

By the Committee on Judiciary; and Senators Smith and
Villalobos

308-2282-04

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; increasing the filing
6 fee for Supreme Court cases docketed and
7 specifying disposition and uses of fees
8 collected; amending s. 25.383, F.S.; providing
9 duties of the circuit Article V indigent
10 services committee with respect to court
11 reporting; amending s. 25.384, F.S.; revising
12 purposes for which Court Education Trust Fund
13 moneys must be used; amending s. 27.02, F.S.;
14 revising the authority of the state attorney to
15 enter into contracts with local governments for
16 prosecution of local ordinances; amending s.
17 27.34, F.S.; revising the authority of counties
18 or municipalities to contract with state
19 attorneys for prosecution of local ordinances;
20 authorizing the state attorney to expend funds
21 for computer systems; amending s. 27.40, F.S.;
22 providing minimum qualifications for
23 court-appointed counsel in certain cases;
24 requiring each circuit Article V indigent
25 services committee to develop procedures for
26 periodic review of each conflict counsel's
27 qualifications and competency; requiring a
28 report; amending s. 27.42, F.S.; clarifying
29 when a circuit Article V indigent services
30 committee must maintain a registry of counsel;
31 amending s. 27.51, F.S.; clarifying public

1 defender's duties of representation in certain
2 cases; amending s. 27.52, F.S.; clarifying
3 other services to be provided to indigents;
4 requiring clerk to provide assistance to
5 indigents under certain circumstances;
6 providing for court notification; clarifying
7 fees to be charged; amending s. 27.5303, F.S.;
8 providing uniform standards for determining
9 counsel's conflict of interest in certain
10 cases; requiring the trial attorney for an
11 indigent defendant in a death sentence case to
12 ensure that an appellate attorney is appointed
13 for that defendant; amending s. 27.5304, F.S.;
14 providing compensation for certain
15 court-appointed counsel in certain cases;
16 amending s. 27.54, F.S.; revising the authority
17 of the public defender to contract with local
18 government for defense in local ordinance
19 violations; amending s. 28.24, F.S.; clarifying
20 access to public records by court personnel,
21 state attorneys, statewide prosecutors, and
22 public defenders; amending s. 28.2401, F.S.;
23 increasing the additional service charge in
24 probate matters to fund court education and
25 clerk education; authorizing a county to impose
26 a surcharge on court fees and charges if it had
27 previously imposed increased fees and charges
28 to pay principal and interest on bonds issued
29 to finance state court facilities; authorizing
30 the use of surcharge revenue to refund existing
31 bonds under specified conditions; amending s.

1 28.2402, F.S.; reducing the filing fee for a
2 county or municipality to file a code or
3 ordinance violation in court; providing a court
4 cost to be assessed against the nonprevailing
5 party; providing for deposit of the court cost;
6 increasing a filing fee to fund court education
7 and clerk education; amending s. 28.241, F.S.;
8 authorizing a county to impose a surcharge on
9 court fees and charges if it had previously
10 imposed increased fees and charges to pay
11 principal and interest on bonds issued to
12 finance state court facilities; authorizing the
13 use of surcharge revenue to refund existing
14 bonds under specified conditions; revising
15 payment and distribution of filing fees for
16 trial and appellate proceedings; providing
17 exemptions to fees under certain circumstances;
18 establishing a fee to be paid by counsel
19 appearing pro hac vice before the circuit
20 court; amending s. 28.245, F.S.; providing for
21 distribution of funds by clerks of the court to
22 certain entities; providing for distribution
23 based upon time of collection; amending s.
24 28.246, F.S.; modifying the reporting of
25 discretionary fines and monetary penalties
26 assessed and collected; providing a service
27 charge for partial payments; limiting the
28 amount that may be paid in fees and costs for
29 collection services to collect unpaid court
30 fees, fines, court costs, and other costs;
31 amending s. 28.345, F.S.; adding to the list of

1 those exempt from all fees and charges assessed
2 by the clerk of the circuit court; amending s.
3 28.35, F.S.; deleting requirement that the
4 Clerk of Court Operations Conference publish a
5 schedule of fines, fees, and other costs;
6 amending s. 28.36, F.S.; revising what may be
7 included as revenue in budgets of clerks of
8 court for court-related functions; providing
9 for discretionary certification; clarifying
10 that the budget is a revenue budget; specifying
11 a time for transmission of revenue deficit
12 certifications; providing for estimated
13 expenditures in lieu of actual expenditures
14 under certain circumstances; amending s. 28.37,
15 F.S.; changing the date for remittance of
16 revenue by the clerk of the court; revising
17 payment procedure; deleting Department of
18 Revenue authority to adopt rules providing for
19 penalties for failure to comply with
20 remittance; amending s. 29.005, F.S.;
21 clarifying witnesses to be paid from state
22 revenue when summoned by a state attorney;
23 creating s. 29.0051, F.S.; requiring that trial
24 expenses of the statewide prosecutor be paid by
25 the state; amending s. 29.006, F.S.; clarifying
26 witnesses to be paid from state revenue when
27 summoned by a public defender; amending s.
28 29.007, F.S.; clarifying witnesses to be paid
29 from state funds; requiring that certain
30 expenses of court-appointed counsel must be in
31 accordance with policies of the circuit Article

1 V indigent services committee; amending s.
2 29.008, F.S.; requiring counties to provide
3 sign-language interpreter services for certain
4 persons; clarifying county funding requirements
5 for certain equipment and support staff;
6 creating s. 29.0085, F.S.; creating the
7 Judicial Information Integration Competency
8 Center to develop and implement integrated
9 computer systems for the state courts system;
10 providing for the center to be administratively
11 housed within the Justice Administrative
12 Commission; providing for a steering committee,
13 a data requirements workgroup, and a data
14 network integration workgroup and the members
15 thereof; specifying the duties of the steering
16 committee and the workgroups; providing for
17 reimbursement for certain expenses of the
18 members; prohibiting a rule or order that
19 directs or controls the development or
20 operation of the integrated computer systems of
21 the state courts system; providing an
22 appropriation and authorizing additional
23 positions; amending s. 29.016, F.S.; revising
24 purposes for which judicial branch contingency
25 funds may be used; amending s. 34.01, F.S.;
26 revising a cross-reference to court rules;
27 deleting redundant material; amending s.
28 34.041, F.S.; modifying filing fees in county
29 court; providing for disposition of certain
30 filing fees; increasing a filing fee to fund
31 court education and clerk education;

1 authorizing a county to impose a surcharge on
2 court fees and charges if it had previously
3 imposed increased fees and charges to pay
4 principal and interest on bonds issued to
5 finance state court facilities; authorizing the
6 use of surcharge revenue to refund existing
7 bonds under specified conditions; providing a
8 fee for reopening a case and providing certain
9 exemptions; establishing a fee to be paid by
10 counsel appearing pro hac vice in county court;
11 amending s. 34.191, F.S.; providing for
12 collection of fees, fines, court costs, and
13 other costs in cases tried in county court;
14 limiting the amount that may be paid in fees
15 and costs in such collection; amending s.
16 35.22, F.S.; establishing a fee to be paid by
17 counsel appearing pro hac vice before a
18 district court of appeal; increasing the filing
19 fee for district court of appeal cases docketed
20 and specifying disposition and uses of fees
21 collected; amending s. 40.29, F.S.; revising
22 the way certain due process services are paid
23 by the clerk of the court and the Justice
24 Administrative Commission; amending s. 40.32,
25 F.S.; clarifying the type of witness payments
26 to be made by the clerk of the court; amending
27 s. 44.108, F.S.; clarifying that the filing fee
28 for funding of mediation and arbitration is an
29 additional fee; providing authority to the
30 Trial Court Budget Commission to set fees for
31 mediation services pursuant to guidelines

1 established by the Supreme Court; amending s.
2 45.031, F.S.; increasing the clerk's service
3 charge for services relating to judicial sales;
4 creating s. 50.0711, F.S.; providing for
5 publication of the court docket; providing for
6 funding; amending s. 55.10, F.S.; clarifying
7 that money paid to clerk is service charge and
8 not fee; amending s. 55.141, F.S.; revising a
9 cross-reference; clarifying the activity for
10 which a service charge is paid; clarifying that
11 money paid to clerk is service charge and not
12 fee; creating s. 55.312, F.S.; imposing a
13 service charge on certain money judgments and
14 settlement agreements in excess of a specified
15 amount, except for dissolution of marriage;
16 providing for disposition of the proceeds of
17 the charge; providing for the service charge to
18 be paid by any party or allocated to more than
19 one party; requiring the Department of Revenue
20 to adopt rules to provide for remitting such
21 charge to the department for deposition;
22 prohibiting an attorney from disbursing certain
23 proceeds until service charge is paid;
24 requiring the Department of Revenue to report
25 to the Legislature each year on the amount
26 received in the prior calendar year; amending
27 s. 57.085, F.S.; revising terminology; amending
28 s. 61.14, F.S.; increasing the fee for a
29 delinquent payment; amending s. 61.181, F.S.;
30 deleting a requirement for periodic reenactment
31 of certain clerk fees on child support

1 payments; amending s. 125.69, F.S.; providing
2 for prosecutions for violations of county
3 ordinances to be brought in the name of the
4 state; deleting a provision authorizing certain
5 persons to prosecute special laws and county
6 ordinances; authorizing a county to contract
7 with the public defender for representation in
8 certain cases; amending s. 129.02, F.S.;
9 deleting a cross-reference; amending s. 142.01,
10 F.S.; clarifying deposits into the fine and
11 forfeiture fund; amending s. 166.0415, F.S.;
12 providing for prosecution of a municipal
13 ordinance violation in county court under
14 certain circumstances; amending s. 218.245,
15 F.S.; providing for distribution of revenues to
16 a municipality under certain circumstances;
17 amending s. 318.14, F.S.; clarifying deposits
18 into the fine and forfeiture fund; amending s.
19 318.15, F.S.; increasing service charges in
20 certain traffic infraction cases; providing for
21 remittance; providing for deposit into the
22 clerk of court fine and forfeiture fund;
23 providing an additional fee for deposit into
24 the Highway Safety Operating Trust Fund;
25 amending s. 318.18, F.S.; increasing civil
26 penalties for failure to comply in traffic
27 infraction cases; providing for distribution of
28 court cost; authorizing a county to impose a
29 surcharge on traffic fines and forfeitures if
30 it had previously imposed increased fees or
31 charges to pay principal and interest on bonds

1 issued to finance state court facilities;
2 authorizing the use of surcharge revenue to
3 refund existing bonds under specified
4 conditions; amending s. 318.21, F.S.; deleting
5 a distribution to the General Revenue Fund;
6 deleting a distribution of funds to certain
7 county programs; amending s. 321.05, F.S.;
8 providing a cross-reference; amending s.
9 327.73, F.S.; increasing dismissal fees and
10 maximum court costs that may be imposed in
11 noncriminal infraction cases; amending s.
12 372.72, F.S.; providing a cross-reference;
13 amending s. 382.023, F.S.; clarifying that the
14 clerk retains a service charge relating to
15 dissolution of marriage records; amending s.
16 384.288, F.S.; deleting specification of source
17 of payment by county of certain court costs;
18 amending s. 392.68, F.S.; deleting
19 specification of source of payment by county of
20 certain court costs; amending s. 394.473, F.S.;
21 providing for state payment of certain
22 attorney's and witness' fees; amending s.
23 395.3025, F.S.; deleting
24 cross-references; amending s. 397.334;
25 clarifying that counties may use service
26 dollars provided to them by state agencies or
27 other grants for drug courts; amending s.
28 588.20, F.S.; removing authority for the county
29 to pay deficits incurred in the sale of certain
30 livestock from fine and forfeiture fund;
31 amending s. 713.24, F.S.; clarifying that money

1 paid to clerk is service charge and not fee;
2 amending s. 721.83, F.S.; clarifying filing
3 fees and service charges to be paid by
4 plaintiff in time-share property consolidated
5 actions for foreclosure; amending s. 744.365,
6 F.S.; providing for waiver of auditing fee;
7 amending s. 744.3678, F.S.; providing for
8 waiver of auditing fee; amending s. 766.104,
9 F.S.; increasing filing fees in medical
10 negligence cases; amending s. 849.19, F.S.;
11 adding a cross-reference; amending s. 849.22,
12 F.S.; removing authority for county to pay
13 clerk and sheriff fees out of fine and
14 forfeiture fund; amending s. 849.44, F.S.;
15 adding a cross-reference; amending s. 903.26,
16 F.S.; adding a cross-reference; amending s.
17 925.09, F.S.; revising the source of funds used
18 to pay for physician autopsies; amending s.
19 938.17, F.S.; authorizing a board of county
20 commissioners to adopt an ordinance that
21 incorporates the provisions of the act;
22 providing funding for a teen court and other
23 programs through the assessment of an
24 additional court cost against each person who
25 pleads guilty or nolo contendere to, or is
26 convicted of, a violation of a criminal law, an
27 ordinance, or a traffic offense in the county;
28 providing for administration by the clerk of
29 the circuit court; authorizing the clerk of the
30 court to retain a specified percentage of the
31 assessments collected as income to the clerk of

1 the court; requiring the teen court to account
2 for all funds deposited into the teen court
3 account; requiring a report to the board of
4 county commissioners by a specified date;
5 authorizing specified organizations to operate
6 and administer a teen court program; amending
7 s. 938.29, F.S.; reducing the permissible
8 contingent fee for collecting fees and costs
9 arising from use of public defender, or
10 similar, services; amending s. 938.35, F.S.;
11 providing for collection of court-ordered
12 financial obligations; limiting the amount that
13 may be paid in fees and costs in such
14 collection; amending s. 939.18, F.S.; providing
15 that additional court costs assessed may be
16 used to fund legal aid programs and public law
17 libraries; declaring intent to fund due-process
18 services in an efficient manner; authorizing
19 the state court system, state attorneys, public
20 defenders, and court-appointed counsel to
21 contract to share costs; providing
22 authorization to recover the costs of certain
23 state-funded and county-funded trial court
24 services from persons with an ability to pay;
25 authorizing the chief judge of a circuit court
26 to determine fees for such services; requesting
27 the Division of Statutory Revision to
28 redesignate the title of ch. 40, F.S.;
29 providing for payment of certain financial
30 obligations in implementing revised Section 14
31 of Article V of the State Constitution;

1 providing that cash balances within county
2 funds previously established to fund specific
3 court-related programs shall continue to fund
4 those programs; repealing s. 11.75, F.S.,
5 relating to the Joint Legislative Committee on
6 Article V; repealing s. 40.30, F.S., relating
7 to payments of jurors and witnesses; providing
8 an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 25.241, Florida Statutes, is
13 amended to read:

14 25.241 Clerk of Supreme Court; compensation;
15 assistants; filing fees, etc.--

16 (1) The Clerk of the Supreme Court shall be paid an
17 annual salary to be determined in accordance with s. 25.382.

18 (2) The Clerk of the Supreme Court is authorized to
19 employ such deputies and clerical assistants as may be
20 necessary. Their number and compensation shall be approved by
21 the court. The compensation of such employees shall be paid
22 from the annual appropriation for the Supreme Court.

23 (3) The Clerk of the Supreme Court is hereby required
24 to collect, upon the filing of a certified copy of a notice of
25 appeal or petition, ~~\$400~~\$250 for each case docketed, and for
26 copying, certifying, or furnishing opinions, records, papers,
27 or other instruments, except as otherwise herein provided, the
28 same fees that are allowed clerks of the circuit court;
29 however, no fee shall be less than \$1. The State of Florida
30 or its agencies, when appearing as appellant or petitioner, is
31 exempt from the filing fees required in this subsection. From

1 each attorney appearing pro hac vice, the Clerk of the Supreme
2 Court shall collect an additional fee of \$100.

3 (4) The Clerk of the Supreme Court is hereby
4 authorized, immediately after a case is disposed of, to supply
5 the judge who tried the case and from whose order, judgment,
6 or decree, appeal or other review is taken and any court which
7 reviewed it, a copy of all opinions, orders, or judgments
8 filed in such case. Copies of opinions, orders, and decrees
9 shall be furnished in all cases to each attorney of record;
10 copies for publication in Florida reports shall be without
11 charge; and copies furnished to the law book publishers shall
12 be at one-half the regular statutory fee.

