

1                                   A bill to be entitled  
2       An act relating to the state judicial system; amending s.  
3       27.40, F.S., relating to circuit registries for court-  
4       appointed counsel; requiring that an attorney enter into a  
5       contract to be included on the registry; revising  
6       requirements for private court-appointed counsel;  
7       requiring the Justice Administrative Commission to approve  
8       uniform procedures and forms for use in billing for  
9       attorney's fees, costs, and related expenses; requiring  
10      that a withdrawal order be filed with the commission;  
11      revising fee payment provisions; providing that withdrawal  
12      from a case creates a rebuttable presumption of  
13      nonentitlement to the entire flat fee; amending s. 27.42,  
14      F.S.; requiring the circuit Article V indigent services  
15      committee to establish the compensation rates for court-  
16      appointed counsel or in cases of indigency; requiring each  
17      committee to establish a schedule of allowances for due-  
18      process expenses; authorizing alternate models for  
19      providing criminal and civil due-process representation;  
20      amending s. 27.52, F.S., relating to the determination of  
21      indigent status; providing for application to the clerk of  
22      court for such a determination and appointment of a public  
23      defender; providing application requirements; requiring an  
24      application fee; providing for transfer and deposit of  
25      such fees into the Indigent Criminal Defense Trust Fund to  
26      be used for certain purposes; authorizing clerks of courts  
27      to retain a portion of the fees for certain purposes;  
28      prescribing duties of the clerk of court and the public

29 | defender relating to an application; prescribing  
30 | application requirements and review criteria; providing  
31 | for determinations by a clerk on the basis of an  
32 | applicant's indigency; providing criteria; providing for  
33 | appointment of counsel on an interim basis; providing for  
34 | review by the court of a clerk's determination; providing  
35 | criteria; authorizing the court to determine a person  
36 | indigent for costs and eligible for payment of due-process  
37 | expenses; providing criteria and requirements for such  
38 | determination; requiring certain parents or legal  
39 | guardians to furnish legal services and costs to certain  
40 | persons relating to delinquency proceedings or criminal  
41 | prosecutions; providing for imposition of a lien for  
42 | certain liabilities and lien enforcement; providing for a  
43 | reevaluation of indigent status and referral to the state  
44 | attorney upon evidence of financial discrepancies or  
45 | fraud; providing for recovery and disposition of certain  
46 | amounts recovered; providing criminal penalties for the  
47 | provision of false information; amending s. 27.5304, F.S.;  
48 | authorizing the Justice Administrative Commission to pay  
49 | attorney's fees without court approval under certain  
50 | conditions; requiring the attorney to provide the  
51 | commission with advance notice of a court hearing on  
52 | payment of fees and costs; authorizing the commission to  
53 | participate in such hearings using certain equipment;  
54 | entitling private court-appointed counsel to compensation  
55 | upon final disposition; providing exceptions; specifying  
56 | intervals other than final disposition of a case at which

57 private court-appointed counsel may request payment;  
58 removing a reference to the Article V Indigent services  
59 Advisory Board; clarifying a prohibition against allowing  
60 an attorney who is not on the registry to appear;  
61 restricting the reimbursement allowed for the preparation  
62 of invoices; amending s. 27.54, F.S.; requiring a county  
63 or municipality to pay certain costs for due-process  
64 services in local ordinance violation cases; prescribing  
65 assessment of fees to recover such costs; providing for  
66 determination and collection of such fees; amending s.  
67 28.24, F.S.; requiring the clerk of the court to charge  
68 for certain recording services and performing certain  
69 duties; requiring the clerk of the court to provide  
70 without charge copies to court-appointed counsel paid by  
71 the state; requiring clerks of the court to participate in  
72 the Comprehensive Case Information System by a certain  
73 date; providing an exception to the designation of the  
74 clerk of court as custodian of official records; amending  
75 s. 28.2402, F.S.; prohibiting a county or municipality  
76 from being required to pay more than one filing fee for a  
77 single filing containing multiple allegations; prohibiting  
78 a filing fee for initiating certain enforcement  
79 proceedings; amending s. 28.245, F.S.; requiring the  
80 clerks of the court to remit collections to the Department  
81 of Revenue within a specified period; amending s. 28.246,  
82 F.S.; conforming a reference to the Florida Clerks of  
83 Court Operations Corporation; revising provisions  
84 authorizing an individual to enter into a payment plan for

85 the payment of fees, costs, or fines; requiring the clerk  
86 to enter into a payment plan with certain persons;  
87 providing payment plan criteria; providing for the court  
88 to review the payment plan; amending s. 28.345, F.S.;  
89 exempting certain court staff and court-appointed counsel  
90 from the payment of fees and charges assessed by the clerk  
91 of the circuit court; amending s. 28.36, F.S.; requiring  
92 the chief judge of each circuit to coordinate court-  
93 related functions and determine the priorities of  
94 functions of the clerk of court; revising the date for the  
95 county clerk to submit a proposed budget; conforming a  
96 reference to the Florida Clerks of Court Operations  
97 Corporation; conforming a cross reference; conforming a  
98 reference to the Chief Financial Officer; authorizing the  
99 corporation to approve additional funding and adjust a  
100 clerk's budget under prescribed conditions; creating s.  
101 28.44, F.S.; providing a method by which the clerk of  
102 court may discontinue or substantially modify court-  
103 related functions; providing a definition; creating s.  
104 28.45, F.S.; providing for absence of responsibility of  
105 the clerk to repay specified costs; amending s. 29.004,  
106 F.S.; providing for state appropriations to be used for  
107 expert witnesses who are appointed by the court rather  
108 than requested by any party; amending s. 29.005, F.S.;  
109 deleting certain appointed mental health professionals  
110 from elements of state attorneys' offices provided from  
111 state revenues; amending s. 29.007, F.S.; providing for  
112 state funds to be used in providing mental health

113 professionals in certain civil cases; clarifying the use  
 114 of state funds at the trial or appellate level to pay  
 115 certain costs on behalf of a litigant who is indigent;  
 116 amending s. 29.008, F.S.; requiring that the county where  
 117 the appellate district is located fund the appellate  
 118 division of the public defender's office; expanding the  
 119 definition of the term "facility" to include items  
 120 necessary for court-reporting services; narrowing a  
 121 limitation on the application of certain requirements to  
 122 specified facilities; including hearing rooms within those  
 123 facilities funded by the county as a court-related  
 124 function; including audio equipment within county-funded  
 125 communications services; amending s. 29.015, F.S.;  
 126 requiring the Justice Administrative Commission to adjust  
 127 certain allocations of funds among circuits under certain  
 128 circumstances; requiring notice of such adjustment;  
 129 requiring the commission to request a budget amendment  
 130 under certain circumstances to address budget deficits  
 131 relating to due-process services; amending s. 29.018,  
 132 F.S.; eliminating the authority for court-appointed  
 133 counsel to contract to share in court and due-process  
 134 services; providing that the Justice Administrative  
 135 Commission may contract for such cost-sharing on behalf of  
 136 court-appointed counsel; creating s. 29.0185, F.S.;  
 137 limiting provision of state-funded due-process services to  
 138 individuals under certain circumstances; amending s.  
 139 34.045, F.S.; proscribing a county or municipality from  
 140 being required to pay more than one filing fee for a

141 single filing containing multiple allegations; prohibiting  
 142 assessment of a filing fee for initiating certain  
 143 enforcement proceedings in county court; expanding  
 144 conditions under which the county or municipality is the  
 145 prevailing party; requiring an assessment of a filing fee;  
 146 amending s. 34.191, F.S.; excluding certain counties  
 147 having a consolidated government from the term  
 148 municipality; amending s. 39.0132, F.S.; authorizing the  
 149 Justice Administrative Commission to inspect certain court  
 150 dockets; authorizing the commission to petition the court  
 151 for certain additional documentation; amending s. 39.821,  
 152 F.S.; requiring the Guardian Ad Litem Program rather than  
 153 the chief judge to request the federal criminal records  
 154 check for purposes of certifying guardians ad litem;  
 155 amending s. 39.822, F.S.; directing agencies, persons, and  
 156 other organizations to provide a guardian ad litem access  
 157 to certain records related to the best interests of a  
 158 child; providing a definition; amending s. 40.29, F.S.;  
 159 revising procedures for the payments made by the state to  
 160 the clerk of the court for the costs of witnesses;  
 161 creating s. 40.355, F.S.; requiring the clerk of the court  
 162 to report on, and refund to the state attorneys and public  
 163 defenders, certain moneys collected for payment of jurors  
 164 and due-process costs; amending s. 43.16, F.S.; providing  
 165 that the Justice Administrative Commission is not subject  
 166 to the Administrative Procedure Act; amending s. 43.26,  
 167 F.S.; providing responsibilities of the chief judge of  
 168 each circuit; amending s. 44.102, F.S.; revising

169 conditions under which nonvolunteer court mediators may be  
170 compensated by the county or parties; amending s. 44.108,  
171 F.S.; clarifying the fees charged for scheduled mediation  
172 services provided by a circuit court's mediation program;  
173 requiring the clerk of the court to report to the chief  
174 judge the amount of such fees collected; creating s.  
175 57.082, F.S., relating to the determination of civil  
176 indigent status; providing for application to the clerk of  
177 court for such a determination and appointment of a  
178 private attorney in certain civil cases; providing  
179 application requirements; prescribing duties of the clerk  
180 of court relating to an application; prescribing  
181 application requirements and review criteria; providing  
182 for determinations by a clerk of the basis of an  
183 applicant's indigency; providing criteria; providing for  
184 appointment of counsel on an interim basis; providing for  
185 review by the court of a clerk's determination; providing  
186 criteria; authorizing a court to determine a person  
187 indigent and eligible for appointed counsel; providing  
188 criteria and requirements for such determination;  
189 requiring persons determined to be indigent for civil  
190 proceedings to be enrolled in a payment plan and charged  
191 an administrative processing charge; providing plan  
192 criteria; providing for a reevaluation of indigent status  
193 and referral to the state attorney upon evidence of  
194 financial discrepancies or fraud; providing for recovery  
195 and disposition of certain amounts recovered; providing  
196 criminal penalties for the provision of false information;

197 amending s. 92.142, F.S.; deleting a provision that  
198 provides for payment of per diem and travel expenses for a  
199 witness in a criminal case at the discretion of the court;  
200 amending s. 92.231, F.S.; removing a reference to the  
201 Article V Indigent Services Advisory Board; amending s.  
202 116.01, F.S.; providing procedures for the clerk of the  
203 court to remit funds to the Department of Revenue;  
204 amending s. 119.07, F.S.; extending the time period during  
205 which certain social security numbers and other data  
206 included in court or official county records may be  
207 available for public inspection unless redaction is  
208 requested; extending the deadline by which court clerks  
209 and county recorders must keep such data confidential;  
210 amending s. 142.01, F.S.; clarifying those moneys to be  
211 included within the fine and forfeiture fund of the clerk  
212 of the circuit court; amending s. 213.13, F.S.; requiring  
213 that the court-related collections remitted by the clerk  
214 to the state be transmitted electronically within a  
215 specified period; amending s. 219.07, F.S.; revising  
216 disbursement requirements for the clerk as part of his or  
217 her court-related functions; amending s. 219.075, F.S.;  
218 exempting funds collected by the clerk from the  
219 requirements for the investment of surplus funds of a  
220 county; amending s. 318.121, F.S.; specifying that certain  
221 surcharges may not be added to civil traffic penalties;  
222 amending s. 318.18, F.S.; requiring the clerk of the court  
223 to quarterly report the amount of certain surcharges  
224 collected to the chief judge, the Governor, and the



225 Legislature; amending s. 318.21, F.S.; providing for the  
 226 disposition of traffic-infraction penalties for violations  
 227 occurring in unincorporated areas of certain counties  
 228 having a consolidated government or unincorporated areas  
 229 of certain municipalities having a consolidated  
 230 government; amending s. 318.31, F.S.; deleting provisions  
 231 concerning the appointment of a civil traffic infraction  
 232 hearing officer; amending s. 318.325, F.S.; deleting  
 233 provisions specifying the funding of such hearing officer;  
 234 amending s. 322.29, F.S.; increasing the fees charged for  
 235 reinstating a driver's license; amending s. 372.72, F.S.;  
 236 requiring that the proceeds from unclaimed bonds be  
 237 deposited into the clerk's fine and forfeiture fund;  
 238 amending s. 903.26, F.S.; revising the procedure for  
 239 determining the amount of the costs incurred in returning  
 240 a defendant to the county of jurisdiction; amending s.  
 241 903.28, F.S.; revising certain notice requirements  
 242 following the surrender or apprehension of a defendant for  
 243 purposes of remission of a forfeiture; providing that the  
 244 clerk is the real party in interest for all appeals  
 245 arising from such an action; amending s. 916.115, F.S.;  
 246 revising requirements for the payment of experts;  
 247 specifying which fees are to be paid by the state, the  
 248 office of the public defender, the office of the state  
 249 attorney, or the Justice Administrative Commission;  
 250 amending s. 916.12, F.S.; revising the procedures under  
 251 which the court may take action following a finding that  
 252 the defendant is incompetent to proceed; requiring

253 | evaluation of a defendant; providing criteria; authorizing  
 254 | a court to commit a defendant or take other action under  
 255 | certain circumstances; amending s. 916.301, F.S.;  
 256 | requiring the court to pay for certain expert witnesses  
 257 | appointed by the court; amending s. 938.29, F.S.;  
 258 | providing for a judgment lien for the payment of certain  
 259 | attorney's fees to be filed without cost; amending s.  
 260 | 939.06, F.S.; clarifying that an acquitted defendant is  
 261 | not liable for certain costs or fees; providing a  
 262 | procedure for such a defendant to request a refund from  
 263 | the Justice Administrative Commission of costs or fees  
 264 | paid; amending s. 985.05, F.S.; authorizing the Justice  
 265 | Administrative Commission to have access to certain court  
 266 | records; requiring the party calling a witness in traffic  
 267 | court to bear the costs; requiring the office of the state  
 268 | attorney to pay such costs if the witness is required to  
 269 | testify on behalf of the prosecution; authorizing the  
 270 | trial court administrator to recover expenditures for  
 271 | state-funded services if those services were furnished to  
 272 | a user possessing the ability to pay; providing for  
 273 | deposit of such funds; authorizing the trial court  
 274 | administrator to recover certain costs under certain  
 275 | circumstances; requiring the chief judge to determine the  
 276 | rate, which may not exceed the cost of the service and  
 277 | recovery; providing legislative intent; repealing s.  
 278 | 29.014, F.S., relating to the Article V Indigent Service  
 279 | Advisory Board; repealing s. 318.37, F.S., relating to  
 280 | funding for a Civil Traffic Infraction Hearing Officer

281 Program; providing an effective date.

282

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

284

285 Section 1. Subsections (2), (3), (5), and (7) of section  
286 27.40, Florida Statutes, are amended to read:

287 27.40 Court-appointed counsel; circuit registries; minimum  
288 requirements; appointment by court.--

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

294 (3) In utilizing a registry:

295 (a) Each circuit Article V indigent services committee  
296 shall compile and maintain a list of attorneys in private  
297 practice, by county and by category of cases. To be included on  
298 a registry, attorneys shall certify that they meet any minimum  
299 requirements established in general law for court appointment,  
300 are available to represent indigent defendants in cases  
301 requiring court appointment of private counsel, and are willing  
302 to abide by the terms of the contract for services. To be  
303 included on a registry, an attorney also must enter into a  
304 contract for services with the Justice Administrative  
305 Commission. Failure to comply with the terms of the contract for  
306 services may result in termination of the contract and removal  
307 from the registry. Each attorney on the registry shall be  
308 responsible for notifying the circuit Article V indigent

309 services committee of any change in his or her status. Failure  
 310 to comply with this requirement shall be cause for termination  
 311 of the contract for services and removal from the registry until  
 312 the requirement is fulfilled.

313 (b) The court shall appoint attorneys in rotating order in  
 314 the order in which names appear on the applicable registry,  
 315 unless the court makes a finding of good cause on the record for  
 316 appointing an attorney out of order. An attorney not appointed  
 317 in the order in which his or her name appears on the list shall  
 318 remain next in order.

319 (c) If it finds the number of attorneys on the registry in  
 320 a county or circuit for a particular category of cases is  
 321 inadequate, the circuit Article V indigent services committee  
 322 shall notify the chief judge of the particular circuit in  
 323 writing. The chief judge shall submit the names of at least  
 324 three private attorneys with relevant experience. The clerk of  
 325 court shall send an application to each of these attorneys to  
 326 register for appointment.

327 (d) Quarterly, ~~beginning no later than October 1, 2004,~~  
 328 each circuit Article V indigent services committee shall provide  
 329 the Chief Justice of the Supreme Court, the chief judge, the  
 330 state attorney and public defender in each judicial circuit, and  
 331 the clerk of court in each county with a current copy of each  
 332 registry. The copy of a registry shall identify the race, sex,  
 333 and ethnicity of each attorney listed in the registry.

334 (5) The Justice Administrative Commission shall approve  
 335 uniform contract forms for use in procuring the services of  
 336 private court-appointed counsel and uniform procedures and forms

337 for use by a court-appointed attorney in support of billing for  
 338 attorney's fees, costs, and related expenses to demonstrate the  
 339 attorney's completion of specified duties.

