

1
2 An act relating to the state judicial system;
3 amending s. 25.241, F.S.; authorizing the
4 Supreme Court to impose certain appearance fees
5 on certain attorneys; providing for deposit of
6 such fees into the state courts Grants and
7 Donations Trust Fund; amending s. 25.383, F.S.;
8 requiring the Supreme Court to determine court
9 reporter certification administration fees;
10 providing for deposit of such fees into the
11 state courts Grants and Donations Trust Fund;
12 clarifying state attorney authorization to
13 charge certain fees for discovery; amending
14 25.384, F.S.; revising purposes for which Court
15 Education Trust Fund moneys must be used;
16 amending s. 27.02, F.S.; authorizing state
17 attorneys to appear in certain courts to
18 prosecute certain special laws and local
19 ordinances; providing for reimbursement of
20 state attorneys for such prosecutions; amending
21 s. 27.34, F.S.; authorizing counties and
22 municipalities to contract with, or appropriate
23 or contribute funds to the operation of,
24 various state attorneys; requiring state
25 attorneys to contract with counties and
26 municipalities to recover the costs of certain
27 services or reimburse the state for costs of
28 assigning certain attorneys for work on behalf
29 of the counties or municipalities; providing
30 contract requirements; specifying amounts of
31 rates or costs; providing for deposit of

1 | payments into the state courts Grants and
2 | Donations Trust Fund; clarifying a prohibition
3 | against certain state attorneys from receiving
4 | any supplemental salary under certain
5 | circumstances; requiring the Chief Financial
6 | Officer to contract with the public defender to
7 | provide certain indigent representation under
8 | certain circumstances; providing contract
9 | authorizations; prohibiting state attorneys
10 | from spending certain state funds on county
11 | funding obligations; providing exceptions;
12 | requiring a state attorney to request
13 | reimbursement by a county for certain
14 | authorized short-term advance funding under
15 | certain circumstances; providing limitations on
16 | such funding; providing for deposit of
17 | reimbursement payments into the General Revenue
18 | Fund; amending s. 27.40, F.S.; clarifying when
19 | a circuit Article V indigent services committee
20 | must maintain and use a registry of counsel;
21 | revising requirements; amending s. 27.42, F.S.;
22 | clarifying membership of Article V indigent
23 | services committees; clarifying when a circuit
24 | Article V indigent services committee must
25 | maintain and use a registry of counsel;
26 | revising registry use requirements; revising
27 | fee and expense allowance rate schedule
28 | criteria; including the Governor and Chief
29 | Justice of the Supreme Court in a distribution
30 | list for certain reports; requiring the Justice
31 | Administrative Commission to provide staff

1 support for such committees from appropriated
2 funds; specifying separate appropriations for
3 certain attorney's fees and expenses and other
4 funds; requiring the Justice Administrative
5 Commission to separately track private
6 court-appointed counsel expenditures by
7 category; amending s. 27.51, F.S.; expanding
8 representation responsibilities of public
9 defenders to include violations of special laws
10 or local ordinances; providing contracting
11 requirements; providing limitations; revising
12 representation requirements; clarifying appeal
13 procedures; amending s. 27.52, F.S.; revising
14 provisions relating to determining indigent
15 status of defendants; authorizing clerks of
16 court to contract for such determinations;
17 providing application fee requirements and
18 procedures; specifying certain required
19 financial information; specifying criteria for
20 indigent status; specifying distributions of
21 application fees; deleting certain affidavit
22 requirements; providing for disposition of
23 certain amounts recovered from certain persons;
24 amending s. 27.5303, F.S.; revising standards
25 for determining counsel's conflict of interest
26 in certain cases; revising compensation of
27 private court-appointed counsel provisions;
28 amending s. 27.5304, F.S.; revising
29 compensation of private court-appointed counsel
30 provisions; amending s. 27.54, F.S.; requiring
31 public defenders to contract with counties and

1 municipalities to recover the costs of certain
2 services or reimburse the state for costs of
3 assigning certain attorneys for work on behalf
4 of the counties or municipalities; providing
5 contract requirements; specifying amounts of
6 rates or costs; providing for deposit of
7 payments into the state courts Grants and
8 Donations Trust Fund; prohibiting public
9 defenders from spending certain state funds on
10 county funding obligations; providing
11 exceptions; requiring a public defender to
12 request reimbursement by a county for certain
13 authorized short-term advance funding under
14 certain circumstances; providing limitations on
15 such funding; providing for deposit of
16 reimbursement payments into the General Revenue
17 Fund; amending s. 27.562, F.S.; providing for
18 distribution of funds collected pursuant to
19 provisions providing for legal assistance and
20 liens and payments of attorney's fees or costs
21 of a public defender; amending s. 28.101, F.S.;
22 increasing a charge for petitions for
23 dissolution of marriage; amending s. 28.24,
24 F.S.; clarifying access to public records by
25 court personnel, state attorneys, public
26 defenders, and guardians ad litem; providing
27 for administrative fees for partial payments
28 and payment plans; amending s. 28.2401, F.S.;
29 increasing the additional service charge on
30 petitions seeking summary administration in
31 probate matters; providing for distribution of

1 the increase; amending s. 28.2402, F.S.;

2 reducing the filing fee for a county or

3 municipality to file a code or ordinance

4 violation in court; providing a court cost to

5 be assessed against the nonprevailing party;

6 requiring allocation of certain fines to the

7 clerk of the court to offset certain costs

8 relating to processing violations special laws

9 and local ordinances; amending s. 28.241, F.S.;

10 revising filing fees for trial and appellate

11 proceedings; providing exemptions from certain

12 filing fee requirements; providing for

13 deferring such fees for indigent persons;

14 revising distributions of such filing fees;

15 establishing a fee to be paid by counsel

16 appearing pro hac vice before the circuit

17 court; amending s. 28.245, F.S.; requiring

18 electronic transmittal to the Department of

19 Revenue of moneys collected by clerks of court

20 for subsequent distribution to state entities;

21 requiring moneys collected by clerks of court

22 to be distributed pursuant to the law in effect

23 at time of collection; amending s. 28.246,

24 F.S.; revising court-related fees, charges, and

25 costs information reporting requirements;

26 requiring separate identification of certain

27 amounts; requiring certain persons to enroll in

28 payment programs under certain circumstances;

29 revising a funds distribution priority

30 provision; authorizing clerks to impose and

31 collect certain service charges for certain

1 purposes; providing for collection fees to be
2 in addition to certain amounts; amending s.
3 28.345, F.S.; limiting an exemption from
4 certain court-related fees and charges;
5 amending s. 28.35, F.S.; replacing the Clerk of
6 Court Operations conference with the
7 not-for-profit Florida Clerks of Court
8 Conference, Inc.; providing organizational and
9 operational requirements; providing for a
10 governing board of directors; providing for
11 board membership; revising duties of the
12 conference; providing requirements for and
13 limitations on court-related functions clerks
14 may fund from certain fees, charges, costs, and
15 fines; providing for conference funding;
16 amending s. 28.36, F.S.; revising certain
17 budget proposal and operations procedures for
18 court-related functions of clerks of court;
19 providing limitations; revising requirements;
20 providing reporting requirements for certain
21 funds insufficiencies; providing
22 responsibilities of the Department of Revenue;
23 authorizing clerks of court to retain certain
24 funds under certain revenue deficit conditions;
25 revising budget proposal and implementation
26 requirements for clerks of court; providing for
27 reimbursement of the Clerks of the Court Trust
28 Fund for certain ineligible budget expenditures
29 for certain purposes; requiring the department
30 to certify certain budgets; amending s. 28.37,
31 F.S.; changing the date for remittance of

1 revenues by clerks of the court; requiring
2 clerks operating as fee officers for
3 court-related services to determine certain
4 fees and expenses for such services; providing
5 for remittance of certain excess fees to a
6 county; requiring certain deficits to be funded
7 by a county; revising payment procedures;
8 deleting Department of Revenue authority to
9 adopt rules providing for penalties for failure
10 to comply with remittance; amending s. 29.005,
11 F.S.; clarifying witnesses to be paid from
12 state revenue when summoned by a state
13 attorney; requiring certain motor vehicles and
14 transportation services to be transferred to
15 the state; amending s. 29.006, F.S.; clarifying
16 witnesses to be paid from state revenue when
17 summoned by a public defender; amending s.
18 29.008, F.S.; revising county funding
19 requirements for certain equipment and support
20 staff; revising definitions; establishing
21 funding levels for legal aid programs;
22 requiring the Department of Revenue to withhold
23 certain revenue sharing receipts from certain
24 counties under certain circumstances;
25 specifying criteria for amounts withheld;
26 requiring the state to apply amounts withheld
27 to certain to certain payments; creating s.
28 29.0086, F.S.; creating the Article V
29 Technology Board; providing for membership;
30 providing duties and responsibilities of the
31 board; requiring a report to Legislature;

1 providing for future repeal; amending s.
2 29.016, F.S.; revising purposes for which
3 judicial branch contingency funds may be used;
4 amending s. 34.01, F.S.; deleting a requirement
5 that parties instituting civil actions, suits,
6 or proceedings pay certain fees and charges to
7 the clerk; correcting a cross-reference;
8 amending s. 34.041, F.S.; requiring parties
9 instituting civil actions, suits, or
10 proceedings in county court to pay certain
11 filing fees; providing for allocation of such
12 fees; providing certain exemptions from such
13 fees; clarifying application to nonindigent
14 parties; providing for filing fees in appellate
15 proceedings; authorizing clerks to impose a fee
16 upon attorneys appearing pro hac vice;
17 providing for deposit of such fees; creating s.
18 34.045, F.S.; providing for certain payments in
19 lieu of filing fees for certain filings in
20 county court; providing requirements and
21 limitations; providing allocations of certain
22 fines to offset costs incurred by clerks in
23 performing court-related functions associated
24 with violations of special laws or local
25 ordinances; amending s. 34.191, F.S.; revising
26 distribution requirements for fines and
27 forfeitures arising from offenses tried in
28 county court; amending s. 35.22, F.S.;
29 providing for collecting certain filing fees
30 and services charges; establishing a fee to be
31 paid by counsel appearing pro hac vice before a

1 district court of appeal; amending s. 39.0134,
2 F.S.; providing for compensation of appointed
3 counsel in termination of parental rights
4 proceedings; amending s. 40.29, F.S.; requiring
5 state attorneys, public defenders, and clerks
6 of court to provide the Justice Administrative
7 Commission with estimates of required payments
8 for witnesses; providing exceptions; providing
9 for payment of certain invoices by clerks and
10 the commission; amending s. 40.32, F.S.;
11 revising payment disbursement requirements and
12 procedures for clerks of court; amending s.
13 40.33, F.S.; revising procedures for
14 deficiencies in certain funds; creating s.
15 40.361, F.S.; providing for applicability of
16 laws relating to state budgeting and finances;
17 amending s. 43.16, F.S.; exempting the Justice
18 Administrative Commission from certain fees;
19 amending s. 44.103, F.S.; revising provisions
20 for compensating arbitrators; amending s.
21 44.108, F.S.; revising provisions for funding
22 of mediation and arbitration; amending s.
23 45.031, F.S.; increasing a service charge for
24 certain services in sales by clerks; creating
25 s. 50.0711, F.S.; authorizing clerks of circuit
26 courts to establish a court docket fund for
27 paying for publishing notice of certain filings
28 in certain newspapers; providing for funding by
29 an additional service charge to certain filing
30 fees; providing fund use requirements;
31 providing for designating and funding certain

1 newspapers for purposes of such publications;
2 providing publication requirements for such
3 newspapers; amending ss. 55.10 and 55.141,
4 F.S.; clarifying provisions relating to fees
5 and charges for clerks for certain services;
6 amending s. 57.085, F.S.; clarifying certain
7 provisions relating deferral of prepayment of
8 court costs and fees for indigent prisoners;
9 amending s. 61.14, F.S.; recharacterizing
10 certain fees as service charges; increasing a
11 certain charge; amending s. 61.181, F.S.;
12 deleting an obsolete time period reference;
13 amending s. 125.69, F.S.; deleting a provision
14 authorizing certain persons to prosecute
15 special laws and county ordinances; requiring
16 counties to pay attorneys appointed by court to
17 represent certain indigent defendants;
18 authorizing a county to contract with the
19 public defender for representation in certain
20 cases; amending s. 129.02, F.S.; revising a
21 county fine and forfeiture fund budget
22 provision; amending s. 142.01, F.S.; specifying
23 constituent funding sources for clerk of
24 circuit court fine and forfeiture funds;
25 amending s. 142.03, F.S.; revising provisions
26 providing for disposition of fines,
27 forfeitures, and civil penalties
28 municipalities; amending s. 142.09, F.S.;
29 requiring certain fees of witnesses and
30 officers arising from criminal causes to be
31 paid by the state; providing an exception;

1 | amending s. 218.245, F.S.; providing additional
2 | distribution requirements for revenues
3 | attributed to increase in distribution to the
4 | Revenue Sharing Trust Fund for Municipalities;
5 | amending s. 318.14, F.S.; providing for deposit
6 | of certain court costs into a fine and
7 | forfeiture fund instead of being retained by a
8 | county; amending s. 318.15, F.S.;
9 | recharacterizing and increasing certain fees;
10 | providing for an alternative distribution
11 | certain charges; amending s. 318.18, F.S.;
12 | clarifying application of certain civil penalty
13 | deposit provisions; authorizing boards of
14 | county commissioners to impose by ordinance a
15 | surcharge for certain infractions or violations
16 | for payment of certain bond principal and
17 | interest payments; prohibiting court waiver of
18 | the surcharge; providing limitations; amending
19 | s. 318.21, F.S.; providing for deposit of
20 | certain funds in the Grants and Donations Trust
21 | Fund in the Justice Administrative Commission
22 | rather than such fund in the state courts
23 | system; deleting a requirement that a certain
24 | percentage of certain civil penalties be
25 | deposited into the General Revenue Fund;
26 | deleting a provision requiring certain moneys
27 | paid counties to be used for funding local
28 | criminal training under certain circumstances;
29 | amending s. 318.325, F.S.; providing that
30 | county and municipal parking fine revenues are
31 | subject to any applicable provisions of s.

1 318.21, F.S.; eliminating a requirement that
2 county and municipal parking fine revenues be
3 paid monthly to the county or municipality;
4 eliminating a requirement that court costs
5 assessed by a hearing officer be paid to the
6 county; amending s. 321.05, F.S.; specifying a
7 fine and forfeiture fund designation provision;
8 amending s. 322.245, F.S.; requiring the
9 Department of Highway Safety and Motor Vehicles
10 to suspend the driver license of persons
11 failing to pay certain financial obligations
12 for certain criminal offenses; providing for
13 reinstatement under certain circumstances;
14 providing the department with immunity from
15 liability for such license suspensions;
16 amending s. 327.73, F.S.; increasing a
17 dismissal fee; amending s. 372.72, F.S.;
18 specifying a fine and forfeiture fund
19 designation provision; amending s. 382.023,
20 F.S.; specifying the clerk of the circuit court
21 as the entity to retain a portion of a certain
22 filing fee; amending ss. 384.288 and 392.68,
23 F.S.; revising provisions providing for
24 compensation of certain personnel for certain
25 services and taxation of certain fees and
26 charges as court costs; amending s. 394.473,
27 F.S.; providing for compensation of attorneys
28 and expert witnesses in cases involving
29 indigent persons; amending s. 395.3025, F.S.;
30 clarifying certain patient records copying
31 charge provisions; amending s. 397.334, F.S.;

1 clarifying authority of counties to use certain
2 alternative moneys to fund treatment-based drug
3 court programs; amending s. 713.24, F.S.;
4 recharacterizing a fee as a service charge;
5 amending s. 721.83, F.S.; providing additional
6 limitations on complaints in certain timeshare
7 estate foreclosure proceedings; providing
8 criteria for consolidate timeshare foreclosure
9 actions; providing for an additional filing fee
10 for joined timeshare estates; amending s.
11 741.01, F.S.; increasing a fee charged for
12 issuance of a marriage license; amending s.
13 744.331, F.S.; requiring the state to pay
14 certain fees instead of counties in certain
15 cases involving indigents; amending ss. 744.365
16 and 744.3678, F.S.; providing for deferral
17 rather than waiver of certain fees; amending s.
18 766.104, F.S.; increasing a filing fee in
19 certain medical negligence case proceedings;
20 deleting a requirement that the fee be
21 established by the chief judge; amending s.
22 903.035, F.S.; removing a county attorney from
23 certain notification of bail modification
24 application requirements; amending s. 903.26,
25 F.S.; specifying a fine and forfeiture fund
26 designation provision; providing for
27 application of certain provisions to state
28 attorneys instead of county attorneys; amending
29 s. 903.28, F.S.; removing a county attorney
30 from certain notification of certain remission
31 of forfeiture application requirements;

