

CHAMBER ACTION

1 The Justice Appropriations Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the state judicial system; amending s.
7 27.40, F.S., relating to circuit registries for court-
8 appointed counsel; requiring that an attorney enter into a
9 contract to be included on the registry; revising
10 requirements for private court-appointed counsel;
11 requiring the Justice Administrative Commission to approve
12 uniform procedures and forms for use in billing for
13 attorney's fees, costs, and related expenses; requiring
14 that a withdrawal order be filed with the commission;
15 revising fee payment provisions; providing that withdrawal
16 from a case creates a rebuttable presumption of
17 nonentitlement to the entire flat fee; amending s. 27.42,
18 F.S.; requiring the circuit Article V indigent services
19 committee to establish the compensation rates for court-
20 appointed counsel or in cases of indigency; requiring each
21 committee to establish a schedule of allowances for due-
22 process expenses; authorizing alternate models for
23 providing criminal and civil due-process representation;

HB 1935

2005
CS

24 | amending s. 27.52, F.S., relating to the determination of
25 | indigent status; providing for application to the clerk of
26 | court for such a determination and appointment of a public
27 | defender; providing application requirements; requiring an
28 | application fee; providing for transfer and deposit of
29 | such fees into the Indigent Criminal Defense Trust Fund to
30 | be used for certain purposes; authorizing clerks of courts
31 | to retain a portion of the fees for certain purposes;
32 | prescribing duties of the clerk of court and the public
33 | defender relating to an application; prescribing
34 | application requirements and review criteria; providing
35 | for determinations by a clerk on the basis of an
36 | applicant's indigency; providing criteria; providing for
37 | appointment of counsel on an interim basis; providing for
38 | review by the court of a clerk's determination; providing
39 | criteria; authorizing the court to determine a person
40 | indigent for costs and eligible for payment of due-process
41 | expenses; providing criteria and requirements for such
42 | determination; requiring certain parents or legal
43 | guardians to furnish legal services and costs to certain
44 | persons relating to delinquency proceedings or criminal
45 | prosecutions; providing for imposition of a lien for
46 | certain liabilities and lien enforcement; providing for a
47 | reevaluation of indigent status and referral to the state
48 | attorney upon evidence of financial discrepancies or
49 | fraud; providing for recovery and disposition of certain
50 | amounts recovered; providing criminal penalties for the
51 | provision of false information; amending s. 27.5304, F.S.;

Page 2 of 96

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hb1935-01-c1

HB 1935

2005
CS

52 | authorizing the Justice Administrative Commission to pay
53 | attorney's fees without court approval under certain
54 | conditions; requiring the attorney to provide the
55 | commission with advance notice of a court hearing on
56 | payment of fees and costs; authorizing the commission to
57 | participate in such hearings using certain equipment;
58 | entitling private court-appointed counsel to compensation
59 | upon final disposition; providing exceptions; specifying
60 | intervals other than final disposition of a case at which
61 | private court-appointed counsel may request payment;
62 | clarifying a prohibition against allowing an attorney who
63 | is not on the registry to appear; restricting the
64 | reimbursement allowed for the preparation of invoices;
65 | amending s. 27.54, F.S.; requiring a county or
66 | municipality to pay certain costs for due-process services
67 | in local ordinance violation cases; prescribing assessment
68 | of fees to recover such costs; providing for determination
69 | and collection of such fees; amending s. 28.24, F.S.;
70 | requiring the clerk of the court to charge for certain
71 | recording services and performing certain duties;
72 | requiring the clerk of the court to provide without charge
73 | copies to court-appointed counsel paid by the state;
74 | requiring clerks of the court to participate in the
75 | Comprehensive Case Information System by a certain date;
76 | providing an exception to the designation of the clerk of
77 | court as custodian of official records; amending s.
78 | 28.2402, F.S.; prohibiting a county or municipality from
79 | being required to pay more than one filing fee for a

Page 3 of 96

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hb1935-01-c1

80 | single filing containing multiple allegations; prohibiting
 81 | a filing fee for initiating certain enforcement
 82 | proceedings; amending s. 28.245, F.S.; requiring the
 83 | clerks of the court to remit collections to the Department
 84 | of Revenue within a specified period; amending s. 28.246,
 85 | F.S.; conforming a reference to the Florida Clerks of
 86 | Court Operations Corporation; revising provisions
 87 | authorizing an individual to enter into a payment plan for
 88 | the payment of fees, costs, or fines; requiring the clerk
 89 | to enter into a payment plan with certain persons;
 90 | providing payment plan criteria; providing for the court
 91 | to review the payment plan; amending s. 28.345, F.S.;
 92 | exempting certain court staff and court-appointed counsel
 93 | from the payment of fees and charges assessed by the clerk
 94 | of the circuit court; amending s. 28.36, F.S.; requiring
 95 | the chief judge of each circuit to coordinate court-
 96 | related functions and determine the priorities of
 97 | functions of the clerk of court; revising the date for the
 98 | county clerk to submit a proposed budget; conforming a
 99 | reference to the Florida Clerks of Court Operations
 100 | Corporation; conforming a cross reference; conforming a
 101 | reference to the Chief Financial Officer; creating s.
 102 | 28.44, F.S.; providing a method by which the clerk of
 103 | court may discontinue or substantially modify court-
 104 | related functions; providing a definition; amending s.
 105 | 29.004, F.S.; providing for state appropriations to be
 106 | used for expert witnesses who are appointed by the court
 107 | rather than requested by any party; amending s. 29.005,

108 F.S.; deleting certain appointed mental health
 109 professionals from elements of state attorneys' offices
 110 provided from state revenues; amending s. 29.007, F.S.;
 111 providing for state funds to be used in providing mental
 112 health professionals in certain civil cases; clarifying
 113 the use of state funds at the trial or appellate level to
 114 pay certain costs on behalf of a litigant who is indigent;
 115 amending s. 29.008, F.S.; requiring that the county where
 116 the appellate district is located fund the appellate
 117 division of the public defender's office; expanding the
 118 definition of the term "facility" to include items
 119 necessary for court-reporting services; narrowing a
 120 limitation on the application of certain requirements to
 121 specified facilities; including hearing rooms within those
 122 facilities funded by the county as a court-related
 123 function; including audio equipment within county-funded
 124 communications services; amending s. 29.015, F.S.;
 125 requiring the Justice Administrative Commission to adjust
 126 certain allocations of funds among circuits under certain
 127 circumstances; requiring notice of such adjustment;
 128 requiring the commission to request a budget amendment
 129 under certain circumstances to address budget deficits
 130 relating to due-process services; amending s. 29.018,
 131 F.S.; eliminating the authority for court-appointed
 132 counsel to contract to share in court and due-process
 133 services; providing that the Justice Administrative
 134 Commission may contract for such cost-sharing on behalf of
 135 court-appointed counsel; amending s. 34.045, F.S.;

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

164 F.S.; providing responsibilities of the chief judge of
 165 each circuit; amending s. 44.102, F.S.; revising
 166 conditions under which nonvolunteer court mediators may be
 167 compensated by the county or parties; amending s. 44.108,
 168 F.S.; clarifying the fees charged for scheduled mediation
 169 services provided by a circuit court's mediation program;
 170 requiring the clerk of the court to report to the chief
 171 judge the amount of such fees collected; creating s.
 172 57.082, F.S., relating to the determination of civil
 173 indigent status; providing for application to the clerk of
 174 court for such a determination and appointment of a
 175 private attorney in certain civil cases; providing
 176 application requirements; prescribing duties of the clerk
 177 of court relating to an application; prescribing
 178 application requirements and review criteria; providing
 179 for determinations by a clerk of the basis of an
 180 applicant's indigency; providing criteria; providing for
 181 appointment of counsel on an interim basis; providing for
 182 review by the court of a clerk's determination; providing
 183 criteria; authorizing a court to determine a person
 184 indigent and eligible for appointed counsel; providing
 185 criteria and requirements for such determination;
 186 requiring persons determined to be indigent for civil
 187 proceedings to be enrolled in a payment plan and charged
 188 an administrative processing charge; providing plan
 189 criteria; providing for a reevaluation of indigent status
 190 and referral to the state attorney upon evidence of
 191 financial discrepancies or fraud; providing for recovery

192 and disposition of certain amounts recovered; providing
 193 criminal penalties for the provision of false information;
 194 amending s. 92.142, F.S.; deleting a provision that
 195 provides for payment of per diem and travel expenses for a
 196 witness in a criminal case at the discretion of the court;
 197 amending s. 92.231, F.S.; removing a reference to the
 198 Article V Indigent Services Advisory Board; amending s.
 199 110.205, F.S.; exempting members, officers, and employees
 200 of the Justice Administrative Commission from career
 201 service provisions; amending s. 116.01, F.S.; providing
 202 procedures for the clerk of the court to remit funds to
 203 the Department of Revenue; amending s. 119.07, F.S.;
 204 extending the time period during which certain social
 205 security numbers and other data included in court or
 206 official county records may be available for public
 207 inspection unless redaction is requested; extending the
 208 deadline by which court clerks and county recorders must
 209 keep such data confidential; amending s. 142.01, F.S.;
 210 clarifying those moneys to be included within the fine and
 211 forfeiture fund of the clerk of the circuit court;
 212 amending s. 213.13, F.S.; requiring that the court-related
 213 collections remitted by the clerk to the state be
 214 transmitted electronically within a specified period;
 215 amending s. 219.07, F.S.; revising disbursement
 216 requirements for the clerk as part of his or her court-
 217 related functions; amending s. 219.075, F.S.; exempting
 218 funds collected by the clerk from the requirements for the
 219 investment of surplus funds of a county; amending s.

HB 1935

2005
CS

220 318.121, F.S.; specifying that certain surcharges may not
221 be added to civil traffic penalties; amending s. 318.18,
222 F.S.; authorizing a portion of certain surcharge revenues
223 to be used for local law libraries; requiring the clerk of
224 the court to quarterly report the amount of certain
225 surcharges collected to the chief judge, the Governor, and
226 the Legislature; amending s. 318.21, F.S.; providing for
227 the disposition of traffic-infraction penalties for
228 violations occurring in unincorporated areas of certain
229 counties having a consolidated government or
230 unincorporated areas of certain municipalities having a
231 consolidated government; amending s. 318.31, F.S.;
232 deleting provisions concerning the appointment of a civil
233 traffic infraction hearing officer; amending s. 318.325,
234 F.S.; deleting provisions specifying the funding of such
235 hearing officer; amending s. 322.29, F.S.; increasing the
236 fees charged for reinstating a driver's license; amending
237 s. 372.72, F.S.; requiring that the proceeds from
238 unclaimed bonds be deposited into the clerk's fine and
239 forfeiture fund; amending s. 903.26, F.S.; revising the
240 procedure for determining the amount of the costs incurred
241 in returning a defendant to the county of jurisdiction;
242 amending s. 903.28, F.S.; revising certain notice
243 requirements following the surrender or apprehension of a
244 defendant for purposes of remission of a forfeiture;
245 authorizing clerks of circuit courts to enter into
246 contracts or interagency agreements to represent the clerk
247 in certain actions; providing that the clerk is the real

Page 9 of 96

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hb1935-01-c1

248 party in interest for all appeals arising from such an
 249 action; authorizing the clerk to withhold unpaid fines,
 250 fees, costs, and charges under certain circumstances;
 251 amending s. 916.115, F.S.; revising requirements for the
 252 payment of experts; specifying which fees are to be paid
 253 by the state, the office of the public defender, the
 254 office of the state attorney, or the Justice
 255 Administrative Commission; amending s. 916.12, F.S.;
 256 revising the procedures under which the court may take
 257 action following a finding that the defendant is
 258 incompetent to proceed; requiring evaluation of a
 259 defendant; providing criteria; authorizing a court to
 260 commit a defendant or take other action under certain
 261 circumstances; amending s. 916.301, F.S.; requiring the
 262 court to pay for certain expert witnesses appointed by the
 263 court; amending s. 938.29, F.S.; providing for a judgment
 264 lien for the payment of certain attorney's fees to be
 265 filed without cost; amending s. 939.06, F.S.; clarifying
 266 that an acquitted defendant is not liable for certain
 267 costs or fees; providing a procedure for such a defendant
 268 to request a refund from the Justice Administrative
 269 Commission of costs or fees paid; amending s. 948.09,
 270 F.S.; requiring certain offenders to pay certain court-
 271 ordered fines; providing for distribution of collections;
 272 amending s. 985.05, F.S.; authorizing the Justice
 273 Administrative Commission to have access to certain court
 274 records; requiring the party calling a witness in traffic
 275 court to bear the costs; requiring the office of the state

276 attorney to pay such costs if the witness is required to
 277 testify on behalf of the prosecution; authorizing the
 278 trial court administrator to recover expenditures for
 279 state-funded services if those services were furnished to
 280 a user possessing the ability to pay; providing for
 281 deposit of such funds; authorizing the trial court
 282 administrator to recover certain costs under certain
 283 circumstances; requiring the chief judge to determine the
 284 rate, which may not exceed the cost of the service and
 285 recovery; providing legislative intent; repealing s.
 286 29.014, F.S., relating to the Article V Indigent Service
 287 Advisory Board; repealing s. 318.37, F.S., relating to
 288 funding for a Civil Traffic Infraction Hearing Officer
 289 Program; providing effective dates.

290

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

292

293 Section 1. Subsections (2), (3), (5), and (7) of section
 294 27.40, Florida Statutes, are amended to read:

295 27.40 Court-appointed counsel; circuit registries; minimum
 296 requirements; appointment by court.--

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

302 (3) In utilizing a registry:

HB 1935

2005
CS

303 (a) Each circuit Article V indigent services committee
 304 shall compile and maintain a list of attorneys in private
 305 practice, by county and by category of cases. To be included on
 306 a registry, attorneys shall certify that they meet any minimum
 307 requirements established in general law for court appointment,
 308 are available to represent indigent defendants in cases
 309 requiring court appointment of private counsel, and are willing
 310 to abide by the terms of the contract for services. To be
 311 included on a registry, an attorney also must enter into a
 312 contract for services with the Justice Administrative
 313 Commission. Failure to comply with the terms of the contract for
 314 services may result in termination of the contract and removal
 315 from the registry. Each attorney on the registry shall be
 316 responsible for notifying the circuit Article V indigent
 317 services committee of any change in his or her status. Failure
 318 to comply with this requirement shall be cause for termination
 319 of the contract for services and removal from the registry until
 320 the requirement is fulfilled.

321 (b) The court shall appoint attorneys in rotating order in
 322 the order in which names appear on the applicable registry,
 323 unless the court makes a finding of good cause on the record for
 324 appointing an attorney out of order. An attorney not appointed
 325 in the order in which his or her name appears on the list shall
 326 remain next in order.

327 (c) If it finds the number of attorneys on the registry in
 328 a county or circuit for a particular category of cases is
 329 inadequate, the circuit Article V indigent services committee
 330 shall notify the chief judge of the particular circuit in

HB 1935

2005
CS

331 writing. The chief judge shall submit the names of at least
 332 three private attorneys with relevant experience. The clerk of
 333 court shall send an application to each of these attorneys to
 334 register for appointment.

335 (d) Quarterly, ~~beginning no later than October 1, 2004,~~
 336 each circuit Article V indigent services committee shall provide
 337 the Chief Justice of the Supreme Court, the chief judge, the
 338 state attorney and public defender in each judicial circuit, and
 339 the clerk of court in each county with a current copy of each
 340 registry. The copy of a registry shall identify the race, sex,
 341 and ethnicity of each attorney listed in the registry.

342 (5) The Justice Administrative Commission shall approve
 343 uniform contract forms for use in procuring the services of
 344 private court-appointed counsel and uniform procedures and forms
 345 for use by a court-appointed attorney in support of billing for
 346 attorney's fees, costs, and related expenses to demonstrate the
 347 attorney's completion of specified duties.