13 (5) The Clerk of the Supreme Court is hereby required
14 to prepare a statement of all fees collected ~~in duplicate~~ each
15 month and remit ~~one copy of~~ such statement, together with all
16 fees collected by him or her, to the Chief Financial Officer,
17 ~~who shall place the same to the credit of the General Revenue~~
18 Fund. The Chief Financial Officer shall deposit \$300 of each
19 \$400 filing fee and all other fees collected into the state
20 General Revenue Fund. The Chief Financial Officer shall
21 deposit \$100 of each filing fee collected into the state
22 courts' Grants and Donations Trust Fund to fund court
23 improvement projects as authorized in the General
24 Appropriations Act.

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 providing court reporting in
9 the circuit and the fees a court reporter may charge. This
10 subsection does not prohibit court reporting services by state
11 employees.

12 Section 3. Paragraph (a) of subsection (2) of section
13 25.384, Florida Statutes, as amended by section 3 of chapter
14 3002-402, Laws of Florida, is amended to read:

15 25.384 Court Education Trust Fund.--

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

22 Section 4. Subsection (1) of section 27.02, Florida
23 Statutes, as amended by section 6 of chapter 2003-402, Laws of
24 Florida, is amended to read:

25 27.02 Duties before court.--

26 (1)(a) The state attorney shall appear in the circuit
27 and county courts within his or her judicial circuit and
28 prosecute or defend on behalf of the state all suits,
29 applications, or motions, civil or criminal, in which the
30 state is a party, except as provided in chapters 39, 984, and
31

1 985. The intake procedures of chapters 39, 984, and 985 shall
2 apply as provided therein.

3 **(b)** The state attorney shall ~~not~~ appear in the circuit
4 and county courts within his or her judicial circuit for the
5 purpose of prosecuting violations of special laws, ~~unless~~
6 ~~expressly authorized,~~ or violations of county or municipal
7 ordinances if the prosecution is, unless ancillary to a state
8 prosecution or if the state attorney has contracted for full
9 reimbursement, or for reimbursement as the parties otherwise
10 agree, to be the county's or municipality's prosecuting
11 attorney, as provided in s. 125.69 and authorized by the
12 ~~prosecuting attorney of the county.~~

13 Section 5. Subsections (1) and (2) of section 27.34,
14 Florida Statutes, as amended by section 10 of chapter
15 2003-402, Laws of Florida, are amended, and subsection (4) is
16 added to that section, to read:

17 27.34 Limitations on payment of salaries and other
18 related costs of state attorneys' offices other than by the
19 state.--

20 (1) A county or municipality may ~~not~~ contract with the
21 state attorney of the judicial circuit in which the county or
22 municipality is located, ~~or appropriate or contribute funds to~~
23 ~~the operation of, the various state attorneys~~ for the
24 prosecution of violations of special laws, ~~unless expressly~~
25 ~~authorized,~~ or ordinances of the county or municipality. The
26 contract must provide for full reimbursement, or as the
27 parties otherwise agree regarding reimbursement, ~~unless~~
28 ~~ancillary to a state prosecution.~~ Persons employed by the
29 county or municipality may be provided to the state attorney
30 to serve as special investigators pursuant to the provisions
31 of s. 27.251.

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

5 (4) The state attorney may expend funds for the
6 purchase of computer systems, including associated hardware
7 and software, and for personnel related to this function.

8 Section 6. Subsections (4), (8), and (9) of section
9 27.40, Florida Statutes, are amended to read:

10 27.40 Court-appointed counsel; circuit registries;
11 minimum requirements; appointment by court.--

12 (4) Except when a circuit Article V indigent services
13 committee establishes higher qualifications, the minimum
14 qualifications for court-appointed counsel for the following
15 types of cases are as follows:

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

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

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

22 3. Meet the following experience requirements:

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

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

31

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

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

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

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

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

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

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

25 3. Meet the following experience requirements:

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

31

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

7 c. In capital death penalty appeals, have the
8 qualifications as provided in Florida Rule of Criminal
9 Procedure 3.112(h).

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

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

13 2. Meet the following experience requirements:

14 a. In dependency cases, have observed a total of 30
15 hours of hearings, including six shelter hearings, three
16 dependency hearings, and one termination-of-parental-rights
17 hearing and have attended at least 3 hours of continuing legal
18 education at the Dependency Court Improvement Project
19 Conference, or an equivalent in the 12 months before
20 appointment.

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

23 c. In appellate cases, have at least 3 years'
24 experience in dependency or appellate law and must have been
25 lead counsel in at least three contested dependency trials and
26 three contested termination-of-parental-rights trials or
27 demonstrate knowledge through experience in the practice of
28 family law.~~To be eligible for court appointment, an attorney~~
29 ~~must be a member in good standing of The Florida Bar in~~
30 ~~addition to any other qualifications specified by general law.~~

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

8 (9) A circuit Article V indigent services committee or
9 any interested person may advise the court of any circumstance
10 affecting the quality of representation, including, but not
11 limited to, false or fraudulent billing, misconduct, failure
12 to meet continuing legal education requirements, solicitation
13 to receive compensation from the defendant or other client the
14 attorney is appointed to represent, or failure to file
15 appropriate motions in a timely manner. By January 1, 2005,
16 each circuit Article V indigent services committee must
17 develop and report to the President of the Senate and the
18 Speaker of the House of Representatives procedures for
19 periodic review of each conflict counsel's qualifications and
20 competency in representing defendants or other clients the
21 attorney is appointed to represent.

22 Section 7. Paragraph (b) of subsection (2) of section
23 27.42, Florida Statutes, is amended to read:

24 27.42 Circuit Article V indigent services committees;
25 composition; staff; responsibilities; funding.--

26 (2)

27 (b) The circuit Article V indigent services committee
28 shall maintain a registry pursuant to s. 27.40, even when
29 ~~unless~~ procuring counsel through a competitive bidding
30 process. The committee shall apply the eligibility and
31 performance standards set by the Legislature, if any, after

1 receiving recommendations from the Article V Indigent Services
2 Advisory Board, for the appropriate category of case.

3 Section 8. Subsections (1) and (4) of section 27.51,
4 Florida Statutes, as amended by section 15 of chapter
5 2003-402, Laws of Florida, are amended to read:

6 27.51 Duties of public defender.--

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

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

11 (b) Under arrest for, or is charged with, a
12 misdemeanor ~~authorized for prosecution by the state attorney,~~
13 a violation of chapter 316 which is punishable by
14 imprisonment, or criminal contempt, a violation of a municipal
15 or county ordinance in the county court if the prosecution is
16 ancillary to a state prosecution, or any other violation of
17 any municipal or county ordinance, unless the court, prior to
18 trial, files in the cause an order of no imprisonment as
19 provided in s. 27.512 ~~which states that the defendant will not~~
20 ~~be imprisoned if he or she is convicted;~~

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

23 (d) Sought by petition filed in such court to be
24 involuntarily placed as a mentally ill person or sexually
25 violent predator or involuntarily admitted to residential
26 services as a person with developmental disabilities. However,
27 a public defender does not have the authority to represent any
28 person who is a plaintiff in a civil action brought under the
29 Florida Rules of Civil Procedure, the Federal Rules of Civil
30 Procedure, or the federal statutes, or who is a petitioner in
31

1 an administrative proceeding challenging a rule under chapter
2 120, unless specifically authorized by statute; ~~or~~

3 (e) Convicted and sentenced to death, for purposes of
4 a direct prosecuting an appeal to the Supreme Court; or-

5 (f) Appealing a matter in a case arising under
6 paragraphs (a)-(d).

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

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

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

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

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

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

30
31

1 Section 9. Subsections (1) and (2) of section 27.52,
2 Florida Statutes, as amended by section 16 of chapter
3 2003-402, Laws of Florida, are amended to read:

4 27.52 Determination of indigence.--

5 (1) The clerk of the circuit court shall determine the
6 indigence of each person applying for appointment of a public
7 defender or private attorney or any other court-related
8 services based on indigence. This determination may be made at
9 any stage of the proceedings. Before appointing the public
10 defender or a private attorney, or providing any other
11 court-related service based on indigence, the court shall
12 receive the determination of indigence from the clerk. If the
13 clerk has not made this determination at the time a person
14 requests appointment of a public defender or private attorney
15 or provision of any other court-related services, the court
16 shall make a preliminary determination of indigence, pending
17 verification by the clerk. The applicant may seek review of
18 the clerk's determination denying indigence in the court
19 having jurisdiction over the matter at the next scheduled
20 hearing.

21 (2)(a) Any person applying for appointment of a public
22 defender or private attorney or any other due-process
23 ~~court-related~~ services based on indigence shall pay a \$40
24 application fee to the clerk of court and submit a completed
25 affidavit containing the financial information required under
26 paragraph (f). The clerk of court must assist a person who
27 requests assistance in completing the affidavit containing
28 financial information, and the clerk must notify the court if
29 a person is unable to complete the affidavit after the clerk
30 has provided assistance. Only one fee may be charged for a
31 clerk's determination of indigence, regardless of whether the

1 request is for court-appointed counsel or other due-process
2 services.

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

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

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

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

23 2. Assess the application fee pursuant to s. 938.29.
24

25 If the clerk finds discrepancies between the financial
26 affidavit and his or her investigation of assets, the clerk
27 shall submit the information to the court and the court shall
28 determine whether the public defender or private attorney
29 shall continue representation. The defendant may be heard
30 regarding the information discovered by the clerk. If the
31 court, based on the information provided, determines that the

1 defendant is not indigent, the court shall order the public
2 defender or private attorney to discontinue representation.
3 Notwithstanding any provision of law or local order to the
4 contrary, the clerk of the court shall assign the first \$40 of
5 any fees or costs paid by an indigent defendant as payment of
6 the application fee. In no event may ~~should~~ a person found to
7 be indigent be refused counsel or other due-process services
8 for failure to pay the fee.

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

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

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

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

29 3. Assets.--Including, but not limited to, cash,
30 savings accounts, bank accounts, stocks, bonds, certificates
31

1 of deposit, equity in real estate, and equity in a boat or a
2 motor vehicle or in other tangible property.

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

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

14 Section 10. Paragraph (d) of subsection (1) and
15 paragraph (a) of subsection (4) of section 27.5303, Florida
16 Statutes, are amended to read:

17 27.5303 Public defenders; conflict of interest.--

18 (1)

19 (d) In determining whether or not there is a conflict
20 of interest, the public defender ~~and the court~~ shall apply the
21 uniform standards for use in conflict of interest cases found
22 in appendix B of the final report of the Article V Indigent
23 Services Advisory Board dated January 6, 2004 ~~standards~~
24 ~~adopted by the Legislature after receiving recommendations~~
25 ~~from the Article V Indigent Services Advisory Board.~~

26 (4)(a) If ~~a defendant is convicted and~~ the death
27 sentence is imposed on an indigent defendant represented by
28 the public defender or private trial counsel, whether or not
29 court appointed, who is not qualified or is unable to
30 represent the defendant in the appeal, that attorney shall
31 ensure that the public defender or a qualified private

1 court-appointed appellate counsel is appointed timely to
2 represent the indigent defendant on appeal to the Supreme
3 Court. The private court-appointed counsel who represents the
4 defendant in a capital appeal shall be compensated as provided
5 in s. 27.5304. ~~the appointed attorney shall continue~~
6 ~~representation through appeal to the Supreme Court. The~~
7 ~~attorney shall be compensated as provided in s. 27.5304. If~~
8 ~~the attorney first appointed is unable to handle the appeal,~~
9 ~~the court shall appoint another attorney and that attorney~~
10 ~~shall be compensated as provided in s. 27.5304.~~

11 Section 11. Section 27.5304, Florida Statutes, is
12 amended to read:

13 27.5304 Private court-appointed counsel;
14 compensation.--

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

29 (2) Prior to filing a motion for an order approving
30 payment of attorney's fees, costs, or related expenses, the
31 private court-appointed counsel shall deliver a copy of the

1 intended billing, together with supporting affidavits and all
2 other necessary documentation, to the Justice Administrative
3 Commission. The Justice Administrative Commission shall review
4 the billings, affidavit, and documentation for completeness
5 and compliance with contractual and statutory requirements. If
6 the Justice Administrative Commission objects to any portion
7 of the proposed billing, the objection and reasons therefor
8 shall be communicated to the private court-appointed counsel.
9 The private court-appointed counsel may thereafter file his or
10 her motion for order approving payment of attorney's fees,
11 costs, or related expenses together with supporting affidavits
12 and all other necessary documentation. The motion must specify
13 whether the Justice Administrative Commission objects to any
14 portion of the billing or the sufficiency of documentation
15 and, if so, the reasons therefor. A copy of the motion and
16 attachments shall be served on the Justice Administrative
17 Commission. The Justice Administrative Commission shall have
18 standing to appear before the court to contest any motion for
19 order approving payment of attorney's fees, costs, or related
20 expenses. The Justice Administrative Commission may contract
21 with other public or private entities or individuals to appear
22 before the court for the purpose of contesting any motion for
23 order approving payment of attorney's fees, costs, or related
24 expenses. The fact that the Justice Administrative Commission
25 has not objected to any portion of the billing or to the
26 sufficiency of the documentation is not binding on the court.
27 The court retains primary authority and responsibility for
28 determining the reasonableness of all billings for fees,
29 costs, and related expenses, subject to statutory limitations.
30 (3) The compensation for representation in a criminal
31 proceeding; an appeal from a criminal proceeding, other than a

1 capital appeal; a dependency proceeding; and an appeal from a
2 dependency proceeding must be established by a circuit Article
3 V indigent services committee proceeding shall not exceed the
4 following:

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

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

9 ~~3. For life felonies represented at the trial level:~~
10 ~~\$3,000.~~

11 ~~4. For capital cases represented at the trial level:~~
12 ~~\$3,500.~~

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

14 ~~(b) If a death sentence is imposed and affirmed on~~
15 ~~appeal to the Supreme Court, the appointed attorney shall be~~
16 ~~allowed compensation, not to exceed \$1,000, for attorney's~~
17 ~~fees and costs incurred in representing the defendant as to an~~
18 ~~application for executive clemency, with compensation to be~~
19 ~~paid out of general revenue from funds budgeted to the~~
20 ~~Department of Corrections.~~

21 (4) Private counsel appointed by the court to
22 represent a defendant in a capital death penalty case must be
23 compensated at a reasonable hourly rate established by the
24 circuit Article V indigent services committee commensurate
25 with the difficulty of the case and approved by the court, but
26 the minimum compensation for the attorney in a death penalty
27 case is \$10,000.~~By January 1, 2004, the Article V Indigent~~
28 ~~Services Advisory Board shall recommend to the Legislature any~~
29 ~~adjustments to existing compensation schedules for criminal~~
30 ~~proceedings and any proposed compensation standards for~~
31 ~~private attorneys providing representation in civil~~

1 ~~proceedings in which private court-appointed counsel is~~
2 ~~required.~~

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

8 (5)~~(6)~~ A private attorney appointed in lieu of the
9 public defender to represent an indigent defendant may not
10 reassign or subcontract the case to another attorney or allow
11 another attorney to appear at a critical stage of a case who
12 does not meet standards adopted by the Legislature after any
13 recommendations from the Article V Indigent Services Advisory
14 Board.

15 Section 12. Section 27.54, Florida Statutes, as
16 amended by section 21 of chapter 2003-402, Laws of Florida, is
17 amended to read:

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

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

25 (2) A county or municipality may ~~not~~ contract with the
26 public defender of the judicial circuit in which the county or
27 municipality is located,~~or appropriate or contribute funds~~
28 ~~to, the operation of the offices of the various public~~
29 ~~defenders~~ for the purpose of defending persons determined to
30 be indigent under s. 27.52 ~~indigents~~ charged with violations
31 of special laws, ~~unless expressly authorized,~~ or with

1 violations of ordinances of the county or municipality, ~~unless~~
2 ~~ancillary to a state prosecution.~~ The contract must provide
3 for full reimbursement or as the parties otherwise agree
4 regarding reimbursement.