1 | amending s. 925.09, F.S.; requiring counties to
2 | pay reasonable fees to physicians performing
3 | autopsies; creating s. 938.10, F.S.; imposing
4 | an additional court cost against persons who
5 | plead guilty or nolo contendere to, or who are
6 | found guilty of, certain crimes against minors;
7 | requiring the clerk of the court to transfer
8 | the proceeds of the court cost to the
9 | Department of Revenue for deposit into a
10 | specified trust fund to be used to fund
11 | children's advocacy centers; requiring the
12 | clerk of the court to retain a portion of the
13 | court cost as a service charge; requiring
14 | annual reports; requiring a report to the
15 | Legislature; amending s. 39.3035, F.S.;
16 | requiring compliance with specified statutory
17 | provisions in order for a child advocacy center
18 | to receive certain funding; directing the
19 | Florida Network of Children's Advocacy Centers,
20 | Inc., to document such compliance; amending s.
21 | 938.17, F.S.; providing for juvenile assessment
22 | centers and school board suspension programs;
23 | revising provisions relating to county
24 | delinquency prevention; amending s. 938.29,
25 | F.S.; deleting a provision authorizing county
26 | clerks to contract to collect certain debts or
27 | liens; amending s. 938.35, F.S.; authorizing
28 | governing bodies of municipalities to pursue
29 | collection of fees, charges, fines, and costs
30 | under certain circumstances; authorizing
31 | collection fees and attorney fees to be added

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1 to certain balances owed; creating s. 939.185,
2 F.S.; authorizing boards of county
3 commissioners to adopt by ordinance additional
4 court costs for certain pleadings and findings
5 of guilt; limiting uses; specifying
6 allocations; providing priorities of
7 disbursements; deleting an annual financial
8 reporting requirement; amending s. 960.001,
9 F.S.; clarifying application of certain witness
10 notification provisions; amending s. 985.203,
11 F.S.; correcting a cross reference; amending s.
12 149, ch. 2003-402, Laws of Florida; providing
13 for repeal of certain fees, service charges,
14 and costs imposed by county ordinance and
15 special law; providing legislative intent;
16 providing a legislative declaration of
17 important state interest; providing
18 requirements for remittance of court-related
19 assessments retained by clerks of court;
20 requiring cash balances on a certain date in
21 county funds established for certain
22 court-related program purposes to be used for
23 such purposes; providing legislative intent
24 relating sharing of due process costs;
25 providing for state funding of certain due
26 process services; authorizing contractual
27 agreements to share costs associated with
28 certain due process services; requiring the
29 Division of Statutory Revision to redesignate
30 the title of chapter 40, F.S.; requiring
31 counties to pay for certain billings of certain

1 due process services and certain
2 flat-fee-per-case payments; providing submittal
3 requirements for billings for certain services;
4 requiring the Office of the State Courts
5 Administrator to annually prepare and
6 disseminate a manual of court-related fees,
7 charges, costs, and fines; requiring the
8 Department of Management Services, with the
9 assistance of the Auditor General, to review
10 procurement of certain state-funded services;
11 providing requirements; requiring a report;
12 authorizing the department to assist the Office
13 of the State Courts Administrator and the
14 Justice Administrative Commission with
15 competitive solicitations for procurement of
16 certain state-funded services; repealing s.
17 11.75, F.S., relating to the Joint Legislative
18 Committee on Article V of the State
19 Constitution; repealing s. 40.30, F.S.,
20 relating to required juror and witness payment
21 requisition endorsements by the State Courts
22 Administrator or a designee; repealing s.
23 142.04, F.S., relating to a requirement that
24 clerk of court issue certain certificates to
25 witnesses; repealing s. 142.05, F.S., relating
26 to a prohibition against a clerk of court
27 receiving certain fees; repealing s. 142.06,
28 F.S., relating to a prescribed payroll form;
29 repealing s. 142.07, F.S., relating to clerk of
30 court payroll requirements; repealing s.
31 142.08, F.S., relating to clerk responsibility

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1 for certain certificates; repealing s. 142.10,
2 F.S., relating to certain required officer
3 accounts; repealing s. 142.11, F.S., relating
4 to powers and duties of county commissioners
5 relating to accounts; repealing s. 142.12,
6 F.S., relating to audit requirements of county
7 commissioners; repealing s. 142.13, F.S.,
8 relating to a right of an officer to test the
9 validity of certain bills or accounts;
10 repealing s. 939.18, F.S., relating to court
11 assessments of additional court costs for court
12 facilities; requiring the Department of Revenue
13 to adopt rules; providing requirements;
14 authorizing the Department of Financial
15 Services to adopt rules; providing
16 appropriations; providing effective dates.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Subsections (3) and (5) of section 25.241,
21 Florida Statutes, are amended to read:

22 25.241 Clerk of Supreme Court; compensation;
23 assistants; filing fees, etc.--

24 (3) The Clerk of the Supreme Court is hereby required
25 to collect, upon the filing of a certified copy of a notice of
26 appeal or petition, ~~\$300~~\$250 for each case docketed, and for
27 copying, certifying, or furnishing opinions, records, papers,
28 or other instruments, except as otherwise herein provided, the
29 same fees that are allowed clerks of the circuit court;
30 however, no fee shall be less than \$1. The State of Florida or
31 its agencies, when appearing as appellant or petitioner, is

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1 exempt from the filing fees required in this subsection. From
2 each attorney appearing pro hac vice, the Clerk of the Supreme
3 Court shall collect an additional fee of \$100 to be deposited
4 into the General Revenue Fund.

5 (5) The Clerk of the Supreme Court is hereby required
6 to prepare a statement of all fees collected ~~in duplicate~~ each
7 month and remit ~~one copy of~~ such statement, together with all
8 fees collected by him or her, to the Chief Financial Officer,
9 ~~who shall place the same to the credit of the General Revenue~~
10 Fund. The Chief Financial Officer shall deposit \$250 of each
11 \$300 filing fee and all other fees collected into the General
12 Revenue Fund. The Chief Financial Officer shall deposit \$50 of
13 each filing fee collected into the state court's Grants and
14 Donations Trust Fund to fund court improvement projects as
15 authorized in the General Appropriations Act.

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

19 25.383 Standards for court reporters; procedures;
20 rules of professional conduct, discipline, and training.--The
21 Supreme Court shall establish minimum standards and procedures
22 for qualifications, certification, discipline, and training
23 for court reporters. The Supreme Court shall determine the
24 amount of fees to charge applicants for certification and
25 renewal of certification. Fees shall be set in an amount
26 necessary to recover the full cost of administering the
27 certification process. All proceeds from fees collected
28 pursuant to this section shall be deposited into the Grants
29 and Donations Trust Fund within the state courts. The Supreme
30 Court may appoint or employ such personnel as are necessary to
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1 assist the court in exercising its powers and performing its
2 duties under this section.

3 Section 3. Paragraph (a) of subsection (2) of section
4 25.384, Florida Statutes, as amended by chapter 2003-402, Laws
5 of Florida, is amended to read:

6 25.384 Court Education Trust Fund.--

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

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

15 27.02 Duties before court.--

16 (1) The state attorney shall appear in the circuit and
17 county courts within his or her judicial circuit and prosecute
18 or defend on behalf of the state all suits, applications, or
19 motions, civil or criminal, in which the state is a party,
20 except as provided in chapters 39, 984, and 985. The intake
21 procedures of chapters 39, 984, and 985 shall apply as
22 provided therein. The state attorney shall ~~not~~ appear in the
23 circuit and county courts within his or her judicial circuit
24 for the purpose of prosecuting violations of special laws and
25 ~~unless expressly authorized, or violations of county or~~
26 municipal ordinances punishable by incarceration if the
27 prosecution is ancillary to a state prosecution or if the
28 state attorney has contracted with the county or municipality
29 for reimbursement for services rendered in accordance with s.
30 27.34(1), unless ancillary to a state prosecution and
31 ~~authorized by the prosecuting attorney of the county.~~

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

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

11 27.34 Limitations on payment of salaries and other
12 related costs of state attorneys' offices other than by the
13 state.--

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

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

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

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

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

30 (3) Notwithstanding s. 27.25, the Chief Financial
31 Officer may contract with the state attorney of any judicial

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1 circuit of the state for the prosecution of criminal
2 violations of the Workers' Compensation Law and related crimes
3 if the Chief Financial Officer contributes funds for such
4 purposes. Such contracts may provide for the training, salary,
5 and expenses of one or more assistant state attorneys used in
6 the prosecution of ~~such~~ crimes. If the Chief Financial Officer
7 contributes funds to the state attorney to prosecute these
8 violations and the accused person is indigent and represented
9 by the public defender, the Chief Financial Officer shall also
10 contract with the public defender to provide representation to
11 the person accused of these crimes. The contract may provide
12 for the training, salary, and expenses of one or more
13 assistant public defenders used in the defense of these
14 crimes.

15 (4) Unless expressly authorized by law or in the
16 General Appropriations Act, state attorneys are prohibited
17 from spending state-appropriated funds on county funding
18 obligations under s. 14, Art. V of the State Constitution
19 beginning January 1, 2005. This includes expenditures on
20 communications services and facilities as defined in s.
21 29.008. This does not prohibit a state attorney from spending
22 funds for these purposes in exceptional circumstances when
23 necessary to maintain operational continuity in the form of a
24 short-term advance pending reimbursement by the county. If a
25 state attorney provides short-term advance funding for a
26 county responsibility as authorized by this subsection, the
27 state attorney shall request full reimbursement from the board
28 of county commissioners prior to making the expenditure or at
29 the next meeting of the board of county commissioners after
30 the expenditure is made. The total of all short-term advances
31 authorized by this subsection shall not exceed 2 percent of

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1 the state attorney's approved operating budget in any given
2 year. No short-term advances authorized by this subsection
3 shall be permitted until all reimbursements arising from
4 advance funding in the prior state fiscal year have been
5 received by the state attorney. All reimbursement payments
6 received by the state attorney pursuant to this subsection
7 shall be deposited into the General Revenue Fund.
8 Notwithstanding the provisions of this subsection, the state
9 attorney may expend funds for the purchase of computer
10 systems, including associated hardware and software, and for
11 personnel related to this function.

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

16 27.40 Court-appointed counsel; circuit registries;
17 minimum requirements; appointment by court.--

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

23 (3) In utilizing a registry:

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

30 (5) The Justice Administrative Commission shall
31 approve uniform contract forms for use in procuring the

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1 services of private court-appointed counsel ~~based on the~~
2 ~~recommendations of the Article V Indigent Services Advisory~~
3 ~~Board.~~

4 (7)(a) An attorney appointed to represent a defendant
5 or other client is entitled to payment ~~of attorney's fees and~~
6 ~~expenses~~ pursuant to s. 27.5304, only upon full performance by
7 the attorney of specified duties, approval of payment by the
8 court, and attorney submission of a payment request to the
9 Justice Administrative Commission. If an attorney is permitted
10 to withdraw or is otherwise removed from representation prior
11 to full performance of the duties specified in this section
12 for reasons other than breach of duty, the trial court shall
13 approve payment of attorney's fees and costs for work
14 performed in an amount not to exceed the amounts specified in
15 s. 27.5304.

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

23 Section 7. Paragraph (b) of subsection (1), paragraphs
24 (b) and (c) of subsection (2), and subsections (3) and (4) of
25 section 27.42, Florida Statutes, as created by chapter
26 2003-402, Laws of Florida, are amended to read:

27 27.42 Circuit Article V indigent services committees;
28 composition; staff; responsibilities; funding.--

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

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

3 (2)

4 (b) No later than October 1, 2004, each ~~The~~ circuit
5 Article V indigent services committee shall maintain a
6 registry pursuant to s. 27.40, even when ~~unless~~ procuring
7 counsel through a competitive bidding process. However, if
8 counsel is procured through a competitive bidding process, the
9 registry shall be used only when counsel obtained through that
10 process is unable to provide representation due to a conflict
11 of interest or reasons beyond their control. The committee
12 shall apply any ~~the~~ eligibility and performance standards set
13 by the Legislature, ~~if any, after receiving recommendations~~
14 ~~from the Article V Indigent Services Advisory Board, for the~~
15 ~~appropriate category of case.~~

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

25 (3) The Justice Administrative Commission shall
26 prepare and issue on a quarterly basis a statewide report
27 comparing actual year-to-date expenditures to budgeted amounts
28 for the circuit Article V indigent services committees in each
29 of the judicial circuits. Copies of these quarterly reports
30 shall be distributed to each circuit Article V indigent
31 services committee and to the Governor, the Chief Justice of

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1 the Supreme Court, the President of the Senate, and the
2 Speaker of the House of Representatives.

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

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

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

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

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

25
26 The Justice Administrative Commission shall separately track
27 expenditures on private court-appointed counsel for the
28 following categories of cases: criminal conflict, civil
29 conflict, dependency and termination of parental rights, and
30 guardianship.

31

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

4 27.51 Duties of public defender.--

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

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

9 (b) Under arrest for, or ~~is~~ charged with:
10

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

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

13 3. Criminal contempt; ~~or~~

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

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

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

26 (d) Sought by petition filed in such court to be
27 involuntarily placed as a mentally ill person under part I of
28 chapter 394, involuntarily committed as a ~~or~~ sexually violent
29 predator under part V of chapter 394, or involuntarily
30 admitted to residential services as a person with
31

1 developmental disabilities under chapter 393. ~~However,~~ A
2 public defender shall not ~~does not have the authority to~~
3 represent any ~~person who is a~~ plaintiff in a civil action
4 brought under the Florida Rules of Civil Procedure, the
5 Federal Rules of Civil Procedure, or the federal statutes, or
6 represent who is a petitioner in a rule challenge ~~an~~
7 ~~administrative proceeding challenging a rule~~ under chapter
8 120, unless specifically authorized by statute; ~~or~~
9 (e) Convicted and sentenced to death, for purposes of
10 handling ~~prosecuting~~ an appeal to the Supreme Court; ~~or-~~
11 (f) Is appealing a matter in a case arising under
12 paragraphs (a)-(d).
13 (4) The public defender for the ~~a~~ judicial circuit
14 specified ~~enumerated~~ in this subsection shall, after the
15 record on appeal is transmitted to the appellate court by the
16 office of the public defender which handled the trial and if
17 requested by any public defender within the indicated
18 appellate district, handle all circuit court felony appeals
19 within the state courts system and any authorized appeals to
20 the ~~state and~~ federal courts required of the official making
21 such request:
22 (a) Public defender of the second judicial circuit, on
23 behalf of any public defender within the district comprising
24 the First District Court of Appeal.
25 (b) Public defender of the tenth judicial circuit, on
26 behalf of any public defender within the district comprising
27 the Second District Court of Appeal.
28 (c) Public defender of the eleventh judicial circuit,
29 on behalf of any public defender within the district
30 comprising the Third District Court of Appeal.
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1 (d) Public defender of the fifteenth judicial circuit,
2 on behalf of any public defender within the district
3 comprising the Fourth District Court of Appeal.

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

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

9 27.52 Determination of indigent status ~~indigence~~.--

10 (1) The clerk of the circuit court shall determine if
11 ~~a the indigence of each~~ person applying for appointment of a
12 public defender or private attorney or any other due process
13 ~~court related~~ services is indigent using a form developed by
14 the Supreme Court based on indigence. If the defendant is
15 incarcerated, the public defender shall obtain the information
16 necessary for the clerk to make the determination of
17 indigence. The clerk may contract with third parties to
18 perform this function. This determination may be made at any
19 stage of the proceedings. Before appointing the public
20 defender or a private attorney, or providing any other
21 court-related service based on indigent status ~~indigence~~, the
22 court shall receive the determination of indigent status
23 ~~indigence~~ from the clerk. If the clerk has not made this
24 determination at the time a person requests appointment of a
25 public defender or private attorney or provision of any other
26 due process ~~court related~~ services, the court shall make a
27 preliminary determination of indigent status ~~indigence~~,
28 pending further review ~~verification~~ by the clerk, and may
29 appoint counsel or authorize the provision of any other due
30 process services on an interim basis. The applicant may seek
31 review of the clerk's determination denying indigent status

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1 ~~indigence~~ in the court having jurisdiction over the matter at
2 the next scheduled hearing. If the applicant seeks review of
3 the clerk's determination, the court shall make a final
4 determination.

5 (2)(a) Any person applying for appointment of a public
6 defender or private attorney or any other due process
7 ~~court related~~ services based on indigent status ~~indigence~~
8 shall pay a \$40 application fee to the clerk of court for each
9 affidavit filed, regardless of the number of required due
10 process services requested in a case and submit a completed
11 affidavit containing the financial information required under
12 paragraph (f). The clerk of court must assist a person who
13 appears before the clerk and requests assistance in completing
14 the affidavit containing financial information and the clerk
15 must notify the court if a person is unable to complete the
16 affidavit after the clerk has provided assistance. The duty of
17 the clerk in determining indigence shall be limited to
18 receiving the affidavit of indigence executed by the
19 individual seeking the determination and comparing the
20 information provided in the affidavit to the standard of
21 indigence established by law. The determination of indigence
22 shall be a ministerial act of the clerk and not a decision
23 based on further investigation or the exercise of independent
24 judgment by the clerk. The application fee shall be paid at
25 the time the financial affidavit is filed or within 7 days
26 thereafter. If, in a criminal proceeding, the application fee
27 is not paid prior to the disposition of the case, the clerk
28 shall advise the sentencing judge of this fact and the court
29 shall:

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

1 2. Assess the application fee pursuant to s. 938.29.
2 (b) The applicant shall submit, except in the case of
3 incapacity communicated through the public defender, a
4 completed affidavit containing the following financial
5 information:
6 1. Net income, consisting of total salary and wages,
7 minus deductions required by law, including court-ordered
8 support payments.
9 2. Other income, including, but not limited to, social
10 security benefits, union funds, veterans' benefits, workers'
11 compensation, other regular support from absent family
12 members, public or private employee pensions, unemployment
13 compensation, dividends, interest, rent, trusts, and gifts.
14 3. Assets, including, but not limited to, cash,
15 savings accounts, bank accounts, stocks, bonds, certificates
16 of deposit, equity in real estate, and equity in a boat or a
17 motor vehicle or in other tangible property.
18 (3) After reviewing the affidavit and questioning the
19 applicant, the clerk shall make one of the following
20 determinations:
21 (a) The applicant is indigent; or
22 (b) The applicant is not indigent.
23 (4)(a) An applicant, including an applicant who is a
24 minor or an adult tax-dependent person, is indigent if:
25 1. The income of the person is equal to or below 200
26 percent of the then-current federal poverty guidelines
27 prescribed for the size of the household of the applicant by
28 the United States Department of Health and Human Services or
29 if the person is receiving Temporary Assistance for Needy
30 Families-Cash Assistance, poverty-related veterans' benefits,
31 or Supplemental Security Income (SSI); or

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

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

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

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

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

15
16 If the clerk finds discrepancies between the financial
17 affidavit and the investigation of assets, the clerk shall
18 submit the information to the court and the court shall
19 determine whether the public defender or private attorney
20 shall continue representation, or whether the authorization
21 for any other due process services previously authorized shall
22 be revoked. The person may be heard regarding the information
23 discovered by the clerk. If the court, based on the
24 information provided, determines that the person is not
25 indigent, the court shall order the public defender or private
26 attorney to discontinue representation and revoke the
27 provision of any other authorized due process services.
28 Notwithstanding any provision of law, court rule, or
29 administrative order to the contrary, the clerk of the court
30 shall assign the first \$40 of any fees or costs paid by an
31 indigent person as payment of the application fee. A person

1 found to be indigent shall not be refused counsel or other
2 required due process services for failure to pay the fee.

