

1                   A bill to be entitled  
2           An act relating to the state judicial system; amending s.  
3           27.40, F.S., relating to circuit registries for court-  
4           appointed counsel; requiring that a list of attorneys  
5           compiled by the Eleventh Judicial Circuit provide certain  
6           information on assigned attorneys; requiring that an  
7           attorney enter into a contract to be included on the  
8           registry; revising requirements for private court-  
9           appointed counsel; specifying certain information to be  
10          contained in a report by the Eleventh Judicial Circuit;  
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;  
24          requiring the Justice Administrative Commission to track  
25          and issue a report containing certain information on  
26          court-appointed counsel in the Eleventh Judicial Circuit;  
27          amending s. 27.52, F.S., relating to the determination of  
28          indigent status; providing for application to the clerk of

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

57 | Commission and use the commission's uniform procedures and  
58 | form for certain billing purposes; authorizing the Justice  
59 | Administrative Commission to pay attorney's fees without  
60 | court approval under certain conditions; requiring the  
61 | attorney to provide the commission with advance notice of  
62 | a court hearing on payment of fees and costs; authorizing  
63 | the commission to participate in such hearings using  
64 | certain equipment; entitling private court-appointed  
65 | counsel to compensation upon final disposition; providing  
66 | exceptions; specifying intervals other than final  
67 | disposition of a case at which private court-appointed  
68 | counsel may request payment; clarifying a prohibition  
69 | against allowing an attorney who is not on the registry to  
70 | appear; restricting the reimbursement allowed for the  
71 | preparation of invoices; requiring the Justice  
72 | Administrative Commission to develop a schedule to provide  
73 | partial payment for attorney fees under certain  
74 | circumstances; amending s. 27.54, F.S.; requiring a county  
75 | or municipality to pay certain costs for due-process  
76 | services in local ordinance violation cases; prescribing  
77 | assessment of fees to recover such costs; providing for  
78 | determination and collection of such fees; amending s.  
79 | 28.24, F.S.; requiring the clerk of the court to charge  
80 | for certain recording services and performing certain  
81 | duties; requiring the clerk of the court to provide  
82 | without charge copies to court-appointed counsel paid by  
83 | the state; requiring clerks of the court to participate in  
84 | the Comprehensive Case Information System by a certain

85 | date; providing an exception to the designation of the  
86 | clerk of court as custodian of official records; amending  
87 | s. 28.2402, F.S.; prohibiting a county or municipality  
88 | from being required to pay more than one filing fee for a  
89 | single filing containing multiple allegations; prohibiting  
90 | a filing fee for initiating certain enforcement  
91 | proceedings; excluding certain counties having a  
92 | consolidated government from the term "municipality";  
93 | amending s. 28.245, F.S.; requiring the clerks of the  
94 | court to remit collections to the Department of Revenue  
95 | within a specified period; amending s. 28.246, F.S.;  
96 | conforming a reference to the Florida Clerks of Court  
97 | Operations Corporation; revising provisions authorizing an  
98 | individual to enter into a payment plan for the payment of  
99 | fees, costs, or fines; requiring the clerk to enter into a  
100 | payment plan with certain persons; providing payment plan  
101 | criteria; providing for the court to review the payment  
102 | plan; amending s. 28.345, F.S.; exempting certain court  
103 | staff and court-appointed counsel from the payment of fees  
104 | and charges assessed by the clerk of the circuit court;  
105 | amending s. 28.36, F.S.; revising the date for the county  
106 | clerk to submit a proposed budget; conforming a reference  
107 | to the Florida Clerks of Court Operations Corporation;  
108 | conforming a cross reference; conforming a reference to  
109 | the Chief Financial Officer; providing conditions and  
110 | requirements by which the corporation may approve  
111 | adjustments to the clerk's maximum annual budget for  
112 | court-related duties; amending s. 28.37, F.S.; expanding

113 | the types of excess funds that clerks of the court must  
114 | remit to the Department of Revenue over the amount needed  
115 | to meet approved budgets; creating s. 28.44, F.S.;  
116 | providing a method by which the clerk of court may  
117 | discontinue or substantially modify court-related  
118 | functions; providing a definition; amending s. 29.004,  
119 | F.S.; providing for state appropriations to be used for  
120 | expert witnesses who are appointed by the court rather  
121 | than requested by any party; amending s. 29.005, F.S.;  
122 | deleting certain appointed mental health professionals  
123 | from elements of state attorneys' offices provided from  
124 | state revenues; amending s. 29.007, F.S.; providing for  
125 | state funds to be used in providing mental health  
126 | professionals in certain civil cases; clarifying the use  
127 | of state funds at the trial or appellate level to pay  
128 | certain costs on behalf of a litigant who is indigent;  
129 | amending s. 29.008, F.S.; requiring that the county where  
130 | the appellate district is located fund the appellate  
131 | division of the public defender's office; expanding the  
132 | definition of the term "facility" to include items  
133 | necessary for court-reporting services; narrowing a  
134 | limitation on the application of certain requirements to  
135 | specified facilities; including hearing rooms within those  
136 | facilities funded by the county as a court-related  
137 | function; including audio equipment within county-funded  
138 | communications services; creating s. 29.0081, F.S.;  
139 | authorizing counties and judicial circuits to agree to the  
140 | funding of personnel positions for the circuit; providing