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

8 Section 13. Section 28.24, Florida Statutes, as
9 amended by section 28 of chapter 2003-402, Laws of Florida, is
10 amended to read:

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

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

1	(2) For preparing, numbering, and indexing an original	
2	record of appellate proceedings, per instrument.....	3.00
3	(3) For certifying copies of any instrument in the	
4	public records.....	1.50
5	(4) For verifying any instrument presented for	
6	certification prepared by someone other than clerk, per page	
7	3.00
8	(5)(a) For making copies by photographic process of	
9	any instrument in the public records consisting of pages of	
10	not more than 14 inches by 8 1/2 inches, per page.....	1.00
11	(b) For making copies by photographic process of any	
12	instrument in the public records of more than 14 inches by 8	
13	1/2 inches, per page.....	5.00
14	(6) For making microfilm copies of any public records:	
15	(a) 16 mm 100' microfilm roll.....	37.50
16	(b) 35 mm 100' microfilm roll.....	52.50
17	(c) Microfiche, per fiche.....	3.00
18	(7) For copying any instrument in the public records	
19	by other than photographic process, per page.....	6.00
20	(8) For writing any paper other than herein	
21	specifically mentioned, same as for copying, including signing	
22	and sealing.....	6.00
23	(9) For indexing each entry not recorded.....	1.00
24	(10) For receiving money into the registry of court:	
25	(a)1. First \$500, percent.....	3
26	2. Each subsequent \$100, percent.....	1.5
27	(b) Eminent domain actions, per deposit.....	\$150.00
28	(11) For examining, certifying, and recording plats	
29	and for recording condominium exhibits larger than 14 inches	
30	by 8 1/2 inches:	
31	(a) First page.....	30.00

- 1 (b) Each additional page.....15.00
2 (12) For recording, indexing, and filing any
3 instrument not more than 14 inches by 8 1/2 inches, including
4 required notice to property appraiser where applicable:
5 (a) First page or fraction thereof.....5.00
6 (b) Each additional page or fraction thereof.....4.00
7 (c) For indexing instruments recorded in the official
8 records which contain more than four names, per additional
9 name.....1.00
10 (d) An additional service charge shall be paid to the
11 clerk of the circuit court to be deposited in the Public
12 Records Modernization Trust Fund for each instrument listed in
13 s. 28.222, except judgments received from the courts and
14 notices of lis pendens, recorded in the official records:
15 1. First page.....1.00
16 2. Each additional page.....0.50

17
18 Such ~~said~~ fund shall be held in trust by the clerk and used
19 exclusively for equipment and maintenance of equipment,
20 personnel training, and technical assistance in modernizing
21 the public records system of the office. In a county where the
22 duty of maintaining official records exists in an office other
23 than the office of the clerk of the circuit court, the clerk
24 of the circuit court is entitled to 25 percent of the moneys
25 deposited into the trust fund for equipment, maintenance of
26 equipment, training, and technical assistance in modernizing
27 the system for storing records in the office of the clerk of
28 the circuit court. The fund may not be used for the payment of
29 travel expenses, membership dues, bank charges,
30 staff-recruitment costs, salaries or benefits of employees,
31 construction costs, general operating expenses, or other costs

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

- 20 (13) Oath, administering, attesting, and sealing, not
21 otherwise provided for herein.....3.00
22 (14) For validating certificates, any authorized
23 bonds, each.....3.00
24 (15) For preparing affidavit of domicile.....5.00
25 (16) For exemplified certificates, including signing
26 and sealing.....6.00
27 (17) For authenticated certificates, including signing
28 and sealing.....6.00
29 (18)(a) For issuing and filing a subpoena for a
30 witness, not otherwise provided for herein (includes writing,
31 preparing, signing, and sealing).....6.00

1	(b) For signing and sealing only.....	1.50
2	(19) For approving bond.....	7.50
3	(20) For searching of records, for each year's search	
4	1.50
5	(21) For processing an application for a tax deed sale	
6	(includes application, sale, issuance, and preparation of tax	
7	deed, and disbursement of proceeds of sale), other than excess	
8	proceeds.....	60.00
9	(22) For disbursement of excess proceeds of tax deed	
10	sale, first \$100 or fraction thereof.....	10.00
11	(23) Upon receipt of an application for a marriage	
12	license, for preparing and administering of oath; issuing,	
13	sealing, and recording of the marriage license; and providing	
14	a certified copy.....	30.00
15	(24) For solemnizing matrimony.....	30.00
16	(25) For sealing any court file or expungement of any	
17	record.....	37.50
18	(26) For receiving and disbursing all restitution	
19	payments, per payment.....	3.00
20	(27) Postal charges incurred by the clerk of the	
21	circuit court in any mailing by certified or registered mail	
22	shall be paid by the party at whose instance the mailing is	
23	made.	
24	(28) For furnishing an electronic copy of information	
25	contained in a computer database: a fee as provided for in	
26	chapter 119.	
27	Section 14. Subsection (3) of section 28.2401, Florida	
28	Statutes, as amended by section 29 of chapter 2003-402, Laws	
29	of Florida, is amended, present subsection (4) of that section	
30	is redesignated as subsection (5), and a new subsection (4) is	
31	added to that section to read:	

1 28.2401 Service charges in probate matters.--

2 (3) An additional service charge of ~~\$4~~~~\$2.50~~ on
3 petitions seeking summary administration, formal
4 administration, ancillary administration, guardianship,
5 curatorship, and conservatorship shall be paid to the clerk.
6 The clerk shall transfer \$3.50 ~~the \$2.50~~ to the Department of
7 Revenue for deposit into the Court Education Trust Fund, and
8 shall transfer 50 cents to the Clerk of Court Operations
9 Conference to fund clerk education. No additional fees,
10 charges, or costs shall be added to the service charges
11 imposed under this section, except as authorized by general
12 law.

13 (4) Notwithstanding any law to the contrary, a board
14 of county commissioners that imposed by ordinance increased
15 fees or service charges under this section, s. 28.241, or s.
16 34.041 for the purpose of securing payment of the principal of
17 and interest on bonds issued by the county before July 1,
18 2003, to finance state court facilities may impose by
19 ordinance a surcharge of up to \$30 in excess of the fees or
20 service charges set forth in this section. Such surcharge
21 shall not be waived by the court. Revenue from the surcharge
22 shall be used to pay the principal of and interest on the
23 bonds until the date of stated maturity. The bonds may be
24 refunded only if:

25 1. Savings will be realized on payments of debt
26 service; and

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

29 Section 15. Section 28.2402, Florida Statutes, is
30 amended to read:

31

1 28.2402 Additional costs for performance of clerk
2 court-related functions.--A filing fee of \$10 ~~The sum of \$200~~
3 shall be assessed to a county or municipality when filing a
4 county or municipal code or ordinance violation in court. The
5 ~~\$200~~ fee shall be paid to the clerk of the circuit and county
6 court for performing court-related functions. No other filing
7 fee may be assessed for filing the violation in court. When a
8 person contests the violation in court, the court must assess
9 \$40 in court costs against the nonprevailing party for deposit
10 into the clerk's fine and forfeiture fund established pursuant
11 to s. 142.01.

12 Section 16. Section 28.241, Florida Statutes, as
13 amended by section 32 of chapter 2003-402, Laws of Florida, is
14 amended to read:

15 28.241 Filing fees and appearance fee for trial and
16 appellate proceedings.--

17 (1)(a) The party instituting any civil action, suit,
18 or proceeding in the circuit court shall pay to the clerk of
19 that court a filing fee of up to \$250 in all cases in which
20 there are not more than five defendants and an additional
21 filing fee of up to \$2 for each defendant in excess of five.
22 Of the first ~~\$55~~\$57.50 in filing fees, \$50 must be remitted
23 by the clerk to the Department of Revenue for deposit into the
24 General Revenue Fund and ~~+~~\$5 must be remitted to the Clerk of
25 Court Operations Conference; ~~and \$2.50 shall be paid to the~~
26 ~~clerk for each civil action brought in circuit or county~~
27 ~~court, to be remitted by the clerk to the Department of~~
28 ~~Revenue for deposit into the Court Education Trust Fund.~~
29 One-third of any filing fees collected by the clerk of the
30 circuit court in excess of the first \$55~~\$57.50~~ shall be
31 remitted to the Department of Revenue for deposit into the

1 Department of Revenue Clerks of the Court Trust Fund. An
2 additional filing fee of \$4 shall be paid to the clerk. The
3 clerk shall transfer \$3.50 to the Department of Revenue for
4 deposit into the Court Education Trust Fund and shall transfer
5 50 cents to the Clerk of Court Operations Conference to fund
6 clerk education. An additional filing fee of up to \$15 shall
7 be paid by the party seeking each severance that is granted.
8 The clerk may impose an additional filing fee of up to \$75 for
9 all proceedings of garnishment, attachment, replevin, and
10 distress. Postal charges incurred by the clerk of the circuit
11 court in making service by certified or registered mail on
12 defendants or other parties shall be paid by the party at
13 whose instance service is made. No additional fees, charges,
14 or costs shall be added to the filing fees imposed under this
15 section, except as authorized by general law.

16 (b) Notwithstanding any law to the contrary, a board
17 of county commissioners that imposed by ordinance increased
18 fees or service charges under s. 28.2401, this section, or s.
19 34.041 for the purpose of securing payment of the principal of
20 and interest on bonds issued by the county before July 1,
21 2003, to finance state court facilities may impose by
22 ordinance a surcharge of up to \$30 in excess of the fees or
23 service charges set forth in this section. Such surcharge
24 shall not be waived by the court. Revenue from the surcharge
25 shall be used to pay the principal of and interest on the
26 bonds until the date of stated maturity. The bonds may be
27 refunded only if:

28 1. Savings will be realized on payments of debt
29 service; and

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

1 ~~(c)(b)~~ Except as provided in s. 28.345, a party
2 reopening any civil action, suit, or proceeding in the circuit
3 court shall pay to the clerk of court a filing fee set by the
4 clerk in an amount not to exceed \$50. For purposes of this
5 section, a case is reopened when a case previously reported as
6 disposed of is resubmitted to a court and includes petitions
7 for modification of a final judgment of dissolution. A party
8 is exempt from paying the fee for any of the following:

- 9 1. Writ of Garnishment;
- 10 2. Writ of Replevin;
- 11 3. Distress Writ;
- 12 4. Writ of Attachment;
- 13 5. Motion for rehearing filed within 10 days;
- 14 6. Motion for attorney's fees filed within 30 days of
15 the entry of the judgment or final order;
- 16 7. Motion for dismissal filed after a mediation
17 agreement has been filed;
- 18 8. Disposition of personal property without
19 administration;
- 20 9. Any probate case prior to the discharge of a
21 personal representative;
- 22 10. Any guardianship pleading prior to discharge;
- 23 11. Any mental health pleading;
- 24 12. Motions to withdraw by attorneys;
- 25 13. Motions exclusively for the enforcement of child
26 support orders;
- 27 14. Petition for credit of child support;
- 28 15. Stipulations;
- 29 16. Responsive pleadings; or
- 30 17. Cases in which there is no initial filing fee.

1 (2) Upon the institution of any appellate proceeding
2 from any lower ~~inferior~~ court to the circuit court of any such
3 county, including appeals filed by a county or municipality as
4 provided in s. 34.041(6), or from the circuit court to an
5 appellate court of the state, the clerk shall charge and
6 collect from the party or parties instituting such appellate
7 proceedings a filing fee not to exceed ~~service charge of up to~~
8 \$250 for filing a notice of appeal from a lower ~~an inferior~~
9 court, and \$50 ~~or~~ for filing a notice of appeal to a higher
10 court. From the filing fee, \$50 must be remitted by the clerk
11 to the Department of Revenue for deposit into the General
12 Revenue Fund.

13 (3) A filing fee may not be imposed upon a party for
14 responding by pleading, motion, or other paper to a civil or
15 criminal action, suit, proceeding, or appeal in a circuit
16 court.

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

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

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

28 Section 17. Section 28.245, Florida Statutes, as
29 amended by section 33 of chapter 2003-2004, Laws of Florida,
30 is amended to read:

31

1 28.245 Transmittal of funds to Department of Revenue;
2 uniform remittance form required.--Notwithstanding any other
3 provision of law, all moneys collected by the clerks of the
4 court for subsequent distribution to a state agency or to the
5 Supreme Court must be transmitted electronically to the
6 Department of Revenue for appropriate distribution. A uniform
7 remittance form provided by the Department of Revenue
8 detailing the specific amounts due each fund must accompany
9 such submittal. All moneys collected by the clerks of court
10 for remittance to any entity must be distributed pursuant to
11 the law in effect at the time of collection.

12 Section 18. Section 28.246, Florida Statutes, is
13 amended to read:

14 28.246 Payment of court-related fees, charges, and
15 costs; partial payments; distribution of funds.--

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

20 (a) The total amount of mandatory fees, services
21 charges, and costs; the total amount actually assessed; the
22 total amount discharged or waived; and the total amount
23 collected.

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

28 (c) The total amount of mandatory fines and other
29 monetary penalties; the total amount assessed; the total
30 amount discharged or waived; and the total amount collected.

31

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

5
6 The clerk shall submit the report on a quarterly basis 30 days
7 after the end of the quarter for the period from July 1, 2003,
8 through June 30, 2004, and on an annual basis thereafter, 60
9 days after the end of the county fiscal year. The clerk, in
10 reporting the amount assessed, shall separately identify the
11 amount assessed pursuant to s. 938.30 as community service;
12 assessed by reducing the amount to a judgment or lien;
13 satisfied by time served, or other. The form developed by the
14 Chief Financial Officer shall include separate entries for
15 recording these amounts.

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

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

27 (4) The clerk of the circuit court shall accept
28 partial payments for unpaid court-related fees, charges, and
29 costs in accordance with the terms of an established payment
30 plan.

31

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

4 (a) That portion of fees, services charges, court
5 costs, and fines payable to the clerk for the operations of
6 the clerk and to be remitted to the state for deposit into the
7 General Revenue Fund.

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

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

19
20 To offset processing costs for partial payments, clerks may
21 collect up to \$4 per month as a service charge from persons
22 making partial payments.~~retain up to 1 percent of all~~
23 ~~collections of fees, service charges, court costs, and fines~~
24 ~~payable to other entities, except where otherwise provided in~~
25 ~~general law.~~

26 (6) A clerk of court may pursue the collection of any
27 fees, fines, court costs, or other costs imposed by the court
28 which remain unpaid for 90 days or more, or refer such
29 collection to a private attorney who is a member in good
30 standing of The Florida Bar or collection agent who is
31 registered and in good standing pursuant to chapter 559. In

1 pursuing the collection of such unpaid financial obligations
2 through a private attorney or collection agent, the clerk of
3 the court must determine this is cost-effective and follow
4 applicable procurement practices. The cost of collection,
5 including a reasonable attorney's fee, may be recovered by
6 adding the cost and fee to the balance owed, except that such
7 fee and cost may not exceed 40 percent of the balance owed.

8 Section 19. Section 28.345, Florida Statutes, is
9 amended to read:

10 28.345 Exemption from fees and
11 charges.--Notwithstanding any other provision of this chapter
12 or law to the contrary, state attorneys,and public defenders,
13 capital collateral regional counsels, persons employed by the
14 Statewide Office of Guardian Ad Litem, and judges are exempt
15 from all fees and charges assessed by the clerks of the
16 circuit courts.

17 Section 20. Subsection (2) of section 28.35, Florida
18 Statutes, is amended to read:

19 28.35 Clerk of Court Operations Conference.--

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

21 (a) Periodically recommending to the Legislature
22 changes in the various court-related fines, fees, service
23 charges, and cost schedules established by law to ensure
24 reasonable and adequate funding of the clerks of the court in
25 the performance of their court-related functions.

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

29 (c) Certifying to the Legislature, the Governor, the
30 Chief Financial Officer, and the Department of Revenue which
31 clerks of court will have court-related revenues insufficient

1 to fund the anticipated court-related functions of their
2 offices and the actions taken to resolve any deficits pursuant
3 to s. 28.36.

