

By Senators Smith and Villalobos

14-1527B-04

1                                   A bill to be entitled  
2           An act relating to the judicial system;  
3           amending s. 25.241, F.S.; establishing a fee to  
4           be paid by counsel appearing pro hac vice  
5           before the Supreme Court; amending s. 25.383,  
6           F.S.; providing for compensation of court  
7           reporters; amending s. 27.02, F.S.; revising  
8           the authority of the state attorney to enter  
9           into contracts with local governments for  
10          prosecution of local ordinances; amending s.  
11          27.34, F.S.; revising the authority of counties  
12          or municipalities to contract with state  
13          attorneys for prosecution of local ordinances;  
14          amending s. 27.40, F.S.; providing minimum  
15          qualifications for court-appointed counsel in  
16          certain cases; requiring each circuit Article V  
17          indigent services committee to develop  
18          procedures for periodic review of each conflict  
19          counsel's qualifications and competency;  
20          requiring a report; amending s. 27.42, F.S.;  
21          clarifying when a circuit Article V indigent  
22          services committee must maintain a registry of  
23          counsel; amending s. 27.51, F.S.; clarifying  
24          public defender's duties of representation in  
25          certain cases; amending s. 27.52, F.S.;  
26          clarifying other services to be provided to  
27          indigents; requiring clerk to provide  
28          assistance to indigents under certain  
29          circumstances; providing for court  
30          notification; clarifying fees to be charged;  
31          amending s. 27.5303, F.S.; providing uniform

1 standards for determining counsel's conflict of  
2 interest in certain cases; amending s. 27.5304,  
3 F.S.; providing compensation for certain  
4 court-appointed counsel in certain cases;  
5 amending s. 27.54, F.S.; revising the authority  
6 of the public defender to contract with local  
7 government for defense in local ordinance  
8 violations; amending s. 28.24, F.S.; clarifying  
9 access to public records by court personnel,  
10 state attorneys, and public defenders; amending  
11 s. 28.2401, F.S.; authorizing a county to  
12 impose a surcharge on court fees and charges if  
13 it had previously imposed increased fees and  
14 charges to pay principal and interest on bonds  
15 issued to finance state court facilities;  
16 authorizing the use of surcharge revenue to  
17 refund existing bonds under specified  
18 conditions; amending s. 28.2402, F.S.; reducing  
19 the filing fee for a county or municipality to  
20 file a code or ordinance violation in court;  
21 providing a court cost to be assessed against  
22 the nonprevailing party; providing for deposit  
23 of the court cost; amending s. 28.241, F.S.;  
24 authorizing a county to impose a surcharge on  
25 court fees and charges if it had previously  
26 imposed increased fees and charges to pay  
27 principal and interest on bonds issued to  
28 finance state court facilities; authorizing the  
29 use of surcharge revenue to refund existing  
30 bonds under specified conditions; revising  
31 payment and distribution of filing fees for

1 trial and appellate proceedings; establishing a  
2 fee to be paid by counsel appearing pro hac  
3 vice before the circuit court; amending s.  
4 28.246, F.S.; limiting the amount that may be  
5 paid in fees and costs for collection services  
6 to collect unpaid court fees, fines, court  
7 costs, and other costs; amending s. 28.345,  
8 F.S.; adding judges to the list of those exempt  
9 from all fees and charges assessed by the clerk  
10 of the circuit court; amending s. 28.35, F.S.;  
11 deleting requirement that the Clerk of Court  
12 Operations Conference publish a schedule of  
13 fines, fees, and other costs; amending s.  
14 28.36, F.S.; revising what may be included as  
15 revenue in budgets of clerks of court for  
16 court-related functions; providing for  
17 discretionary certification; clarifying that  
18 the budget is a revenue budget; specifying a  
19 time for transmission of revenue deficit  
20 certifications; providing for estimated  
21 expenditures in lieu of actual expenditures  
22 under certain circumstances; amending s. 28.37,  
23 F.S.; changing the date for remittance of  
24 revenue by the clerk of the court; revising  
25 payment procedure; deleting Department of  
26 Revenue authority to adopt rules providing for  
27 penalties for failure to comply with  
28 remittance; amending s. 29.005, F.S.;  
29 clarifying witnesses to be paid from state  
30 revenue when summoned by a state attorney;  
31 amending s. 29.006, F.S.; clarifying witnesses

1 to be paid from state revenue when summoned by  
2 a public defender; amending s. 29.008, F.S.;  
3 clarifying county funding requirements for  
4 certain equipment and support staff; amending  
5 s. 34.01, F.S.; revising a cross-reference to  
6 court rules; deleting redundant material;  
7 amending s. 34.041, F.S.; modifying filing fees  
8 in county court; providing for disposition of  
9 certain filing fees; providing a filing fee for  
10 court education; authorizing a county to impose  
11 a surcharge on court fees and charges if it had  
12 previously imposed increased fees and charges  
13 to pay principal and interest on bonds issued  
14 to finance state court facilities; authorizing  
15 the use of surcharge revenue to refund existing  
16 bonds under specified conditions; providing a  
17 fee for reopening a case; establishing a fee to  
18 be paid by counsel appearing pro hac vice in  
19 county court; amending s. 34.191, F.S.;  
20 providing for collection of fees, fines, court  
21 costs, and other costs in cases tried in county  
22 court; limiting the amount that may be paid in  
23 fees and costs in such collection; amending s.  
24 35.22, F.S.; establishing a fee to be paid by  
25 counsel appearing pro hac vice before a  
26 district court of appeal; amending s. 40.30,  
27 F.S.; clarifying that payment is made by the  
28 state; amending s. 44.108, F.S.; clarifying  
29 that the filing fee for funding of mediation  
30 and arbitration is an additional fee; amending  
31 s. 45.031, F.S.; increasing the clerk's service

1 charge for services relating to judicial sales;  
2 amending s. 55.10, F.S.; clarifying that money  
3 paid to clerk is service charge and not fee;  
4 amending s. 55.141, F.S.; revising a  
5 cross-reference; clarifying the activity for  
6 which a service charge is paid; clarifying that  
7 money paid to clerk is service charge and not  
8 fee; creating s. 55.312, F.S.; imposing a  
9 service charge on certain money judgments and  
10 settlement agreements in excess of a specified  
11 amount, except for dissolution of marriage and  
12 breaches of contract; providing for disposition  
13 of the proceeds of the charge; providing for  
14 the service charge to be paid by any party or  
15 allocated to more than one party; requiring the  
16 Department of Revenue to adopt rules to provide  
17 for remitting such charge to the department for  
18 deposition; prohibiting an attorney from  
19 disbursing certain proceeds until service  
20 charge is paid; requiring the Department of  
21 Revenue to report to the Legislature each year  
22 on the amount received in the prior calendar  
23 year; amending s. 57.085, F.S.; revising  
24 terminology; amending s. 61.14, F.S.;  
25 increasing the fee for a delinquent payment;  
26 amending s. 125.69, F.S.; deleting a provision  
27 authorizing certain persons to prosecute  
28 special laws and county ordinances; authorizing  
29 a county to contract with the public defender  
30 for representation in certain cases; amending  
31 s. 129.02, F.S.; deleting a cross-reference;

1           amending s. 142.01, F.S.; clarifying deposits  
2           into the fine and forfeiture fund; amending s.  
3           166.0415, F.S.; providing for prosecution of a  
4           municipal ordinance violation in county court  
5           under certain circumstances; amending s.  
6           218.245, F.S.; providing for distribution of  
7           revenues to a municipality under certain  
8           circumstances; amending s. 318.14, F.S.;  
9           clarifying deposits into the fine and  
10          forfeiture fund; amending s. 318.15, F.S.;  
11          increasing service charges in certain traffic  
12          infraction cases; providing for remittance;  
13          providing an additional fee for deposit into  
14          the Highway Safety Operating Trust Fund;  
15          amending s. 318.18, F.S.; increasing civil  
16          penalties for failure to comply in traffic  
17          infraction cases; providing for distribution of  
18          court cost; authorizing a county to impose a  
19          surcharge on traffic fines and forfeitures if  
20          it had previously imposed increased fees or  
21          charges to pay principal and interest on bonds  
22          issued to finance state court facilities;  
23          authorizing the use of surcharge revenue to  
24          refund existing bonds under specified  
25          conditions; amending s. 318.21, F.S.; deleting  
26          a distribution of funds to certain county  
27          programs; amending s. 321.05, F.S.; providing a  
28          cross-reference; amending s. 327.73, F.S.;  
29          increasing dismissal fees and maximum court  
30          costs that may be imposed in noncriminal  
31          infraction cases; amending s. 372.72, F.S.;

1 providing a cross-reference; amending s.  
2 382.023, F.S.; clarifying that the clerk  
3 retains a service charge relating to  
4 dissolution of marriage records; amending s.  
5 384.288, F.S.; deleting specification of source  
6 of payment by county of certain court costs;  
7 amending s. 392.68, F.S.; deleting  
8 specification of source of payment by county of  
9 certain court costs; amending s. 394.473, F.S.;  
10 providing for state payment of certain  
11 attorney's and witness' fees; amending s.  
12 395.3025, F.S.; deleting cross-references;  
13 amending s. 588.20, F.S.; removing authority  
14 for the county to pay deficits incurred in the  
15 sale of certain livestock from fine and  
16 forfeiture fund; amending s. 713.24, F.S.;  
17 clarifying that money paid to clerk is service  
18 charge and not fee; amending s. 721.83, F.S.;  
19 clarifying filing fees and service charges to  
20 be paid by plaintiff in time-share property  
21 consolidated actions for foreclosure; amending  
22 s. 766.104, F.S.; increasing filing fees in  
23 medical negligence cases; amending s. 849.19,  
24 F.S.; adding a cross-reference; amending s.  
25 849.22, F.S.; removing authority for county to  
26 pay clerk and sheriff fees out of fine and  
27 forfeiture fund; amending s. 849.44, F.S.;  
28 adding a cross-reference; amending s. 903.26,  
29 F.S.; adding a cross-reference; amending s.  
30 925.09, F.S.; revising the source of funds used  
31 to pay for physician autopsies; amending s.

1 938.17, F.S.; authorizing a board of county  
2 commissioners to adopt an ordinance that  
3 incorporates the provisions of the act;  
4 providing funding for a teen court through the  
5 assessment of an additional court cost against  
6 each person who pleads guilty or nolo  
7 contendere to, or is convicted of, a violation  
8 of a criminal law, an ordinance, or a traffic  
9 offense in the county; providing for  
10 administration by the clerk of the circuit  
11 court; authorizing the clerk of the court to  
12 retain a specified percentage of the  
13 assessments collected as income to the clerk of  
14 the court; requiring the teen court to account  
15 for all funds deposited into the teen court  
16 account; requiring a report to the board of  
17 county commissioners by a specified date;  
18 authorizing specified organizations to operate  
19 and administer a teen court program; amending  
20 s. 938.29, F.S.; reducing the permissible  
21 contingent fee for collecting fees and costs  
22 arising from use of public defender, or  
23 similar, services; amending s. 938.35, F.S.;  
24 providing for collection of court-ordered  
25 financial obligations; limiting the amount that  
26 may be paid in fees and costs in such  
27 collection; requesting the Division of  
28 Statutory Revision to redesignate the title of  
29 chapter 40, F.S.; providing for payment of  
30 certain financial obligations in implementing  
31 revised Section 14 of Article V of the State

1           Constitution; repealing s. 11.75, F.S.,  
2           relating to the Joint Legislative Committee on  
3           Article V; repealing s. 939.18, F.S., relating  
4           to assessment of additional court costs for  
5           court facilities; providing an effective date.  
6

7 Be It Enacted by the Legislature of the State of Florida:  
8

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

11           25.241 Clerk of Supreme Court; compensation;  
12          assistants; filing fees, etc.--

13           (3) The Clerk of the Supreme Court is hereby required  
14          to collect, upon the filing of a certified copy of a notice of  
15          appeal or petition, \$250 for each case docketed, and for  
16          copying, certifying, or furnishing opinions, records, papers,  
17          or other instruments, except as otherwise herein provided, the  
18          same fees that are allowed clerks of the circuit court;  
19          however, no fee shall be less than \$1. The State of Florida  
20          or its agencies, when appearing as appellant or petitioner, is  
21          exempt from the filing fees required in this subsection. From  
22          each attorney appearing pro hac vice, the Clerk of the Supreme  
23          Court shall collect a fee of \$100 for deposit into the General  
24          Revenue Fund.

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

28           25.383 Standards for court reporters; procedures;  
29          rules of professional conduct, discipline, ~~and~~ training, and  
30          compensation.--  
31

1           (1) The Supreme Court shall establish minimum  
2 standards and procedures for qualifications, certification,  
3 discipline, and training for court reporters. The Supreme  
4 Court may appoint or employ such personnel as are necessary to  
5 assist the court in exercising its powers and performing its  
6 duties under this section.

7           (2) The circuit Article V indigent services committee  
8 shall establish the method for compensating court reporters in  
9 the circuit and the fees a court reporter may charge.

10           Section 3. Subsection (1) of section 27.02, Florida  
11 Statutes, as amended by section 6 of chapter 2003-402, Laws of  
12 Florida, is amended to read:

13           27.02 Duties before court.--

14           (1)(a) The state attorney shall appear in the circuit  
15 and county courts within his or her judicial circuit and  
16 prosecute or defend on behalf of the state all suits,  
17 applications, or motions, civil or criminal, in which the  
18 state is a party, except as provided in chapters 39, 984, and  
19 985. The intake procedures of chapters 39, 984, and 985 shall  
20 apply as provided therein.

21           (b) The state attorney shall ~~not~~ appear in the circuit  
22 and county courts within his or her judicial circuit for the  
23 purpose of prosecuting violations of special laws, ~~unless~~  
24 ~~expressly authorized~~, or violations of county or municipal  
25 ordinances if the prosecution is, unless ancillary to a state  
26 prosecution or if the state attorney has contracted for full  
27 reimbursement, or for reimbursement as the parties otherwise  
28 agree, to be the county's or municipality's prosecuting  
29 attorney, as provided in s. 125.69 and authorized by the  
30 ~~prosecuting attorney of the county.~~

31

1           Section 4. Subsections (1) and (2) of section 27.34,  
2 Florida Statutes, as amended by section 10 of chapter  
3 2003-402, Laws of Florida, are amended to read:

4           27.34 Limitations on payment of salaries and other  
5 related costs of state attorneys' offices other than by the  
6 state.--

7           (1) A county or municipality may ~~not~~ contract with the  
8 state attorney of the judicial circuit in which the county or  
9 municipality is located, ~~or appropriate or contribute funds to~~  
10 ~~the operation of, the various state attorneys for the~~  
11 prosecution of violations of special laws, ~~unless expressly~~  
12 ~~authorized,~~ or ordinances of the county or municipality. The  
13 contract must provide for full reimbursement, or as the  
14 parties otherwise agree regarding reimbursement, unless  
15 ~~ancillary to a state prosecution.~~ Persons employed by the  
16 county or municipality may be provided to the state attorney  
17 to serve as special investigators pursuant to the provisions  
18 of s. 27.251.

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

23           Section 5. Subsections (4), (8), and (9) of section  
24 27.40, Florida Statutes, are amended to read:

25           27.40 Court-appointed counsel; circuit registries;  
26 minimum requirements; appointment by court.--

27           (4) Except when a circuit Article V indigent services  
28 committee establishes higher qualifications, the minimum  
29 qualifications for court-appointed counsel for the following  
30 types of cases are as follows:

31

1           (a) Criminal cases.--Before the time of appointment,  
2 the attorney must:

3           1. Be a member in good standing of The Florida Bar.