141 requirements for such agreements; providing for the effect  
142 and limitation of such agreements; amending s. 29.015,  
143 F.S.; requiring the Justice Administrative Commission to  
144 adjust certain allocations of funds among circuits under  
145 certain circumstances; requiring notice of such  
146 adjustment; requiring the commission to request a budget  
147 amendment under certain circumstances to address budget  
148 deficits relating to due-process services; amending s.  
149 29.018, F.S.; eliminating the authority for court-  
150 appointed counsel to contract to share in court and due-  
151 process services; providing that the Justice  
152 Administrative Commission may contract for such cost-  
153 sharing on behalf of court-appointed counsel; creating s.  
154 29.0185, F.S.; prohibiting the provision of due process  
155 services with state revenues to individuals under certain  
156 circumstances; amending s. 34.045, F.S.; proscribing a  
157 county or municipality from being required to pay more  
158 than one filing fee for a single filing containing  
159 multiple allegations; prohibiting assessment of a filing  
160 fee for initiating certain enforcement proceedings in  
161 county court; expanding conditions under which the county  
162 or municipality is the prevailing party; requiring an  
163 assessment of a filing fee; amending s. 34.191, F.S.;  
164 excluding certain counties having a consolidated  
165 government from the term municipality; amending s.  
166 39.0132, F.S.; authorizing the Justice Administrative  
167 Commission to inspect certain court dockets; authorizing  
168 the commission to petition the court for certain

169 additional documentation; amending s. 39.821, F.S.;

170 requiring the Guardian Ad Litem Program rather than the

171 chief judge to request the federal criminal records check

172 for purposes of certifying guardians ad litem; amending s.

173 39.822, F.S.; directing agencies, persons, and other

174 organizations to provide a guardian ad litem access to

175 certain records related to the best interests of a child;

176 providing a definition; amending s. 40.29, F.S.; revising

177 procedures for the payments made by the state to the clerk

178 of the court for the costs of witnesses; creating s.

179 40.355, F.S.; requiring the clerk of the court to report

180 on, and refund to the state attorneys and public

181 defenders, certain moneys collected for payment of jurors

182 and due-process costs; amending s. 43.16, F.S.; removing

183 the Judicial Qualifications Commission from the duties of

184 the Justice Administrative Commission and adding the

185 Guardian ad Litem Program; providing that the Justice

186 Administrative Commission is not subject to the

187 Administrative Procedure Act; amending s. 43.26, F.S.;

188 providing responsibilities of the chief judge of each

189 circuit; amending s. 44.102, F.S.; revising conditions

190 under which nonvolunteer court mediators may be

191 compensated by the county or parties; amending s. 44.108,

192 F.S.; clarifying the fees charged for scheduled mediation

193 services provided by a circuit court's mediation program;

194 requiring the clerk of the court to report to the chief

195 judge the amount of such fees collected; amending s.

196 57.081, F.S.; providing a cross-reference to conform;

197 | creating s. 57.082, F.S., relating to the determination of  
198 | civil indigent status; providing for application to the  
199 | clerk of court for such a determination and appointment of  
200 | a private attorney in certain civil cases; providing  
201 | application requirements; prescribing duties of the clerk  
202 | of court relating to an application; prescribing  
203 | application requirements and review criteria; providing  
204 | for determinations by a clerk of the basis of an  
205 | applicant's indigency; providing criteria; providing for  
206 | appointment of counsel on an interim basis; providing for  
207 | review by the court of a clerk's determination; providing  
208 | criteria; authorizing a court to determine a person  
209 | indigent and eligible for appointed counsel; providing  
210 | criteria and requirements for such determination;  
211 | requiring persons determined to be indigent for civil  
212 | proceedings to be enrolled in a payment plan and charged  
213 | an administrative processing charge; providing plan  
214 | criteria; providing for a reevaluation of indigent status  
215 | and referral to the state attorney upon evidence of  
216 | financial discrepancies or fraud; providing for recovery  
217 | and disposition of certain amounts recovered; providing  
218 | criminal penalties for the provision of false information;  
219 | amending s. 92.142, F.S.; deleting a provision that  
220 | provides for payment of per diem and travel expenses for a  
221 | witness in a criminal case at the discretion of the court;  
222 | amending s. 92.231, F.S.; removing a reference to the  
223 | Article V Indigent Services Advisory Board; amending s.  
224 | 110.205, F.S.; specifying that members, officers, and



225 employees of the Justice Administrative Commission and  
226 certain related organizations are exempt positions under  
227 career service provisions; amending s. 116.01, F.S.;  
228 providing procedures for the clerk of the court to remit  
229 funds to the Department of Revenue; amending s. 116.21,  
230 F.S.; authorizing sheriffs and clerks of the courts to pay  
231 certain deposited or collected funds into a specific fine  
232 and forfeiture fund; requiring the clerk to pay for the  
233 cost of publication of the list of unclaimed court-related  
234 funds; requiring unclaimed funds to be deposited into the  
235 fine and forfeiture fund; amending s. 119.07, F.S.;  
236 extending the time period during which certain social  
237 security numbers and other data included in court or  
238 official county records may be available for public  
239 inspection unless redaction is requested; extending the  
240 deadline by which court clerks and county recorders must  
241 keep such data confidential; amending s. 142.01, F.S.;  
242 clarifying those moneys to be included within the fine and  
243 forfeiture fund of the clerk of the circuit court;  
244 amending s. 213.13, F.S.; requiring that the court-related  
245 collections remitted by the clerk to the state be  
246 transmitted electronically within a specified period;  
247 amending s. 219.07, F.S.; revising disbursement  
248 requirements for the clerk as part of his or her court-  
249 related functions; amending s. 219.075, F.S.; exempting  
250 funds collected by the clerk from the requirements for the  
251 investment of surplus funds of a county; amending s.  
252 318.121, F.S.; specifying that certain surcharges may not