4 (d) Developing and approving a system of performance
5 accountability measurements and performance standards for each
6 clerk of the court. These measures must assess the fiscal
7 management, efficient operations, and effective collection of
8 fines, fees, service charges, and costs using data reported in
9 s. 28.246 as well as other data.

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

24 Section 21. Section 28.36, Florida Statutes, is
25 amended to read:

26 28.36 Budget review and approval procedure.--There is
27 established a budget procedure for the court-related functions
28 of the clerks of the court.

29 (1) For the period July 1, 2004, through September 30,
30 2004, and for each county fiscal year ending September 30
31 thereafter, each clerk of the court shall prepare a budget

1 relating solely to the performance of the court-related
2 functions.

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

5 (a) On May 1, 2004, for the fiscal period of July 1,
6 2004, through September 30, 2004, and on or before August 1
7 for each fiscal year thereafter, the proposed budget shall be
8 prepared, summarized, and submitted by the clerk in each
9 county to the Clerk of Court Operations Conference in the
10 manner and form prescribed by the conference. The proposed
11 budget must provide detailed information on the anticipated
12 revenues available and expenditures necessary for the
13 performance of the court-related functions of the clerk's
14 office for the county fiscal year beginning the following
15 October 1.

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

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

29 (3) If a clerk of the court estimates that available
30 funds plus projected revenues from fines, fees, service
31 charges, and costs for court-related services are insufficient

1 to meet the anticipated expenditures for the court-related
2 functions performed by his or her office, the clerk must
3 report the revenue ~~budget~~ deficit to the Clerk of Court
4 Operations Conference in the manner and form prescribed by the
5 conference. The conference shall determine whether the clerk
6 is meeting his or her performance standards for the current
7 year relating to fiscal management, efficient operations, and
8 the effective collection of fines, fees, service charges, and
9 costs.

10 (a) If the conference determines that a clerk is
11 meeting his or her performance standards for fiscal
12 management; efficient operations; and effective collection of
13 fines, fees, service charges, and costs~~and a revenue deficit~~
14 is projected, that clerk shall increase all fines, fees,
15 service charges, and costs to the maximum amounts specified by
16 law or the amount necessary to resolve the deficit, whichever
17 is less. If, after increasing such fines, fees, service
18 charges, and costs, a revenue ~~budget~~ deficit is still
19 projected, the conference may ~~shall~~ certify a revenue deficit
20 pursuant to paragraph (b) and notify the Department of Revenue
21 that that clerk is authorized to retain revenues, in an amount
22 necessary to fully fund the projected revenue deficit, which
23 he or she would otherwise be required to remit to the
24 Department of Revenue for deposit into the Department of
25 Revenue Clerks of the Court Trust Fund pursuant to s. 28.37.
26 If a revenue ~~budget~~ deficit is projected after retaining all
27 of the collections from court-related fines, fees, service
28 charges, and costs, the conference may ~~shall~~ certify the
29 revenue deficit amount to the Chief Financial Officer,
30 pursuant to paragraph (b). An amount equal to the revenue
31 deficit is ~~hereby~~ appropriated each year from the Department

1 of Revenue Clerks of the Court Trust Fund, without further
2 legislative action, period after period, until altered or
3 revoked by the Legislature. The Department of Revenue is
4 directed to make a monthly distribution of equal amounts to
5 each clerk certified to have a revenue deficit until the Clerk
6 of Court Operations Conference certifies a different amount to
7 be distributed pursuant to paragraph (b).

8 (b) The Clerk of Court Operations Conference shall
9 make the revenue deficit certifications authorized in
10 paragraph (a) to the Department of Revenue no later than
11 September 15 of each year for the county fiscal year beginning
12 on the following October 1. Changes to the certifications may
13 be made by the Clerk of Court Operations Conference as needed
14 during any county fiscal year when revenues supporting a
15 clerk's budget are projected to be less than the amount
16 previously assumed by the conference in approving a clerk's
17 budget.

18 (c)~~(b)~~ The Clerk of Court Operations Conference shall
19 notify the Governor, the President of the Senate, and the
20 Speaker of the House of Representatives prior to taking
21 actions specified in this subsection. The notification must
22 ~~shall~~ include a certification by the conference that all of
23 the conditions in this subsection have been met.

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

1 to each clerk; and the performance measures and standards
2 approved by the conference for each clerk.

3 (5)(a) For the county fiscal year October 1, 2004,
4 through September 30, 2005, the maximum annual budget amount
5 that may be authorized by the Clerk of Court Operations
6 Conference for each clerk may not exceed 103 percent of the
7 clerk's estimated ~~actual~~ expenditures for the prior county
8 fiscal year for court-related functions that are required by
9 law effective July 1, 2004, plus the estimated reasonable and
10 necessary costs of new functions required by law which are not
11 reflected in prior-year expenditures. ~~The conference shall use~~
12 ~~the clerk's actual expenditures for the prior county fiscal~~
13 ~~year for court-related functions as reported by the Chief~~
14 ~~Financial Officer based on the county financial reporting~~
15 ~~required under s. 218.32.~~

16 (b) For the county fiscal year 2005-2006, the maximum
17 budget amount that may be authorized by the conference for
18 each clerk budget shall be the approved budget for county
19 fiscal year 2004-2005 adjusted by the projected percentage
20 change in revenue from fines, fees, service charges, and costs
21 for court-related services between the county fiscal years
22 2004-2005 and 2005-2006.

23 (c) For the county fiscal years 2006-2007 and
24 thereafter, the maximum budget amount that may be authorized
25 by the conference for each clerk shall be established by first
26 rebasing the prior fiscal year budget to reflect the actual
27 percentage change in the prior fiscal year revenue from fines,
28 fees, service charges, and costs for court-related services
29 and then adjusting the rebased prior fiscal year budget by the
30 projected percentage change in revenue from fines, fees,
31 service charges, and costs for court-related services for the

1 proposed budget year. The rebasing calculations and maximum
2 annual budget calculations shall be as follows:

3 1. For county fiscal year 2006-2007, the approved
4 budget for county fiscal year 2004-2005 shall be adjusted for
5 the actual percentage change in revenue from fines, fees,
6 service charges, and costs for court-related services between
7 the two 12-month periods ending June 30, 2005, and June 30,
8 2006. This result is the rebased budget for the county fiscal
9 year 2005-2006. Then the rebased budget for the county fiscal
10 year 2005-2006 shall be 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 2005-2006 and 2006-2007. This result shall be the maximum
14 annual budget amount that may be authorized by the conference
15 for each clerk for the county fiscal year 2006-2007.

16 2. For county fiscal year 2007-2008, the rebased
17 budget for county fiscal year 2005-2006 shall be adjusted for
18 the actual percentage change in revenue from fines, fees,
19 service charges, and costs for court-related services between
20 the two 12-month periods ending June 30, 2006, and June 30,
21 2007. This result is the rebased budget for the county fiscal
22 year 2006-2007. The rebased budget for county fiscal year
23 2006-2007 shall be adjusted by the projected percentage change
24 in revenue from fines, fees, service charges, and costs for
25 court-related services between the county fiscal years
26 2006-2007 and 2007-2008. This result shall be the maximum
27 annual budget amount that may be authorized by the conference
28 for each clerk budget for county fiscal year 2007-2008.

29 3. For county fiscal years 2008-2009 and thereafter,
30 the maximum budget amount that may be authorized by the
31 conference for each clerk budget shall be calculated as the

1 rebased budget for the prior county fiscal year adjusted by
2 the projected percentage change in revenues from fines, fees,
3 service charges, and costs for court-related services between
4 the prior county fiscal year and the county fiscal year for
5 which the maximum budget amount is being authorized. The
6 rebased budget for the prior county fiscal year shall always
7 be calculated by adjusting the rebased budget for the year
8 preceding the prior county fiscal year by the actual
9 percentage change in revenues from fines, fees, service
10 charges, and costs for court-related services between the
11 12-month period ending June 30 of the year preceding the prior
12 county fiscal year and the 12-month period ending June 30 of
13 the prior county fiscal year.

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

25 Section 22. Section 28.37, Florida Statutes, is
26 amended to read:

27 28.37 Fines, fees, service charges, and costs remitted
28 to the state.--

29 (1) Pursuant to s. 14(b), Art. V of the State
30 Constitution, selected salaries, costs, and expenses of the
31 state courts system and court-related functions shall be

1 funded from a portion of the revenues derived from statutory
2 fines, fees, service charges, and costs collected by the
3 clerks of the court.

4 (2) Beginning August 1, 2004, except as otherwise
5 provided in ss. 28.241 and 34.041, one-third of all fines,
6 fees, service charges, and costs collected by the clerks of
7 the court during the prior month for the performance of
8 court-related functions shall be remitted to the Department of
9 Revenue for deposit in the Department of Revenue Clerks of the
10 Court Trust Fund. These collections do not include funding
11 received for the operation of the Title IV-D child support
12 collections and disbursement program. The clerk of the court
13 shall remit the revenues collected during the prior month due
14 to the state on or before the 20th ~~5th~~ day of each month. The
15 Department of Revenue shall make a monthly transfer of the
16 funds in the Department of Revenue Clerks of the Court Trust
17 Fund which ~~that~~ are not needed to resolve clerk of the court
18 budget deficits, as specified in s. 28.36, to the General
19 Revenue Fund.

20 (3) For the period of October 1, 2003, to June 30,
21 2004, those clerks operating as fee officers for court-related
22 services shall determine the amount of fees collected and
23 expenses generated for court-related services. Any excess fees
24 generated during this period shall be remitted to the county.
25 Any deficit experienced by the clerk for court-related
26 services during the period from October 1, 2003, to June 30,
27 2004, shall be funded by the county.

28 ~~(4)~~(3) Beginning January 1, 2005, for the period July
29 1, 2004, through September 30, 2004, and each January 1
30 thereafter for the preceding county fiscal year of October 1
31 through September 30, the clerk of the court must remit to the

1 Department of Revenue for deposit in the General Revenue Fund
2 the cumulative excess of all statutory fines, fees, service
3 charges, and costs collected for the clerk's court-related
4 functions over the amount needed to meet the approved budget
5 amounts established under s. 28.36.

6 (5)~~(4)~~ The Department of Revenue shall adopt rules
7 governing the remittance of the funds to be transferred to the
8 General Revenue Fund under this section and~~the required~~
9 forms and procedures, ~~and penalties for failure to comply~~. The
10 department shall collect any funds that the Clerk of Court
11 Operations Conference determines upon investigation were due
12 on January 1 but not remitted to the department.

13 Section 23. Section 29.005, Florida Statutes, as
14 amended by section 41 of chapter 2003-402, Laws of Florida, is
15 amended to read:

16 29.005 State attorneys' offices and prosecution
17 expenses.--For purposes of implementing s. 14, Art. V of the
18 State Constitution, the elements of the state attorneys'
19 offices to be provided from state revenues appropriated by
20 general law are as follows:

21 (1) The state attorney of each judicial circuit and
22 assistant state attorneys and other staff as determined by
23 general law.

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

29 (3) Witnesses, including expert witnesses, summoned to
30 appear for an investigation, preliminary hearing, or trial in
31 any ~~a criminal~~ case when the witnesses are summoned by a state

1 attorney, and any other expert witnesses required in a court
2 hearing by law or whom the state attorney deems necessary for
3 the performance of his or her duties.

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

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

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

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

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

18 Section 24. Section 29.0051, Florida Statutes, is
19 created to read:

20 29.0051 Prosecution expenses for the Office of
21 Statewide Prosecution.--For purposes of implementing s. 14,
22 Art. V of the State Constitution, the elements of prosecution
23 expenses for the Office of Statewide Prosecution to be
24 provided from state revenues appropriated by general law are
25 as follows:

26 (1) Trial expenses of the staff of the Office of
27 Statewide Prosecution, as determined by general law.

28 (2) Reasonable court reporting and transcription
29 services necessary to meet constitutional or statutory
30 requirements, including the cost of transcribing and copying
31

1 depositions of witnesses and the cost of foreign language and
2 sign-language interpreters and translators.

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

9 Consistent with governing statutory provisions, these expenses
10 shall include witness travel, lodging, and per diem expenses,
11 as well as expert witness fees.

12 Section 25. Section 29.006, Florida Statutes, as
13 amended by section 42 of chapter 2003-403, Laws of Florida, is
14 amended to read:

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

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

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

28 (3) Witnesses, including expert witnesses, summoned to
29 appear for an investigation, preliminary hearing, or trial in
30 any ~~a criminal~~ case when the witnesses are summoned on behalf
31 of an indigent defendant, and any other expert witnesses

1 required in a court hearing by law or whomever the public
2 defender deems necessary for the performance of his or her
3 duties approved by the court.

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

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

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

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

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

18 Section 26. Subsections (4), (6), and (7) of section
19 29.007, Florida Statutes, as amended by section 43 of chapter
20 2003-402, Laws of Florida, are amended to read:

21 29.007 Court-appointed counsel.--For purposes of
22 implementing s. 14, Art. V of the State Constitution, the
23 elements of court-appointed counsel to be provided from state
24 revenues appropriated by general law are as follows:

25 (4) Witnesses, including expert witnesses, summoned to
26 appear for an investigation, preliminary hearing, or trial in
27 a case when the witnesses are summoned on behalf of an
28 indigent, and any other expert witnesses required in a court
29 hearing by law or whomever the private court-appointed
30 attorney deems necessary for the performance of his or her
31 duties approved by the court.

1 (6) Reasonable pretrial consultation fees and costs in
2 accordance with the policies of the respective circuit Article
3 V indigent services committees.

4 (7) Travel expenses reimbursable under s. 112.061
5 reasonably necessary in the performance of constitutional and
6 statutory responsibilities and in accordance with the policies
7 of the respective circuit Article V indigent services
8 committees.

9 Section 27. Subsection (1) of section 29.008, Florida
10 Statutes, as amended by section 45 of chapter 2003-402, Laws
11 of Florida, is amended to read:

12 29.008 County funding of court-related functions.--

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

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

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

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

25 2. As of July 1, 2005, equipment and furnishings shall
26 be limited to that appropriate and customary for courtrooms,
27 jury facilities, and other public areas in courthouses,
28 including facilities occupied by the courts, state attorneys,
29 and public defenders.

30 3. Equipment and furnishings under this paragraph in
31 existence and owned by counties on July 1, 2005, for areas

1 other than courtrooms, jury facilities, ~~and~~ other public areas
2 in courthouses, including facilities occupied by the courts,
3 state attorneys, and public defenders, and the offices of the
4 clerk of the court, shall be transferred to the state at no
5 charge. This provision does not apply to any
6 telecommunications infrastructure, computer systems, and
7 equipment, including computer hardware and software, modems,
8 printers, wiring, networks, and network connections provided
9 by the county.

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

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

27 (e) "Security" includes but is not limited to, all
28 reasonable and necessary costs of services of law enforcement
29 officers or licensed security guards and all electronic,
30 cellular, or digital monitoring and screening devices
31 necessary to ensure the safety and security of all persons

1 visiting or working in a facility; to provide for security of
2 the facility, including protection of property owned by the
3 county or the state; and for security of prisoners brought to
4 any facility. This includes bailiffs while providing courtroom
5 and other security for each judge and other quasi-judicial
6 officers.

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

18 1. Telephone system infrastructure, including computer
19 lines, telephone switching equipment, facsimile machines,
20 wireless communications, cell phones, pagers, video
21 conferencing equipment, line charges,and maintenance. Each
22 county shall continue to provide access to a local carrier for
23 local and long distance service and shall pay toll charges for
24 ~~the~~ local and long distance service. Telephone equipment, not
25 defined as telephone infrastructure,including facsimile and
26 video teleconferencing equipment, owned by the counties shall
27 be transferred to the state at no charge, effective July 1,
28 2004.

29 2. All computer systems and equipment, including
30 computer hardware and software, modems, printers, multi-task
31 equipment that can be used as printers, wiring, networks,

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

18 3. Courier messenger and subpoena services.