4           2. Have attended within the previous 12 months a  
5 minimum of 10 hours of continuing legal education approved by  
6 The Florida Bar and devoted to criminal law.

7           3. Meet the following experience requirements:

8           a. In misdemeanor cases, have been a member of The  
9 Florida Bar for at least 1 year and an experienced and active  
10 trial practitioner with no fewer than three state or federal  
11 jury or nonjury trials.

12           b. In juvenile cases, have been a member of The  
13 Florida Bar for at least 1 year and an experienced and active  
14 trial practitioner with no fewer than three delinquency  
15 dispositions or three state or federal jury or nonjury trials.

16           c. In third-degree felony cases, have been a member of  
17 The Florida Bar for at least 2 years and an experienced and  
18 active trial practitioner with no fewer than three state or  
19 federal jury or nonjury trials.

20           d. In second-degree felony cases, have been a member  
21 of The Florida Bar for at least 2 years and an experienced and  
22 active trial practitioner with no fewer than seven state or  
23 federal jury trials.

24           e. In first-degree felony cases, life felony cases,  
25 capital felony cases, capital sexual battery cases, and cases  
26 under part V of chapter 394, involuntary civil commitment of  
27 sexually violent predators, have been a member of The Florida  
28 Bar for at least 5 years and an experienced and active trial  
29 practitioner with no fewer than 10 state or federal jury  
30 trials.

31

1           f. In capital death penalty cases, have the  
2 qualifications as provided in Florida Rules of Criminal  
3 Procedure 3.112(f) and (g).

4           (b) Criminal appellate cases.--Before the time of  
5 appointment, the attorney must:

6                 1. Be a member in good standing of The Florida Bar.

7                 2. Have attended within the previous 12 months a  
8 minimum of 10 hours of continuing legal education approved by  
9 The Florida Bar and devoted to appellate law.

10                3. Meet the following experience requirements:

11                 a. In misdemeanor and third-degree felony appeals,  
12 have been a member of The Florida Bar for at least 2 years and  
13 be an experienced and active trial or appellate practitioner  
14 in the field of criminal law or have experience in the appeal  
15 of at least three criminal cases.

16                 b. In noncapital felony appeals and appeals from a  
17 case under part V of chapter 394, involuntary civil commitment  
18 of sexually violent predators, have been a member of The  
19 Florida Bar for at least 3 years and be an experienced and  
20 active practitioner in the field of appellate criminal law or  
21 have experience in the appeal of at least five criminal cases.

22                 c. In capital death penalty appeals, have the  
23 qualifications as provided in Florida Rule of Criminal  
24 Procedure 3.112(h).

25            (c) Dependency cases.--Before the time of appointment,  
26 the attorney must:

27                 1. Be a member in good standing of The Florida Bar.

28                 2. Meet the following experience requirements:

29                 a. In dependency cases, have observed a total of 30  
30 hours of hearings, including six shelter hearings, three  
31 dependency hearings, and one termination-of-parental-rights

1 hearing and have attended at least 3 hours of continuing legal  
2 education at the Dependency Court Improvement Project  
3 Conference, or an equivalent in the 12 months before  
4 appointment.

5 b. In termination-of-parental-rights cases, have tried  
6 at least 10 cases or have 1 year of dependency experience.

7 c. In appellate cases, have at least 3 years'  
8 experience in dependency or appellate law and must have been  
9 lead counsel in at least three contested dependency trials and  
10 three contested termination-of-parental-rights trials or  
11 demonstrate knowledge through experience in the practice of  
12 family law.~~To be eligible for court appointment, an attorney~~  
13 ~~must be a member in good standing of The Florida Bar in~~  
14 ~~addition to any other qualifications specified by general law.~~

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

22 (9) A circuit Article V indigent services committee or  
23 any interested person may advise the court of any circumstance  
24 affecting the quality of representation, including, but not  
25 limited to, false or fraudulent billing, misconduct, failure  
26 to meet continuing legal education requirements, solicitation  
27 to receive compensation from the defendant or other client the  
28 attorney is appointed to represent, or failure to file  
29 appropriate motions in a timely manner. By January 1, 2005,  
30 each circuit Article V indigent services committee must  
31 develop and report to the President of the Senate and the

1 Speaker of the House of Representatives procedures for  
2 periodic review of each conflict counsel's qualifications and  
3 competency in representing defendants or other clients the  
4 attorney is appointed to represent.

5 Section 6. Paragraph (b) of subsection (2) of section  
6 27.42, Florida Statutes, is amended to read:

7 27.42 Circuit Article V indigent services committees;  
8 composition; staff; responsibilities; funding.--

9 (2)

10 (b) The circuit Article V indigent services committee  
11 shall maintain a registry pursuant to s. 27.40, even when  
12 ~~unless~~ procuring counsel through a competitive bidding  
13 process. The committee shall apply the eligibility and  
14 performance standards set by the Legislature, if any, after  
15 receiving recommendations from the Article V Indigent Services  
16 Advisory Board, for the appropriate category of case.

17 Section 7. Subsections (1) and (4) of section 27.51,  
18 Florida Statutes, as amended by section 15 of chapter  
19 2003-402, Laws of Florida, are amended to read:

20 27.51 Duties of public defender.--

21 (1) The public defender shall represent, without  
22 additional compensation, any person who is determined to be  
23 indigent as provided in s. 27.52 and who is:

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

25 (b) Under arrest for, or is charged with, a  
26 misdemeanor ~~authorized for prosecution by the state attorney,~~  
27 a violation of chapter 316 which is punishable by  
28 imprisonment, ~~or~~ criminal contempt, or a violation of a  
29 municipal or county ordinance in the county court if the  
30 prosecution is ancillary to a state prosecution, unless the  
31 court, prior to trial, files in the cause an order of no

1 imprisonment as provided in s. 27.512 ~~which states that the~~  
2 ~~defendant will not be imprisoned if he or she is convicted;~~

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

5 (d) Sought by petition filed in such court to be  
6 involuntarily placed as a mentally ill person or sexually  
7 violent predator or involuntarily admitted to residential  
8 services as a person with developmental disabilities. However,  
9 a public defender does not have the authority to represent any  
10 person who is a plaintiff in a civil action brought under the  
11 Florida Rules of Civil Procedure, the Federal Rules of Civil  
12 Procedure, or the federal statutes, or who is a petitioner in  
13 an administrative proceeding challenging a rule under chapter  
14 120, unless specifically authorized by statute; ~~or~~

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

17 (f) Appealing a matter in a case arising under  
18 paragraphs (a)-(d).

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

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

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

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

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

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

10 Section 8. Subsections (1) and (2) of section 27.52,  
11 Florida Statutes, as amended by section 16 of chapter  
12 2003-402, Laws of Florida, are amended to read:

13 27.52 Determination of indigence.--

14 (1) The clerk of the circuit court shall determine the  
15 indigence of each person applying for appointment of a public  
16 defender or private attorney or any other due-process  
17 ~~court-related~~ services based on indigence. This determination  
18 may be made at any stage of the proceedings. Before appointing  
19 the public defender or a private attorney, or providing any  
20 other due-process ~~court-related~~ service based on indigence,  
21 the court shall receive the determination of indigence from  
22 the clerk. If the clerk has not made this determination at the  
23 time a person requests appointment of a public defender or  
24 private attorney or provision of any other due-process  
25 ~~court-related~~ services, the court shall make a preliminary  
26 determination of indigence, pending verification by the clerk.  
27 The applicant may seek review of the clerk's determination  
28 denying indigence in the court having jurisdiction over the  
29 matter at the next scheduled hearing.

30 (2)(a) Any person applying for appointment of a public  
31 defender or private attorney or any other due-process

1 ~~court-related~~ services based on indigence shall pay a \$40  
2 application fee to the clerk of court and submit a completed  
3 affidavit containing the financial information required under  
4 paragraph (f). The clerk of court must assist a person who  
5 requests assistance in completing the affidavit containing  
6 financial information, and the clerk must notify the court if  
7 a person is unable to complete the affidavit after the clerk  
8 has provided assistance. Only one fee may be charged for a  
9 clerk's determination of indigence, regardless of whether the  
10 request is for court-appointed counsel or other due-process  
11 services.

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

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

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

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

1           2. Assess the application fee pursuant to s. 938.29.  
2  
3 If the clerk finds discrepancies between the financial  
4 affidavit and his or her investigation of assets, the clerk  
5 shall submit the information to the court and the court shall  
6 determine whether the public defender or private attorney  
7 shall continue representation. The defendant may be heard  
8 regarding the information discovered by the clerk. If the  
9 court, based on the information provided, determines that the  
10 defendant is not indigent, the court shall order the public  
11 defender or private attorney to discontinue representation.  
12 Notwithstanding any provision of law or local order to the  
13 contrary, the clerk of the court shall assign the first \$40 of  
14 any fees or costs paid by an indigent defendant as payment of  
15 the application fee. In no event may ~~should~~ a person found to  
16 be indigent be refused counsel or other due-process services  
17 for failure to pay the fee.

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

27           (f) The affidavit must contain the following financial  
28 information and calculations as to the applicant's income:  
29           1. Net income.--Total salary and wages, minus  
30 deductions required by law, including court-ordered support  
31 payments.

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

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

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

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

22           Section 9. Paragraph (d) of subsection (1) of section  
23 27.5303, Florida Statutes, is amended to read:

24           27.5303 Public defenders; conflict of interest.--

25           (1)

26           (d) In determining whether or not there is a conflict  
27 of interest, the public defender and the court shall apply the  
28 uniform standards for use in conflict of interest cases found  
29 in appendix B of the final report of the Article V Indigent  
30 Services Advisory Board dated January 6, 2004 ~~standards~~

31

1 ~~adopted by the Legislature after receiving recommendations~~  
2 ~~from the Article V Indigent Services Advisory Board.~~

3 Section 10. Section 27.5304, Florida Statutes, is  
4 amended to read:

5 27.5304 Private court-appointed counsel;  
6 compensation.--

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

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

1 The private court-appointed counsel may thereafter file his or  
2 her motion for order approving payment of attorney's fees,  
3 costs, or related expenses together with supporting affidavits  
4 and all other necessary documentation. The motion must specify  
5 whether the Justice Administrative Commission objects to any  
6 portion of the billing or the sufficiency of documentation  
7 and, if so, the reasons therefor. A copy of the motion and  
8 attachments shall be served on the Justice Administrative  
9 Commission. The Justice Administrative Commission shall have  
10 standing to appear before the court to contest any motion for  
11 order approving payment of attorney's fees, costs, or related  
12 expenses. The Justice Administrative Commission may contract  
13 with other public or private entities or individuals to appear  
14 before the court for the purpose of contesting any motion for  
15 order approving payment of attorney's fees, costs, or related  
16 expenses. The fact that the Justice Administrative Commission  
17 has not objected to any portion of the billing or to the  
18 sufficiency of the documentation is not binding on the court.  
19 The court retains primary authority and responsibility for  
20 determining the reasonableness of all billings for fees,  
21 costs, and related expenses, subject to statutory limitations.

22 (3) The compensation for representation in a criminal  
23 proceeding; an appeal from a criminal proceeding, other than a  
24 capital appeal; a dependency proceeding; and an appeal from a  
25 dependency proceeding must be established by a circuit Article  
26 V indigent services committee.~~proceeding shall not exceed the~~  
27 ~~following:~~

28 ~~(a)1. For misdemeanors and juveniles represented at~~  
29 ~~the trial level: \$1,000.~~

30 ~~2. For noncapital, nonlife felonies represented at the~~  
31 ~~trial level: \$2,500.~~

1           ~~3. For life felonies represented at the trial level:~~  
2 ~~\$3,000.~~  
3           ~~4. For capital cases represented at the trial level:~~  
4 ~~\$3,500.~~  
5           ~~5. For representation on appeal: \$2,000.~~  
6           ~~(b) If a death sentence is imposed and affirmed on~~  
7 ~~appeal to the Supreme Court, the appointed attorney shall be~~  
8 ~~allowed compensation, not to exceed \$1,000, for attorney's~~  
9 ~~fees and costs incurred in representing the defendant as to an~~  
10 ~~application for executive clemency, with compensation to be~~  
11 ~~paid out of general revenue from funds budgeted to the~~  
12 ~~Department of Corrections.~~  
13           ~~(4) Private counsel appointed by the court to~~  
14 ~~represent a defendant in a capital death penalty case must be~~  
15 ~~compensated at a reasonable hourly rate established by the~~  
16 ~~circuit Article V indigent services committee commensurate~~  
17 ~~with the difficulty of the case and approved by the court, but~~  
18 ~~the minimum compensation for the attorney in a death penalty~~  
19 ~~case is \$10,000.~~~~By January 1, 2004, the Article V Indigent~~  
20 ~~Services Advisory Board shall recommend to the Legislature any~~  
21 ~~adjustments to existing compensation schedules for criminal~~  
22 ~~proceedings and any proposed compensation standards for~~  
23 ~~private attorneys providing representation in civil~~  
24 ~~proceedings in which private court-appointed counsel is~~  
25 ~~required.~~  
26           ~~(5) If counsel is entitled to receive compensation for~~  
27 ~~representation pursuant to court appointment in a termination~~  
28 ~~of parental rights proceeding under s. 39.0134, such~~  
29 ~~compensation shall not exceed \$1,000 at the trial level and~~  
30 ~~\$2,500 at the appellate level.~~  
31

1           (5)~~(6)~~ A private attorney appointed in lieu of the  
2 public defender to represent an indigent defendant may not  
3 reassign or subcontract the case to another attorney or allow  
4 another attorney to appear at a critical stage of a case who  
5 does not meet standards adopted by the Legislature after any  
6 recommendations from the Article V Indigent Services Advisory  
7 Board.

8           Section 11. Section 27.54, Florida Statutes, as  
9 amended by section 21 of chapter 2003-402, Laws of Florida, is  
10 amended to read:

11           27.54 Limitation on payment of expenditures for public  
12 defender's office other than by the state.--

13           (1) All payments for the salary of the public defender  
14 and the necessary expenses of office, including salaries of  
15 assistants and staff, shall be considered as being for a valid  
16 public purpose. Travel expenses shall be paid in accordance  
17 with the provisions of s. 112.061.

18           (2) A county or municipality may ~~not~~ contract with the  
19 public defender of the judicial circuit in which the county or  
20 municipality is located, ~~or appropriate or contribute funds~~  
21 ~~to, the operation of the offices of the various public~~  
22 ~~defenders~~ for the purpose of defending persons determined to  
23 be indigent under s. 27.52 ~~indigents~~ charged with violations  
24 of special laws, ~~unless expressly authorized,~~ or with  
25 violations of ordinances of the county or municipality, ~~unless~~  
26 ~~ancillary to a state prosecution.~~ The contract must provide  
27 for full reimbursement or as the parties otherwise agree  
28 regarding reimbursement.

29           (3) A ~~No~~ public defender or assistant public defender  
30 may not ~~shall~~ receive from any county or municipality any  
31 supplemental salary, except as provided in this section.

1           Section 12. Section 28.24, Florida Statutes, as  
2 amended by section 28 of chapter 2003-402, Laws of Florida, is  
3 amended to read:

4           28.24 Service charges by clerk of the circuit  
5 court.--The clerk of the circuit court may charge for services  
6 rendered by the clerk's office in recording documents and  
7 instruments and in performing the duties enumerated in amounts  
8 not to exceed those specified in this section. Notwithstanding  
9 any other provision of this section, the clerk of the circuit  
10 court shall provide without charge to any justice or judge,  
11 state attorney, public defender, and capital collateral  
12 regional counsel, and to the authorized staff acting on behalf  
13 of each, to any court staff acting on behalf of any justice or  
14 judge, and to any state attorney or public access to and a  
15 copy copies of any public record records, if the requesting  
16 party is entitled by law to review the record notwithstanding  
17 the exempt or confidential nature of such public records, as  
18 maintained by and in the custody of the clerk of the circuit  
19 court as provided in general law and the Florida Rules of  
20 Judicial Administration.