348 (7)(a) An attorney appointed to represent a defendant or
 349 other client is entitled to payment pursuant to s. 27.5304, only
 350 upon full performance by the attorney of specified duties,
 351 approval of payment by the court, except for payment based on a
 352 flat fee per case as provided in s. 27.5304; and attorney
 353 submission of a payment request to the Justice Administrative
 354 Commission. Upon being permitted to withdraw from a case, a
 355 court-appointed attorney shall submit a copy of the order to the
 356 Justice Administrative Commission at the time it is issued by
 357 the court. If an attorney is permitted to withdraw or is
 358 otherwise removed from representation prior to full performance

HB 1935

2005
CS

359 of the duties specified in this section for reasons other than
 360 breach of duty, the trial court shall approve payment of
 361 attorney's fees and costs for work performed in an amount not to
 362 exceed the amounts specified in s. 27.5304. Withdrawal from a
 363 case prior to full performance of the duties specified shall
 364 create a rebuttable presumption that the attorney is not
 365 entitled to the entire flat fee for those cases paid on a flat-
 366 fee-per-case basis.

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

370 Section 2. Section 27.42, Florida Statutes, is amended to
 371 read:

372 27.42 Circuit Article V indigent services committees;
 373 composition; staff; responsibilities; funding.--

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

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

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

381 (c) One experienced private criminal defense attorney
 382 appointed by the chief judge to serve a 2-year term. During the
 383 2-year term, the attorney is prohibited from serving as court-
 384 appointed counsel.

HB 1935

2005
CS

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

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

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

409 (c) Each circuit Article V indigent services committee
410 shall develop a schedule of standard fees and expense allowances
411 for the categories of cases specified in s. 27.5304 ~~27.5303~~,
412 consistent with the overall compensation rates in that section

HB 1935

2005
CS

413 and within the amount of appropriated funds allocated by the
414 Justice Administrative Commission to the circuit for this
415 purpose.

416 (d) Each circuit Article V indigent services committee
417 shall establish a schedule of standard allowances for due-
418 process expenses for cases in which the court has declared a
419 person indigent for costs, within the amount of appropriated
420 funds allocated by the Justice Administrative Commission to the
421 circuit for this purpose.

422 (3) Notwithstanding any other provision of this section, a
423 circuit Article V indigent services committee may approve, and
424 the Justice Administrative Commission shall investigate and
425 evaluate the use of funds for, alternate models for the
426 provision of criminal and civil due-process services and
427 representation other than a model based on a per-case fee if a
428 more cost-effective and efficient system can be provided. An
429 alternate model may include court-reporting services and the
430 provision of court-appointed counsel.

431 (4)~~(3)~~ The Justice Administrative Commission shall prepare
432 and issue on a quarterly basis a statewide report comparing
433 actual year-to-date expenditures to budgeted amounts for the
434 circuit Article V indigent services committees in each of the
435 judicial circuits. Copies of these quarterly reports shall be
436 distributed to each circuit Article V indigent services
437 committee and to the Governor, the Chief Justice of the Supreme
438 Court, the President of the Senate, and the Speaker of the House
439 of Representatives.

HB 1935

2005
CS

440 ~~(5)(4)~~(a) The funding and positions for the processing of
441 committees' fees and expenses shall be as appropriated to the
442 Justice Administrative Commission in the General Appropriations
443 Act.

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

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

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

456
457 The Justice Administrative Commission shall separately track
458 expenditures on private court-appointed counsel for the
459 following categories of cases: criminal conflict, civil
460 conflict, dependency and termination of parental rights, and
461 guardianship.

462 Section 3. Section 27.52, Florida Statutes, is amended to
463 read:

464 (Substantial rewording of section. See
465 s. 27.52, F.S., for present text.)
466 27.52 Determination of indigent status.--

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

473 (a) The application must include, at a minimum, the
 474 following financial information:

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

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

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

487 4. All liabilities and debts.

488 5. If applicable, the amount of any bail paid for the
 489 applicant's release from incarceration and the source of the
 490 funds.

491
 492 The application must include a signature by the applicant which
 493 attests to the truthfulness of the information provided. The
 494 application form developed by the corporation must include

HB 1935

2005
CS

495 notice that the applicant may seek court review of a clerk's
 496 determination that the applicant is not indigent, as provided in
 497 this section.

498 (b) An applicant shall pay a \$40 application fee to the
 499 clerk for each application for court-appointed counsel filed.
 500 The applicant shall pay the fee within 7 days after submitting
 501 the application. If the applicant does not pay the fee prior to
 502 the disposition of the case, the clerk shall notify the court,
 503 and the court shall:

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

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

507 (c) Notwithstanding any provision of law, court rule, or
 508 administrative order, the clerk shall assign the first \$40 of
 509 any fees or costs paid by an indigent person as payment of the
 510 application fee. A person found to be indigent may not be
 511 refused counsel or other required due-process services for
 512 failure to pay the fee.

513 (d) All application fees collected by the clerk under this
 514 section shall be transferred monthly by the clerk to the
 515 Department of Revenue for deposit in the Indigent Criminal
 516 Defense Trust Fund administered by the Justice Administrative
 517 Commission, to be used to as appropriated by the Legislature.
 518 The clerk may retain 2 percent of application fees collected
 519 monthly for administrative costs prior to remitting the
 520 remainder to the Department of Revenue.

521 (e)1. The clerk shall assist a person who appears before
 522 the clerk and requests assistance in completing the application,

HB 1935

2005
CS

523 and the clerk shall notify the court if a person is unable to
524 complete the application after the clerk has provided
525 assistance.

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

536 (2) DETERMINATION BY THE CLERK.--The clerk of the court
537 shall determine whether an applicant seeking appointment of a
538 public defender is indigent based upon the information provided
539 in the application and the criteria prescribed in this
540 subsection.

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

550 2. There is a presumption that the applicant is not
 551 indigent if the applicant owns, or has equity in, any intangible
 552 or tangible personal property or real property or the expectancy
 553 of an interest in any such property having a net equity value of
 554 \$2,500 or more, excluding the value of the person's homestead
 555 and one vehicle having a net value not exceeding \$5,000.

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

558 1. The applicant is not indigent.

559 2. The applicant is indigent.

560 (c)1. If the clerk determines that the applicant is
 561 indigent, the clerk shall submit the determination to the office
 562 of the public defender and immediately file the determination in
 563 the case record.

564 2. If the public defender is unable to provide
 565 representation due to a conflict pursuant to s. 27.5303, the
 566 public defender shall move the court for withdrawal from
 567 representation and appointment of private counsel.

568 (d) The duty of the clerk in determining whether an
 569 applicant is indigent shall be limited to receiving the
 570 application and comparing the information provided in the
 571 application to the criteria prescribed in this subsection. The
 572 determination of indigent status is a ministerial act of the
 573 clerk and not a decision based on further investigation or the
 574 exercise of independent judgment by the clerk. The clerk may
 575 contract with third parties to perform functions assigned to the
 576 clerk under this section.

HB 1935

2005
CS

577 (e) The applicant may seek review of the clerk's
 578 determination that the applicant is not indigent in the court
 579 having jurisdiction over the matter at the next scheduled
 580 hearing. If the applicant seeks review of the clerk's
 581 determination of indigent status, the court shall make a final
 582 determination as provided in subsection (4).

583 (3) APPOINTMENT OF COUNSEL ON INTERIM BASIS.--If the clerk
 584 of the court has not made a determination of indigent status at
 585 the time a person requests appointment of a public defender, the
 586 court shall make a preliminary determination of indigent status,
 587 pending further review by the clerk, and may, by court order,
 588 appoint a public defender or private counsel on an interim
 589 basis.

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

591 (a) If the clerk of the court determines that the
 592 applicant is not indigent, and the applicant seeks review of the
 593 clerk's determination, the court shall make a final
 594 determination of indigent status by reviewing the information
 595 provided in the application against the criteria prescribed in
 596 subsection (2) and by considering the following additional
 597 factors:

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

600 2. Whether a bond has been posted, the type of bond, and
 601 who paid the bond.

602 3. Whether paying for private counsel in an amount that
 603 exceeds the limitations in s. 27.5304, or other due-process

604 services creates a substantial hardship for the applicant or the
 605 applicant's family.

606 4. Any other relevant financial circumstances of the
 607 applicant or the applicant's family.

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

611 1. The applicant is not indigent.

612 2. The applicant is indigent.

613 (5) INDIGENT FOR COSTS.--A person who is eligible to be
 614 represented by a public defender under s. 27.51 but who is
 615 represented by private counsel not appointed by the court for a
 616 reasonable fee as approved by the court, on a pro bono basis, or
 617 who is proceeding pro se, may move the court for a determination
 618 that he or she is indigent for costs and eligible for the
 619 provision of due-process services, as prescribed by ss. 29.006
 620 and 29.007, funded by the state.

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

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

623 2. In the case of a person represented by counsel, an
 624 affidavit attesting to the estimated amount of attorney's fees
 625 and the source of payment for these fees.

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

627 1. Whether the applicant applied for a determination of
 628 indigent status under subsection (1) and the outcome of such
 629 application.

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

- 632 3. The additional factors prescribed in subsection (4).
- 633 4. Whether the applicant is proceeding pro se.
- 634 5. When the applicant retained private counsel.
- 635 6. The amount of any attorney's fees and who is paying the
- 636 fees.

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

- 639 1. The applicant is not indigent for costs.
- 640 2. The applicant is indigent for costs.

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

648 (6) DUTIES OF PARENT OR LEGAL GUARDIAN.--A nonindigent
 649 parent or legal guardian of an applicant who is a minor or an
 650 adult tax-dependent person shall furnish the minor or adult tax-
 651 dependent person with the necessary legal services and costs
 652 incident to a delinquency proceeding or, upon transfer of such
 653 person for criminal prosecution as an adult pursuant to chapter
 654 985, a criminal prosecution in which the person has a right to
 655 legal counsel under the Constitution of the United States or the
 656 Constitution of the State of Florida. The failure of a parent or
 657 legal guardian to furnish legal services and costs under this
 658 section does not bar the appointment of legal counsel pursuant
 659 to this section, s. 27.40, or s. 27.5303. When the public

660 defender, a private court-appointed conflict counsel, or a
 661 private attorney is appointed to represent a minor or an adult
 662 tax-dependent person in any proceeding in circuit court or in a
 663 criminal proceeding in any other court, the parents or the legal
 664 guardian shall be liable for payment of the fees, charges, and
 665 costs of the representation even if the person is a minor being
 666 tried as an adult. Liability for the fees, charges, and costs of
 667 the representation shall be imposed in the form of a lien
 668 against the property of the nonindigent parents or legal
 669 guardian of the minor or adult tax-dependent person. The lien is
 670 enforceable as provided in s. 27.561 or s. 938.29.

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

672 (a) If the court learns of discrepancies between the
 673 application or motion and the actual financial status of the
 674 person found to be indigent or indigent for costs, the court
 675 shall determine whether the public defender or private attorney
 676 shall continue representation or whether the authorization for
 677 any other due-process services previously authorized shall be
 678 revoked. The person may be heard regarding the information
 679 learned by the court. If the court, based on the information,
 680 determines that the person is not indigent or indigent for
 681 costs, the court shall order the public defender or private
 682 attorney to discontinue representation and revoke the provision
 683 of any other authorized due-process services.

684 (b) If the court has reason to believe that any applicant,
 685 through fraud or misrepresentation, was improperly determined to
 686 be indigent or indigent for costs, the matter shall be referred
 687 to the state attorney. Twenty-five percent of any amount

HB 1935

2005
CS

688 recovered by the state attorney as reasonable value of the
 689 services rendered, including fees, charges, and costs paid by
 690 the state on the person's behalf, shall be remitted to the
 691 Department of Revenue for deposit into the Grants and Donations
 692 Trust Fund within the Justice Administrative Commission.
 693 Seventy-five percent of any amount recovered shall be remitted
 694 to the Department of Revenue for deposit into the General
 695 Revenue Fund.

696 (c) A person who knowingly provides false information to
 697 the clerk or the court in seeking a determination of indigent
 698 status under this section commits a misdemeanor of the first
 699 degree, punishable as provided in s. 775.082 or s. 775.083.

700 Section 4. Subsections (2) and (6) of section 27.5304,
 701 Florida Statutes, are amended, and new subsections (7), (8), and
 702 (9) are added to said section, to read:

703 27.5304 Private court-appointed counsel; compensation.--

704 (2) The Justice Administrative Commission shall review an
 705 intended billing by private court-appointed counsel for
 706 attorney's fees based on a flat fee per case for completeness
 707 and compliance with contractual, statutory, and circuit Article
 708 V indigent services committee requirements. The commission may
 709 approve the intended bill for a flat fee per case for payment
 710 without approval by the court if the intended billing is
 711 correct. For all other intended billings, prior to filing a
 712 motion for an order approving payment of attorney's fees, costs,
 713 or related expenses, the private court-appointed counsel shall
 714 deliver a copy of the intended billing, together with supporting
 715 affidavits and all other necessary documentation, to the Justice

HB 1935

2005
CS

716 Administrative Commission. The Justice Administrative Commission
 717 shall review the billings, affidavit, and documentation for
 718 completeness and compliance with contractual and statutory
 719 requirements. If the Justice Administrative Commission objects
 720 to any portion of the proposed billing, the objection and
 721 reasons therefor shall be communicated to the private court-
 722 appointed counsel. The private court-appointed counsel may
 723 thereafter file his or her motion for order approving payment of
 724 attorney's fees, costs, or related expenses together with
 725 supporting affidavits and all other necessary documentation. The
 726 motion must specify whether the Justice Administrative
 727 Commission objects to any portion of the billing or the
 728 sufficiency of documentation and shall attach the Justice
 729 Administrative Commission's letter stating its objection. The
 730 attorney shall have the burden to prove the entitlement to
 731 attorney's fees, costs, or related expenses, if so, the reasons
 732 ~~therefor~~. A copy of the motion and attachments shall be served
 733 on the Justice Administrative Commission at least 5 business
 734 days prior to the date of a hearing. The Justice Administrative
 735 Commission shall have standing to appear before the court to
 736 contest any motion for order approving payment of attorney's
 737 fees, costs, or related expenses and may participate in a
 738 hearing on the motion by use of telephonic or other
 739 communication equipment unless ordered otherwise. The Justice
 740 Administrative Commission may contract with other public or
 741 private entities or individuals to appear before the court for
 742 the purpose of contesting any motion for order approving payment
 743 of attorney's fees, costs, or related expenses. The fact that

744 the Justice Administrative Commission has not objected to any
 745 portion of the billing or to the sufficiency of the
 746 documentation is not binding on the court. The court retains
 747 primary authority and responsibility for determining the
 748 reasonableness of all billings for attorney's fees, costs, and
 749 related expenses, subject to statutory limitations. Private
 750 court-appointed counsel is entitled to compensation upon final
 751 disposition of a case, except as provided in subsections (7) and
 752 (8). Before final disposition of a case, a private court-
 753 appointed counsel may file a motion for fees, costs, and related
 754 expenses for services completed up to the date of the motion in
 755 any case or matter in which legal services have been provided by
 756 the attorney for more than 1 year. The amount approved by the
 757 court may not exceed 80 percent of the fees earned, or costs and
 758 related expenses incurred, to date, or an amount proportionate
 759 to the maximum fees permitted under this section based on legal
 760 services provided to date, whichever is less. The court may
 761 grant the motion if counsel shows that failure to grant the
 762 motion would work a particular hardship upon counsel.

763 (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 or allow another
 766 attorney to appear at a critical stage of a case who is not on
 767 the registry developed under ~~pursuant to~~ s. 27.40.

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

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

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

775 (c) Following a judicial review hearing.