253 | be added to civil traffic penalties; amending s. 318.18,  
254 | F.S.; authorizing a portion of certain surcharge revenues  
255 | to be used for local law libraries; requiring the clerk of  
256 | the court to quarterly report the amount of certain  
257 | surcharges collected to the chief judge, the Governor, and  
258 | the Legislature; authorizing certain local governments to  
259 | impose by ordinance a surcharge on any infraction or  
260 | violation in addition to certain noncriminal traffic  
261 | infractions and certain criminal violations; providing for  
262 | transfer of revenues from such surcharge for certain  
263 | purposes; prohibiting a court from waiving the surcharge;  
264 | providing for repeal; amending s. 318.21, F.S.; providing  
265 | for the disposition of traffic-infraction penalties for  
266 | violations occurring in unincorporated areas of certain  
267 | counties having a consolidated government or  
268 | unincorporated areas of certain municipalities having a  
269 | consolidated government; amending s. 318.31, F.S.;  
270 | deleting provisions concerning the appointment of a civil  
271 | traffic infraction hearing officer; amending s. 328.32,  
272 | F.S.; providing additional limitation on a hearing  
273 | officer's authority; amending s. 318.325, F.S.; deleting  
274 | provisions specifying the funding of such hearing officer;  
275 | amending s. 322.29, F.S.; increasing the fees charged for  
276 | reinstating a driver's license; amending s. 372.72, F.S.;  
277 | requiring that the proceeds from unclaimed bonds be  
278 | deposited into the clerk's fine and forfeiture fund;  
279 | amending s. 903.26, F.S.; revising the procedure for  
280 | determining the amount of the costs incurred in returning

281 a defendant to the county of jurisdiction; amending s.  
282 903.28, F.S.; revising certain notice requirements  
283 following the surrender or apprehension of a defendant for  
284 purposes of remission of a forfeiture; authorizing clerks  
285 of circuit courts to enter into contracts or interagency  
286 agreements to represent the clerk in certain actions;  
287 providing that the clerk is the real party in interest for  
288 all appeals arising from such an action; authorizing the  
289 clerk to withhold unpaid fines, fees, costs, and charges  
290 under certain circumstances; amending s. 916.115, F.S.;  
291 revising requirements for the payment of experts;  
292 specifying which fees are to be paid by the state, the  
293 office of the public defender, the office of the state  
294 attorney, or the Justice Administrative Commission;  
295 amending s. 916.12, F.S.; revising the procedures under  
296 which the court may take action following a finding that  
297 the defendant is incompetent to proceed; requiring  
298 evaluation of a defendant; providing criteria; authorizing  
299 a court to commit a defendant or take other action under  
300 certain circumstances; amending s. 916.301, F.S.;  
301 requiring the court to pay for certain expert witnesses  
302 appointed by the court; amending s. 938.29, F.S.;  
303 providing for a judgment lien for the payment of certain  
304 attorney's fees to be filed without cost; amending s.  
305 939.06, F.S.; clarifying that an acquitted defendant is  
306 not liable for certain costs or fees; providing a  
307 procedure for such a defendant to request a refund from  
308 the Justice Administrative Commission of costs or fees

309 | paid; amending s. 939.185, F.S.; authorizing certain local  
310 | governments to impose by ordinance in addition to certain  
311 | court costs and other costs, fines, and penalties imposed  
312 | by law a surcharge to be imposed by court on persons  
313 | pleading guilty or nolo contendere to certain criminal  
314 | offenses; providing for transfer of revenues from such  
315 | surcharge for certain purposes; providing for repeal;  
316 | amending s. 985.05, F.S.; authorizing the Justice  
317 | Administrative Commission to have access to certain court  
318 | records; authorizing circuit courts to share certain  
319 | juvenile delinquency restitution orders; amending s.  
320 | 985.201, F.S.; revising the manner in which a court may  
321 | retain jurisdiction over a child and the child's parent  
322 | when the court has ordered restitution for certain  
323 | delinquent acts; requiring the party calling a witness in  
324 | traffic court to bear the costs; requiring the office of  
325 | the state attorney to pay such costs if the witness is  
326 | required to testify on behalf of the prosecution;  
327 | authorizing the trial court administrator to recover  
328 | expenditures for state-funded services if those services  
329 | were furnished to a user possessing the ability to pay;  
330 | providing for deposit of such funds; authorizing the trial  
331 | court administrator to recover certain costs under certain  
332 | circumstances; requiring the chief judge to determine the  
333 | rate, which may not exceed the cost of the service and  
334 | recovery; providing legislative intent for revisions to  
335 | ss. 28.2402, 34.191, and 318.21, F.S.; revising the  
336 | maximum annual budget amount for the Clerk of Court for