340 (7)(a) An attorney appointed to represent a defendant or  
 341 other client is entitled to payment pursuant to s. 27.5304, only  
 342 upon full performance by the attorney of specified duties,  
 343 approval of payment by the court, except for payment based on a  
 344 flat fee per case as provided in s. 27.5304; and attorney  
 345 submission of a payment request to the Justice Administrative  
 346 Commission. Upon being permitted to withdraw from a case, a  
 347 court-appointed attorney shall submit a copy of the order to the  
 348 Justice Administrative Commission at the time it is issued by  
 349 the court. If an attorney is permitted to withdraw or is  
 350 otherwise removed from representation prior to full performance  
 351 of the duties specified in this section for reasons other than  
 352 breach of duty, the trial court shall approve payment of  
 353 attorney's fees and costs for work performed in an amount not to  
 354 exceed the amounts specified in s. 27.5304. Withdrawal from a  
 355 case prior to full performance of the duties specified shall  
 356 create a rebuttable presumption that the attorney is not  
 357 entitled to the entire flat fee for those cases paid on a flat-  
 358 fee-per-case basis.

359 (b) The attorney shall maintain appropriate documentation,  
 360 including a current and detailed hourly accounting of time spent  
 361 representing the defendant or other client.

362 Section 2. Section 27.42, Florida Statutes, is amended to  
 363 read:

364           27.42 Circuit Article V indigent services committees;  
 365 composition; staff; responsibilities; funding.--

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

369           (a) The chief judge of the judicial circuit or the chief  
 370 judge's designee, who shall serve as the chair.

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

373           (c) One experienced private criminal defense attorney  
 374 appointed by the chief judge to serve a 2-year term. During the  
 375 2-year term, the attorney is prohibited from serving as court-  
 376 appointed counsel.

377           (d) One experienced civil trial attorney appointed by the  
 378 chief judge, to serve a 2-year term. During the 2-year term, the  
 379 attorney is prohibited from serving as court-appointed counsel.

380           (2)(a) The responsibility of the circuit Article V  
 381 indigent services committee is to manage the appointment and  
 382 compensation of court-appointed counsel within a circuit  
 383 pursuant to ss. 27.40 and 27.5303. The committee shall also set  
 384 the compensation rates of due-process service providers in cases  
 385 where the court has appointed counsel or declared a person  
 386 indigent for costs, not to exceed any rates specified in the  
 387 General Appropriations Act such that the total amount expended  
 388 does not exceed the amount budgeted in the General  
 389 Appropriations Act for the particular due process service. The  
 390 circuit Article V indigent services committee shall meet at  
 391 least quarterly.

392 (b) ~~No later than October 1, 2004,~~ Each circuit Article V  
 393 indigent services committee shall maintain a registry pursuant  
 394 to s. 27.40, even when procuring counsel through a competitive  
 395 bidding process. However, if counsel is procured through a  
 396 competitive bidding process, the registry shall be used only  
 397 when counsel obtained through that process is unable to provide  
 398 representation due to a conflict of interest or reasons beyond  
 399 their control. The committee shall apply any eligibility and  
 400 performance standards set by the Legislature.

401 (c) Each circuit Article V indigent services committee  
 402 shall develop a schedule of standard fees and expense allowances  
 403 for the categories of cases specified in s. 27.5304 ~~27.5303~~,  
 404 consistent with the overall compensation rates in that section  
 405 and within the amount of appropriated funds allocated by the  
 406 Justice Administrative Commission to the circuit for this  
 407 purpose.

408 (d) Each circuit Article V indigent services committee  
 409 shall establish a schedule of standard allowances for due-  
 410 process expenses for cases in which the court has declared a  
 411 person indigent for costs, within the amount of appropriated  
 412 funds allocated by the Justice Administrative Commission to the  
 413 circuit for this purpose.

414 (3) Notwithstanding any other provision of this section, a  
 415 circuit Article V indigent services committee may approve and  
 416 the Justice Administrative Commission shall investigate and  
 417 evaluate the use of funds for, alternate models for the  
 418 provision of criminal and civil due-process services and  
 419 representation other than a model based on a per-case fee if a

420 more cost-effective and efficient system can be provided. An  
 421 alternate model may include court-reporting services and the  
 422 provision of court-appointed counsel.

423 (4)~~(3)~~ The Justice Administrative Commission shall prepare  
 424 and issue on a quarterly basis a statewide report comparing  
 425 actual year-to-date expenditures to budgeted amounts for the  
 426 circuit Article V indigent services committees in each of the  
 427 judicial circuits. Copies of these quarterly reports shall be  
 428 distributed to each circuit Article V indigent services  
 429 committee and to the Governor, the Chief Justice of the Supreme  
 430 Court, the President of the Senate, and the Speaker of the House  
 431 of Representatives.

432 (5)~~(4)~~(a) The funding and positions for the processing of  
 433 committees' fees and expenses shall be as appropriated to the  
 434 Justice Administrative Commission in the General Appropriations  
 435 Act.

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

441 (c) Funds for attorney's fees and expenses for child  
 442 dependency and civil conflict cases shall be appropriated by the  
 443 Legislature in a separate appropriations category within the  
 444 Justice Administrative Commission.

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



448  
 449 The Justice Administrative Commission shall separately track  
 450 expenditures on private court-appointed counsel for the  
 451 following categories of cases: criminal conflict, civil  
 452 conflict, dependency and termination of parental rights, and  
 453 guardianship.

454 Section 3. Section 27.52, Florida Statutes, is amended to  
 455 read:

456 (Substantial rewording of section. See  
 457 s. 27.52, F.S., for present text.)

458 27.52 Determination of indigent status.--

459 (1) APPLICATION TO THE CLERK.--A person seeking  
 460 appointment of a public defender under s. 27.51 based upon an  
 461 inability to pay must apply to the clerk of the court for a  
 462 determination of indigent status using an application form  
 463 developed by the Florida Clerks of Court Operations Corporation  
 464 with final approval by the Supreme Court.

465 (a) The application must include, at a minimum, the  
 466 following financial information:

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

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

475 3. Assets, including, but not limited to, cash, savings

476 accounts, bank accounts, stocks, bonds, certificates of deposit,  
477 equity in real estate, and equity in a boat or a motor vehicle  
478 or in other tangible property.

479 4. All liabilities and debts.

480 5. If applicable, the amount of any bail paid for the  
481 applicant's release from incarceration and the source of the  
482 funds.

483  
484 The application must include a signature by the applicant which  
485 attests to the truthfulness of the information provided. The  
486 application form developed by the corporation must include  
487 notice that the applicant may seek court review of a clerk's  
488 determination that the applicant is not indigent, as provided in  
489 this section.

490 (b) An applicant shall pay a \$40 application fee to the  
491 clerk for each application for court-appointed counsel filed.  
492 The applicant shall pay the fee within 7 days after submitting  
493 the application. If the applicant does not pay the fee prior to  
494 the disposition of the case, the clerk shall notify the court,  
495 and the court shall:

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

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

499 (c) Notwithstanding any provision of law, court rule, or  
500 administrative order, the clerk shall assign the first \$40 of  
501 any fees or costs paid by an indigent person as payment of the  
502 application fee. A person found to be indigent may not be  
503 refused counsel or other required due-process services for

504 failure to pay the fee.

505 (d) All application fees collected by the clerk under this  
 506 section shall be transferred monthly by the clerk to the  
 507 Department of Revenue for deposit in the Indigent Criminal  
 508 Defense Trust Fund administered by the Justice Administrative  
 509 Commission, to be used to supplement the general revenue funds  
 510 appropriated by the Legislature to the public defenders. The  
 511 clerk may retain 2 percent of application fees collected monthly  
 512 for administrative costs prior to remitting the remainder to the  
 513 Department of Revenue.

514 (e)1. The clerk shall assist a person who appears before  
 515 the clerk and requests assistance in completing the application,  
 516 and the clerk shall notify the court if a person is unable to  
 517 complete the application after the clerk has provided  
 518 assistance.

519 2. If the person seeking appointment of a public defender  
 520 is incarcerated, the public defender is responsible for  
 521 providing the application to the person and assisting him or her  
 522 in its completion and is responsible for submitting the  
 523 application to the clerk on the person's behalf. The public  
 524 defender may enter into an agreement for jail employees,  
 525 pretrial services employees, or employees of other criminal  
 526 justice agencies to assist the public defender in performing  
 527 functions assigned to the public defender under this  
 528 subparagraph.

529 (2) DETERMINATION BY THE CLERK.--The clerk of the court  
 530 shall determine whether an applicant seeking appointment of a  
 531 public defender is indigent based upon the information provided

532 in the application and the criteria prescribed in this  
 533 subsection.

534 (a)1. An applicant, including an applicant who is a minor  
 535 or an adult tax-dependent person, is indigent if the applicant's  
 536 income is equal to or below 200 percent of the then-current  
 537 federal poverty guidelines prescribed for the size of the  
 538 household of the applicant by the United States Department of  
 539 Health and Human Services or if the person is receiving  
 540 Temporary Assistance for Needy Families-Cash Assistance,  
 541 poverty-related veterans' benefits, or Supplemental Security  
 542 Income (SSI).

543 2. There is a presumption that the applicant is not  
 544 indigent if the applicant owns, or has equity in, any intangible  
 545 or tangible personal property or real property or the expectancy  
 546 of an interest in any such property.

547 (b) Based upon its review, the clerk shall make one of the  
 548 following determinations:

- 549 1. The applicant is not indigent.
- 550 2. The applicant is indigent.

551 (c)1. If the clerk determines that the applicant is  
 552 indigent, the clerk shall submit the determination to the office  
 553 of the public defender and immediately file the determination in  
 554 the case record.

555 2. If the public defender is unable to provide  
 556 representation due to a conflict pursuant to s. 27.5303, the  
 557 public defender shall move the court for withdrawal from  
 558 representation and appointment of private counsel.

559 (d) The duty of the clerk in determining whether an

560 applicant is indigent shall be limited to receiving the  
 561 application and comparing the information provided in the  
 562 application to the criteria prescribed in this subsection. The  
 563 determination of indigent status is a ministerial act of the  
 564 clerk and not a decision based on further investigation or the  
 565 exercise of independent judgment by the clerk. The clerk may  
 566 contract with third parties to perform functions assigned to the  
 567 clerk under this section.

568 (e) The applicant may seek review of the clerk's  
 569 determination that the applicant is not indigent in the court  
 570 having jurisdiction over the matter at the next scheduled  
 571 hearing. If the applicant seeks review of the clerk's  
 572 determination of indigent status, the court shall make a final  
 573 determination as provided in subsection (4).

574 (3) APPOINTMENT OF COUNSEL ON INTERIM BASIS.--If the clerk  
 575 of the court has not made a determination of indigent status at  
 576 the time a person requests appointment of a public defender, the  
 577 court shall make a preliminary determination of indigent status,  
 578 pending further review by the clerk, and may, by court order,  
 579 appoint a public defender or private counsel on an interim  
 580 basis.

581 (4) REVIEW OF CLERK'S DETERMINATION.--

582 (a) If the clerk of the court determines that the  
 583 applicant is not indigent, and the applicant seeks review of the  
 584 clerk's determination, the court shall make a final  
 585 determination of indigent status by reviewing the information  
 586 provided in the application against the criteria prescribed in  
 587 subsection (2) and by considering the following additional

588 factors:

589 1. Whether the applicant has been released on bail in an  
 590 amount of \$5,000 or more.

591 2. Whether a bond has been posted, the type of bond, and  
 592 who paid the bond.

593 3. Whether paying for private counsel in an amount that  
 594 exceeds the limitations in s. 27.5304, or other due process  
 595 services creates a substantial hardship for the applicant or the  
 596 applicant's family.

597 4. Any other relevant financial circumstances of the  
 598 applicant or the applicant's family.

599 (b) Based upon its review, the court shall make one of the  
 600 following determinations and, if the applicant is indigent,  
 601 shall appoint a public defender or private counsel:

602 1. The applicant is not indigent.

603 2. The applicant is indigent.

604 (5) INDIGENT FOR COSTS.--A person who is eligible to be  
 605 represented by a public defender under s. 27.51 but who is  
 606 represented by private counsel not appointed by the court for a  
 607 reasonable fee as approved by the court, on a pro bono basis, or  
 608 who is proceeding pro se, may move the court for a determination  
 609 that he or she is indigent for costs and eligible for the  
 610 provision of due-process services, as prescribed by ss. 29.006  
 611 and 29.007, funded by the state.

612 (a) The person must submit to the court:

613 1. The completed application prescribed in subsection (1).

614 2. In the case of a person represented by counsel, an  
 615 affidavit attesting to the estimated amount of attorney's fees

616 and the source of payment for these fees.

617 (b) In reviewing the motion, the court shall consider:

618 1. Whether the applicant applied for a determination of  
 619 indigent status under subsection (1) and the outcome of such  
 620 application.

621 2. The extent to which the person's income equals or  
 622 exceeds the income criteria prescribed in subsection (2).

623 3. The additional factors prescribed in subsection (4).

624 4. Whether the applicant is proceeding pro se.

625 5. When the applicant retained private counsel.

626 6. The amount of any attorney's fees and who is paying the  
 627 fees.

628 (c) Based upon its review, the court shall make one of the  
 629 following determinations:

630 1. The applicant is not indigent for costs.

631 2. The applicant is indigent for costs.

632 (d) The provision of due-process services based upon a  
 633 determination that a person is indigent for costs under this  
 634 subsection must be effectuated pursuant to a court order, a copy  
 635 of which the clerk shall provide to counsel representing the  
 636 person, or to the person directly if he or she is proceeding pro  
 637 se, for use in requesting payment of due-process expenses  
 638 through the Justice Administrative Commission.

639 (6) DUTIES OF PARENT OR LEGAL GUARDIAN.--A nonindigent  
 640 parent or legal guardian of an applicant who is a minor or an  
 641 adult tax-dependent person shall furnish the minor or adult tax-  
 642 dependent person with the necessary legal services and costs  
 643 incident to a delinquency proceeding or, upon transfer of such

644 person for criminal prosecution as an adult pursuant to chapter  
 645 985, a criminal prosecution in which the person has a right to  
 646 legal counsel under the Constitution of the United States or the  
 647 Constitution of the State of Florida. The failure of a parent or  
 648 legal guardian to furnish legal services and costs under this  
 649 section does not bar the appointment of legal counsel pursuant  
 650 to s. 27.40 or s. 27.5303. When the public defender, a private  
 651 court-appointed conflict counsel, or a private attorney is  
 652 appointed to represent a minor or an adult tax-dependent person  
 653 in any proceeding in circuit court or in a criminal proceeding  
 654 in any other court, the parents or the legal guardian shall be  
 655 liable for payment of the fees, charges, and costs of the  
 656 representation even if the person is a minor being tried as an  
 657 adult. Liability for the fees, charges, and costs of the  
 658 representation shall be imposed in the form of a lien against  
 659 the property of the nonindigent parents or legal guardian of the  
 660 minor or adult tax-dependent person. The lien is enforceable as  
 661 provided in s. 27.561 or s. 938.29.

662 (7) FINANCIAL DISCREPANCIES; FRAUD; FALSE INFORMATION.--

663 (a) If the court learns of discrepancies between the  
 664 application or motion and the actual financial status of the  
 665 person found to be indigent or indigent for costs, the court  
 666 shall determine whether the public defender or private attorney  
 667 shall continue representation or whether the authorization for  
 668 any other due-process services previously authorized shall be  
 669 revoked. The person may be heard regarding the information  
 670 learned by the court. If the court, based on the information,  
 671 determines that the person is not indigent or indigent for



672 costs, the court shall order the public defender or private  
673 attorney to discontinue representation and revoke the provision  
674 of any other authorized due-process services.

675 (b) If the court has reason to believe that any applicant,  
676 through fraud or misrepresentation, was improperly determined to  
677 be indigent or indigent for costs, the matter shall be referred  
678 to the state attorney. Twenty-five percent of any amount  
679 recovered by the state attorney as reasonable value of the  
680 services rendered, including fees, charges, and costs paid by  
681 the state on the person's behalf, shall be remitted to the  
682 Department of Revenue for deposit into the Grants and Donations  
683 Trust Fund within the Justice Administrative Commission for  
684 appropriation by the Legislature to the state attorney. Seventy-  
685 five percent of any amount recovered shall be remitted to the  
686 Department of Revenue for deposit into the General Revenue Fund.

687 (c) A person who knowingly provides false information to  
688 the clerk or the court in seeking a determination of indigent  
689 status under this section commits a felony of the third degree,  
690 punishable as provided in s. 775.082 or s. 775.083.