21           (1) For examining, comparing, correcting, verifying,  
22 and certifying transcripts of record in appellate proceedings,  
23 prepared by attorney for appellant or someone else other than  
24 clerk per page.....4.50

25           (2) For preparing, numbering, and indexing an original  
26 record of appellate proceedings, per instrument.....3.00

27           (3) For certifying copies of any instrument in the  
28 public records.....1.50

29           (4) For verifying any instrument presented for  
30 certification prepared by someone other than clerk, per page  
31 .....3.00

1	(5)(a) For making copies by photographic process of	
2	any instrument in the public records consisting of pages of	
3	not more than 14 inches by 8 1/2 inches, per page.....	1.00
4	(b) For making copies by photographic process of any	
5	instrument in the public records of more than 14 inches by 8	
6	1/2 inches, per page.....	5.00
7	(6) For making microfilm copies of any public records:	
8	(a) 16 mm 100' microfilm roll.....	37.50
9	(b) 35 mm 100' microfilm roll.....	52.50
10	(c) Microfiche, per fiche.....	3.00
11	(7) For copying any instrument in the public records	
12	by other than photographic process, per page.....	6.00
13	(8) For writing any paper other than herein	
14	specifically mentioned, same as for copying, including signing	
15	and sealing.....	6.00
16	(9) For indexing each entry not recorded.....	1.00
17	(10) For receiving money into the registry of court:	
18	(a)1. First \$500, percent.....	3
19	2. Each subsequent \$100, percent.....	1.5
20	(b) Eminent domain actions, per deposit.....	\$150.00
21	(11) For examining, certifying, and recording plats	
22	and for recording condominium exhibits larger than 14 inches	
23	by 8 1/2 inches:	
24	(a) First page.....	30.00
25	(b) Each additional page.....	15.00
26	(12) For recording, indexing, and filing any	
27	instrument not more than 14 inches by 8 1/2 inches, including	
28	required notice to property appraiser where applicable:	
29	(a) First page or fraction thereof.....	5.00
30	(b) Each additional page or fraction thereof.....	4.00
31		

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

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

- 9 1. First page.....1.00  
10 2. Each additional page.....0.50

11  
12 Such ~~said~~ fund shall be held in trust by the clerk and used  
13 exclusively for equipment and maintenance of equipment,  
14 personnel training, and technical assistance in modernizing  
15 the public records system of the office. In a county where the  
16 duty of maintaining official records exists in an office other  
17 than the office of the clerk of the circuit court, the clerk  
18 of the circuit court is entitled to 25 percent of the moneys  
19 deposited into the trust fund for equipment, maintenance of  
20 equipment, training, and technical assistance in modernizing  
21 the system for storing records in the office of the clerk of  
22 the circuit court. The fund may not be used for the payment of  
23 travel expenses, membership dues, bank charges,  
24 staff-recruitment costs, salaries or benefits of employees,  
25 construction costs, general operating expenses, or other costs  
26 not directly related to obtaining and maintaining equipment  
27 for public records systems or for the purchase of furniture or  
28 office supplies and equipment not related to the storage of  
29 records. On or before December 1, 1995, and on or before  
30 December 1 of each year immediately preceding each year during  
31 which the trust fund is scheduled for legislative review under

1 s. 19(f)(2), Art. III of the State Constitution, each clerk of  
2 the circuit court shall file a report on the Public Records  
3 Modernization Trust Fund with the President of the Senate and  
4 the Speaker of the House of Representatives. The report must  
5 itemize each expenditure made from the trust fund since the  
6 last report was filed; each obligation payable from the trust  
7 fund on that date; and the percentage of funds expended for  
8 each of the following: equipment, maintenance of equipment,  
9 personnel training, and technical assistance. The report must  
10 indicate the nature of the system each clerk uses to store,  
11 maintain, and retrieve public records and the degree to which  
12 the system has been upgraded since the creation of the trust  
13 fund.

- 14 (13) Oath, administering, attesting, and sealing, not  
15 otherwise provided for herein.....3.00  
16 (14) For validating certificates, any authorized  
17 bonds, each.....3.00  
18 (15) For preparing affidavit of domicile.....5.00  
19 (16) For exemplified certificates, including signing  
20 and sealing.....6.00  
21 (17) For authenticated certificates, including signing  
22 and sealing.....6.00  
23 (18)(a) For issuing and filing a subpoena for a  
24 witness, not otherwise provided for herein (includes writing,  
25 preparing, signing, and sealing).....6.00  
26 (b) For signing and sealing only.....1.50  
27 (19) For approving bond.....7.50  
28 (20) For searching of records, for each year's search  
29 .....1.50  
30 (21) For processing an application for a tax deed sale  
31 (includes application, sale, issuance, and preparation of tax

1 deed, and disbursement of proceeds of sale), other than excess  
2 proceeds.....60.00  
3 (22) For disbursement of excess proceeds of tax deed  
4 sale, first \$100 or fraction thereof.....10.00  
5 (23) Upon receipt of an application for a marriage  
6 license, for preparing and administering of oath; issuing,  
7 sealing, and recording of the marriage license; and providing  
8 a certified copy.....30.00  
9 (24) For solemnizing matrimony.....30.00  
10 (25) For sealing any court file or expungement of any  
11 record.....37.50  
12 (26) For receiving and disbursing all restitution  
13 payments, per payment.....3.00  
14 (27) Postal charges incurred by the clerk of the  
15 circuit court in any mailing by certified or registered mail  
16 shall be paid by the party at whose instance the mailing is  
17 made.  
18 (28) For furnishing an electronic copy of information  
19 contained in a computer database: a fee as provided for in  
20 chapter 119.  
21 Section 13. Present subsection (4) of section 28.2401,  
22 Florida Statutes, as amended by section 29 of chapter  
23 2003-402, Laws of Florida, is redesignated as subsection (5),  
24 and a new subsection (4) is added to that section to read:  
25 28.2401 Service charges in probate matters.--  
26 (4) Notwithstanding any law to the contrary, a board  
27 of county commissioners that imposed by ordinance increased  
28 fees or service charges under this section, s. 28.241, or s.  
29 34.041 for the purpose of securing payment of the principal of  
30 and interest on bonds issued by the county before July 1,  
31 2003, to finance state court facilities may impose by

1 ordinance a surcharge of up to \$15 in excess of the fees or  
2 service charges set forth in this section. Revenue from the  
3 surcharge shall be used to pay the principal of and interest  
4 on the bonds until the date of stated maturity. The bonds may  
5 be refunded only if:

6 1. Savings will be realized on payments of debt  
7 service; and

8 2. The refunding bonds are scheduled to mature on the  
9 same date or before the bonds being refunded.

10 Section 14. Section 28.2402, Florida Statutes, is  
11 amended to read:

12 28.2402 Additional costs for performance of clerk  
13 court-related functions.--A filing fee of \$10 ~~The sum of \$200~~  
14 shall be assessed to a county or municipality when filing a  
15 county or municipal code or ordinance violation in court. The  
16 ~~\$200~~ fee shall be paid to the clerk of the circuit and county  
17 court for performing court-related functions. No other filing  
18 fee may be assessed for filing the violation in court. When a  
19 person contests the violation in court, the court must assess  
20 \$40 in court costs against the nonprevailing party for deposit  
21 into the clerk's fine and forfeiture fund established pursuant  
22 to s. 142.01.

23 Section 15. Section 28.241, Florida Statutes, as  
24 amended by section 32 of chapter 2003-402, Laws of Florida, is  
25 amended to read:

26 28.241 Filing fees and appearance fee for trial and  
27 appellate proceedings.--

28 (1)(a) The party instituting any civil action, suit,  
29 or proceeding in the circuit court shall pay to the clerk of  
30 that court a filing fee of up to \$250 in all cases in which  
31 there are not more than five defendants and an additional

1 filing fee of up to \$2 for each defendant in excess of five.  
2 Of the first ~~\$55~~\$57.50 in filing fees, \$50 must be remitted  
3 by the clerk to the Department of Revenue for deposit into the  
4 General Revenue Fund and ~~+~~\$5 must be remitted to the Clerk of  
5 Court Operations Conference, ~~and \$2.50 shall be paid to the~~  
6 ~~clerk for each civil action brought in circuit or county~~  
7 ~~court, to be remitted by the clerk to the Department of~~  
8 ~~Revenue for deposit into the Court Education Trust Fund.~~  
9 One-third of any filing fees collected by the clerk of the  
10 circuit court in excess of the first \$55~~\$57.50~~ shall be  
11 remitted to the Department of Revenue for deposit into the  
12 Department of Revenue Clerks of the Court Trust Fund. An  
13 additional filing fee of \$2.50 shall be paid to the clerk, who  
14 shall transfer the \$2.50 to the Department of Revenue for  
15 deposit into the Court Education Trust Fund. An additional  
16 filing fee of up to \$15 shall be paid by the party seeking  
17 each severance that is granted. The clerk may impose an  
18 additional filing fee of up to \$75 for all proceedings of  
19 garnishment, attachment, replevin, and distress. Postal  
20 charges incurred by the clerk of the circuit court in making  
21 service by certified or registered mail on defendants or other  
22 parties shall be paid by the party at whose instance service  
23 is made. No additional fees, charges, or costs shall be added  
24 to the filing fees imposed under this section, except as  
25 authorized by general law.

26 (b) Notwithstanding any law to the contrary, a board  
27 of county commissioners that imposed by ordinance increased  
28 fees or service charges under s. 28.2401, this section, or s.  
29 34.041 for the purpose of securing payment of the principal of  
30 and interest on bonds issued by the county before July 1,  
31 2003, to finance state court facilities may impose by

1 ordinance a surcharge of up to \$15 in excess of the fees or  
2 service charges set forth in this section. Revenue from the  
3 surcharge shall be used to pay the principal of and interest  
4 on the bonds until the date of stated maturity. The bonds may  
5 be refunded only if:

6 1. Savings will be realized on payments of debt  
7 service; and

8 2. The refunding bonds are scheduled to mature on the  
9 same date or before the bonds being refunded.

10 (c)(b) Except as prohibited in s. 28.345, a party  
11 reopening any civil action, suit, or proceeding in the circuit  
12 court shall pay to the clerk of court a filing fee set by the  
13 clerk in an amount not to exceed \$50. For purposes of this  
14 section, a case is reopened when a case previously reported as  
15 disposed of is resubmitted to a court and includes petitions  
16 for modification of a final judgment of dissolution.

17 (2) Upon the institution of any appellate proceeding  
18 from any lower inferior court to the circuit court of any such  
19 county, including appeals filed by a county or municipality as  
20 provided in s. 34.041(6), or from the circuit court to an  
21 appellate court of the state, the clerk shall charge and  
22 collect from the party or parties instituting such appellate  
23 proceedings a filing fee not to exceed ~~service charge of up to~~  
24 \$250 for filing a notice of appeal from a lower ~~an inferior~~  
25 court or for filing a notice of appeal to a higher court. From  
26 the filing fee, \$50 must be remitted by the clerk to the  
27 Department of Revenue for deposit into the General Revenue  
28 Fund.

29 (3) A filing fee may not be imposed upon a party for  
30 responding by pleading, motion, or other paper to a civil or  
31

1 criminal action, suit, proceeding, or appeal in a circuit  
2 court.

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

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

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

14 Section 16. Subsection (6) of section 28.246, Florida  
15 Statutes, is amended to read:

16 28.246 Payment of court-related fees, charges, and  
17 costs; partial payments; distribution of funds.--

18 (6) A clerk of court may pursue the collection of any  
19 fees, fines, court costs, or other costs imposed by the court  
20 which remain unpaid for 90 days or more, or refer such  
21 collection to a private attorney who is a member in good  
22 standing of The Florida Bar or collection agent who is  
23 registered and in good standing pursuant to chapter 559. In  
24 pursuing the collection of such unpaid financial obligations  
25 through a private attorney or collection agent, the clerk of  
26 the court must determine this is cost-effective and follow  
27 applicable procurement practices. The cost of collection,  
28 including a reasonable attorney's fee, may be recovered by  
29 adding the cost and fee to the balance owed, except that such  
30 fee and cost may not exceed 40 percent of the balance owed.

31

1           Section 17. Section 28.345, Florida Statutes, is  
2 amended to read:

3           28.345 Exemption from fees and  
4 charges.--Notwithstanding any other provision of this chapter  
5 or law to the contrary, state attorneys,and public defenders,  
6 and judges are exempt from all fees and charges assessed by  
7 the clerks of the circuit courts.

8           Section 18. Subsection (2) of section 28.35, Florida  
9 Statutes, is amended to read:

10           28.35 Clerk of Court Operations Conference.--

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

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

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

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

26           (d) Developing and approving a system of performance  
27 accountability measurements and performance standards for each  
28 clerk of the court. These measures must assess the fiscal  
29 management, efficient operations, and effective collection of  
30 fines, fees, service charges, and costs using data reported in  
31 s. 28.246 as well as other data.

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

15           Section 19. Section 28.36, Florida Statutes, is  
16 amended to read:

17           28.36 Budget review and approval procedure.--There is  
18 established a budget procedure for the court-related functions  
19 of the clerks of the court.

20           (1) For the period July 1, 2004, through September 30,  
21 2004, and for each county fiscal year ending September 30  
22 thereafter, each clerk of the court shall prepare a budget  
23 relating solely to the performance of the court-related  
24 functions.

25           (2) Each proposed budget shall conform to the  
26 following requirements:

27           (a) On May 1, 2004, for the fiscal period of July 1,  
28 2004, through September 30, 2004, and on or before August 1  
29 for each fiscal year thereafter, the proposed budget shall be  
30 prepared, summarized, and submitted by the clerk in each  
31 county to the Clerk of Court Operations Conference in the

1 manner and form prescribed by the conference. The proposed  
2 budget must provide detailed information on the anticipated  
3 revenues available and expenditures necessary for the  
4 performance of the court-related functions of the clerk's  
5 office for the county fiscal year beginning the following  
6 October 1.

7 (b) The proposed budget must be balanced, such that  
8 the total of the estimated revenues available must equal or  
9 exceed the total of the anticipated expenditures. These  
10 revenues include the following: cash balances brought forward  
11 from the prior fiscal period; revenue projected to be received  
12 from fines, fees, service charges, and costs for court-related  
13 services during the fiscal period covered by the budget; and  
14 supplemental revenue that may be requested pursuant to  
15 subsection (3); ~~and the contingency reserve authorized in~~  
16 ~~paragraph (c)~~. The anticipated expenditures must be itemized  
17 as required by the Clerk of Court Operations Conference.

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

20 (3) If a clerk of the court estimates that available  
21 funds plus projected revenues from fines, fees, service  
22 charges, and costs for court-related services are insufficient  
23 to meet the anticipated expenditures for the court-related  
24 functions performed by his or her office, the clerk must  
25 report the revenue budget deficit to the Clerk of Court  
26 Operations Conference in the manner and form prescribed by the  
27 conference. The conference shall determine whether the clerk  
28 is meeting his or her performance standards for the current  
29 year relating to fiscal management, efficient operations, and  
30 the effective collection of fines, fees, service charges, and  
31 costs.