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 court related services based on~~
11 ~~indigence for failure to pay the application fee. The~~
12 ~~defendant shall pay a separate application fee for each~~
13 ~~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 defendant may be heard regarding~~
30 ~~the information discovered by the clerk. If the court, based~~
31 ~~on the information provided, determines that the defendant is~~

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1 ~~not indigent, the court shall order the public defender or~~
2 ~~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 should a person found to be~~
7 ~~indigent be refused counsel for failure to pay the fee.~~

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

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

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

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

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

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

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

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

- 15 ~~1. The applicant is indigent.~~
- 16 ~~2. The applicant is not indigent.~~

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

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

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

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

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

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

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

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

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1 tax-dependent person. The lien shall be enforceable as
2 provided in s. 27.561 or s. 938.29.

3 ~~(7)(4)~~ If the trial court determines that any
4 applicant, through fraud or misrepresentation, was ~~erroneously~~
5 ~~or~~ improperly determined to be indigent, the state attorney
6 shall, ~~in the name of the state~~, proceed against the applicant
7 for the reasonable value of the services rendered, including
8 all fees, charges, and costs paid by the state in his or her
9 behalf. Twenty-five percent of any amount recovered by the
10 state attorney shall be remitted to the Department of Revenue
11 for deposit into the Grants and Donations Trust Fund within
12 the Justice Administrative Commission for appropriation by the
13 Legislature to the state attorney. Seventy-five percent of any
14 amount recovered shall be remitted to the Department of
15 Revenue for deposit into the General Revenue Fund.

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

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

27 27.5303 Public defenders; conflict of interest.--

28 (1)

29 (d) In determining whether or not there is a conflict
30 of interest, the public defender ~~and the court~~ shall apply the
31 standards contained in the Uniform Standards for Use in

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1 Conflict of Interest Cases found in appendix C to the Final
2 Report of the Article V Indigent Services Advisory Board dated
3 January 6, 2004 ~~adopted by the Legislature after receiving~~
4 ~~recommendations from the Article V Indigent Services Advisory~~
5 ~~Board.~~

6 (3) Private court-appointed counsel shall be
7 compensated as provided in s. 27.5304 ~~in accordance with~~
8 ~~compensation standards adopted by the Legislature after~~
9 ~~receiving recommendations from the Article V Indigent Services~~
10 ~~Advisory Board.~~

11 Section 11. Subsections (1), (2), (4), (5), and (6) of
12 section 27.5304, Florida Statutes, as created by chapter
13 2003-402, Laws of Florida, are amended to read:

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

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

30 (2) Prior to filing a motion for an order approving
31 payment of attorney's fees, costs, or related expenses, the

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

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1 court-appointed counsel may file a motion for fees, costs, and
2 related expenses for services completed up to the date of the
3 motion in any case or matter in which legal services have been
4 provided by the attorney for more than 1 year. The amount
5 approved by the court may not exceed 80 percent of the fees
6 earned, or costs and related expenses incurred, to date, or an
7 amount proportionate to the maximum fees permitted under this
8 section based on legal services provided to date, whichever is
9 less. The court may grant the motion if counsel shows that
10 failure to grant the motion would work a particular hardship
11 upon counsel.

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

19 (5)(a) If counsel is entitled to receive compensation
20 for representation pursuant to court appointment in a
21 termination of parental rights proceeding under chapter 39 s-
22 39.0134, such compensation shall not exceed \$1,000 at the
23 trial level and \$2,500 at the appellate level.

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

28 (6) A private attorney appointed in lieu of the public
29 defender to represent an indigent defendant may not reassign
30 or subcontract the case to another attorney or allow another
31 attorney to appear at a critical stage of a case who is ~~does~~

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1 ~~not on the registry developed pursuant to s. 27.40 meet~~
2 ~~standards adopted by the Legislature after any recommendations~~
3 ~~from the Article V Indigent Services Advisory Board.~~

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

7 27.54 Limitation on payment of expenditures for public
8 defender's office other than by the state.--

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

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

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

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

18 (4) Unless expressly authorized by law or in the
19 General Appropriations Act, public defenders are prohibited
20 from spending state-appropriated funds on county funding
21 obligations under s. 14, Art. V of the State Constitution
22 beginning January 1, 2005. This includes expenditures on
23 communications services and facilities as defined in s.
24 29.008. This does not prohibit a public defender from spending
25 funds for these purposes in exceptional circumstances when
26 necessary to maintain operational continuity in the form of a
27 short-term advance pending reimbursement from the county. If a
28 public defender provides short-term advance funding for a
29 county responsibility as authorized by this subsection, the
30 public defender shall request full reimbursement from the
31 board of county commissioners prior to making the expenditure

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1 or at the next meeting of the board of county commissioners
2 after the expenditure is made. The total of all short-term
3 advances authorized by this subsection shall not exceed 2
4 percent of the public defender's approved operating budget in
5 any given year. No short-term advances authorized by this
6 subsection shall be permitted until all reimbursements arising
7 from advance funding in the prior state fiscal year have been
8 received by the public defender. All reimbursement payments
9 received by the public defender shall be deposited into the
10 General Revenue Fund. Notwithstanding the provisions of this
11 subsection, the public defender may expend funds for the
12 purchase of computer systems, including associated hardware
13 and software, and for personnel related to this function.

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

17 27.562 Disposition of funds.--The first \$40 of all
18 funds collected pursuant to s. 938.29 shall be deposited into
19 the Indigent Criminal Defense Trust Fund pursuant to s.
20 27.525. The remaining funds collected pursuant to s. 938.29
21 shall be distributed as follows:

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

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

29
30 The Justice Administrative Commission shall account for funds
31 deposited into the Indigent Criminal Defense Trust Fund by

1 circuit. Appropriations from the fund shall be proportional to
2 each circuit's collections. All funds collected pursuant to s.
3 938.29, except the application fee imposed under s. 27.52,
4 shall be remitted to the Department of Revenue for deposit
5 into the General Revenue Fund. All judgments entered pursuant
6 to this part shall be in the name of the state.

7 Section 14. Paragraph (c) of subsection (1) of section
8 28.101, Florida Statutes, is amended to read:

9 28.101 Petitions and records of dissolution of
10 marriage; additional charges.--

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

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

20 Section 15. Effective June 1, 2004, an additional
21 service charge of \$4 per page shall be paid to the clerk of
22 the circuit court for each instrument listed in section
23 28.222, Florida Statutes, except for a judgment received from
24 the court or a notice of lis pendens, recorded in the official
25 records. The funds collected shall be remitted to the
26 Department of Revenue for deposit into the Clerks of the Court
27 Trust Fund for appropriation by law for the purpose of
28 addressing cash-flow problems that may arise in clerk of the
29 court offices during July and August of 2004, and shall be
30 distributed pursuant to the provisions of section 28.36,
31 Florida Statutes. This section expires July 1, 2004.

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

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

24
25 Charges

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

- 29 (a) First page or fraction thereof.....5.00
30 (b) Each additional page or fraction thereof.....4.00
31

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1 (c) For indexing instruments recorded in the official
2 records which contain more than four names, per additional
3 name.....1.00
4 (d) An additional service charge shall be paid to the
5 clerk of the circuit court to be deposited in the Public
6 Records Modernization Trust Fund for each instrument listed in
7 s. 28.222, except judgments received from the courts and
8 notices of lis pendens, recorded in the official records:
9 1. First page.....1.00
10 2. Each additional page.....0.50
11
12 Said fund shall be held in trust by the clerk and used
13 exclusively for equipment and maintenance of equipment,
14 personnel training, and technical assistance in modernizing
15 the public records system of the office. In a county where the
16 duty of maintaining official records exists in an office other
17 than the office of the clerk of the circuit court, the clerk
18 of the circuit court is entitled to 25 percent of the moneys
19 deposited into the trust fund for equipment, maintenance of
20 equipment, training, and technical assistance in modernizing
21 the system for storing records in the office of the clerk of
22 the circuit court. The fund may not be used for the payment of
23 travel expenses, membership dues, bank charges,
24 staff-recruitment costs, salaries or benefits of employees,
25 construction costs, general operating expenses, or other costs
26 not directly related to obtaining and maintaining equipment
27 for public records systems or for the purchase of furniture or
28 office supplies and equipment not related to the storage of
29 records. On or before December 1, 1995, and on or before
30 December 1 of each year immediately preceding each year during
31 which the trust fund is scheduled for legislative review under

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

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

19 1. If the counties maintain legal responsibility for
20 the costs of the court-related technology needs as defined in
21 ss. 29.008(1)(f)2. and 29.008(1)(h), 10 cents shall be
22 distributed to the Florida Association of Court Clerks and
23 Comptroller, Inc., for the cost of development,
24 implementation, operation, and maintenance of the clerks'
25 Comprehensive Case Information System; \$1.90 shall be retained
26 by the clerk to be deposited in the Public Records
27 Modernization Trust Fund and used exclusively for funding
28 court-related technology needs of the clerk as defined in ss.
29 29.008(1)(f)2. and 29.008(1)(h); and \$2 shall be distributed
30 to the board of county commissioners to be used exclusively to
31 fund court-related technology, and court technology needs as

1 defined in ss. 29.008(1)(f)2. and 29.008(1)(h) for the state
2 trial courts, state attorney and public defender in that
3 county. If the counties maintain legal responsibility for the
4 costs of the court-related technology needs as defined in ss.
5 29.008(1)(f)2. and 29.008(1)(h), notwithstanding any other
6 provision of law, the county is not required to provide
7 additional funding beyond that provided herein for the
8 court-related technology needs of the clerk as defined in ss.
9 29.008(1)(f)2. and 29.008(1)(h). All court records and
10 official records are the property of the State of Florida,
11 including any records generated as part of the Comprehensive
12 Case Information System funded pursuant to this paragraph and
13 the clerk of court is designated as the custodian of such
14 records. The clerk of court or any entity acting on behalf of
15 the clerk of court, including an association, shall not charge
16 a fee to any agency as defined in s. 119.011, the Legislature,
17 or the State Court System for copies of records generated by
18 the Comprehensive Case Information System or held by the clerk
19 of court or any entity acting on behalf of the clerk of court,
20 including an association.

21 2. If the state becomes legally responsible for the
22 costs of court-related technology needs as defined in ss.
23 29.008(1)(f)2. and 29.008(1)(h), whether by operation of
24 general law or by court order, \$4 shall be remitted to the
25 Department of Revenue for deposit into the General Revenue
26 Fund.

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

30 (b) For receiving and disbursing all partial payments,
31 other than restitution payments, for which an administrative

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1 processing service charge is not imposed pursuant to s.
2 28.246, per month
35.00

4 (c) For setting up a payment plan, a one-time
5 administrative processing charge in lieu of a per month charge
6 under paragraph

7 (b).....25.00

8 Section 17. Subsection (3) of section 28.2401, Florida
9 Statutes, as amended by chapter 2003-402, Laws of Florida, is
10 amended to read:

11 28.2401 Service charges in probate matters.--

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

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

27 28.2402 Cost recovery; use of the circuit court for
28 ordinance or special law violations ~~Additional costs for~~
29 ~~performance of clerk court related functions.--~~

30 (1)(a) In lieu of payment of a filing fee under s.
31 28.241, a filing fee of \$10 ~~The sum of \$200~~ shall be paid by

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1 ~~assessed to~~ a county or municipality when filing a county or
2 municipal ~~code or ordinance violation or violation of a~~
3 special law in circuit court. ~~This~~ ~~The \$200~~ fee shall be paid
4 to the clerk of the ~~circuit and county~~ court for performing
5 court-related functions.

6 (b) No other filing fee may be assessed for filing the
7 violation in circuit court. If a person contests the violation
8 in court, the court shall assess \$40 in costs against the
9 nonprevailing party. The county or municipality shall be
10 considered the prevailing party when there is a finding of
11 violation to any count or lesser included offense of the
12 charge. Costs recovered pursuant to this paragraph shall be
13 deposited into the clerk's fine and forfeiture fund
14 established pursuant to s. 142.01.

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

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

29 28.241 Filing fees for trial and appellate
30 proceedings.--
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1 (1)(a) The party instituting any civil action, suit,
2 or proceeding in the circuit court shall pay to the clerk of
3 that court a filing fee of up to \$250 in all cases in which
4 there are not more than five defendants and an additional
5 filing fee of up to \$2 for each defendant in excess of five.
6 Of the first ~~\$55~~~~\$57.50~~ in filing fees, \$50 must be remitted
7 by the clerk to the Department of Revenue for deposit into the
8 General Revenue Fund, ~~+~~ and \$5 must be remitted to the
9 Department of Revenue for deposit into the Department of
10 Financial Services' Administrative Trust Fund to fund the
11 contract with the Florida Clerks Clerk of Court Operations
12 Corporation created in s. 28.35 Operations Conference; and
13 ~~\$2.50 shall be paid to the clerk for each civil action brought~~
14 ~~in circuit or county court, to be remitted by the clerk to the~~
15 ~~Department of Revenue for deposit into the Court Education~~
16 ~~Trust Fund. One-third of any filing fees collected by the~~
17 ~~clerk of the circuit court in excess of~~~~\$55~~~~\$57.50~~ shall be
18 remitted to the Department of Revenue for deposit into the
19 Department of Revenue Clerks of the Court Trust Fund. An
20 additional filing fee of \$4 shall be paid to the clerk. The
21 clerk shall remit \$3.50 to the Department of Revenue for
22 deposit into the Court Education Trust Fund and shall remit 50
23 cents to the Department of Revenue for deposit into the
24 Department of Financial Services Administrative Trust Fund to
25 fund clerk education. An additional filing fee of up to \$15
26 shall be paid by the party seeking each severance that is
27 granted. The clerk may impose an additional filing fee of up
28 to \$75 for all proceedings of garnishment, attachment,
29 replevin, and distress. Postal charges incurred by the clerk
30 of the circuit court in making service by certified or
31 registered mail on defendants or other parties shall be paid

1 by the party at whose instance service is made. No additional
2 fees, charges, or costs shall be added to the filing fees
3 imposed under this section, except as authorized herein or by
4 general law.

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

- 13 1. A writ of garnishment;
- 14 2. A writ of replevin;
- 15 3. A distress writ;
- 16 4. A writ of attachment;
- 17 5. A motion for rehearing filed within 10 days;
- 18 6. A motion for attorney's fees filed within 30 days
19 after entry of a judgment or final order;
- 20 7. A motion for dismissal filed after a mediation
21 agreement has been filed;
- 22 8. A disposition of personal property without
23 administration;
- 24 9. Any probate case prior to the discharge of a
25 personal representative;
- 26 10. Any guardianship pleading prior to discharge;
- 27 11. Any mental health pleading;
- 28 12. Motions to withdraw by attorneys;
- 29 13. Motions exclusively for the enforcement of child
30 support orders;
- 31 14. A petition for credit of child support;

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1 15. Stipulations;

2 16. Responsive pleadings; or

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

4 (2) Upon the institution of any appellate proceeding
5 from any lower inferior court to the circuit court of any such
6 county, including appeals filed by a county or municipality as
7 provided in s. 34.041(5), or from the circuit court to an
8 appellate court of the state, the clerk shall charge and
9 collect from the party or parties instituting such appellate
10 proceedings a filing fee not to exceed ~~service charge of up to~~
11 \$250 for filing a notice of appeal from the county court to
12 the circuit ~~an inferior~~ court and, in addition to the filing
13 fee required under s. 25.241 or s. 35.22, \$50 ~~or~~ for filing a
14 notice of appeal from the circuit court to the district court
15 of appeal or to the Supreme Court ~~to a higher court.~~ If the
16 party is determined to be indigent, the clerk shall defer
17 payment of the fee. The clerk shall remit the first \$50 to the
18 Department of Revenue for deposit into the General Revenue
19 Fund. One-third of the fee collected by the clerk in excess of
20 \$50 also shall be remitted to the Department of Revenue for
21 deposit into the Clerks of the Court Trust Fund.

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 shall collect a fee of \$100 for
27 deposit into the General Revenue Fund.