691 Section 4. Subsections (2), (4), (5), and (6) of section  
692 27.5304, Florida Statutes, are amended and new subsections (6),  
693 (7), and (8) are added to said section, to read:

694 27.5304 Private court-appointed counsel; compensation.--

695 (2) The Justice Administrative Commission shall review an  
696 intended billing by private court-appointed counsel for  
697 attorney's fees based on a flat fee per case for completeness  
698 and compliance with contractual, statutory, and circuit Article  
699 V indigent services committee requirements. The commission may

700 approve the intended bill based on a flat fee per case for  
701 payment without approval by the court if the intended billing is  
702 correct. For attorney's fees based on hourly billings, prior to  
703 filing a motion for an order approving payment of attorney's  
704 fees, costs, or related expenses, the private court-appointed  
705 counsel shall deliver a copy of the intended billing, together  
706 with supporting affidavits and all other necessary  
707 documentation, to the Justice Administrative Commission. The  
708 Justice Administrative Commission shall review the billings,  
709 affidavit, and documentation for completeness and compliance  
710 with contractual and statutory requirements. If the Justice  
711 Administrative Commission objects to any portion of the proposed  
712 billing, the objection and reasons therefor shall be  
713 communicated to the private court-appointed counsel. The private  
714 court-appointed counsel may thereafter file his or her motion  
715 for order approving payment of attorney's fees, costs, or  
716 related expenses together with supporting affidavits and all  
717 other necessary documentation. The motion must specify whether  
718 the Justice Administrative Commission objects to any portion of  
719 the billing or the sufficiency of documentation and, if so, the  
720 reasons therefor. A copy of the motion and attachments shall be  
721 served on the Justice Administrative Commission at least 5  
722 business days prior to the date of a hearing. The Justice  
723 Administrative Commission shall have standing to appear before  
724 the court to contest any motion for order approving payment of  
725 attorney's fees, costs, or related expenses and may participate  
726 in a hearing on the motion by use of telephonic or other  
727 communication equipment unless ordered otherwise. The Justice

728 Administrative Commission may contract with other public or  
 729 private entities or individuals to appear before the court for  
 730 the purpose of contesting any motion for order approving payment  
 731 of attorney's fees, costs, or related expenses. The fact that  
 732 the Justice Administrative Commission has not objected to any  
 733 portion of the billing or to the sufficiency of the  
 734 documentation is not binding on the court. The court retains  
 735 primary authority and responsibility for determining the  
 736 reasonableness of all billings for attorney's fees, costs, and  
 737 related expenses, subject to statutory limitations. Private  
 738 court-appointed counsel is entitled to compensation upon final  
 739 disposition of a case, except as provided in subsections (6) and  
 740 (7). Before final disposition of a case, a private court-  
 741 appointed counsel may file a motion for fees, costs, and related  
 742 expenses for services completed up to the date of the motion in  
 743 any case or matter in which legal services have been provided by  
 744 the attorney for more than 1 year. The amount approved by the  
 745 court may not exceed 80 percent of the fees earned, or costs and  
 746 related expenses incurred, to date, or an amount proportionate  
 747 to the maximum fees permitted under this section based on legal  
 748 services provided to date, whichever is less. The court may  
 749 grant the motion if counsel shows that failure to grant the  
 750 motion would work a particular hardship upon counsel.

751 ~~(4) By January 1 of each year, the Article V Indigent~~  
 752 ~~Services Advisory Board shall recommend to the Legislature any~~  
 753 ~~adjustments to the compensation provisions of this section.~~

754 (4)(5)(a) If counsel is entitled to receive compensation  
 755 for representation pursuant to court appointment in a

756 termination of parental rights proceeding under chapter 39, such  
757 compensation shall not exceed \$1,000 at the trial level and  
758 \$2,500 at the appellate level.

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

763 (5)~~(6)~~ A private attorney appointed in lieu of the public  
764 defender to represent an indigent defendant may not reassign or  
765 subcontract the case to another attorney. The court-appointed  
766 private attorney may not ~~or~~ allow another attorney to appear at  
767 a critical stage of a case who is not on the registry developed  
768 under ~~pursuant to~~ s. 27.40.

769 (6) Private court-appointed counsel representing a parent  
770 in a dependency case that is open may submit a request for  
771 payment to the Justice Administrative Commission at the  
772 following intervals:

773 (a) Upon entry of an order of disposition as to the parent  
774 being represented.

775 (b) Upon conclusion of a 12-month permanency review.

776 (c) Following a judicial review hearing.

777  
778 In no case, however, may counsel submit requests under this  
779 paragraph more than once per quarter, unless the court finds  
780 extraordinary circumstances justifying more frequent submission  
781 of payment requests.

782 (7) Private court-appointed counsel representing an  
783 individual in an appeal to a district court of appeal or the

784 Supreme Court may submit a request for payment to the Justice  
 785 Administrative Commission at the following intervals:

786 (a) Upon the filing of an appellate brief, including, but  
 787 not limited to, a reply brief.

788 (b) When the opinion of the appellate court is finalized.

789 (8) Private court-appointed counsel may not bill for  
 790 preparation of invoices whether or not the case is paid on the  
 791 basis of an hourly rate or by flat fee.

792 Section 5. Subsection (2) of section 27.54, Florida  
 793 Statutes, is amended to read:

794 27.54 Limitation on payment of expenditures for public  
 795 defender's office other than by the state.--

796 (2) A county or municipality may contract with, or  
 797 appropriate or contribute funds to, the operation of the offices  
 798 of the various public defenders as provided in this subsection.  
 799 A public defender defending violations of special laws or county  
 800 or municipal ordinances punishable by incarceration and not  
 801 ancillary to a state charge shall contract with counties and  
 802 municipalities to recover the full cost of services rendered on  
 803 an hourly basis or reimburse the state for the full cost of  
 804 assigning one or more full-time equivalent attorney positions to  
 805 work on behalf of the county or municipality. Notwithstanding  
 806 any other provision of law, in the case of a county with a  
 807 population of less than 75,000, the public defender shall  
 808 contract for full reimbursement, or for reimbursement as the  
 809 parties otherwise agree. In local ordinance violation cases, the  
 810 county or municipality shall pay for due process services that  
 811 are approved by the court, including deposition costs,

812 deposition transcript costs, investigative costs, witness fees,  
 813 expert witness costs, and interpreter costs. The person charged  
 814 with the violation shall be assessed a fee for the services of a  
 815 public defender and other costs and fees paid by the county or  
 816 municipality, which assessed fee may be reduced to a lien, in  
 817 all instances in which the person enters a plea of guilty or no  
 818 contest or is found to be in violation or guilty of any count or  
 819 lesser included offense of the charge or companion case charges,  
 820 regardless of adjudication. The court shall determine the amount  
 821 of the obligation. The county or municipality may recover  
 822 assessed fees through collections court or as otherwise  
 823 permitted by law and any fees recovered pursuant to this section  
 824 shall be forwarded to the applicable county or municipality as  
 825 reimbursement.

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

831 (b) A contract for assigning one or more full-time  
 832 equivalent attorney positions to perform work on behalf of the  
 833 county or municipality shall assign one or more full-time  
 834 equivalent positions based on estimates by the public defender  
 835 of the number of hours required to handle the projected  
 836 workload. The full cost of each full-time equivalent attorney  
 837 position on an annual basis shall be \$50, or the amount  
 838 specified in the General Appropriations Act, multiplied by the  
 839 legislative budget request standard for available work hours for

840 one full-time equivalent attorney position, or, in the absence  
 841 of that standard, 1,854 hours. The contract may provide for  
 842 funding full-time equivalent positions in one-quarter  
 843 increments.

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

848 Section 6. Section 28.24, Florida Statutes, is amended to  
 849 read:

850 28.24 Service charges by clerk of the circuit court.--The  
 851 clerk of the circuit court shall ~~may~~ charge for services  
 852 rendered by the clerk's office in recording documents and  
 853 instruments and in performing the duties enumerated in amounts  
 854 not to exceed those specified in this section. Notwithstanding  
 855 any other provision of this section, the clerk of the circuit  
 856 court shall provide without charge to the state attorney, public  
 857 defender, ~~and~~ guardian ad litem, and court-appointed counsel  
 858 paid by the state, and to the authorized staff acting on behalf  
 859 of each, access to and a copy of any public record, if the  
 860 requesting party is entitled by law to view the exempt or  
 861 confidential record, as maintained by and in the custody of the  
 862 clerk of the circuit court as provided in general law and the  
 863 Florida Rules of Judicial Administration. The clerk of the  
 864 circuit court may provide the requested public record in an  
 865 electronic format in lieu of a paper format when capable of  
 866 being accessed by the requesting entity.

867

868 Charges

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

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

875 (3) For certifying copies of any instrument in the public  
 876 records....1.50

877 (4) For verifying any instrument presented for  
 878 certification prepared by someone other than clerk, per  
 879 page....3.00

880 (5)(a) For making copies by photographic process of any  
 881 instrument in the public records consisting of pages of not more  
 882 than 14 inches by 8 1/2 inches, per page....1.00

883 (b) For making copies by photographic process of any  
 884 instrument in the public records of more than 14 inches by 8 1/2  
 885 inches, per page....5.00

886 (6) For making microfilm copies of any public records:

887 (a) 16 mm 100' microfilm roll....37.50

888 (b) 35 mm 100' microfilm roll....52.50

889 (c) Microfiche, per fiche....3.00

890 (7) For copying any instrument in the public records by  
 891 other than photographic process, per page....6.00

892 (8) For writing any paper other than herein specifically  
 893 mentioned, same as for copying, including signing and  
 894 sealing....6.00

895 (9) For indexing each entry not recorded....1.00



896 (10) For receiving money into the registry of court:  
 897 (a)1. First \$500, percent....3  
 898 2. Each subsequent \$100, percent....1.5  
 899 (b) Eminent domain actions, per deposit....\$150.00  
 900 (11) For examining, certifying, and recording plats and  
 901 for recording condominium exhibits larger than 14 inches by 8 1/2  
 902 inches:  
 903 (a) First page....30.00  
 904 (b) Each additional page....15.00  
 905 (12) For recording, indexing, and filing any instrument  
 906 not more than 14 inches by 8 1/2 inches, including required  
 907 notice to property appraiser where applicable:  
 908 (a) First page or fraction thereof....5.00  
 909 (b) Each additional page or fraction thereof....4.00  
 910 (c) For indexing instruments recorded in the official  
 911 records which contain more than four names, per additional  
 912 name....1.00  
 913 (d) An additional service charge shall be paid to the  
 914 clerk of the circuit court to be deposited in the Public Records  
 915 Modernization Trust Fund for each instrument listed in s.  
 916 28.222, except judgments received from the courts and notices of  
 917 lis pendens, recorded in the official records:  
 918 1. First page....1.00  
 919 2. Each additional page....0.50  
 920  
 921 Said fund shall be held in trust by the clerk and used  
 922 exclusively for equipment and maintenance of equipment,  
 923 personnel training, and technical assistance in modernizing the

924 public records system of the office. In a county where the duty  
925 of maintaining official records exists in an office other than  
926 the office of the clerk of the circuit court, the clerk of the  
927 circuit court is entitled to 25 percent of the moneys deposited  
928 into the trust fund for equipment, maintenance of equipment,  
929 training, and technical assistance in modernizing the system for  
930 storing records in the office of the clerk of the circuit court.  
931 The fund may not be used for the payment of travel expenses,  
932 membership dues, bank charges, staff-recruitment costs, salaries  
933 or benefits of employees, construction costs, general operating  
934 expenses, or other costs not directly related to obtaining and  
935 maintaining equipment for public records systems or for the  
936 purchase of furniture or office supplies and equipment not  
937 related to the storage of records. On or before December 1,  
938 1995, and on or before December 1 of each year immediately  
939 preceding each year during which the trust fund is scheduled for  
940 legislative review under s. 19(f)(2), Art. III of the State  
941 Constitution, each clerk of the circuit court shall file a  
942 report on the Public Records Modernization Trust Fund with the  
943 President of the Senate and the Speaker of the House of  
944 Representatives. The report must itemize each expenditure made  
945 from the trust fund since the last report was filed; each  
946 obligation payable from the trust fund on that date; and the  
947 percentage of funds expended for each of the following:  
948 equipment, maintenance of equipment, personnel training, and  
949 technical assistance. The report must indicate the nature of the  
950 system each clerk uses to store, maintain, and retrieve public

951 records and the degree to which the system has been upgraded  
 952 since the creation of the trust fund.

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

958 1. If the counties maintain legal responsibility for the  
 959 costs of the court-related technology needs as defined in s.  
 960 29.008(1)(f)2. and (h), 10 cents shall be distributed to the  
 961 Florida Association of Court Clerks and Comptroller, Inc., for  
 962 the cost of development, implementation, operation, and  
 963 maintenance of the clerks' Comprehensive Case Information  
 964 System, in which system all clerks shall participate on or  
 965 before January 1, 2006; \$1.90 shall be retained by the clerk to  
 966 be deposited in the Public Records Modernization Trust Fund and  
 967 used exclusively for funding court-related technology needs of  
 968 the clerk as defined in s. 29.008(1)(f)2. and (h); and \$2 shall  
 969 be distributed to the board of county commissioners to be used  
 970 exclusively to fund court-related technology, and court  
 971 technology needs as defined in s. 29.008(1)(f)2. and (h) for the  
 972 state trial courts, state attorney, and public defender in that  
 973 county. If the counties maintain legal responsibility for the  
 974 costs of the court-related technology needs as defined in s.  
 975 29.008(1)(f)2. and (h), notwithstanding any other provision of  
 976 law, the county is not required to provide additional funding  
 977 beyond that provided herein for the court-related technology  
 978 needs of the clerk as defined in s. 29.008(1)(f)2. and (h). All

979 court records and official records are the property of the State  
 980 of Florida, including any records generated as part of the  
 981 Comprehensive Case Information System funded pursuant to this  
 982 paragraph and the clerk of court is designated as the custodian  
 983 of such records, except in a county where the duty of  
 984 maintaining official records exists in a county office other  
 985 than the clerk of court, such county office is designated the  
 986 custodian of all official records, and the Clerk of Court is  
 987 designated the Custodian of all court records. The clerk of  
 988 court or any entity acting on behalf of the clerk of court,  
 989 including an association, shall not charge a fee to any agency  
 990 as defined in s. 119.011, the Legislature, or the State Court  
 991 System for copies of records generated by the Comprehensive Case  
 992 Information System or held by the clerk of court or any entity  
 993 acting on behalf of the clerk of court, including an  
 994 association.

995 2. If the state becomes legally responsible for the costs  
 996 of court-related technology needs as defined in s.  
 997 29.008(1)(f)2. and (h), whether by operation of general law or  
 998 by court order, \$4 shall be remitted to the Department of  
 999 Revenue for deposit into the General Revenue Fund.

1000 (13) Oath, administering, attesting, and sealing, not  
 1001 otherwise provided for herein....3.00

1002 (14) For validating certificates, any authorized bonds,  
 1003 each....3.00

1004 (15) For preparing affidavit of domicile....5.00

1005 (16) For exemplified certificates, including signing and  
 1006 sealing....6.00

- 1007           (17) For authenticated certificates, including signing and
- 1008 sealing....6.00
- 1009           (18)(a) For issuing and filing a subpoena for a witness,
- 1010 not otherwise provided for herein (includes writing, preparing,
- 1011 signing, and sealing)....6.00
- 1012           (b) For signing and sealing only....1.50
- 1013           (19) For approving bond....7.50
- 1014           (20) For searching of records, for each year's
- 1015 search....1.50
- 1016           (21) For processing an application for a tax deed sale
- 1017 (includes application, sale, issuance, and preparation of tax
- 1018 deed, and disbursement of proceeds of sale), other than excess
- 1019 proceeds....60.00
- 1020           (22) For disbursement of excess proceeds of tax deed sale,
- 1021 first \$100 or fraction thereof....10.00
- 1022           (23) Upon receipt of an application for a marriage
- 1023 license, for preparing and administering of oath; issuing,
- 1024 sealing, and recording of the marriage license; and providing a
- 1025 certified copy....30.00
- 1026           (24) For solemnizing matrimony....30.00
- 1027           (25) For sealing any court file or expungement of any
- 1028 record....37.50
- 1029           (26)(a) For receiving and disbursing all restitution
- 1030 payments, per payment....3.00
- 1031           (b) For receiving and disbursing all partial payments,
- 1032 other than restitution payments, for which an administrative
- 1033 processing service charge is not imposed pursuant to s. 28.246,
- 1034 per month....5.00

1035 (c) For setting up a payment plan, a one-time  
 1036 administrative processing charge in lieu of a per month charge  
 1037 under paragraph (b)....25.00

1038 (27) Postal charges incurred by the clerk of the circuit  
 1039 court in any mailing by certified or registered mail shall be  
 1040 paid by the party at whose instance the mailing is made.

1041 (28) For furnishing an electronic copy of information  
 1042 contained in a computer database: a fee as provided for in  
 1043 chapter 119.

1044 Section 7. Paragraph (a) of subsection (1) of section  
 1045 28.2402, Florida Statutes, is amended to read:

1046 28.2402 Cost recovery; use of the circuit court for  
 1047 ordinance or special law violations.--

1048 (1)(a) In lieu of payment of a filing fee under s. 28.241,  
 1049 a filing fee of \$10 shall be paid by a county or municipality  
 1050 when filing a county or municipal ordinance violation or  
 1051 violation of a special law in circuit court. This fee shall be  
 1052 paid to the clerk of the court for performing court-related  
 1053 functions. A county or municipality is not required to pay more  
 1054 than one filing fee for a single filing against a single  
 1055 defendant that contains multiple alleged violations. A filing  
 1056 fee, other than that imposed under this section, may not be  
 1057 assessed for initiating an enforcement proceeding in circuit  
 1058 court for a violation of a county or municipal code or ordinance  
 1059 or a violation of a special law.