776

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

781 (8) Private court-appointed counsel representing an
782 individual in an appeal to a district court of appeal or the
783 Supreme Court may submit a request for payment to the Justice
784 Administrative Commission at the following intervals:

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

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

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

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

793 27.54 Limitation on payment of expenditures for public
794 defender's office other than by the state.--

795 (2) A county or municipality may contract with, or
796 appropriate or contribute funds to, the operation of the offices
797 of the various public defenders as provided in this subsection.
798 A public defender defending violations of special laws or county
799 or municipal ordinances punishable by incarceration and not

HB 1935

2005
CS

800 ancillary to a state charge shall contract with counties and
 801 municipalities to recover the full cost of services rendered on
 802 an hourly basis or reimburse the state for the full cost of
 803 assigning one or more full-time equivalent attorney positions to
 804 work on behalf of the county or municipality. Notwithstanding
 805 any other provision of law, in the case of a county with a
 806 population of less than 75,000, the public defender shall
 807 contract for full reimbursement, or for reimbursement as the
 808 parties otherwise agree. In local ordinance violation cases, the
 809 county or municipality shall pay for due-process services that
 810 are approved by the court, including deposition costs,
 811 deposition transcript costs, investigative costs, witness fees,
 812 expert witness costs, and interpreter costs. The person charged
 813 with the violation shall be assessed a fee for the services of a
 814 public defender and other costs and fees paid by the county or
 815 municipality, which assessed fee may be reduced to a lien, in
 816 all instances in which the person enters a plea of guilty or no
 817 contest or is found to be in violation or guilty of any count or
 818 lesser included offense of the charge or companion case charges,
 819 regardless of adjudication. The court shall determine the amount
 820 of the obligation. The county or municipality may recover
 821 assessed fees through collections court or as otherwise
 822 permitted by law and any fees recovered pursuant to this section
 823 shall be forwarded to the applicable county or municipality as
 824 reimbursement.

825 (a) A contract for reimbursement on an hourly basis shall
 826 require a county or municipality to reimburse the public
 827 defender for services rendered at a rate of \$50 per hour. If an

HB 1935

2005
CS

828 hourly rate is specified in the General Appropriations Act, that
829 rate shall control.

830 (b) A contract for assigning one or more full-time
831 equivalent attorney positions to perform work on behalf of the
832 county or municipality shall assign one or more full-time
833 equivalent positions based on estimates by the public defender
834 of the number of hours required to handle the projected
835 workload. The full cost of each full-time equivalent attorney
836 position on an annual basis shall be \$50, or the amount
837 specified in the General Appropriations Act, multiplied by the
838 legislative budget request standard for available work hours for
839 one full-time equivalent attorney position, or, in the absence
840 of that standard, 1,854 hours. The contract may provide for
841 funding full-time equivalent positions in one-quarter
842 increments.

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

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

849 28.24 Service charges by clerk of the circuit court.--The
850 clerk of the circuit court shall ~~may~~ charge for services
851 rendered by the clerk's office in recording documents and
852 instruments and in performing the duties enumerated in amounts
853 not to exceed those specified in this section. Notwithstanding
854 any other provision of this section, the clerk of the circuit
855 court shall provide without charge to the state attorney, public

856 | defender, ~~and~~ guardian ad litem, attorney ad litem, and court-
 857 | appointed counsel paid by the state, and to the authorized staff
 858 | acting on behalf of each, access to and a copy of any public
 859 | record, if the requesting party is entitled by law to view the
 860 | exempt or confidential record, as maintained by and in the
 861 | custody of the clerk of the circuit court as provided in general
 862 | law and the Florida Rules of Judicial Administration. The clerk
 863 | of the circuit court may provide the requested public record in
 864 | an electronic format in lieu of a paper format when capable of
 865 | being accessed by the requesting entity.

866 |

867 | Charges

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

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

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

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

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

HB 1935

2005
CS

- 882 (b) For making copies by photographic process of any
 883 instrument in the public records of more than 14 inches by 8 1/2
 884 inches, per page....5.00
- 885 (6) For making microfilm copies of any public records:
 886 (a) 16 mm 100' microfilm roll....37.50
 887 (b) 35 mm 100' microfilm roll....52.50
 888 (c) Microfiche, per fiche....3.00
- 889 (7) For copying any instrument in the public records by
 890 other than photographic process, per page....6.00
- 891 (8) For writing any paper other than herein specifically
 892 mentioned, same as for copying, including signing and
 893 sealing....6.00
- 894 (9) For indexing each entry not recorded....1.00
- 895 (10) For receiving money into the registry of court:
 896 (a)1. First \$500, percent....3
 897 2. Each subsequent \$100, percent....1.5
 898 (b) Eminent domain actions, per deposit....\$150.00
- 899 (11) For examining, certifying, and recording plats and
 900 for recording condominium exhibits larger than 14 inches by 8 1/2
 901 inches:
 902 (a) First page....30.00
 903 (b) Each additional page....15.00
- 904 (12) For recording, indexing, and filing any instrument
 905 not more than 14 inches by 8 1/2 inches, including required
 906 notice to property appraiser where applicable:
 907 (a) First page or fraction thereof....5.00
 908 (b) Each additional page or fraction thereof....4.00

HB 1935

2005
CS

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

912 (d) An additional service charge shall be paid to the
913 clerk of the circuit court to be deposited in the Public Records
914 Modernization Trust Fund for each instrument listed in s.
915 28.222, except judgments received from the courts and notices of
916 lis pendens, recorded in the official records:

- 917 1. First page....1.00
- 918 2. Each additional page....0.50

919
920 Said fund shall be held in trust by the clerk and used
921 exclusively for equipment and maintenance of equipment,
922 personnel training, and technical assistance in modernizing the
923 public records system of the office. In a county where the duty
924 of maintaining official records exists in an office other than
925 the office of the clerk of the circuit court, the clerk of the
926 circuit court is entitled to 25 percent of the moneys deposited
927 into the trust fund for equipment, maintenance of equipment,
928 training, and technical assistance in modernizing the system for
929 storing records in the office of the clerk of the circuit court.
930 The fund may not be used for the payment of travel expenses,
931 membership dues, bank charges, staff-recruitment costs, salaries
932 or benefits of employees, construction costs, general operating
933 expenses, or other costs not directly related to obtaining and
934 maintaining equipment for public records systems or for the
935 purchase of furniture or office supplies and equipment not
936 related to the storage of records. On or before December 1,

HB 1935

2005
CS

937 | 1995, and on or before December 1 of each year immediately
 938 | preceding each year during which the trust fund is scheduled for
 939 | legislative review under s. 19(f)(2), Art. III of the State
 940 | Constitution, each clerk of the circuit court shall file a
 941 | report on the Public Records Modernization Trust Fund with the
 942 | President of the Senate and the Speaker of the House of
 943 | Representatives. The report must itemize each expenditure made
 944 | from the trust fund since the last report was filed; each
 945 | obligation payable from the trust fund on that date; and the
 946 | percentage of funds expended for each of the following:
 947 | equipment, maintenance of equipment, personnel training, and
 948 | technical assistance. The report must indicate the nature of the
 949 | system each clerk uses to store, maintain, and retrieve public
 950 | records and the degree to which the system has been upgraded
 951 | since the creation of the trust fund.

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

957 | 1. If the counties maintain legal responsibility for the
 958 | costs of the court-related technology needs as defined in s.
 959 | 29.008(1)(f)2. and (h), 10 cents shall be distributed to the
 960 | Florida Association of Court Clerks and Comptroller, Inc., for
 961 | the cost of development, implementation, operation, and
 962 | maintenance of the clerks' Comprehensive Case Information
 963 | System, in which system all clerks shall participate on or
 964 | before January 1, 2006; \$1.90 shall be retained by the clerk to

HB 1935

2005
CS

965 | be deposited in the Public Records Modernization Trust Fund and
 966 | used exclusively for funding court-related technology needs of
 967 | the clerk as defined in s. 29.008(1)(f)2. and (h); and \$2 shall
 968 | be distributed to the board of county commissioners to be used
 969 | exclusively to fund court-related technology, and court
 970 | technology needs as defined in s. 29.008(1)(f)2. and (h) for the
 971 | state trial courts, state attorney, and public defender in that
 972 | county. If the counties maintain legal responsibility for the
 973 | costs of the court-related technology needs as defined in s.
 974 | 29.008(1)(f)2. and (h), notwithstanding any other provision of
 975 | law, the county is not required to provide additional funding
 976 | beyond that provided herein for the court-related technology
 977 | needs of the clerk as defined in s. 29.008(1)(f)2. and (h). All
 978 | court records and official records are the property of the State
 979 | of Florida, including any records generated as part of the
 980 | Comprehensive Case Information System funded pursuant to this
 981 | paragraph and the clerk of court is designated as the custodian
 982 | of such records, except in a county where the duty of
 983 | maintaining official records exists in a county office other
 984 | than the clerk of court, such county office is designated the
 985 | custodian of all official records, and the clerk of court is
 986 | designated the custodian of all court records. The clerk of
 987 | court or any entity acting on behalf of the clerk of court,
 988 | including an association, shall not charge a fee to any agency
 989 | as defined in s. 119.011, the Legislature, or the State Court
 990 | System for copies of records generated by the Comprehensive Case
 991 | Information System or held by the clerk of court or any entity

HB1935

2005
CS

992 acting on behalf of the clerk of court, including an
993 association.

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

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

1001 (14) For validating certificates, any authorized bonds,
1002 each....3.00

1003 (15) For preparing affidavit of domicile....5.00

1004 (16) For exemplified certificates, including signing and
1005 sealing....6.00

1006 (17) For authenticated certificates, including signing and
1007 sealing....6.00

1008 (18)(a) For issuing and filing a subpoena for a witness,
1009 not otherwise provided for herein (includes writing, preparing,
1010 signing, and sealing)....6.00

1011 (b) For signing and sealing only....1.50

1012 (19) For approving bond....7.50

1013 (20) For searching of records, for each year's
1014 search....1.50

1015 (21) For processing an application for a tax deed sale
1016 (includes application, sale, issuance, and preparation of tax
1017 deed, and disbursement of proceeds of sale), other than excess
1018 proceeds....60.00

HB1935

2005
CS

1019 (22) For disbursement of excess proceeds of tax deed sale,
1020 first \$100 or fraction thereof....10.00

1021 (23) Upon receipt of an application for a marriage
1022 license, for preparing and administering of oath; issuing,
1023 sealing, and recording of the marriage license; and providing a
1024 certified copy....30.00

1025 (24) For solemnizing matrimony....30.00

1026 (25) For sealing any court file or expungement of any
1027 record....37.50

1028 (26)(a) For receiving and disbursing all restitution
1029 payments, per payment....3.00

1030 (b) For receiving and disbursing all partial payments,
1031 other than restitution payments, for which an administrative
1032 processing service charge is not imposed pursuant to s. 28.246,
1033 per month....5.00

1034 (c) For setting up a payment plan, a one-time
1035 administrative processing charge in lieu of a per month charge
1036 under paragraph (b)....25.00

1037 (27) Postal charges incurred by the clerk of the circuit
1038 court in any mailing by certified or registered mail shall be
1039 paid by the party at whose instance the mailing is made.

1040 (28) For furnishing an electronic copy of information
1041 contained in a computer database: a fee as provided for in
1042 chapter 119.

1043 Section 7. Paragraph (a) of subsection (1) of section
1044 28.2402, Florida Statutes, is amended to read:

1045 28.2402 Cost recovery; use of the circuit court for
1046 ordinance or special law violations.--

HB 1935

2005
CS

1047 (1)(a) In lieu of payment of a filing fee under s. 28.241,
 1048 a filing fee of \$10 shall be paid by a county or municipality
 1049 when filing a county or municipal ordinance violation or
 1050 violation of a special law in circuit court. This fee shall be
 1051 paid to the clerk of the court for performing court-related
 1052 functions. A county or municipality is not required to pay more
 1053 than one filing fee for a single filing against a single
 1054 defendant that contains multiple alleged violations. A filing
 1055 fee, other than that imposed under this section, may not be
 1056 assessed for initiating an enforcement proceeding in circuit
 1057 court for a violation of a county or municipal code or ordinance
 1058 or a violation of a special law. The filing fee shall not apply
 1059 to instances in which a county or municipality has contracted
 1060 with the state, or has been delegated by the state,
 1061 responsibility for enforcing state operations, policies, or
 1062 requirements under s. 125.69, s. 166.0415, or chapter 162.

1063 Section 8. Section 28.245, Florida Statutes, is amended to
 1064 read:

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

HB 1935

2005
CS

1075 | submittal. All moneys collected by the clerks of court for
 1076 | remittance to any entity must be distributed pursuant to the law
 1077 | in effect at the time of collection.

1078 | Section 9. Subsections (1) and (4) of section 28.246,
 1079 | Florida Statutes, are amended to read:

1080 | 28.246 Payment of court-related fees, charges, and costs;
 1081 | partial payments; distribution of funds.--

1082 | (1) Beginning July 1, 2003, the clerk of the circuit court
 1083 | shall report the following information to the Legislature and
 1084 | the Florida Clerks ~~Clerk~~ of Court Operations Corporation
 1085 | ~~Conference~~ on a form developed by the Department of Financial
 1086 | Services:

1087 | (a) The total amount of mandatory fees, service charges,
 1088 | and costs; the total amount actually assessed; the total amount
 1089 | discharged, waived, or otherwise not assessed; and the total
 1090 | amount collected.

1091 | (b) The amount of discretionary fees, service charges, and
 1092 | costs assessed; the total amount discharged; and the total
 1093 | amount collected.

1094 | (c) The total amount of mandatory fines and other monetary
 1095 | penalties; the total amount assessed; the total amount
 1096 | discharged, waived, or otherwise not assessed; and the total
 1097 | amount collected.

1098 | (d) The amount of discretionary fines and other monetary
 1099 | penalties assessed; the amount discharged; and the total amount
 1100 | collected.

1101

HB 1935

2005
CS

1102 If provided to the clerk of court by the judge, the clerk, in
 1103 reporting the amount assessed, shall separately identify the
 1104 amount assessed pursuant to s. 938.30 as community service;
 1105 assessed by reducing the amount to a judgment or lien; satisfied
 1106 by time served; or other. The form developed by the Chief
 1107 Financial Officer shall include separate entries for recording
 1108 these amounts. The clerk shall submit the report on a quarterly
 1109 basis 30 days after the end of the quarter for the period from
 1110 July 1, 2003, through June 30, 2004, and on an annual basis
 1111 thereafter, 60 days after the end of the county fiscal year.

1112 (4) The clerk of the circuit court shall accept partial
 1113 payments for court-related fees, service charges, costs, and
 1114 fines in accordance with the terms of an established payment
 1115 plan. An individual seeking to defer payment of fees, service
 1116 charges, costs, or fines imposed by operation of law or order of
 1117 the court under any provision of general law shall apply to the
 1118 clerk for enrollment in a payment plan. The clerk shall enter
 1119 into a payment plan with an individual who the court determines
 1120 is indigent for costs and who demonstrates to the clerk an
 1121 inability to pay court-related fees, service charges, costs, or
 1122 fines in full. A monthly payment amount, calculated based upon
 1123 all fees and all anticipated costs, is presumed to correspond to
 1124 the person's ability to pay if the amount does not exceed 2
 1125 percent of the person's annual net income, as defined in
 1126 27.52(1), divided by 12. The court may review the reasonableness
 1127 of the payment plan, and determined by the court to be unable to
 1128 make payment in full, shall be enrolled by the clerk in a

HB 1935

2005
CS

1129 ~~payment program, with periodic payment amounts corresponding to~~
 1130 ~~the individual's ability to pay.~~

1131 Section 10. Section 28.345, Florida Statutes, is amended
 1132 to read:

1133 28.345 Exemption from court-related fees and
 1134 charges.--Notwithstanding any other provision of this chapter or
 1135 law to the contrary, judges and those court staff acting on
 1136 behalf of judges, state attorneys, guardians ad litem, attorneys
 1137 ad litem, court-appointed private counsel, and public defenders,
 1138 acting in their official capacity, and state agencies, are
 1139 exempt from all court-related fees and charges assessed by the
 1140 clerks of the circuit courts.

1141 Section 11. Subsection (2), paragraph (a) of subsection
 1142 (3), and paragraph (b) of subsection (4) of section 28.36,
 1143 Florida Statutes, are amended to read:

1144 28.36 Budget procedure.--There is hereby established a
 1145 budget procedure for the court-related functions of the clerks
 1146 of the court.

1147 (2)(a) For the period July 1, 2004, through September 30,
 1148 2004, and for each county fiscal year ending September 30
 1149 thereafter, each clerk of the court shall prepare a budget
 1150 relating solely to the performance of the standard list of
 1151 court-related functions pursuant to s. 28.35(4)(a).