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

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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 any state entity must be
5 transmitted electronically to the Department of Revenue for
6 appropriate distribution. A uniform remittance form provided
7 by the Department of Revenue detailing the specific amounts
8 due each fund must accompany such submittal. All moneys
9 collected by the clerks of court for remittance to any entity
10 must be distributed pursuant to the law in effect at the time
11 of collection.

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

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

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

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

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

29 (c) The total amount of mandatory fines and other
30 monetary penalties; the total amount assessed; the total
31

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1 amount discharged, ~~or~~ waived, or otherwise not assessed; and
2 the total amount collected.

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

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

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

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

29 (4) The clerk of the circuit court shall accept
30 partial payments for ~~unpaid~~ court-related fees, service
31 charges, ~~and~~ costs, and fines in accordance with the terms of

1 an established payment plan. An individual seeking to defer
2 payment of fees, service charges, costs, or fines imposed by
3 operation of law or order of the court under any provision of
4 general law, and determined by the court to be unable to make
5 payment in full, shall be enrolled by the clerk in a payment
6 program, with periodic payment amounts corresponding to the
7 individual's ability to pay.

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

11 (a) That portion of fees, services charges, court
12 costs, and fines ~~payable to the clerk for the operations of~~
13 ~~the clerk and~~ to be remitted to the state for deposit into the
14 General Revenue Fund.

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

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

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

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

8 (6) A clerk of court may pursue the collection of any
9 fees, service charges, fines, court costs, and liens for the
10 payment of attorney's fees and costs pursuant to s. 938.29 ~~or~~
11 ~~other costs imposed by the court~~ which remain unpaid for 90
12 days or more, or refer the account ~~such collection~~ to a
13 private attorney who is a member in good standing of The
14 Florida Bar or collection agent who is registered and in good
15 standing pursuant to chapter 559. In pursuing the collection
16 of such unpaid financial obligations through a private
17 attorney or collection agent, the clerk of the court must have
18 attempted to collect the unpaid amount through a collection
19 court, collections docket, or other collections process, if
20 any, established by the court, find ~~determine this to be is~~
21 cost-effective and follow any applicable procurement
22 practices. The collection fee, including any reasonable
23 attorney's fee, paid to any attorney or collection agent
24 retained by the clerk may be added to the balance owed in an
25 amount not to exceed 40 percent of the amount owed at the time
26 the account is referred to the attorney or agent for
27 collection.

28 Section 22. Section 28.345, Florida Statutes, as
29 created by chapter 2003-402, Laws of Florida, is amended to
30 read:
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1 28.345 Exemption from court-related fees and
2 charges.--Notwithstanding any other provision of this chapter
3 or law to the contrary, judges, state attorneys, guardians ad
4 litem, and public defenders, acting in their official
5 capacity, and state agencies, are exempt from all
6 court-related fees and charges assessed by the clerks of the
7 circuit courts.

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

11 28.35 Florida Clerks ~~Clerk~~ of Court Operations
12 Corporation Conference.--

13 (1)(a) The Florida Clerks of Court Operations
14 Corporation is hereby created as a public corporation
15 organized to perform the functions specified in this section.
16 All clerks of the circuit court shall be members of the
17 corporation and hold their position and authority in an ex
18 officio capacity. The functions assigned to the corporation
19 shall be performed by an executive council pursuant to the
20 plan of operation approved by the members.

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

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

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

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

14 (2) The duties of the corporation ~~conference~~ shall
15 include the following:

16 (a) Adopting a plan of operation.

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

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

24 ~~(d)(b)~~ Pursuant to contract with the Chief Financial
25 Officer, establishing a process for the review and
26 certification ~~approval~~ of proposed court-related ~~proposed~~
27 budgets submitted by clerks of the court for completeness and
28 compliance with this section and ss. 28.36 and 28.37. This
29 process shall be designed and be of sufficient detail to
30 permit independent verification and validation of the budget
31 certification. The contract shall specify the process to be

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1 used in determining compliance by the corporation with this
2 section and ss. 28.36 and 28.37 pursuant to s. 28.36.

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

9 ~~(e)(d)~~ Developing and certifying approving a uniform
10 system of performance measures accountability measurements and
11 applicable performance standards for the functions specified
12 in paragraph (4)(a) and each clerk performance in meeting the
13 performance standards of the court. These measures and
14 standards shall be designed to facilitate an objective
15 determination of the performance of each clerk in accordance
16 with minimum standards for must assess the fiscal management,
17 operational efficiency efficient operations, and effective
18 collection of fines, fees, service charges, and court costs
19 using data reported in s. 28.246 as well as other data. When
20 the corporation finds a clerk has not met the performance
21 standards, the corporation shall identify the nature of each
22 deficiency and any corrective action recommended and taken by
23 the affected clerk of the court.

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

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

31

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

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

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

10 (a) Developing and conducting clerk education
11 programs.

12 (3)(a) The Clerk of Court Operations Corporation shall
13 certify to the President of the Senate, the Speaker of the
14 House of Representatives, the Chief Financial Officer, and the
15 Department of Revenue by October 15 of each year, the amount
16 of the proposed budget certified for each clerk; the revenue
17 projection supporting each clerk's budget; each clerk eligible
18 to retain some or all of the state's share of fines, fees,
19 service charges, and costs; the amount to be paid to each
20 clerk from the Clerks of the Court Trust Fund within the
21 Department of Revenue; the performance measures and standards
22 approved by the conference for each clerk; and the performance
23 of each clerk in meeting the performance standards.

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

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

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

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

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

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

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

25 (c)(e) Publishing a uniform schedule of actual ~~maximum~~
26 fines, fees, service charges, and costs that may be charged by
27 a clerk of the court for court-related functions pursuant to
28 general law that reflects any adjustments based on changes in
29 the Consumer Price Index. Effective July 1, 2004, the schedule
30 shall reflect the maximum fines, fees, service charges, and
31 costs established by general law. The schedule may be adjusted

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1 ~~on or after October 1, 2005, and no more frequently than~~
2 ~~annually thereafter, by the average percentage change in the~~
3 ~~Consumer Price Index issued by the United States Department of~~
4 ~~Labor since the last adjustment by the conference. Any~~
5 ~~adjustment to the schedule authorized in this paragraph must~~
6 ~~be affirmatively approved by a majority of the clerks of the~~
7 ~~circuit courts before such adjustments may take effect.~~

8 ~~(5)(3)~~ The corporation Clerk of Court Operations
9 conference shall be funded pursuant to contract with the Chief
10 Financial Officer. Funds shall be provided to the Chief
11 Financial Officer for this purpose as appropriated by general
12 law maintain a public depository to receive funds for its
13 operations. The Clerk of Court Operations Conference shall
14 receive a portion of the fees collected by the clerk for
15 filing a civil action in circuit court as specified in s.
16 28.241. These funds shall be available to the corporation
17 conference for the performance of the duties and
18 responsibilities as set forth in this section. The corporation
19 conference may hire staff and pay for other expenses from
20 these funds this fund only as necessary to perform the
21 official duties and responsibilities of the corporation
22 conference as described in this section.

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

30 (b) Certified public accountants conducting audits of
31 counties pursuant to s. 218.39 shall report, as part of the

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1 audit, whether or not the clerks of the courts have complied
2 with the budgets certified by the Florida Clerk of Courts
3 Operations Corporation pursuant to the budget review process
4 pursuant to contract with the Chief Financial Officer and with
5 the performance standards developed and certified pursuant to
6 this section. The Auditor General shall develop a compliance
7 supplement for the audit of compliance with the budgets and
8 applicable performance standards certified by the corporation.

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

12 28.36 Budget ~~review and approval~~ procedure.--There is
13 hereby established a budget procedure for the court-related
14 functions of the clerks of the court.

15 (1) Only those functions on the standard list
16 developed pursuant to s. 28.35(4)(a) may be funded from fees,
17 service charges, court costs, and fines retained by the clerks
18 of the court. No clerk may use fees, service charges, court
19 costs, and fines in excess of the maximum budget amounts as
20 established in subsection (5).

21 (2)(1) For the period July 1, 2004, through September
22 30, 2004, and for each county fiscal year ending September 30
23 thereafter, each clerk of the court shall prepare a budget
24 relating solely to the performance of the standard list of
25 court-related functions pursuant to s. 28.35(4)(a).

26 (3)(2) Each proposed budget shall further conform to
27 the following requirements:

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

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1 county to the Clerk of Court Operations Corporation Conference
2 in the manner and form prescribed by the conference. The
3 proposed budget must provide detailed information on the
4 anticipated revenues available and expenditures necessary for
5 the performance of the standard list of court-related
6 functions of the clerk's office developed pursuant to s.
7 28.35(4)(a) for the county fiscal year beginning the following
8 October 1.

9 (b) The proposed budget must be balanced, such that
10 the total of the estimated revenues available must equal or
11 exceed the total of the anticipated expenditures. These
12 revenues include the following: cash balances brought forward
13 from the prior fiscal period; revenue projected to be received
14 from fees, service charges, court costs, and fines for
15 court-related functions during the fiscal period covered by
16 the budget; and supplemental revenue that may be requested
17 pursuant to subsection(4)(3); ~~and the contingency reserve~~
18 ~~authorized in paragraph (c)~~. The anticipated expenditures must
19 be itemized as required by the corporation, pursuant to
20 contract with the Chief Financial Officer Clerk of Court
21 ~~Operations conference~~.

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

26 ~~(4)(3)~~ If a clerk of the court estimates that
27 available funds plus projected revenues from fines, fees,
28 service charges, and costs for court-related services are
29 insufficient to meet the anticipated expenditures for the
30 standard list of court-related functions in s. 28.35(4)(a)
31 performed by his or her office, the clerk must report the

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1 ~~revenue budget~~ deficit to the Clerk of Court Operations
2 Corporation conference in the manner and form prescribed by
3 the corporation pursuant to contract with the Chief Financial
4 Officer conference. The corporation conference shall verify
5 that the proposed budget is limited to the standard list of
6 court-related functions in s. 28.35(4)(a) ~~determine whether~~
7 ~~the clerk is meeting his or her performance standards for the~~
8 ~~current year relating to fiscal management, efficient~~
9 ~~operations, and the effective collection of fines, fees,~~
10 ~~service charges, and costs.~~

11 (a) If the corporation verifies that the proposed
12 budget is limited to the standard list of court-related
13 functions in s. 28.35(4)(a) ~~conference determines that a clerk~~
14 ~~is meeting his or her performance standards for fiscal~~
15 ~~management, operational efficiency; efficient operations; and~~
16 ~~effective collection of fines, fees, service charges, and~~
17 ~~costs; and a revenue deficit is projected, a that clerk~~
18 seeking to retain revenues pursuant to this subsection shall
19 increase all ~~fines, fees, service charges, and~~ any other
20 court-related clerk fees and charges ~~costs~~ to the maximum
21 amounts specified by law or the amount necessary to resolve
22 the deficit, whichever is less. If, after increasing ~~such~~
23 ~~fines, fees, service charges, and~~ any other court-related
24 clerk fees and charges to the maximum amounts specified by law
25 ~~costs~~, a ~~revenue budget~~ deficit is still projected, the
26 corporation conference shall, pursuant to the terms of the
27 contract with the Chief Financial Officer, certify a revenue
28 deficit and notify the Department of Revenue that ~~the that~~
29 clerk is authorized to retain revenues, in an amount necessary
30 to fully fund the projected revenue deficit, which he or she
31 would otherwise be required to remit to the Department of

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1 Revenue for deposit into the Department of Revenue Clerks of
2 the Court Trust Fund pursuant to s. 28.37. If a revenue budget
3 deficit is projected for that clerk after retaining all of the
4 projected collections from the court-related fines, fees,
5 service charges, and costs, the Department of Revenue
6 ~~conference~~ shall certify the amount of the revenue deficit
7 amount to the Executive Office of the Governor and request
8 release authority for funds appropriated for this purpose from
9 the Department of Revenue s Clerks of the Court Trust Fund.
10 Notwithstanding provisions of s. 216.192 related to the
11 release of funds, the Executive Office of the Governor may
12 approve the release of funds appropriated to resolve projected
13 revenue deficits in accordance with the notice, review, and
14 objection procedures set forth in s. 216.177 and shall provide
15 notice to the Chief Financial Officer. An amount equal to the
16 ~~deficit is hereby appropriated each year from The Department~~
17 ~~of Revenue is directed to request monthly distributions from~~
18 ~~the Chief Financial Officer in equal amounts to each clerk~~
19 ~~certified to have a revenue deficit, in accordance with the~~
20 ~~releases approved by the Governor of Revenue Clerks of the~~
21 ~~Court Trust Fund, without further legislative action, period~~
22 ~~after period, until altered or revoked by the Legislature. The~~
23 ~~Department of Revenue is directed to make a monthly~~
24 ~~distribution of equal amounts to each clerk certified to have~~
25 ~~a deficit until the Clerk of Court Operations Conference~~
26 ~~certifies a different amount to be distributed.~~

27 (b) If the Department of Revenue finds the
28 court-related budget proposed by a clerk includes functions
29 not included in the standard list of court-related functions
30 in s. 28.35(3)(a), the department shall notify the clerk of
31 the amount of the proposed budget not eligible to be funded

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1 from fees, service charges, costs, and fines for court-related
2 functions. The clerk shall then immediately discontinue the
3 expenditures of funds for this purpose and reimburse the
4 Clerks of the Court Trust Fund for any expenditures incurred
5 to date for these functions ~~The Clerk of Court Operations~~
6 ~~Conference shall notify the Governor, the President of the~~
7 ~~Senate, and the Speaker of the House of Representatives prior~~
8 ~~to taking actions specified in this subsection. The~~
9 ~~notification shall include a certification by the conference~~
10 ~~that all of the conditions in this subsection have been met.~~

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

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

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

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

13 (b) For the county fiscal year 2005-2006, the maximum
14 budget amount for the standard list of court-related functions
15 of the clerks of court in s. 28.35(4)(a) that may be funded
16 from fees, service charges, court costs, and fines retained by
17 the clerks of the court authorized by the conference for each
18 ~~clerk budget~~ shall be the approved budget for county fiscal
19 year 2004-2005 adjusted by the projected percentage change in
20 revenue between the county fiscal years 2004-2005 and
21 2005-2006.

22 (c) For the county fiscal years 2006-2007 and
23 thereafter, the maximum budget amount for the standard list of
24 court-related functions of the clerks of court in s.
25 28.35(4)(a) that may be funded from fees, service charges,
26 court costs, and fines retained by the clerks of the court
27 ~~authorized by the conference for each clerk~~ shall be
28 established by first rebasing the prior fiscal year budget to
29 reflect the actual percentage change in the prior fiscal year
30 revenue and then adjusting the rebased prior fiscal year
31 budget by the projected percentage change in revenue for the

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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 between the two
6 12-month periods ending June 30, 2005, and June 30, 2006. This
7 result is the rebased budget for the county fiscal year
8 2005-2006. Then the rebased budget for the county fiscal year
9 2005-2006 shall be adjusted by the projected percentage change
10 in revenue between the county fiscal years 2005-2006 and
11 2006-2007. This result shall be the maximum annual budget
12 amount for the standard list of court-related functions of the
13 clerks of court in s. 28.35(4)(a) that may be funded from
14 fees, service charges, court costs, and fines retained by the
15 clerks of the court ~~authorized by the conference~~ for each
16 clerk for the county fiscal year 2006-2007.

17 2. For county fiscal year 2007-2008, the rebased
18 budget for county fiscal year 2005-2006 shall be adjusted for
19 the actual percentage change in revenue between the two
20 12-month periods ending June 30, 2006, and June 30, 2007. This
21 result is the rebased budget for the county fiscal year
22 2006-2007. The rebased budget for county fiscal year 2006-2007
23 shall be adjusted by the projected percentage change in
24 revenue between the county fiscal years 2006-2007 and
25 2007-2008. This result shall be the maximum annual budget
26 amount for the standard list of court-related functions of the
27 clerks of court in s. 28.35(4)(a) that may be funded from
28 fees, service charges, court costs, and fines retained by the
29 clerks of the court ~~authorized by the conference~~ for each
30 ~~clerk budget~~ for county fiscal year 2007-2008.

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

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

30 Section 25. Subsection (2) of section 28.37, Florida
31 Statutes, is amended, subsections (3) and (4) of said section

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1 are renumbered as subsections (4) and (5), respectively, and
2 amended, and a new subsection (3) is added to said section, to
3 read:

4 28.37 Fines, fees, service charges, and costs remitted
5 to the state.--

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

22 (3) For the period of October 1, 2003, to June 30,
23 2004, those clerks operating as fee officers for court-related
24 services shall determine the amount of fees collected and
25 expenses generated for court-related services. Any excess fees
26 generated during this period shall be remitted to the county
27 on December 31, 2004. However, any billings for payment of due
28 process services rendered before July 1, 2004, may be paid by
29 the clerk from these funds. Due process services shall
30 include, but not be limited to, court reporter services, court
31 interpreter services, expert witness services, mental health

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1 evaluations, and court-appointed counsel services. In
2 addition, any deficit experienced by the clerk for
3 court-related services during the period from October 1, 2003,
4 to June 30, 2004, shall be funded by the county.

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

15 ~~(5)(4)~~ ~~The Department of Revenue shall adopt rules~~
16 ~~governing the remittance of the funds to be transferred to the~~
17 ~~General Revenue Fund under this section, the required forms~~
18 ~~and procedures, and penalties for failure to comply.~~ The
19 Department of Revenue shall collect any funds that the
20 corporation Clerk of Court Operations ~~conference~~ determines
21 upon investigation were due on January 1 but not remitted to
22 the department.