1060 Section 8. Section 28.245, Florida Statutes, is amended to  
 1061 read:

1062           28.245 Transmittal of funds to Department of Revenue;  
 1063 uniform remittance form required.--Notwithstanding any other  
 1064 provision of law, all moneys collected by the clerks of the  
 1065 court as part of the clerk's court-related functions for  
 1066 subsequent distribution to any state entity must be transmitted  
 1067 electronically, by the 20th day of the month immediately  
 1068 following the month in which the moneys are collected, to the  
 1069 Department of Revenue for appropriate distribution. A uniform  
 1070 remittance form provided by the Department of Revenue detailing  
 1071 the specific amounts due each fund must accompany such  
 1072 submittal. All moneys collected by the clerks of court for  
 1073 remittance to any entity must be distributed pursuant to the law  
 1074 in effect at the time of collection.

1075           Section 9. Subsections (1) and (4) of section 28.246,  
 1076 Florida Statutes, are amended to read:

1077           28.246 Payment of court-related fees, charges, and costs;  
 1078 partial payments; distribution of funds.--

1079           (1) Beginning July 1, 2003, the clerk of the circuit court  
 1080 shall report the following information to the Legislature and  
 1081 the Florida Clerks Clerk of Court Operations Corporation  
 1082 ~~Conference~~ on a form developed by the Department of Financial  
 1083 Services:

1084           (a) The total amount of mandatory fees, service charges,  
 1085 and costs; the total amount actually assessed; the total amount  
 1086 discharged, waived, or otherwise not assessed; and the total  
 1087 amount collected.

1088 (b) The amount of discretionary fees, service charges, and  
 1089 costs assessed; the total amount discharged; and the total  
 1090 amount collected.

1091 (c) The total amount of mandatory fines and other monetary  
 1092 penalties; the total amount assessed; the total amount  
 1093 discharged, waived, or otherwise not assessed; and the total  
 1094 amount collected.

1095 (d) The amount of discretionary fines and other monetary  
 1096 penalties assessed; the amount discharged; and the total amount  
 1097 collected.

1098  
 1099 If provided to the clerk of court by the judge, the clerk, in  
 1100 reporting the amount assessed, shall separately identify the  
 1101 amount assessed pursuant to s. 938.30 as community service;  
 1102 assessed by reducing the amount to a judgment or lien; satisfied  
 1103 by time served; or other. The form developed by the Chief  
 1104 Financial Officer shall include separate entries for recording  
 1105 these amounts. The clerk shall submit the report on a quarterly  
 1106 basis 30 days after the end of the quarter for the period from  
 1107 July 1, 2003, through June 30, 2004, and on an annual basis  
 1108 thereafter, 60 days after the end of the county fiscal year.

1109 (4) The clerk of the circuit court shall accept partial  
 1110 payments for court-related fees, service charges, costs, and  
 1111 fines in accordance with the terms of an established payment  
 1112 plan. An individual seeking to defer payment of fees, service  
 1113 charges, costs, or fines imposed by operation of law or order of  
 1114 the court under any provision of general law shall apply to the  
 1115 clerk for enrollment in a payment plan. The clerk shall enter



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1116 into a payment plan with an individual who the court determines  
1117 is indigent for costs and who demonstrates to the clerk an  
1118 inability to pay court-related fees, service charges, costs, or  
1119 finances in full. A monthly payment amount, calculated based upon  
1120 all fees and all anticipated costs, is presumed to correspond to  
1121 the person's ability to pay if the amount does not exceed 2  
1122 percent of the person's annual net income, as defined in  
1123 27.52(1), divided by 12. The court may review the reasonableness  
1124 of the payment plan, and determined by the court to be unable to  
1125 make payment in full, shall be enrolled by the clerk in a  
1126 payment program, with periodic payment amounts corresponding to  
1127 the individual's ability to pay.

1128 Section 10. Section 28.345, Florida Statutes, is amended  
1129 to read:

1130 28.345 Exemption from court-related fees and  
1131 charges.--Notwithstanding any other provision of this chapter or  
1132 law to the contrary, judges and those court staff acting on  
1133 behalf of judges, state attorneys, guardians ad litem, court-  
1134 appointed private counsel, and public defenders, acting in their  
1135 official capacity, and state agencies, are exempt from all  
1136 court-related fees and charges assessed by the clerks of the  
1137 circuit courts.

1138 Section 11. Subsection (2), paragraph (a) of subsection  
1139 (3), and paragraph (b) of subsection (4) of section 28.36,  
1140 Florida Statutes, are amended, present subsection (6) of said  
1141 section is renumbered as subsection (7), and a new subsection  
1142 (6) is added to said section, to read:

1143           28.36 Budget procedure.--There is hereby established a  
 1144 budget procedure for the court-related functions of the clerks  
 1145 of the court.

1146           (2)(a) For the period July 1, 2004, through September 30,  
 1147 2004, and for each county fiscal year ending September 30  
 1148 thereafter, each clerk of the court shall prepare a budget  
 1149 relating solely to the performance of the standard list of  
 1150 court-related functions pursuant to s. 28.35(4)(a).

1151           (b) The chief judge of each circuit, after consultation  
 1152 with the clerk of court, shall coordinate the provision of all  
 1153 court-related functions and determine the priorities for the  
 1154 court-related functions of the clerk of court provided pursuant  
 1155 to s. 28.35(4)(a).

1156           (3) Each proposed budget shall further conform to the  
 1157 following requirements:

1158           (a) On or before August 15 ~~±~~ for each fiscal year  
 1159 thereafter, the proposed budget shall be prepared, summarized,  
 1160 and submitted by the clerk in each county to the Clerks of Court  
 1161 Operations Corporation in the manner and form prescribed by the  
 1162 corporation ~~conference~~. The proposed budget must provide  
 1163 detailed information on the anticipated revenues available and  
 1164 expenditures necessary for the performance of the standard list  
 1165 of court-related functions of the clerk's office developed  
 1166 pursuant to s. 28.35(4)(a) for the county fiscal year beginning  
 1167 the following October 1.

1168           (4) If a clerk of the court estimates that available funds  
 1169 plus projected revenues from fines, fees, service charges, and  
 1170 costs for court-related services are insufficient to meet the

1171 anticipated expenditures for the standard list of court-related  
 1172 functions in s. 28.35(4)(a) performed by his or her office, the  
 1173 clerk must report the revenue deficit to the Clerks of Court  
 1174 Operations Corporation in the manner and form prescribed by the  
 1175 corporation pursuant to contract with the Chief Financial  
 1176 Officer. The corporation shall verify that the proposed budget  
 1177 is limited to the standard list of court-related functions in s.  
 1178 28.35(4)(a).

1179 (b) If the Chief Financial Officer ~~Department of Revenue~~  
 1180 finds the court-related budget proposed by a clerk includes  
 1181 functions not included in the standard list of court-related  
 1182 functions in s. 28.35(4)(a) ~~28.35(3)(a)~~, the department shall  
 1183 notify the clerk of the amount of the proposed budget not  
 1184 eligible to be funded from fees, service charges, costs, and  
 1185 fines for court-related functions. The clerk shall then  
 1186 immediately discontinue the expenditures of funds for this  
 1187 purpose and reimburse the Clerks of the Court Trust Fund for any  
 1188 expenditures incurred to date for these functions.

1189 (6) The Clerks of Court Operations Corporation may approve  
 1190 funding and adjust the maximum of a clerk's authorized court-  
 1191 related budget in excess of the amount otherwise authorized to  
 1192 be funded in this section if the corporation makes a finding  
 1193 that the additional funding is necessary to perform court-  
 1194 related functions included in the standard list of court-related  
 1195 functions in s. 28.35(4)(a) and one of the following conditions  
 1196 exist:

1197 (a) The additional funding is reasonable and necessary to  
 1198 pay the cost of performing new and additional functions required

1199 by changes in the statute or court rule.

1200 (b) The additional funding is reasonable and necessary to  
 1201 pay the additional costs required for the clerk to support  
 1202 increases in the number of judges and other judicial resources  
 1203 as may be authorized by the Legislature.

1204 (c) The additional funding is reasonable and necessary to  
 1205 satisfy court-related expenses incurred by the clerk that result  
 1206 from increases in previously funded fixed expenses that are  
 1207 outside the control of the clerk or to meet increases resulting  
 1208 from contractual obligations entered into prior to July 1, 2004.

1209  
 1210 Prior to approval of any additional budget funding as authorized  
 1211 by this provision, the corporation shall prepare detailed  
 1212 documentation of the factual basis for the approval. Within 30  
 1213 days after approval of additional budget approval authorized by  
 1214 this provision, the corporation shall submit notice of such  
 1215 actions, together with the detailed documentation of the factual  
 1216 basis for the approval to the Chief Financial Officer.

1217 Section 12. Section 28.44, Florida Statutes, is created to  
 1218 read:

1219 28.44 Clerk discontinuance of court-related functions.--

1220 (1) No function of the clerk of court being performed in  
 1221 support of the trial courts by the individual clerks of court on  
 1222 July 1, 2004, may be discontinued or substantially modified on a  
 1223 unilateral basis except pursuant to this section. A clerk of  
 1224 court may discontinue performing a function performed in support  
 1225 of the trial court only if:

1226 (a) The chief judge of the circuit has consented in

1227 writing to the discontinuance or substantial modification of the  
 1228 function performed in support of the trial court; or

1229 (b) The clerk of court has given written notice of the  
 1230 intention to substantially modify or discontinue a function  
 1231 performed in support of the trial court at least one year before  
 1232 the effective date of the discontinuance or substantial  
 1233 modification of the function.

1234 (2) "Substantial modification" of a function performed in  
 1235 support of the trial court means a modification which has the  
 1236 effect of reducing the level of services provided to the trial  
 1237 court.

1238 Section 13. Section 28.45, Florida Statutes, is created to  
 1239 read:

1240 28.45 Clerk repayment of costs.--A clerk of court, acting  
 1241 in good faith upon a court-related duty prescribed by court rule  
 1242 or the administrative order of a chief judge, shall not be held  
 1243 responsible to repay costs associated with that duty required by  
 1244 court rule or administrative order if it is later determined  
 1245 that the performance of that duty was not a proper expenditure  
 1246 of state funds.

1247 Section 14. Subsection (6) of section 29.004, Florida  
 1248 Statutes, is amended to read:

1249 29.004 State courts system.--For purposes of implementing  
 1250 s. 14, Art. V of the State Constitution, the elements of the  
 1251 state courts system to be provided from state revenues  
 1252 appropriated by general law are as follows:

1253           (6) Expert witnesses who ~~not requested by any party which~~  
 1254 are appointed by the court pursuant to an express grant of  
 1255 statutory authority.

1256           Section 15. Subsections (4), (5), (6), (7), and (8) of  
 1257 section 29.005, Florida Statutes, are amended to read:

1258           29.005 State attorneys' offices and prosecution  
 1259 expenses.--For purposes of implementing s. 14, Art. V of the  
 1260 State Constitution, the elements of the state attorneys' offices  
 1261 to be provided from state revenues appropriated by general law  
 1262 are as follows:

1263           ~~(4) Mental health professionals appointed pursuant to s.~~  
 1264 ~~394.473 and required in a court hearing involving an indigent,~~  
 1265 ~~and mental health professionals appointed pursuant to s.~~  
 1266 ~~916.115(2) and required in a court hearing involving an~~  
 1267 ~~indigent.~~

1268           (4)~~(5)~~ Reasonable transportation services in the  
 1269 performance of constitutional and statutory responsibilities.  
 1270 Motor vehicles owned by the counties and provided exclusively to  
 1271 state attorneys as of July 1, 2003, and any additional vehicles  
 1272 owned by the counties and provided exclusively to state  
 1273 attorneys during fiscal year 2003-2004 shall be transferred by  
 1274 title to the state effective July 1, 2004.

1275           (5)~~(6)~~ Travel expenses reimbursable under s. 112.061  
 1276 reasonably necessary in the performance of constitutional and  
 1277 statutory responsibilities.

1278           (6)~~(7)~~ Reasonable library and electronic legal research  
 1279 services, other than a public law library.

1280           (7)~~(8)~~ Reasonable pretrial consultation fees and costs.

1281 Section 16. Section 29.007, Florida Statutes, is amended  
 1282 to read:

1283 29.007 Court-appointed counsel.--For purposes of  
 1284 implementing s. 14, Art. V of the State Constitution, the  
 1285 elements of court-appointed counsel to be provided from state  
 1286 revenues appropriated by general law are as follows:

1287 (1) Private attorneys appointed by the court to handle  
 1288 cases where the defendant is indigent and cannot be represented  
 1289 by the public defender under ss. 27.42 and 27.53.

1290 (2) Private attorneys appointed by the court to represent  
 1291 indigents or other classes of litigants in civil proceedings  
 1292 requiring court-appointed counsel in accordance with state and  
 1293 federal constitutional guarantees and federal and state  
 1294 statutes.

1295 (3) Reasonable court reporting and transcription services  
 1296 necessary to meet constitutional or statutory requirements,  
 1297 including the cost of transcribing and copying depositions of  
 1298 witnesses and the cost of foreign language and sign-language  
 1299 interpreters and translators.

1300 (4) Witnesses, including expert witnesses, summoned to  
 1301 appear for an investigation, preliminary hearing, or trial in a  
 1302 case when the witnesses are summoned on behalf of an indigent,  
 1303 and any other expert witnesses approved by the court.

1304 (5) Mental health professionals appointed pursuant to s.  
 1305 394.473 and required in a court hearing involving an indigent,  
 1306 ~~and~~ mental health professionals appointed pursuant to s.  
 1307 916.115(2) and required in a court hearing involving an  
 1308 indigent, and any other mental health professionals expressly

1309 required by law for the full adjudication of any civil case  
 1310 involving an indigent person.

1311 (6) Reasonable pretrial consultation fees and costs.

1312 (7) Travel expenses reimbursable under s. 112.061  
 1313 reasonably necessary in the performance of constitutional and  
 1314 statutory responsibilities.

1315  
 1316 Subsections (3), (4), (5), (6), and (7) apply when court-  
 1317 appointed counsel is appointed; when the court determines that  
 1318 the litigant is indigent for costs; or when the litigant is  
 1319 acting pro se and the court determines that the litigant is  
 1320 indigent for costs at the trial or appellate level. This section  
 1321 applies in any situation in which the court appoints counsel to  
 1322 protect a litigant's due-process rights.

1323 Section 17. Subsection (1) of section 29.008, Florida  
 1324 Statutes, is amended to read:

1325 29.008 County funding of court-related functions.--

1326 (1) Counties are required by s. 14, Art. V of the State  
 1327 Constitution to fund the cost of communications services,  
 1328 existing radio systems, existing multiagency criminal justice  
 1329 information systems, and the cost of construction or lease,  
 1330 maintenance, utilities, and security of facilities for the  
 1331 circuit and county courts, public defenders' offices, state  
 1332 attorneys' offices, guardian ad litem offices, and the offices  
 1333 of the clerks of the circuit and county courts performing court-  
 1334 related functions. For purposes of this section, the term  
 1335 "circuit and county courts" shall include the offices and  
 1336 staffing of the guardian ad litem programs. The county



1337 designated under s. 35.05(1) as the headquarters for each  
 1338 appellate district shall fund these costs for the appellate  
 1339 division of the public defender's office in that county. For  
 1340 purposes of implementing these requirements, the term:  
 1341 (a) "Facility" means reasonable and necessary buildings  
 1342 and office space and appurtenant equipment and furnishings,  
 1343 structures, real estate, easements, and related interests in  
 1344 real estate, including, but not limited to, those for the  
 1345 purpose of housing legal materials for use by the general public  
 1346 and personnel, equipment, or functions of the circuit or county  
 1347 courts, public defenders' offices, state attorneys' offices, and  
 1348 court-related functions of the office of the clerks of the  
 1349 circuit and county courts and all storage. The term "facility"  
 1350 includes all wiring necessary for court-reporting services. The  
 1351 term also includes access to parking for such facilities in  
 1352 connection with such court-related functions that may be  
 1353 available free or from a private provider or a local government  
 1354 for a fee. The office space provided by a county may not be less  
 1355 than the standards for space allotment adopted by the Department  
 1356 of Management Services, except this requirement applies only to  
 1357 facilities that are leased, or on which construction commences,  
 1358 after June 30, 2003. County funding must include physical  
 1359 modifications and improvements to all facilities as are required  
 1360 for compliance with the Americans with Disabilities Act. Upon  
 1361 mutual agreement of a county and the affected entity in this  
 1362 paragraph, the office space provided by the county may vary from  
 1363 the standards for space allotment adopted by the Department of  
 1364 Management Services. ~~This section applies only to facilities~~

1365 ~~that are leased, or on which construction commences, after June~~  
 1366 ~~30, 2003.~~

1367 1. As of July 1, 2005, equipment and furnishings shall be  
 1368 limited to that appropriate and customary for courtrooms,  
 1369 hearing rooms, jury facilities, and other public areas in  
 1370 courthouses and any other facility occupied by the courts, state  
 1371 attorneys, and public defenders.

1372 2. Equipment and furnishings under this paragraph in  
 1373 existence and owned by counties on July 1, 2005, except for that  
 1374 in the possession of the clerks, for areas other than  
 1375 courtrooms, hearing rooms, jury facilities, and other public  
 1376 areas in courthouses and any other facility occupied by the  
 1377 courts, state attorneys, and public defenders, shall be  
 1378 transferred to the state at no charge. This provision does not  
 1379 apply to any communication services as defined in paragraph (f).

