balances within county funds previously established to provide dedicated funding to benefit specific court-related programs shall be used to fund these programs after July 1, 2004, until those funds are depleted.

Section 96. Cost sharing of due process costs; legislative intent.--It is the intent of the Legislature to provide state-funded due process services to the state courts system, state attorneys, public defenders, and court-appointed counsel in the most cost-effective and efficient manner. The state courts system, state attorneys, public defenders, and court-appointed counsel may enter into contractual agreements to share, on a pro rata basis, the costs associated with court reporting services, court interpreter and translation services, court experts, and all other due process services

funded by the state pursuant to chapter 29, Florida Statutes. These costs shall be budgeted within the funds appropriated to each of the affected users of services.

Section 97. The Division of Statutory Revision of the Office of Legislative Services shall redesignate, in the next edition of the Florida Statutes, the title of chapter 40, Florida Statutes, as "Juries; Payment of Jurors and Due Process Costs."

Section 98. Billings submitted for payment of due process services, including, but not limited to, court reporter services, court interpreter services, expert witness services, mental health evaluations, and court-appointed counsel services must be paid by the counties if the services were rendered before July 1, 2004. Counties must also pay for the entire cost of any flat-fee-per-case payment pursuant to a contract or professional services agreement with court-appointed counsel for appointments made before July 1, 2004, regardless of whether work on the case is actually concluded prior to July 1, 2004. Except for flat-fee contracts with court-appointed counsel, billings for services on any case that commenced prior to July 1, 2004, but continues past July 1, 2004, must be submitted with an itemized listing of payment due for services rendered before July 1, 2004, and on or after July 1, 2004. The county shall pay the portion of the bill for services rendered before July 1, 2004, and provide a copy of the itemized bill to the Justice Administrative Commission or the Office of the State Courts Administrator as appropriate for payment of the portion of the bill for services provided on or after July 1, 2004.

Section 99. No later than July 1, 2004, the Office of the State Courts Administrator shall prepare and disseminate a

manual of court-related filing fees, service charges, costs, and fines imposed pursuant to state law, organized by county for each type of action and offense and classified as either mandatory or discretionary. The Office of the State Courts Administrator shall disseminate this manual to the chief judge, state attorney, public defender, and court administrator in each circuit and to the clerk of the court in each county. The Office of the State Courts Administrator shall update and disseminate this manual on July 1, of each year thereafter.

Section 100. Procurement of state-funded services; review of procurement policies and practices; training assistance; assistance with competitive solicitations.--

(1) The Department of Management Services, with the assistance of the Auditor General, shall review the procurement of state-funded services under chapter 29, Florida Statutes, by the state courts system, state attorneys, and public defenders. In conducting this review, the department shall evaluate existing procurement polices and practices and propose strategies for achieving cost-savings through efficiencies in contract administration and contracting methods, including the use of regional or statewide contracts. The department shall report its findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, and the Justice Administrative Commission, by January 1, 2005. The report should include operational strategies for consideration by the procuring entities and policy recommendations for consideration by the Legislature.

(2) In accordance with section 287.042, Florida Statutes, the department may assist the Office of the State

Courts Administrator and the Justice Administrative Commission with competitive solicitations for the procurement of state-funded services under chapter 29, Florida Statutes. This may include assistance in the development and review of proposals in compliance with chapter 287, Florida Statutes, and rules adopted under that chapter.

Section 101. (1) The Department of Revenue may adopt rules necessary to carry out its responsibilities in sections 28.35, 28.36, and 28.37, Florida Statutes. The rules shall include forms and procedures for transferring funds from the clerks of the court to the Clerks of the Court Trust Fund within the Department of Revenue.

(2) The Department of Financial Services may adopt rules as necessary to carry out its responsibilities under sections 28.35, 28.36, and 28.37, Florida Statutes.

Section 102. Effective July 1, 2004, sections 11.75, 40.30, 142.04, 142.05, 142.06, 142.07, 142.08, 142.10, 142.11, 142.12, 142.13, and 939.18, Florida Statutes, are repealed.

Section 103. There is hereby appropriated $75,000 from nonrecurring general revenue to the Department of Management Services to conduct the review required in this act. Funds may be used for expenses, consulting assistance, and temporary staff necessary to conduct the review.