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

26 29.005 State attorneys' offices and prosecution
27 expenses.--For purposes of implementing s. 14, Art. V of the
28 State Constitution, the elements of the state attorneys'
29 offices to be provided from state revenues appropriated by
30 general law are as follows:

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

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

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

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

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

29 (5) Reasonable transportation services in the
30 performance of constitutional and statutory responsibilities.
31 Motor vehicles owned by counties and provided exclusively to

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1 public defenders as of July 1, 2003, and any additional
2 vehicles owned by the counties and provided exclusively to
3 public defenders during fiscal year 2003-2004 shall be
4 transferred by title to the state effective July 1, 2004.

5 Section 28. Paragraphs (a), (b), (d), and (f) of
6 subsection (1) and paragraph (a) of subsection (3) of section
7 29.008, Florida Statutes, as amended by chapter 2003-402, Laws
8 of Florida, are amended, and subsection (4) is added to said
9 section, to read:

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

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

24 (a) "Facility" means reasonable and necessary
25 buildings and office space and appurtenant equipment and
26 furnishings, structures, real estate, easements, and related
27 interests in real estate, including, but not limited to, those
28 for the purpose of housing legal materials for use by the
29 general public and personnel, equipment, or functions of the
30 circuit or county courts, public defenders' offices, state
31 attorneys' offices, and court-related functions of the office

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1 of the clerks of the circuit and county courts and all
2 storage. The term also includes access to parking for such
3 facilities in connection with such court-related functions
4 that may be available free or from a private provider or a
5 local government for a fee. The office space provided by a
6 county may not be less than the standards for space allotment
7 adopted by the Department of Management Services. County
8 funding must include physical modifications and improvements
9 to all facilities as are required for compliance with the
10 Americans with Disabilities Act. Upon mutual agreement of a
11 county and the affected entity in this paragraph, the office
12 space provided by the county may vary from the standards for
13 space allotment adopted by the Department of Management
14 Services. This section applies only to facilities that are
15 leased, or on which construction commences, after June 30,
16 2003.

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

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

30 (b)~~1~~ "Construction or lease" includes, but is not
31 limited to, all reasonable and necessary costs of the

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1 acquisition or lease of facilities, ~~equipment, and furnishings~~
2 for all judicial officers, staff, jurors, volunteers of a
3 tenant agency, and the public for the circuit and county
4 courts, the public defenders' offices, state attorneys'
5 offices, and for performing the court-related functions of the
6 offices of the clerks of the circuit and county courts. This
7 includes expenses related to financing such facilities and the
8 existing and future cost and bonded indebtedness associated
9 with placing the facilities in use.

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

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

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

26 (f) "Communications services" are defined as any
27 reasonable and necessary transmission, emission, and reception
28 of signs, signals, writings, images, and sounds of
29 intelligence of any nature by wire, radio, optical, or other
30 electromagnetic systems and includes all facilities and
31 equipment owned, leased, or used by judges, clerks, public

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1 defenders, state attorneys, and all staff of the state courts
2 system, state attorneys' offices, public defenders' offices,
3 and clerks of the circuit and county courts performing
4 court-related functions. Such system or services shall
5 include, but not be limited to:

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

16 2. All computer networks, systems and equipment,
17 including computer hardware and software, modems, printers,
18 wiring, network connections, maintenance, support staff or
19 services including any county-funded support staff located in
20 the offices of the circuit court, county courts, state
21 attorneys, and public defenders, training, supplies, and line
22 charges necessary for an integrated computer system to support
23 the operations and management of the state courts system, the
24 offices of the public defenders, the offices of the state
25 attorneys, and the offices of the clerks of the circuit and
26 county courts and the capability to connect those entities and
27 reporting data to the state as required for the transmission
28 of revenue, performance accountability, case management, data
29 collection, budgeting, and auditing purposes. The integrated
30 computer system shall be operational by July ~~January~~ 1, 2006,
31 and, at a minimum, permit the exchange of financial,

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1 performance accountability, case management, case disposition,
2 and other data across multiple state and county information
3 systems involving multiple users at both the state level and
4 within each judicial circuit and ~~must~~ be able to
5 electronically exchange judicial case background data,
6 sentencing ~~guidelines and~~ scoresheets, and video evidence
7 information stored in integrated case management systems over
8 secure networks. Once the integrated system becomes
9 operational, counties may reject requests to purchase
10 communication services included in this subparagraph not in
11 compliance with standards, protocols, or processes adopted by
12 the board established pursuant to s. 29.0086.

13 3. Courier messenger and subpoena services.

14 4. Auxiliary aids and services for qualified
15 individuals with a disability which are necessary to ensure
16 access to the courts. Such auxiliary aids and services
17 include, but are not limited to, sign language interpretation
18 services required under the federal Americans with
19 Disabilities Act other than services required to satisfy due
20 process requirements and identified as a state funding
21 responsibility pursuant to ss. 29.004, 29.005, 29.006, and
22 29.007, real-time transcription services for individuals who
23 are hearing impaired, and assistive listening devices and the
24 equipment necessary to implement such accommodations.

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

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

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

25 (b) Beginning in fiscal year 2005-2006, additional
26 amounts shall be withheld pursuant to paragraph (a), if the
27 amount spent in the previous fiscal year on the items
28 specified in paragraphs (1)(a), (c), (d), (e), (f), (g), and
29 (h), and subsection (3) is less than the amount budgeted for
30 those items. Each county shall certify expenditures for these
31

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1 county obligations for the prior fiscal year to the department
2 within 90 days after the end of the fiscal year.

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

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

10 29.0086 Article V Technology Board.--

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

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

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

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

22 (c) A private sector representative appointed by the
23 Speaker of the House of Representatives with general knowledge
24 of or experience in managing enterprise integration projects;
25 however, representatives of information technology products
26 and services vendors or any of their subsidiaries that sell
27 products or services to the state shall not be appointed.

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

30 (e) A private sector representative appointed by the
31 President of the Senate with general knowledge of or

1 experience in managing enterprise integration projects;
2 however, representatives of information technology products
3 and services vendors or any of their subsidiaries that sell
4 products or services to the state shall not be appointed.
5 (f) A state attorney, appointed by the Florida
6 Prosecuting Attorneys Association, or his or her designee.
7 (g) A public defender, appointed by the Florida Public
8 Defender Association, or his or her designee.
9 (h) A court clerk, appointed by the Florida
10 Association of Court Clerks and Comptroller, Inc., or his or
11 her designee.
12 (i) A county budget director, appointed by the Florida
13 Association of Counties.
14 (j) A county management information system director,
15 appointed by the Florida Association of Counties.
16 (3) An appointment may be made to fill a vacancy. When
17 a member must hold office to be qualified for membership on
18 the board, the member's term on the board shall expire upon
19 failure to maintain the office.
20 (4) Board members shall serve without compensation but
21 are entitled to reimbursement for expenses incurred in
22 carrying out their duties as provided in s. 112.061. Members
23 who are public officers or employees shall be reimbursed
24 through the budget entity through which they are compensated.
25 (5) The board shall:
26 (a) Adopt a charter that defines the major objectives,
27 activities, and deliverables necessary to implement only the
28 requirements of this section.
29 (b) By January 15, 2005, provide a report to the
30 Governor, the President of the Senate, the Speaker of the
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1 House of Representatives, and the Chief Justice of the Supreme
2 Court. The report shall:
3 1. Identify the minimum data elements and functional
4 requirements needed by each of the state court system entities
5 to conduct business transactions, and needed by the
6 legislature to maintain policy oversight.
7 2. Identify the security and access requirements
8 needed to enable and maintain data integration.
9 3. Identify information standards and protocols for
10 data integration, to include common identifiers, common data
11 field elements, and a common data dictionary.
12 4. Recommend policy, functional, and operational
13 changes needed to achieve necessary access to data.
14 (c) Based upon the review and consideration of the
15 January 15, 2005, report by the Legislature, and not later
16 than January 15, 2006, provide a report to the Governor, the
17 President of the Senate, the Speaker of the House of
18 Representatives, and the Chief Justice of the Supreme Court
19 that proposes alternative integration models and analyzes
20 associated advantages and disadvantages of each model. To the
21 extent possible, standards, protocols, and processes that
22 integrate disparate network systems using open standards, and
23 data warehouse and middleware connectivity strategies that
24 maintain and leverage existing networks and information
25 systems should be considered in the report. For each
26 alternative integration model proposed, the board shall:
27 1. Analyze and describe the specific policy,
28 functional, operational, fiscal, and technical advantages and
29 disadvantages. This shall also include an analysis of the
30 specific plans and integration requirements related to the
31 Judicial Inquiry System developed by the Office of State Court

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1 Administrator within the Supreme Court and the Comprehensive
2 Case Information System developed by the Florida Association
3 of Court Clerks and Comptroller, Inc.

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

6
7 The report shall also propose an operational governance
8 structure to achieve and maintain the necessary level of
9 integration among system users at both the state and judicial
10 circuit levels as provided for in this subsection.

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

21 (7) The board may establish workgroups as needed that
22 shall be composed of representatives from their respective
23 organizations who are knowledgeable concerning applicable
24 business functions, related data processing requirements, and
25 information system networks and infrastructure within their
26 respective jurisdiction.

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

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

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

4 29.016 Contingency fund; judicial branch.--

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

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

14 34.01 Jurisdiction of county court.--

15 (1) County courts shall have original jurisdiction:

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

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

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

29 (2) The county courts shall have jurisdiction
30 previously exercised by county judges' courts other than that
31 vested in the circuit court by s. 26.012, except that county

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

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

15 34.041 Filing fees.--

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

- 20 1.(a) For all claims less than \$100\$50.
- 21 2.(b) For all claims of \$100 or more but not more than
- 22 \$500\$75.
- 23 3.(c) For all claims of more than \$500 but not more
- 24 than \$2,500.....\$150.
- 25 4.(d) For all claims of more than \$2,500.....\$250.
- 26 5.(e) In addition, for all proceedings of garnishment,
- 27 attachment, replevin, and distress.....\$75.
- 28 6.(f) For removal of tenant action.....\$75.

29
 30 (b) The first \$50 of the filing fee collected under
 31 subparagraph (a)~~4. paragraph (d)~~ shall be remitted to the

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1 Department of Revenue for deposit into the General Revenue
2 Fund. One-third of any filing fees collected by the clerk
3 under this section ~~paragraph (d)~~ in excess of the first \$50
4 collected under subparagraph (a)4. shall be remitted to the
5 Department of Revenue for deposit into the Department of
6 Revenue Clerks of the Court Trust Fund. An additional filing
7 fee of \$4 shall be paid to the clerk. The clerk shall transfer
8 \$3.50 to the Department of Revenue for deposit into the Court
9 Education Trust Fund and shall transfer 50 cents to the
10 Department of Revenue for deposit into the Department of
11 Financial Services' Administrative Trust Fund to fund clerk
12 education. Postal charges incurred by the clerk of the county
13 court in making service by mail on defendants or other parties
14 shall be paid by the party at whose instance service is made.
15 Except as provided herein, filing fees and service charges for
16 performing duties of the clerk relating to the county court
17 shall be as provided in ss. 28.24 and 28.241. Except as
18 otherwise provided herein, all filing fees shall be retained
19 as fee income of the office of the clerk of circuit court.
20 Filing fees imposed by this section may not be added to any
21 penalty imposed by chapter 316 or chapter 318.

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

- 30 1. A writ of garnishment;
- 31 2. A writ of replevin;

- 1 3. A distress writ;
 - 2 4. A writ of attachment;
 - 3 5. A motion for rehearing filed within 10 days;
 - 4 6. A motion for attorney's fees filed within 30 days
 - 5 of the entry of the judgment or final order;
 - 6 7. A motion for dismissal filed after a mediation
 - 7 agreement has been filed;
 - 8 8. A motion to withdraw by attorneys;
 - 9 9. Stipulations; or
 - 10 10. Responsive pleadings.
- 11 ~~(3)(2)~~ If a nonindigent party ~~fails~~ shall fail to pay
- 12 accrued costs, ~~though able to do so,~~ the judge shall have
- 13 power to deny that party the right to file any new case while
- 14 such costs remain unpaid and, likewise, to deny such litigant
- 15 the right to proceed further in any pending case ~~pending~~.
- 16 ~~(4)(3)~~ In criminal proceedings in county courts, costs
- 17 shall be taxed against a person in county court upon
- 18 conviction or estreature pursuant to chapter 939.
- 19 ~~(5)(4)~~ Upon the institution of any appellate
- 20 proceeding from the county court to the circuit court,
- 21 including any appeal filed by a county or municipality, the
- 22 clerk shall charge and collect filing fees as provided in s.
- 23 28.241(2) there shall be charged and collected from the party
- 24 or parties instituting the such appellate proceedings,
- 25 including appeals filed by a county or municipality, filing
- 26 fees as provided in chapter 28. If the party is determined to
- 27 be indigent, the clerk shall defer payment of the fee.
- 28 ~~(6)(5)~~ A charge or a fee may not be imposed upon a
- 29 party for responding by pleading, motion, or other paper to a
- 30 civil or criminal action, suit, or proceeding in a county
- 31 court or to an appeal to the circuit court.

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1 ~~(7)(6)~~ For purposes of this section, the term "party"
2 "plaintiff" includes a county or municipality filing any civil
3 action.

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

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

9 34.045 Cost recovery; use of the county court for
10 ordinance or special law violations.--

11 (1)(a) In lieu of payment of a filing fee under s.
12 34.041, a filing fee of \$10 shall be paid by a county or
13 municipality when filing a violation of a county or municipal
14 ordinance or a violation of a special law in county court.
15 This fee shall be paid to the clerk of the court for
16 performing court-related functions.

17 (b) No other filing fee may be assessed for filing the
18 violation in county court. If a person contests the violation
19 in court, the court shall assess \$40 in costs against the
20 nonprevailing party. The county or municipality shall be
21 considered the prevailing party when there is a finding of
22 violation to any count or lesser included offense of the
23 charge. Cost recovered pursuant to this paragraph shall be
24 deposited into the clerk's fine and forfeiture fund
25 established pursuant to s. 142.01.

26 (2) To offset costs incurred by the clerks of the
27 court in performing court-related functions associated with
28 the processing of violations of special laws and municipal
29 ordinances, 10 percent of the total amount of fines paid to
30 each municipality for special law or ordinance violations
31 filed in county court shall be retained by the clerk of the

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1 court for deposit into the clerk's fine and forfeiture fund
2 established pursuant to s. 142.01, except for fines a portion
3 of which the clerk of the court retains pursuant to any other
4 provision of state law.

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

8 34.191 Fines and forfeitures; dispositions.--All fines
9 and forfeitures arising from offenses tried in the county
10 court shall be collected and accounted for by the clerk of the
11 court and, other than the charge provided in s. 318.1215,
12 disbursed in accordance with ss. 28.2402, 34.045, 142.01, and
13 142.13 and subject to the provisions of s. 28.246(5) and (6).
14 Notwithstanding the provisions of this section, all fines and
15 forfeitures arising from operation of the provisions of s.
16 318.1215 shall be disbursed in accordance with that section.

17 All fines and forfeitures received from violations of
18 municipal ordinances committed within a municipality within
19 the territorial jurisdiction of the county court, other than
20 the charge provided in s. 318.1215, shall be paid monthly to
21 the municipality except as provided in s. 28.2402(2), s.
22 34.045(2), s. 318.21, or s. 943.25. All other fines and
23 forfeitures collected by the clerk, other than the charge
24 provided in s. 318.1215, shall be considered income of the
25 office of the clerk for use in performing court-related duties
26 of the office.

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

29 35.22 Clerk of district court; appointment;
30 compensation; assistants; filing fees; teleconferencing.--
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1 (3) The clerk, upon the filing of a certified copy of
2 a notice of appeal or petition, shall charge and collect a
3 filing fee ~~service charge~~ of ~~\$300~~\$250 for each case docketed,
4 and service charges as provided in s. 28.24 for copying,
5 certifying or furnishing opinions, records, papers or other
6 instruments and for other services ~~the same service charges as~~
7 ~~provided in s. 28.24~~. The State of Florida or its agencies,
8 when appearing as appellant or petitioner, is exempt from the
9 filing fee required in this subsection. From each attorney
10 appearance pro hac vice, the clerk shall collect a fee of \$100
11 for deposit as provided in this section.

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

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

23 39.0134 Appointed counsel; compensation.--If counsel
24 is entitled to receive compensation for representation
25 pursuant to a court appointment in a dependency proceeding or
26 a termination of parental rights proceeding pursuant to this
27 chapter, compensation shall be paid in accordance with s.
28 27.5304. The state may acquire and enforce a lien upon
29 court-ordered payment of attorney's fees and costs in
30 accordance with s. 984.08.

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

3 39.3035 Child advocacy centers; standards; state
4 funding.--

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

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

22 40.29 Payment of Clerks to make estimates and
23 requisitions for certain due process costs.--

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

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1 (b) Each clerk of the circuit court shall forward to
2 the Office of the 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~~

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

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

17 40.32 Clerks to disburse money.--All moneys drawn from
18 the treasury under the provisions of this chapter by the clerk
19 of the court shall be disbursed by the clerk of the court as
20 far as needed in payment of jurors and witnesses, except for
21 expert witnesses paid pursuant to a contract or other
22 professional services agreement pursuant to ss. 29.004,
23 29.005, 29.006, and 29.007, for the legal compensation for
24 service during the quarterly fiscal period for which said
25 moneys were drawn and for no other purposes. Jurors and
26 witnesses shall be paid by the clerk of the court either in
27 cash or by warrant within 20 days after completion of jury
28 service or of completion of service as a witness. Whenever the
29 clerk of the court pays a juror or witness by cash, said juror
30 or witness shall sign the payroll in the presence of the
31 clerk, a deputy clerk, or some other person designated by the

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1 clerk. Whenever the clerk pays a juror or witness by warrant,
2 he or she shall endorse on the payroll opposite the juror's or
3 witness's name the words "Paid by warrant," giving the number
4 and date of the warrant.