1152 (b) The chief judge of each circuit, after consultation
 1153 with the clerk of court, shall coordinate the provision of all
 1154 court-related functions and determine the priorities for the
 1155 court-related functions of the clerk of court provided pursuant
 1156 to s. 28.35(4)(a).

HB 1935

2005
CS

1157 (3) Each proposed budget shall further conform to the
1158 following requirements:

1159 (a) On or before August 15 ~~±~~ for each fiscal year
1160 thereafter, the proposed budget shall be prepared, summarized,
1161 and submitted by the clerk in each county to the Clerks of Court
1162 Operations Corporation in the manner and form prescribed by the
1163 corporation ~~conference~~. The proposed budget must provide
1164 detailed information on the anticipated revenues available and
1165 expenditures necessary for the performance of the standard list
1166 of court-related functions of the clerk's office developed
1167 pursuant to s. 28.35(4)(a) for the county fiscal year beginning
1168 the following October 1.

1169 (4) If a clerk of the court estimates that available funds
1170 plus projected revenues from fines, fees, service charges, and
1171 costs for court-related services are insufficient to meet the
1172 anticipated expenditures for the standard list of court-related
1173 functions in s. 28.35(4)(a) performed by his or her office, the
1174 clerk must report the revenue deficit to the Clerks of Court
1175 Operations Corporation in the manner and form prescribed by the
1176 corporation pursuant to contract with the Chief Financial
1177 Officer. The corporation shall verify that the proposed budget
1178 is limited to the standard list of court-related functions in s.
1179 28.35(4)(a).

1180 (b) If the Chief Financial Officer ~~Department of Revenue~~
1181 finds the court-related budget proposed by a clerk includes
1182 functions not included in the standard list of court-related
1183 functions in s. 28.35(4)(a) ~~28.35(3)(a)~~, the Chief Financial
1184 Officer ~~department~~ shall notify the clerk of the amount of the

HB 1935

2005
CS

1185 | proposed budget not eligible to be funded from fees, service
 1186 | charges, costs, and fines for court-related functions. The clerk
 1187 | shall then immediately discontinue the expenditures of funds for
 1188 | this purpose and reimburse the Clerks of the Court Trust Fund
 1189 | for any expenditures incurred to date for these functions.

1190 | Section 12. Section 28.44, Florida Statutes, is created to
 1191 | read:

1192 | 28.44 Clerk discontinuance of court-related functions.--

1193 | (1) No function of the clerk of court being performed in
 1194 | support of the trial courts by the individual clerks of court on
 1195 | July 1, 2004, may be discontinued or substantially modified on a
 1196 | unilateral basis except pursuant to this section. A clerk of
 1197 | court may discontinue performing a function performed in support
 1198 | of the trial court only if:

1199 | (a) The chief judge of the circuit has consented in
 1200 | writing to the discontinuance or substantial modification of the
 1201 | function performed in support of the trial court; or

1202 | (b) The clerk of court has given written notice of the
 1203 | intention to substantially modify or discontinue a function
 1204 | performed in support of the trial court at least one year before
 1205 | the effective date of the discontinuance or substantial
 1206 | modification of the function.

1207 | (2) "Substantial modification" of a function performed in
 1208 | support of the trial court means a modification which has the
 1209 | effect of reducing the level of services provided to the trial
 1210 | court.

1211 | Section 13. Subsection (6) of section 29.004, Florida
 1212 | Statutes, is amended to read:

HB 1935

2005
CS

1213 29.004 State courts system.--For purposes of implementing
1214 s. 14, Art. V of the State Constitution, the elements of the
1215 state courts system to be provided from state revenues
1216 appropriated by general law are as follows:

1217 (6) Expert witnesses who ~~not requested by any party which~~
1218 are appointed by the court pursuant to an express grant of
1219 statutory authority.

1220 Section 14. Subsections (4), (5), (6), (7), and (8) of
1221 section 29.005, Florida Statutes, are amended to read:

1222 29.005 State attorneys' offices and prosecution
1223 expenses.--For purposes of implementing s. 14, Art. V of the
1224 State Constitution, the elements of the state attorneys' offices
1225 to be provided from state revenues appropriated by general law
1226 are as follows:

1227 ~~(4) Mental health professionals appointed pursuant to s.~~
1228 ~~394.473 and required in a court hearing involving an indigent,~~
1229 ~~and mental health professionals appointed pursuant to s.~~
1230 ~~916.115(2) and required in a court hearing involving an~~
1231 ~~indigent.~~

1232 (4)~~(5)~~ Reasonable transportation services in the
1233 performance of constitutional and statutory responsibilities.
1234 Motor vehicles owned by the counties and provided exclusively to
1235 state attorneys as of July 1, 2003, and any additional vehicles
1236 owned by the counties and provided exclusively to state
1237 attorneys during fiscal year 2003-2004 shall be transferred by
1238 title to the state effective July 1, 2004.

HB 1935

2005
CS

1239 (5)~~(6)~~ Travel expenses reimbursable under s. 112.061
1240 reasonably necessary in the performance of constitutional and
1241 statutory responsibilities.

1242 (6)~~(7)~~ Reasonable library and electronic legal research
1243 services, other than a public law library.

1244 (7)~~(8)~~ Reasonable pretrial consultation fees and costs.

1245 Section 15. Section 29.007, Florida Statutes, is amended
1246 to read:

1247 29.007 Court-appointed counsel.--For purposes of
1248 implementing s. 14, Art. V of the State Constitution, the
1249 elements of court-appointed counsel to be provided from state
1250 revenues appropriated by general law are as follows:

1251 (1) Private attorneys appointed by the court to handle
1252 cases where the defendant is indigent and cannot be represented
1253 by the public defender under ss. 27.42 and 27.53.

1254 (2) Private attorneys appointed by the court to represent
1255 indigents or other classes of litigants in civil proceedings
1256 requiring court-appointed counsel in accordance with state and
1257 federal constitutional guarantees and federal and state
1258 statutes.

1259 (3) Reasonable court reporting and transcription services
1260 necessary to meet constitutional or statutory requirements,
1261 including the cost of transcribing and copying depositions of
1262 witnesses and the cost of foreign language and sign-language
1263 interpreters and translators.

1264 (4) Witnesses, including expert witnesses, summoned to
1265 appear for an investigation, preliminary hearing, or trial in a

HB 1935

2005
CS

1266 case when the witnesses are summoned on behalf of an indigent,
1267 and any other expert witnesses approved by the court.

1268 (5) Mental health professionals appointed pursuant to s.
1269 394.473 and required in a court hearing involving an indigent,
1270 ~~and~~ mental health professionals appointed pursuant to s.
1271 916.115(2) and required in a court hearing involving an
1272 indigent, and any other mental health professionals expressly
1273 required by law for the full adjudication of any civil case
1274 involving an indigent person.

1275 (6) Reasonable pretrial consultation fees and costs.

1276 (7) Travel expenses reimbursable under s. 112.061
1277 reasonably necessary in the performance of constitutional and
1278 statutory responsibilities.

1279
1280 Subsections (3), (4), (5), (6), and (7) apply when court-
1281 appointed counsel is appointed; when the court determines that
1282 the litigant is indigent for costs; or when the litigant is
1283 acting pro se and the court determines that the litigant is
1284 indigent for costs at the trial or appellate level. This section
1285 applies in any situation in which the court appoints counsel to
1286 protect a litigant's due-process rights.

1287 Section 16. Subsection (1) of section 29.008, Florida
1288 Statutes, is amended to read:

1289 29.008 County funding of court-related functions.--

1290 (1) Counties are required by s. 14, Art. V of the State
1291 Constitution to fund the cost of communications services,
1292 existing radio systems, existing multiagency criminal justice
1293 information systems, and the cost of construction or lease,

HB 1935

2005
CS

1294 maintenance, utilities, and security of facilities for the
 1295 circuit and county courts, public defenders' offices, state
 1296 attorneys' offices, guardian ad litem offices, and the offices
 1297 of the clerks of the circuit and county courts performing court-
 1298 related functions. For purposes of this section, the term
 1299 "circuit and county courts" shall include the offices and
 1300 staffing of the guardian ad litem programs. The county
 1301 designated under s. 35.05(1) as the headquarters for each
 1302 appellate district shall fund these costs for the appellate
 1303 division of the public defender's office in that county. For
 1304 purposes of implementing these requirements, the term:

1305 (a) "Facility" means reasonable and necessary buildings
 1306 and office space and appurtenant equipment and furnishings,
 1307 structures, real estate, easements, and related interests in
 1308 real estate, including, but not limited to, those for the
 1309 purpose of housing legal materials for use by the general public
 1310 and personnel, equipment, or functions of the circuit or county
 1311 courts, public defenders' offices, state attorneys' offices, and
 1312 court-related functions of the office of the clerks of the
 1313 circuit and county courts and all storage. The term "facility"
 1314 includes all wiring necessary for court-reporting services. The
 1315 term also includes access to parking for such facilities in
 1316 connection with such court-related functions that may be
 1317 available free or from a private provider or a local government
 1318 for a fee. The office space provided by a county may not be less
 1319 than the standards for space allotment adopted by the Department
 1320 of Management Services, except this requirement applies only to
 1321 facilities that are leased, or on which construction commences,

1322 after June 30, 2003. County funding must include physical
 1323 modifications and improvements to all facilities as are required
 1324 for compliance with the Americans with Disabilities Act. Upon
 1325 mutual agreement of a county and the affected entity in this
 1326 paragraph, the office space provided by the county may vary from
 1327 the standards for space allotment adopted by the Department of
 1328 Management Services. ~~This section applies only to facilities~~
 1329 ~~that are leased, or on which construction commences, after June~~
 1330 ~~30, 2003.~~

1331 1. As of July 1, 2005, equipment and furnishings shall be
 1332 limited to that appropriate and customary for courtrooms,
 1333 hearing rooms, jury facilities, and other public areas in
 1334 courthouses and any other facility occupied by the courts, state
 1335 attorneys, and public defenders. Court-reporting equipment in
 1336 these areas or facilities is not a responsibility of the county.

1337 2. Equipment and furnishings under this paragraph in
 1338 existence and owned by counties on July 1, 2005, except for that
 1339 in the possession of the clerks, for areas other than
 1340 courtrooms, hearing rooms, jury facilities, and other public
 1341 areas in courthouses and any other facility occupied by the
 1342 courts, state attorneys, and public defenders, shall be
 1343 transferred to the state at no charge. This provision does not
 1344 apply to any communication services as defined in paragraph (f).

1345 (b) "Construction or lease" includes, but is not limited
 1346 to, all reasonable and necessary costs of the acquisition or
 1347 lease of facilities for all judicial officers, staff, jurors,
 1348 volunteers of a tenant agency, and the public for the circuit
 1349 and county courts, the public defenders' offices, state

HB 1935

2005
CS

1350 attorneys' offices, and for performing the court-related
 1351 functions of the offices of the clerks of the circuit and county
 1352 courts. This includes expenses related to financing such
 1353 facilities and the existing and future cost and bonded
 1354 indebtedness associated with placing the facilities in use.

1355 (c) "Maintenance" includes, but is not limited to, all
 1356 reasonable and necessary costs of custodial and groundskeeping
 1357 services and renovation and reconstruction as needed to
 1358 accommodate functions for the circuit and county courts, the
 1359 public defenders' offices, and state attorneys' offices and for
 1360 performing the court-related functions of the offices of the
 1361 clerks of the circuit and county court and for maintaining the
 1362 facilities in a condition appropriate and safe for the use
 1363 intended.

1364 (d) "Utilities" means all electricity services for light,
 1365 heat, and power; natural or manufactured gas services for light,
 1366 heat, and power; water and wastewater services and systems,
 1367 stormwater or runoff services and systems, sewer services and
 1368 systems, all costs or fees associated with these services and
 1369 systems, and any costs or fees associated with the mitigation of
 1370 environmental impacts directly related to the facility.

1371 (e) "Security" includes but is not limited to, all
 1372 reasonable and necessary costs of services of law enforcement
 1373 officers or licensed security guards and all electronic,
 1374 cellular, or digital monitoring and screening devices necessary
 1375 to ensure the safety and security of all persons visiting or
 1376 working in a facility; to provide for security of the facility,
 1377 including protection of property owned by the county or the

HB 1935

2005
CS

1378 state; and for security of prisoners brought to any facility.
1379 This includes bailiffs while providing courtroom and other
1380 security for each judge and other quasi-judicial officers.

1381 (f) "Communications services" are defined as any
1382 reasonable and necessary transmission, emission, and reception
1383 of signs, signals, writings, images, and sounds of intelligence
1384 of any nature by wire, radio, optical, audio equipment, or other
1385 electromagnetic systems and includes all facilities and
1386 equipment owned, leased, or used by judges, clerks, public
1387 defenders, state attorneys, and all staff of the state courts
1388 system, state attorneys' offices, public defenders' offices, and
1389 clerks of the circuit and county courts performing court-related
1390 functions. Such system or services shall include, but not be
1391 limited to:

1392 1. Telephone system infrastructure, including computer
1393 lines, telephone switching equipment, and maintenance, and
1394 facsimile equipment, wireless communications, cellular
1395 telephones, pagers, and video teleconferencing equipment and
1396 line charges. Each county shall continue to provide access to a
1397 local carrier for local and long distance service and shall pay
1398 toll charges for local and long distance service.

1399 2. All computer networks, systems and equipment, including
1400 computer hardware and software, modems, printers, wiring,
1401 network connections, maintenance, support staff or services
1402 including any county-funded support staff located in the offices
1403 of the circuit court, county courts, state attorneys, and public
1404 defenders, training, supplies, and line charges necessary for an
1405 integrated computer system to support the operations and

HB 1935

2005
CS

1406 management of the state courts system, the offices of the public
 1407 defenders, the offices of the state attorneys, and the offices
 1408 of the clerks of the circuit and county courts and the
 1409 capability to connect those entities and reporting data to the
 1410 state as required for the transmission of revenue, performance
 1411 accountability, case management, data collection, budgeting, and
 1412 auditing purposes. The integrated computer system shall be
 1413 operational by July 1, 2006, and, at a minimum, permit the
 1414 exchange of financial, performance accountability, case
 1415 management, case disposition, and other data across multiple
 1416 state and county information systems involving multiple users at
 1417 both the state level and within each judicial circuit and be
 1418 able to electronically exchange judicial case background data,
 1419 sentencing scoresheets, and video evidence information stored in
 1420 integrated case management systems over secure networks. Once
 1421 the integrated system becomes operational, counties may reject
 1422 requests to purchase communication services included in this
 1423 subparagraph not in compliance with standards, protocols, or
 1424 processes adopted by the board established pursuant to s.
 1425 29.0086.

- 1426 3. Courier messenger and subpoena services.
- 1427 4. Auxiliary aids and services for qualified individuals
- 1428 with a disability which are necessary to ensure access to the
- 1429 courts. Such auxiliary aids and services include, but are not
- 1430 limited to, sign language interpretation services required under
- 1431 the federal Americans with Disabilities Act other than services
- 1432 required to satisfy due-process ~~due-process~~ requirements and
- 1433 identified as a state funding responsibility pursuant to ss.

HB 1935

2005
CS

1434 29.004, 29.005, 29.006, and 29.007, real-time transcription
 1435 services for individuals who are hearing impaired, and assistive
 1436 listening devices and the equipment necessary to implement such
 1437 accommodations.

1438 (g) "Existing radio systems" includes, but is not limited
 1439 to, law enforcement radio systems that are used by the circuit
 1440 and county courts, the offices of the public defenders, the
 1441 offices of the state attorneys, and for court-related functions
 1442 of the offices of the clerks of the circuit and county courts.
 1443 This includes radio systems that were operational or under
 1444 contract at the time Revision No. 7, 1998, to Art. V of the
 1445 State Constitution was adopted and any enhancements made
 1446 thereafter, the maintenance of those systems, and the personnel
 1447 and supplies necessary for operation.