Section 104. There is appropriated $2,500,000 from the Department of Financial Services' Administrative Trust Fund and five full-time equivalent positions are authorized for fiscal year 2004-2005 to fund the contract with the Florida Clerks of Court Operations Corporation created pursuant to section 28.35, Florida Statutes, and to provide for personnel and other expenses necessary to implement the department's responsibilities pursuant to this act. Funds for the contract

with the Clerks of the Court Operations Corporation shall be appropriated in a special category created only for this purpose by the Executive Office of the Governor in consultation with the chairs of the respective committees responsible for appropriations in the Senate and the House of Representatives.

Section 105. There is appropriated $20,000,000 from the Clerks of the Court Trust Fund in the Department of Revenue for fiscal year 2004-2005 to fund the revenue deficits for the clerks of the circuit court in accordance with the provisions of section 28.36, Florida Statutes. The Executive Office of the Governor may provide release authority for these funds as needed in accordance with the provisions of section 28.36, Florida Statutes, and subject to all other provisions of chapter 216, Florida Statutes.

Section 106. There is appropriated from the Clerks of the Court Trust Fund in the Department of Revenue, $13,600,000 from funds resulting from the recording fee collected pursuant to section 15 of this act and the imposition of the filing fee for reopened cases required by section 31 of chapter 2003-402, Laws of Florida. These funds shall be used for the purpose of addressing cash-flow problems that may arise in Clerks of the Court offices during July and August of 2004, and shall be distributed pursuant to the provisions of section 28.36, Florida Statutes.

Section 107. The sum of $500,000 is hereby appropriated from General Revenue Fund to the Office of Legislative Services on a nonrecurring basis for fiscal year 2004-2005. These appropriated funds shall be used by the President of the Senate and the Speaker of the House of Representatives to pay for the expenses of the Article V

Technology Board created pursuant to section 29.0086, Florida Statutes, and to hire or contract for staff to work under the direction of the board.

Section 108. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2004.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

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 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 the Chief Financial Officer to contract with the public defender to provide certain indigent representation under certain circumstances; providing contract authorizations; prohibiting state attorneys from spending certain state funds on county funding obligations; providing exceptions; requiring a state attorney to request reimbursement by a county for certain authorized short-term advance funding under certain circumstances; providing limitations on such funding; providing for deposit of reimbursement payments into the General Revenue Fund; amending s. 27.40, F.S.; clarifying when

a circuit Article V indigent services committee must maintain and use a registry of counsel; revising requirements; amending s. 27.42, F.S.; clarifying membership of Article V indigent services committees; clarifying when a circuit Article V indigent services committee must maintain and use a registry of counsel; revising registry use requirements; revising fee and expense allowance rate schedule criteria; including the Governor and Chief Justice of the Supreme Court in a distribution list for certain reports; requiring the Justice Administrative Commission to provide staff support for such committees from appropriated funds; specifying separate appropriations for certain attorney's fees and expenses and other funds; requiring the Justice Administrative Commission to separately track private court-appointed counsel expenditures by category; amending s. 27.51, F.S.; expanding representation responsibilities of public defenders to include violations of special laws or local ordinances; providing contracting requirements; providing limitations; revising representation requirements; clarifying appeal procedures; amending s. 27.52, F.S.; revising provisions relating to determining indigent status of defendants; authorizing clerks of court to contract for such determinations; providing application fee requirements and procedures; specifying certain required

financial information; specifying criteria for indigent status; specifying distributions of application fees; deleting certain affidavit requirements; providing for disposition of certain amounts recovered from certain persons; amending s. 27.5303, F.S.; revising standards for determining counsel's conflict of interest in certain cases; revising compensation of private court-appointed counsel provisions; amending s. 27.5304, F.S.; revising compensation of private court-appointed counsel provisions; amending s. 27.54, F.S.; requiring public defenders 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; prohibiting public defenders from spending certain state funds on county funding obligations; providing exceptions; requiring a public defender to request reimbursement by a county for certain authorized short-term advance funding under certain circumstances; providing limitations on such funding; providing for deposit of reimbursement payments into the General Revenue Fund; amending s. 27.562, F.S.; providing for distribution of funds collected pursuant to

provisions providing for legal assistance and liens and payments of attorney's fees or costs of a public defender; amending s. 28.101, F.S.; increasing a charge for petitions for dissolution of marriage; amending s. 28.24, F.S.; clarifying access to public records by court personnel, state attorneys, public defenders, and guardians ad litem; providing for administrative fees for partial payments and payment plans; amending s. 28.2401, F.S.; increasing the additional service charge on petitions seeking summary administration in probate matters; providing for distribution of the increase; amending s. 28.2402, F.S.; reducing the filing fee for a county or municipality to file a code or ordinance violation in court; providing a court cost to be assessed against the nonprevailing party; requiring allocation of certain fines to the clerk of the court to offset certain costs relating to processing violations special laws and local ordinances; amending s. 28.241, F.S.; revising filing fees for trial and appellate proceedings; providing exemptions from certain filing fee requirements; providing for deferring such fees for indigent persons; revising distributions of such filing fees; establishing a fee to be paid by counsel appearing pro hac vice before the circuit court; amending s. 28.245, F.S.; requiring electronic transmittal to the Department of