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

7 40.33 Deficiency.--If the funds required for payment
8 of the items enumerated in s. 40.29(1)(a) or (b) in any county
9 ~~compensation of jurors and witnesses~~ during a quarterly fiscal
10 period exceeds the amount of the funds provided pursuant to s.
11 40.29(3) estimated by the clerk of the court and therefore is
12 ~~insufficient to pay in full the jurors and witnesses~~, the
13 state attorney or public defender, as applicable, clerk of the
14 ~~court~~ shall make a further request ~~requisition~~ upon the
15 Justice Administrative Commission for the items enumerated in
16 s. 40.29(1)(a) or the clerk of court shall make a further
17 request upon the Office of the State Courts Administrator for
18 items enumerated in s. 40.29(1)(b) for the amount necessary to
19 allow for full payment ~~pay such default, and the amount~~
20 ~~required shall be transmitted to the clerk of the court by~~
21 ~~warrant issued by the Chief Financial Officer in the same~~
22 ~~manner as the original requisition or order.~~

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

25 40.361 Applicability of laws regarding state budgeting
26 and finances.--The requirements contained within chapter 216,
27 including the provisions of s. 216.192 related to release of
28 funds, chapter 29, including ss. 29.015 and 29.016 related to
29 use of contingency funds for due process services, and all
30 other laws of this state relating to state budgeting and
31 financing shall apply to all processes authorized or required

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1 under this chapter for the payment of the items enumerated in
2 s. 40.29(1)(a) and (b).

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

5 43.16 Justice Administrative Commission; membership,
6 powers and duties.--

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

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

16 44.103 Court-ordered, nonbinding arbitration.--

17 (3) Arbitrators shall be selected and compensated in
18 accordance with rules adopted by the Supreme Court.
19 Arbitrators shall ~~may~~ be compensated by the ~~county or by the~~
20 parties, or, upon a finding by the court that a party is
21 indigent, an arbitrator may be partially or fully compensated
22 from state funds according to the party's present ability to
23 pay. Prior to approving the use of state funds to reimburse an
24 arbitrator, the court must ensure that the party reimburses
25 the portion of the total cost that the party is immediately
26 able to pay and that the party has agreed to a payment plan
27 established by the clerk of the court that will fully
28 reimburse the state for the balance of all state costs for
29 both the arbitrator and any costs of administering the payment
30 plan and any collection efforts that may be necessary in the
31 future. ~~Compensation for arbitrators shall not exceed \$200 per~~

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1 ~~day, unless otherwise agreed by the parties and approved by~~
2 ~~the court.~~ Whenever possible, qualified individuals who have
3 volunteered their time to serve as arbitrators shall be
4 appointed. If an arbitration program is funded pursuant to s.
5 44.108, volunteer arbitrators shall be entitled to be
6 reimbursed pursuant to s. 112.061 for all actual expenses
7 necessitated by service as an arbitrator.

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

11 44.108 Funding of mediation and arbitration.--

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

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

24 (a) Eighty dollars per person per session in family
25 mediation when the parties' combined income is greater than
26 \$50,000, but less than \$100,000 per year;

27 (b) Forty dollars per person per session in family
28 mediation when the parties' combined income is less than
29 \$50,000; or

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

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

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

12 45.031 Judicial sales procedure.--In any sale of real
13 or personal property under an order or judgment, the following
14 procedure may be followed as an alternative to any other sale
15 procedure if so ordered by the court:

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

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

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- 1 (b) The time and place of sale.
2 (c) A statement that the sale will be made pursuant to
3 the order or final judgment.
4 (d) The caption of the action.
5 (e) The name of the clerk making the sale.
6

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

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

14 50.0711 Court docket fund; service charges;
15 publications.--

16 (1) The clerk of the court in each county may
17 establish a court docket fund for the purpose of paying the
18 cost of publication of the fact of the filing of any civil
19 case in the circuit court of the county by the style and of
20 the calendar relating to such cases. This court docket fund
21 shall be funded by \$1 mandatory court cost for all civil
22 actions, suits, or proceedings filed in the circuit court of
23 the county. The clerk shall maintain such funds separate and
24 apart, and the proceeds from this court cost shall not be
25 diverted to any other fund or for any purpose other than that
26 established in this section. The clerk of the court shall
27 dispense the fund to the designated record newspaper in the
28 county on a quarterly basis.

29 (2) A newspaper qualified under the terms of s. 50.011
30 shall be designated as the record newspaper for such
31 publication by an order of the majority of the judges in the

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1 judicial circuit in which such county is located, and such
2 order shall be filed and recorded with the clerk of the
3 circuit court for such county. The designated record newspaper
4 may be changed at the end of any fiscal year of the county by
5 a majority vote of the judges of the judicial circuit of the
6 county ordering such change 30 days prior to the end of the
7 fiscal year, notice of which order shall be given to the
8 previously designated record newspaper.

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

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

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

26 55.10 Judgments, orders, and decrees; lien of all,
27 generally; extension of liens; transfer of liens to other
28 security.--

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

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1 | which the lien is claimed, from such real property to other
2 | security by either depositing in the clerk's office a sum of
3 | money or filing in the clerk's office a bond executed as
4 | surety by a surety insurer licensed to do business in this
5 | state. Such deposit or bond shall be in an amount equal to the
6 | amount demanded in such claim of lien plus interest thereon at
7 | the legal rate for 3 years plus \$500 to apply on any court
8 | costs which may be taxed in any proceeding to enforce said
9 | lien. Such deposit or bond shall be conditioned to pay any
10 | judgment, order, or decree which may be rendered for the
11 | satisfaction of the lien for which such claim of lien was
12 | recorded and costs plus \$500 for court costs. Upon such
13 | deposit being made or such bond being filed, the clerk shall
14 | make and record a certificate showing the transfer of the lien
15 | from the real property to the security and mail a copy thereof
16 | by registered or certified mail to the lienor named in the
17 | claim of lien so transferred, at the address stated therein.
18 | Upon the filing of the certificate of transfer, the real
19 | property shall thereupon be released from the lien claimed,
20 | and such lien shall be transferred to said security. The clerk
21 | shall be entitled to a service charge ~~fee~~ of up to \$15 for
22 | making and serving the certificate. If the transaction
23 | involves the transfer of multiple liens, an additional service
24 | charge of up to \$7.50 for each additional lien shall be
25 | charged. Any number of liens may be transferred to one such
26 | security.

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

30 | 55.141 Satisfaction of judgments and decrees; duties
31 | of clerk and judge.--

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

19 Section 49. Subsections (2), (3), (4), and (5) of
20 section 57.085, Florida Statutes, as amended by chapter
21 2003-402, Laws of Florida, are amended to read:

22 57.085 Deferral ~~Waiver~~ of prepayment of court costs
23 and fees for indigent prisoners.--

24 (2) When a prisoner who is intervening in or
25 initiating a judicial proceeding seeks to defer the prepayment
26 of court costs and fees because of indigence, the prisoner
27 must file an affidavit of indigence with the appropriate clerk
28 of the court. The affidavit must contain complete information
29 about the prisoner's identity; the nature and amount of the
30 prisoner's income; all real property owned by the prisoner;
31 all tangible and intangible property worth more than \$100

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1 | which is owned by the prisoner; the amount of cash held by the
2 | prisoner; the balance of any checking, savings, or money
3 | market account held by the prisoner; the prisoner's
4 | dependents, including their names and ages; the prisoner's
5 | debts, including the name of each creditor and the amount owed
6 | to each creditor; and the prisoner's monthly expenses. The
7 | prisoner must certify in the affidavit whether the prisoner
8 | has been adjudicated indigent under this section, certified
9 | indigent under s. 57.081, or authorized to proceed as an
10 | indigent under 28 U.S.C. s. 1915 by a federal court. The
11 | prisoner must attach to the affidavit a photocopy of the
12 | prisoner's trust account records for the preceding 6 months or
13 | for the length of the prisoner's incarceration, whichever
14 | period is shorter. The affidavit must contain the following
15 | statements: "I am presently unable to pay court costs and
16 | fees. Under penalty of perjury, I swear or affirm that all
17 | statements in this affidavit are true and complete."

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

23 | (4) When the clerk has found the prisoner to be
24 | indigent ~~issued a certificate of indigence under this section~~
25 | but concludes the prisoner is able to pay part of the court
26 | costs and fees required by law, the court shall order the
27 | prisoner to make, prior to service of process, an initial
28 | partial payment of those court costs and fees. The initial
29 | partial payment must total at least 20 percent of the average
30 | monthly balance of the prisoner's trust account for the
31 |

1 preceding 6 months or for the length of the prisoner's
2 incarceration, whichever period is shorter.

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

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

18 61.14 Enforcement and modification of support,
19 maintenance, or alimony agreements or orders.--

20 (6)

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

26 a. The delinquency and its amount.

27 b. An impending judgment by operation of law against
28 him or her in the amount of the delinquency and all other
29 amounts which thereafter become due and are unpaid, together
30 with costs and a service charge fee of up to \$7.50~~\$5~~, for
31 failure to pay the amount of the delinquency.

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

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

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

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

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

22 (e) If the obligor fails to file a motion to contest
23 the impending judgment within the time limit prescribed in
24 paragraph (c) and fails to pay the amount of the delinquency
25 and all other amounts which thereafter become due, together
26 with costs and a service charge fee of up to \$7.50, such
27 amounts become a final judgment by operation of law against
28 the obligor at the expiration of the time for filing a motion
29 to contest the impending judgment.

30 (f)1. Upon request of any person, the local depository
31 shall issue, upon payment of a service charge fee of up to

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1 \$7.50, a payoff statement of the total amount due under the
2 judgment at the time of the request. The statement may be
3 relied upon by the person for up to 30 days from the time it
4 is issued unless proof of satisfaction of the judgment is
5 provided.

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

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

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

20 Section 51. Paragraph (b) of subsection (2) of section
21 61.181, Florida Statutes, as amended by chapter 2003-402, Laws
22 of Florida, is amended to read:

23 61.181 Depository for alimony transactions, support,
24 maintenance, and support payments; fees.--

25 (2)

26 (b)1. ~~For the period of July 1, 1992, through June 30,~~
27 ~~2004,~~ The fee imposed in paragraph (a) shall be increased to 4
28 percent of the support payments which the party is obligated
29 to pay, except that no fee shall be more than \$5.25. The fee
30 shall be considered by the court in determining the amount of
31 support that the obligor is, or may be, required to pay.

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1 Notwithstanding the provisions of s. 145.022, 75 percent of
2 the additional revenues generated by this paragraph shall be
3 remitted monthly to the Clerk of the Court Child Support
4 Enforcement Collection System Trust Fund administered by the
5 department as provided in subparagraph 2. These funds shall be
6 used exclusively for the development, implementation, and
7 operation of the Clerk of the Court Child Support Enforcement
8 Collection System to be operated by the depositories,
9 including the automation of civil case information necessary
10 for the State Case Registry. The department shall contract
11 with the Florida Association of Court Clerks and the
12 depositories to design, establish, operate, upgrade, and
13 maintain the automation of the depositories to include, but
14 not be limited to, the provision of on-line electronic
15 transfer of information to the IV-D agency as otherwise
16 required by this chapter. The department's obligation to fund
17 the automation of the depositories is limited to the state
18 share of funds available in the Clerk of the Court Child
19 Support Enforcement Collection System Trust Fund. Each
20 depository created under this section shall fully participate
21 in the Clerk of the Court Child Support Enforcement Collection
22 System and transmit data in a readable format as required by
23 the contract between the Florida Association of Court Clerks
24 and the department.

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

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

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

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

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

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

13 125.69 Penalties; enforcement by code inspectors.--

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

28 ~~(2) For the purpose of prosecuting violations of~~
29 ~~special laws and county ordinances notwithstanding the~~
30 ~~prosecutorial authority of the state attorney pursuant to s.~~
31 ~~27.02(1), the board of county commissioners of each county and~~

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

11 (2)(3) Each county is authorized and required to pay
12 any attorney appointed by the court to represent a defendant
13 charged with a criminal violation of a special law or county
14 ordinance not ancillary to a state charge prosecuted under
15 this section if the defendant is indigent and otherwise
16 entitled to court-appointed counsel under provision of an
17 attorney at public expense is required by the Constitution of
18 the United States or the Constitution of the State of Florida
19 and if the party is indigent as established pursuant to s.
20 27.52. In these such cases, the court shall appoint counsel to
21 represent the defendant in accordance with s. 27.40, and shall
22 order the county to pay the reasonable attorney's fees,
23 expenses, and costs, and related expenses of the of such
24 defense. The county may contract with the public defender of
25 the judicial circuit in which the county is located to serve
26 as court-appointed counsel pursuant to s. 27.54.

27 (3)(4) ~~The county shall bear all court fees and costs~~
28 ~~of any prosecution under this section, and may, If the county~~
29 is the prevailing party it prevails, the county may recover
30 the court fees and costs paid by it and the fees and expenses
31 paid to court-appointed counsel as part of its judgment. The

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1 state shall bear no expense of actions brought under this
2 section except those that it would bear in an ordinary civil
3 action between private parties in county court.

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

6 129.02 Requisites of budgets.--Each budget shall
7 conform to the following specific directions and requirements:

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

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

21 142.01 Fine and forfeiture fund; clerk of the circuit
22 court.--There shall be established by the clerk of the circuit
23 court in each county of this state a separate fund to be known
24 as the fine and forfeiture fund for use by the clerk of the
25 circuit court in performing court-related functions. The fund
26 shall consist of the following:

27 (1) Fines and penalties pursuant to ss. 28.2402(2),
28 34.045(2), 316.193, 327.35, 327.72, 372.72(1), and 775.083(1).

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

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1 (3) Court costs pursuant to ss. 28.2402(1)(b),
2 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a) and
3 (11)(a), and 938.05(3).

4 (4) Proceeds from forfeited bail bonds or
5 recognizances pursuant to ss. 321.05(4)(a), 372.72(1), and
6 903.26(3)(a).

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

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

10
11 Notwithstanding the provisions of this section, all fines and
12 forfeitures arising from operation of the provisions of s.
13 318.1215 shall be disbursed in accordance with that section.
14 ~~all fines and forfeitures collected by the clerk of the court~~
15 ~~for violations of the penal or traffic laws of the state,~~
16 ~~except those fines imposed under s. 775.0835(1); allocations~~
17 ~~of court costs and civil penalties pursuant to ss. 318.18 and~~
18 ~~318.21; assessments imposed under ss. 938.21, 938.23, and~~
19 ~~938.25; and all costs refunded to the county.~~

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

23 142.03 Disposition of fines, forfeitures, and civil
24 penalties to municipalities. ~~---Except as to~~ Fines, forfeitures,
25 and civil penalties collected in cases involving violations of
26 municipal ordinances, violations of chapter 316 committed
27 within a municipality, or infractions under the provisions of
28 chapter 318 committed within a municipality, ~~in which cases~~
29 ~~such fines, forfeitures, and civil penalties~~ shall be fully
30 paid in full each month ~~monthly~~ to the appropriate
31 municipality as provided in ss. 28.2402, 34.045 ~~34.191,~~

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1 316.660, and 318.21, ~~and except as to fines imposed under s.~~
2 ~~775.0835(1), and assessments imposed under ss. 938.21, 938.23,~~
3 ~~and 938.25, all fines imposed under the penal laws of this~~
4 ~~state in all other cases, and the proceeds of all forfeited~~
5 ~~bail bonds or recognizances in all other cases, shall be paid~~
6 ~~into the fine and forfeiture fund of the clerk of the county~~
7 ~~in which the indictment was found or the prosecution~~
8 ~~commenced, and judgment must be entered therefor in favor of~~
9 ~~the state for the use by the clerk of the circuit court in~~
10 ~~performing court related functions.~~

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

13 142.09 If defendant is not convicted or dies.--If the
14 defendant is not convicted, or the prosecution is abated by
15 the death of the defendant, or if the costs are imposed on the
16 defendant and execution against him or her is returned no
17 property found, or if a nolle prosequere be entered, in each of
18 these cases the fees of witnesses and officers arising from
19 criminal causes shall be paid by the state ~~county~~ in the
20 manner specified in s. 40.29 ~~ss. 142.10-142.12~~; provided, that
21 when a committing magistrate holds to bail or commits a person
22 to answer to a criminal charge and an information is not filed
23 or an indictment found against such person, the costs and fees
24 of such committing trial shall not be paid by the state
25 ~~county~~, except the costs of executing the warrants.