337 | the Eleventh Judicial Circuit; repealing s. 29.014, F.S.,  
 338 | relating to the Article V Indigent Service Advisory Board;  
 339 | repealing s. 318.37, F.S., relating to funding for a Civil  
 340 | Traffic Infraction Hearing Officer Program; amending s.  
 341 | 938.19, F.S.; authorizing a board of county commissioners  
 342 | to adopt an ordinance that incorporates the provisions of  
 343 | the act; providing funding for a teen court through the  
 344 | assessment of an additional court cost against each person  
 345 | who pleads guilty or nolo contendere to, or is convicted  
 346 | of, a violation of a criminal law, an ordinance, or a  
 347 | traffic offense in the county; providing exceptions;  
 348 | providing for administration by the clerk of the circuit  
 349 | court; authorizing the clerk of the circuit court to  
 350 | retain a specified percentage of the assessments  
 351 | collected; requiring the teen court to account for all  
 352 | funds received; requiring an annual report to the board of  
 353 | county commissioners by a specified date; authorizing  
 354 | specified organizations to administer a teen court  
 355 | program; prohibiting teen courts in counties adopting an  
 356 | ordinance from receiving court costs under s. 939.185,  
 357 | F.S.; providing for expiration of amendments to s. 938.19,  
 358 | F.S., and reversion of section text; providing for  
 359 | expiration of specified court costs; amending s. 939.185,  
 360 | F.S.; providing an exception for teen court funding;  
 361 | providing appropriations; providing effective dates.

362 |  
 363 | Be It Enacted by the Legislature of the State of Florida:  
 364 |

365 Section 1. Subsections (2), (3), (5), and (7) of section  
 366 27.40, Florida Statutes, are amended to read:

367 27.40 Court-appointed counsel; circuit registries; minimum  
 368 requirements; appointment by court.--

369 (2) ~~No later than October 1, 2004,~~ Private counsel  
 370 appointed by the court to provide representation shall be  
 371 selected from a registry of individual attorneys established by  
 372 the circuit Article V indigent services committee or procured  
 373 through a competitive bidding process.

374 (3) In utilizing a registry:

375 (a) Each circuit Article V indigent services committee  
 376 shall compile and maintain a list of attorneys in private  
 377 practice, by county and by category of cases. From October 1,  
 378 2005, through September 30, 2007, the list of attorneys compiled  
 379 by the Eleventh Judicial Circuit shall provide the race, gender,  
 380 and national origin of assigned attorneys. To be included on a  
 381 registry, attorneys shall certify that they meet any minimum  
 382 requirements established in general law for court appointment,  
 383 are available to represent indigent defendants in cases  
 384 requiring court appointment of private counsel, and are willing  
 385 to abide by the terms of the contract for services. To be  
 386 included on a registry, an attorney also must enter into a  
 387 contract for services with the Justice Administrative  
 388 Commission. Failure to comply with the terms of the contract for  
 389 services may result in termination of the contract and removal  
 390 from the registry. Each attorney on the registry shall be  
 391 responsible for notifying the circuit Article V indigent  
 392 services committee and the Justice Administrative Commission of

393 any change in his or her status. Failure to comply with this  
394 requirement shall be cause for termination of the contract for  
395 services and removal from the registry until the requirement is  
396 fulfilled.

397 (b) The court shall appoint attorneys in rotating order in  
398 the order in which names appear on the applicable registry,  
399 unless the court makes a finding of good cause on the record for  
400 appointing an attorney out of order. An attorney not appointed  
401 in the order in which his or her name appears on the list shall  
402 remain next in order.

403 (c) If it finds the number of attorneys on the registry in  
404 a county or circuit for a particular category of cases is  
405 inadequate, the circuit Article V indigent services committee  
406 shall notify the chief judge of the particular circuit in  
407 writing. The chief judge shall submit the names of at least  
408 three private attorneys with relevant experience. The clerk of  
409 court shall send an application to each of these attorneys to  
410 register for appointment.

411 (d) Quarterly, ~~beginning no later than October 1, 2004,~~  
412 each circuit Article V indigent services committee shall provide  
413 a current copy of each registry to the Chief Justice of the  
414 Supreme Court, the chief judge, the state attorney and public  
415 defender in each judicial circuit, ~~and~~ the clerk of court in  
416 each county, the Justice Administrative Commission, and the  
417 Indigent Services Advisory Board ~~with a current copy of each~~  
418 registry. From October 1, 2005, through September 30, 2007, the  
419 report submitted by the Eleventh Judicial Circuit shall include

420 the race, gender, and national origin of all attorneys listed in  
421 and appointed under the registry.

422 (5) The Justice Administrative Commission shall approve  
423 uniform contract forms for use in procuring the services of  
424 private court-appointed counsel and uniform procedures and forms  
425 for use by a court-appointed attorney in support of billing for  
426 attorney's fees, costs, and related expenses to demonstrate the  
427 attorney's completion of specified duties.