1448 (h) "Existing multiagency criminal justice information
 1449 systems" includes, but is not limited to, those components of
 1450 the multiagency criminal justice information system as defined
 1451 in s. 943.045, supporting the offices of the circuit or county
 1452 courts, the public defenders' offices, the state attorneys'
 1453 offices, or those portions of the offices of the clerks of the
 1454 circuit and county courts performing court-related functions
 1455 that are used to carry out the court-related activities of those
 1456 entities. This includes upgrades and maintenance of the current
 1457 equipment, maintenance and upgrades of supporting technology
 1458 infrastructure and associated staff, and services and expenses
 1459 to assure continued information sharing and reporting of
 1460 information to the state. The counties shall also provide
 1461 additional information technology services, hardware, and

HB 1935

2005
CS

1462 software as needed for new judges and staff of the state courts
 1463 system, state attorneys' offices, public defenders' offices, and
 1464 the offices of the clerks of the circuit and county courts
 1465 performing court-related functions.

1466 Section 17. Subsection (2) of section 29.015, Florida
 1467 Statutes, is amended to read:

1468 29.015 Contingency fund; limitation of authority to
 1469 transfer funds in contracted due-process ~~due process~~ services
 1470 appropriation categories.--

1471 (2) In the event that a state attorney or public defender
 1472 incurs a deficit in a contracted due-process ~~due process~~
 1473 services appropriation category, the following steps shall be
 1474 taken in order:

1475 (a) The state attorney or public defender shall first
 1476 attempt to identify surplus funds from other appropriation
 1477 categories within his or her office and submit a budget
 1478 amendment pursuant to chapter 216 to transfer funds from within
 1479 the office.

1480 (b) In the event that the state attorney or public
 1481 defender is unable to identify surplus funds from within his or
 1482 her office, he or she shall certify this to the Justice
 1483 Administrative Commission along with a complete explanation of
 1484 the circumstances which led to the deficit and steps the office
 1485 has taken to reduce or alleviate the deficit. The Justice
 1486 Administrative Commission shall inquire as to whether any other
 1487 office has surplus funds in its contracted due-process ~~due~~
 1488 ~~process~~ services appropriation categories which can be
 1489 transferred to the office that is experiencing the deficit. If

HB 1935

2005
CS

1490 other offices indicate that surplus funds are available within
 1491 the same appropriation category, the Justice Administrative
 1492 Commission shall adjust the initial allocation of funds among
 1493 circuits provided that such adjustment is not in conflict with
 1494 specific direction provided in the General Appropriations Act
 1495 and shall provide notice to the Governor and the chair and vice
 1496 chair of the Legislative Budget Commission at least 14 days
 1497 prior to making the adjustment. If funds are available from a
 1498 different appropriation category, the Justice Administrative
 1499 Commission shall request a budget amendment pursuant to all
 1500 applicable provisions of chapter 216 ~~request a budget amendment~~
 1501 ~~to transfer funds from the office or offices to alleviate the~~
 1502 ~~deficit upon agreement of the contributing office or offices.~~

1503 (c) If no office indicates that surplus funds are
 1504 available to alleviate the deficit, the Justice Administrative
 1505 Commission may request a budget amendment to transfer funds from
 1506 the contingency fund. Such transfers shall be in accordance with
 1507 all applicable provisions of chapter 216 and shall be subject to
 1508 review and approval by the Legislative Budget Commission. The
 1509 Justice Administrative Commission shall submit the documentation
 1510 provided by the office explaining the circumstances that led to
 1511 the deficit and the steps taken by the office and the Justice
 1512 Administrative Commission to identify surplus funds to the
 1513 Legislative Budget Commission.

1514 Section 18. Section 29.018, Florida Statutes, is amended
 1515 to read:

1516 29.018 Cost sharing of due-process services ~~due process~~
 1517 ~~costs~~; legislative intent.--It is the intent of the Legislature

HB 1935

2005
CS

1518 | to provide state-funded due-process ~~due-process~~ services to the
 1519 | state courts system, state attorneys, public defenders, and
 1520 | court-appointed counsel in the most cost-effective and efficient
 1521 | manner. The state courts system, state attorneys, public
 1522 | defenders, and the Justice Administrative Commission on behalf
 1523 | of court-appointed counsel may enter into contractual agreements
 1524 | to share, on a pro rata basis, the costs associated with court
 1525 | reporting services, court interpreter and translation services,
 1526 | court experts, and all other due-process ~~due-process~~ services
 1527 | funded by the state pursuant to this chapter. These costs shall
 1528 | be budgeted within the funds appropriated to each of the
 1529 | affected users of services.

1530 | Section 19. Subsection (1) of section 34.045, Florida
 1531 | Statutes, is amended to read:

1532 | 34.045 Cost recovery; use of the county court for
 1533 | ordinance or special law violations.--

1534 | (1)(a) In lieu of payment of a filing fee under s. 34.041,
 1535 | a filing fee of \$10 shall be paid by a county or municipality
 1536 | when filing a violation of a county or municipal ordinance or a
 1537 | violation of a special law in county court. This fee shall be
 1538 | paid to the clerk of the court for performing court-related
 1539 | functions. A county or municipality is not required to pay more
 1540 | than one filing fee for a single filing against a single
 1541 | defendant that contains multiple alleged violations. A filing
 1542 | fee, other than that imposed under this section, may not be
 1543 | assessed for initiating an enforcement proceeding in county
 1544 | court for a violation of a county or municipal code or ordinance
 1545 | or a violation of a special law. The filing fee shall not apply

HB 1935

2005
CS

1546 | to instances in which a county or municipality has contracted
 1547 | with the state, or has been delegated by the state,
 1548 | responsibility for enforcing state operations, policies, or
 1549 | requirements under s. 125.69, s. 166.0415, or chapter 162.

1550 | (b) No other filing fee may be assessed for filing the
 1551 | violation in county court. If a person contests the violation in
 1552 | court, the court shall assess \$40 in costs against the
 1553 | nonprevailing party. The county or municipality shall be
 1554 | considered the prevailing party when there is a plea or finding
 1555 | of violation or guilt to any count or lesser included offense of
 1556 | the charge or companion case charges, regardless of
 1557 | adjudication. Costs ~~Cost~~ recovered pursuant to this paragraph
 1558 | shall be deposited into the clerk's fine and forfeiture fund
 1559 | established pursuant to s. 142.01.

1560 | (c) If the person does not contest the violation in court
 1561 | or if the county or municipality is the prevailing party, the
 1562 | court shall assess the person or nonprevailing party \$10 for the
 1563 | filing fee provided in paragraph (a), which amount shall be
 1564 | forwarded to the county or municipality.

1565 | Section 20. Section 34.191, Florida Statutes, is amended
 1566 | to read:

1567 | 34.191 Fines and forfeitures; dispositions.--

1568 | (1) All fines and forfeitures arising from offenses tried
 1569 | in the county court shall be collected and accounted for by the
 1570 | clerk of the court and, other than the charge provided in s.
 1571 | 318.1215, disbursed in accordance with ss. 28.2402, 34.045,
 1572 | 142.01, and 142.03 ~~142.13~~ and subject to the provisions of s.
 1573 | 28.246(5) and (6). Notwithstanding the provisions of this

HB 1935

2005
CS

1574 section, all fines and forfeitures arising from operation of the
 1575 provisions of s. 318.1215 shall be disbursed in accordance with
 1576 that section.

1577 (2) All fines and forfeitures received from violations of
 1578 municipal ordinances committed within a municipality within the
 1579 territorial jurisdiction of the county court, other than the
 1580 charge provided in s. 318.1215, shall be paid monthly to the
 1581 municipality except as provided in s. 28.2402(2), s. 34.045(2),
 1582 s. 318.21, or s. 943.25. A municipality does not include the
 1583 unincorporated areas, if any, of a government created pursuant
 1584 to s. 6(e), Art. VIII of the State Constitution.

1585 (3) All other fines and forfeitures collected by the
 1586 clerk, other than the charge provided in s. 318.1215, shall be
 1587 considered income of the office of the clerk for use in
 1588 performing court-related duties of the office.

1589 Section 21. Subsection (3) of section 39.0132, Florida
 1590 Statutes, is amended to read:

1591 39.0132 Oaths, records, and confidential information.--

1592 (3) The clerk shall keep all court records required by
 1593 this chapter separate from other records of the circuit court.
 1594 All court records required by this chapter shall not be open to
 1595 inspection by the public. All records shall be inspected only
 1596 upon order of the court by persons deemed by the court to have a
 1597 proper interest therein, except that, subject to the provisions
 1598 of s. 63.162, a child and the parents of the child and their
 1599 attorneys, guardian ad litem, law enforcement agencies, and the
 1600 department and its designees shall always have the right to
 1601 inspect and copy any official record pertaining to the child.

HB 1935

2005
CS

1602 The Justice Administrative Commission may inspect court dockets
 1603 required by this chapter as necessary to audit compensation of
 1604 court-appointed attorneys. If the docket is insufficient for
 1605 purposes of the audit, the commission may petition the court for
 1606 additional documentation as necessary and appropriate. The court
 1607 may permit authorized representatives of recognized
 1608 organizations compiling statistics for proper purposes to
 1609 inspect and make abstracts from official records, under whatever
 1610 conditions upon their use and disposition the court may deem
 1611 proper, and may punish by contempt proceedings any violation of
 1612 those conditions.

1613 Section 22. Subsection (1) of section 39.821, Florida
 1614 Statutes, is amended to read:

1615 39.821 Qualifications of guardians ad litem.--

1616 (1) Because of the special trust or responsibility placed
 1617 in a guardian ad litem, the Guardian Ad Litem Program may use
 1618 any private funds collected by the program, or any state funds
 1619 so designated, to conduct a security background investigation
 1620 before certifying a volunteer to serve. A security background
 1621 investigation must include, but need not be limited to,
 1622 employment history checks, checks of references, local criminal
 1623 records checks through local law enforcement agencies, and
 1624 statewide criminal records checks through the Department of Law
 1625 Enforcement. Upon request, an employer shall furnish a copy of
 1626 the personnel record for the employee or former employee who is
 1627 the subject of a security background investigation conducted
 1628 under this section. The information contained in the personnel
 1629 record may include, but need not be limited to, disciplinary

HB 1935

2005
CS

1630 matters and the reason why the employee was terminated from
 1631 employment. An employer who releases a personnel record for
 1632 purposes of a security background investigation is presumed to
 1633 have acted in good faith and is not liable for information
 1634 contained in the record without a showing that the employer
 1635 maliciously falsified the record. A security background
 1636 investigation conducted under this section must ensure that a
 1637 person is not certified as a guardian ad litem if the person has
 1638 been convicted of, regardless of adjudication, or entered a plea
 1639 of nolo contendere or guilty to, any offense prohibited under
 1640 the provisions of the Florida Statutes specified in s. 435.04(2)
 1641 or under any similar law in another jurisdiction. Before
 1642 certifying an applicant to serve as a guardian ad litem, the
 1643 Guardian Ad Litem Program ~~chief judge of the circuit court~~ may
 1644 request a federal criminal records check of the applicant
 1645 through the Federal Bureau of Investigation. In analyzing and
 1646 evaluating the information obtained in the security background
 1647 investigation, the program must give particular emphasis to past
 1648 activities involving children, including, but not limited to,
 1649 child-related criminal offenses or child abuse. The program has
 1650 the sole discretion in determining whether to certify a person
 1651 based on his or her security background investigation. The
 1652 information collected pursuant to the security background
 1653 investigation is confidential and exempt from s. 119.07(1).

1654 Section 23. Section 39.822, Florida Statutes, is amended
 1655 to read:

1656 39.822 Appointment of guardian ad litem for abused,
 1657 abandoned, or neglected child.--

HB 1935

2005
CS

1658 (1) A guardian ad litem shall be appointed by the court at
 1659 the earliest possible time to represent the child in any child
 1660 abuse, abandonment, or neglect judicial proceeding, whether
 1661 civil or criminal. Any person participating in a civil or
 1662 criminal judicial proceeding resulting from such appointment
 1663 shall be presumed prima facie to be acting in good faith and in
 1664 so doing shall be immune from any liability, civil or criminal,
 1665 that otherwise might be incurred or imposed.

1666 (2) In those cases in which the parents are financially
 1667 able, the parent or parents of the child shall reimburse the
 1668 court, in part or in whole, for the cost of provision of
 1669 guardian ad litem services. Reimbursement to the individual
 1670 providing guardian ad litem services shall not be contingent
 1671 upon successful collection by the court from the parent or
 1672 parents.

1673 (3) Upon presentation by a guardian ad litem of a court
 1674 order appointing the guardian ad litem:

1675 (a) An agency, as defined in chapter 119, shall allow the
 1676 guardian ad litem to inspect and copy records related to the
 1677 best interests of the child who is the subject of the
 1678 appointment, including, but not limited to, records made
 1679 confidential or exempt from s. 119.07(1) or s. 24(a), Art. I of
 1680 the State Constitution. The guardian ad litem shall maintain the
 1681 confidential or exempt status of any records shared by an agency
 1682 under this paragraph.

1683 (b) A person or organization, other than an agency under
 1684 paragraph (a), shall allow the guardian ad litem to inspect and
 1685 copy any records related to the best interests of the child who

HB 1935

2005
CS

1686 is the subject of the appointment, including, but not limited
 1687 to, confidential records.

1688
 1689 For the purposes of this subsection, the term "records related
 1690 to the best interests of the child" includes, but is not limited
 1691 to, medical, mental health, substance abuse, child care,
 1692 education, law enforcement, court, social services, and
 1693 financial records.

1694 ~~(4)(3)~~ The guardian ad litem or the program representative
 1695 shall review all disposition recommendations and changes in
 1696 placements, and must be present at all critical stages of the
 1697 dependency proceeding or submit a written report of
 1698 recommendations to the court. Written reports must be filed with
 1699 the court and served on all parties whose whereabouts are known
 1700 at least 72 hours prior to the hearing.

1701 Section 24. Subsection (1) of section 40.29, Florida
 1702 Statutes, is amended to read:

1703 40.29 Payment of due-process ~~due process~~ costs.--

1704 (1)(a) Each clerk of the circuit court, on behalf of the
 1705 courts, the state attorney, court-appointed counsel, and the
 1706 public defender, shall forward to the Justice Administrative
 1707 Commission, by county, a quarterly estimate of funds necessary
 1708 to pay for ordinary witnesses, including, but not limited to,
 1709 witnesses in civil traffic cases and witnesses of the state
 1710 attorney, public defender, court-appointed counsel, and persons
 1711 determined to be indigent for costs ~~except expert witnesses paid~~
 1712 ~~pursuant to a contract or other professional services agreement,~~
 1713 ~~pursuant to ss. 29.005 and 29.006. Each quarter of the state~~

HB 1935

2005
CS

1714 fiscal year, the commission, based upon the estimates, shall
 1715 advance funds to each clerk to pay for these ordinary witnesses
 1716 from state funds specifically appropriated for the payment of
 1717 ordinary witnesses.

1718 (b) Each clerk of the circuit court shall forward to the
 1719 Office of the State Courts Administrator, by county, a quarterly
 1720 estimate of funds necessary to pay juror compensation.

1721 Section 25. Section 40.355, Florida Statutes, is created
 1722 to read:

1723 40.355 Accounting and payment to public defenders and
 1724 state attorneys.--The clerk of the court shall, within 2 weeks
 1725 after the last day of the state's fiscal year, render to the
 1726 state attorney and the public defender in each circuit a full
 1727 statement of accounts for moneys received and disbursed under
 1728 this chapter and, upon request of the state attorney or public
 1729 defender, shall refund to the state attorney or public defender
 1730 any balance.

1731 Section 26. Subsection (7) is added to section 43.16,
 1732 Florida Statutes, to read:

1733 43.16 Justice Administrative Commission; membership,
 1734 powers and duties.--

1735 (7) Chapter 120 does not apply to the Justice
 1736 Administrative Commission.

1737 Section 27. Subsection (6) is added to section 43.26,
 1738 Florida Statutes, to read:

1739 43.26 Chief judge of circuit; selection; powers.--

1740 (6) The chief judge of each circuit is charged by s. 2(d),
 1741 Article V of the Florida Constitution and this section with the

HB 1935

2005
CS

1742 authority to promote the prompt and efficient administration of
 1743 justice in the courts over which he or she is chief judge. The
 1744 clerks of court provide court-related functions which are
 1745 essential to the orderly administration of the judicial branch.
 1746 The chief judge of each circuit shall consult with each clerk of
 1747 court to determine the priority of services provided by the
 1748 clerk of court to the trial court pursuant to s. 28.35(4)(a).