26 Section 57. Subsection (3) is added to section
27 218.245, Florida Statutes, to read:

28 218.245 Revenue sharing; apportionment.--

29 (3) Revenues attributed to the increase in
30 distribution to the Revenue Sharing Trust Fund for
31 Municipalities pursuant to s. 212.20(6)(d)6. from 1.0715

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1 percent to 1.3409 percent provided in chapter 2003-402, Laws
2 of Florida, shall be distributed to each eligible municipality
3 and any unit of local government which is consolidated as
4 provided by s. 9, Article VIII of the State Constitution of
5 1885, as preserved by s. 6(e), Art. VIII, 1968 revised
6 constitution, as follows: each eligible local government's
7 allocation shall be based on the amount it received from the
8 half-cent sales tax under s. 218.61 in the prior state fiscal
9 year divided by the total receipts under s. 218.61 in the
10 prior state fiscal year for all eligible local governments.
11 For eligible municipalities that began participating in the
12 allocation of half-cent sales tax under s. 218.61 in the
13 previous state fiscal year, their annual receipts shall be
14 calculated by dividing their actual receipts by the number of
15 months they participated, and the result multiplied by 12.

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

18 318.14 Noncriminal traffic infractions; exception;
19 procedures.--

20 (10)

21 (b) Any person cited for an offense listed in this
22 subsection shall present proof of compliance prior to the
23 scheduled court appearance date. For the purposes of this
24 subsection, proof of compliance shall consist of a valid,
25 renewed, or reinstated driver's license or registration
26 certificate and proper proof of maintenance of security as
27 required by s. 316.646. Notwithstanding waiver of fine, any
28 person establishing proof of compliance shall be assessed
29 court costs of \$22, except that a person charged with
30 violation of s. 316.646(1)-(3) may be assessed court costs of
31 \$7. One dollar of such costs shall be remitted to the

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

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

24 318.15 Failure to comply with civil penalty or to
25 appear; penalty.--

26 (2) After suspension of the driver's license and
27 privilege to drive of a person under subsection (1), the
28 license and privilege may not be reinstated until the person
29 complies with all obligations and penalties imposed on him or
30 her under s. 318.18 and presents to a driver license office a
31 certificate of compliance issued by the court, together with a

1 nonrefundable service charge ~~fee~~ of up to ~~\$47.50~~\$37.50
 2 imposed under s. 322.29, or presents a certificate of
 3 compliance and pays the aforementioned service charge ~~fee~~ of
 4 up to ~~\$47.50~~\$37.50 to the clerk of the court or tax collector
 5 clearing such suspension. Of the charge collected by the clerk
 6 of the court or the tax collector, \$10 shall be remitted to
 7 the Department of Revenue to be deposited into the Highway
 8 Safety Operating Trust Fund. Such person shall also be in
 9 compliance with requirements of chapter 322 prior to
 10 reinstatement.

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

15 318.18 Amount of civil penalties.--The penalties
 16 required for a noncriminal disposition pursuant to s. 318.14
 17 are as follows:

18 (11)(a) ~~Court costs that are to be~~ In addition to the
 19 stated fine, court costs must be paid in ~~an amount not less~~
 20 ~~than~~ the following amounts and shall be deposited by the clerk
 21 into the fine and forfeiture fund established pursuant to s.
 22 142.01:

- 23
- 24 For pedestrian infractions.....\$ 3.
- 25 For nonmoving traffic infractions.....\$ 16.
- 26 For moving traffic infractions.....\$ 30.
- 27

28 (b) In addition to the court cost required under
 29 paragraph (a), up to \$3 for each infraction shall be collected
 30 and distributed by the clerk in those counties that have been
 31 authorized to establish a criminal justice selection center or

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1 a criminal justice access and assessment center pursuant to
2 the following special acts of the Legislature:

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

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

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

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

10

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

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

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

27 (13) In addition to any penalties imposed for
28 noncriminal traffic infractions pursuant to chapter 318 or
29 imposed for criminal violations listed in s. 318.17, a board
30 of county commissioners or any unit of local government which
31 is consolidated as provided by s. 9, Art. VIII of the State

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1 Constitution of 1885, as preserved by s. 6(e), Art. VIII of
2 the Constitution of 1968:

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

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

25
26 A county may not impose both of the surcharges authorized
27 under paragraphs (a) and (b) concurrently.

28 Section 61. Paragraphs (a), (g), and (h) of subsection
29 (2), paragraphs (a) and (b) of subsection (3), and subsection
30 (8) of section 318.21, Florida Statutes, as amended by chapter
31 2003-402, Laws of Florida, are amended to read:

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1 318.21 Disposition of civil penalties by county
2 courts.--All civil penalties received by a county court
3 pursuant to the provisions of this chapter shall be
4 distributed and paid monthly as follows:

5 (2) Of the remainder:

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

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

19 2. If the violation occurred within a municipality,
20 50.8 percent shall be paid to that municipality and 5.6
21 percent shall be deposited into the fine and forfeiture trust
22 fund established pursuant to s. 142.01.

23 ~~3.2.~~ If the violation occurred within the
24 unincorporated area of a county that is not within a special
25 improvement district of the Seminole Indian Tribe or
26 Miccosukee Indian Tribe, 56.4 percent shall be deposited into
27 the fine and forfeiture fund established pursuant to s.
28 142.01.

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

31

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1 (3)~~(a)~~ Moneys paid to a municipality or special
2 improvement district under subparagraph (2)(g)1. must be used
3 to fund local criminal justice training as provided in s.
4 938.15 when such a program is established by ordinance; to
5 fund a municipal school crossing guard training program; and
6 for any other lawful purpose.

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

12 (8) Fines and forfeitures received from violations
13 committed within a municipality must be paid monthly to that
14 municipality; fines and forfeitures received from violations
15 committed within a special improvement district created for
16 the Seminole Indian Tribe or Miccosukee Indian Tribe under s.
17 285.17 must be paid monthly to that special improvement
18 district. These fines and forfeitures must be paid monthly to
19 that municipality or special improvement district in addition
20 to any other fines and forfeitures received by a county court
21 which are required to be paid to that municipality or special
22 improvement district under any other law. If, on February 1,
23 1972, any chartered county court that has countywide
24 jurisdiction was trying traffic offenses committed within a
25 municipality in that county, two-thirds of the fines and
26 forfeitures received as a result of violations of this
27 chapter, or of any ordinances adopting matter covered by this
28 chapter, committed within a municipality must be paid and
29 distributed to the municipality, and the remainder must be
30 paid into the fine and forfeiture fund established pursuant to
31 s. 142.01 ~~to the county~~, except as otherwise provided in

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

12 Section 62. Section 318.325, Florida Statutes, as
13 amended by chapter 2003-402, Laws of Florida, is amended to
14 read:

15 318.325 Jurisdiction and procedure for parking
16 infractions.--Any county or municipality may adopt an
17 ordinance that allows the county or municipality to refer
18 cases involving the violation of a county or municipal parking
19 ordinance to a hearing officer funded by the county or
20 municipality. Notwithstanding the provisions of ss. 318.14 and
21 775.08(3), any parking violation shall be deemed to be an
22 infraction as defined in s. 318.13(3). However, the violation
23 must be enforced and disposed of in accordance with the
24 provisions of general law applicable to parking violations and
25 with the charter or code of the county or municipality where
26 the violation occurred. The clerk of the court or the
27 designated traffic violations bureau must collect and
28 distribute the fines, forfeitures, and court costs assessed
29 under this section. ~~Notwithstanding the provisions of s.~~
30 ~~318.21, fines and forfeitures received from parking violations~~
31 ~~committed within the unincorporated areas of the county or~~

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1 ~~within the boundaries of the municipality must be collected~~
2 ~~and paid monthly to the county or municipality, respectively.~~
3 ~~Court costs assessed by the hearing officer must be paid to~~
4 ~~the county.~~

5 Section 63. Paragraph (a) of subsection (4) of section
6 321.05, Florida Statutes, is amended to read:

7 321.05 Duties, functions, and powers of patrol
8 officers.--The members of the Florida Highway Patrol are
9 hereby declared to be conservators of the peace and law
10 enforcement officers of the state, with the common-law right
11 to arrest a person who, in the presence of the arresting
12 officer, commits a felony or commits an affray or breach of
13 the peace constituting a misdemeanor, with full power to bear
14 arms; and they shall apprehend, without warrant, any person in
15 the unlawful commission of any of the acts over which the
16 members of the Florida Highway Patrol are given jurisdiction
17 as hereinafter set out and deliver him or her to the sheriff
18 of the county that further proceedings may be had against him
19 or her according to law. In the performance of any of the
20 powers, duties, and functions authorized by law, members of
21 the Florida Highway Patrol shall have the same protections and
22 immunities afforded other peace officers, which shall be
23 recognized by all courts having jurisdiction over offenses
24 against the laws of this state, and shall have authority to
25 apply for, serve, and execute search warrants, arrest
26 warrants, *capias*, and other process of the court in those
27 matters in which patrol officers have primary responsibility
28 as set forth in subsection (1). The patrol officers under the
29 direction and supervision of the Department of Highway Safety
30 and Motor Vehicles shall perform and exercise throughout the
31 state the following duties, functions, and powers:

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

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1 | direct result of his or her employment as a patrol officer
2 | during time not compensated as a part of his or her normal
3 | duties. Nothing herein shall be construed as limiting the
4 | power to locate and to take from any person under arrest or
5 | about to be arrested deadly weapons. Nothing contained in this
6 | section shall be construed as a limitation upon existing
7 | powers and duties of sheriffs or police officers.

8 | Section 64. Section 322.245, Florida Statutes, as
9 | amended by chapter 2003-402, Laws of Florida, is amended to
10 | read:

11 | 322.245 Suspension of license upon failure of person
12 | charged with specified offense under chapter 316, chapter 320,
13 | or this chapter to comply with directives ordered by traffic
14 | court or upon failure to pay child support in non-IV-D cases
15 | as provided in chapter 61 or failure to pay any financial
16 | obligation in any other criminal case.--

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

1 (2) In non-IV-D cases, if a person fails to pay child
2 support under chapter 61 and the obligee so requests, the
3 depository or the clerk of the court shall mail in accordance
4 with s. 61.13016 the notice specified in that section,
5 notifying him or her that if he or she does not comply with
6 the requirements of that section and pay a delinquency fee of
7 \$10 to the depository or the clerk, his or her driver's
8 license and motor vehicle registration will be suspended. The
9 delinquency fee may be retained by the depository or the
10 office of the clerk to defray the operating costs of the
11 office.

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

22 (4) After suspension of the driver's license of a
23 person pursuant to subsection (1), subsection (2), or
24 subsection (3) ~~this section~~, the license may not be reinstated
25 until the person complies with all court directives imposed
26 upon him or her, including payment of the delinquency fee
27 imposed by subsection (1), and presents certification of such
28 compliance to a driver licensing office and complies with the
29 requirements of this chapter or, in the case of a license
30 suspended for nonpayment of child support in non-IV-D cases,
31 until the person complies with the reinstatement provisions of

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1 s. 322.058 and makes payment of the delinquency fee imposed by
2 subsection (2).

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

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

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

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

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

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

25 Section 65. Paragraph (b) of subsection (4) of section
26 327.73, Florida Statutes, as amended by chapter 2003-402, Laws
27 of Florida, is amended to read:

28 327.73 Noncriminal infractions.--

29 (4) Any person charged with a noncriminal infraction
30 under this section may:
31

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

3
4 If the person cited follows either of the above procedures, he
5 or she shall be deemed to have admitted the noncriminal
6 infraction and to have waived the right to a hearing on the
7 issue of commission of the infraction. Such admission shall
8 not be used as evidence in any other proceedings. If a person
9 who is cited for a violation of s. 327.395 can show a boating
10 safety identification card issued to that person and valid at
11 the time of the citation, the clerk of the court may dismiss
12 the case and may assess a ~~\$5~~ dismissal fee of up to \$7.50. If
13 a person who is cited for a violation of s. 328.72(13) can
14 show proof of having a registration for that vessel which was
15 valid at the time of the citation, the clerk may dismiss the
16 case and may assess the a ~~\$5~~ dismissal fee.

17 Section 66. Subsection (1) of section 372.72, Florida
18 Statutes, is amended to read:

19 372.72 Disposition of fines, penalties, and
20 forfeitures.--

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

27 Section 67. Section 382.023, Florida Statutes, as
28 amended by chapter 2003-402, Laws of Florida, is amended to
29 read:

30 382.023 Department to receive dissolution-of-marriage
31 records; fees.--Clerks of the circuit courts shall collect for

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

16 Section 68. Section 384.288, Florida Statutes, is
17 amended to read:

18 384.288 Fees and other compensation; payment by board
19 of county commissioners.--

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

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

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

29 (2) All court-related fees, mileage, and charges
30 provided to the sheriff pursuant to paragraph (1)(a) shall be
31 taxed by the court as costs in each proceeding and shall be

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

6 Section 69. Section 392.68, Florida Statutes, is
7 amended to read:

8 392.68 Fees and other compensation.--

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

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

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

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

26 Section 70. Section 394.473, Florida Statutes, as
27 amended by chapter 2003-402, Laws of Florida, is amended to
28 read:

29 394.473 Attorney's fee; expert witness fee.--

30 (1) In the case of an indigent ~~the indigence of any~~
31 person for whom an attorney is appointed pursuant to the

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

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

19 Section 71. Subsection (1) of section 395.3025,
20 Florida Statutes, as amended by chapter 2003-402, Laws of
21 Florida, is amended to read:

22 395.3025 Patient and personnel records; copies;
23 examination.--

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

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

21 Section 72. Subsection (5) of section 397.334, Florida
22 Statutes, as amended by chapter 2003-402, Laws of Florida, is
23 amended to read:

24 397.334 Treatment-based drug court programs.--

25 (5) If a county chooses to fund a treatment-based drug
26 court program, the county must secure funding from sources
27 other than the state for those costs not otherwise assumed by
28 the state pursuant to s. 29.004. However, this does not
29 preclude counties from using treatment and other service
30 dollars provided through state executive branch agencies.
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1 Counties may provide, by interlocal agreement, for the
2 collective funding of these programs.

3 Section 73. Subsection (1) of section 713.24, Florida
4 Statutes, as amended by chapter 2003-402, Laws of Florida, is
5 amended to read:

6 713.24 Transfer of liens to security.--

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

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

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

17
18 either to be in an amount equal to the amount demanded in such
19 claim of lien, plus interest thereon at the legal rate for 3
20 years, plus \$1,000 or 25 percent of the amount demanded in the
21 claim of lien, whichever is greater, to apply on any
22 attorney's fees and court costs that may be taxed in any
23 proceeding to enforce said lien. Such deposit or bond shall be
24 conditioned to pay any judgment or decree which may be
25 rendered for the satisfaction of the lien for which such claim
26 of lien was recorded. Upon making such deposit or filing such
27 bond, the clerk shall make and record a certificate showing
28 the transfer of the lien from the real property to the
29 security and shall mail a copy thereof by registered or
30 certified mail to the lienor named in the claim of lien so
31 transferred, at the address stated therein. Upon filing the

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

16 Section 74. Subsections (1) and (3) of section 721.83,
17 Florida Statutes, as amended by chapter 2003-402, Laws of
18 Florida, are amended to read:

19 721.83 Consolidation of foreclosure actions.--

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

24 (a) The foreclosure proceeding involves a single
25 timeshare property.†

26 (b) The foreclosure proceeding is filed by a single
27 plaintiff.†

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

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1 (d) The nature of the defaults alleged is the same for
2 each defendant.

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

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

16 Section 75. Subsection (2) of section 741.01, Florida
17 Statutes, is amended to read:

18 741.01 County court judge or clerk of the circuit
19 court to issue marriage license; fee.--

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

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1 category to the Department of Children and Family Services for
2 the purpose of funding domestic violence centers. From the
3 proceeds of the surcharge deposited into the Domestic Violence
4 Trust Fund as required under s. 938.08, the Executive Office
5 of the Governor may spend up to \$500,000 each year for the
6 purpose of administering a statewide public-awareness campaign
7 regarding domestic violence.

8 Section 76. Paragraph (b) of subsection (7) of section
9 744.331, Florida Statutes, is amended to read:

10 744.331 Procedures to determine incapacity.--

11 (7) FEES.--

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

25 Section 77. Subsection (6) of section 744.365, Florida
26 Statutes, as amended by chapter 2003-402, Laws of Florida, is
27 amended to read:

28 744.365 Verified inventory.--

29 (6) AUDIT FEE.--

30 (a) Where the value of the ward's property exceeds
31 \$25,000, a guardian shall pay from the ward's property to the

1 clerk of the circuit court a fee of up to \$75, upon the filing
2 of the verified inventory, for the auditing of the inventory.
3 Upon petition by the guardian, the court may waive the
4 auditing fee upon a showing of insufficient funds in the
5 ward's estate. Any guardian unable to pay the auditing fee may
6 petition the court for waiver of the fee. The court may waive
7 the fee after it has reviewed the documentation filed by the
8 guardian in support of the waiver.

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

13 Section 78. Subsection (4) of section 744.3678,
14 Florida Statutes, as amended by chapter 2003-402, Laws of
15 Florida, is amended to read:

16 744.3678 Annual accounting.--

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

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

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

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

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

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

7 Section 79. Subsection (2) of section 766.104, Florida
8 Statutes, is amended to read:

9 766.104 Pleading in medical negligence cases; claim
10 for punitive damages; authorization for release of records for
11 investigation.--

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

22 Section 80. Subsection (2) of section 903.035, Florida
23 Statutes, is amended to read:

24 903.035 Applications for bail; information provided;
25 hearing on application for modification; penalty for providing
26 false or misleading information or omitting material
27 information.--

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

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1 Section 81. Paragraph (a) of subsection (3) and
2 subsection (8) of section 903.26, Florida Statutes, are
3 amended to read:

4 903.26 Forfeiture of the bond; when and how directed;
5 discharge; how and when made; effect of payment.--

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

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

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

23 Section 82. Subsection (8) of section 903.28, Florida
24 Statutes, is amended to read:

25 903.28 Remission of forfeiture; conditions.--

26 (8) An application for remission must be accompanied
27 by affidavits setting forth the facts on which it is founded;
28 however, the surety must establish by further documentation or
29 other evidence any claimed attempt at procuring or causing the
30 apprehension or surrender of the defendant before the court
31 may order remission based upon an attempt to procure or cause

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1 such apprehension or surrender. The state attorney ~~and the~~
2 ~~county attorney~~ must be given 20 days' notice before a hearing
3 on an application and be furnished copies of all papers,
4 applications, and affidavits. Remission shall be granted on
5 the condition of payment of costs, unless the ground for
6 remission is that there was no breach of the bond.