1380 (b) "Construction or lease" includes, but is not limited  
 1381 to, all reasonable and necessary costs of the acquisition or  
 1382 lease of facilities for all judicial officers, staff, jurors,  
 1383 volunteers of a tenant agency, and the public for the circuit  
 1384 and county courts, the public defenders' offices, state  
 1385 attorneys' offices, and for performing the court-related  
 1386 functions of the offices of the clerks of the circuit and county  
 1387 courts. This includes expenses related to financing such  
 1388 facilities and the existing and future cost and bonded  
 1389 indebtedness associated with placing the facilities in use.

1390 (c) "Maintenance" includes, but is not limited to, all  
 1391 reasonable and necessary costs of custodial and groundskeeping  
 1392 services and renovation and reconstruction as needed to

1393 accommodate functions for the circuit and county courts, the  
 1394 public defenders' offices, and state attorneys' offices and for  
 1395 performing the court-related functions of the offices of the  
 1396 clerks of the circuit and county court and for maintaining the  
 1397 facilities in a condition appropriate and safe for the use  
 1398 intended.

1399 (d) "Utilities" means all electricity services for light,  
 1400 heat, and power; natural or manufactured gas services for light,  
 1401 heat, and power; water and wastewater services and systems,  
 1402 stormwater or runoff services and systems, sewer services and  
 1403 systems, all costs or fees associated with these services and  
 1404 systems, and any costs or fees associated with the mitigation of  
 1405 environmental impacts directly related to the facility.

1406 (e) "Security" includes but is not limited to, all  
 1407 reasonable and necessary costs of services of law enforcement  
 1408 officers or licensed security guards and all electronic,  
 1409 cellular, or digital monitoring and screening devices necessary  
 1410 to ensure the safety and security of all persons visiting or  
 1411 working in a facility; to provide for security of the facility,  
 1412 including protection of property owned by the county or the  
 1413 state; and for security of prisoners brought to any facility.  
 1414 This includes bailiffs while providing courtroom and other  
 1415 security for each judge and other quasi-judicial officers.

1416 (f) "Communications services" are defined as any  
 1417 reasonable and necessary transmission, emission, and reception  
 1418 of signs, signals, writings, images, and sounds of intelligence  
 1419 of any nature by wire, radio, optical, audio equipment, or other  
 1420 electromagnetic systems and includes all facilities and

1421 equipment owned, leased, or used by judges, clerks, public  
1422 defenders, state attorneys, and all staff of the state courts  
1423 system, state attorneys' offices, public defenders' offices, and  
1424 clerks of the circuit and county courts performing court-related  
1425 functions. Such system or services shall include, but not be  
1426 limited to:

1427 1. Telephone system infrastructure, including computer  
1428 lines, telephone switching equipment, and maintenance, and  
1429 facsimile equipment, wireless communications, cellular  
1430 telephones, pagers, and video teleconferencing equipment and  
1431 line charges. Each county shall continue to provide access to a  
1432 local carrier for local and long distance service and shall pay  
1433 toll charges for local and long distance service.

1434 2. All computer networks, systems and equipment, including  
1435 computer hardware and software, modems, printers, wiring,  
1436 network connections, maintenance, support staff or services  
1437 including any county-funded support staff located in the offices  
1438 of the circuit court, county courts, state attorneys, and public  
1439 defenders, training, supplies, and line charges necessary for an  
1440 integrated computer system to support the operations and  
1441 management of the state courts system, the offices of the public  
1442 defenders, the offices of the state attorneys, and the offices  
1443 of the clerks of the circuit and county courts and the  
1444 capability to connect those entities and reporting data to the  
1445 state as required for the transmission of revenue, performance  
1446 accountability, case management, data collection, budgeting, and  
1447 auditing purposes. The integrated computer system shall be  
1448 operational by July 1, 2006, and, at a minimum, permit the

1449 exchange of financial, performance accountability, case  
1450 management, case disposition, and other data across multiple  
1451 state and county information systems involving multiple users at  
1452 both the state level and within each judicial circuit and be  
1453 able to electronically exchange judicial case background data,  
1454 sentencing scoresheets, and video evidence information stored in  
1455 integrated case management systems over secure networks. Once  
1456 the integrated system becomes operational, counties may reject  
1457 requests to purchase communication services included in this  
1458 subparagraph not in compliance with standards, protocols, or  
1459 processes adopted by the board established pursuant to s.  
1460 29.0086.

1461 3. Courier messenger and subpoena services.

1462 4. Auxiliary aids and services for qualified individuals  
1463 with a disability which are necessary to ensure access to the  
1464 courts. Such auxiliary aids and services include, but are not  
1465 limited to, sign language interpretation services required under  
1466 the federal Americans with Disabilities Act other than services  
1467 required to satisfy due process requirements and identified as a  
1468 state funding responsibility pursuant to ss. 29.004, 29.005,  
1469 29.006, and 29.007, real-time transcription services for  
1470 individuals who are hearing impaired, and assistive listening  
1471 devices and the equipment necessary to implement such  
1472 accommodations.

1473 (g) "Existing radio systems" includes, but is not limited  
1474 to, law enforcement radio systems that are used by the circuit  
1475 and county courts, the offices of the public defenders, the  
1476 offices of the state attorneys, and for court-related functions

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1477 of the offices of the clerks of the circuit and county courts.  
1478 This includes radio systems that were operational or under  
1479 contract at the time Revision No. 7, 1998, to Art. V of the  
1480 State Constitution was adopted and any enhancements made  
1481 thereafter, the maintenance of those systems, and the personnel  
1482 and supplies necessary for operation.

1483 (h) "Existing multiagency criminal justice information  
1484 systems" includes, but is not limited to, those components of  
1485 the multiagency criminal justice information system as defined  
1486 in s. 943.045, supporting the offices of the circuit or county  
1487 courts, the public defenders' offices, the state attorneys'  
1488 offices, or those portions of the offices of the clerks of the  
1489 circuit and county courts performing court-related functions  
1490 that are used to carry out the court-related activities of those  
1491 entities. This includes upgrades and maintenance of the current  
1492 equipment, maintenance and upgrades of supporting technology  
1493 infrastructure and associated staff, and services and expenses  
1494 to assure continued information sharing and reporting of  
1495 information to the state. The counties shall also provide  
1496 additional information technology services, hardware, and  
1497 software as needed for new judges and staff of the state courts  
1498 system, state attorneys' offices, public defenders' offices, and  
1499 the offices of the clerks of the circuit and county courts  
1500 performing court-related functions.

1501 Section 18. Subsection (2) of section 29.015, Florida  
1502 Statutes, is amended to read:

1503           29.015 Contingency fund; limitation of authority to  
 1504 transfer funds in contracted due process services appropriation  
 1505 categories.--

1506           (2) In the event that a state attorney or public defender  
 1507 incurs a deficit in a contracted due process services  
 1508 appropriation category, the following steps shall be taken in  
 1509 order:

1510           (a) The state attorney or public defender shall first  
 1511 attempt to identify surplus funds from other appropriation  
 1512 categories within his or her office and submit a budget  
 1513 amendment pursuant to chapter 216 to transfer funds from within  
 1514 the office.

1515           (b) In the event that the state attorney or public  
 1516 defender is unable to identify surplus funds from within his or  
 1517 her office, he or she shall certify this to the Justice  
 1518 Administrative Commission along with a complete explanation of  
 1519 the circumstances which led to the deficit and steps the office  
 1520 has taken to reduce or alleviate the deficit. The Justice  
 1521 Administrative Commission shall inquire as to whether any other  
 1522 office has surplus funds in its contracted due process services  
 1523 appropriation categories which can be transferred to the office  
 1524 that is experiencing the deficit. If other offices indicate that  
 1525 surplus funds are available within the same appropriation  
 1526 category, the Justice Administrative Commission shall adjust the  
 1527 initial allocation of funds among circuits provided that such  
 1528 adjustment is not in conflict with specific direction provided  
 1529 in the General Appropriations Act and shall provide notice to  
 1530 the Governor and the chair and vice chair of the Legislative

1531 Budget Commission at least 14 days prior to making the  
 1532 adjustment. If funds are available from a different  
 1533 appropriation category, the Justice Administrative Commission  
 1534 shall request a budget amendment pursuant to all applicable  
 1535 provisions of Chapter 216, Florida Statutes ~~request a budget~~  
 1536 ~~amendment to transfer funds from the office or offices to~~  
 1537 ~~alleviate the deficit upon agreement of the contributing office~~  
 1538 ~~or offices.~~

1539 (c) If no office indicates that surplus funds are  
 1540 available to alleviate the deficit, the Justice Administrative  
 1541 Commission may request a budget amendment to transfer funds from  
 1542 the contingency fund. Such transfers shall be in accordance with  
 1543 all applicable provisions of chapter 216 and shall be subject to  
 1544 review and approval by the Legislative Budget Commission. The  
 1545 Justice Administrative Commission shall submit the documentation  
 1546 provided by the office explaining the circumstances that led to  
 1547 the deficit and the steps taken by the office and the Justice  
 1548 Administrative Commission to identify surplus funds to the  
 1549 Legislative Budget Commission.

1550 Section 19. Section 29.018, Florida Statutes, is amended  
 1551 to read:

1552 29.018 Cost sharing of due-process services ~~due process~~  
 1553 ~~costs~~; legislative intent.--It is the intent of the Legislature  
 1554 to provide state-funded due-process ~~due process~~ services to the  
 1555 state courts system, state attorneys, public defenders, and  
 1556 court-appointed counsel in the most cost-effective and efficient  
 1557 manner. The state courts system, state attorneys, public  
 1558 defenders, and the Justice Administrative Commission on behalf



1559 of court-appointed counsel may enter into contractual agreements  
 1560 to share, on a pro rata basis, the costs associated with court  
 1561 reporting services, court interpreter and translation services,  
 1562 court experts, and all other due-process ~~due process~~ services  
 1563 funded by the state pursuant to this chapter. These costs shall  
 1564 be budgeted within the funds appropriated to each of the  
 1565 affected users of services.

1566 Section 20. Section 29.0185, Florida Statutes, is created  
 1567 to read:

1568 29.0185 Provision of state-funded due-process services to  
 1569 individuals.--Due-process services may not be provided with  
 1570 state revenues to an individual unless the individual on whose  
 1571 behalf the due-process services are being provided is eligible  
 1572 for court-appointed counsel under s. 27.40, based upon a  
 1573 determination of indigency under s. 27.52, regardless of whether  
 1574 such counsel is appointed; or the individual on whose behalf the  
 1575 due process services are being provided is eligible for court-  
 1576 appointed counsel under s. 27.40, and has been determined  
 1577 indigent for costs pursuant to s. 27.52.

1578 Section 21. Subsection (1) of section 34.045, Florida  
 1579 Statutes, is amended to read:

1580 34.045 Cost recovery; use of the county court for  
 1581 ordinance or special law violations.--

1582 (1)(a) In lieu of payment of a filing fee under s. 34.041,  
 1583 a filing fee of \$10 shall be paid by a county or municipality  
 1584 when filing a violation of a county or municipal ordinance or a  
 1585 violation of a special law in county court. This fee shall be  
 1586 paid to the clerk of the court for performing court-related

1587 functions. A county or municipality is not required to pay more  
 1588 than one filing fee for a single filing against a single  
 1589 defendant that contains multiple alleged violations. A filing  
 1590 fee, other than that imposed under this section, may not be  
 1591 assessed for initiating an enforcement proceeding in county  
 1592 court for a violation of a county or municipal code or ordinance  
 1593 or a violation of a special law.

1594 (b) No other filing fee may be assessed for filing the  
 1595 violation in county court. If a person contests the violation in  
 1596 court, the court shall assess \$40 in costs against the  
 1597 nonprevailing party. The county or municipality shall be  
 1598 considered the prevailing party when there is a plea or finding  
 1599 of violation or guilt to any count or lesser included offense of  
 1600 the charge or companion case charges, regardless of  
 1601 adjudication. Costs ~~Cost~~ recovered pursuant to this paragraph  
 1602 shall be deposited into the clerk's fine and forfeiture fund  
 1603 established pursuant to s. 142.01.

1604 (c) If the person does not contest the violation in court  
 1605 or if the county or municipality is the prevailing party, the  
 1606 court shall assess the person or nonprevailing party \$10 for the  
 1607 filing fee provided in paragraph (a), which amount shall be  
 1608 forwarded to the county or municipality.

1609 Section 22. Section 34.191, Florida Statutes, is amended  
 1610 to read:

1611 34.191 Fines and forfeitures; dispositions.--

1612 (1) All fines and forfeitures arising from offenses tried  
 1613 in the county court shall be collected and accounted for by the  
 1614 clerk of the court and, other than the charge provided in s.

1615 318.1215, disbursed in accordance with ss. 28.2402, 34.045,  
 1616 142.01, and 142.03 ~~142.13~~ and subject to the provisions of s.  
 1617 28.246(5) and (6). Notwithstanding the provisions of this  
 1618 section, all fines and forfeitures arising from operation of the  
 1619 provisions of s. 318.1215 shall be disbursed in accordance with  
 1620 that section.

1621 (2) All fines and forfeitures received from violations of  
 1622 municipal ordinances committed within a municipality within the  
 1623 territorial jurisdiction of the county court, other than the  
 1624 charge provided in s. 318.1215, shall be paid monthly to the  
 1625 municipality except as provided in s. 28.2402(2), s. 34.045(2),  
 1626 s. 318.21, or s. 943.25. A municipality does not include a  
 1627 county having a consolidated government under s. 6(e), Art. VIII  
 1628 of the State Constitution.

1629 (3) All other fines and forfeitures collected by the  
 1630 clerk, other than the charge provided in s. 318.1215, shall be  
 1631 considered income of the office of the clerk for use in  
 1632 performing court-related duties of the office.

1633 Section 23. Subsection (3) of section 39.0132, Florida  
 1634 Statutes, is amended to read:

1635 39.0132 Oaths, records, and confidential information.--

1636 (3) The clerk shall keep all court records required by  
 1637 this chapter separate from other records of the circuit court.  
 1638 All court records required by this chapter shall not be open to  
 1639 inspection by the public. All records shall be inspected only  
 1640 upon order of the court by persons deemed by the court to have a  
 1641 proper interest therein, except that, subject to the provisions  
 1642 of s. 63.162, a child and the parents of the child and their

1643 attorneys, guardian ad litem, law enforcement agencies, and the  
 1644 department and its designees shall always have the right to  
 1645 inspect and copy any official record pertaining to the child.  
 1646 The Justice Administrative Commission may inspect court dockets  
 1647 required by this chapter as necessary to audit compensation of  
 1648 court-appointed attorneys. If the docket is insufficient for  
 1649 purposes of the audit, the commission may petition the court for  
 1650 additional documentation as necessary and appropriate. The court  
 1651 may permit authorized representatives of recognized  
 1652 organizations compiling statistics for proper purposes to  
 1653 inspect and make abstracts from official records, under whatever  
 1654 conditions upon their use and disposition the court may deem  
 1655 proper, and may punish by contempt proceedings any violation of  
 1656 those conditions.

1657 Section 24. Subsection (1) of section 39.821, Florida  
 1658 Statutes, is amended to read:

1659 39.821 Qualifications of guardians ad litem.--

1660 (1) Because of the special trust or responsibility placed  
 1661 in a guardian ad litem, the Guardian Ad Litem Program may use  
 1662 any private funds collected by the program, or any state funds  
 1663 so designated, to conduct a security background investigation  
 1664 before certifying a volunteer to serve. A security background  
 1665 investigation must include, but need not be limited to,  
 1666 employment history checks, checks of references, local criminal  
 1667 records checks through local law enforcement agencies, and  
 1668 statewide criminal records checks through the Department of Law  
 1669 Enforcement. Upon request, an employer shall furnish a copy of  
 1670 the personnel record for the employee or former employee who is

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1671 the subject of a security background investigation conducted  
1672 under this section. The information contained in the personnel  
1673 record may include, but need not be limited to, disciplinary  
1674 matters and the reason why the employee was terminated from  
1675 employment. An employer who releases a personnel record for  
1676 purposes of a security background investigation is presumed to  
1677 have acted in good faith and is not liable for information  
1678 contained in the record without a showing that the employer  
1679 maliciously falsified the record. A security background  
1680 investigation conducted under this section must ensure that a  
1681 person is not certified as a guardian ad litem if the person has  
1682 been convicted of, regardless of adjudication, or entered a plea  
1683 of nolo contendere or guilty to, any offense prohibited under  
1684 the provisions of the Florida Statutes specified in s. 435.04(2)  
1685 or under any similar law in another jurisdiction. Before  
1686 certifying an applicant to serve as a guardian ad litem, the  
1687 Guardian Ad Litem Program ~~chief judge of the circuit court~~ may  
1688 request a federal criminal records check of the applicant  
1689 through the Federal Bureau of Investigation. In analyzing and  
1690 evaluating the information obtained in the security background  
1691 investigation, the program must give particular emphasis to past  
1692 activities involving children, including, but not limited to,  
1693 child-related criminal offenses or child abuse. The program has  
1694 the sole discretion in determining whether to certify a person  
1695 based on his or her security background investigation. The  
1696 information collected pursuant to the security background  
1697 investigation is confidential and exempt from s. 119.07(1).