Revenue of moneys collected by clerks of court for subsequent distribution to state entities; requiring moneys collected by clerks of court to be distributed pursuant to the law in effect at time of collection; amending s. 28.246, F.S.; revising court-related fees, charges, and costs information reporting requirements; requiring separate identification of certain amounts; requiring certain persons to enroll in payment programs under certain circumstances; revising a funds distribution priority provision; authorizing clerks to impose and collect certain service charges for certain purposes; providing for collection fees to be in addition to certain amounts; amending s. 28.345, F.S.; limiting an exemption from certain court-related fees and charges; amending s. 28.35, F.S.; replacing the Clerk of Court Operations conference with the not-for-profit Florida Clerks of Court Conference, Inc.; providing organizational and operational requirements; providing for a governing board of directors; providing for board membership; revising duties of the conference; providing requirements for and limitations on court-related functions clerks may fund from certain fees, charges, costs, and fines; providing for conference funding; amending s. 28.36, F.S.; revising certain budget proposal and operations procedures for court-related functions of clerks of court;

providing limitations; revising requirements; providing reporting requirements for certain funds insufficiencies; providing responsibilities of the Department of Revenue; authorizing clerks of court to retain certain funds under certain revenue deficit conditions; revising budget proposal and implementation requirements for clerks of court; providing for reimbursement of the Clerks of the Court Trust Fund for certain ineligible budget expenditures for certain purposes; requiring the department to certify certain budgets; amending s. 28.37, F.S.; changing the date for remittance of revenues by clerks of the court; requiring clerks operating as fee officers for court-related services to determine certain fees and expenses for such services; providing for remittance of certain excess fees to a county; requiring certain deficits to be funded by a county; revising payment procedures; deleting Department of Revenue authority to adopt rules providing for penalties for failure to comply with remittance; amending s. 29.005, F.S.; clarifying witnesses to be paid from state revenue when summoned by a state attorney; requiring certain motor vehicles and transportation services to be transferred to the state; amending s. 29.006, F.S.; clarifying witnesses to be paid from state revenue when summoned by a public defender; amending s. 29.008, F.S.; revising county funding

requirements for certain equipment and support staff; revising definitions; establishing funding levels for legal aid programs; requiring the Department of Revenue to withhold certain revenue sharing receipts from certain counties under certain circumstances; specifying criteria for amounts withheld; requiring the state to apply amounts withheld to certain to certain payments; creating s. 29.0086, F.S.; creating the Article V Technology Board; providing for membership; providing duties and responsibilities of the board; requiring a report to Legislature; providing for future repeal; amending s. 29.016, F.S.; revising purposes for which judicial branch contingency funds may be used; amending s. 34.01, F.S.; deleting a requirement that parties instituting civil actions, suits, or proceedings pay certain fees and charges to the clerk; correcting a cross-reference; amending s. 34.041, F.S.; requiring parties instituting civil actions, suits, or proceedings in county court to pay certain filing fees; providing for allocation of such fees; providing certain exemptions from such fees; clarifying application to nonindigent parties; providing for filing fees in appellate proceedings; authorizing clerks to impose a fee upon attorneys appearing pro hac vice; providing for deposit of such fees; creating s. 34.045, F.S.; providing for certain payments in

lieu of filing fees for certain filings in county court; providing requirements and limitations; providing allocations of certain fines to offset costs incurred by clerks in performing court-related functions associated with violations of special laws or local ordinances; amending s. 34.191, F.S.; revising distribution requirements for fines and forfeitures arising from offenses tried in county court; amending s. 35.22, F.S.; providing for collecting certain filing fees and services charges; establishing a fee to be paid by counsel appearing pro hac vice before a district court of appeal; amending s. 39.0134, F.S.; providing for compensation of appointed counsel in termination of parental rights proceedings; amending s. 40.29, F.S.; requiring state attorneys, public defenders, and clerks of court to provide the Justice Administrative Commission with estimates of required payments for witnesses; providing exceptions; providing for payment of certain invoices by clerks and the commission; amending s. 40.32, F.S.; revising payment disbursement requirements and procedures for clerks of court; amending s. 40.33, F.S.; revising procedures for deficiencies in certain funds; creating s. 40.361, F.S.; providing for applicability of laws relating to state budgeting and finances; amending s. 43.16, F.S.; exempting the Justice Administrative Commission from certain fees;