1 (a) If the conference determines that a clerk is  
2 meeting his or her performance standards for fiscal  
3 management; efficient operations; and effective collection of  
4 fines, fees, service charges, and costs~~and a revenue~~ deficit  
5 is projected, that clerk shall increase all fines, fees,  
6 service charges, and costs to the maximum amounts specified by  
7 law or the amount necessary to resolve the deficit, whichever  
8 is less. If, after increasing such fines, fees, service  
9 charges, and costs, a revenue ~~budget~~ deficit is still  
10 projected, the conference may ~~shall~~ certify a revenue deficit  
11 pursuant to paragraph (b) and notify the Department of Revenue  
12 that that clerk is authorized to retain revenues, in an amount  
13 necessary to fully fund the projected revenue deficit, which  
14 he or she would otherwise be required to remit to the  
15 Department of Revenue for deposit into the Department of  
16 Revenue Clerks of the Court Trust Fund pursuant to s. 28.37.  
17 If a revenue ~~budget~~ deficit is projected after retaining all  
18 of the collections from court-related fines, fees, service  
19 charges, and costs, the conference may ~~shall~~ certify the  
20 revenue deficit amount to the Chief Financial Officer,  
21 pursuant to paragraph (b). An amount equal to the revenue  
22 deficit is ~~hereby~~ appropriated each year from the Department  
23 of Revenue Clerks of the Court Trust Fund, without further  
24 legislative action, period after period, until altered or  
25 revoked by the Legislature. The Department of Revenue is  
26 directed to make a monthly distribution of equal amounts to  
27 each clerk certified to have a revenue deficit until the Clerk  
28 of Court Operations Conference certifies a different amount to  
29 be distributed pursuant to paragraph (b).

30 (b) The Clerk of Court Operations Conference shall  
31 make the revenue deficit certifications authorized in

1 paragraph (a) to the Department of Revenue no later than  
2 September 15 of each year for the county fiscal year beginning  
3 on the following October 1. Changes to the certifications may  
4 be made by the Clerk of Court Operations Conference as needed  
5 during any county fiscal year when revenues supporting a  
6 clerk's budget are projected to be less than the amount  
7 previously assumed by the conference in approving a clerk's  
8 budget.

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

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

25 (5)(a) For the county fiscal year October 1, 2004,  
26 through September 30, 2005, the maximum annual budget amount  
27 that may be authorized by the Clerk of Court Operations  
28 Conference for each clerk may not exceed 103 percent of the  
29 clerk's estimated ~~actual~~ expenditures for the prior county  
30 fiscal year for court-related functions that are required by  
31 law effective July 1, 2004, plus the estimated reasonable and

1 necessary costs of new functions required by law which are not  
2 reflected in prior-year expenditures. ~~The conference shall use~~  
3 ~~the clerk's actual expenditures for the prior county fiscal~~  
4 ~~year for court-related functions as reported by the Chief~~  
5 ~~Financial Officer based on the county financial reporting~~  
6 ~~required under s. 218.32.~~

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

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

25 1. For county fiscal year 2006-2007, the approved  
26 budget for county fiscal year 2004-2005 shall be adjusted for  
27 the actual percentage change in revenue from fines, fees,  
28 service charges, and costs for court-related services between  
29 the two 12-month periods ending June 30, 2005, and June 30,  
30 2006. This result is the rebased budget for the county fiscal  
31 year 2005-2006. Then the rebased budget for the county fiscal

1 year 2005-2006 shall be adjusted by the projected percentage  
2 change in revenue from fines, fees, service charges, and costs  
3 for court-related services between the county fiscal years  
4 2005-2006 and 2006-2007. This result shall be the maximum  
5 annual budget amount that may be authorized by the conference  
6 for each clerk for the county fiscal year 2006-2007.

7 2. For county fiscal year 2007-2008, the rebased  
8 budget for county fiscal year 2005-2006 shall be adjusted for  
9 the actual percentage change in revenue from fines, fees,  
10 service charges, and costs for court-related services between  
11 the two 12-month periods ending June 30, 2006, and June 30,  
12 2007. This result is the rebased budget for the county fiscal  
13 year 2006-2007. The rebased budget for county fiscal year  
14 2006-2007 shall be adjusted by the projected percentage change  
15 in revenue from fines, fees, service charges, and costs for  
16 court-related services between the county fiscal years  
17 2006-2007 and 2007-2008. This result shall be the maximum  
18 annual budget amount that may be authorized by the conference  
19 for each clerk budget for county fiscal year 2007-2008.

20 3. For county fiscal years 2008-2009 and thereafter,  
21 the maximum budget amount that may be authorized by the  
22 conference for each clerk budget shall be calculated as the  
23 rebased budget for the prior county fiscal year adjusted by  
24 the projected percentage change in revenues from fines, fees,  
25 service charges, and costs for court-related services between  
26 the prior county fiscal year and the county fiscal year for  
27 which the maximum budget amount is being authorized. The  
28 rebased budget for the prior county fiscal year shall always  
29 be calculated by adjusting the rebased budget for the year  
30 preceding the prior county fiscal year by the actual  
31 percentage change in revenues from fines, fees, service

1 charges, and costs for court-related services between the  
2 12-month period ending June 30 of the year preceding the prior  
3 county fiscal year and the 12-month period ending June 30 of  
4 the prior county fiscal year.

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

16 Section 20. Section 28.37, Florida Statutes, is  
17 amended to read:

18 28.37 Fines, fees, service charges, and costs remitted  
19 to the state.--

20 (1) Pursuant to s. 14(b), Art. V of the State  
21 Constitution, selected salaries, costs, and expenses of the  
22 state courts system and court-related functions shall be  
23 funded from a portion of the revenues derived from statutory  
24 fines, fees, service charges, and costs collected by the  
25 clerks of the court.

26 (2) Beginning August 1, 2004, except as otherwise  
27 provided in ss. 28.241 and 34.041, one-third of all fines,  
28 fees, service charges, and costs collected by the clerks of  
29 the court during the prior month for the performance of  
30 court-related functions shall be remitted to the Department of  
31 Revenue for deposit in the Department of Revenue Clerks of the

1 Court Trust Fund. These collections do not include funding  
2 received for the operation of the Title IV-D child support  
3 collections and disbursement program. The clerk of the court  
4 shall remit the revenues collected during the prior month due  
5 to the state on or before the 20th ~~5th~~ day of each month. The  
6 Department of Revenue shall make a monthly transfer of the  
7 funds in the Department of Revenue Clerks of the Court Trust  
8 Fund which ~~that~~ are not needed to resolve clerk of the court  
9 budget deficits, as specified in s. 28.36, to the General  
10 Revenue Fund.

11 (3) For the period of October 1, 2003, to June 30,  
12 2004, those clerks operating as fee officers for court-related  
13 services shall determine the amount of fees collected and  
14 expenses generated for court-related services. Any excess fees  
15 generated during this period shall be remitted to the county.  
16 Any deficit experienced by the clerk for court-related  
17 services during the period from October 1, 2003, to June 30,  
18 2004, shall be funded by the county.

19 ~~(4)(3)~~ Beginning January 1, 2005, for the period July  
20 1, 2004, through September 30, 2004, and each January 1  
21 thereafter for the preceding county fiscal year of October 1  
22 through September 30, the clerk of the court must remit to the  
23 Department of Revenue for deposit in the General Revenue Fund  
24 the cumulative excess of all statutory fines, fees, service  
25 charges, and costs collected for the clerk's court-related  
26 functions over the amount needed to meet the approved budget  
27 amounts established under s. 28.36.

28 ~~(5)(4)~~ The Department of Revenue shall adopt rules  
29 governing the remittance of the funds to be transferred to the  
30 General Revenue Fund under this section and, ~~the required~~  
31 ~~forms and procedures, and penalties for failure to comply.~~ The

1 department shall collect any funds that the Clerk of Court  
2 Operations Conference determines upon investigation were due  
3 on January 1 but not remitted to the department.

4 Section 21. Section 29.005, Florida Statutes, as  
5 amended by section 41 of chapter 2003-402, Laws of Florida, is  
6 amended to read:

7 29.005 State attorneys' offices and prosecution  
8 expenses.--For purposes of implementing s. 14, Art. V of the  
9 State Constitution, the elements of the state attorneys'  
10 offices to be provided from state revenues appropriated by  
11 general law are as follows:

12 (1) The state attorney of each judicial circuit and  
13 assistant state attorneys and other staff as determined by  
14 general law.

15 (2) Reasonable court reporting and transcription  
16 services necessary to meet constitutional or statutory  
17 requirements, including the cost of transcribing and copying  
18 depositions of witnesses and the cost of foreign language and  
19 sign-language interpreters and translators.

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

26 ~~(4) Mental health professionals appointed pursuant to~~  
27 ~~s. 394.473 and required in a court hearing involving an~~  
28 ~~indigent, and mental health professionals appointed pursuant~~  
29 ~~to s. 916.115(2) and required in a court hearing involving an~~  
30 ~~indigent.~~

31

1           (4)~~(5)~~ Reasonable transportation services in the  
2 performance of constitutional and statutory responsibilities.

3           (5)~~(6)~~ Travel expenses reimbursable under s. 112.061  
4 reasonably necessary in the performance of constitutional and  
5 statutory responsibilities.

6           (6)~~(7)~~ Reasonable library and electronic legal  
7 research services, other than a public law library.

8           (7)~~(8)~~ Reasonable pretrial consultation fees and  
9 costs.

10           Section 22. Section 29.006, Florida Statutes, as  
11 amended by section 42 of chapter 2003-403, Laws of Florida, is  
12 amended to read:

13           29.006 Public defenders and indigent defense  
14 costs.--For purposes of implementing s. 14, Art. V of the  
15 State Constitution, the elements of the public defenders'  
16 offices to be provided from state revenues appropriated by  
17 general law are as follows:

18           (1) The public defender of each judicial circuit and  
19 assistant public defenders and other staff as determined by  
20 general law.

21           (2) Reasonable court reporting and transcription  
22 services necessary to meet constitutional or statutory  
23 requirements, including the cost of transcribing and copying  
24 depositions of witnesses and the cost of foreign language and  
25 sign-language interpreters and translators.

26           (3) Witnesses, including expert witnesses, summoned to  
27 appear for an investigation, preliminary hearing, or trial in  
28 any a criminal case when the witnesses are summoned on behalf  
29 of an indigent defendant, and any other expert witnesses  
30 required in a court hearing by law or whomever the public

31

1 defender deems necessary for the performance of his or her  
2 duties approved by the court.

3 ~~(4) Mental health professionals appointed pursuant to~~  
4 ~~s. 394.473 and required in a court hearing involving an~~  
5 ~~indigent, and mental health professionals appointed pursuant~~  
6 ~~to s. 916.115(2) and required in a court hearing involving an~~  
7 ~~indigent.~~

8 (4)~~(5)~~ Reasonable transportation services in the  
9 performance of constitutional and statutory responsibilities.

10 (5)~~(6)~~ Travel expenses reimbursable under s. 112.061  
11 reasonably necessary in the performance of constitutional and  
12 statutory responsibilities.

13 (6)~~(7)~~ Reasonable library and electronic legal  
14 research services, other than a public law library.

15 (7)~~(8)~~ Reasonable pretrial consultation fees and  
16 costs.

17 Section 23. Subsection (1) of section 29.008, Florida  
18 Statutes, as amended by section 45 of chapter 2003-402, Laws  
19 of Florida, is amended to read:

20 29.008 County funding of court-related functions.--

21 (1) Counties are required by s. 14, Art. V of the  
22 State Constitution to fund the cost of communications  
23 services, existing radio systems, existing multiagency  
24 criminal justice information systems, and the cost of  
25 construction or lease, maintenance, utilities, and security of  
26 facilities for the circuit and county courts, public  
27 defenders' offices, state attorneys' offices, and the offices  
28 of the clerks of the circuit and county courts performing  
29 court-related functions. For purposes of implementing these  
30 requirements, the term:

31

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

23           (b)1. "Construction or lease" includes, but is not  
24 limited to, all reasonable and necessary costs of the  
25 acquisition or lease of facilities, equipment, and furnishings  
26 for all judicial officers, staff, jurors, volunteers of a  
27 tenant agency, and the public for the circuit and county  
28 courts, the public defenders' offices, state attorneys'  
29 offices, and for performing the court-related functions of the  
30 offices of the clerks of the circuit and county courts. This  
31 includes expenses related to financing such facilities and the

1 existing and future cost and bonded indebtedness associated  
2 with placing the facilities in use.

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

6           3. Equipment and furnishings under this paragraph in  
7 existence and owned by counties on July 1, 2005, for areas  
8 other than courtrooms, jury facilities, ~~and~~ other public areas  
9 in courthouses, and the offices of the clerk of the court,  
10 shall be transferred to the state at no charge. This provision  
11 does not apply to any telecommunications infrastructure,  
12 computer systems, and equipment, including computer hardware  
13 and software, modems, printers, wiring, networks, and network  
14 connections provided by the county.

15           (c) "Maintenance" includes, but is not limited to, all  
16 reasonable and necessary costs of custodial and groundskeeping  
17 services and renovation and reconstruction as needed to  
18 accommodate functions for the circuit and county courts, the  
19 public defenders' offices, and state attorneys' offices and  
20 for performing the court-related functions of the offices of  
21 the clerks of the circuit and county court and for maintaining  
22 the facilities in a condition appropriate and safe for the use  
23 intended.

24           (d) "Utilities" means all electricity services for  
25 light, heat, and ~~or~~ power; natural or manufactured gas  
26 services for light, heat, and ~~or~~ power; water and wastewater  
27 services and systems, stormwater or runoff services and  
28 systems, sewer services and systems, all costs or fees  
29 associated with these services and systems, and any costs or  
30 fees associated with the mitigation of environmental impacts  
31 directly related to the facility.

1 (e) "Security" includes but is not limited to, all  
2 reasonable and necessary costs of services of law enforcement  
3 officers or licensed security guards and all electronic,  
4 cellular, or digital monitoring and screening devices  
5 necessary to ensure the safety and security of all persons  
6 visiting or working in a facility; to provide for security of  
7 the facility, including protection of property owned by the  
8 county or the state; and for security of prisoners brought to  
9 any facility. This includes bailiffs while providing courtroom  
10 and other security for each judge and other quasi-judicial  
11 officers.

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

23 1. Telephone system infrastructure, including computer  
24 lines, telephone switching equipment, and maintenance. Each  
25 county shall continue to provide access to a local carrier for  
26 local and long distance service and shall pay for the local  
27 service. Telephone equipment, not defined as telephone  
28 infrastructure, including facsimile and video teleconferencing  
29 equipment, owned by the counties shall be transferred to the  
30 state at no charge, effective July 1, 2004.

31

1           2. All computer systems and equipment, including  
2 computer hardware and software, modems, printers, multi-task  
3 equipment that can be used as printers, wiring, networks,  
4 network connections, maintenance, support staff or services,  
5 including any county-funded support staff located in the  
6 offices of the circuit and county courts, state attorneys, and  
7 public defenders, training, supplies, and line charges  
8 necessary for an integrated computer system to support the  
9 operations and management of the state courts system, the  
10 offices of the public defenders, the offices of the state  
11 attorneys, and the offices of the clerks of the circuit and  
12 county courts and the capability to connect those entities and  
13 reporting data to the state as required for the transmission  
14 of revenue, performance accountability, case management, data  
15 collection, budgeting, and auditing purposes. The integrated  
16 computer system shall be operational by January 1, 2006, and,  
17 at a minimum, must be able to electronically exchange judicial  
18 case background, sentencing guidelines and scoresheets, and  
19 video evidence information stored in integrated case  
20 management systems over secure networks.

21           3. Courier messenger and subpoena services.