428 (7) (a) An attorney appointed to represent a defendant or  
429 other client is entitled to payment pursuant to s. 27.5304, only  
430 upon full performance by the attorney of specified duties,  
431 approval of payment by the court, except for payment based on a  
432 flat fee per case as provided in s. 27.5304; and attorney  
433 submission of a payment request to the Justice Administrative  
434 Commission. Upon being permitted to withdraw from a case, a  
435 court-appointed attorney shall submit a copy of the order to the  
436 Justice Administrative Commission at the time it is issued by  
437 the court. If an attorney is permitted to withdraw or is  
438 otherwise removed from representation prior to full performance  
439 of the duties specified in this section for reasons other than  
440 breach of duty, the trial court shall approve payment of  
441 attorney's fees and costs for work performed in an amount not to  
442 exceed the amounts specified in s. 27.5304. Withdrawal from a  
443 case prior to full performance of the duties specified shall  
444 create a rebuttable presumption that the attorney is not  
445 entitled to the entire flat fee for those cases paid on a flat-  
446 fee-per-case basis.



447 (b) The attorney shall maintain appropriate documentation,  
448 including a current and detailed hourly accounting of time spent  
449 representing the defendant or other client. These records and  
450 documents are subject to review by the Justice Administrative  
451 Commission, subject to the attorney-client privilege and work  
452 product privilege.

453 Section 2. Section 27.42, Florida Statutes, is amended to  
454 read:

455 27.42 Circuit Article V indigent services committees;  
456 composition; staff; responsibilities; funding.--

457 (1) In each judicial circuit a circuit Article V indigent  
458 services committee shall be established. The committee shall  
459 consist of the following:

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

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

464 (c) One experienced private criminal defense attorney  
465 appointed by the chief judge to serve a 2-year term. During the  
466 2-year term, the attorney is prohibited from serving as court-  
467 appointed counsel.

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

471 (2)(a) The responsibility of the circuit Article V  
472 indigent services committee is to manage the appointment and  
473 compensation of court-appointed counsel within a circuit  
474 pursuant to ss. 27.40 and 27.5303. The committee shall also set

475 the compensation rates of due-process service providers in cases  
476 where the court has appointed counsel or declared a person  
477 indigent for costs, not to exceed any rates specified in the  
478 General Appropriations Act such that the total amount expended  
479 does not exceed the amount budgeted in the General  
480 Appropriations Act for the particular due-process service. The  
481 circuit Article V indigent services committee shall meet at  
482 least quarterly.

483 (b) ~~No later than October 1, 2004,~~ Each circuit Article V  
484 indigent services committee shall maintain a registry pursuant  
485 to s. 27.40, even when procuring counsel through a competitive  
486 bidding process. However, if counsel is procured through a  
487 competitive bidding process, the registry shall be used only  
488 when counsel obtained through that process is unable to provide  
489 representation due to a conflict of interest or reasons beyond  
490 their control. The committee shall apply any eligibility and  
491 performance standards set by the Legislature.

492 (c) Each circuit Article V indigent services committee  
493 shall develop a schedule of standard fees and expense allowances  
494 for the categories of cases specified in s. ~~27.5304~~ 27.5303,  
495 consistent with the overall compensation rates in that section  
496 and within the amount of appropriated funds allocated by the  
497 Justice Administrative Commission to the circuit for this  
498 purpose.

499 (d) Each circuit Article V indigent services committee  
500 shall establish a schedule of standard allowances for due-  
501 process expenses for cases in which the court has declared a  
502 person indigent for costs, within the amount of appropriated

503 funds allocated by the Justice Administrative Commission to the  
504 circuit for this purpose.

505 (3) Notwithstanding any other provision of this section, a  
506 circuit Article V indigent services committee may approve, and  
507 the Justice Administrative Commission shall investigate and  
508 evaluate the use of funds for, alternate models for the  
509 provision of criminal and civil due-process services and  
510 representation other than a model based on a per-case fee if a  
511 more cost-effective and efficient system can be provided. An  
512 alternate model may include court-reporting services and the  
513 provision of court-appointed counsel.

514 (4)~~(3)~~ The Justice Administrative Commission shall prepare  
515 and issue on a quarterly basis a statewide report comparing  
516 actual year-to-date expenditures to budgeted amounts for the  
517 circuit Article V indigent services committees in each of the  
518 judicial circuits. Copies of these quarterly reports shall be  
519 distributed to each circuit Article V indigent services  
520 committee and to the Governor, the Chief Justice of the Supreme  
521 Court, the President of the Senate, and the Speaker of the House  
522 of Representatives.

523 (5)~~(4)~~(a) The funding and positions for the processing of  
524 committees' fees and expenses shall be as appropriated to the  
525 Justice Administrative Commission in the General Appropriations  
526 Act.

527 (b) Funds for criminal conflict attorney's fees and  
528 expenses shall be appropriated by the Legislature in a separate  
529 appropriations category within the Justice Administrative

530 Commission. These funds shall be allocated to each circuit as  
531 prescribed in the General Appropriations Act.

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

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

539

540 The Justice Administrative Commission shall separately track  
541 expenditures on private court-appointed counsel for the  
542 following categories of cases: criminal conflict, civil  
543 conflict, dependency and termination of parental rights, and  
544 guardianship. From October 1, 2005, through September 30, 2007,  
545 the Justice Administrative Commission shall also track and issue  
546 a report on the race, gender, and national origin of private  
547 court-appointed counsel for the Eleventh Judicial Circuit.

548 Section 3. Section 27.52, Florida Statutes, is amended to  
549 read:

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

552 27.52 Determination of indigent status.--

553 (1) APPLICATION TO THE CLERK.--A person seeking  
554 appointment of a public defender under s. 27.51 based upon an  
555 inability to pay must apply to the clerk of the court for a  
556 determination of indigent status using an application form

557 developed by the Florida Clerks of Court Operations Corporation  
558 with final approval by the Supreme Court.