1698 Section 25. Section 39.822, Florida Statutes, is amended  
 1699 to read:

1700 39.822 Appointment of guardian ad litem for abused,  
 1701 abandoned, or neglected child.--

1702 (1) A guardian ad litem shall be appointed by the court at  
 1703 the earliest possible time to represent the child in any child  
 1704 abuse, abandonment, or neglect judicial proceeding, whether  
 1705 civil or criminal. Any person participating in a civil or  
 1706 criminal judicial proceeding resulting from such appointment  
 1707 shall be presumed prima facie to be acting in good faith and in  
 1708 so doing shall be immune from any liability, civil or criminal,  
 1709 that otherwise might be incurred or imposed.

1710 (2) In those cases in which the parents are financially  
 1711 able, the parent or parents of the child shall reimburse the  
 1712 court, in part or in whole, for the cost of provision of  
 1713 guardian ad litem services. Reimbursement to the individual  
 1714 providing guardian ad litem services shall not be contingent  
 1715 upon successful collection by the court from the parent or  
 1716 parents.

1717 (3) Upon presentation by a guardian ad litem of a court  
 1718 order appointing the guardian ad litem:

1719 (a) An agency, as defined in chapter 119, shall allow the  
 1720 guardian ad litem to inspect and copy records related to the  
 1721 best interests of the child who is the subject of the  
 1722 appointment, including, but not limited to, confidential and  
 1723 exempt records. The guardian ad litem shall maintain the  
 1724 confidential and exempt status of any records shared by an  
 1725 agency under this paragraph.

1726           (b) A person or organization, other than an agency under  
 1727 paragraph (a), shall allow the guardian ad litem to inspect and  
 1728 copy records related to the best interests of the child who is  
 1729 the subject of the appointment.

1730  
 1731 For the purposes of this subsection, the term "records related  
 1732 to the best interests of the child" includes, but is not limited  
 1733 to, medical, mental health, substance abuse, child care,  
 1734 education, law enforcement, court, social services, and  
 1735 financial records.

1736           ~~(4)(3)~~ The guardian ad litem or the program representative  
 1737 shall review all disposition recommendations and changes in  
 1738 placements, and must be present at all critical stages of the  
 1739 dependency proceeding or submit a written report of  
 1740 recommendations to the court. Written reports must be filed with  
 1741 the court and served on all parties whose whereabouts are known  
 1742 at least 72 hours prior to the hearing.

1743           Section 26. Subsection (1) of section 40.29, Florida  
 1744 Statutes, is amended to read:

1745           40.29 Payment of due process costs.--

1746           (1)(a) Each clerk of the circuit court, on behalf of the  
 1747 courts, the state attorney, and the public defender, shall  
 1748 forward to the Justice Administrative Commission, by county, a  
 1749 quarterly estimate of funds necessary to pay for ordinary  
 1750 witnesses, including, but not limited to, witnesses in civil  
 1751 traffic cases and witnesses of the state attorney, public  
 1752 defender, court-appointed counsel, and persons determined to be  
 1753 indigent for costs ~~except expert witnesses paid pursuant to a~~

1754 ~~contract or other professional services agreement, pursuant to~~  
 1755 ~~ss. 29.005 and 29.006. Each quarter of the state fiscal year,~~  
 1756 the commission, based upon the estimates, shall advance funds to  
 1757 each clerk to pay for these ordinary witnesses from state funds  
 1758 specifically appropriated for the payment of ordinary witnesses.

1759 (b) Each clerk of the circuit court shall forward to the  
 1760 Office of the State Courts Administrator, by county, a quarterly  
 1761 estimate of funds necessary to pay juror compensation.

1762 Section 27. Section 40.355, Florida Statutes, is created  
 1763 to read:

1764 40.355 Accounting and payment to public defenders and  
 1765 state attorneys.--The clerk of the court shall, within 2 weeks  
 1766 after the last day of the state's fiscal year, render to the  
 1767 state attorney and the public defender in each circuit a full  
 1768 statement of accounts for moneys received and disbursed under  
 1769 this chapter and, upon request of the state attorney or public  
 1770 defender, shall refund to the state attorney or public defender  
 1771 any balance.

1772 Section 28. Subsection (7) is added to section 43.16,  
 1773 Florida Statutes, to read:

1774 43.16 Justice Administrative Commission; membership,  
 1775 powers and duties.--

1776 (7) Chapter 120 does not apply to the Justice  
 1777 Administrative Commission.

1778 Section 29. Subsection (6) is added to section 43.26,  
 1779 Florida Statutes, to read:

1780 43.26 Chief judge of circuit; selection; powers.--

1781 (6) The chief judge of each circuit is charged by s. 2(d),



1782 Article V of the Florida Constitution, and this section with the  
 1783 authority to promote the prompt and efficient administration of  
 1784 justice in the courts over which he or she is chief judge. The  
 1785 clerks of court provide court-related functions which are  
 1786 essential to the orderly administration of the judicial branch.  
 1787 The chief judge of each circuit shall consult with each clerk of  
 1788 court to determine the priority of services provided by the  
 1789 clerk of court to the trial court pursuant to s. 28.35(4)(a).

1790 Section 30. Paragraph (b) of subsection (4) of section  
 1791 44.102, Florida Statutes, is amended to read:

1792 44.102 Court-ordered mediation.--

1793 (4) The chief judge of each judicial circuit shall  
 1794 maintain a list of mediators who have been certified by the  
 1795 Supreme Court and who have registered for appointment in that  
 1796 circuit.

1797 (b) Nonvolunteer mediators shall be compensated according  
 1798 to rules adopted by the Supreme Court. If a mediation program is  
 1799 funded pursuant to s. 44.108, a mediator may be compensated by  
 1800 the county or by the parties. ~~When a party has been declared~~  
 1801 ~~indigent or insolvent, that party's pro rata share of a~~  
 1802 ~~mediator's compensation shall be paid by the county at the rate~~  
 1803 ~~set by administrative order of the chief judge of the circuit.~~

1804 Section 31. Section 44.108, Florida Statutes, is amended  
 1805 to read:

1806 44.108 Funding of mediation and arbitration.--

1807 (1) Mediation and arbitration should be accessible to all  
 1808 parties regardless of financial status. A filing fee of \$1 is  
 1809 levied on all proceedings in the circuit or county courts to

1810 fund mediation and arbitration services which are the  
 1811 responsibility of the Supreme Court pursuant to the provisions  
 1812 of s. 44.106. The clerk of the court shall forward the moneys  
 1813 collected to the Department of Revenue for deposit in the state  
 1814 courts' Mediation and Arbitration Trust Fund.

1815 (2) When court-ordered mediation services are provided by  
 1816 a circuit court's mediation program, the following fees, unless  
 1817 otherwise established in the General Appropriations Act, shall  
 1818 be collected by the clerk of court:

1819 (a) Eighty dollars per person per scheduled session in  
 1820 family mediation when the parties' combined income is greater  
 1821 than \$50,000, but less than \$100,000 per year;

1822 (b) Forty dollars per person per scheduled session in  
 1823 family mediation when the parties' combined income is less than  
 1824 \$50,000; or

1825 (c) Forty dollars per person per scheduled session in  
 1826 county court cases.

1827  
 1828 No mediation fees shall be assessed under this subsection in  
 1829 residential eviction cases, against a party found to be  
 1830 indigent, or for any small claims action. Fees collected by the  
 1831 clerk of court pursuant to this section shall be remitted to the  
 1832 Department of Revenue for deposit into the state courts'  
 1833 Mediation and Arbitration Trust Fund to fund court-ordered  
 1834 mediation. The clerk of court may deduct \$1 per fee assessment  
 1835 for processing this fee. The clerk of the court shall submit to  
 1836 the chief judge of the circuit, no later than 30 days after the  
 1837 end of each quarter, a report specifying the amount of funds

1838 collected under this section during each quarter of the fiscal  
 1839 year.

1840 Section 32. Section 57.082, Florida Statutes, is created  
 1841 to read:

1842 57.082 Determination of civil indigent status.--

1843 (1) APPLICATION TO THE CLERK.--A person seeking  
 1844 appointment of a private attorney in a civil case eligible for  
 1845 court-appointed counsel, or seeking relief from prepayment of  
 1846 fees and costs under s. 57.081, based upon an inability to pay  
 1847 must apply to the clerk of the court for a determination of  
 1848 civil indigent status using an application form developed by the  
 1849 Florida Clerks of Court Operations Corporation with final  
 1850 approval by the Supreme Court.

1851 (a) The application must include, at a minimum, the  
 1852 following financial information:

1853 1. Net income, consisting of total salary and wages, minus  
 1854 deductions required by law, including court-ordered support  
 1855 payments.

1856 2. Other income, including, but not limited to, social  
 1857 security benefits, union funds, veterans' benefits, workers'  
 1858 compensation, other regular support from absent family members,  
 1859 public or private employee pensions, unemployment compensation,  
 1860 dividends, interest, rent, trusts, and gifts.

1861 3. Assets, including, but not limited to, cash, savings  
 1862 accounts, bank accounts, stocks, bonds, certificates of deposit,  
 1863 equity in real estate, and equity in a boat or a motor vehicle  
 1864 or in other tangible property.

1865 4. All liabilities and debts.

1866  
1867 The application must include a signature by the applicant which  
1868 attests to the truthfulness of the information provided. The  
1869 application form developed by the corporation must include  
1870 notice that the applicant may seek court review of a clerk's  
1871 determination that the applicant is not indigent, as provided in  
1872 this section.

1873 (b) The clerk shall assist a person who appears before the  
1874 clerk and requests assistance in completing the application and  
1875 the clerk shall notify the court if a person is unable to  
1876 complete the application after the clerk has provided  
1877 assistance.

1878 (c) The clerk shall accept an application that is signed  
1879 by the applicant and submitted on his or her behalf by a private  
1880 attorney who is representing the applicant in the applicable  
1881 matter.

1882 (2) DETERMINATION BY THE CLERK.--The clerk of the court  
1883 shall determine whether an applicant seeking such designation is  
1884 indigent based upon the information provided in the application  
1885 and the criteria prescribed in this subsection.

1886 (a)1. An applicant, including an applicant who is a minor  
1887 or an adult tax-dependent person, is indigent if the applicant's  
1888 income is equal to or below 200 percent of the then-current  
1889 federal poverty guidelines prescribed for the size of the  
1890 household of the applicant by the United States Department of  
1891 Health and Human Services.

1892 2. There is a presumption that the applicant is not  
1893 indigent if the applicant owns, has equity in, or has the

1894 expectancy of any interest in any intangible or tangible  
 1895 personal property or real property.

1896 (b) Based upon its review, the clerk shall make one of the  
 1897 following determinations:

1898 1. The applicant is not indigent.

1899 2. The applicant is indigent.

1900 (c) If the clerk determines that the applicant is  
 1901 indigent, the clerk shall immediately file the determination in  
 1902 the case record.

1903 (d) The duty of the clerk in determining whether an  
 1904 applicant is indigent is limited to receiving the application  
 1905 and comparing the information provided in the application to the  
 1906 criteria prescribed in this subsection. The determination of  
 1907 indigent status is a ministerial act of the clerk and may not be  
 1908 based on further investigation or the exercise of independent  
 1909 judgment by the clerk. The clerk may contract with third parties  
 1910 to perform functions assigned to the clerk under this section.

1911 (e) The applicant may seek review of the clerk's  
 1912 determination that the applicant is not indigent in the court  
 1913 having jurisdiction over the matter by filing a petition to  
 1914 review the clerk's determination of nonindigent status for which  
 1915 a filing fee may not be charged. If the applicant seeks review  
 1916 of the clerk's determination of indigent status, the court shall  
 1917 make a final determination as provided in subsection (4).

1918 (3) APPOINTMENT OF COUNSEL ON AN INTERIM BASIS.--If the  
 1919 clerk of the court has not made a determination of indigent  
 1920 status at the time a person requests appointment of a private  
 1921 attorney in a civil case eligible for court-appointed counsel,

1922 the court shall make a preliminary determination of indigent  
 1923 status, pending further review by the clerk, and may, by court  
 1924 order, appoint private counsel on an interim basis.

1925 (4) REVIEW OF THE CLERK'S DETERMINATION.--

1926 (a) If the clerk of the court determines that the  
 1927 applicant is not indigent and the applicant seeks review of the  
 1928 clerk's determination, the court shall make a final  
 1929 determination of indigent status by reviewing the information  
 1930 provided in the application against the criteria prescribed in  
 1931 subsection (2) and by considering the following additional  
 1932 factors:

1933 1. Whether paying for private counsel or other fees and  
 1934 costs creates a substantial hardship for the applicant or the  
 1935 applicant's family.

1936 2. Whether the applicant is proceeding pro se or is  
 1937 represented by a private attorney for a fee or on a pro-bono  
 1938 basis.

1939 3. When the applicant retained private counsel.

1940 4. The amount of any attorney's fees and who is paying the  
 1941 fees.

1942 5. Any other relevant financial circumstances of the  
 1943 applicant or the applicant's family.

1944 (b) Based upon its review, the court shall make one of the  
 1945 following determinations and shall, if appropriate, appoint  
 1946 private counsel:

1947 1. The applicant is not indigent.

1948 2. The applicant is indigent.

1949 (5) PROCESSING CHARGE; PAYMENT PLANS.--A person who the

1950 clerk or the court determines is indigent for civil proceedings  
 1951 under this section shall, upon the request of the party, be  
 1952 enrolled in a payment plan under s. 28.246 and shall be charged  
 1953 a one-time administrative processing charge under s.  
 1954 28.24(26)(c). A monthly payment amount, calculated based upon  
 1955 all fees and all anticipated costs, is presumed to correspond to  
 1956 the person's ability to pay if it does not exceed 2 percent of  
 1957 the person's annual net income, as defined in subsection (1),  
 1958 divided by 12. The person may seek review of the clerk's  
 1959 decisions regarding a payment plan established under s. 28.246  
 1960 in the court having jurisdiction over the matter. A case may not  
 1961 be impeded in any way, delayed in filing, or delayed in its  
 1962 progress, including the final hearing and order, due to  
 1963 nonpayment of any fees by an indigent person.

1964 (6) FINANCIAL DISCREPANCIES; FRAUD; FALSE INFORMATION.--

1965 (a) If the court learns of discrepancies between the  
 1966 application and the actual financial status of the person found  
 1967 to be indigent, the court shall determine whether the status and  
 1968 any relief provided as a result of that status shall be revoked.  
 1969 The person may be heard regarding the information learned by the  
 1970 court. If the court, based on the information, determines that  
 1971 the person is not indigent, the court shall revoke the provision  
 1972 of any relief under this section.

1973 (b) If the court has reason to believe that any applicant,  
 1974 through fraud or misrepresentation, was improperly determined to  
 1975 be indigent, the matter shall be referred to the state attorney.  
 1976 Twenty-five percent of any amount recovered by the state  
 1977 attorney as reasonable value of the services rendered, including

1978 fees, charges, and costs paid by the state on the person's  
 1979 behalf, shall be remitted to the Department of Revenue for  
 1980 deposit into the Grants and Donations Trust Fund within the  
 1981 Justice Administrative Commission for appropriation by the  
 1982 Legislature to the state attorney. Seventy-five percent of any  
 1983 amount recovered shall be remitted to the Department of Revenue  
 1984 for deposit into the General Revenue Fund.

1985 (c) A person who knowingly provides false information to  
 1986 the clerk or the court in seeking a determination of indigent  
 1987 status under this section commits a felony of the third degree,  
 1988 punishable as provided in s. 775.082 or s. 775.083.

1989 Section 33. Subsection (1) of section 92.142, Florida  
 1990 Statutes, is amended to read:

1991 92.142 Witnesses; pay.--

1992 (1) Witnesses in all cases, civil and criminal, in all  
 1993 courts, now or hereafter created, and witnesses summoned before  
 1994 any arbitrator or general or special magistrate appointed by the  
 1995 court shall receive for each day's actual attendance \$5 and also  
 1996 6 cents per mile for actual distance traveled to and from the  
 1997 courts. A witness in a criminal case required to appear in a  
 1998 county other than the county of his or her residence and  
 1999 residing more than 50 miles from the location of the trial shall  
 2000 be entitled to per diem and travel expenses at the same rate  
 2001 provided for state employees under s. 112.061, in lieu of any  
 2002 other witness fee ~~at the discretion of the court.~~

2003 Section 34. Subsections (2) and (3) of section 92.231,  
 2004 Florida Statutes, are amended to read:

2005 92.231 Expert witnesses; fee.--



2006 (2) Any expert or skilled witness who shall have testified  
 2007 in any cause shall be allowed a witness fee including the cost  
 2008 of any exhibits used by such witness in an amount agreed to by  
 2009 the parties, and the same shall be taxed as costs. In instances  
 2010 where services are provided for the state, including for state-  
 2011 paid private court-appointed counsel, payment from state funds  
 2012 shall be in accordance with standards adopted by the Legislature  
 2013 ~~after receiving recommendations from the Article V Indigent~~  
 2014 ~~Services Advisory Board.~~

2015 (3) In a criminal case in which the state or an indigent  
 2016 defendant requires the services of an expert witness whose  
 2017 opinion is relevant to the issues of the case, the expert  
 2018 witness shall be compensated in accordance with standards  
 2019 adopted by the Legislature ~~after receiving recommendations from~~  
 2020 ~~the Article V Indigent Services Advisory Board.~~

2021 Section 35. Subsection (1) of section 116.01, Florida  
 2022 Statutes, is amended to read:

2023 116.01 Payment of public funds into treasury.--

2024 (1) Every state and county officer within this state  
 2025 authorized to collect funds due the state or county shall pay  
 2026 all sums officially received by the officer into the state or  
 2027 county treasury not later than 7 working days from the close of  
 2028 the week in which the officer received the funds. Funds received  
 2029 by the county officer on behalf of the state shall be deposited  
 2030 directly to the account of the State Treasury not later than 7  
 2031 working days from the close of the week in which the officer  
 2032 received the funds. The clerk of the court, when collecting

2033 funds as part of the clerk's court-related functions, must remit  
 2034 those funds as required under s. 28.245.