19 4. Auxiliary aids and services for qualified
20 individuals with a disability which are necessary to ensure
21 access to the courts. Such auxiliary aids and services
22 include, but are not limited to, sign-language interpretation
23 for persons for whom the provision of such services may be
24 needed but which services are not required to be provided by
25 the state pursuant to s. 29.004, 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 28. Section 29.0085, Florida Statutes, is
28 created to read:

29 29.0085 Judicial Information Integration Competency
30 Center; steering committee; workgroups.--

31

1 (1) JUDICIAL INFORMATION INTEGRATION COMPETENCY
2 CENTER.--

3 (a) Effective July 1, 2004, there is created the
4 Judicial Information Integration Competency Center, which
5 shall be administratively housed in the Justice Administrative
6 Commission. The center shall consist of a steering committee,
7 a data requirements workgroup, and a data network integration
8 workgroup.

9 (b) The Judicial Information Integration Competency
10 Center shall provide to the Legislature recommendations for
11 meeting the requirements of s. 29.008(1)(f)2., relating to
12 integrated computer systems that support the operations and
13 management of the state courts system and that provide
14 appropriate legislative reports. The Judicial Information
15 Integration Competency Center shall establish for the state
16 courts system principles and requirements for minimal
17 horizontal data integration within any given judicial circuit
18 and minimal vertical data integration across judicial circuits
19 and with state entities; standards and protocols needed for
20 data integration; and strategies for achieving statewide
21 vertical data integration. Standards should be established for
22 each major type of case processed by the court system,
23 including, but not limited to, criminal, civil, juvenile,
24 probate, mental health, and traffic cases.

25 (c) As used in this section, the term "state courts
26 system" means the Supreme Court, district courts of appeal,
27 circuit courts, county courts, offices of public defender,
28 offices of state attorney, and clerks of the circuit court.

29 (2) COMPOSITION AND DUTIES OF THE STEERING
30 COMMITTEE.--

31

1 (a) The steering committee shall be composed of seven
2 members as follows:

3 1. The Chief Justice of the Supreme Court, or his or
4 her designee, who shall serve as the chair;

5 2. A state attorney, appointed by the Florida
6 Prosecuting Attorneys Association;

7 3. A public defender, appointed by the Florida Public
8 Defender Association;

9 4. A court clerk, appointed by the Florida Association
10 of Court Clerks;

11 5. A county commissioner, appointed by the Florida
12 Association of Counties;

13 6. A sheriff, appointed by the Florida Sheriff's
14 Association; and

15 7. The Executive Director of the Department of Law
16 Enforcement or his or her designee.

17 (b) Members of the steering committee shall be
18 appointed for 1-year terms, except for an appointment to fill
19 an unexpired term, in which event the appointment shall be for
20 the remainder of the unexpired term. In the case where a
21 member must hold office to be qualified for membership on the
22 steering committee, the member's term on the steering
23 committee shall expire upon failure to maintain the office.

24 (c) The steering committee shall:

25 1. Adopt a charter that defines the major objectives,
26 activities, and deliverables necessary to implement only the
27 requirements of this section.

28 2. Adopt a work process that specifies how information
29 and reports from the workgroups will be collected and how
30 integration issues will be raised for analysis and
31 consideration.

1 3. Define, oversee, and approve the activities and
2 subsequent work products of the data requirements workgroup
3 and the data network integration workgroup.

4 4. Assimilate and review the information and reports
5 of the data requirements workgroup and the data network
6 integration workgroup and provide a comprehensive report with
7 policy, operational, and fiscal recommendations to the
8 Governor, the President of the Senate, the Speaker of the
9 House of Representatives, and the Chief Justice of the Supreme
10 Court by January 1, 2005.

11 (d) The steering committee shall hold its initial
12 meeting no later than July 15, 2004, and shall subsequently
13 meet at the call of the chair. At its initial meeting, the
14 steering committee shall elect a member to serve as vice chair
15 and complete its duties specified in subparagraphs (c)1. and
16 2.

17 (e) Steering committee members shall serve without
18 compensation but are entitled to reimbursement for expenses
19 incurred in carrying out their duties as provided in s.
20 112.061. Members who are public officers shall be reimbursed
21 through the budget entity through which they are compensated.

22 (3) COMPOSITION AND DUTIES OF THE DATA REQUIREMENTS
23 WORKGROUP.--

24 (a) The data requirements workgroup shall be composed
25 of eighteen members. To the extent possible, members appointed
26 should represent a cross-section of small, medium, and large
27 judicial circuits and court divisions, should be knowledgeable
28 concerning applicable business functions and related data
29 processing requirements, and shall be appointed as follows:

30 1. The Chief Justice of the Supreme Court shall
31 appoint three members;

1 2. The Florida Prosecuting Attorneys Association shall
2 appoint three members;

3 3. The Florida Public Defender Association shall
4 appoint three members;

5 4. The Florida Association of Court Clerks shall
6 appoint three members;

7 5. The Florida Association of Counties shall appoint
8 three members; and

9 6. The Florida Sheriff's Association shall appoint
10 three members.

11 (b) Members of the data requirements workgroup shall
12 be appointed for 1-year terms, except for an appointment to
13 fill an unexpired term, in which event the appointment shall
14 be for the remainder of the unexpired term. In the case where
15 a member must hold office to be qualified for membership, the
16 member's term shall expire upon failure to maintain the
17 office.

18 (c) The data requirements workgroup shall be
19 responsible for identifying the minimum data elements needed
20 by all state court system entities to conduct business
21 transactions and the security and access requirements needed
22 to achieve horizontal intracircuit data integration and
23 vertical statewide data integration. For purposes of the
24 workgroup's efforts, integration shall be defined to mean
25 providing authorized users of the state courts system, the
26 Legislature, and agencies within the executive branch access
27 to data reasonably required for performing official duties,
28 regardless of where that data is maintained. Such access must
29 comply with all federal and state laws defining and
30 establishing the access restrictions relating to such data,
31 including confidentiality requirements and security protocols

1 and standards. However, the workgroup may recommend changes to
2 such state laws as deemed necessary to comply with the
3 requirements of this section.

4 (d) The data requirements workgroup shall consider how
5 existing systems or strategies implemented to date or being
6 implemented may be used to facilitate the sharing of data
7 within the state courts system and to meet legislative
8 reporting requirements. Such existing systems or strategies
9 may include, but are not limited to:

10 1. The summary reporting system established pursuant
11 to s. 25.075;

12 2. The traffic citation accounting and transmission
13 system established pursuant to s. 318.18;

14 3. The offender-based transaction system established
15 pursuant to s. 943.05;

16 4. Case management systems, such as the clerks of
17 court comprehensive case information system and the public
18 defenders and state attorneys STAC system; and

19 5. Case management information systems developed by
20 the judicial circuits or counties.

21 (e) The data requirements workgroup shall provide to
22 the steering committee its recommendations based upon the
23 following schedule:

24 1. By October 31, 2004, those requirements of the
25 state courts system identified by the courts, the public
26 defenders, the state attorneys, the clerks of the court, the
27 counties, and the sheriffs; and

28 2. By December 1, 2004, those requirements of state
29 agencies identified by such agencies, including, but not
30 limited to, the Department of Law Enforcement, the Department
31 of Corrections, the Department of Children and Family

1 Services, the Department of Juvenile Justice, and the
2 Department of Highway Safety and Motor Vehicles.

3 (f) Members of the data requirements workgroup shall
4 serve without compensation but are entitled to reimbursement
5 for expenses incurred in carrying out their duties as provided
6 in s. 112.061. Members who are public officers shall be
7 reimbursed through the budget entity through which they are
8 compensated.

9 (4) COMPOSITION AND DUTIES OF THE DATA NETWORK
10 INTEGRATION WORKGROUP.--

11 (a) The data network integration workgroup shall be
12 composed of eighteen members. To the extent possible, members
13 appointed should represent a cross-section of small, medium,
14 and large judicial circuits and court divisions; be
15 knowledgeable concerning information system networks and
16 infrastructure within his or her judicial circuit; and be
17 appointed as follows:

18 1. The Chief Justice of the Supreme Court shall
19 appoint three members;

20 2. The Florida Prosecuting Attorneys Association shall
21 appoint three members;

22 3. The Florida Public Defender Association shall
23 appoint three members;

24 4. The Florida Association of Court Clerks shall
25 appoint three members;

26 5. The Florida Association of Counties shall appoint
27 three members; and

28 6. The Florida Sheriff's Association shall appoint
29 three members.

30 (b) Members of the data network integration workgroup
31 shall be appointed for 1-year terms, except for an appointment

1 to fill an unexpired term, in which event the appointment
2 shall be for the remainder of the unexpired term. In the case
3 where a member must hold office to be qualified for
4 membership, the member's term shall expire upon failure to
5 maintain the office.

6 (c) The data network integration workgroup shall be
7 responsible for defining the minimal network standards,
8 protocols, and processes that will provide for secure
9 horizontal intracircuit and vertical statewide transfer and
10 exchange of state courts system data and legislative reporting
11 data, including the minimal capacities required for such
12 transmissions.

13 (d) The data network integration workgroup shall
14 consider the network standards, protocols, and processes that
15 have been defined by the Florida Criminal Justice Intranet
16 Service Network pursuant to s. 943.08, the state courts
17 system, and other entities involved in the administration of
18 justice, and shall address the network needs of each of the
19 court system entities, including access and security
20 requirements for all authorized users. The workgroup shall
21 consider standards, protocols, and processes that integrate
22 disparate network systems using open standards and data
23 warehouse and middleware connectivity strategies such that
24 existing networks can be maintained and leveraged.

25 (e) The data network integration workgroup shall
26 submit to the steering committee, no later than December 1,
27 2004, recommendations on network integration standards,
28 protocols, and processes that allows for the horizontal
29 intracircuit and the vertical statewide transfer and exchange
30 of data.

31

1 (f) Members of the data network integration workgroup
2 shall serve without compensation, but are entitled to
3 reimbursement for expenses incurred in carrying out their
4 duties as provided in s. 112.061. Members who are public
5 officers shall be reimbursed through the budget entity through
6 which they are compensated.

7 (5) LIMITATION ON RULES OR ORDERS.--During the
8 existence of the Judicial Information Integration Competency
9 Center, no judicial rule may be adopted or administrative
10 order entered which directs or controls the development,
11 implementation, or operation of the components of the
12 integrated computer systems required pursuant to s. 29.008.

13 (6) ADMINISTRATION.--Subject to the limits of specific
14 appropriations made for this purpose, the steering committee
15 shall be staffed by the Justice Administrative Commission to
16 assist the steering committee and workgroups to effectively
17 and timely carry out their duties and responsibilities. Such
18 staff, or contracted consultants, shall be administratively
19 housed within or contractually administered by the Justice
20 Administrative Commission, but shall work at the direction of
21 the steering committee.

22 Section 29. The sum of \$500,000 is appropriated to the
23 Justice Administrative Commission on a nonrecurring basis for
24 the 2004-2005 fiscal year from the General Revenue Fund and
25 three additional positions are authorized for the Justice
26 Administrative Commission for the purposes of staffing and
27 paying the expenses of the Judicial Information Integration
28 Competency Center. These appropriated funds may be used to
29 hire staff or consultants to work at the sole direction of the
30 steering committee. If consultants are hired such that all or
31 none of the positions authorized in this section are filled,

1 the Executive Office of the Governor shall place the unused
2 positions in mandatory reserve.

3 Section 30. Subsection (1) of section 29.016, Florida
4 Statutes, is amended to read:

5 29.016 Contingency fund; judicial branch.--

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

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

15 34.01 Jurisdiction of county court.--

16 (1) County courts shall have original jurisdiction:

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

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

21 (c) Of all actions at law in which the matter in
22 controversy does not exceed the sum of \$15,000, exclusive of
23 interest, costs, and attorney's fees, except those within the
24 exclusive jurisdiction of the circuit courts. ~~The party~~
25 ~~instituting any civil action, suit, or proceeding pursuant to~~
26 ~~this paragraph where the amount in controversy is in excess of~~
27 ~~\$5,000 shall pay to the clerk of the county court the filing~~
28 ~~fees and service charges in the same amounts and in the same~~
29 ~~manner as provided in s. 28.241.~~

30 (2) The county courts shall have jurisdiction
31 previously exercised by county judges' courts other than that

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

13 Section 32. Section 34.041, Florida Statutes, as
14 amended by section 52 of chapter 2003-402, Laws of Florida, is
15 amended to read:

16 34.041 Filing and appearance fees.--

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

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

22 2.(b) For all claims of \$100 or more but not more than
23 \$500\$75.

24 3.(c) For all claims of more than \$500 but not more
25 than \$2,500.....\$150.

26 4. For all claims of more than \$2,500 but not more
27 than \$5,000.....\$200.

28 5.(d) For all claims of more than \$5,000 ~~\$2,500~~..\$250.

29 6.(e) In addition, for all proceedings of garnishment,
30 attachment, replevin, and distress.....\$75.

31 7.(f) For removal of tenant action.....\$75.

1 **(b)** The first \$50 of the filing fee collected under
2 subparagraph (1)(a)5.~~paragraph (d)~~ shall be remitted to the
3 Department of Revenue for deposit into the General Revenue
4 Fund. One-third of any filing fees collected by the clerk
5 under this section ~~paragraph (d)~~ in excess of the first \$50
6 collected under subparagraph (1)(a)5. shall be remitted to the
7 Department of Revenue for deposit into the Department of
8 Revenue Clerks of the Court Trust Fund. An additional filing
9 fee of \$4 shall be paid to the clerk. The clerk shall transfer
10 \$3.50 to the Department of Revenue for deposit into the Court
11 Education Trust Fund and shall transfer 50 cents to the Clerk
12 of Court Operations Conference to fund clerk education.

13 **(c)** Postal charges incurred by the clerk of the county
14 court in making service by mail on defendants or other parties
15 shall be paid by the party at whose instance service is made.
16 Except as provided herein, filing fees ~~and service charges~~ for
17 performing duties of the clerk relating to the county court
18 shall be as provided in ~~s. ss. 28.24~~ and 28.241. Except as
19 otherwise provided herein, all filing fees shall be retained
20 as fee income of the office of the clerk of circuit court.
21 Filing fees imposed by this section may not be added to any
22 penalty imposed by chapter 316 or chapter 318.

23 **(2)** Notwithstanding any law to the contrary, a board
24 of county commissioners that imposed by ordinance increased
25 fees or service charges under s. 28.2401, s. 28.241, or this
26 section for the purpose of securing payment of the principal
27 of and interest on bonds issued by the county before July 1,
28 2003, to finance state court facilities may impose by
29 ordinance a surcharge of up to \$30 in excess of the fees or
30 service charges set forth in this section. Such surcharge
31 shall not be waived by the court. Revenue from the surcharge

1 shall be used to pay the principal of and interest on the
2 bonds until the date of stated maturity. The bonds may be
3 refunded only if:

4 1. Savings will be realized on payments of debt
5 service; and

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

8 (3) Except as provided in s. 28.345, a party reopening
9 any civil action, suit, or proceeding in the county court
10 shall pay to the clerk of court a filing fee set by the clerk
11 in an amount not to exceed \$50. For purposes of this section,
12 a case is reopened when a case previously reported as disposed
13 of is resubmitted to a court and includes petitions for
14 modification of a final judgment of dissolution. A party is
15 exempt from paying the fee for any of the following:

16 1. Writ of Garnishment;

17 2. Writ of Replevin;

18 3. Distress Writ;

19 4. Writ of Attachment;

20 5. Motion for rehearing filed within 10 days;

21 6. Motion for attorney's fees filed within 30 days of
22 the entry of the judgment or final order;

23 7. Motion for dismissal filed after a mediation
24 agreement has been filed;

25 8. Disposition of personal property without
26 administration;

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

29 10. Any guardianship pleading prior to discharge;

30 11. Any mental health pleading;

31 12. Motions to withdraw by attorneys;

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

3 14. Petition for credit of child support;

4 15. Stipulations;

5 16. Responsive pleadings; or

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

7 ~~(4)(2)~~ If a party ~~fails~~ shall fail to pay accrued
8 costs, though able to do so, the judge ~~may~~ shall have power to
9 deny that party the right to file any new case while such
10 costs remain unpaid and, likewise, ~~to~~ deny such litigant the
11 right to proceed further in any case pending.

12 ~~(5)(3)~~ In criminal proceedings in county courts, costs
13 shall be taxed against a person in county court upon
14 conviction or estreature pursuant to chapter 939.