1749 Section 28. Paragraph (b) of subsection (4) of section
 1750 44.102, Florida Statutes, is amended to read:

1751 44.102 Court-ordered mediation.--

1752 (4) The chief judge of each judicial circuit shall
 1753 maintain a list of mediators who have been certified by the
 1754 Supreme Court and who have registered for appointment in that
 1755 circuit.

1756 (b) Nonvolunteer mediators shall be compensated according
 1757 to rules adopted by the Supreme Court. If a mediation program is
 1758 funded pursuant to s. 44.108, a mediator may be compensated by
 1759 the county or by the parties. ~~When a party has been declared~~
 1760 ~~indigent or insolvent, that party's pro rata share of a~~
 1761 ~~mediator's compensation shall be paid by the county at the rate~~
 1762 ~~set by administrative order of the chief judge of the circuit.~~

1763 Section 29. Section 44.108, Florida Statutes, is amended
 1764 to read:

1765 44.108 Funding of mediation and arbitration.--

1766 (1) Mediation and arbitration should be accessible to all
 1767 parties regardless of financial status. A filing fee of \$1 is
 1768 levied on all proceedings in the circuit or county courts to
 1769 fund mediation and arbitration services which are the

HB 1935

2005
CS

1770 responsibility of the Supreme Court pursuant to the provisions
 1771 of s. 44.106. The clerk of the court shall forward the moneys
 1772 collected to the Department of Revenue for deposit in the state
 1773 courts' Mediation and Arbitration Trust Fund.

1774 (2) When court-ordered mediation services are provided by
 1775 a circuit court's mediation program, the following fees, unless
 1776 otherwise established in the General Appropriations Act, shall
 1777 be collected by the clerk of court:

1778 (a) Eighty dollars per person per scheduled session in
 1779 family mediation when the parties' combined income is greater
 1780 than \$50,000, but less than \$100,000 per year;

1781 (b) Forty dollars per person per scheduled session in
 1782 family mediation when the parties' combined income is less than
 1783 \$50,000; or

1784 (c) Forty dollars per person per scheduled session in
 1785 county court cases.

1786
 1787 No mediation fees shall be assessed under this subsection in
 1788 residential eviction cases, against a party found to be
 1789 indigent, or for any small claims action. Fees collected by the
 1790 clerk of court pursuant to this section shall be remitted to the
 1791 Department of Revenue for deposit into the state courts'
 1792 Mediation and Arbitration Trust Fund to fund court-ordered
 1793 mediation. The clerk of court may deduct \$1 per fee assessment
 1794 for processing this fee. The clerk of the court shall submit to
 1795 the chief judge of the circuit, no later than 30 days after the
 1796 end of each quarter, a report specifying the amount of funds

HB 1935

2005
CS

1797 collected under this section during each quarter of the fiscal
 1798 year.

1799 Section 30. Section 57.082, Florida Statutes, is created
 1800 to read:

1801 57.082 Determination of civil indigent status.--

1802 (1) APPLICATION TO THE CLERK.--A person seeking
 1803 appointment of a private attorney in a civil case eligible for
 1804 court-appointed counsel, or seeking relief from prepayment of
 1805 fees and costs under s. 57.081, based upon an inability to pay
 1806 must apply to the clerk of the court for a determination of
 1807 civil indigent status using an application form developed by the
 1808 Florida Clerks of Court Operations Corporation with final
 1809 approval by the Supreme Court.

1810 (a) The application must include, at a minimum, the
 1811 following financial information:

1812 1. Net income, consisting of total salary and wages, minus
 1813 deductions required by law, including court-ordered support
 1814 payments.

1815 2. Other income, including, but not limited to, social
 1816 security benefits, union funds, veterans' benefits, workers'
 1817 compensation, other regular support from absent family members,
 1818 public or private employee pensions, unemployment compensation,
 1819 dividends, interest, rent, trusts, and gifts.

1820 3. Assets, including, but not limited to, cash, savings
 1821 accounts, bank accounts, stocks, bonds, certificates of deposit,
 1822 equity in real estate, and equity in a boat or a motor vehicle
 1823 or in other tangible property.

1824 4. All liabilities and debts.

1825
1826 The application must include a signature by the applicant which
1827 attests to the truthfulness of the information provided. The
1828 application form developed by the corporation must include
1829 notice that the applicant may seek court review of a clerk's
1830 determination that the applicant is not indigent, as provided in
1831 this section.

1832 (b) The clerk shall assist a person who appears before the
1833 clerk and requests assistance in completing the application and
1834 the clerk shall notify the court if a person is unable to
1835 complete the application after the clerk has provided
1836 assistance.

1837 (c) The clerk shall accept an application that is signed
1838 by the applicant and submitted on his or her behalf by a private
1839 attorney who is representing the applicant in the applicable
1840 matter.

1841 (2) DETERMINATION BY THE CLERK.--The clerk of the court
1842 shall determine whether an applicant seeking such designation is
1843 indigent based upon the information provided in the application
1844 and the criteria prescribed in this subsection.

1845 (a)1. An applicant, including an applicant who is a minor
1846 or an adult tax-dependent person, is indigent if the applicant's
1847 income is equal to or below 200 percent of the then-current
1848 federal poverty guidelines prescribed for the size of the
1849 household of the applicant by the United States Department of
1850 Health and Human Services.

1851 2. There is a presumption that the applicant is not
1852 indigent if the applicant owns, or has equity in, any intangible

HB 1935

2005
CS

1853 or tangible personal property or real property or the expectancy
 1854 of an interest in any such property having a net equity value of
 1855 \$2,500 or more, excluding the value of the person's homestead
 1856 and one vehicle having a net value not exceeding \$5,000.

1857 (b) Based upon its review, the clerk shall make one of the
 1858 following determinations:

1859 1. The applicant is not indigent.

1860 2. The applicant is indigent.

1861 (c) If the clerk determines that the applicant is
 1862 indigent, the clerk shall immediately file the determination in
 1863 the case record.

1864 (d) The duty of the clerk in determining whether an
 1865 applicant is indigent is limited to receiving the application
 1866 and comparing the information provided in the application to the
 1867 criteria prescribed in this subsection. The determination of
 1868 indigent status is a ministerial act of the clerk and may not be
 1869 based on further investigation or the exercise of independent
 1870 judgment by the clerk. The clerk may contract with third parties
 1871 to perform functions assigned to the clerk under this section.

1872 (e) The applicant may seek review of the clerk's
 1873 determination that the applicant is not indigent in the court
 1874 having jurisdiction over the matter by filing a petition to
 1875 review the clerk's determination of nonindigent status for which
 1876 a filing fee may not be charged. If the applicant seeks review
 1877 of the clerk's determination of indigent status, the court shall
 1878 make a final determination as provided in subsection (4).

1879 (3) APPOINTMENT OF COUNSEL ON AN INTERIM BASIS.--If the
 1880 clerk of the court has not made a determination of indigent

HB 1935

2005
CS

1881 status at the time a person requests appointment of a private
 1882 attorney in a civil case eligible for court-appointed counsel,
 1883 the court shall make a preliminary determination of indigent
 1884 status, pending further review by the clerk, and may, by court
 1885 order, appoint private counsel on an interim basis.

1886 (4) REVIEW OF THE CLERK'S DETERMINATION.--

1887 (a) If the clerk of the court determines that the
 1888 applicant is not indigent and the applicant seeks review of the
 1889 clerk's determination, the court shall make a final
 1890 determination of indigent status by reviewing the information
 1891 provided in the application against the criteria prescribed in
 1892 subsection (2) and by considering the following additional
 1893 factors:

1894 1. Whether paying for private counsel or other fees and
 1895 costs creates a substantial hardship for the applicant or the
 1896 applicant's family.

1897 2. Whether the applicant is proceeding pro se or is
 1898 represented by a private attorney for a fee or on a pro-bono
 1899 basis.

1900 3. When the applicant retained private counsel.

1901 4. The amount of any attorney's fees and who is paying the
 1902 fees.

1903 5. Any other relevant financial circumstances of the
 1904 applicant or the applicant's family.

1905 (b) Based upon its review, the court shall make one of the
 1906 following determinations and shall, if appropriate, appoint
 1907 private counsel:

1908 1. The applicant is not indigent.

HB 1935

2005
CS

1909 2. The applicant is indigent.
 1910 (5) PROCESSING CHARGE; PAYMENT PLANS.--A person who the
 1911 clerk or the court determines is indigent for civil proceedings
 1912 under this section shall be enrolled in a payment plan under s.
 1913 28.246 and shall be charged a one-time administrative processing
 1914 charge under s. 28.24(26)(c). A monthly payment amount,
 1915 calculated based upon all fees and all anticipated costs, is
 1916 presumed to correspond to the person's ability to pay if it does
 1917 not exceed 2 percent of the person's annual net income, as
 1918 defined in subsection (1), divided by 12. The person may seek
 1919 review of the clerk's decisions regarding a payment plan
 1920 established under s. 28.246 in the court having jurisdiction
 1921 over the matter. A case may not be impeded in any way, delayed
 1922 in filing, or delayed in its progress, including the final
 1923 hearing and order, due to nonpayment of any fees by an indigent
 1924 person.

1925 (6) FINANCIAL DISCREPANCIES; FRAUD; FALSE INFORMATION.--
 1926 (a) If the court learns of discrepancies between the
 1927 application and the actual financial status of the person found
 1928 to be indigent, the court shall determine whether the status and
 1929 any relief provided as a result of that status shall be revoked.
 1930 The person may be heard regarding the information learned by the
 1931 court. If the court, based on the information, determines that
 1932 the person is not indigent, the court shall revoke the provision
 1933 of any relief under this section.

1934 (b) If the court has reason to believe that any applicant,
 1935 through fraud or misrepresentation, was improperly determined to
 1936 be indigent, the matter shall be referred to the state attorney.

HB 1935

2005
CS

1937 Twenty-five percent of any amount recovered by the state
 1938 attorney as reasonable value of the services rendered, including
 1939 fees, charges, and costs paid by the state on the person's
 1940 behalf, shall be remitted to the Department of Revenue for
 1941 deposit into the Grants and Donations Trust Fund within the
 1942 Justice Administrative Commission. Seventy-five percent of any
 1943 amount recovered shall be remitted to the Department of Revenue
 1944 for deposit into the General Revenue Fund.

1945 (c) A person who knowingly provides false information to
 1946 the clerk or the court in seeking a determination of indigent
 1947 status under this section commits a misdemeanor of the first
 1948 degree, punishable as provided in s. 775.082 or s. 775.083.

1949 Section 31. Subsection (1) of section 92.142, Florida
 1950 Statutes, is amended to read:

1951 92.142 Witnesses; pay.--

1952 (1) Witnesses in all cases, civil and criminal, in all
 1953 courts, now or hereafter created, and witnesses summoned before
 1954 any arbitrator or general or special magistrate appointed by the
 1955 court shall receive for each day's actual attendance \$5 and also
 1956 6 cents per mile for actual distance traveled to and from the
 1957 courts. A witness in a criminal case required to appear in a
 1958 county other than the county of his or her residence and
 1959 residing more than 50 miles from the location of the trial shall
 1960 be entitled to per diem and travel expenses at the same rate
 1961 provided for state employees under s. 112.061, in lieu of any
 1962 other witness fee ~~at the discretion of the court.~~

1963 Section 32. Effective July 1, 2006, subsections (2) and
 1964 (3) of section 92.231, Florida Statutes, are amended to read:

HB 1935

2005
CS

1965 92.231 Expert witnesses; fee.--
 1966 (2) Any expert or skilled witness who shall have testified
 1967 in any cause shall be allowed a witness fee including the cost
 1968 of any exhibits used by such witness in an amount agreed to by
 1969 the parties, and the same shall be taxed as costs. In instances
 1970 where services are provided for the state, including for state-
 1971 paid private court-appointed counsel, payment from state funds
 1972 shall be in accordance with standards adopted by the Legislature
 1973 ~~after receiving recommendations from the Article V Indigent~~
 1974 ~~Services Advisory Board.~~

1975 (3) In a criminal case in which the state or an indigent
 1976 defendant requires the services of an expert witness whose
 1977 opinion is relevant to the issues of the case, the expert
 1978 witness shall be compensated in accordance with standards
 1979 adopted by the Legislature ~~after receiving recommendations from~~
 1980 ~~the Article V Indigent Services Advisory Board.~~

1981 Section 33. Paragraph (c) of subsection (2) of section
 1982 110.205, Florida Statutes, is amended to read:

1983 110.205 Career service; exemptions.--

1984 (2) EXEMPT POSITIONS.--The exempt positions that are not
 1985 covered by this part include the following:

1986 (c) All members, officers, and employees of the judicial
 1987 branch and the Justice Administrative Commission.

1988 Section 34. Subsection (1) of section 116.01, Florida
 1989 Statutes, is amended to read:

1990 116.01 Payment of public funds into treasury.--

1991 (1) Every state and county officer within this state
 1992 authorized to collect funds due the state or county shall pay

HB 1935

2005
CS

1993 | all sums officially received by the officer into the state or
 1994 | county treasury not later than 7 working days from the close of
 1995 | the week in which the officer received the funds. Funds received
 1996 | by the county officer on behalf of the state shall be deposited
 1997 | directly to the account of the State Treasury not later than 7
 1998 | working days from the close of the week in which the officer
 1999 | received the funds. The clerk of the court, when collecting
 2000 | funds as part of the clerk's court-related functions, must remit
 2001 | those funds as required under s. 28.245.

2002 | Section 35. Paragraph (gg) of subsection (6) of section
 2003 | 119.07, Florida Statutes, is amended to read:

2004 | 119.07 Inspection and copying of records; photographing
 2005 | public records; fees; exemptions.--

2006 | (6)

2007 | (gg)1. Until January 1, 2007 ~~2006~~, if a social security
 2008 | number, made confidential and exempt pursuant to s. 119.0721,
 2009 | created pursuant to s. 1, ch. 2002-256, passed during the 2002
 2010 | regular legislative session, or a complete bank account, debit,
 2011 | charge, or credit card number made exempt pursuant to paragraph
 2012 | (dd), created pursuant to s. 1, ch. 2002-257, passed during the
 2013 | 2002 regular legislative session, is or has been included in a
 2014 | court file, such number may be included as part of the court
 2015 | record available for public inspection and copying unless
 2016 | redaction is requested by the holder of such number, or by the
 2017 | holder's attorney or legal guardian, in a signed, legibly
 2018 | written request specifying the case name, case number, document
 2019 | heading, and page number. The request must be delivered by mail,
 2020 | facsimile, electronic transmission, or in person to the clerk of

HB 1935

2005
CS

2021 the circuit court. The clerk of the circuit court does not have
 2022 a duty to inquire beyond the written request to verify the
 2023 identity of a person requesting redaction. A fee may not be
 2024 charged for the redaction of a social security number or a bank
 2025 account, debit, charge, or credit card number pursuant to such
 2026 request.

2027 2. Any person who prepares or files a document to be
 2028 recorded in the official records by the county recorder as
 2029 provided in chapter 28 may not include a person's social
 2030 security number or complete bank account, debit, charge, or
 2031 credit card number in that document unless otherwise expressly
 2032 required by law. Until January 1, 2007 ~~2006~~, if a social
 2033 security number or a complete bank account, debit, charge or
 2034 credit card number is or has been included in a document
 2035 presented to the county recorder for recording in the official
 2036 records of the county, such number may be made available as part
 2037 of the official record available for public inspection and
 2038 copying. Any person, or his or her attorney or legal guardian,
 2039 may request that a county recorder remove from an image or copy
 2040 of an official record placed on a county recorder's publicly
 2041 available Internet website, or a publicly available Internet
 2042 website used by a county recorder to display public records
 2043 outside the office or otherwise made electronically available
 2044 outside the county recorder's office to the general public, his
 2045 or her social security number or complete account, debit,
 2046 charge, or credit card number contained in that official record.
 2047 Such request must be legibly written, signed by the requester,
 2048 and delivered by mail, facsimile, electronic transmission, or in

HB 1935

2005
CS

2049 person to the county recorder. The request must specify the
 2050 identification page number of the document that contains the
 2051 number to be redacted. The county recorder does not have a duty
 2052 to inquire beyond the written request to verify the identity of
 2053 a person requesting redaction. A fee may not be charged for
 2054 redacting such numbers.