2035 Section 36. Paragraph (gg) of subsection (6) of section  
 2036 119.07, Florida Statutes, is amended to read:

2037 119.07 Inspection and copying of records; photographing  
 2038 public records; fees; exemptions.--

2039 (6)

2040 (gg)1. Until January 1, 2007 ~~2006~~, if a social security  
 2041 number, made confidential and exempt pursuant to s. 119.0721,  
 2042 created pursuant to s. 1, ch. 2002-256, passed during the 2002  
 2043 regular legislative session, or a complete bank account, debit,  
 2044 charge, or credit card number made exempt pursuant to paragraph  
 2045 (dd), created pursuant to s. 1, ch. 2002-257, passed during the  
 2046 2002 regular legislative session, is or has been included in a  
 2047 court file, such number may be included as part of the court  
 2048 record available for public inspection and copying unless  
 2049 redaction is requested by the holder of such number, or by the  
 2050 holder's attorney or legal guardian, in a signed, legibly  
 2051 written request specifying the case name, case number, document  
 2052 heading, and page number. The request must be delivered by mail,  
 2053 facsimile, electronic transmission, or in person to the clerk of  
 2054 the circuit court. The clerk of the circuit court does not have  
 2055 a duty to inquire beyond the written request to verify the  
 2056 identity of a person requesting redaction. A fee may not be  
 2057 charged for the redaction of a social security number or a bank  
 2058 account, debit, charge, or credit card number pursuant to such  
 2059 request.

2060           2. Any person who prepares or files a document to be  
 2061 recorded in the official records by the county recorder as  
 2062 provided in chapter 28 may not include a person's social  
 2063 security number or complete bank account, debit, charge, or  
 2064 credit card number in that document unless otherwise expressly  
 2065 required by law. Until January 1, 2007 ~~2006~~, if a social  
 2066 security number or a complete bank account, debit, charge or  
 2067 credit card number is or has been included in a document  
 2068 presented to the county recorder for recording in the official  
 2069 records of the county, such number may be made available as part  
 2070 of the official record available for public inspection and  
 2071 copying. Any person, or his or her attorney or legal guardian,  
 2072 may request that a county recorder remove from an image or copy  
 2073 of an official record placed on a county recorder's publicly  
 2074 available Internet website, or a publicly available Internet  
 2075 website used by a county recorder to display public records  
 2076 outside the office or otherwise made electronically available  
 2077 outside the county recorder's office to the general public, his  
 2078 or her social security number or complete account, debit,  
 2079 charge, or credit card number contained in that official record.  
 2080 Such request must be legibly written, signed by the requester,  
 2081 and delivered by mail, facsimile, electronic transmission, or in  
 2082 person to the county recorder. The request must specify the  
 2083 identification page number of the document that contains the  
 2084 number to be redacted. The county recorder does not have a duty  
 2085 to inquire beyond the written request to verify the identity of  
 2086 a person requesting redaction. A fee may not be charged for  
 2087 redacting such numbers.

2088           3. Upon the effective date of this act, subsections (3)  
 2089 and (4) of s. 119.0721, do not apply to the clerks of the court  
 2090 or the county recorder with respect to circuit court records and  
 2091 official records.

2092           4. On January 1, 2007 ~~2006~~, and thereafter, the clerk of  
 2093 the circuit court and the county recorder must keep complete  
 2094 bank account, debit, charge, and credit card numbers exempt as  
 2095 provided for in paragraph (dd), and must keep social security  
 2096 numbers confidential and exempt as provided for in s. 119.0721,  
 2097 without any person having to request redaction.

2098           Section 37. Subsection (4) of section 142.01, Florida  
 2099 Statutes, is amended to read:

2100           142.01 Fine and forfeiture fund; clerk of the circuit  
 2101 court.--There shall be established by the clerk of the circuit  
 2102 court in each county of this state a separate fund to be known  
 2103 as the fine and forfeiture fund for use by the clerk of the  
 2104 circuit court in performing court-related functions. The fund  
 2105 shall consist of the following:

2106           (4) Proceeds from forfeited bail bonds, unclaimed bonds,  
 2107 unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a),  
 2108 372.72(1), and 903.26(3)(a).

2109  
 2110 Notwithstanding the provisions of this section, all fines and  
 2111 forfeitures arising from operation of the provisions of s.  
 2112 318.1215 shall be disbursed in accordance with that section.

2113           Section 38. Subsection (5) is added to section 213.13,  
 2114 Florida Statutes, to read:

2115           213.13 Electronic remittance and distribution of funds  
2116 collected by clerks of the court.--

2117           (5) All court-related collections, including fees, fines,  
2118 reimbursements, court costs, and other court-related funds that  
2119 the clerks must remit to the state pursuant to law, must be  
2120 transmitted electronically by the 20th day of the month  
2121 immediately following the month in which the funds are  
2122 collected.

2123           Section 39. Section 219.07, Florida Statutes, is amended  
2124 to read:

2125           219.07 Disbursements.--Each officer shall, not later than  
2126 7 working days from the close of the week in which the officer  
2127 received the funds, distribute the money which is required to be  
2128 paid to other officers, agencies, funds, or persons entitled to  
2129 receive the same; provided, that distributions or partial  
2130 distributions may be made more frequently; and provided further,  
2131 that money required by law or court order, or by the purpose for  
2132 which it was collected, to be held and disbursed for a  
2133 particular purpose in a manner different from that set out  
2134 herein shall be held and disbursed accordingly. Further, money  
2135 collected by the county officer on behalf of the state, except  
2136 for money collected by the clerk of the court as part of court-  
2137 related functions, shall be deposited directly to the account of  
2138 the State Treasury not later than 7 working days from the close  
2139 of the week in which the officer received the funds. The clerk  
2140 of the court, when collecting money as part of the clerk's  
2141 court-related functions, must remit that money as required under  
2142 s. 28.245.

2143 Section 40. Subsection (1) of section 219.075, Florida  
 2144 Statutes, is amended to read:

2145 219.075 Investment of surplus funds by county officers.--

2146 (1)(a) Except when another procedure is prescribed by law  
 2147 or by ordinance as to particular funds, a tax collector or any  
 2148 other county officer having, receiving, or collecting any money,  
 2149 either for his or her office or on behalf of and subject to  
 2150 subsequent distribution to another officer of state or local  
 2151 government, while such money is in excess of that required to  
 2152 meet current expenses or is pending distribution, shall invest  
 2153 such money, without limitation, as provided in s. 218.415.

2154 (b) These investments shall be planned so as not to slow  
 2155 the normal distribution of the subject funds. The investment  
 2156 earnings shall be reasonably apportioned and allocated and shall  
 2157 be credited to the account of, and paid to, the office or  
 2158 distributee, together with the principal on which such earnings  
 2159 accrued.

2160 (c) This section does not apply to the clerk of the  
 2161 circuit court with respect to money collected as part of the  
 2162 clerk's court-related functions. The clerk, however, shall remit  
 2163 this money as provided under s. 28.245.

2164 Section 41. Section 318.121, Florida Statutes, is amended  
 2165 to read:

2166 318.121 Preemption of additional fees, fines, surcharges,  
 2167 and costs.--Notwithstanding any general or special law, or  
 2168 municipal or county ordinance, additional fees, fines,  
 2169 surcharges, or costs other than the court costs and surcharges

2170 assessed under s. 318.18(11) and (13), may not be added to the  
 2171 civil traffic penalties assessed in this chapter.

2172 Section 42. Subsection (13) of section 318.18, Florida  
 2173 Statutes, is amended to read:

2174 318.18 Amount of civil penalties.--The penalties required  
 2175 for a noncriminal disposition pursuant to s. 318.14 are as  
 2176 follows:

2177 (13) In addition to any penalties imposed for noncriminal  
 2178 traffic infractions pursuant to this chapter or imposed for  
 2179 criminal violations listed in s. 318.17, a board of county  
 2180 commissioners or any unit of local government which is  
 2181 consolidated as provided by s. 9, Art. VIII of the State  
 2182 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
 2183 Constitution of 1968:

2184 (a) May impose by ordinance a surcharge of up to \$15 for  
 2185 any infraction or violation to fund state court facilities. The  
 2186 court shall not waive this surcharge.

2187 (b) That imposed increased fees or service charges by  
 2188 ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the  
 2189 purpose of securing payment of the principal and interest on  
 2190 bonds issued by the county before July 1, 2003, to finance state  
 2191 court facilities, may impose by ordinance a surcharge for any  
 2192 infraction or violation for the exclusive purpose of securing  
 2193 payment of the principal and interest on bonds issued by the  
 2194 county before July 1, 2003, to fund state court facilities until  
 2195 the date of stated maturity. The court shall not waive this  
 2196 surcharge. Such surcharge may not exceed an amount per violation  
 2197 calculated as the quotient of the maximum annual payment of the

2198 principal and interest on the bonds as of July 1, 2003, divided  
 2199 by the number of traffic citations for county fiscal year 2002-  
 2200 2003 certified as paid by the clerk of the court of the county.  
 2201 Such quotient shall be rounded up to the next highest dollar  
 2202 amount. The bonds may be refunded only if savings will be  
 2203 realized on payments of debt service and the refunding bonds are  
 2204 scheduled to mature on the same date or before the bonds being  
 2205 refunded.

2206  
 2207 A county may not impose both of the surcharges authorized under  
 2208 paragraphs (a) and (b) concurrently. The clerk of court shall  
 2209 report, no later than 30 days after the end of the quarter, the  
 2210 amount of funds collected under this subsection during each  
 2211 quarter of the fiscal year. The clerk shall submit the report,  
 2212 in a format developed by the Office of State Courts  
 2213 Administrator, to the chief judge of the circuit, the Governor,  
 2214 the President of the Senate, and the Speaker of the House of  
 2215 Representatives.

2216 Section 43. Paragraph (g) of subsection (2) of section  
 2217 318.21, Florida Statutes, is amended to read:

2218 318.21 Disposition of civil penalties by county  
 2219 courts.--All civil penalties received by a county court pursuant  
 2220 to the provisions of this chapter shall be distributed and paid  
 2221 monthly as follows:

2222 (2) Of the remainder:

2223 (g)1. If the violation occurred within a special  
 2224 improvement district of the Seminole Indian Tribe or Miccosukee



2225 Indian Tribe, 56.4 percent shall be paid to that special  
 2226 improvement district.

2227 2. If the violation occurred within a municipality, 50.8  
 2228 percent shall be paid to that municipality and 5.6 percent shall  
 2229 be deposited into the fine and forfeiture trust fund established  
 2230 pursuant to s. 142.01.

2231 3. If the violation occurred within the unincorporated  
 2232 area of a county, including the unincorporated area of a county  
 2233 having a consolidated government under s. 6(e), Article VIII of  
 2234 the State Constitution, that is not within a special improvement  
 2235 district of the Seminole Indian Tribe or Miccosukee Indian  
 2236 Tribe, 56.4 percent shall be deposited into the fine and  
 2237 forfeiture fund established pursuant to s. 142.01.

2238 Section 44. Section 318.31, Florida Statutes, is amended  
 2239 to read:

2240 318.31 Objectives.--The Supreme Court is hereby requested  
 2241 to adopt rules and procedures for the establishment and  
 2242 operation of Civil Traffic Infraction Hearing Officer Programs  
 2243 under ss. 318.30-318.38. ~~However, the appointment of a hearing~~  
 2244 ~~officer shall be at the option of the county electing to~~  
 2245 ~~establish such a program, upon recommendation by the county~~  
 2246 ~~court judge or judges, as the case may be, and the Chief Judge~~  
 2247 ~~of the Circuit and approval by the Chief Justice of the Supreme~~  
 2248 ~~Court.~~

2249 Section 45. Section 318.325, Florida Statutes, is amended  
 2250 to read:

2251 318.325 Jurisdiction and procedure for parking  
 2252 infractions.--Any county or municipality may adopt an ordinance

2253 that allows the county or municipality to refer cases involving  
 2254 the violation of a county or municipal parking ordinance to a  
 2255 hearing officer ~~funded by the county or municipality~~.  
 2256 Notwithstanding the provisions of ss. 318.14 and 775.08(3), any  
 2257 parking violation shall be deemed to be an infraction as defined  
 2258 in s. 318.13(3). However, the violation must be enforced and  
 2259 disposed of in accordance with the provisions of general law  
 2260 applicable to parking violations and with the charter or code of  
 2261 the county or municipality where the violation occurred. The  
 2262 clerk of the court or the designated traffic violations bureau  
 2263 must collect and distribute the fines, forfeitures, and court  
 2264 costs assessed under this section.

2265 Section 46. Subsection (2) of section 322.29, Florida  
 2266 Statutes, is amended to read:

2267 322.29 Surrender and return of license.--

2268 (2) The provisions of subsection (1) to the contrary  
 2269 notwithstanding, no examination is required for the return of a  
 2270 license suspended under s. 318.15 or s. 322.245 unless an  
 2271 examination is otherwise required by this chapter. Every person  
 2272 applying for the return of a license suspended under s. 318.15  
 2273 or s. 322.245 shall present to the department certification from  
 2274 the court that he or she has complied with all obligations and  
 2275 penalties imposed on him or her pursuant to s. 318.15 or, in the  
 2276 case of a suspension pursuant to s. 322.245, that he or she has  
 2277 complied with all directives of the court and the requirements  
 2278 of s. 322.245 and shall pay to the department a nonrefundable  
 2279 service fee of \$47.50 ~~\$35~~, of which \$38.50 ~~\$25~~ shall be  
 2280 deposited into the General Revenue Fund and \$10 shall be

2281 deposited into the Highway Safety Operating Trust Fund. If  
 2282 reinstated by the clerk of the court or tax collector, \$37.50  
 2283 ~~\$25~~ shall be retained and \$10 shall be remitted to the  
 2284 Department of Revenue for deposit into the Highway Safety  
 2285 Operating Trust Fund. However, the service fee is not required  
 2286 if the person is required to pay a \$35 fee or \$60 fee under the  
 2287 provisions of s. 322.21.

2288 Section 47. Subsection (1) of section 372.72, Florida  
 2289 Statutes, is amended to read:

2290 372.72 Disposition of fines, penalties, and forfeitures.--

2291 (1) All moneys collected from fines, penalties, proceeds  
 2292 from unclaimed bonds, or forfeitures of bail of persons  
 2293 convicted under this chapter shall be deposited in the fine and  
 2294 forfeiture fund established pursuant to s. 142.01 where such  
 2295 convictions are had, except for the disposition of moneys as  
 2296 provided in subsection (2).

2297 Section 48. Subsection (8) of section 903.26, Florida  
 2298 Statutes, is amended to read:

2299 903.26 Forfeiture of the bond; when and how directed;  
 2300 discharge; how and when made; effect of payment.--

2301 (8) If the defendant is arrested and returned to the  
 2302 county of jurisdiction of the court prior to judgment, the  
 2303 clerk, upon affirmation by the sheriff or the chief correctional  
 2304 officer, shall, without further order of the court, discharge  
 2305 the forfeiture of the bond. However, if the surety agent fails  
 2306 to pay the costs and expenses incurred in returning the  
 2307 defendant to the county of jurisdiction, the clerk shall not  
 2308 discharge the forfeiture of the bond. If the surety agent and

2309 | the sheriff ~~state attorney~~ fail to agree on the amount of said  
 2310 | costs, then the court, after notice to the sheriff and the state  
 2311 | attorney, shall determine the amount of the costs.

2312 |         Section 49. Section 903.28, Florida Statutes, is amended  
 2313 | to read:

2314 |         903.28 Remission of forfeiture; conditions.--

2315 |         (1) On application within 2 years from forfeiture, the  
 2316 | court shall order remission of the forfeiture if it determines  
 2317 | that there was no breach of the bond.

2318 |         (2) If the defendant surrenders or is apprehended within  
 2319 | 90 days after forfeiture, the court, on motion at a hearing upon  
 2320 | notice having been given to the clerk of the circuit court  
 2321 | ~~county attorney~~ and the state attorney as required in subsection  
 2322 | (8), shall direct remission of up to, but not more than, 100  
 2323 | percent of a forfeiture if the surety apprehended and  
 2324 | surrendered the defendant or if the apprehension or surrender of  
 2325 | the defendant was substantially procured or caused by the  
 2326 | surety, or the surety has substantially attempted to procure or  
 2327 | cause the apprehension or surrender of the defendant, and the  
 2328 | delay has not thwarted the proper prosecution of the defendant.  
 2329 | In addition, remission shall be granted when the surety did not  
 2330 | substantially participate or attempt to participate in the  
 2331 | apprehension or surrender of the defendant when the costs of  
 2332 | returning the defendant to the jurisdiction of the court have  
 2333 | been deducted from the remission and when the delay has not  
 2334 | thwarted the proper prosecution of the defendant.