7 Section 83. Section 925.09, Florida Statutes, is
8 amended to read:

9 925.09 Authority of state attorney to order
10 autopsies.--The state attorney may have an autopsy performed,
11 before or after interment, on a dead body found in the county
12 when she or he decides it is necessary in determining whether
13 or not death was the result of a crime. Physicians performing
14 the autopsy shall be paid reasonable fees by ~~from~~ the county
15 ~~fine and forfeiture fund~~ upon the approval of the county
16 commission and the state attorney ordering the autopsy.

17 Section 84. Section 938.10, Florida Statutes, is
18 created to read:

19 938.10 Additional court cost imposed in cases of
20 certain crimes against minors.--

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

28 (2) Each month the clerk of the court shall transfer
29 the proceeds of the court cost, less \$1 from each sum
30 collected which the clerk shall retain as a service charge, to
31 the Department of Revenue for deposit into the Department of

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

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

26 Section 85. Section 938.17, Florida Statutes, is
27 amended to read:

28 938.17 County delinquency prevention; juvenile
29 assessment centers and school board suspension programs.--

30 ~~(1) A county may adopt a mandatory cost to be assessed~~
31 ~~in specific cases by incorporating by reference the provisions~~

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1 ~~of this section in a county ordinance.~~ Prior to the use of
2 costs received pursuant to s. 939.185 ~~adoption of the county~~
3 ~~ordinance~~, the sheriff's office of the county must be a
4 partner in a written agreement with the Department of Juvenile
5 Justice to participate in a juvenile assessment center or with
6 the district school board to participate in a suspension
7 program.

8 ~~(2) In counties in which the sheriff's office is a~~
9 ~~partner in a juvenile assessment center pursuant to s.~~
10 ~~985.209, or a partner in a suspension program developed in~~
11 ~~conjunction with the district school board in the county of~~
12 ~~the sheriff's jurisdiction, the court shall assess court costs~~
13 ~~of \$3 per case, in addition to any other authorized cost or~~
14 ~~fine, on every person who, with respect to a charge,~~
15 ~~indictment, prosecution commenced, or petition of delinquency~~
16 ~~filed in that county or circuit, pleads guilty, nolo~~
17 ~~contendere to, or is convicted of, or adjudicated delinquent~~
18 ~~for, or has an adjudication withheld for, a felony or~~
19 ~~misdemeanor, or a criminal traffic offense or handicapped~~
20 ~~parking violation under state law, or a violation of any~~
21 ~~municipal or county ordinance, if the violation constitutes a~~
22 ~~misdemeanor under state law.~~

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

31

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

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

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

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

21 Section 86. Subsection (4) of section 938.29, Florida
22 Statutes, as amended by chapter 2003-402, Laws of Florida, is
23 amended, and subsections (5) and (6) of said section are
24 renumbered as subsections (4) and (5), respectively, to read:

25 938.29 Legal assistance; lien for payment of
26 attorney's fees or costs.--

27 ~~(4) The clerk of the county claiming such lien is~~
28 ~~authorized to contract with a private attorney or collection~~
29 ~~agency for collection of such debts or liens, provided the fee~~
30 ~~for such collection shall be on a contingent basis not to~~
31 ~~exceed 50 percent of the recovery. However, no fee shall be~~

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1 ~~paid to any collection agency by reason of foreclosure~~
2 ~~proceedings against real property or from the proceeds from~~
3 ~~the sale or other disposition of real property.~~

4 Section 87. Section 938.35, Florida Statutes, as
5 amended by chapter 2003-402, Laws of Florida, is amended to
6 read:

7 938.35 Collection of court-related financial
8 obligations.--The board of county commissioners or the
9 governing body of a municipality may pursue the collection of
10 any fees, service charges, fines, court costs, or ~~other~~ costs
11 to which it is entitled which remain unpaid for 90 days or
12 more, or refer the account ~~such collection~~ to a private
13 attorney who is a member in good standing of The Florida Bar
14 or collection agent who is registered and in good standing
15 pursuant to chapter 559. In pursuing the collection of such
16 unpaid financial obligations through a private attorney or
17 collection agent, the board of county commissioners or the
18 governing body of a municipality must determine this is
19 cost-effective and follow applicable procurement practices.
20 The collection fee, including any reasonable attorney's fee,
21 paid to any attorney or collection agent retained by the board
22 of county commissioners or the governing body of a
23 municipality may be added to the balance owed, in an amount
24 not to exceed 40 percent of the amount owed at the time the
25 account is referred to the attorney or agents for collection.

26 Section 88. Section 939.185, Florida Statutes, is
27 created to read:

28 939.185 Assessment of additional court costs.--
29 (1)(a) The board of county commissioners may adopt by
30 ordinance an additional court cost, not to exceed \$65, to be
31 imposed by the court when a person pleads guilty or nolo

1 contendere to, or is found guilty of, any felony, misdemeanor,
2 or criminal traffic offense under the laws of this state. Such
3 additional assessment shall be accounted for separately by the
4 county in which the offense occurred and be used only in the
5 county imposing this cost, to be allocated as follows:
6 1. Twenty-five percent of the amount collected shall
7 be allocated to fund innovations to supplement state funding
8 for the elements of the state courts system identified in s.
9 29.004 and county funding for local requirements under s.
10 29.008(2)(a)2.
11 2. Twenty-five percent of the amount collected shall
12 be allocated to assist counties in providing legal aid
13 programs required under s. 29.008(3)(a).
14 3. Twenty-five percent of the amount collected shall
15 be allocated to fund personnel and legal materials for the
16 public as part of a law library.
17 4. Twenty-five percent of the amount collected shall
18 be used as determined by the board of county commissioners to
19 support teen court programs, juvenile assessment centers, and
20 other juvenile alternative programs.
21
22 Each county receiving funds under this section shall report
23 the amount of funds collected pursuant to this section and an
24 itemized list of expenditures for all authorized programs and
25 activities. The report shall be submitted in a format
26 developed by the Supreme Court to the Governor, the Chief
27 Financial Officer, the President of the Senate, and the
28 Speaker of the House of Representatives on a quarterly basis
29 beginning with the quarter ending September 30, 2004.
30 Quarterly reports shall be submitted no later than 30 days
31 after the end of the quarter. Any unspent funds at the close

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1 of the county fiscal year allocated under subparagraphs 2.,
2 3., and 4., shall be transferred for use pursuant to
3 subparagraph 1.

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

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

12 Section 89. Paragraph (1) of subsection (1) of section
13 960.001, Florida Statutes, as amended by chapter 2003-402,
14 Laws of Florida, is amended to read:

15 960.001 Guidelines for fair treatment of victims and
16 witnesses in the criminal justice and juvenile justice
17 systems.--

18 (1) The Department of Legal Affairs, the state
19 attorneys, the Department of Corrections, the Department of
20 Juvenile Justice, the Parole Commission, the State Courts
21 Administrator and circuit court administrators, the Department
22 of Law Enforcement, and every sheriff's department, police
23 department, or other law enforcement agency as defined in s.
24 943.10(4) shall develop and implement guidelines for the use
25 of their respective agencies, which guidelines are consistent
26 with the purposes of this act and s. 16(b), Art. I of the
27 State Constitution and are designed to implement the
28 provisions of s. 16(b), Art. I of the State Constitution and
29 to achieve the following objectives:

30 (1) Local witness coordination services.--The
31 requirements for notification provided for in paragraphs

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1 ~~(c)(b)~~, (d), ~~(f)~~, and (i) may be performed by the state
2 attorney or public defender for their own witnesses ~~as~~
3 ~~provided in s. 27.0065, as appropriate.~~

4 Section 90. Subsections (2) and (3) of section
5 985.203, Florida Statutes, as amended by chapter 2003-402,
6 Laws of Florida, are amended to read:

7 985.203 Right to counsel.--

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

21 (3) An indigent child with nonindigent parents or
22 legal guardian may have counsel appointed pursuant to s.
23 27.52~~(2)~~~~(d)~~ if the parents or legal guardian have willfully
24 refused to obey the court order to obtain counsel for the
25 child and have been punished by civil contempt and then still
26 have willfully refused to obey the court order. Costs of
27 representation are hereby imposed as provided by ss.
28 27.52~~(2)~~~~(d)~~ and 938.29.

29 Section 91. Section 149 of chapter 2003-402, Laws of
30 Florida, is amended to read:

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1 Section 149. Fees, service charges, and costs fees
2 imposed by the governing authority of counties by ordinance
3 and special law pursuant to authority granted in ss. 28.2401,
4 28.241, 34.041 ~~28.242-34.041~~, 938.17, and 938.19, Florida
5 Statutes, on or before ~~prior to~~ June 30, 2004, are repealed
6 and abolished effective July 1, 2004.

7 Section 92. (1) It is the intent of the Legislature
8 to implement Revision 7 to Article V of the State Constitution
9 in a way which recognizes the allocation of funding
10 responsibilities among the state, counties, and system users.

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

14 Section 93. Court-related assessments to be retained
15 by the clerk of the court after July 1, 2004, to fund
16 court-related functions included on the standard list in
17 section 28.35(4)(a), Florida Statutes, shall be remitted to
18 the clerk of the court after July 1, 2004, regardless of the
19 date of assessment.

20 Section 94. On July 1, 2004, all cash balances within
21 county funds previously established to provide dedicated
22 funding to benefit specific court-related programs shall be
23 used to fund these programs after July 1, 2004, until those
24 funds are depleted.

25 Section 95. Cost sharing of due process costs;
26 legislative intent.--It is the intent of the Legislature to
27 provide state-funded due process services to the state courts
28 system, state attorneys, public defenders, and court-appointed
29 counsel in the most cost-effective and efficient manner. The
30 state courts system, state attorneys, public defenders, and
31 court-appointed counsel may enter into contractual agreements

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1 to share, on a pro rata basis, the costs associated with court
2 reporting services, court interpreter and translation
3 services, court experts, and all other due process services
4 funded by the state pursuant to chapter 29, Florida Statutes.
5 These costs shall be budgeted within the funds appropriated to
6 each of the affected users of services.

7 Section 96. The Division of Statutory Revision of the
8 Office of Legislative Services shall redesignate, in the next
9 edition of the Florida Statutes, the title of chapter 40,
10 Florida Statutes, as "Juries; Payment of Jurors and Due
11 Process Costs."

12 Section 97. Billings submitted for payment of due
13 process services, including, but not limited to, court
14 reporter services, court interpreter services, expert witness
15 services, mental health evaluations, and court-appointed
16 counsel services must be paid by the counties if the services
17 were rendered before July 1, 2004. Counties must also pay for
18 the entire cost of any flat-fee-per-case payment pursuant to a
19 contract or professional services agreement with
20 court-appointed counsel for appointments made before July 1,
21 2004, regardless of whether work on the case is actually
22 concluded prior to July 1, 2004. Except for flat-fee contracts
23 with court-appointed counsel, billings for services on any
24 case that commenced prior to July 1, 2004, but continues past
25 July 1, 2004, must be submitted with an itemized listing of
26 payment due for services rendered before July 1, 2004, and on
27 or after July 1, 2004. The county shall pay the portion of the
28 bill for services rendered before July 1, 2004, and provide a
29 copy of the itemized bill to the Justice Administrative
30 Commission or the Office of the State Courts Administrator as
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1 appropriate for payment of the portion of the bill for
2 services provided on or after July 1, 2004.

3 Section 98. No later than July 1, 2004, the Office of
4 the State Courts Administrator shall prepare and disseminate a
5 manual of court-related filing fees, service charges, costs,
6 and fines imposed pursuant to state law, organized by county
7 for each type of action and offense and classified as either
8 mandatory or discretionary. The Office of the State Courts
9 Administrator shall disseminate this manual to the chief
10 judge, state attorney, public defender, and court
11 administrator in each circuit and to the clerk of the court in
12 each county. The Office of the State Courts Administrator
13 shall update and disseminate this manual on July 1, of each
14 year thereafter.

15 Section 99. Procurement of state-funded services;
16 review of procurement policies and practices; training
17 assistance; assistance with competitive solicitations.--

18 (1) The Department of Management Services, with the
19 assistance of the Auditor General, shall review the
20 procurement of state-funded services under chapter 29, Florida
21 Statutes, by the state courts system, state attorneys, and
22 public defenders. In conducting this review, the department
23 shall evaluate existing procurement polices and practices and
24 propose strategies for achieving cost-savings through
25 efficiencies in contract administration and contracting
26 methods, including the use of regional or statewide contracts.
27 The department shall report its findings and recommendations
28 to the Governor, the President of the Senate, the Speaker of
29 the House of Representatives, the Chief Justice of the Supreme
30 Court, and the Justice Administrative Commission, by January
31 1, 2005. The report should include operational strategies for

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1 consideration by the procuring entities and policy
2 recommendations for consideration by the Legislature.

3 (2) In accordance with section 287.042, Florida
4 Statutes, the department may assist the Office of the State
5 Courts Administrator and the Justice Administrative Commission
6 with competitive solicitations for the procurement of
7 state-funded services under chapter 29, Florida Statutes. This
8 may include assistance in the development and review of
9 proposals in compliance with chapter 287, Florida Statutes,
10 and rules adopted under that chapter.

11 Section 100. (1) The Department of Revenue may adopt
12 rules necessary to carry out its responsibilities in sections
13 28.35, 28.36, and 28.37, Florida Statutes. The rules shall
14 include forms and procedures for transferring funds from the
15 clerks of the court to the Clerks of the Court Trust Fund
16 within the Department of Revenue.

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

20 Section 101. Effective July 1, 2004, sections 11.75,
21 40.30, 142.04, 142.05, 142.06, 142.07, 142.08, 142.10, 142.11,
22 142.12, 142.13, and 939.18, Florida Statutes, are repealed.

23 Section 102. There is hereby appropriated \$75,000 from
24 nonrecurring general revenue to the Department of Management
25 Services to conduct the review required in this act. Funds may
26 be used for expenses, consulting assistance, and temporary
27 staff necessary to conduct the review.

28 Section 103. There is appropriated \$2,500,000 from the
29 Department of Financial Services' Administrative Trust Fund
30 and five full-time equivalent positions are authorized for
31 fiscal year 2004-2005 to fund the contract with the Florida

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1 Clerks of Court Operations Corporation created pursuant to
2 section 28.35, Florida Statutes, and to provide for personnel
3 and other expenses necessary to implement the department's
4 responsibilities pursuant to this act. Funds for the contract
5 with the Clerks of the Court Operations Corporation shall be
6 appropriated in a special category created only for this
7 purpose by the Executive Office of the Governor in
8 consultation with the chairs of the respective committees
9 responsible for appropriations in the Senate and the House of
10 Representatives.

11 Section 104. There is appropriated \$20,000,000 from
12 the Clerks of the Court Trust Fund in the Department of
13 Revenue for fiscal year 2004-2005 to fund the revenue deficits
14 for the clerks of the circuit court in accordance with the
15 provisions of section 28.36, Florida Statutes. The Executive
16 Office of the Governor may provide release authority for these
17 funds as needed in accordance with the provisions of section
18 28.36, Florida Statutes, and subject to all other provisions
19 of chapter 216, Florida Statutes.

20 Section 105. There is appropriated from the Clerks of
21 the Court Trust Fund in the Department of Revenue, \$13,600,000
22 from funds resulting from the recording fee collected pursuant
23 to section 15 of this act and the imposition of the filing fee
24 for reopened cases required by section 31 of chapter 2003-402,
25 Laws of Florida. These funds shall be used for the purpose of
26 addressing cash-flow problems that may arise in Clerks of the
27 Court offices during July and August of 2004, and shall be
28 distributed pursuant to the provisions of section 28.36,
29 Florida Statutes.

30 Section 106. The sum of \$500,000 is hereby
31 appropriated from General Revenue Fund to the Office of

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1 Legislative Services on a nonrecurring basis for fiscal year
2 2004-2005. These appropriated funds shall be used by the
3 President of the Senate and the Speaker of the House of
4 Representatives to pay for the expenses of the Article V
5 Technology Board created pursuant to section 29.0086, Florida
6 Statutes, and to hire or contract for staff to work under the
7 direction of the board.

8 Section 107. The sum of \$2,500,000 is appropriated
9 from the Domestic Violence Trust Fund to the Department of
10 Children and Family Services for the purpose of funding the
11 operational costs of certified domestic violence shelters for
12 the 2004-2005 fiscal year.

13 Section 108. The sum of \$900,000 is appropriated from
14 the Grants and Donations Trust Fund to the Department of
15 Children and Family Services for the purpose of funding
16 children's advocacy centers pursuant to section 938.10,
17 Florida Statutes, for the 2004-2005 fiscal year.

18 Section 109. Except as otherwise expressly provided in
19 this act and except for this section, which shall take effect
20 upon becoming a law, this act shall take effect July 1, 2004.

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