22           4. Auxiliary aids and services for qualified  
23 individuals with a disability which are necessary to ensure  
24 access to the courts. Such auxiliary aids and services  
25 include, but are not limited to, real-time transcription  
26 services for individuals who are hearing impaired, and  
27 assistive listening devices and the equipment necessary to  
28 implement such accommodations.

29           (g) "Existing radio systems" includes, but is not  
30 limited to, law enforcement radio systems that are used by the  
31 circuit and county courts, the offices of the public

1 defenders, the offices of the state attorneys, and for  
2 court-related functions of the offices of the clerks of the  
3 circuit and county courts. This includes radio systems that  
4 were operational or under contract at the time Revision No. 7,  
5 1998, to Art. V of the State Constitution was adopted and any  
6 enhancements made thereafter, the maintenance of those  
7 systems, and the personnel and supplies necessary for  
8 operation.

9 (h) "Existing multiagency criminal justice information  
10 systems" includes, but is not limited to, those components of  
11 the multiagency criminal justice information system as defined  
12 in s. 943.045, supporting the offices of the circuit or county  
13 courts, the public defenders' offices, the state attorneys'  
14 offices, or those portions of the offices of the clerks of the  
15 circuit and county courts performing court-related functions  
16 that are used to carry out the court-related activities of  
17 those entities. This includes upgrades and maintenance of the  
18 current equipment, maintenance and upgrades of supporting  
19 technology infrastructure and associated staff, and services  
20 and expenses to assure continued information sharing and  
21 reporting of information to the state. The counties shall also  
22 provide additional information technology services, hardware,  
23 and software as needed for new judges and staff of the state  
24 courts system, state attorneys' offices, public defenders'  
25 offices, and the offices of the clerks of the circuit and  
26 county courts performing court-related functions.

27 Section 24. Subsections (1) and (2) of section 34.01,  
28 Florida Statutes, are amended to read:

29 34.01 Jurisdiction of county court.--

30 (1) County courts shall have original jurisdiction:  
31

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

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

5 (c) Of all actions at law in which the matter in  
6 controversy does not exceed the sum of \$15,000, exclusive of  
7 interest, costs, and attorney's fees, except those within the  
8 exclusive jurisdiction of the circuit courts. ~~The party~~  
9 ~~instituting any civil action, suit, or proceeding pursuant to~~  
10 ~~this paragraph where the amount in controversy is in excess of~~  
11 ~~\$5,000 shall pay to the clerk of the county court the filing~~  
12 ~~fees and service charges in the same amounts and in the same~~  
13 ~~manner as provided in s. 28.241.~~

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

28 Section 25. Section 34.041, Florida Statutes, as  
29 amended by section 52 of chapter 2003-402, Laws of Florida, is  
30 amended to read:

31 34.041 Filing and appearance fees.--

1           (1)(a) Upon the institution of any civil action, suit,  
2 or proceeding in county court, the party shall ~~clerk of court~~  
3 ~~may require the plaintiff, when filing an action or~~  
4 ~~proceeding, to pay the following filing fee, not to exceed:~~  
5           1.(a) For all claims less than \$100 .....\$50.  
6           2.(b) For all claims of \$100 or more but not more than  
7 \$500 .....\$75.  
8           3.(c) For all claims of more than \$500 but not more  
9 than \$2,500.....\$150.  
10          4. For all claims of more than \$2,500 but not more  
11 than \$5,000.....\$200.  
12          5.(d) For all claims of more than \$5,000 ~~\$2,500~~..\$250.  
13          6.(e) In addition, for all proceedings of garnishment,  
14 attachment, replevin, and distress.....\$75.  
15          7.(f) For removal of tenant action.....\$75.  
16          (b) The first \$50 of the filing fee collected under  
17 subparagraph (1)(a)5.~~paragraph (d)~~ shall be remitted to the  
18 Department of Revenue for deposit into the General Revenue  
19 Fund. One-third of any filing fees collected by the clerk  
20 under this section ~~paragraph (d)~~ in excess of the first \$50  
21 collected under subparagraph (1)(a)5. shall be remitted to the  
22 Department of Revenue for deposit into the Department of  
23 Revenue Clerks of the Court Trust Fund. An additional filing  
24 fee of \$2.50 shall be paid to the clerk, who shall transfer  
25 the \$2.50 to the Department of Revenue for deposit into the  
26 Court Education Trust Fund.  
27          (c) Postal charges incurred by the clerk of the county  
28 court in making service by mail on defendants or other parties  
29 shall be paid by the party at whose instance service is made.  
30 Except as provided herein, filing fees ~~and service charges~~ for  
31 performing duties of the clerk relating to the county court

1 shall be as provided in ~~s. ss. 28.24~~ and 28.241. Except as  
2 otherwise provided herein, all filing fees shall be retained  
3 as fee income of the office of the clerk of circuit court.  
4 Filing fees imposed by this section may not be added to any  
5 penalty imposed by chapter 316 or chapter 318.

6 (2) Notwithstanding any law to the contrary, a board  
7 of county commissioners that imposed by ordinance increased  
8 fees or service charges under s. 28.2401, s. 28.241, or this  
9 section for the purpose of securing payment of the principal  
10 of and interest on bonds issued by the county before July 1,  
11 2003, to finance state court facilities may impose by  
12 ordinance a surcharge of up to \$15 in excess of the fees or  
13 service charges set forth in this section. Revenue from the  
14 surcharge shall be used to pay the principal of and interest  
15 on the bonds until the date of stated maturity. The bonds may  
16 be refunded only if:

17 1. Savings will be realized on payments of debt  
18 service; and

19 2. The refunding bonds are scheduled to mature on the  
20 same date or before the bonds being refunded.

21 (3) Except as provided in s. 28.345, a party reopening  
22 any civil action, suit, or proceeding in the county court  
23 shall pay to the clerk of court a filing fee set by the clerk  
24 in an amount not to exceed \$50. For purposes of this section,  
25 a case is reopened when a case previously reported as disposed  
26 of is resubmitted to a court and includes petitions for  
27 modification of a final judgment of dissolution.

28 (4)(2) If a party fails shall fail to pay accrued  
29 costs, though able to do so, the judge may shall have power to  
30 deny that party the right to file any new case while such  
31

1 costs remain unpaid and, likewise, ~~to~~ deny such litigant the  
2 right to proceed further in any case pending.

3 (5)~~(3)~~ In criminal proceedings in county courts, costs  
4 shall be taxed against a person in county court upon  
5 conviction or estreatment pursuant to chapter 939.

6 (6)~~(4)~~ Upon the institution of any appellate  
7 proceeding from the county court to the circuit court,  
8 including appeals filed by a county or municipality, the clerk  
9 shall charge and collect ~~there shall be charged and collected~~  
10 from the party or parties instituting the ~~such~~ appellate  
11 proceedings, ~~including appeals filed by a county or~~  
12 ~~municipality,~~ filing fees as provided in s. 28.241 ~~chapter 28~~.

13 (7)~~(5)~~ A charge or a fee may not be imposed upon a  
14 party for responding by pleading, motion, or other paper to a  
15 civil or criminal action, suit, or proceeding in a county  
16 court or to an appeal to the circuit court.

17 (8)~~(6)~~ For purposes of this section, the term "party"  
18 ~~"plaintiff"~~ includes a county or municipality filing any civil  
19 action.

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

23 Section 26. Section 34.191, Florida Statutes, as  
24 amended by section 56 of chapter 2003-402, Laws of Florida, is  
25 amended to read:

26 34.191 Fines and forfeitures.--All fines and  
27 forfeitures arising from offenses tried in the county court  
28 shall be collected and accounted for by the clerk of the  
29 court. All fines and forfeitures received from violations of  
30 municipal ordinances committed within a municipality within  
31 the territorial jurisdiction of the county court shall be paid

1 monthly to the municipality except as provided in s. 318.21 or  
2 s. 943.25. All other fines and forfeitures collected by the  
3 clerk shall be considered income of the office of the clerk  
4 for use in performing court-related duties of the office. The  
5 clerk of court or the governing body of the municipality, as  
6 appropriate, may pursue the collection of any of the unpaid  
7 financial obligations to which it is entitled which remain  
8 unpaid for 90 days or more, or refer such collection to a  
9 private attorney who is a member in good standing of The  
10 Florida Bar or collection agent who is registered and in good  
11 standing pursuant to chapter 559. In pursuing the collection  
12 of such unpaid financial obligations through a private  
13 attorney or collection agent, the clerk of court or the  
14 governing body of the municipality, as appropriate, must  
15 determine this is cost-effective and follow applicable  
16 procurement practices. The cost of collection, including a  
17 reasonable attorney's fee, may be recovered by adding the cost  
18 and fee to the balance owed, except that such fee and cost may  
19 not exceed 40 percent of the balance owed.

20 Section 27. Section 35.22, Florida Statutes, is  
21 amended to read:

22 35.22 Clerk of district court; appointment;  
23 compensation; assistants; filing and appearance fees;  
24 teleconferencing.--

25 (1) Each district court of appeal shall appoint a  
26 clerk who shall be paid an annual salary to be determined in  
27 accordance with s. 25.382.

28 (2) The clerk is authorized to employ such deputies  
29 and clerical assistants as may be necessary. Their number and  
30 compensation shall be approved by the court, and paid from the  
31 annual appropriation for the district courts of appeal.

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

11           (4) The opinions of the district court of appeal shall  
12 not be recorded, but the original as filed shall be preserved  
13 with the record in each case.

14           (5) The clerk is authorized immediately after a case  
15 is disposed of, to supply the judge who tried the case and  
16 from whose order, judgment, or decree, appeal or other review  
17 is taken, a copy of all opinions, orders, or judgments filed  
18 in such case. Copies of opinions, orders, and decrees shall be  
19 furnished in all cases to each attorney of record and for  
20 publication in Florida reports to the authorized publisher  
21 without charge, and copies furnished to other law book  
22 publishers at one-half the regular statutory fee.

23           (6) The clerk of each district court of appeal is  
24 required to deposit all fees collected in the State Treasury  
25 to the credit of the General Revenue Fund. The clerk shall  
26 retain an accounting of each such remittance.

27           (7) The clerk of the district court of appeal is  
28 authorized to collect a fee from the parties to an appeal  
29 reflecting the actual cost of conducting the proceeding  
30 through teleconferencing where the parties have requested that  
31 an oral argument or mediation be conducted through

1 teleconferencing. The fee collected for this purpose shall be  
2 used to offset the expenses associated with scheduling the  
3 teleconference and shall be deposited in the  
4 Mediation/Arbitration Trust Fund.

5 Section 28. Section 40.30, Florida Statutes, as  
6 amended by section 63 of chapter 2003-402, Laws of Florida, is  
7 amended to read:

8 40.30 Requisition endorsed by Justice Administrative  
9 Commission or designee.--Upon receipt of such estimate and the  
10 requisition from the clerk of the court pursuant to s. 40.29,  
11 the Justice Administrative Commission or designee shall  
12 endorse the amount deemed necessary for payment by ~~to~~ the  
13 state during the quarterly fiscal period and shall submit a  
14 request for payment to the Chief Financial Officer.

15 Section 29. Section 44.108, Florida Statutes, as  
16 amended by section 66 of chapter 2003-402, Laws of Florida, is  
17 amended to read:

18 44.108 Funding of mediation and  
19 arbitration.--Mediation should be accessible to all parties  
20 regardless of financial status. In addition to other fees,  
21 finer, service charges, and costs levied by law, a filing fee  
22 of \$1 is levied on all proceedings in the circuit or county  
23 courts to fund mediation and arbitration services which are  
24 the responsibility of the Supreme Court pursuant to the  
25 provisions of s. 44.106. The clerk of the court shall forward  
26 the moneys collected to the Department of Revenue for deposit  
27 in the state courts' Mediation and Arbitration Trust Fund.

28 Section 30. Subsection (1) of section 45.031, Florida  
29 Statutes, is amended to read:

30 45.031 Judicial sales procedure.--In any sale of real  
31 or personal property under an order or judgment, the following

1 procedure may be followed as an alternative to any other sale  
2 procedure if so ordered by the court:

3 (1) SALE BY CLERK.--In the order or final judgment,  
4 the court shall direct the clerk to sell the property at  
5 public sale on a specified day that shall be not less than 20  
6 days or more than 35 days after the date thereof, on terms and  
7 conditions specified in the order or judgment. A sale may be  
8 held more than 35 days after the date of final judgment or  
9 order if the plaintiff or plaintiff's attorney consents to  
10 such time. Any sale held more than 35 days after the final  
11 judgment or order shall not affect the validity or finality of  
12 the final judgment or order or any sale held pursuant thereto.  
13 Notice of sale shall be published once a week for 2  
14 consecutive weeks in a newspaper of general circulation, as  
15 defined in chapter 50, published in the county where the sale  
16 is to be held. The second publication shall be at least 5 days  
17 before the sale. The notice shall contain:

- 18 (a) A description of the property to be sold.  
19 (b) The time and place of sale.  
20 (c) A statement that the sale will be made pursuant to  
21 the order or final judgment.  
22 (d) The caption of the action.  
23 (e) The name of the clerk making the sale.  
24

25 The clerk shall receive a service charge of up to \$60~~\$40~~ for  
26 services in making, recording, and certifying the sale and  
27 title that shall be assessed as costs. The court, in its  
28 discretion, may enlarge the time of the sale. Notice of the  
29 changed time of sale shall be published as provided herein.  
30

31

1           Section 31. Subsection (5) of section 55.10, Florida  
2 Statutes, as amended by section 68 of chapter 2003-402, Laws  
3 of Florida, is amended to read:

4           55.10 Judgments, orders, and decrees; lien of all,  
5 generally; extension of liens; transfer of liens to other  
6 security.--

7           (5) Any lien claimed under this section may be  
8 transferred, by any person having an interest in the real  
9 property upon which the lien is imposed or the contract under  
10 which the lien is claimed, from such real property to other  
11 security by either depositing in the clerk's office a sum of  
12 money or filing in the clerk's office a bond executed as  
13 surety by a surety insurer licensed to do business in this  
14 state. Such deposit or bond shall be in an amount equal to the  
15 amount demanded in such claim of lien plus interest thereon at  
16 the legal rate for 3 years plus \$500 to apply on any court  
17 costs which may be taxed in any proceeding to enforce said  
18 lien. Such deposit or bond shall be conditioned to pay any  
19 judgment, order, or decree which may be rendered for the  
20 satisfaction of the lien for which such claim of lien was  
21 recorded and costs plus \$500 for court costs. Upon such  
22 deposit being made or such bond being filed, the clerk shall  
23 make and record a certificate showing the transfer of the lien  
24 from the real property to the security and mail a copy thereof  
25 by registered or certified mail to the lienor named in the  
26 claim of lien so transferred, at the address stated therein.  
27 Upon the filing of the certificate of transfer, the real  
28 property shall thereupon be released from the lien claimed,  
29 and such lien shall be transferred to said security. The clerk  
30 shall be entitled to a service charge ~~fee~~ of up to \$15 for  
31 making and serving the certificate. If the transaction

1 involves the transfer of multiple liens, an additional charge  
2 of up to \$7.50 for each additional lien shall be charged. Any  
3 number of liens may be transferred to one such security.

4 Section 32. Subsection (2) of section 55.141, Florida  
5 Statutes, as amended by section 69 of chapter 2003-402, Laws  
6 of Florida, is amended to read:

7 55.141 Satisfaction of judgments and decrees; duties  
8 of clerk and judge.--

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

27 Section 33. Section 55.312, Florida Statutes, is  
28 created to read:

29 55.312 Service charge on certain money judgments and  
30 settlement agreements.--

31

1           (1)(a) A service charge equal to one-tenth of 1  
2 percent of the amount of each money judgment or settlement  
3 agreement in excess of \$100,000 entered by a circuit court in  
4 this state in any civil action for damages, other than an  
5 action for dissolution of marriage or breach of contract,  
6 shall be collected by and paid to the clerk of the court in  
7 the circuit where the action was filed. The service charge  
8 shall not apply to settlements reached at or before final  
9 pretrial conference.