2335 |         (3) If the defendant surrenders or is apprehended within  
 2336 | 180 days after forfeiture, the court, on motion at a hearing

2337 upon notice having been given to the clerk of the circuit court  
 2338 ~~county attorney~~ and the state attorney as required in subsection  
 2339 (8), shall direct remission of up to, but not more than, 95  
 2340 percent of a forfeiture if the surety apprehended and  
 2341 surrendered the defendant or if the apprehension or surrender of  
 2342 the defendant was substantially procured or caused by the  
 2343 surety, or the surety has substantially attempted to procure or  
 2344 cause the apprehension or surrender of the defendant, and the  
 2345 delay has not thwarted the proper prosecution of the defendant.  
 2346 In addition, remission shall be granted when the surety did not  
 2347 substantially participate or attempt to participate in the  
 2348 apprehension or surrender of the defendant when the costs of  
 2349 returning the defendant to the jurisdiction of the court have  
 2350 been deducted from the remission and when the delay has not  
 2351 thwarted the proper prosecution of the defendant.

2352 (4) If the defendant surrenders or is apprehended within  
 2353 270 days after forfeiture, the court, on motion at a hearing  
 2354 upon notice having been given to the clerk of the circuit court  
 2355 ~~county attorney~~ and the state attorney as required in subsection  
 2356 (8), shall direct remission of up to, but not more than, 90  
 2357 percent of a forfeiture if the surety apprehended and  
 2358 surrendered the defendant or if the apprehension or surrender of  
 2359 the defendant was substantially procured or caused by the  
 2360 surety, or the surety has substantially attempted to procure or  
 2361 cause the apprehension or surrender of the defendant, and the  
 2362 delay has not thwarted the proper prosecution of the defendant.  
 2363 In addition, remission shall be granted when the surety did not  
 2364 substantially participate or attempt to participate in the

2365 apprehension or surrender of the defendant when the costs of  
 2366 returning the defendant to the jurisdiction of the court have  
 2367 been deducted from the remission and when the delay has not  
 2368 thwarted the proper prosecution of the defendant.

2369 (5) If the defendant surrenders or is apprehended within 1  
 2370 year after forfeiture, the court, on motion at a hearing upon  
 2371 notice having been given to the clerk of the circuit court  
 2372 ~~county attorney~~ and the state attorney as required in subsection  
 2373 (8), shall direct remission of up to, but not more than, 85  
 2374 percent of a forfeiture if the surety apprehended and  
 2375 surrendered the defendant or if the apprehension or surrender of  
 2376 the defendant was substantially procured or caused by the  
 2377 surety, or the surety has substantially attempted to procure or  
 2378 cause the apprehension or surrender of the defendant, and the  
 2379 delay has not thwarted the proper prosecution of the defendant.  
 2380 In addition, remission shall be granted when the surety did not  
 2381 substantially participate or attempt to participate in the  
 2382 apprehension or surrender of the defendant when the costs of  
 2383 returning the defendant to the jurisdiction of the court have  
 2384 been deducted from the remission and when the delay has not  
 2385 thwarted the proper prosecution of the defendant.

2386 (6) If the defendant surrenders or is apprehended within 2  
 2387 years after forfeiture, the court, on motion at a hearing upon  
 2388 notice having been given to the clerk of the circuit court  
 2389 ~~county attorney~~ and the state attorney as required in subsection  
 2390 (8), shall direct remission of up to, but not more than, 50  
 2391 percent of a forfeiture if the surety apprehended and  
 2392 surrendered the defendant or if the apprehension or surrender of

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2393 the defendant was substantially procured or caused by the  
2394 surety, or the surety has substantially attempted to procure or  
2395 cause the apprehension or surrender of the defendant, and the  
2396 delay has not thwarted the proper prosecution of the defendant.  
2397 In addition, remission shall be granted when the surety did not  
2398 substantially participate or attempt to participate in the  
2399 apprehension or surrender of the defendant when the costs of  
2400 returning the defendant to the jurisdiction of the court have  
2401 been deducted from the remission and when the delay has not  
2402 thwarted the proper prosecution of the defendant.

2403 (7) The remission of a forfeiture may not be ordered for  
2404 any reason other than as specified herein.

2405 (8) An application for remission must be accompanied by  
2406 affidavits setting forth the facts on which it is founded;  
2407 however, the surety must establish by further documentation or  
2408 other evidence any claimed attempt at procuring or causing the  
2409 apprehension or surrender of the defendant before the court may  
2410 order remission based upon an attempt to procure or cause such  
2411 apprehension or surrender. The clerk of the circuit court and  
2412 the state attorney must be given 20 days' notice before a  
2413 hearing on an application and be furnished copies of all papers,  
2414 applications, and affidavits. Remission shall be granted on the  
2415 condition of payment of costs, unless the ground for remission  
2416 is that there was no breach of the bond.

2417 (9) The clerk of the circuit is the real party in interest  
2418 for all appeals arising from an action for the remission of a  
2419 forfeiture under this section.

2420 Section 50. Section 916.115, Florida Statutes, is amended  
 2421 to read:

2422 916.115 Appointment of experts.--

2423 (1)(a) Annually, the department shall provide the courts  
 2424 with a list of mental health professionals who have completed  
 2425 approved training as experts.

2426 (b) The court may appoint no more than three ~~nor fewer~~  
 2427 ~~than two~~ experts to determine issues of the mental condition of  
 2428 a defendant in a criminal case, including the issues of  
 2429 competency to proceed, insanity, and involuntary hospitalization  
 2430 or placement. An expert ~~The panel of experts~~ may evaluate the  
 2431 defendant in jail or in another appropriate local facility.

2432 (c) To the extent possible, an ~~the~~ appointed expert  
 2433 ~~experts~~ shall have completed forensic evaluator training  
 2434 approved by the department and be either a psychiatrist,  
 2435 licensed psychologist, or physician.

2436 (2) Expert witnesses appointed by the court to evaluate  
 2437 the mental condition of a defendant in a criminal case shall be  
 2438 allowed reasonable fees for services rendered as evaluators of  
 2439 competence or sanity and as witnesses, ~~which shall be paid by~~  
 2440 ~~the county in which the indictment was found or the information~~  
 2441 ~~or affidavit was filed.~~

2442 (a)1. The court shall pay for any expert that it appoints  
 2443 by court order, upon motion of counsel for the defendant or the  
 2444 state or upon its own motion, using funds specifically  
 2445 appropriated on behalf of the state courts for due process  
 2446 costs. If the defense or the state retains an expert and waives  
 2447 the confidentiality of the expert's report, the court may pay



2448 for no more than two additional experts appointed by court  
 2449 order. If an expert appointed by the court upon motion of  
 2450 counsel for the defendant specifically to evaluate the  
 2451 competence of the defendant to proceed also addresses in his or  
 2452 her evaluation issues related to sanity as an affirmative  
 2453 defense, the court shall pay only for that portion of the  
 2454 experts' fees relating to the evaluation on competency to  
 2455 proceed and the balance of the fees shall be chargeable to the  
 2456 defense.

2457 2. Pursuant to s. 29.006, the office of the public  
 2458 defender shall pay for any expert retained by the office.

2459 3. Pursuant to s. 29.005, the office of the state attorney  
 2460 shall pay for any expert retained by the office. Notwithstanding  
 2461 subparagraph 1., the office of the state attorney shall pay for  
 2462 any expert whom the office retains and whom the office moves the  
 2463 court to appoint in order to ensure that the expert has access  
 2464 to the defendant.

2465 4. An expert retained by the defendant who is represented  
 2466 by private counsel appointed under s. 27.5303 shall be paid by  
 2467 the Justice Administrative Commission from funds specifically  
 2468 appropriated for such expenses.

2469 5. An expert retained by a defendant who is indigent for  
 2470 costs as determined by the court and who is represented by  
 2471 private counsel, other than private counsel appointed under s.  
 2472 27.5303, on a fee or pro bono basis, or who is representing  
 2473 himself or herself, shall be paid by the Justice Administrative  
 2474 Commission from funds specifically appropriated for these  
 2475 expenses.

2476        **(b)** State employees shall be paid expenses pursuant to s.  
 2477 112.061.

2478        **(c)** The fees shall be taxed as costs in the case.

2479        **(d)** In order for an expert ~~the experts~~ to be paid for the  
 2480 services rendered, the expert's report ~~reports~~ and testimony  
 2481 must explicitly address each of the factors and follow the  
 2482 procedures set out in this chapter and in the Florida Rules of  
 2483 Criminal Procedure.

2484           Section 51. Subsections (2), (3), and (4) of section  
 2485 916.12, Florida Statutes, are amended to read:

2486           916.12 Mental competence to proceed.--

2487           **(2)** An expert ~~The experts~~ shall first determine whether  
 2488 the person is mentally ill and, if so, consider the factors  
 2489 related to the issue of whether the defendant meets the criteria  
 2490 for competence to proceed; that is, whether the defendant has  
 2491 sufficient present ability to consult with counsel with a  
 2492 reasonable degree of rational understanding and whether the  
 2493 defendant has a rational, as well as factual, understanding of  
 2494 the pending proceedings. A defendant must be evaluated by no  
 2495 fewer than two experts before the court commits the defendant or  
 2496 takes other action authorized by this chapter or the Florida  
 2497 Rules of Criminal Procedure, except if one expert finds that the  
 2498 defendant is incompetent to proceed and the parties stipulate to  
 2499 that finding, the court may commit the defendant or take other  
 2500 action authorized by this chapter or the rules without further  
 2501 evaluation or hearing, or the court may appoint no more than two  
 2502 additional experts to evaluate the defendant. Notwithstanding  
 2503 any stipulation by the state and the defendant, the court may

2504 require a hearing with testimony from the expert or experts  
 2505 before ordering the commitment of a defendant.

2506 (3) In considering the issue of competence to proceed, an  
 2507 ~~the~~ examining expert ~~experts~~ shall first consider and  
 2508 specifically include in his or her ~~their~~ report the defendant's  
 2509 capacity to:

2510 (a) Appreciate the charges or allegations against the  
 2511 defendant;

2512 (b) Appreciate the range and nature of possible penalties,  
 2513 if applicable, that may be imposed in the proceedings against  
 2514 the defendant;

2515 (c) Understand the adversarial nature of the legal  
 2516 process;

2517 (d) Disclose to counsel facts pertinent to the proceedings  
 2518 at issue;

2519 (e) Manifest appropriate courtroom behavior; and

2520 (f) Testify relevantly;

2521  
 2522 and include in his or her ~~their~~ report any other factor deemed  
 2523 relevant by the expert ~~experts~~.

2524 (4) If an expert finds ~~the experts should find~~ that the  
 2525 defendant is incompetent to proceed, the expert ~~experts~~ shall  
 2526 report on any recommended treatment for the defendant to attain  
 2527 competence to proceed. In considering the issues relating to  
 2528 treatment, the examining expert ~~experts~~ shall specifically  
 2529 report on:

2530 (a) The mental illness causing the incompetence;

2531 (b) The treatment or treatments appropriate for the mental  
 2532 illness of the defendant and an explanation of each of the  
 2533 possible treatment alternatives in order of choices;

2534 (c) The availability of acceptable treatment and, if  
 2535 treatment is available in the community, the expert shall so  
 2536 state in the report; and

2537 (d) The likelihood of the defendant's attaining competence  
 2538 under the treatment recommended, an assessment of the probable  
 2539 duration of the treatment required to restore competence, and  
 2540 the probability that the defendant will attain competence to  
 2541 proceed in the foreseeable future.

2542 Section 52. Subsection (7) of section 916.301, Florida  
 2543 Statutes, is amended to read:

2544 916.301 Appointment of experts.--

2545 (7) Expert witnesses appointed by the court to evaluate  
 2546 the mental condition of a defendant in a criminal case shall be  
 2547 allowed reasonable fees for services rendered as evaluators and  
 2548 as witnesses, which shall be paid by the court ~~county in which~~  
 2549 ~~the indictment was found or the information or affidavit was~~  
 2550 ~~filed~~. State employees shall be paid expenses pursuant to s.  
 2551 112.061. The fees shall be taxed as costs in the case. In order  
 2552 for the experts to be paid for the services rendered, the  
 2553 reports and testimony must explicitly address each of the  
 2554 factors and follow the procedures set out in this chapter and in  
 2555 the Florida Rules of Criminal Procedure.

2556 Section 53. Paragraph (b) of subsection (2) of section  
 2557 938.29, Florida Statutes, is amended to read:

2558 938.29 Legal assistance; lien for payment of attorney's  
 2559 fees or costs.--

2560 (2)

2561 (b) A judgment showing the name and residence of the  
 2562 defendant-recipient or parent shall be recorded in the public  
 2563 record, without cost, by filed for record in the office of the  
 2564 clerk of the circuit court in the county where the defendant-  
 2565 recipient or parent resides and in each county in which such  
 2566 defendant-recipient or parent then owns or later acquires any  
 2567 property. Such judgments shall be enforced on behalf of the  
 2568 state by the clerk of the circuit court of the county in which  
 2569 assistance was rendered.

2570 Section 54. Section 939.06, Florida Statutes, is amended  
 2571 to read:

2572 939.06 Acquitted defendant not liable for costs.--

2573 (1) A ~~No~~ defendant in a criminal prosecution who is  
 2574 acquitted or discharged is not ~~shall be~~ liable for any costs or  
 2575 fees of the court or any ministerial office, or for any charge  
 2576 of subsistence while detained in custody. If the defendant has  
 2577 ~~shall have~~ paid any taxable costs, or fees required under s.  
 2578 27.52(1)(b), in the case, the clerk or judge shall give him or  
 2579 her a certificate of the payment of such costs, with the items  
 2580 thereof, which, when audited and approved according to law,  
 2581 shall be refunded to the defendant.

2582 (2) To receive a refund under this section, a defendant  
 2583 must submit a request for the refund to the Justice  
 2584 Administrative Commission on a form and in a manner prescribed  
 2585 by the commission. The defendant must attach to the form an

2586 order from the court demonstrating the defendant's right to the  
 2587 refund and the amount of the refund.

2588 Section 55. Subsection (2) of section 985.05, Florida  
 2589 Statutes, is amended to read:

2590 985.05 Court records.--

2591 (2) The clerk shall keep all official records required by  
 2592 this section separate from other records of the circuit court,  
 2593 except those records pertaining to motor vehicle violations,  
 2594 which shall be forwarded to the Department of Highway Safety and  
 2595 Motor Vehicles. Except as provided in ss. 943.053 and 985.04(4),  
 2596 official records required by this part are not open to  
 2597 inspection by the public, but may be inspected only upon order  
 2598 of the court by persons deemed by the court to have a proper  
 2599 interest therein, except that a child and the parents,  
 2600 guardians, or legal custodians of the child and their attorneys,  
 2601 law enforcement agencies, the Department of Juvenile Justice and  
 2602 its designees, the Parole Commission, ~~and~~ the Department of  
 2603 Corrections, and the Justice Administrative Commission shall  
 2604 always have the right to inspect and copy any official record  
 2605 pertaining to the child. The court may permit authorized  
 2606 representatives of recognized organizations compiling statistics  
 2607 for proper purposes to inspect, and make abstracts from,  
 2608 official records under whatever conditions upon the use and  
 2609 disposition of such records the court may deem proper and may  
 2610 punish by contempt proceedings any violation of those  
 2611 conditions.

2612 Section 56. Compensation to traffic court witnesses.--Any  
 2613 party who secures the attendance of a witness in traffic court

2614 shall bear all costs of calling the witness, including witness  
 2615 fees. If the witness is required to testify on behalf of the  
 2616 prosecution, the office of the state attorney of the respective  
 2617 judicial circuit shall pay the fees and costs of calling the  
 2618 witness.

2619 Section 57. Recovery of expenditures for state-funded  
 2620 services.--The trial court administrator of each circuit may  
 2621 recover expenditures for state-funded services when those  
 2622 services have been furnished to a user of the state court system  
 2623 who possesses the present ability to pay. The rate of  
 2624 compensation for such services shall be the actual cost of the  
 2625 services, including the cost of recovery. The trial court  
 2626 administrator shall deposit moneys recovered under this section  
 2627 in the Grants and Donations Trust Fund within the state court  
 2628 system. The trial court administrator may recover the costs of  
 2629 court-reporter services and transcription; court-interpreter  
 2630 services, including translation; and any other service for which  
 2631 state funds were used to provide a product or service within the  
 2632 circuit. This section does not authorize cost recovery from  
 2633 entities described in ss. 29.005, 29.006, and 29.007.

2634 Section 58. The amendments to ss. 34.191(2) and  
 2635 318.21(2)(g)3., Florida Statutes, as made by this act are  
 2636 intended to reiterate the original intent of the Legislature in  
 2637 enacting such provisions of law.

2638 Section 59. Sections 29.014 and 318.37, Florida Statutes,  
 2639 are repealed.

2640 Section 60. This act shall take effect July 1, 2005.