15 ~~(6)(4)~~ Upon the institution of any appellate
16 proceeding from the county court to the circuit court,
17 including appeals filed by a county or municipality, the clerk
18 shall charge and collect ~~there shall be charged and collected~~
19 from the party or parties instituting the ~~such~~ appellate
20 proceedings, ~~including appeals filed by a county or~~
21 ~~municipality,~~ filing fees as provided in s. 28.241 ~~chapter 28.~~

22 ~~(7)(5)~~ A charge or a fee may not be imposed upon a
23 party for responding by pleading, motion, or other paper to a
24 civil or criminal action, suit, or proceeding in a county
25 court or to an appeal to the circuit court.

26 ~~(8)(6)~~ For purposes of this section, the term "party"
27 ~~"plaintiff"~~ includes a county or municipality filing any civil
28 action.

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

1 Section 33. Section 34.191, Florida Statutes, as
2 amended by section 56 of chapter 2003-402, Laws of Florida, is
3 amended to read:

4 34.191 Fines and forfeitures.--All fines and
5 forfeitures arising from offenses tried in the county court
6 shall be collected and accounted for by the clerk of the
7 court. All fines and forfeitures received from violations of
8 municipal ordinances committed within a municipality within
9 the territorial jurisdiction of the county court shall be paid
10 monthly to the municipality except as provided in s. 318.21 or
11 s. 943.25. All other fines and forfeitures collected by the
12 clerk shall be considered income of the office of the clerk
13 for use in performing court-related duties of the office. The
14 clerk of court or the governing body of the municipality, as
15 appropriate, may pursue the collection of any of the unpaid
16 financial obligations to which it is entitled which remain
17 unpaid for 90 days or more, or refer such collection to a
18 private attorney who is a member in good standing of The
19 Florida Bar or collection agent who is registered and in good
20 standing pursuant to chapter 559. In pursuing the collection
21 of such unpaid financial obligations through a private
22 attorney or collection agent, the clerk of court or the
23 governing body of the municipality, as appropriate, must
24 determine this is cost-effective and follow applicable
25 procurement practices. The cost of collection, including a
26 reasonable attorney's fee, may be recovered by adding the cost
27 and fee to the balance owed, except that such fee and cost may
28 not exceed 40 percent of the balance owed.

29 Section 34. Section 35.22, Florida Statutes, is
30 amended to read:

31

1 35.22 Clerk of district court; appointment;
2 compensation; assistants; filing and appearance fees;
3 teleconferencing.--

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

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

11 (3) The clerk, upon the filing of a certified copy of
12 a notice of appeal or petition, shall charge and collect a
13 filing fee ~~service charge~~ of ~~\$350~~\$250 for each case docketed,
14 and for copying, certifying or furnishing opinions, records,
15 papers or other instruments and for other services the same
16 service charges as provided in s. 28.24. The State of Florida
17 or its agencies, when appearing as appellant or petitioner, is
18 exempt from the filing fee required in this subsection. From
19 each attorney appearance pro hac vice, the clerk must collect
20 a fee of \$100 for deposit as provided in this section.

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

24 (5) The clerk is authorized immediately after a case
25 is disposed of, to supply the judge who tried the case and
26 from whose order, judgment, or decree, appeal or other review
27 is taken, a copy of all opinions, orders, or judgments filed
28 in such case. Copies of opinions, orders, and decrees shall be
29 furnished in all cases to each attorney of record and for
30 publication in Florida reports to the authorized publisher

31

1 without charge, and copies furnished to other law book
2 publishers at one-half the regular statutory fee.

3 (6) The clerk of each district court of appeal is
4 required to deposit all fees collected in the State Treasury
5 to the credit of the General Revenue Fund, except that \$100 of
6 each \$350 filing fee collected shall be deposited into the
7 state courts' Grants and Donations Trust Fund to fund court
8 improvement projects as authorized in the General
9 Appropriations Act. The clerk shall retain an accounting of
10 each such remittance.

11 (7) The clerk of the district court of appeal is
12 authorized to collect a fee from the parties to an appeal
13 reflecting the actual cost of conducting the proceeding
14 through teleconferencing where the parties have requested that
15 an oral argument or mediation be conducted through
16 teleconferencing. The fee collected for this purpose shall be
17 used to offset the expenses associated with scheduling the
18 teleconference and shall be deposited in the
19 Mediation/Arbitration Trust Fund.

20 Section 35. Section 40.29, Florida Statutes, as
21 amended by section 62 of chapter 2003-402, Laws of Florida, is
22 amended to read:

23 40.29 Payment of Clerks to make estimates and
24 requisitions for certain due process costs.--

25 (1)(a) The clerk of the circuit court, on behalf of
26 the courts, the state attorney and public defender shall
27 forward to the Justice Administrative Commission, by county, a
28 quarterly estimate of funds necessary to pay for witnesses,
29 except for expert witnesses paid pursuant to a contract or
30 other professional services agreement pursuant to ss. 29.005
31 and 29.006.

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

23 (2) Upon receipt of an estimate pursuant to subsection
24 (1), the Justice Administrative Commission or Office of State
25 Courts Administrator, as applicable, shall endorse the amount
26 deemed necessary for payment by the clerk of the court during
27 the quarterly fiscal period and shall submit a request for
28 payment to the Chief Financial Officer.~~The provisions of~~
29 ~~chapter 82-176, Laws of Florida, shall take effect July 1,~~
30 ~~1982, except that those provisions which provide for the state~~
31 ~~assumption of witness fees which are currently paid by the~~

1 ~~counties shall take effect on a date determined by the~~
2 ~~appropriation of funds for this purpose.~~

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

8 (4) After review for compliance with the rates and
9 requirements set by the circuit Article V indigent services
10 committees, the Article V Indigent Services Advisory Board,
11 and other applicable general laws, the Justice Administrative
12 Commission shall pay all due process service related invoices,
13 except those enumerated in paragraphs (1)(a) and (b), approved
14 and submitted by the state attorney, public defender, or court
15 appointed counsel in accordance with the applicable
16 requirements of ss. 29.005, 29.006, and 29.007.

17 Section 36. Section 40.32, Florida Statutes, is
18 amended to read:

19 40.32 Clerks to disburse money.--All moneys drawn from
20 the treasury under the provisions of this chapter by the clerk
21 of the court shall be disbursed by the clerk of the court as
22 far as needed in payment of jurors and witnesses, except for
23 expert witnesses paid pursuant to a contract or other
24 professional services agreement pursuant to ss. 29.004,
25 29.005, 29.006, and 29.007,for the legal compensation for
26 service during the quarterly fiscal period for which said
27 moneys were drawn and for no other purposes. Jurors and
28 witnesses shall be paid by the clerk of the court either in
29 cash or by warrant within 20 days after completion of jury
30 service or of completion of service as a witness. Whenever the
31 clerk of the court pays a juror or witness by cash, said juror

1 or witness shall sign the payroll in the presence of the
2 clerk, a deputy clerk, or some other person designated by the
3 clerk. Whenever the clerk pays a juror or witness by warrant,
4 he or she shall endorse on the payroll opposite the juror's or
5 witness's name the words "Paid by warrant," giving the number
6 and date of the warrant.

7 Section 37. Section 44.108, Florida Statutes, as
8 amended by section 66 of chapter 2003-402, Laws of Florida, is
9 amended to read:

10 44.108 Funding of mediation and arbitration.--

11 (1) Mediation should be accessible to all parties
12 regardless of financial status. In addition to other fees,
13 finances, service charges, and costs levied by law, a filing fee
14 of \$1 is levied on all proceedings in the circuit or county
15 courts to fund mediation and arbitration services which are
16 the responsibility of the Supreme Court pursuant to the
17 provisions of s. 44.106. The clerk of the court shall forward
18 the moneys collected to the Department of Revenue for deposit
19 in the state courts' Mediation and Arbitration Trust Fund.

20 (2) Fees for mediation services provided by the state
21 in the county or counties of the circuit shall be set by the
22 Trial Court Budget Commission in accordance with the
23 guidelines adopted by the Supreme Court. Any such fees
24 collected by the clerk of court, after deduction of a \$1 per
25 fee assessment, shall be forwarded to the Department of
26 Revenue for deposit in the state courts' Mediation and
27 Arbitration Trust Fund for the specific purpose of funding the
28 costs of providing mediation services. Such funds shall be
29 allocated to the circuits in the amounts collected by the
30 circuit to supplement the costs of providing such services.

31

1 Section 38. Subsection (1) of section 45.031, Florida
2 Statutes, is amended to read:

3 45.031 Judicial sales procedure.--In any sale of real
4 or personal property under an order or judgment, the following
5 procedure may be followed as an alternative to any other sale
6 procedure if so ordered by the court:

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

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

28
29 The clerk shall receive a service charge of up to \$60~~\$40~~ for
30 services in making, recording, and certifying the sale and
31 title that shall be assessed as costs. The court, in its

1 discretion, may enlarge the time of the sale. Notice of the
2 changed time of sale shall be published as provided herein.

3 Section 39. Section 50.0711, Florida Statutes, is
4 created to read:

5 (1) The clerk of the court in each county is
6 authorized to establish a court docket fund for the purpose of
7 paying the cost of publication of the fact of the filing of
8 any civil case in the circuit court of its county by the style
9 and of the calendar relating to such cases. This court docket
10 fund shall be funded by a service charge of \$1 added to the
11 filing fee for all civil actions, suits, or proceedings filed
12 in the circuit court of the subject county. The clerk shall
13 maintain such funds separate and apart, and the aforesaid fee
14 shall not be diverted to any other fund or for any purpose
15 other than that established herein. The clerk of the court
16 shall dispense the fund to the designated record newspaper in
17 the county on a quarterly basis.

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

29 (3) The publishers of any designated record newspapers
30 receiving payment from this court docket fund shall publish,
31 without additional charge, the fact of the filing of any civil

1 case, suit, or action filed in the subject county of the
2 circuit. Such publication shall be in accordance with a
3 schedule agreed upon between the record newspaper and the
4 clerk of the court in the subject county.

5 Section 40. Subsection (5) of section 55.10, Florida
6 Statutes, as amended by section 68 of chapter 2003-402, Laws
7 of Florida, is amended to read:

8 55.10 Judgments, orders, and decrees; lien of all,
9 generally; extension of liens; transfer of liens to other
10 security.--

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

1 property shall thereupon be released from the lien claimed,
2 and such lien shall be transferred to said security. The clerk
3 shall be entitled to a service charge ~~fee~~ of up to \$15 for
4 making and serving the certificate. If the transaction
5 involves the transfer of multiple liens, an additional charge
6 of up to \$7.50 for each additional lien shall be charged. Any
7 number of liens may be transferred to one such security.

8 Section 41. Subsection (2) of section 55.141, Florida
9 Statutes, as amended by section 69 of chapter 2003-402, Laws
10 of Florida, is amended to read:

11 55.141 Satisfaction of judgments and decrees; duties
12 of clerk and judge.--

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

31

1 Section 42. Section 55.312, Florida Statutes, is
2 created to read:

3 55.312 Service charge on certain money judgments and
4 settlement agreements.--

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

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

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

28 (3) The clerk of the court shall remit the service
29 charge receipts collected under this section to the Department
30 of Revenue. The Department of Revenue shall deposit the first
31 \$5 million received each year into the Grants and Donations

1 Trust Fund of the Department of Community Affairs to fund
2 access to civil legal assistance as provided in subsection
3 (2), and the Department of Revenue shall deposit any excess
4 into the General Revenue Fund.

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

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

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

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

29 Section 43. Section 57.085, Florida Statutes, as
30 amended by section 72 of chapter 2003-402, Laws of Florida, is
31 amended to read:

1 57.085 Deferral ~~Waiver~~ of prepayment of court costs
2 and fees for indigent prisoners.--

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

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

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

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

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

25 (6) Before an indigent prisoner may intervene in or
26 initiate any judicial proceeding, the court must review the
27 prisoner's claim to determine whether it is legally sufficient
28 to state a cause of action for which the court has
29 jurisdiction and may grant relief. The court shall dismiss
30 all or part of an indigent prisoner's claim which:
31

1 (a) Fails to state a claim for which relief may be
2 granted;

3 (b) Seeks monetary relief from a defendant who is
4 immune from such relief;

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

7 (d) Is frivolous or malicious, or reasonably appears
8 to be intended to harass one or more named defendants.

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

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

27 (a) The prisoner's claim of indigence is false or
28 misleading;

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

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

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

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

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

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

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

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

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

18 (10) This section does not apply to a criminal
19 proceeding or a collateral criminal proceeding.

20 Section 44. Paragraph (b) of subsection (6) of section
21 61.14, Florida Statutes, as amended by section 73 of chapter
22 2003-402, Laws of Florida, is amended to read:

23 61.14 Enforcement and modification of support,
24 maintenance, or alimony agreements or orders.--

25 (6)

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

31 a. The delinquency and its amount.

1 b. An impending judgment by operation of law against
2 him or her in the amount of the delinquency and all other
3 amounts which thereafter become due and are unpaid, together
4 with costs and a fee of up to \$7.50~~\$5~~, for failure to pay the
5 amount of the delinquency.

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

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

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

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

18 Section 45. Paragraph (b) of subsection (2) of section
19 61.181, Florida Statutes, is amended to read:

20 61.181 Depository for alimony transactions, support,
21 maintenance, and support payments; fees.--

22 (2)

23 (b)1. ~~For the period of July 1, 1992, through June 30,~~
24 ~~2004,~~The fee imposed in paragraph (a) shall be increased to 4
25 percent of the support payments which the party is obligated
26 to pay, except that no fee shall be more than \$5.25. The fee
27 shall be considered by the court in determining the amount of
28 support that the obligor is, or may be, required to pay.
29 Notwithstanding the provisions of s. 145.022, 75 percent of
30 the additional revenues generated by this paragraph shall be
31 remitted monthly to the Clerk of the Court Child Support

1 Enforcement Collection System Trust Fund administered by the
2 department as provided in subparagraph 2. These funds shall be
3 used exclusively for the development, implementation, and
4 operation of the Clerk of the Court Child Support Enforcement
5 Collection System to be operated by the depositories,
6 including the automation of civil case information necessary
7 for the State Case Registry. The department shall contract
8 with the Florida Association of Court Clerks and the
9 depositories to design, establish, operate, upgrade, and
10 maintain the automation of the depositories to include, but
11 not be limited to, the provision of on-line electronic
12 transfer of information to the IV-D agency as otherwise
13 required by this chapter. The department's obligation to fund
14 the automation of the depositories is limited to the state
15 share of funds available in the Clerk of the Court Child
16 Support Enforcement Collection System Trust Fund. Each
17 depository created under this section shall fully participate
18 in the Clerk of the Court Child Support Enforcement Collection
19 System and transmit data in a readable format as required by
20 the contract between the Florida Association of Court Clerks
21 and the department.

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

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

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

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

31

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

5 Section 46. Section 125.69, Florida Statutes, as
6 amended by section 80 of chapter 2003-402, Laws of Florida, is
7 amended to read:

8 125.69 Penalties; enforcement by code inspectors.--

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

23 ~~(2) For the purpose of prosecuting violations of~~
24 ~~special laws and county ordinances notwithstanding the~~
25 ~~prosecutorial authority of the state attorney pursuant to s.~~
26 ~~27.02(1), the board of county commissioners of each county and~~
27 ~~the governing board of each charter county may designate as~~
28 ~~the county's prosecuting attorney an attorney employed by the~~
29 ~~county or a contract attorney. Subject to the control and~~
30 ~~oversight of the appointing authority, such attorney may~~
31 ~~employ assistants as necessary. Such person shall have all~~

1 ~~powers exercisable by the state attorney in the prosecution of~~
2 ~~violations of county ordinances under this section as of June~~
3 ~~30, 2004. Such person shall be subject to suspension and~~
4 ~~removal by the Governor and Senate from the exercise of~~
5 ~~prosecutorial powers in the same manner as state attorneys.~~

6 (2)~~(3)~~ Each county is authorized and required to pay
7 any attorney appointed by the court to represent a defendant
8 prosecuted under this section if the provision of an attorney
9 at public expense is required by the Constitution of the
10 United States or the Constitution of the State of Florida and
11 if the party is indigent as established pursuant to s. 27.52.
12 In such cases, the court shall appoint counsel to represent
13 the defendant in accordance with s. 27.40, and shall order the
14 county to pay the reasonable fees, expenses, and costs of such
15 defense. The county may contract with the public defender of
16 the judicial circuit in which the county is located to provide
17 representation under this subsection.