10           (b) By agreement of the parties, the service charge  
11 may be paid by any party or allocated to more than one party;  
12 however, if there is no agreement among the parties as to  
13 which party shall pay the service charge, the responsibility  
14 to pay it falls equally on each party to the action pro rata.  
15 The payment of the service charge shall be made at the time  
16 the payment or settlement is paid. If the parties enter into a  
17 confidential settlement, the amount of the settlement may be  
18 disclosed by the parties to the court, in camera, in order for  
19 the service charge to be assessed.

20           (2) The service charge imposed by this section shall  
21 be used to offset the general expense of the Florida Access to  
22 Civil Legal Assistance Act, ss. 68.094-68.105. The service  
23 charge does not apply if the paying party is a state or local  
24 governmental agency.

25           (3) The clerk of the court shall remit the service  
26 charge receipts collected under this section to the Department  
27 of Revenue. The Department of Revenue shall deposit the first  
28 \$5 million received each year into the Grants and Donations  
29 Trust Fund of the Department of Community Affairs to fund  
30 access to civil legal assistance as provided in subsection

31

1 (2), and the Department of Revenue shall deposit any excess  
2 into the General Revenue Fund.

3 (4) The Department of Revenue shall adopt rules  
4 governing the assessment, collection, and periodic remittance  
5 of the service charge to the department, and the required  
6 forms and procedures. The department shall collect any service  
7 charge if the department determines, upon investigation, that  
8 the charge was due but not timely remitted to the department.  
9 The rules shall require that remittance be made to the  
10 department within 30 days after the charge is collected by the  
11 clerk.

12 (5) An attorney licensed to practice in this state may  
13 not disburse any proceeds to a client in a civil case,  
14 mediation, or arbitration to which the service charge applies  
15 unless the attorney or the trial court provides for the  
16 assessment, allocation, and remittance of the applicable pro  
17 rata share of the service charge.

18 (6) Any party who fails to remit the service charge  
19 assessed pursuant to this section within 90 days after the  
20 date of the assessment commits a misdemeanor of the second  
21 degree, punishable as provided in s. 775.082 or s. 775.083.

22 (7) Before February 1 of each year, the Department of  
23 Revenue shall report in writing to the President of the Senate  
24 and the Speaker of the House of Representatives the dollar  
25 amount of remittances received by the department in the prior  
26 calendar year, by county.

27 Section 34. Section 57.085, Florida Statutes, as  
28 amended by section 72 of chapter 2003-402, Laws of Florida, is  
29 amended to read:

30 57.085 Deferral ~~Waiver~~ of prepayment of court costs  
31 and fees for indigent prisoners.--

1           (1) For the purposes of this section, the term  
2 "prisoner" means a person who has been convicted of a crime  
3 and is incarcerated for that crime or who is being held in  
4 custody pending extradition or sentencing.

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

30           (3) Before a prisoner may receive a deferral of  
31 prepayment of any court costs and fees for an action brought

1 under this section, the clerk of court must review the  
2 affidavit and certify the prisoner is indigent.

3 (4) When the clerk has issued a certificate of  
4 indigence under this section but concludes the prisoner is  
5 able to pay part of the court costs and fees required by law,  
6 the court shall order the prisoner to make, prior to service  
7 of process, an initial partial payment of those court costs  
8 and fees. The initial partial payment must total at least 20  
9 percent of the average monthly balance of the prisoner's trust  
10 account for the preceding 6 months or for the length of the  
11 prisoner's incarceration, whichever period is shorter.

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

23 (6) Before an indigent prisoner may intervene in or  
24 initiate any judicial proceeding, the court must review the  
25 prisoner's claim to determine whether it is legally sufficient  
26 to state a cause of action for which the court has  
27 jurisdiction and may grant relief. The court shall dismiss  
28 all or part of an indigent prisoner's claim which:

29 (a) Fails to state a claim for which relief may be  
30 granted;

31

1           (b) Seeks monetary relief from a defendant who is  
2 immune from such relief;

3           (c) Seeks relief for mental or emotional injury where  
4 there has been no related allegation of a physical injury; or

5           (d) Is frivolous or~~malicious~~, or reasonably appears  
6 to be intended to harass one or more named defendants.

7           (7) A prisoner who has twice in the preceding 3 years  
8 been adjudicated indigent under this section, certified  
9 indigent under s. 57.081, or authorized to proceed as an  
10 indigent under 28 U.S.C. s. 1915 by a federal court may not be  
11 adjudicated indigent to pursue a new suit, action, claim,  
12 proceeding, or appeal without first obtaining leave of court.  
13 In a request for leave of court, the prisoner must provide a  
14 complete listing of each suit, action, claim, proceeding, or  
15 appeal brought by the prisoner or intervened in by the  
16 prisoner in any court or other adjudicatory forum in the  
17 preceding 5 years. The prisoner must attach to a request for  
18 leave of court a copy of each complaint, petition, or other  
19 document purporting to commence a lawsuit and a record of  
20 disposition of the proceeding.

21           (8) In any judicial proceeding in which a certificate  
22 of indigence has been issued to a prisoner, the court may at  
23 any time dismiss the prisoner's action, in whole or in part,  
24 upon a finding that:

25           (a) The prisoner's claim of indigence is false or  
26 misleading;

27           (b) The prisoner provided false or misleading  
28 information regarding another judicial or administrative  
29 proceeding in which the prisoner was a party;

30           (c) The prisoner failed to pay court costs and fees  
31 under this section despite having the ability to pay; or

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

3 (9) In determining whether an action is frivolous or  
4 malicious, the court may consider whether:

5 (a) The prisoner's claim has no arguable basis in law  
6 or fact;

7 (b) The prisoner's claim reasonably appears intended  
8 solely to harass a party filed against;

9 (c) The prisoner's claim is substantially similar to a  
10 previous claim in that it involves the same parties or arises  
11 from the same operative facts as a previous claim;

12 (d) The prisoner's claim has little likelihood of  
13 success on its merits; or

14 (e) The allegations of fact in the prisoner's claim  
15 are fanciful or not credible.

16 (10) This section does not apply to a criminal  
17 proceeding or a collateral criminal proceeding.

18 Section 35. Paragraph (b) of subsection (6) of section  
19 61.14, Florida Statutes, as amended by section 73 of chapter  
20 2003-402, Laws of Florida, is amended to read:

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

23 (6)

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

29 a. The delinquency and its amount.

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

1 amounts which thereafter become due and are unpaid, together  
2 with costs and a fee of up to \$7.50~~\$5~~, for failure to pay the  
3 amount of the delinquency.

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

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

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

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

16 Section 36. Section 125.69, Florida Statutes, as  
17 amended by section 80 of chapter 2003-402, Laws of Florida, is  
18 amended to read:

19 125.69 Penalties; enforcement by code inspectors.--

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

1 order for the county to carry out a federally mandated  
2 program.

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

17 (2)(3) Each county is authorized and required to pay  
18 any attorney appointed by the court to represent a defendant  
19 prosecuted under this section if the provision of an attorney  
20 at public expense is required by the Constitution of the  
21 United States or the Constitution of the State of Florida and  
22 if the party is indigent as established pursuant to s. 27.52.  
23 In such cases, the court shall appoint counsel to represent  
24 the defendant in accordance with s. 27.40, and shall order the  
25 county to pay the reasonable fees, expenses, and costs of such  
26 defense. The county may contract with the public defender of  
27 the judicial circuit in which the county is located to provide  
28 representation under this subsection.

29 (3)(4) The county shall bear all court fees and costs  
30 of any prosecution under this section, and may, if it  
31 prevails, recover the court fees and costs paid by it and the

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

6 (4)~~(5)~~ The board of county commissioners of each  
7 county may designate its agents or employees as code  
8 inspectors whose duty it is to assure code compliance. Any  
9 person designated as a code inspector may issue citations for  
10 violations of county codes and ordinances, respectively, or  
11 subsequent amendments thereto, when such code inspector has  
12 actual knowledge that a violation has been committed.

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

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

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

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

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

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

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

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

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

30  
31

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

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

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

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

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

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

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

15 Section 37. Subsection (3) of section 129.02, Florida  
16 Statutes, is amended to read:

17 129.02 Requisites of budgets.--Each budget shall  
18 conform to the following specific directions and requirements:

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

29 Section 38. Section 142.01, Florida Statutes, as  
30 amended by section 81 of chapter 2003-402, Laws of Florida, is  
31 amended to read:

1           142.01 Fine and forfeiture fund.--There shall be  
2 established by the clerk of the circuit court in each county  
3 of this state a separate fund to be known as the fine and  
4 forfeiture fund for use by the clerk of the circuit court in  
5 performing court-related functions. The fund shall consist of  
6 all fines and forfeitures collected by the clerk of the court  
7 for violations of the penal ~~or traffic~~ laws of the state,  
8 including criminal traffic violations, except those fines  
9 imposed under s. 775.0835(1); allocations of court costs and  
10 civil penalties pursuant to ~~s. ss-~~318.18 not otherwise  
11 provided for in s. 318.18(11)(a) and s. 318.21; assessments  
12 imposed under ss. 938.21, 938.23, and 938.25; and all costs  
13 refunded to the county.

14           Section 39. Subsection (3) of section 166.0415,  
15 Florida Statutes, is amended to read:

16           166.0415 Enforcement by code inspectors; citations.--

17           (3) A citation issued by a code inspector shall state  
18 the date and time of issuance; name and address of the person  
19 in violation; date of the violation; section of the codes or  
20 ordinances, or subsequent amendments thereto, violated; name  
21 of the code inspector; and date and time when the violator  
22 shall appear in county court if the municipality has a  
23 contract or other agreement with a state attorney for  
24 representation.

25           Section 40. Subsection (3) is added to section  
26 218.245, Florida Statutes, to read:

27           218.245 Revenue sharing; apportionment.--

28           (3) Revenues attributed to the increase in  
29 distribution to the Revenue Sharing Trust Fund for  
30 Municipalities pursuant to s. 212.20(6)(d)6. from 1.0715 to  
31 1.3409 percent as provided in chapter 2003-402, Laws of

1 Florida, shall be distributed as follows: each eligible  
2 municipality's allocation will be based on the amount it  
3 received from the half-cent sales tax under s. 218.61 in the  
4 prior state fiscal year divided by the total receipts under s.  
5 218.61 in the prior state fiscal year for all eligible  
6 municipalities. For eligible municipalities that began  
7 participating in the allocation of half-cent sales tax under  
8 s. 218.61 in the previous state fiscal year, their annual  
9 receipts will be calculated by dividing their actual receipts  
10 by the number of months they participated, and the result  
11 multiplied by 12.

12 Section 41. Subsection (10) of section 318.14, Florida  
13 Statutes, is amended to read:

14 318.14 Noncriminal traffic infractions; exception;  
15 procedures.--

16 (10)(a) Any person cited for an offense listed under  
17 this subsection may, in lieu of payment of fine or court  
18 appearance, elect to enter a plea of nolo contendere and  
19 provide proof of compliance to the clerk of the court or  
20 authorized operator of a traffic violations bureau. In such  
21 case, adjudication shall be withheld; however, no election  
22 shall be made under this subsection if such person has made an  
23 election under this subsection in the 12 months preceding  
24 election hereunder. No person may make more than three  
25 elections under this subsection. This subsection applies to  
26 the following offenses:

27 1. Operating a motor vehicle without a valid driver's  
28 license in violation of the provisions of s. 322.03, s.  
29 322.065, or s. 322.15(1), or operating a motor vehicle with a  
30 license that ~~which~~ has been suspended for failure to appear,  
31

1 failure to pay civil penalty, or failure to attend a driver  
2 improvement course pursuant to s. 322.291.

3 2. Operating a motor vehicle without a valid  
4 registration in violation of s. 320.0605, s. 320.07, or s.  
5 320.131.

6 3. Operating a motor vehicle in violation of s.  
7 316.646.

8 (b) Any person cited for an offense listed in this  
9 subsection shall present proof of compliance prior to the  
10 scheduled court appearance date. For the purposes of this  
11 subsection, proof of compliance shall consist of a valid,  
12 renewed, or reinstated driver's license or registration  
13 certificate and proper proof of maintenance of security as  
14 required by s. 316.646. Notwithstanding waiver of fine, any  
15 person establishing proof of compliance shall be assessed  
16 court costs of \$22, except that a person charged with  
17 violation of s. 316.646(1)-(3) may be assessed court costs of  
18 \$7. One dollar of such costs shall be remitted to the  
19 Department of Revenue for deposit into the Child Welfare  
20 Training Trust Fund of the Department of Children and Family  
21 Services. One dollar of such costs shall be distributed to the  
22 Department of Juvenile Justice for deposit into the Juvenile  
23 Justice Training Trust Fund. Twelve dollars of such costs  
24 shall be distributed to the municipality and \$8 shall be  
25 deposited by the clerk into the fine and forfeiture fund  
26 established pursuant to s. 142.01 ~~retained by the county~~, if  
27 the offense was committed within the municipality. If the  
28 offense was committed in an unincorporated area of a county or  
29 if the citation was for a violation of s. 316.646(1)-(3), ~~the~~  
30 ~~county shall retain~~ the entire amount shall be deposited by  
31 the clerk into the fine and forfeiture fund established

1 pursuant to s. 142.01, except for the moneys to be deposited  
2 into the Child Welfare Training Trust Fund and the Juvenile  
3 Justice Training Trust Fund. This subsection shall not be  
4 construed to authorize the operation of a vehicle without a  
5 valid driver's license, without a valid vehicle tag and  
6 registration, or without the maintenance of required security.

7 Section 42. Subsection (2) of section 318.15, Florida  
8 Statutes, as amended by section 98 of chapter 2003-402, Laws  
9 of Florida, is amended to read:

10 318.15 Failure to comply with civil penalty or to  
11 appear; penalty.--

12 (2) After suspension of the driver's license and  
13 privilege to drive of a person under subsection (1), the  
14 license and privilege may not be reinstated until the person  
15 complies with all obligations and penalties imposed on him or  
16 her under s. 318.18 and presents to a driver license office a  
17 certificate of compliance issued by the court, ~~together~~ with a  
18 nonrefundable service charge fee of up to ~~\$47.50~~\$37.50  
19 imposed under s. 322.29, or presents the certificate of  
20 compliance and pays the aforementioned service charge fee of  
21 up to ~~\$47.50~~\$37.50 to the clerk of the court or tax collector  
22 clearing such suspension. Ten dollars of the fee collected by  
23 the clerk of the court or tax collector shall be remitted to  
24 the Department of Revenue to be deposited into the Highway  
25 Safety Operating Trust Fund. Such person must ~~shall~~ also be in  
26 compliance with requirements of chapter 322 prior to  
27 reinstatement.