amending s. 44.103, F.S.; revising provisions for compensating arbitrators; amending s. 44.108, F.S.; revising provisions for funding of mediation and arbitration; amending s. 45.031, F.S.; increasing a service charge for certain services in sales by clerks; creating s. 50.0711, F.S.; authorizing clerks of circuit courts to establish a court docket fund for paying for publishing notice of certain filings in certain newspapers; providing for funding by an additional service charge to certain filing fees; providing fund use requirements; providing for designating and funding certain newspapers for purposes of such publications; providing publication requirements for such newspapers; amending ss. 55.10 and 55.141, F.S.; clarifying provisions relating to fees and charges for clerks for certain services; amending s. 57.085, F.S.; clarifying certain provisions relating deferral of prepayment of court costs and fees for indigent prisoners; amending s. 61.14, F.S.; recharacterizing certain fees as service charges; increasing a certain charge; amending s. 61.181, F.S.; deleting an obsolete time period reference; amending s. 125.69, F.S.; deleting a provision authorizing certain persons to prosecute special laws and county ordinances; requiring counties to pay attorneys appointed by court to represent certain indigent defendants; authorizing a county to contract with the

public defender for representation in certain cases; amending s. 129.02, F.S.; revising a county fine and forfeiture fund budget provision; amending s. 142.01, F.S.; specifying constituent funding sources for clerk of circuit court fine and forfeiture funds; amending s. 142.03, F.S.; revising provisions providing for disposition of fines, forfeitures, and civil penalties municipalities; amending s. 142.09, F.S.; requiring certain fees of witnesses and officers arising from criminal causes to be paid by the state; providing an exception; amending s. 218.245, F.S.; providing additional distribution requirements for revenues attributed to increase in distribution to the Revenue Sharing Trust Fund for Municipalities; amending s. 318.14, F.S.; providing for deposit of certain court costs into a fine and forfeiture fund instead of being retained by a county; amending s. 318.15, F.S.; recharacterizing and increasing certain fees; providing for an alternative distribution certain charges; amending s. 318.18, F.S.; clarifying application of certain civil penalty deposit provisions; authorizing boards of county commissioners to impose by ordinance a surcharge for certain infractions or violations for payment of certain bond principal and interest payments; prohibiting court waiver of the surcharge; providing limitations; amending

s. 318.21, F.S.; providing for deposit of certain funds in the Grants and Donations Trust Fund in the Justice Administrative Commission rather than such fund in the state courts system; deleting a requirement that a certain percentage of certain civil penalties be deposited into the General Revenue Fund; deleting a provision requiring certain moneys paid counties to be used for funding local criminal training under certain circumstances; amending s. 318.325, F.S.; providing that county and municipal parking fine revenues are subject to any applicable provisions of s. 318.21, F.S.; eliminating a requirement that county and municipal parking fine revenues be paid monthly to the county or municipality; eliminating a requirement that court costs assessed by a hearing officer be paid to the county; amending s. 321.05, F.S.; specifying a fine and forfeiture fund designation provision; amending s. 322.245, F.S.; requiring the Department of Highway Safety and Motor Vehicles to suspend the driver license of persons failing to pay certain financial obligations for certain criminal offenses; providing for reinstatement under certain circumstances; providing the department with immunity from liability for such license suspensions; amending s. 327.73, F.S.; increasing a dismissal fee; amending s. 372.72, F.S.; specifying a fine and forfeiture fund

designation provision; amending s. 382.023, F.S.; specifying the clerk of the circuit court as the entity to retain a portion of a certain filing fee; amending ss. 384.288 and 392.68, F.S.; revising provisions providing for compensation of certain personnel for certain services and taxation of certain fees and charges as court costs; amending s. 394.473, F.S.; providing for compensation of attorneys and expert witnesses in cases involving indigent persons; amending s. 395.3025, F.S.; clarifying certain patient records copying charge provisions; amending s. 397.334, F.S.; clarifying authority of counties to use certain alternative moneys to fund treatment-based drug court programs; amending s. 713.24, F.S.; recharacterizing a fee as a service charge; amending s. 721.83, F.S.; providing additional limitations on complaints in certain timeshare estate foreclosure proceedings; providing criteria for consolidate timeshare foreclosure actions; providing for an additional filing fee for joined timeshare estates; amending s. 741.01, F.S.; increasing a fee charged for issuance of a marriage license; amending s. 744.331, F.S.; requiring the state to pay certain fees instead of counties in certain cases involving indigents; amending ss. 744.365 and 744.3678, F.S.; providing for deferral rather then waiver of certain fees; amending s. 766.104, F.S.; increasing a filing fee in