18 (3)~~(4)~~ The county shall bear all court fees and costs
19 of any prosecution under this section, and may, if it
20 prevails, recover the court fees and costs paid by it and the
21 fees and expenses paid to court-appointed counsel as part of
22 its judgment. The state shall bear no expense of actions
23 brought under this section except those that it would bear in
24 an ordinary civil action between private parties in county
25 court.

26 (4)~~(5)~~ The board of county commissioners of each
27 county may designate its agents or employees as code
28 inspectors whose duty it is to assure code compliance. Any
29 person designated as a code inspector may issue citations for
30 violations of county codes and ordinances, respectively, or
31

1 subsequent amendments thereto, when such code inspector has
2 actual knowledge that a violation has been committed.

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

18 (b) A citation issued by a code inspector shall state
19 the date and time of issuance, name and address of the person
20 in violation, date of the violation, section of the codes or
21 ordinances, or subsequent amendments thereto, violated, name
22 of the code inspector, and date and time when the violator
23 shall appear in county court.

24 (c) If a repeat violation is found subsequent to the
25 issuance of a citation, the code inspector is not required to
26 give the violator a reasonable time to correct the violation
27 and may immediately issue a citation. For purposes of this
28 subsection, the term "repeat violation" means a violation of a
29 provision of a code or ordinance by a person who has
30 previously been found to have violated the same provision
31

1 within 5 years prior to the violation, notwithstanding the
2 violations occurred at different locations.

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

8 1. Disclose, in writing, the existence and the nature
9 of the proceeding to the prospective transferee.

10 2. Deliver to the prospective transferee a copy of the
11 pleadings, notices, and other materials relating to the county
12 court proceeding received by the transferor.

13 3. Disclose, in writing, to the prospective transferee
14 that the new owner will be responsible for compliance with the
15 applicable code and with orders issued in the county court
16 proceeding.

17 4. File a notice with the code enforcement official of
18 the transfer of the property, with the identity and address of
19 the new owner and copies of the disclosures made to the new
20 owner, within 5 days after the date of the transfer.

21
22 A failure to make the disclosure described in subparagraphs
23 1., 2., and 3. before the transfer creates a rebuttable
24 presumption of fraud. If the property is transferred before
25 the date the violator has been summoned to appear in county
26 court, the proceeding shall not be dismissed but the new owner
27 will be substituted as the party of record and thereafter
28 provided a reasonable period of time to correct the violation
29 before the continuation of proceedings in county court.

30 (e) If the code inspector has reason to believe a
31 violation or the condition causing the violation presents a

1 serious threat to the public health, safety, and welfare or if
2 the violation is irreparable or irreversible in nature, or if
3 after attempts under this section to bring a repeat violation
4 into compliance with a provision of a code or ordinance prove
5 unsuccessful, the local governing body may make all reasonable
6 repairs which are required to bring the property into
7 compliance and charge the owner with the reasonable cost of
8 the repairs along with the fine imposed pursuant to this
9 section. Making such repairs does not create a continuing
10 obligation on the part of the local governing body to make
11 further repairs or to maintain the property and does not
12 create any liability against the local governing body for any
13 damages to the property if such repairs were completed in good
14 faith.

15 (f) Nothing in this subsection shall be construed to
16 authorize any person designated as a code inspector to perform
17 any function or duties of a law enforcement officer other than
18 as specified in this subsection. A code inspector shall not
19 make physical arrests or take any person into custody and
20 shall be exempt from requirements relating to the Special Risk
21 Class of the Florida Retirement System, bonding, and the
22 Criminal Justice Standards and Training Commission, as defined
23 and provided by general law.

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

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

31

1 (i) The provisions of this subsection are additional
2 or supplemental means of enforcing county codes and
3 ordinances. Except as provided in paragraph (h), nothing in
4 this subsection shall prohibit a county from enforcing its
5 codes or ordinances by any other means.

6 Section 47. Subsection (3) of section 129.02, Florida
7 Statutes, is amended to read:

8 129.02 Requisites of budgets.--Each budget shall
9 conform to the following specific directions and requirements:

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

20 Section 48. Section 142.01, Florida Statutes, as
21 amended by section 81 of chapter 2003-402, Laws of Florida, is
22 amended to read:

23 142.01 Fine and forfeiture fund.--There shall be
24 established by the clerk of the circuit court in each county
25 of this state a separate fund to be known as the fine and
26 forfeiture fund for use by the clerk of the circuit court in
27 performing court-related functions. The fund shall consist of
28 all fines and forfeitures collected by the clerk of the court
29 for violations of the penal ~~or traffic~~ laws of the state,
30 including criminal traffic violations, except those fines
31 imposed under s. 775.0835(1); allocations of court costs and

1 civil penalties pursuant to s.~~ss.~~318.18 not otherwise
2 provided for in s. 318.18(11)(a) and s.318.21; assessments
3 imposed under ss. 938.21, 938.23, and 938.25; and all costs
4 refunded to the county.

5 Section 49. Subsection (3) of section 166.0415,
6 Florida Statutes, is amended to read:

7 166.0415 Enforcement by code inspectors; citations.--

8 (3) A citation issued by a code inspector shall state
9 the date and time of issuance; name and address of the person
10 in violation; date of the violation; section of the codes or
11 ordinances, or subsequent amendments thereto, violated; name
12 of the code inspector; and date and time when the violator
13 shall appear in county court if the municipality has a
14 contract or other agreement with a state attorney for
15 representation.

16 Section 50. Subsection (3) is added to section
17 218.245, Florida Statutes, to read:

18 218.245 Revenue sharing; apportionment.--

19 (3) Revenues attributed to the increase in
20 distribution to the Revenue Sharing Trust Fund for
21 Municipalities pursuant to s. 212.20(6)(d)6. from 1.0715 to
22 1.3409 percent as provided in chapter 2003-402, Laws of
23 Florida, shall be distributed as follows: each eligible
24 municipality's allocation will be based on the amount it
25 received from the half-cent sales tax under s. 218.61 in the
26 prior state fiscal year divided by the total receipts under s.
27 218.61 in the prior state fiscal year for all eligible
28 municipalities. For eligible municipalities that began
29 participating in the allocation of half-cent sales tax under
30 s. 218.61 in the previous state fiscal year, their annual
31 receipts will be calculated by dividing their actual receipts

1 by the number of months they participated, and the result
2 multiplied by 12.

3 Section 51. Subsection (10) of section 318.14, Florida
4 Statutes, is amended to read:

5 318.14 Noncriminal traffic infractions; exception;
6 procedures.--

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

18 1. Operating a motor vehicle without a valid driver's
19 license in violation of the provisions of s. 322.03, s.
20 322.065, or s. 322.15(1), or operating a motor vehicle with a
21 license that ~~which~~ has been suspended for failure to appear,
22 failure to pay civil penalty, or failure to attend a driver
23 improvement course pursuant to s. 322.291.

24 2. Operating a motor vehicle without a valid
25 registration in violation of s. 320.0605, s. 320.07, or s.
26 320.131.

27 3. Operating a motor vehicle in violation of s.
28 316.646.

29 (b) Any person cited for an offense listed in this
30 subsection shall present proof of compliance prior to the
31 scheduled court appearance date. For the purposes of this

1 subsection, proof of compliance shall consist of a valid,
2 renewed, or reinstated driver's license or registration
3 certificate and proper proof of maintenance of security as
4 required by s. 316.646. Notwithstanding waiver of fine, any
5 person establishing proof of compliance shall be assessed
6 court costs of \$22, except that a person charged with
7 violation of s. 316.646(1)-(3) may be assessed court costs of
8 \$7. One dollar of such costs shall be remitted to the
9 Department of Revenue for deposit into the Child Welfare
10 Training Trust Fund of the Department of Children and Family
11 Services. One dollar of such costs shall be distributed to the
12 Department of Juvenile Justice for deposit into the Juvenile
13 Justice Training Trust Fund. Twelve dollars of such costs
14 shall be distributed to the municipality and \$8 shall be
15 deposited by the clerk into the fine and forfeiture fund
16 established pursuant to s. 142.01 ~~retained by the county~~, if
17 the offense was committed within the municipality. If the
18 offense was committed in an unincorporated area of a county or
19 if the citation was for a violation of s. 316.646(1)-(3), ~~the~~
20 ~~county shall retain~~ the entire amount shall be deposited by
21 the clerk into the fine and forfeiture fund established
22 pursuant to s. 142.01, except for the moneys to be deposited
23 into the Child Welfare Training Trust Fund and the Juvenile
24 Justice Training Trust Fund. This subsection shall not be
25 construed to authorize the operation of a vehicle without a
26 valid driver's license, without a valid vehicle tag and
27 registration, or without the maintenance of required security.

28 Section 52. Subsection (2) of section 318.15, Florida
29 Statutes, as amended by section 98 of chapter 2003-402, Laws
30 of Florida, is amended to read:

31

1 318.15 Failure to comply with civil penalty or to
2 appear; penalty.--

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

19 Section 53. Subsections (8) and (11) of section
20 318.18, Florida Statutes, as amended by section 99 of chapter
21 2003-402, Laws of Florida, are amended, and subsection (13) is
22 added to that section, to read:

23 318.18 Amount of civil penalties.--The penalties
24 required for a noncriminal disposition pursuant to s. 318.14
25 are as follows:

26 (8)(a) Any person who fails to comply with the court's
27 requirements or who fails to pay the civil penalties specified
28 in this section within the 30-day period provided for in s.
29 318.14 must pay an additional civil penalty of ~~\$18~~~~\$12~~, \$2.50
30 of which must be remitted to the Department of Revenue for
31 deposit in the General Revenue Fund, \$6 of which must be

1 deposited into the fine and forfeiture fund established
2 pursuant to s. 142.01,and \$9.50 of which must be remitted to
3 the Department of Revenue for deposit in the Highway Safety
4 Operating Trust Fund. The department shall contract with the
5 Florida Association of Court Clerks, Inc., to design,
6 establish, operate, upgrade, and maintain an automated
7 statewide Uniform Traffic Citation Accounting System to be
8 operated by the clerks of the court which shall include, but
9 not be limited to, the accounting for traffic infractions by
10 type, a record of the disposition of the citations, and an
11 accounting system for the fines assessed and the subsequent
12 fine amounts paid to the clerks of the court. On or before
13 December 1, 2001, the clerks of the court must provide the
14 information required by this chapter to be transmitted to the
15 department by electronic transmission pursuant to the
16 contract.

17 (b) Any person who fails to comply with the court's
18 requirements as to civil penalties specified in this section
19 due to demonstrable financial hardship shall be authorized to
20 satisfy such civil penalties by public works or community
21 service. Each hour of such service shall be applied, at the
22 rate of the minimum wage, toward payment of the person's civil
23 penalties; ~~provided, however, that~~ if the person has a trade
24 or profession for which there is a community service need and
25 application, the rate for each hour of such service shall be
26 the average standard wage for such trade or profession. Any
27 person who fails to comply with the court's requirements as to
28 such civil penalties who does not demonstrate financial
29 hardship may also, at the discretion of the court, be
30 authorized to satisfy such civil penalties by public works or
31 community service in the same manner.

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

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

9
10 For pedestrian infractions.....\$ 3.
11 For nonmoving traffic infractions.....\$ 16.
12 For moving traffic infractions.....\$ 30.

13 (b) Of the funds collected under paragraph (a), 50
14 cents for each infraction shall be distributed by the clerk to
15 the Florida Department of Law Enforcement for deposit in the
16 Criminal Justice Standards and Training Trust Fund. Funds
17 received by the Department of Law Enforcement pursuant to this
18 section shall be distributed to criminal justice selection
19 centers or criminal justice access and assessment centers.

20 (c) Of the funds collected under paragraph (a), \$2.50
21 for each infraction shall be distributed by the clerk to the
22 county to help pay for criminal justice education and training
23 programs pursuant to s. 938.15. Funds from the distribution to
24 the county not directed by the county to fund these centers or
25 programs shall be retained by the clerk and used for funding
26 the court-related services of the clerk.

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

1 (13) Notwithstanding any law to the contrary, a board
2 of county commissioners that imposed by ordinance increased
3 fees or service charges under s. 28.2401, s. 28.241, or s.
4 34.041 for the purpose of securing payment of the principal of
5 and interest on bonds issued by the county before July 1,
6 2003, to finance state court facilities may impose by
7 ordinance a surcharge of up to \$15 on any fine or forfeiture
8 collected by the county for the violation of a traffic
9 ordinance. Such surcharge shall not be waived by the court.
10 Revenue from the surcharge shall be used to pay the principal
11 of and interest on the bonds until the date of stated
12 maturity. The bonds may be refunded only if:

- 13 1. Savings will be realized on payments of debt
14 service; and
15 2. The refunding bonds are scheduled to mature on the
16 same date or before the bonds being refunded.

17 Section 54. Paragraph (h) of subsection (2) and
18 subsections (3) and (11) of section 318.21, Florida Statutes,
19 as amended by section 100 of chapter 2003-402, Laws of
20 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 (2) Of the remainder:
26 ~~(h) Fifteen percent must be deposited into the General~~
27 ~~Revenue Fund.~~

28 (3)~~(a)~~ Moneys paid to a municipality or special
29 improvement district under subparagraph (2)(g)1. must be used
30 to fund local criminal justice training as provided in s.
31 938.15 when such a program is established by ordinance; to

1 fund a municipal school crossing guard training program; and
2 for any other lawful purpose.

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

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

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

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

1 program. The surcharge must be authorized by an ordinance
2 requiring public hearings. This surcharge, established by the
3 governing body of the county, must be placed in a trust fund
4 called the School Crossing Guard Trust Fund. Funds collected
5 from this surcharge must be distributed quarterly to
6 jurisdictions to fund school crossing guard programs based on
7 each jurisdiction's percentage of the school crossing guards
8 in the county school district.

9 Section 55. Paragraph (a) of subsection (4) of section
10 321.05, Florida Statutes, is amended to read:

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

1 as set forth in subsection (1). The patrol officers under the
2 direction and supervision of the Department of Highway Safety
3 and Motor Vehicles shall perform and exercise throughout the
4 state the following duties, functions, and powers:

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

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

12 Section 56. Subsections (4) and (11) of section
13 327.73, Florida Statutes, as amended by section 103 of chapter
14 2003-402, Laws of Florida, are amended to read:

15 327.73 Noncriminal infractions.--

16 (4) Any person charged with a noncriminal infraction
17 under this section may:

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

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

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

1 the case and may assess a~~\$5~~ dismissal fee of up to \$7.50. If
2 a person who is cited for a violation of s. 328.72(13) can
3 show proof of having a registration for that vessel which was
4 valid at the time of the citation, the clerk may dismiss the
5 case and may assess a~~\$5~~ dismissal fee of up to \$7.50.

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

- 9 1. For swimming or diving infractions, up to \$4.50 ~~\$3~~.
- 10 2. For nonmoving boating infractions, up to \$9 ~~\$6~~.
- 11 3. For boating infractions listed in s. 327.731(1), up
12 to \$15 ~~\$10~~.

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

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

24 Section 57. Subsection (1) of section 372.72, Florida
25 Statutes, is amended to read:

26 372.72 Disposition of fines, penalties, and
27 forfeitures.--

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

1 had, except for the disposition of moneys as provided in
2 subsection (2).