28 Section 43. Subsections (8) and (11) of section  
29 318.18, Florida Statutes, as amended by section 99 of chapter  
30 2003-402, Laws of Florida, are amended, and subsection (13) is  
31 added to that section, to read:

1           318.18 Amount of civil penalties.--The penalties  
2 required for a noncriminal disposition pursuant to s. 318.14  
3 are as follows:

4           (8)(a) Any person who fails to comply with the court's  
5 requirements or who fails to pay the civil penalties specified  
6 in this section within the 30-day period provided for in s.  
7 318.14 must pay an additional civil penalty of up to \$18 ~~\$12~~,  
8 \$2.50 of which must be remitted to the Department of Revenue  
9 for deposit in the General Revenue Fund, and \$9.50 of which  
10 must be remitted to the Department of Revenue for deposit in  
11 the Highway Safety Operating Trust Fund. The department shall  
12 contract with the Florida Association of Court Clerks, Inc.,  
13 to design, establish, operate, upgrade, and maintain an  
14 automated statewide Uniform Traffic Citation Accounting System  
15 to be operated by the clerks of the court which shall include,  
16 but not be limited to, the accounting for traffic infractions  
17 by type, a record of the disposition of the citations, and an  
18 accounting system for the fines assessed and the subsequent  
19 fine amounts paid to the clerks of the court. On or before  
20 December 1, 2001, the clerks of the court must provide the  
21 information required by this chapter to be transmitted to the  
22 department by electronic transmission pursuant to the  
23 contract.

24           (b) Any person who fails to comply with the court's  
25 requirements as to civil penalties specified in this section  
26 due to demonstrable financial hardship shall be authorized to  
27 satisfy such civil penalties by public works or community  
28 service. Each hour of such service shall be applied, at the  
29 rate of the minimum wage, toward payment of the person's civil  
30 penalties; ~~provided, however, that~~ if the person has a trade  
31 or profession for which there is a community service need and

1 application, the rate for each hour of such service shall be  
2 the average standard wage for such trade or profession. Any  
3 person who fails to comply with the court's requirements as to  
4 such civil penalties who does not demonstrate financial  
5 hardship may also, at the discretion of the court, be  
6 authorized to satisfy such civil penalties by public works or  
7 community service in the same manner.

8 (c) If the noncriminal infraction has caused or  
9 resulted in the death of another, the person who committed the  
10 infraction may perform 120 community service hours under s.  
11 316.027(4), in addition to any other penalties.

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

16  
17 For pedestrian infractions.....\$ 3.  
18 For nonmoving traffic infractions.....\$ 16.  
19 For moving traffic infractions.....\$ 30.

20 (b) Of the funds collected under paragraph (a), \$3 for  
21 each infraction shall be distributed by the clerk to the  
22 county to help pay for local or regional criminal justice  
23 selection centers or criminal justice access and assessment  
24 centers or to help pay for criminal justice education and  
25 training programs pursuant to s. 938.15. Funds from the \$3 not  
26 directed by the county to fund these centers or programs shall  
27 be retained by the clerk and used for funding the  
28 court-related services of the clerk.

29 (c)~~(b)~~ In addition to the court cost required under  
30 paragraph (a), a \$3 court cost must be paid for each  
31 infraction to be distributed as provided in s. 938.01 and a \$2

1 court cost as provided in s. 938.15 when assessed by a  
2 municipality or county.

3 (13) Notwithstanding any law to the contrary, a board  
4 of county commissioners that imposed by ordinance increased  
5 fees or service charges under s. 28.2401, s. 28.241, or s.  
6 34.041 for the purpose of securing payment of the principal of  
7 and interest on bonds issued by the county before July 1,  
8 2003, to finance state court facilities may impose by  
9 ordinance a surcharge of up to \$10 on any fine or forfeiture  
10 collected by the county for the violation of a traffic  
11 ordinance. Revenue from the surcharge shall be used to pay the  
12 principal of and interest on the bonds until the date of  
13 stated maturity. The bonds may be refunded only if:

14 1. Savings will be realized on payments of debt  
15 service; and

16 2. The refunding bonds are scheduled to mature on the  
17 same date or before the bonds being refunded.

18 Section 44. Subsections (3) and (11) of section  
19 318.21, Florida Statutes, as amended by section 100 of chapter  
20 2003-402, Laws of Florida, are amended to read:

21 318.21 Disposition of civil penalties by county  
22 courts.--All civil penalties received by a county court  
23 pursuant to the provisions of this chapter shall be  
24 distributed and paid monthly as follows:

25 (3)~~(a)~~ Moneys paid to a municipality or special  
26 improvement district under subparagraph (2)(g)1. must be used  
27 to fund local criminal justice training as provided in s.  
28 938.15 when such a program is established by ordinance; to  
29 fund a municipal school crossing guard training program; and  
30 for any other lawful purpose.

31

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

6           (11)(a) A ~~county or~~ municipality may, by majority vote  
7 of its ~~the~~ governing board of ~~the respective county or~~  
8 ~~municipality~~, impose a surcharge on parking fines for the sole  
9 purpose of funding school crossing guard programs; however,  
10 the governing body may set aside funds from this surcharge to  
11 pay for startup costs and recurring administrative costs  
12 related to printing new tickets or other means of implementing  
13 the program. The surcharge must be authorized by ordinance  
14 requiring public hearings.

15           (b) The proceeds of this surcharge must be placed in a  
16 trust fund established by the governing body of the ~~county or~~  
17 ~~municipality~~ called the School Crossing Guard Trust Fund.  
18 Funds collected from this surcharge must be distributed  
19 quarterly to fund the school crossing guard programs provided  
20 in subsection (3).

21           (c) If a county government is operating a school  
22 crossing guard program in the exercise of its municipal  
23 responsibilities, the county may, by majority vote of its  
24 governing board, impose a countywide surcharge on parking  
25 fines for the sole purpose of funding municipal school  
26 crossing guard programs throughout the county; however, the  
27 governing body may set aside funds from this surcharge to pay  
28 for startup costs and recurring administrative costs related  
29 to printing new tickets or other means of implementing the  
30 program. The surcharge must be authorized by an ordinance  
31 requiring public hearings. This surcharge, established by the

1 governing body of the county, must be placed in a trust fund  
2 called the School Crossing Guard Trust Fund. Funds collected  
3 from this surcharge must be distributed quarterly to  
4 jurisdictions to fund school crossing guard programs based on  
5 each jurisdiction's percentage of the school crossing guards  
6 in the county school district.

7 Section 45. Paragraph (a) of subsection (4) of section  
8 321.05, Florida Statutes, is amended to read:

9 321.05 Duties, functions, and powers of patrol  
10 officers.--The members of the Florida Highway Patrol are  
11 hereby declared to be conservators of the peace and law  
12 enforcement officers of the state, with the common-law right  
13 to arrest a person who, in the presence of the arresting  
14 officer, commits a felony or commits an affray or breach of  
15 the peace constituting a misdemeanor, with full power to bear  
16 arms; and they shall apprehend, without warrant, any person in  
17 the unlawful commission of any of the acts over which the  
18 members of the Florida Highway Patrol are given jurisdiction  
19 as hereinafter set out and deliver him or her to the sheriff  
20 of the county that further proceedings may be had against him  
21 or her according to law. In the performance of any of the  
22 powers, duties, and functions authorized by law, members of  
23 the Florida Highway Patrol shall have the same protections and  
24 immunities afforded other peace officers, which shall be  
25 recognized by all courts having jurisdiction over offenses  
26 against the laws of this state, and shall have authority to  
27 apply for, serve, and execute search warrants, arrest  
28 warrants, capias, and other process of the court in those  
29 matters in which patrol officers have primary responsibility  
30 as set forth in subsection (1). The patrol officers under the  
31 direction and supervision of the Department of Highway Safety

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

3 (4)(a) All fines and costs and the proceeds of the  
4 forfeiture of bail bonds and recognizances resulting from the  
5 enforcement of this chapter by patrol officers shall be paid  
6 into the fine and forfeiture fund established pursuant to s.  
7 142.01 of the county where the offense is committed. In all  
8 cases of arrest by patrol officers, the person arrested shall  
9 be delivered forthwith by the ~~said~~ officer to the sheriff of  
10 the county, or he or she shall obtain from such person  
11 arrested a recognizance or, if deemed necessary, a cash bond  
12 or other sufficient security conditioned for his or her  
13 appearance before the proper tribunal of such county to answer  
14 the charge for which he or she has been arrested; and all fees  
15 accruing shall be taxed against the party arrested, which fees  
16 are ~~hereby~~ declared to be part of the compensation of such  
17 ~~said~~ sheriffs authorized to be fixed by the Legislature under  
18 s. 5(c), Art. II of the State Constitution, to be paid such  
19 sheriffs in the same manner as fees are paid for like services  
20 in other criminal cases. All patrol officers are ~~hereby~~  
21 directed to deliver all bonds accepted and approved by them to  
22 the sheriff of the county in which the offense is alleged to  
23 have been committed. However, no sheriff shall be paid any  
24 arrest fee for the arrest of a person for violation of any  
25 section of chapter 316 when the arresting officer was  
26 transported in a Florida Highway Patrol car to the vicinity  
27 where the arrest was made; and no sheriff shall be paid any  
28 fee for mileage for himself or herself or a prisoner for miles  
29 traveled in a Florida Highway Patrol car. No patrol officer  
30 shall be entitled to any fee or mileage cost except when  
31 responding to a subpoena in a civil cause or except when such

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

10 Section 46. Subsections (4) and (11) of section  
11 327.73, Florida Statutes, as amended by section 103 of chapter  
12 2003-402, Laws of Florida, are amended to read:

13 327.73 Noncriminal infractions.--

14 (4) Any person charged with a noncriminal infraction  
15 under this section may:

16 (a) Pay the civil penalty, either by mail or in  
17 person, within 30 days of the date of receiving the citation;  
18 or,

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

21  
22 If the person cited follows either of the above procedures, he  
23 or she shall be deemed to have admitted the noncriminal  
24 infraction and to have waived the right to a hearing on the  
25 issue of commission of the infraction. Such admission shall  
26 not be used as evidence in any other proceedings. If a person  
27 who is cited for a violation of s. 327.395 can show a boating  
28 safety identification card issued to that person and valid at  
29 the time of the citation, the clerk of the court may dismiss  
30 the case and may assess a ~~\$5~~ dismissal fee of up to \$7.50. If  
31 a person who is cited for a violation of s. 328.72(13) can

1 show proof of having a registration for that vessel which was  
2 valid at the time of the citation, the clerk may dismiss the  
3 case and may assess a ~~\$5~~ dismissal fee of up to \$7.50.

4 (11)(a) Court costs that are to be in addition to the  
5 stated civil penalty shall be imposed by the court in an  
6 amount not less than the following:

7 1. For swimming or diving infractions, up to \$4.50 ~~\$3~~.

8 2. For nonmoving boating infractions, up to \$9 ~~\$6~~.

9 3. For boating infractions listed in s. 327.731(1), up  
10 to \$15 ~~\$10~~.

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

17  
18 Court costs imposed under this subsection may not exceed \$45  
19 ~~\$30~~. A criminal justice selection center or both local  
20 criminal justice access and assessment centers may be funded  
21 from these court costs.

22 Section 47. Subsection (1) of section 372.72, Florida  
23 Statutes, is amended to read:

24 372.72 Disposition of fines, penalties, and  
25 forfeitures.--

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

1           Section 48. Section 382.023, Florida Statutes, as  
2 amended by section 104 of chapter 2003-402, Laws of Florida,  
3 is amended to read:

4           382.023 Department to receive dissolution-of-marriage  
5 records; fees.--Clerks of the circuit courts shall collect for  
6 their services at the time of the filing of a final judgment  
7 of dissolution of marriage a fee of up to \$10.50, of which 43  
8 percent shall be retained by the clerk of the circuit court as  
9 a part of the cost in the cause in which the judgment is  
10 granted. The remaining 57 percent shall be remitted to the  
11 Department of Revenue for deposit to the Department of Health  
12 to defray part of the cost of maintaining the  
13 dissolution-of-marriage records. A record of each and every  
14 judgment of dissolution of marriage granted by the court  
15 during the preceding calendar month, giving names of parties  
16 and such other data as required by forms prescribed by the  
17 department, shall be transmitted to the department, on or  
18 before the 10th day of each month, along with an accounting of  
19 the funds remitted to the Department of Revenue pursuant to  
20 this section.

21           Section 49. Subsection (2) of section 384.288, Florida  
22 Statutes, is amended to read:

23           384.288 Fees and other compensation; payment by board  
24 of county commissioners.--

25           (2) All court-related fees, mileage, and charges shall  
26 be taxed by the court as costs in each proceeding and shall be  
27 paid by the board of county commissioners ~~out of the general~~  
28 ~~fund or fine and forfeiture fund of the county.~~

29           Section 50. Subsection (2) of section 392.68, Florida  
30 Statutes, is amended to read:

31           392.68 Fees and other compensation.--

1           (2) All fees, mileage, and charges shall be taxed by  
2 the court as costs in each proceeding and shall be paid by the  
3 board of county commissioners ~~out of the general funds or the~~  
4 ~~fine and forfeiture funds of the county.~~

5           Section 51. Section 394.473, Florida Statutes, as  
6 amended by section 107 of chapter 2003-402, Laws of Florida,  
7 is amended to read:

8           394.473 Attorney's fee; expert witness fee.--

9           (1) In case of the indigence of any person for whom an  
10 attorney is appointed pursuant to the provisions of this part,  
11 the attorney shall be entitled to a reasonable fee to be  
12 determined by the court and paid pursuant to chapter 29 ~~from~~  
13 ~~the general fund of the county from which the patient was~~  
14 ~~involuntarily detained.~~ In case of the indigence of any such  
15 person, the court may appoint a public defender. The public  
16 defender shall receive no additional compensation other than  
17 that usually paid his or her office.

18           (2) In case of the indigence of any person for whom  
19 expert testimony is required in a court hearing pursuant to  
20 the provisions of this act, the expert, except one who is  
21 classified as a full-time employee of the state ~~or who is~~  
22 ~~receiving remuneration from the state for his or her time in~~  
23 ~~attendance at the hearing,~~ shall be entitled to a reasonable  
24 fee to be determined by the court and paid pursuant to chapter  
25 29 ~~from the general fund of the county from which the patient~~  
26 ~~was involuntarily detained.~~

27           Section 52. Subsection (1) of section 395.3025,  
28 Florida Statutes, as amended by section 108 of chapter  
29 2003-402, Laws of Florida, is amended to read:

30           395.3025 Patient and personnel records; copies;  
31 examination.--

1           (1) Any licensed facility shall, upon written request,  
2 and only after discharge of the patient, furnish, in a timely  
3 manner, without delays for legal review, to any person  
4 admitted therein for care and treatment or treated thereat, or  
5 to any such person's guardian, curator, or personal  
6 representative, or in the absence of one of those persons, to  
7 the next of kin of a decedent or the parent of a minor, or to  
8 anyone designated by such person in writing, a true and  
9 correct copy of all patient records, including X rays, and  
10 insurance information concerning such person, which records  
11 are in the possession of the licensed facility, provided the  
12 person requesting such records agrees to pay a charge. The  
13 exclusive charge for copies of patient records may include  
14 sales tax and actual postage, and, except for nonpaper records  
15 that ~~which~~ are subject to a charge not to exceed \$2 ~~as~~  
16 ~~provided in s. 28.24(6)(c), may not exceed \$1 per page, as~~  
17 ~~provided in s. 28.24(5)(a).~~ A fee of up to \$1 may be charged  
18 for each year of records requested. These charges shall apply  
19 to all records furnished, whether directly from the facility  
20 or from a copy service providing these services on behalf of  
21 the facility. However, a patient whose records are copied or  
22 searched for the purpose of continuing to receive medical care  
23 is not required to pay a charge for copying or for the search.  
24 The licensed facility shall further allow any such person to  
25 examine the original records in its possession, or microforms  
26 or other suitable reproductions of the records, upon such  
27 reasonable terms as shall be imposed to assure that the  
28 records will not be damaged, destroyed, or altered.