certain medical negligence case proceedings; deleting a requirement that the fee be established by the chief judge; amending s. 903.035, F.S.; removing a county attorney from certain notification of bail modification application requirements; amending s. 903.26, F.S.; specifying a fine and forfeiture fund designation provision; providing for application of certain provisions to state attorneys instead of county attorneys; amending s. 903.28, F.S.; removing a county attorney from certain notification of certain remission of forfeiture application requirements; amending s. 925.09, F.S.; requiring counties to pay reasonable fees to physicians performing autopsies; creating s. 938.10, F.S.; imposing an additional court cost against persons who plead guilty or nolo contendere to, or who are found guilty of, certain crimes against minors; requiring the clerk of the court to transfer the proceeds of the court cost to the Department of Revenue for deposit into a specified trust fund to be used to fund children's advocacy centers; requiring the clerk of the court to retain a portion of the court cost as a service charge; requiring annual reports; requiring a report to the Legislature; amending s. 39.3035, F.S.; requiring compliance with specified statutory provisions in order for a child advocacy center to receive certain funding; directing the

Florida Network of Children's Advocacy Centers, Inc., to document such compliance; amending s. 938.17, F.S.; providing for juvenile assessment centers and school board suspension programs; revising provisions relating to county delinquency prevention; amending s. 938.29, F.S.; deleting a provision authorizing county clerks to contract to collect certain debts or liens; amending s. 938.35, F.S.; authorizing governing bodies of municipalities to pursue collection of fees, charges, fines, and costs under certain circumstances; authorizing collection fees and attorney fees to be added to certain balances owed; creating s. 939.185, F.S.; authorizing boards of county commissioners to adopt by ordinance additional court costs for certain pleadings and findings of guilt; limiting uses; specifying allocations; providing priorities of disbursements; deleting an annual financial reporting requirement; amending s. 960.001, F.S.; clarifying application of certain witness notification provisions; amending s. 985.203, F.S.; correcting a cross reference; amending s. 149, ch. 2003-402, Laws of Florida; providing for repeal of certain fees, service charges, and costs imposed by county ordinance and special law; providing legislative intent; providing a legislative declaration of important state interest; providing requirements for remittance of court-related

assessments retained by clerks of court; requiring cash balances on a certain date in county funds established for certain court-related program purposes to be used for such purposes; providing legislative intent relating sharing of due process costs; providing for state funding of certain due process services; authorizing contractual agreements to share costs associated with certain due process services; requiring the Division of Statutory Revision to redesignate the title of chapter 40, F.S.; requiring counties to pay for certain billings of certain due process services and certain flat-fee-per-case payments; providing submittal requirements for billings for certain services; requiring the Office of the State Courts Administrator to annually prepare and disseminate a manual of court-related fees, charges, costs, and fines; requiring the Department of Management Services, with the assistance of the Auditor General, to review procurement of certain state-funded services; providing requirements; requiring a report; authorizing the department to assist the Office of the State Courts Administrator and the Justice Administrative Commission with competitive solicitations for procurement of certain state-funded services; repealing s. 11.75, F.S., relating to the Joint Legislative Committee on Article V of the State

Constitution; repealing s. 40.30, F.S., relating to required juror and witness payment requisition endorsements by the State Courts Administrator or a designee; repealing s. 142.04, F.S., relating to a requirement that clerk of court issue certain certificates to witnesses; repealing s. 142.05, F.S., relating to a prohibition against a clerk of court receiving certain fees; repealing s. 142.06, F.S., relating to a prescribed payroll form; repealing s. 142.07, F.S., relating to clerk of court payroll requirements; repealing s. 142.08, F.S., relating to clerk responsibility for certain certificates; repealing s. 142.10, F.S., relating to certain required officer accounts; repealing s. 142.11, F.S., relating to powers and duties of county commissioners relating to accounts; repealing s. 142.12, F.S., relating to audit requirements of county commissioners; repealing s. 142.13, F.S., relating to a right of an officer to test the validity of certain bills or accounts; repealing s. 939.18, F.S., relating to court assessments of additional court costs for court facilities; requiring the Department of Revenue to adopt rules; providing requirements; authorizing the Department of Financial Services to adopt rules; providing appropriations; providing effective dates.