3 Section 58. Section 382.023, Florida Statutes, as
4 amended by section 104 of chapter 2003-402, Laws of Florida,
5 is amended to read:

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

23 Section 59. Subsection (2) of section 384.288, Florida
24 Statutes, is amended to read:

25 384.288 Fees and other compensation; payment by board
26 of county commissioners.--

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

31

1 Section 60. Subsection (2) of section 392.68, Florida
2 Statutes, is amended to read:

3 392.68 Fees and other compensation.--

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

8 Section 61. Section 394.473, Florida Statutes, as
9 amended by section 107 of chapter 2003-402, Laws of Florida,
10 is amended to read:

11 394.473 Attorney's fee; expert witness fee.--

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

21 (2) In case of the indigence of any person for whom
22 expert testimony is required in a court hearing pursuant to
23 the provisions of this act, the expert, except one who is
24 classified as a full-time employee of the state ~~or who is~~
25 ~~receiving remuneration from the state for his or her time in~~
26 ~~attendance at the hearing,~~ shall be entitled to a reasonable
27 fee to be determined by the court and paid pursuant to chapter
28 29 ~~from the general fund of the county from which the patient~~
29 ~~was involuntarily detained.~~

30
31

1 Section 62. Subsection (1) of section 395.3025,
2 Florida Statutes, as amended by section 108 of chapter
3 2003-402, Laws of Florida, is amended to read:

4 395.3025 Patient and personnel records; copies;
5 examination.--

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

1 reasonable terms as shall be imposed to assure that the
2 records will not be damaged, destroyed, or altered.

3 Section 63. Subsection (5) of section 397.334, Florida
4 Statutes, as amended by section 109 of chapter 2003-402, Laws
5 of Florida, is amended to read:

6 397.334 Treatment-based drug court programs.--

7 (5) If a county chooses to fund a treatment-based drug
8 court program, the county must secure funding from sources
9 other than the state for those costs not otherwise assumed by
10 the state pursuant to s. 29.004. This does not prohibit the
11 counties from using treatment and other service dollars
12 provided to them by other state executive agencies or grant
13 funds that may become available for the funding of drug
14 courts. Counties may provide, by interlocal agreement, for the
15 collective funding of these programs.

16 Section 64. Subsection (4) of section 588.20, Florida
17 Statutes, is amended to read:

18 588.20 Report of sale and disposition of proceeds.--

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

24 Section 65. Subsection (1) of section 713.24, Florida
25 Statutes, as amended by section 111 of chapter 2003-402, Laws
26 of Florida, is amended to read:

27 713.24 Transfer of liens to security.--

28 (1) Any lien claimed under this part may be
29 transferred, by any person having an interest in the real
30 property upon which the lien is imposed or the contract under
31

1 | which the lien is claimed, from such real property to other
2 | security by either:

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

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

8 |
9 | either to be in an amount equal to the amount demanded in such
10 | claim of lien, plus interest thereon at the legal rate for 3
11 | years, plus \$1,000 or 25 percent of the amount demanded in the
12 | claim of lien, whichever is greater, to apply on any
13 | attorney's fees and court costs that may be taxed in any
14 | proceeding to enforce said lien. Such deposit or bond shall be
15 | conditioned to pay any judgment or decree which may be
16 | rendered for the satisfaction of the lien for which such claim
17 | of lien was recorded. Upon making such deposit or filing such
18 | bond, the clerk shall make and record a certificate showing
19 | the transfer of the lien from the real property to the
20 | security and shall mail a copy thereof by registered or
21 | certified mail to the lienor named in the claim of lien so
22 | transferred, at the address stated therein. Upon filing the
23 | certificate of transfer, the real property shall thereupon be
24 | released from the lien claimed, and such lien shall be
25 | transferred to said security. In the absence of allegations of
26 | privity between the lienor and the owner, and subject to any
27 | order of the court increasing the amount required for the lien
28 | transfer deposit or bond, no other judgment or decree to pay
29 | money may be entered by the court against the owner. The clerk
30 | shall be entitled to a service charge ~~fee~~ for making and
31 | serving the certificate, in the sum of \$10. If the

1 transaction involves the transfer of multiple liens, an
2 additional charge of \$5 for each additional lien shall be
3 charged. For recording the certificate and approving the
4 bond, the clerk shall receive her or his usual statutory
5 service charges as prescribed in s. 28.24. Any number of liens
6 may be transferred to one such security.

7 Section 66. Section 721.83, Florida Statutes, as
8 amended by section 112 of chapter 2003-402, Laws of Florida,
9 is amended to read:

10 721.83 Consolidation of foreclosure actions.--

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

15 (a) The foreclosure proceeding involves a single
16 timeshare property;

17 (b) The foreclosure proceeding is filed by a single
18 plaintiff;

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

22 (d) The nature of the defaults alleged is the same for
23 each defendant.

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

28 (3) The clerk of court shall require a plaintiff to
29 pay separate filing fees and service charges as provided by
30 general law for each single timeshare property ~~defendant~~ in a
31

1 consolidated foreclosure action filed pursuant to this
2 section.

3 Section 67. Subsection (6) of section 744.365, Florida
4 Statutes, as amended by section 115 of chapter 2003-402, Laws
5 of Florida, is amended to read:

6 744.365 Verified inventory.--

7 (6) AUDIT FEE.--

8 (a) Where the value of the ward's property exceeds
9 \$25,000, a guardian shall pay from the ward's property to the
10 clerk of the circuit court a fee of up to \$75, upon the filing
11 of the verified inventory, for the auditing of the inventory.

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

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

22 Section 68. Subsection (4) of section 744.3678,
23 Florida Statutes, as amended by section 116 of chapter
24 2003-402, Laws of Florida, is amended to read:

25 744.3678 Annual accounting.--

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

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

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

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

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

9
10 Upon petition by the guardian, the court may waive the
11 auditing fee upon a showing of insufficient funds in the
12 ward's estate.~~Any guardian unable to pay the auditing fee may~~
13 ~~petition the court for a waiver of the fee. The court may~~
14 ~~waive the fee after it has reviewed the documentation filed by~~
15 ~~the guardian in support of the waiver.~~

16 Section 69. Subsection (2) of section 766.104, Florida
17 Statutes, is amended to read:

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

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

31

1 Section 70. Section 849.19, Florida Statutes, is
2 amended to read:

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

13 Section 71. Section 849.22, Florida Statutes, is
14 amended to read:

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

22 Section 72. Section 849.44, Florida Statutes, is
23 amended to read:

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

1 shall act in behalf of the city in lieu of the state attorney
2 and shall proceed to forfeit the property as herein provided,
3 and all sums received therefrom shall go into the general
4 operating fund of the city.

5 Section 73. Subsection (3) of section 903.26, Florida
6 Statutes, is amended to read:

7 903.26 Forfeiture of the bond; when and how directed;
8 discharge; how and when made; effect of payment.--

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

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

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

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

20 Section 74. Section 925.09, Florida Statutes, is
21 amended to read:

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

30 Section 75. Section 938.17, Florida Statutes, is
31 amended to read:

1 938.17 County delinquency prevention.--

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

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

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

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

1 ~~section~~ in an appropriate, designated account established by
2 the clerk of the court, for disbursement to the sheriff as
3 needed for the implementation and operation of an assessment
4 center or suspension program.

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

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

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

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

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

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

1 by the clerk of the circuit court under this subsection shall
2 be deposited into an account specifically for the operation
3 and administration of the teen court or other juvenile
4 delinquency prevention programs.

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

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

27 (d)1. The clerk of the circuit court shall collect the
28 \$3 assessments for court costs established in this subsection
29 and shall remit the assessments to the teen court or other
30 juvenile delinquency prevention program monthly.

31

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

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

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

14 Section 76. Subsection (4) of section 938.29, Florida
15 Statutes, is amended to read:

16 938.29 Legal assistance; lien for payment of
17 attorney's fees or costs.--

18 (4) The clerk of the circuit court of the county
19 claiming such debt or lien may pursue collection on the debt
20 or lien remaining 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 a collection agent who in
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 circuit court must determine this is cost-effective and
27 follow applicable procurement practices. The cost of
28 collection, including a reasonable attorney's fee, may be
29 recovered by adding the cost and fee to the balance owed,
30 except that such fee and cost may not exceed 40 percent of the
31 balance owed.~~The clerk of the county claiming such lien is~~

1 ~~authorized to contract with a private attorney or collection~~
2 ~~agency for collection of such debts or liens, provided the fee~~
3 ~~for such collection shall be on a contingent basis not to~~
4 ~~exceed 50 percent of the recovery. However, no fee shall be~~
5 ~~paid to any collection agency by reason of foreclosure~~
6 ~~proceedings against real property or from the proceeds from~~
7 ~~the sale or other disposition of real property.~~

8 Section 77. Section 938.35, Florida Statutes, is
9 amended to read:

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

25 Section 78. Section 939.18, Florida Statutes, is
26 amended to read:

27 939.18 Assessment of additional court costs for legal
28 aid programs, public law libraries, and court facilities.--

29 (1)(a) When a person pleads guilty or nolo contendere
30 to, or is found guilty of, any felony, misdemeanor, or
31 criminal traffic offense under the laws of this state, the

1 court may assess an additional court cost, not to exceed \$150.
2 Such additional assessment shall be accounted for separately
3 by the county in which the offense occurred, to be used for
4 funding legal aid programs and public law libraries and for
5 providing and maintaining court facilities under rules adopted
6 by the Administration Commission. The Administration
7 Commission shall adopt rules to implement this subsection
8 which prescribe the methods of expenditure, the permissible
9 purposes of expenditure, the investment requirements, and the
10 accounting and reporting requirements to be enforced by each
11 county as to the funds collected.

12 (b) The court may order a person to pay the additional
13 court cost if it finds that the person has the ability to pay
14 the additional assessment and will not be prevented thereby
15 from making restitution or other compensation to victims which
16 is authorized by law or from paying child support.

17 (2) The clerk of court shall annually prepare a
18 financial report detailing the amount of court costs assessed
19 and received and the expenditures and earnings from the
20 investment of such funds. This report must be submitted to the
21 board of county commissioners, the chief judge of the judicial
22 circuit in which the county is situated, and the
23 Administration Commission.

24 Section 79. Cost sharing of due-process-related costs;
25 legislative intent.--It is the intention of the Legislature to
26 provide state funded due process related services to the state
27 court system, the state attorneys, the public defenders and
28 court appointed conflict counsel, in the most cost effective
29 and efficient manner. It is therefore appropriate to provide
30 the state court system, the state attorneys, the public
31 defenders and court appointed conflict counsel with the

1 ability to share the costs associated with these due process
2 costs by cost reimbursement and contract.

3 (1) The state court system, the state attorneys, the
4 public defenders, and court-appointed conflict counsel may
5 enter into contractual agreements to share, pro rata, the
6 costs associated with court reporting services, foreign
7 language translators and interpreters, court experts, and all
8 other due-process-related costs. Such costs shall be budgeted
9 within the appropriation for each of the affected users of
10 services.

11 (2) For the purposes of this section,
12 due-process-related costs are those that are provided by the
13 state to ensure access to court and the protection of the
14 constitutional rights of litigants without regard to the
15 ability to pay for those services.

16 Section 80. Payment of costs associated with certain
17 trial court services.--

18 (1)(a) Whenever a trial court makes state-funded goods
19 or services available to all litigants, the trial court
20 administrator of the circuit shall recover the reasonable cost
21 of those services from persons who have the ability to pay.

22 (b) Costs that are collected by the trial court
23 administrator under this section shall be deposited into the
24 judicial branch grants and donations trust fund to be used for
25 actual expenses incurred in providing trial-court services
26 pursuant to this section, which may include the salaries of
27 permanent employees.

28 (c) The reasonable cost of goods or services and the
29 implementation of the provisions of this section shall be
30 determined by the Trial Court Budget Commission.

31

1 (2)(a) Whenever a county makes goods or services
2 available to all litigants as a part of the local requirements
3 funded by the county, the county may charge and collect fees
4 for those goods and services from persons who have the ability
5 to pay.

6 (b) The chief judge of the circuit shall determine the
7 fees to be paid for such goods and services deemed local
8 requirements.

9 Section 81. The Division of Statutory Revision of the
10 Office of Legislative Services is requested to redesignate, in
11 the next edition of the Florida Statutes, the title of chapter
12 40, Florida Statutes, from "Jurors and Payment of Jurors and
13 Witnesses" to "Juries; Payment of Jurors and Due Process
14 Costs."

15 Section 82. Billing submitted for payment of due
16 process services, including, but not limited to, court
17 reporter services, court interpreter services, expert witness
18 services, mental health evaluations, and court appointed
19 counsel services must be paid by the counties if the services
20 were rendered before July 1, 2004. Counties must also pay for
21 the entire cost of any flat-fee-per-case payment pursuant to a
22 contract or professional services agreement with
23 court-appointed counsel for appointments made before July 1,
24 2004, regardless of whether work on the case is actually
25 concluded prior to July 1, 2004. Except for the flat-fee
26 contracts with court-appointed counsel, billings for services
27 on any case that commenced prior to July 1, 2004, but
28 continues past July 1, 2004, must be submitted with an
29 itemized listing of payment due for services rendered before
30 July 1, 2004, and on or after July 1, 2004. The county shall
31 pay the portion of the bill for services rendered before July

1 1, 2004, and provide a copy of the itemized bill to the
2 Justice Administrative Commission or the Office of State
3 Courts Administrator as appropriate for payment of the portion
4 of the bill for services provided on or after July 1, 2004.

5 Section 83. On July 1, 2004, all cash balances within
6 county funds previously established to provide dedicated
7 funding to benefit specific court-related programs shall be
8 used to fund such programs after July 1, 2004, until those
9 funds are depleted.

10 Section 84. Sections 11.75 and 40.30, Florida
11 Statutes, are repealed.

12 Section 85. This act shall take effect July 1, 2004.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2962

- 4 Creates the Judicial Information Integration Competency Center
5 and provides for its composition and purpose.
- 6 Revises fees, service charges, and costs relating to the
7 following:
- 8 - Provides exemptions to filing fees in certain reopened
9 cases;
 - 10 - Expands list of court entities exempt from paying clerk
11 service charges and fees;
 - 12 - Authorizes a service charge for certain publications of
13 court filings;
 - 14 - Requires clerks to distribute moneys electronically to
15 certain entities;
 - 16 - Authorizes clerks to collect service charge for partial
17 payments;
 - 18 - Modifies requirements for the clerk in reporting court
19 assessments and collections;
 - 20 - Increases Court Education Trust Fund fees;
 - 21 - Increases surcharge amount a county may impose to pay off
22 bonds for court facilities, if the bonds formerly were
23 secured by court fees. Only applies to counties which had
24 secured bonds in this way before July 1, 2003; prohibits
25 the court from waiving additional surcharges;
 - 26 - Increases filing fee in Supreme Court and District Court
27 of Appeal cases;
 - 28 - Authorizes courts to charge fee for mediation services;
 - 29 - Makes permanent a fee increase in certain child support
30 cases;
 - 31 - Clarifies that court reporting services provided through
state employee models are not subject to fees and methods
established by circuit Article V indigent services
committees;
 - Provides that inventory and financial return audit fee in
guardianship cases may be waived only upon a showing of
insufficient fund in ward's estate; and,
 - Provides for additional court cost to pay for legal aid
programs and local public law libraries.
- Specifies payments by the following entities:
- Requires clerks to pay for jurors and ordinary witnesses,

- 1 Justice Administrative Commission to pay for expert
2 witnesses, court reporters, interpreters and
3 court-appointed counsel;
4
5 - Clarifies that counties additionally pay for sign
6 language interpretation, along with other auxiliary aids
7 in certain cases;
8
9 - Authorizes counties to use certain funds for drug court
10 treatment program;
11
12 - Authorizes county to impose an assessment for court costs
13 through local ordinance to fund teen court programs and
14 juvenile delinquency prevention programs;
15
16 - Authorizes courts, state attorneys, public defenders, and
17 court-appointed conflict counsel to enter into
18 contractual agreements to share certain due-process
19 related costs;
20
21 - Authorizes court to recover reasonable costs of
22 state-funded services;
23
24 - Requires that certain cash balances within county funds
25 shall continue to fund certain programs such as teen
26 court programs until funds run out;
27
28 - Authorizes state attorney to expend state funds for
29 certain computer systems;
30
31 - Requires the State to pay for statewide prosecutor trial
expenses and witness costs in certain cases; and,
- Clarifies that counties must provide equipment and
furnishings for facilities occupied by courts, state
attorneys, and public defenders, and additionally pay for
specified communications equipment and maintenance.