29           Section 53. Subsection (4) of section 588.20, Florida  
30 Statutes, is amended to read:

31           588.20 Report of sale and disposition of proceeds.--

1           (4) If the amount realized from the sale or other  
2 disposition of the animal is insufficient to pay all fees,  
3 costs and expenses as provided in ss. 588.12-588.25, the  
4 deficit shall be paid by the county ~~from its fine and~~  
5 ~~forfeiture fund.~~

6           Section 54. Subsection (1) of section 713.24, Florida  
7 Statutes, as amended by section 111 of chapter 2003-402, Laws  
8 of Florida, is amended to read:

9           713.24 Transfer of liens to security.--

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

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

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

20  
21 either to be in an amount equal to the amount demanded in such  
22 claim of lien, plus interest thereon at the legal rate for 3  
23 years, plus \$1,000 or 25 percent of the amount demanded in the  
24 claim of lien, whichever is greater, to apply on any  
25 attorney's fees and court costs that may be taxed in any  
26 proceeding to enforce said lien. Such deposit or bond shall be  
27 conditioned to pay any judgment or decree which may be  
28 rendered for the satisfaction of the lien for which such claim  
29 of lien was recorded. Upon making such deposit or filing such  
30 bond, the clerk shall make and record a certificate showing  
31 the transfer of the lien from the real property to the

1 security and shall mail a copy thereof by registered or  
2 certified mail to the lienor named in the claim of lien so  
3 transferred, at the address stated therein. Upon filing the  
4 certificate of transfer, the real property shall thereupon be  
5 released from the lien claimed, and such lien shall be  
6 transferred to said security. In the absence of allegations of  
7 privity between the lienor and the owner, and subject to any  
8 order of the court increasing the amount required for the lien  
9 transfer deposit or bond, no other judgment or decree to pay  
10 money may be entered by the court against the owner. The clerk  
11 shall be entitled to a service charge ~~fee~~ for making and  
12 serving the certificate, in the sum of \$10. If the  
13 transaction involves the transfer of multiple liens, an  
14 additional charge of \$5 for each additional lien shall be  
15 charged. For recording the certificate and approving the  
16 bond, the clerk shall receive her or his usual statutory  
17 service charges as prescribed in s. 28.24. Any number of liens  
18 may be transferred to one such security.

19 Section 55. Section 721.83, Florida Statutes, as  
20 amended by section 112 of chapter 2003-402, Laws of Florida,  
21 is amended to read:

22 721.83 Consolidation of foreclosure actions.--

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

27 (a) The foreclosure proceeding involves a single  
28 timeshare property;

29 (b) The foreclosure proceeding is filed by a single  
30 plaintiff;

31

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

4 (d) The nature of the defaults alleged is the same for  
5 each defendant.

6 (2) In any foreclosure proceeding involving multiple  
7 defendants filed under subsection (1), the court shall sever  
8 for separate trial any count of the complaint in which a  
9 defense or counterclaim is timely raised by a defendant.

10 (3) The clerk of court shall require a plaintiff to  
11 pay separate filing fees and service charges as provided by  
12 general law for each single timeshare property ~~defendant~~ in a  
13 consolidated foreclosure action filed pursuant to this  
14 section.

15 Section 56. Subsection (2) of section 766.104, Florida  
16 Statutes, is amended to read:

17 766.104 Pleading in medical negligence cases; claim  
18 for punitive damages; authorization for release of records for  
19 investigation.--

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

30 Section 57. Section 849.19, Florida Statutes, is  
31 amended to read:

1           849.19 Property rights in confiscated machine.--The  
2 right of property in and to any machine, apparatus or device  
3 as defined in s. 849.16 and to all money and other things of  
4 value therein, is declared not to exist in any person, and the  
5 same shall be forfeited and such money or other things of  
6 value shall be forfeited ~~to the county in which the seizure~~  
7 ~~was made~~ and shall be delivered forthwith to the clerk of the  
8 circuit court and shall by her or him be placed in the fine  
9 and forfeiture fund established pursuant to s. 142.01 ~~of said~~  
10 ~~county~~.

11           Section 58. Section 849.22, Florida Statutes, is  
12 amended to read:

13           849.22 Fees of clerk of circuit court and  
14 sheriff.--The clerks of the courts and the sheriffs performing  
15 duties under the provisions of ss. 849.15-849.23 shall receive  
16 the same fees as prescribed by general law for the performance  
17 of similar duties, and such fees shall be paid by ~~out of the~~  
18 ~~fine and forfeiture fund of~~ the county as costs are paid upon  
19 conviction of an insolvent person.

20           Section 59. Section 849.44, Florida Statutes, is  
21 amended to read:

22           849.44 Disposition of proceeds of forfeiture.--All  
23 sums received from a sale or other disposition of the seized  
24 property shall be paid into the ~~county~~ fine and forfeiture  
25 fund established pursuant to s. 142.01 and shall become a part  
26 thereof; ~~provided, however, that~~ in instances where the  
27 seizure is by a municipal police officer within the limits of  
28 any municipality having an ordinance requiring such vehicles,  
29 vessels or conveyances to be forfeited, the city attorney  
30 shall act in behalf of the city in lieu of the state attorney  
31 and shall proceed to forfeit the property as herein provided,

1 and all sums received therefrom shall go into the general  
2 operating fund of the city.

3 Section 60. Subsection (3) of section 903.26, Florida  
4 Statutes, is amended to read:

5 903.26 Forfeiture of the bond; when and how directed;  
6 discharge; how and when made; effect of payment.--

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

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

12 (b) Municipal officials having custody of forfeited  
13 money shall deposit the money in a designated municipal fund;

14 (c) Officials having custody of bonds as authorized by  
15 s. 903.16 shall transmit the bonds to the clerk of the circuit  
16 court who shall sell them at market value and disburse the  
17 proceeds as provided in paragraphs (a) and (b).

18 Section 61. Section 925.09, Florida Statutes, is  
19 amended to read:

20 925.09 Authority of state attorney to order  
21 autopsies.--The state attorney may have an autopsy performed,  
22 before or after interment, on a dead body found in the county  
23 when she or he decides it is necessary in determining whether  
24 or not death was the result of a crime. Physicians performing  
25 the autopsy shall be paid reasonable fees by ~~from~~ the county  
26 ~~fine and forfeiture fund~~ upon the approval of the county  
27 commission and the state attorney ordering the autopsy.

28 Section 62. Section 938.17, Florida Statutes, is  
29 amended to read:

30 938.17 County delinquency prevention.--

31

1           (1) JUVENILE ASSESSMENT CENTERS AND SCHOOL BOARD  
2 SUSPENSION PROGRAMS.--

3           (a)(1) A county may adopt a mandatory cost to be  
4 assessed in specific cases by incorporating by reference the  
5 provisions of this subsection ~~section~~ in a county ordinance.  
6 Prior to the adoption of the county ordinance, the sheriff's  
7 office of the county must be a partner in a written agreement  
8 with the Department of Juvenile Justice to participate in a  
9 juvenile assessment center or with the district school board  
10 to participate in a suspension program.

11           (b)(2) In counties in which the sheriff's office is a  
12 partner in a juvenile assessment center under ~~pursuant to s.~~  
13 985.209, or a partner in a suspension program developed in  
14 conjunction with the district school board in the county of  
15 the sheriff's jurisdiction, the court shall assess court costs  
16 of \$3 per case, in addition to any other authorized cost or  
17 fine, on every person who, with respect to a charge,  
18 indictment, prosecution commenced, or petition of delinquency  
19 filed in that county or circuit, pleads guilty, nolo  
20 contendere to, or is convicted of, or adjudicated delinquent  
21 for, or has an adjudication withheld for, a felony or  
22 misdemeanor, or a criminal traffic offense or handicapped  
23 parking violation under state law, or a violation of any  
24 municipal or county ordinance, if the violation constitutes a  
25 misdemeanor under state law.

26           (c)1.(3)(a) The clerks of the county and circuit  
27 court, in a county where the sheriff's office is a partner in  
28 an assessment center or suspension program as specified in  
29 paragraph (a)subsection (1), shall collect and deposit the  
30 assessments collected under ~~pursuant to this subsection~~  
31 ~~section~~ in an appropriate, designated account established by

1 the clerk of the court, for disbursement to the sheriff as  
2 needed for the implementation and operation of an assessment  
3 center or suspension program.

4 2.(b) The clerk of the circuit and county court shall  
5 withhold 5 percent of the assessments each court collects  
6 under pursuant to this subsection section, for the costs of  
7 administering the collection of assessments ~~under this~~  
8 ~~section~~.

9 3.(c) Assessments collected by clerks of the circuit  
10 courts comprised of more than one county shall remit the funds  
11 collected under pursuant to this subsection section to the  
12 county in which the offense at issue was committed for deposit  
13 and disbursement according to this subsection section.

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

18 (d)(4) A sheriff's office that receives the cost  
19 assessments established in paragraph (a) subsection (1) shall  
20 account for all funds that have been deposited into the  
21 designated account by August 1 annually in a written report to  
22 the juvenile justice county council if funds are used for  
23 assessment centers, and to the district school board if funds  
24 are used for suspension programs.

25 (2) TEEN COURTS; OPERATION AND ADMINISTRATION.--

26 (a) Notwithstanding s. 318.121, in each county in  
27 which a teen court has been created, the board of county  
28 commissioners may adopt a mandatory cost to be assessed in  
29 specific cases by incorporating by reference the provisions of  
30 this subsection in a county ordinance. Assessments collected  
31 by the clerk of the circuit court under this subsection shall

1 be deposited into an account specifically for the operation  
2 and administration of the teen court.

3 (b) A sum of \$3 shall be assessed as a court cost in  
4 the circuit and county court in the county against each person  
5 who pleads guilty or nolo contendere to, or is convicted of,  
6 regardless of adjudication, a violation of a criminal law or a  
7 municipal ordinance or county ordinance or who pays a fine or  
8 civil penalty for any violation of chapter 316. Any person  
9 whose adjudication is withheld under s. 318.14(9) or (10)  
10 shall also be assessed the cost.

11 (c) The \$3 assessment for court costs shall be  
12 assessed in addition to any fine or civil penalty or other  
13 court cost and may not be deducted from the proceeds of that  
14 portion of any fine or civil penalty which is received by a  
15 municipality in the county or by the county in accordance with  
16 ss. 316.660 and 318.21. The \$3 assessment shall be  
17 specifically added to any civil penalty paid for a violation  
18 of chapter 316, regardless of whether the penalty is paid by  
19 mail, paid in person without request for a hearing, or paid  
20 after hearing and determination by the court. However, the \$3  
21 assessment may not be made against a person for a violation of  
22 any state law, county ordinance, or municipal ordinance  
23 relating to the parking of vehicles, with the exception of a  
24 violation of the handicapped parking laws.

25 (d)1. The clerk of the circuit court shall collect the  
26 \$3 assessments for court costs established in this subsection  
27 and shall remit the assessments to the teen court monthly.

28 2. The clerk of the circuit court shall withhold 5  
29 percent of the assessments collected, which shall be retained  
30 as fee income of the office of the clerk of the circuit court.

31

1           (e) A teen court that receives the cost assessments  
2 established by the adopted county ordinance must account for  
3 all funds that have been deposited into the designated account  
4 in a written report to the board of county commissioners. The  
5 report must be given to the commissioners by August 1 of each  
6 year or by a date required by the commissioners.

7           (f) A teen court may be administered by a nonprofit  
8 organization, a law enforcement agency, the court  
9 administrator, the clerk of the court, or another similar  
10 agency authorized by the board of county commissioners.

11           Section 63. Subsection (4) of section 938.29, Florida  
12 Statutes, is amended to read:

13           938.29 Legal assistance; lien for payment of  
14 attorney's fees or costs.--

15           (4) The clerk of the circuit court of the county  
16 claiming such debt or lien may pursue collection on the debt  
17 or lien remaining unpaid for 90 days or more or refer such  
18 collection to a private attorney who is a member in good  
19 standing of The Florida Bar or a collection agent who in  
20 registered and in good standing pursuant to chapter 559. In  
21 pursuing the collection of such unpaid financial obligations  
22 through a private attorney or collection agent, the clerk of  
23 the circuit court must determine this is cost-effective and  
24 follow applicable procurement practices. The cost of  
25 collection, including a reasonable attorney's fee, may be  
26 recovered by adding the cost and fee to the balance owed,  
27 except that such fee and cost may not exceed 40 percent of the  
28 balance owed.~~The clerk of the county claiming such lien is~~  
29 ~~authorized to contract with a private attorney or collection~~  
30 ~~agency for collection of such debts or liens, provided the fee~~  
31 ~~for such collection shall be on a contingent basis not to~~

1 ~~exceed 50 percent of the recovery. However, no fee shall be~~  
2 ~~paid to any collection agency by reason of foreclosure~~  
3 ~~proceedings against real property or from the proceeds from~~  
4 ~~the sale or other disposition of real property.~~

5 Section 64. Section 938.35, Florida Statutes, is  
6 amended to read:

7 938.35 Collection of court-related financial  
8 obligations.--The board of county commissioners may pursue the  
9 collection of any fines, court costs, or other costs to which  
10 it is entitled which remain unpaid for 90 days or more, or  
11 refer such collection to a private attorney who is a member in  
12 good standing of The Florida Bar or collection agent who is  
13 registered and in good standing pursuant to chapter 559. In  
14 pursuing the collection of such unpaid financial obligations  
15 through a private attorney or collection agent, the board of  
16 county commissioners must determine this is cost-effective and  
17 follow applicable procurement practices. The cost of  
18 collection, including a reasonable attorney's fee, may be  
19 recovered by adding the cost and fee to the balance owed,  
20 except that such fee and cost may not exceed 40 percent of the  
21 balance owed.

22 Section 65. The Division of Statutory Revision of the  
23 Office of Legislative Services is requested to redesignate, in  
24 the next edition of the Florida Statutes, the title of chapter  
25 40, Florida Statutes, from "Jurors and Payment of Jurors and  
26 Witnesses" to "Juries; Payment of Jurors and Due Process  
27 Costs."

28 Section 66. Billing submitted for payment of due  
29 process services, including, but not limited to, court  
30 reporter services, court interpreter services, expert witness  
31 services, mental health evaluations, and court appointed

1 counsel services must be paid by the counties if the services  
2 were rendered before July 1, 2004. Counties must also pay for  
3 the entire cost of any flat-fee-per-case payment pursuant to a  
4 contract or professional services agreement with  
5 court-appointed counsel for appointments made before July 1,  
6 2004, regardless of whether work on the case is actually  
7 concluded prior to July 1, 2004. Except for the flat-fee  
8 contracts with court-appointed counsel, billings for services  
9 on any case that commenced prior to July 1, 2004, but  
10 continues past July 1, 2004, must be submitted with an  
11 itemized listing of payment due for services rendered before  
12 July 1, 2004, and on or after July 1, 2004. The county shall  
13 pay the portion of the bill for services rendered before July  
14 1, 2004, and provide a copy of the itemized bill to the  
15 Justice Administrative Commission or the Office of State  
16 Courts Administrator as appropriate for payment of the portion  
17 of the bill for services provided on or after July 1, 2004.

18 Section 67. Sections 11.75 and 939.18, Florida  
19 Statutes, are repealed.

20 Section 68. This act shall take effect July 1, 2004.

21  
22 \*\*\*\*\*

23 SENATE SUMMARY

24 Revises a variety of provisions relating to: powers and  
25 duties of state attorneys, public defenders, and clerks  
26 of court; court costs and fees; services for indigent  
27 defendants; and budgetary and financial matters of  
28 entities within the judicial system. (See bill for  
29 details.)  
30  
31