559 (a) The application must include, at a minimum, the  
560 following financial information:

561 1. Net income, consisting of total salary and wages, minus  
562 deductions required by law, including court-ordered support  
563 payments.

564 2. Other income, including, but not limited to, social  
565 security benefits, union funds, veterans' benefits, workers'  
566 compensation, other regular support from absent family members,  
567 public or private employee pensions, unemployment compensation,  
568 dividends, interest, rent, trusts, and gifts.

569 3. Assets, including, but not limited to, cash, savings  
570 accounts, bank accounts, stocks, bonds, certificates of deposit,  
571 equity in real estate, and equity in a boat or a motor vehicle  
572 or in other tangible property.

573 4. All liabilities and debts.

574 5. If applicable, the amount of any bail paid for the  
575 applicant's release from incarceration and the source of the  
576 funds.

577  
578 The application must include a signature by the applicant which  
579 attests to the truthfulness of the information provided. The  
580 application form developed by the corporation must include  
581 notice that the applicant may seek court review of a clerk's  
582 determination that the applicant is not indigent, as provided in  
583 this section.

584       (b) An applicant shall pay a \$40 application fee to the  
585 clerk for each application for court-appointed counsel filed.  
586 The applicant shall pay the fee within 7 days after submitting  
587 the application. If the applicant does not pay the fee prior to  
588 the disposition of the case, the clerk shall notify the court,  
589 and the court shall:

590           1. Assess the application fee as part of the sentence or  
591 as a condition of probation; or

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

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

599       (d) All application fees collected by the clerk under this  
600 section shall be transferred monthly by the clerk to the  
601 Department of Revenue for deposit in the Indigent Criminal  
602 Defense Trust Fund administered by the Justice Administrative  
603 Commission, to be used to as appropriated by the Legislature.  
604 The clerk may retain 2 percent of application fees collected  
605 monthly for administrative costs prior to remitting the  
606 remainder to the Department of Revenue.

607       (e)1. The clerk shall assist a person who appears before  
608 the clerk and requests assistance in completing the application,  
609 and the clerk shall notify the court if a person is unable to  
610 complete the application after the clerk has provided  
611 assistance.

612        2. If the person seeking appointment of a public defender  
613 is incarcerated, the public defender is responsible for  
614 providing the application to the person and assisting him or her  
615 in its completion and is responsible for submitting the  
616 application to the clerk on the person's behalf. The public  
617 defender may enter into an agreement for jail employees,  
618 pretrial services employees, or employees of other criminal  
619 justice agencies to assist the public defender in performing  
620 functions assigned to the public defender under this  
621 subparagraph.

622        (2) DETERMINATION BY THE CLERK.--The clerk of the court  
623 shall determine whether an applicant seeking appointment of a  
624 public defender is indigent based upon the information provided  
625 in the application and the criteria prescribed in this  
626 subsection.

627        (a)1. An applicant, including an applicant who is a minor  
628 or an adult tax-dependent person, is indigent if the applicant's  
629 income is equal to or below 200 percent of the then-current  
630 federal poverty guidelines prescribed for the size of the  
631 household of the applicant by the United States Department of  
632 Health and Human Services or if the person is receiving  
633 Temporary Assistance for Needy Families-Cash Assistance,  
634 poverty-related veterans' benefits, or Supplemental Security  
635 Income (SSI).

636        2. There is a presumption that the applicant is not  
637 indigent if the applicant owns, or has equity in, any intangible  
638 or tangible personal property or real property or the expectancy  
639 of an interest in any such property having a net equity value of

640 \$2,500 or more, excluding the value of the person's homestead  
641 and one vehicle having a net value not exceeding \$5,000.

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

644 1. The applicant is not indigent.

645 2. The applicant is indigent.

646 (c)1. If the clerk determines that the applicant is  
647 indigent, the clerk shall submit the determination to the office  
648 of the public defender and immediately file the determination in  
649 the case file.

650 2. If the public defender is unable to provide  
651 representation due to a conflict pursuant to s. 27.5303, the  
652 public defender shall move the court for withdrawal from  
653 representation and appointment of private counsel.

654 (d) The duty of the clerk in determining whether an  
655 applicant is indigent shall be limited to receiving the  
656 application and comparing the information provided in the  
657 application to the criteria prescribed in this subsection. The  
658 determination of indigent status is a ministerial act of the  
659 clerk and not a decision based on further investigation or the  
660 exercise of independent judgment by the clerk. The clerk may  
661 contract with third parties to perform functions assigned to the  
662 clerk under this section.

663 (e) The applicant may seek review of the clerk's  
664 determination that the applicant is not indigent in the court  
665 having jurisdiction over the matter at the next scheduled  
666 hearing. If the applicant seeks review of the clerk's



667 determination of indigent status, the court shall make a final  
668 determination as provided in subsection (4).

669 (3) APPOINTMENT OF COUNSEL ON INTERIM BASIS.--If the clerk  
670 of the court has not made a determination of indigent status at  
671 the time a person requests appointment of a public defender, the  
672 court shall make a preliminary determination of indigent status,  
673 pending further review by the clerk, and may, by court order,  
674 appoint a public defender or private counsel on an interim  
675 basis.