2055 3. Upon the effective date of this act, subsections (3)
 2056 and (4) of s. 119.0721, do not apply to the clerks of the court
 2057 or the county recorder with respect to circuit court records and
 2058 official records.

2059 4. On January 1, 2007 ~~2006~~, and thereafter, the clerk of
 2060 the circuit court and the county recorder must keep complete
 2061 bank account, debit, charge, and credit card numbers exempt as
 2062 provided for in paragraph (dd), and must keep social security
 2063 numbers confidential and exempt as provided for in s. 119.0721,
 2064 without any person having to request redaction.

2065 Section 36. Subsection (4) of section 142.01, Florida
 2066 Statutes, is amended to read:

2067 142.01 Fine and forfeiture fund; clerk of the circuit
 2068 court.--There shall be established by the clerk of the circuit
 2069 court in each county of this state a separate fund to be known
 2070 as the fine and forfeiture fund for use by the clerk of the
 2071 circuit court in performing court-related functions. The fund
 2072 shall consist of the following:

2073 (4) Proceeds from forfeited bail bonds, unclaimed bonds,
 2074 unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a),
 2075 372.72(1), and 903.26(3)(a).
 2076

HB 1935

2005
CS

2077 Notwithstanding the provisions of this section, all fines and
 2078 forfeitures arising from operation of the provisions of s.
 2079 318.1215 shall be disbursed in accordance with that section.

2080 Section 37. Subsection (5) is added to section 213.13,
 2081 Florida Statutes, to read:

2082 213.13 Electronic remittance and distribution of funds
 2083 collected by clerks of the court.--

2084 (5) All court-related collections, including fees, fines,
 2085 reimbursements, court costs, and other court-related funds that
 2086 the clerks must remit to the state pursuant to law, must be
 2087 transmitted electronically by the 20th day of the month
 2088 immediately following the month in which the funds are
 2089 collected.

2090 Section 38. Section 219.07, Florida Statutes, is amended
 2091 to read:

2092 219.07 Disbursements.--Each officer shall, not later than
 2093 7 working days from the close of the week in which the officer
 2094 received the funds, distribute the money which is required to be
 2095 paid to other officers, agencies, funds, or persons entitled to
 2096 receive the same; provided, that distributions or partial
 2097 distributions may be made more frequently; and provided further,
 2098 that money required by law or court order, or by the purpose for
 2099 which it was collected, to be held and disbursed for a
 2100 particular purpose in a manner different from that set out
 2101 herein shall be held and disbursed accordingly. Further, money
 2102 collected by the county officer on behalf of the state, except
 2103 for money collected by the clerk of the court as part of court-
 2104 related functions, shall be deposited directly to the account of

HB 1935

2005
CS

2105 | the State Treasury not later than 7 working days from the close
 2106 | of the week in which the officer received the funds. The clerk
 2107 | of the court, when collecting money as part of the clerk's
 2108 | court-related functions, must remit that money as required under
 2109 | s. 28.245.

2110 | Section 39. Subsection (1) of section 219.075, Florida
 2111 | Statutes, is amended to read:

2112 | 219.075 Investment of surplus funds by county officers.--

2113 | (1)(a) Except when another procedure is prescribed by law
 2114 | or by ordinance as to particular funds, a tax collector or any
 2115 | other county officer having, receiving, or collecting any money,
 2116 | either for his or her office or on behalf of and subject to
 2117 | subsequent distribution to another officer of state or local
 2118 | government, while such money is in excess of that required to
 2119 | meet current expenses or is pending distribution, shall invest
 2120 | such money, without limitation, as provided in s. 218.415.

2121 | (b) These investments shall be planned so as not to slow
 2122 | the normal distribution of the subject funds. The investment
 2123 | earnings shall be reasonably apportioned and allocated and shall
 2124 | be credited to the account of, and paid to, the office or
 2125 | distributee, together with the principal on which such earnings
 2126 | accrued.

2127 | (c) This section does not apply to the clerk of the
 2128 | circuit court with respect to money collected as part of the
 2129 | clerk's court-related functions. The clerk, however, shall remit
 2130 | this money as provided under s. 28.245.

2131 | Section 40. Section 318.121, Florida Statutes, is amended
 2132 | to read:

HB 1935

2005
CS

2133 | 318.121 Preemption of additional fees, fines, surcharges,
2134 | and costs.--Notwithstanding any general or special law, or
2135 | municipal or county ordinance, additional fees, fines,
2136 | surcharges, or costs other than the court costs and surcharges
2137 | assessed under s. 318.18(11) and (13), may not be added to the
2138 | civil traffic penalties assessed in this chapter.

2139 | Section 41. Subsection (13) of section 318.18, Florida
2140 | Statutes, is amended to read:

2141 | 318.18 Amount of civil penalties.--The penalties required
2142 | for a noncriminal disposition pursuant to s. 318.14 are as
2143 | follows:

2144 | (13) In addition to any penalties imposed for noncriminal
2145 | traffic infractions pursuant to this chapter or imposed for
2146 | criminal violations listed in s. 318.17, a board of county
2147 | commissioners or any unit of local government which is
2148 | consolidated as provided by s. 9, Art. VIII of the State
2149 | Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
2150 | Constitution of 1968:

2151 | (a) May impose by ordinance a surcharge of up to \$15 for
2152 | any infraction or violation to fund state court facilities. The
2153 | court shall not waive this surcharge. Up to 25 percent of the
2154 | revenue from such surcharge may be used to support local law
2155 | libraries provided that the county or unit of local government
2156 | provides a level of service equal to that provided prior to July
2157 | 1, 2004, which shall include the continuation of library
2158 | facilities located in or near the county courthouse or annexes.

2159 | (b) That imposed increased fees or service charges by
2160 | ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the

HB 1935

2005
CS

2161 | purpose of securing payment of the principal and interest on
 2162 | bonds issued by the county before July 1, 2003, to finance state
 2163 | court facilities, may impose by ordinance a surcharge for any
 2164 | infraction or violation for the exclusive purpose of securing
 2165 | payment of the principal and interest on bonds issued by the
 2166 | county before July 1, 2003, to fund state court facilities until
 2167 | the date of stated maturity. The court shall not waive this
 2168 | surcharge. Such surcharge may not exceed an amount per violation
 2169 | calculated as the quotient of the maximum annual payment of the
 2170 | principal and interest on the bonds as of July 1, 2003, divided
 2171 | by the number of traffic citations for county fiscal year 2002-
 2172 | 2003 certified as paid by the clerk of the court of the county.
 2173 | Such quotient shall be rounded up to the next highest dollar
 2174 | amount. The bonds may be refunded only if savings will be
 2175 | realized on payments of debt service and the refunding bonds are
 2176 | scheduled to mature on the same date or before the bonds being
 2177 | refunded.

2178 |
 2179 | A county may not impose both of the surcharges authorized under
 2180 | paragraphs (a) and (b) concurrently. The clerk of court shall
 2181 | report, no later than 30 days after the end of the quarter, the
 2182 | amount of funds collected under this subsection during each
 2183 | quarter of the fiscal year. The clerk shall submit the report,
 2184 | in a format developed by the Office of State Courts
 2185 | Administrator, to the chief judge of the circuit, the Governor,
 2186 | the President of the Senate, and the Speaker of the House of
 2187 | Representatives.

HB 1935

2005
CS

2188 Section 42. Paragraph (g) of subsection (2) of section
2189 318.21, Florida Statutes, is amended to read:

2190 318.21 Disposition of civil penalties by county
2191 courts.--All civil penalties received by a county court pursuant
2192 to the provisions of this chapter shall be distributed and paid
2193 monthly as follows:

2194 (2) Of the remainder:

2195 (g)1. If the violation occurred within a special
2196 improvement district of the Seminole Indian Tribe or Miccosukee
2197 Indian Tribe, 56.4 percent shall be paid to that special
2198 improvement district.

2199 2. If the violation occurred within a municipality, 50.8
2200 percent shall be paid to that municipality and 5.6 percent shall
2201 be deposited into the fine and forfeiture trust fund established
2202 pursuant to s. 142.01.

2203 3. If the violation occurred within the unincorporated
2204 area of a county, including the unincorporated areas, if any, of
2205 a government created pursuant to s. 6(e), Article VIII of the
2206 State Constitution, that is not within a special improvement
2207 district of the Seminole Indian Tribe or Miccosukee Indian
2208 Tribe, 56.4 percent shall be deposited into the fine and
2209 forfeiture fund established pursuant to s. 142.01.

2210 Section 43. Section 318.31, Florida Statutes, is amended
2211 to read:

2212 318.31 Objectives.--The Supreme Court is hereby requested
2213 to adopt rules and procedures for the establishment and
2214 operation of Civil Traffic Infraction Hearing Officer Programs
2215 under ss. 318.30-318.38. ~~However, the appointment of a hearing~~

HB 1935

2005
CS

2216 ~~officer shall be at the option of the county electing to~~
 2217 ~~establish such a program, upon recommendation by the county~~
 2218 ~~court judge or judges, as the case may be, and the Chief Judge~~
 2219 ~~of the Circuit and approval by the Chief Justice of the Supreme~~
 2220 ~~Court.~~

2221 Section 44. Section 318.325, Florida Statutes, is amended
 2222 to read:

2223 318.325 Jurisdiction and procedure for parking
 2224 infractions.--Any county or municipality may adopt an ordinance
 2225 that allows the county or municipality to refer cases involving
 2226 the violation of a county or municipal parking ordinance to a
 2227 hearing officer ~~funded by the county or municipality.~~

2228 Notwithstanding the provisions of ss. 318.14 and 775.08(3), any
 2229 parking violation shall be deemed to be an infraction as defined
 2230 in s. 318.13(3). However, the violation must be enforced and
 2231 disposed of in accordance with the provisions of general law
 2232 applicable to parking violations and with the charter or code of
 2233 the county or municipality where the violation occurred. The
 2234 clerk of the court or the designated traffic violations bureau
 2235 must collect and distribute the fines, forfeitures, and court
 2236 costs assessed under this section.

2237 Section 45. Subsection (2) of section 322.29, Florida
 2238 Statutes, is amended to read:

2239 322.29 Surrender and return of license.--

2240 (2) The provisions of subsection (1) to the contrary
 2241 notwithstanding, no examination is required for the return of a
 2242 license suspended under s. 318.15 or s. 322.245 unless an
 2243 examination is otherwise required by this chapter. Every person

HB 1935

2005
CS

2244 applying for the return of a license suspended under s. 318.15
 2245 or s. 322.245 shall present to the department certification from
 2246 the court that he or she has complied with all obligations and
 2247 penalties imposed on him or her pursuant to s. 318.15 or, in the
 2248 case of a suspension pursuant to s. 322.245, that he or she has
 2249 complied with all directives of the court and the requirements
 2250 of s. 322.245 and shall pay to the department a nonrefundable
 2251 service fee of \$47.50 ~~\$35~~, of which \$37.50 ~~\$25~~ shall be
 2252 deposited into the General Revenue Fund and \$10 shall be
 2253 deposited into the Highway Safety Operating Trust Fund. If
 2254 reinstated by the clerk of the court or tax collector, \$37.50
 2255 ~~\$25~~ shall be retained and \$10 shall be remitted to the
 2256 Department of Revenue for deposit into the Highway Safety
 2257 Operating Trust Fund. However, the service fee is not required
 2258 if the person is required to pay a \$35 fee or \$60 fee under the
 2259 provisions of s. 322.21.

2260 Section 46. Subsection (1) of section 372.72, Florida
 2261 Statutes, is amended to read:

2262 372.72 Disposition of fines, penalties, and forfeitures.--

2263 (1) All moneys collected from fines, penalties, proceeds
 2264 from unclaimed bonds, or forfeitures of bail of persons
 2265 convicted under this chapter shall be deposited in the fine and
 2266 forfeiture fund established pursuant to s. 142.01 where such
 2267 convictions are had, except for the disposition of moneys as
 2268 provided in subsection (2).

2269 Section 47. Subsection (8) of section 903.26, Florida
 2270 Statutes, is amended to read:

HB 1935

2005
CS

2271 903.26 Forfeiture of the bond; when and how directed;
2272 discharge; how and when made; effect of payment.--

2273 (8) If the defendant is arrested and returned to the
2274 county of jurisdiction of the court prior to judgment, the
2275 clerk, upon affirmation by the sheriff or the chief correctional
2276 officer, shall, without further order of the court, discharge
2277 the forfeiture of the bond. However, if the surety agent fails
2278 to pay the costs and expenses incurred in returning the
2279 defendant to the county of jurisdiction, the clerk shall not
2280 discharge the forfeiture of the bond. If the surety agent and
2281 the sheriff ~~state attorney~~ fail to agree on the amount of said
2282 costs, then the court, after notice to the sheriff and the state
2283 attorney, shall determine the amount of the costs.

2284 Section 48. Section 903.28, Florida Statutes, is amended
2285 to read:

2286 903.28 Remission of forfeiture; conditions.--

2287 (1) On application within 2 years from forfeiture, the
2288 court shall order remission of the forfeiture if it determines
2289 that there was no breach of the bond.

2290 (2) If the defendant surrenders or is apprehended within
2291 90 days after forfeiture, the court, on motion at a hearing upon
2292 notice having been given to the clerk of the circuit court
2293 ~~county attorney~~ and the state attorney as required in subsection
2294 (8), shall direct remission of up to, but not more than, 100
2295 percent of a forfeiture if the surety apprehended and
2296 surrendered the defendant or if the apprehension or surrender of
2297 the defendant was substantially procured or caused by the
2298 surety, or the surety has substantially attempted to procure or

HB 1935

2005
CS

2299 | cause the apprehension or surrender of the defendant, and the
 2300 | delay has not thwarted the proper prosecution of the defendant.
 2301 | In addition, remission shall be granted when the surety did not
 2302 | substantially participate or attempt to participate in the
 2303 | apprehension or surrender of the defendant when the costs of
 2304 | returning the defendant to the jurisdiction of the court have
 2305 | been deducted from the remission and when the delay has not
 2306 | thwarted the proper prosecution of the defendant.

2307 | (3) If the defendant surrenders or is apprehended within
 2308 | 180 days after forfeiture, the court, on motion at a hearing
 2309 | upon notice having been given to the clerk of the circuit court
 2310 | ~~county attorney~~ and the state attorney as required in subsection
 2311 | (8), shall direct remission of up to, but not more than, 95
 2312 | percent of a forfeiture if the surety apprehended and
 2313 | surrendered the defendant or if the apprehension or surrender of
 2314 | the defendant was substantially procured or caused by the
 2315 | surety, or the surety has substantially attempted to procure or
 2316 | cause the apprehension or surrender of the defendant, and the
 2317 | delay has not thwarted the proper prosecution of the defendant.
 2318 | In addition, remission shall be granted when the surety did not
 2319 | substantially participate or attempt to participate in the
 2320 | apprehension or surrender of the defendant when the costs of
 2321 | returning the defendant to the jurisdiction of the court have
 2322 | been deducted from the remission and when the delay has not
 2323 | thwarted the proper prosecution of the defendant.

2324 | (4) If the defendant surrenders or is apprehended within
 2325 | 270 days after forfeiture, the court, on motion at a hearing
 2326 | upon notice having been given to the clerk of the circuit court

HB 1935

2005
CS

2327 ~~county attorney~~ and the state attorney as required in subsection
 2328 (8), shall direct remission of up to, but not more than, 90
 2329 percent of a forfeiture if the surety apprehended and
 2330 surrendered the defendant or if the apprehension or surrender of
 2331 the defendant was substantially procured or caused by the
 2332 surety, or the surety has substantially attempted to procure or
 2333 cause the apprehension or surrender of the defendant, and the
 2334 delay has not thwarted the proper prosecution of the defendant.
 2335 In addition, remission shall be granted when the surety did not
 2336 substantially participate or attempt to participate in the
 2337 apprehension or surrender of the defendant when the costs of
 2338 returning the defendant to the jurisdiction of the court have
 2339 been deducted from the remission and when the delay has not
 2340 thwarted the proper prosecution of the defendant.

2341 (5) If the defendant surrenders or is apprehended within 1
 2342 year after forfeiture, the court, on motion at a hearing upon
 2343 notice having been given to the clerk of the circuit court
 2344 ~~county attorney~~ and the state attorney as required in subsection
 2345 (8), shall direct remission of up to, but not more than, 85
 2346 percent of a forfeiture if the surety apprehended and
 2347 surrendered the defendant or if the apprehension or surrender of
 2348 the defendant was substantially procured or caused by the
 2349 surety, or the surety has substantially attempted to procure or
 2350 cause the apprehension or surrender of the defendant, and the
 2351 delay has not thwarted the proper prosecution of the defendant.
 2352 In addition, remission shall be granted when the surety did not
 2353 substantially participate or attempt to participate in the
 2354 apprehension or surrender of the defendant when the costs of

HB 1935

2005
CS

2355 | returning the defendant to the jurisdiction of the court have
 2356 | been deducted from the remission and when the delay has not
 2357 | thwarted the proper prosecution of the defendant.

2358 | (6) If the defendant surrenders or is apprehended within 2
 2359 | years after forfeiture, the court, on motion at a hearing upon
 2360 | notice having been given to the clerk of the circuit court
 2361 | ~~county attorney~~ and the state attorney as required in subsection
 2362 | (8), shall direct remission of up to, but not more than, 50
 2363 | percent of a forfeiture if the surety apprehended and
 2364 | surrendered the defendant or if the apprehension or surrender of
 2365 | the defendant was substantially procured or caused by the
 2366 | surety, or the surety has substantially attempted to procure or
 2367 | cause the apprehension or surrender of the defendant, and the
 2368 | delay has not thwarted the proper prosecution of the defendant.
 2369 | In addition, remission shall be granted when the surety did not
 2370 | substantially participate or attempt to participate in the
 2371 | apprehension or surrender of the defendant when the costs of
 2372 | returning the defendant to the jurisdiction of the court have
 2373 | been deducted from the remission and when the delay has not
 2374 | thwarted the proper prosecution of the defendant.

2375 | (7) The remission of a forfeiture may not be ordered for
 2376 | any reason other than as specified herein.

2377 | (8) An application for remission must be accompanied by
 2378 | affidavits setting forth the facts on which it is founded;
 2379 | however, the surety must establish by further documentation or
 2380 | other evidence any claimed attempt at procuring or causing the
 2381 | apprehension or surrender of the defendant before the court may
 2382 | order remission based upon an attempt to procure or cause such

HB 1935

2005
CS

2383 apprehension or surrender. The clerk of the circuit court and
 2384 the state attorney must be given 20 days' notice before a
 2385 hearing on an application and be furnished copies of all papers,
 2386 applications, and affidavits. Remission shall be granted on the
 2387 condition of payment of costs, unless the ground for remission
 2388 is that there was no breach of the bond.

2389 (9) The clerk of the circuit court may enter into a
 2390 contract with a private attorney or into an interagency
 2391 agreement with a governmental agency to represent the clerk of
 2392 the court in an action for the remission of a forfeiture under
 2393 this section.

2394 (10) The clerk of the circuit court is the real party in
 2395 interest for all appeals arising from an action for the
 2396 remission of a forfeiture under this section.

2397 (11) Upon remission of bond pursuant to this section, the
 2398 clerk of the circuit court shall withhold any unpaid fines,
 2399 fees, service charges, and court costs imposed as a matter of
 2400 law or ordered by the court.

2401 Section 49. Section 916.115, Florida Statutes, is amended
 2402 to read:

2403 916.115 Appointment of experts.--

2404 (1)(a) Annually, the department shall provide the courts
 2405 with a list of mental health professionals who have completed
 2406 approved training as experts.

2407 (b) The court may appoint no more than three ~~nor fewer~~
 2408 ~~than two~~ experts to determine issues of the mental condition of
 2409 a defendant in a criminal case, including the issues of
 2410 competency to proceed, insanity, and involuntary hospitalization

HB 1935

2005
CS

2411 or placement. An expert ~~The panel of experts~~ may evaluate the
 2412 defendant in jail or in another appropriate local facility.

2413 (c) To the extent possible, an ~~the~~ appointed expert
 2414 ~~experts~~ shall have completed forensic evaluator training
 2415 approved by the department and be either a psychiatrist,
 2416 licensed psychologist, or physician.

2417 (2) Expert witnesses appointed by the court to evaluate
 2418 the mental condition of a defendant in a criminal case shall be
 2419 allowed reasonable fees for services rendered as evaluators of
 2420 competence or sanity and as witnesses, ~~which shall be paid by~~
 2421 ~~the county in which the indictment was found or the information~~
 2422 ~~or affidavit was filed.~~

2423 (a)1. The court shall pay for any expert that it appoints
 2424 by court order, upon motion of counsel for the defendant or the
 2425 state or upon its own motion. If the defense or the state
 2426 retains an expert and waives the confidentiality of the expert's
 2427 report, the court may pay for no more than two additional
 2428 experts appointed by court order. If an expert appointed by the
 2429 court upon motion of counsel for the defendant specifically to
 2430 evaluate the competence of the defendant to proceed also
 2431 addresses in his or her evaluation issues related to sanity as
 2432 an affirmative defense, the court shall pay only for that
 2433 portion of the experts' fees relating to the evaluation on
 2434 competency to proceed and the balance of the fees shall be
 2435 chargeable to the defense.

2436 2. Pursuant to s. 29.006, the office of the public
 2437 defender shall pay for any expert retained by the office.

HB 1935

2005
CS

2438 3. Pursuant to s. 29.005, the office of the state attorney
 2439 shall pay for any expert retained by the office. Notwithstanding
 2440 subparagraph 1., the office of the state attorney shall pay for
 2441 any expert whom the office retains and whom the office moves the
 2442 court to appoint in order to ensure that the expert has access
 2443 to the defendant.

2444 4. An expert retained by the defendant who is represented
 2445 by private counsel appointed under s. 27.5303 shall be paid by
 2446 the Justice Administrative Commission.

2447 5. An expert retained by a defendant who is indigent for
 2448 costs as determined by the court and who is represented by
 2449 private counsel, other than private counsel appointed under s.
 2450 27.5303, on a fee or pro bono basis, or who is representing
 2451 himself or herself, shall be paid by the Justice Administrative
 2452 Commission from funds specifically appropriated for these
 2453 expenses.

2454 (b) State employees shall be paid expenses pursuant to s.
 2455 112.061.

2456 (c) The fees shall be taxed as costs in the case.

2457 (d) In order for an expert ~~the experts~~ to be paid for the
 2458 services rendered, the expert's report ~~reports~~ and testimony
 2459 must explicitly address each of the factors and follow the
 2460 procedures set out in this chapter and in the Florida Rules of
 2461 Criminal Procedure.

2462 Section 50. Subsections (2), (3), and (4) of section
 2463 916.12, Florida Statutes, are amended to read:

2464 916.12 Mental competence to proceed.--

HB 1935

2005
CS

2465 (2) An expert ~~The experts~~ shall first determine whether
 2466 the person is mentally ill and, if so, consider the factors
 2467 related to the issue of whether the defendant meets the criteria
 2468 for competence to proceed; that is, whether the defendant has
 2469 sufficient present ability to consult with counsel with a
 2470 reasonable degree of rational understanding and whether the
 2471 defendant has a rational, as well as factual, understanding of
 2472 the pending proceedings. A defendant must be evaluated by no
 2473 fewer than two experts before the court commits the defendant or
 2474 takes other action authorized by this chapter or the Florida
 2475 Rules of Criminal Procedure, except if one expert finds that the
 2476 defendant is incompetent to proceed and the parties stipulate to
 2477 that finding, the court may commit the defendant or take other
 2478 action authorized by this chapter or the rules without further
 2479 evaluation or hearing, or the court may appoint no more than two
 2480 additional experts to evaluate the defendant. Notwithstanding
 2481 any stipulation by the state and the defendant, the court may
 2482 require a hearing with testimony from the expert or experts
 2483 before ordering the commitment of a defendant.

2484 (3) In considering the issue of competence to proceed, an
 2485 ~~the~~ examining expert ~~experts~~ shall first consider and
 2486 specifically include in his or her ~~their~~ report the defendant's
 2487 capacity to:

2488 (a) Appreciate the charges or allegations against the
 2489 defendant;

2490 (b) Appreciate the range and nature of possible penalties,
 2491 if applicable, that may be imposed in the proceedings against
 2492 the defendant;

HB 1935

2005
CS

2493 (c) Understand the adversarial nature of the legal
 2494 process;
 2495 (d) Disclose to counsel facts pertinent to the proceedings
 2496 at issue;
 2497 (e) Manifest appropriate courtroom behavior; and
 2498 (f) Testify relevantly;
 2499
 2500 and include in his or her ~~their~~ report any other factor deemed
 2501 relevant by the expert ~~experts~~.
 2502 (4) If an expert finds ~~the experts should find~~ that the
 2503 defendant is incompetent to proceed, the expert ~~experts~~ shall
 2504 report on any recommended treatment for the defendant to attain
 2505 competence to proceed. In considering the issues relating to
 2506 treatment, the examining expert ~~experts~~ shall specifically
 2507 report on:
 2508 (a) The mental illness causing the incompetence;
 2509 (b) The treatment or treatments appropriate for the mental
 2510 illness of the defendant and an explanation of each of the
 2511 possible treatment alternatives in order of choices;
 2512 (c) The availability of acceptable treatment and, if
 2513 treatment is available in the community, the expert shall so
 2514 state in the report; and
 2515 (d) The likelihood of the defendant's attaining competence
 2516 under the treatment recommended, an assessment of the probable
 2517 duration of the treatment required to restore competence, and
 2518 the probability that the defendant will attain competence to
 2519 proceed in the foreseeable future.

HB 1935

2005
CS

2520 Section 51. Subsection (7) of section 916.301, Florida
2521 Statutes, is amended to read:

2522 916.301 Appointment of experts.--

2523 (7) Expert witnesses appointed by the court to evaluate
2524 the mental condition of a defendant in a criminal case shall be
2525 allowed reasonable fees for services rendered as evaluators and
2526 as witnesses, which shall be paid by the court ~~county in which~~
2527 ~~the indictment was found or the information or affidavit was~~
2528 ~~filed~~. State employees shall be paid expenses pursuant to s.
2529 112.061. The fees shall be taxed as costs in the case. In order
2530 for the experts to be paid for the services rendered, the
2531 reports and testimony must explicitly address each of the
2532 factors and follow the procedures set out in this chapter and in
2533 the Florida Rules of Criminal Procedure.

2534 Section 52. Paragraph (b) of subsection (2) of section
2535 938.29, Florida Statutes, is amended to read:

2536 938.29 Legal assistance; lien for payment of attorney's
2537 fees or costs.--

2538 (2)

2539 (b) A judgment showing the name and residence of the
2540 defendant-recipient or parent shall be recorded in the public
2541 record, without cost, by ~~filed for record in the office of the~~
2542 clerk of the circuit court in the county where the defendant-
2543 recipient or parent resides and in each county in which such
2544 defendant-recipient or parent then owns or later acquires any
2545 property. Such judgments shall be enforced on behalf of the
2546 state by the clerk of the circuit court of the county in which
2547 assistance was rendered.

HB 1935

2005
CS

2548 Section 53. Section 939.06, Florida Statutes, is amended
2549 to read:

2550 939.06 Acquitted defendant not liable for costs.--

2551 (1) A ~~No~~ defendant in a criminal prosecution who is
2552 acquitted or discharged is not ~~shall be~~ liable for any costs or
2553 fees of the court or any ministerial office, or for any charge
2554 of subsistence while detained in custody. If the defendant has
2555 ~~shall have~~ paid any taxable costs, or fees required under s.
2556 27.52(1)(b), in the case, the clerk or judge shall give him or
2557 her a certificate of the payment of such costs, with the items
2558 thereof, which, when audited and approved according to law,
2559 shall be refunded to the defendant.

2560 (2) To receive a refund under this section, a defendant
2561 must submit a request for the refund to the Justice
2562 Administrative Commission on a form and in a manner prescribed
2563 by the commission. The defendant must attach to the form an
2564 order from the court demonstrating the defendant's right to the
2565 refund and the amount of the refund.

2566 Section 54. Paragraph (c) is added to subsection (1) of
2567 section 948.09, Florida Statutes, to read:

2568 948.09 Payment for cost of supervision and
2569 rehabilitation.--

2570 (1)

2571 (c) Offenders placed on probation, drug offender
2572 probation, community control, or in any pre-trial intervention
2573 program by a county court shall pay the court-ordered fines,
2574 fees, costs, service charges, and costs of supervision.
2575 Collections shall be distributed equally between the clerk of

HB 1935

2005
CS

2576 | the court for any unpaid court fees, fines, costs, and service
 2577 | charges and the county for cost of supervision.

2578 | Section 55. Subsection (2) of section 985.05, Florida
 2579 | Statutes, is amended to read:

2580 | 985.05 Court records.--

2581 | (2) The clerk shall keep all official records required by
 2582 | this section separate from other records of the circuit court,
 2583 | except those records pertaining to motor vehicle violations,
 2584 | which shall be forwarded to the Department of Highway Safety and
 2585 | Motor Vehicles. Except as provided in ss. 943.053 and 985.04(4),
 2586 | official records required by this part are not open to
 2587 | inspection by the public, but may be inspected only upon order
 2588 | of the court by persons deemed by the court to have a proper
 2589 | interest therein, except that a child and the parents,
 2590 | guardians, or legal custodians of the child and their attorneys,
 2591 | law enforcement agencies, the Department of Juvenile Justice and
 2592 | its designees, the Parole Commission, ~~and~~ the Department of
 2593 | Corrections, and the Justice Administrative Commission shall
 2594 | always have the right to inspect and copy any official record
 2595 | pertaining to the child. The court may permit authorized
 2596 | representatives of recognized organizations compiling statistics
 2597 | for proper purposes to inspect, and make abstracts from,
 2598 | official records under whatever conditions upon the use and
 2599 | disposition of such records the court may deem proper and may
 2600 | punish by contempt proceedings any violation of those
 2601 | conditions.

2602 | Section 56. Compensation to traffic court witnesses.--Any
 2603 | party who secures the attendance of a witness in traffic court

HB 1935

2005
CS

2604 shall bear all costs of calling the witness, including witness
 2605 fees. If the witness is required to testify on behalf of the
 2606 prosecution, the office of the state attorney of the respective
 2607 judicial circuit shall pay the fees and costs of calling the
 2608 witness.

2609 Section 57. Recovery of expenditures for state-funded
 2610 services.--The trial court administrator of each circuit shall
 2611 recover expenditures for state-funded services when those
 2612 services have been furnished to a user of the state court system
 2613 who possesses the present ability to pay. The rate of
 2614 compensation for such services shall be the actual cost of the
 2615 services, including the cost of recovery. The trial court
 2616 administrator shall deposit moneys recovered under this section
 2617 in the Grants and Donations Trust Fund within the state court
 2618 system. The trial court administrator shall recover the costs of
 2619 court-reporter services and transcription; court-interpreter
 2620 services, including translation; and any other service for which
 2621 state funds were used to provide a product or service within the
 2622 circuit. This section does not authorize cost recovery from
 2623 entities described in ss. 29.005, 29.006, and 29.007.

2624 Section 58. The amendments to ss. 34.191(2) and
 2625 318.21(2)(g)3., Florida Statutes, as made by this act are
 2626 intended to reiterate the original intent of the Legislature in
 2627 enacting such provisions of law.

2628 Section 59. (1) Effective July 1, 2006, section 29.014,
 2629 Florida Statutes, is repealed.

2630 (2) Section 318.37, Florida Statutes, is repealed.

HB 1935

2005
CS

2631 Section 60. Except as otherwise provided herein, this act
2632 shall take effect July 1, 2005.