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

677 (a) If the clerk of the court determines that the  
678 applicant is not indigent, and the applicant seeks review of the  
679 clerk's determination, the court shall make a final  
680 determination of indigent status by reviewing the information  
681 provided in the application against the criteria prescribed in  
682 subsection (2) and by considering the following additional  
683 factors:

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

686 2. Whether a bond has been posted, the type of bond, and  
687 who paid the bond.

688 3. Whether paying for private counsel in an amount that  
689 exceeds the limitations in s. 27.5304, or other due-process  
690 services creates a substantial hardship for the applicant or the  
691 applicant's family.

692 4. Any other relevant financial circumstances of the  
693 applicant or the applicant's family.

694 (b) Based upon its review, the court shall make one of the  
 695 following determinations and, if the applicant is indigent,  
 696 shall appoint a public defender or, if appropriate, private  
 697 counsel:

698 1. The applicant is not indigent.

699 2. The applicant is indigent.

700 (5) INDIGENT FOR COSTS.--A person who is eligible to be  
 701 represented by a public defender under s. 27.51 but who is  
 702 represented by private counsel not appointed by the court for a  
 703 reasonable fee as approved by the court, on a pro bono basis, or  
 704 who is proceeding pro se, may move the court for a determination  
 705 that he or she is indigent for costs and eligible for the  
 706 provision of due-process services, as prescribed by ss. 29.006  
 707 and 29.007, funded by the state.

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

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

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

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

714 1. Whether the applicant applied for a determination of  
 715 indigent status under subsection (1) and the outcome of such  
 716 application.

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

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

720 4. Whether the applicant is proceeding pro se.

721 5. When the applicant retained private counsel.

722       6. The amount of any attorney's fees and who is paying the  
 723 fees.

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

726           1. The applicant is not indigent for costs.

727           2. The applicant is indigent for costs.

728       (d) The provision of due-process services based upon a  
 729 determination that a person is indigent for costs under this  
 730 subsection must be effectuated pursuant to a court order, a copy  
 731 of which the clerk shall provide to counsel representing the  
 732 person, or to the person directly if he or she is proceeding pro  
 733 se, for use in requesting payment of due-process expenses  
 734 through the Justice Administrative Commission. Counsel  
 735 representing a person declared indigent for costs shall execute  
 736 the Justice Administrative Commission's contract for counsel  
 737 representing persons determined to be indigent for costs.

738       (6) DUTIES OF PARENT OR LEGAL GUARDIAN.--A nonindigent  
 739 parent or legal guardian of an applicant who is a minor or an  
 740 adult tax-dependent person shall furnish the minor or adult tax-  
 741 dependent person with the necessary legal services and costs  
 742 incident to a delinquency proceeding or, upon transfer of such  
 743 person for criminal prosecution as an adult pursuant to chapter  
 744 985, a criminal prosecution in which the person has a right to  
 745 legal counsel under the Constitution of the United States or the  
 746 Constitution of the State of Florida. The failure of a parent or  
 747 legal guardian to furnish legal services and costs under this  
 748 section does not bar the appointment of legal counsel pursuant  
 749 to this section, s. 27.40, or s. 27.5303. When the public

750 defender, a private court-appointed conflict counsel, or a  
751 private attorney is appointed to represent a minor or an adult  
752 tax-dependent person in any proceeding in circuit court or in a  
753 criminal proceeding in any other court, the parents or the legal  
754 guardian shall be liable for payment of the fees, charges, and  
755 costs of the representation even if the person is a minor being  
756 tried as an adult. Liability for the fees, charges, and costs of  
757 the representation shall be imposed in the form of a lien  
758 against the property of the nonindigent parents or legal  
759 guardian of the minor or adult tax-dependent person. The lien is  
760 enforceable as provided in s. 27.561 or s. 938.29.

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

762 (a) If the court learns of discrepancies between the  
763 application or motion and the actual financial status of the  
764 person found to be indigent or indigent for costs, the court  
765 shall determine whether the public defender or private attorney  
766 shall continue representation or whether the authorization for  
767 any other due-process services previously authorized shall be  
768 revoked. The person may be heard regarding the information  
769 learned by the court. If the court, based on the information,  
770 determines that the person is not indigent or indigent for  
771 costs, the court shall order the public defender or private  
772 attorney to discontinue representation and revoke the provision  
773 of any other authorized due-process services.

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

778 recovered by the state attorney as reasonable value of the  
779 services rendered, including fees, charges, and costs paid by  
780 the state on the person's behalf, shall be remitted to the  
781 Department of Revenue for deposit into the Grants and Donations  
782 Trust Fund within the Justice Administrative Commission.  
783 Seventy-five percent of any amount recovered shall be remitted  
784 to the Department of Revenue for deposit into the General  
785 Revenue Fund.

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

790 Section 4. Subsections (1), (2), and (6) of section  
791 27.5304, Florida Statutes, are amended, and subsections (7),  
792 (8), (9), and (10) are added to said section, to read:

793 27.5304 Private court-appointed counsel; compensation.--

794 (1) Private court-appointed counsel shall be compensated  
795 by the Justice Administrative Commission in an amount not to  
796 exceed the fee limits established in this section. The attorney  
797 also shall be reimbursed for reasonable and necessary expenses  
798 in accordance with s. 29.007. If the attorney is representing a  
799 defendant charged with more than one offense in the same case,  
800 the attorney shall be compensated at the rate provided for the  
801 most serious offense for which he or she represented the  
802 defendant. This section does not allow stacking of the fee  
803 limits established by this section. Private court-appointed  
804 counsel providing representation under an alternative model  
805 shall enter into a uniform contract with the Justice

806 Administrative Commission and shall use the Justice  
807 Administrative Commission's uniform procedures and forms in  
808 support of billing for attorney's fees, costs, and related  
809 expenses. Failure to comply with the terms of the contract for  
810 services may result in termination of the contract.

811 (2) The Justice Administrative Commission shall review an  
812 intended billing by private court-appointed counsel for  
813 attorney's fees based on a flat fee per case for completeness  
814 and compliance with contractual, statutory, and circuit Article  
815 V indigent services committee requirements. The commission may  
816 approve the intended bill for a flat fee per case for payment  
817 without approval by the court if the intended billing is  
818 correct. For all other intended billings, prior to filing a  
819 motion for an order approving payment of attorney's fees, costs,  
820 or related expenses, the private court-appointed counsel shall  
821 deliver a copy of the intended billing, together with supporting  
822 affidavits and all other necessary documentation, to the Justice  
823 Administrative Commission. The Justice Administrative Commission  
824 shall review the billings, affidavit, and documentation for  
825 completeness and compliance with contractual and statutory  
826 requirements. If the Justice Administrative Commission objects  
827 to any portion of the proposed billing, the objection and  
828 reasons therefor shall be communicated to the private court-  
829 appointed counsel. The private court-appointed counsel may  
830 thereafter file his or her motion for order approving payment of  
831 attorney's fees, costs, or related expenses together with  
832 supporting affidavits and all other necessary documentation. The  
833 motion must specify whether the Justice Administrative

834 Commission objects to any portion of the billing or the  
835 sufficiency of documentation and shall attach the Justice  
836 Administrative Commission's letter stating its objection. The  
837 attorney shall have the burden to prove the entitlement to  
838 attorney's fees, costs, or related expenses, ~~if so, the reasons~~  
839 ~~therefor~~. A copy of the motion and attachments shall be served  
840 on the Justice Administrative Commission at least 5 business  
841 days prior to the date of a hearing. The Justice Administrative  
842 Commission shall have standing to appear before the court to  
843 contest any motion for order approving payment of attorney's  
844 fees, costs, or related expenses and may participate in a  
845 hearing on the motion by use of telephonic or other  
846 communication equipment unless ordered otherwise. The Justice  
847 Administrative Commission may contract with other public or  
848 private entities or individuals to appear before the court for  
849 the purpose of contesting any motion for order approving payment  
850 of attorney's fees, costs, or related expenses. The fact that  
851 the Justice Administrative Commission has not objected to any  
852 portion of the billing or to the sufficiency of the  
853 documentation is not binding on the court. The court retains  
854 primary authority and responsibility for determining the  
855 reasonableness of all billings for attorney's fees, costs, and  
856 related expenses, subject to statutory limitations. Private  
857 court-appointed counsel is entitled to compensation upon final  
858 disposition of a case, except as provided in subsections (7),  
859 (8), and (10). Before final disposition of a case, a private  
860 court-appointed counsel may file a motion for fees, costs, and  
861 related expenses for services completed up to the date of the

862 motion in any case or matter in which legal services have been  
863 provided by the attorney for more than 1 year. The amount  
864 approved by the court may not exceed 80 percent of the fees  
865 earned, or costs and related expenses incurred, to date, or an  
866 amount proportionate to the maximum fees permitted under this  
867 section based on legal services provided to date, whichever is  
868 less. The court may grant the motion if counsel shows that  
869 failure to grant the motion would work a particular hardship  
870 upon counsel.

871 (6) A private attorney appointed in lieu of the public  
872 defender to represent an indigent defendant may not reassign or  
873 subcontract the case to another attorney or allow another  
874 attorney to appear at a critical stage of a case who is not on  
875 the registry developed under ~~pursuant to~~ s. 27.40.

876 (7) Private court-appointed counsel representing a parent  
877 in a dependency case that is open may submit a request for  
878 payment to the Justice Administrative Commission at the  
879 following intervals:

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

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

883 (c) Following a judicial review hearing.

884

885 In no case, however, may counsel submit requests under this  
886 paragraph more than once per quarter, unless the court finds  
887 extraordinary circumstances justifying more frequent submission  
888 of payment requests.



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

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

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

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

899       (10) The Justice Administrative Commission shall develop a  
 900 schedule to provide partial payment of attorney fees for cases  
 901 that are not resolved within 6 months. The schedule must provide  
 902 that the aggregate payments shall not exceed limits established  
 903 by law. Any partial payment made pursuant to this subsection  
 904 shall not exceed the actual value of services provided to date.  
 905 Any partial payment shall be proportionate to the value of  
 906 services provided based on payment rates included in the  
 907 contract, not to exceed any limit provided by law.

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

910       27.54 Limitation on payment of expenditures for public  
 911 defender's office other than by the state.--

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

917 ancillary to a state charge shall contract with counties and  
 918 municipalities to recover the full cost of services rendered on  
 919 an hourly basis or reimburse the state for the full cost of  
 920 assigning one or more full-time equivalent attorney positions to  
 921 work on behalf of the county or municipality. Notwithstanding  
 922 any other provision of law, in the case of a county with a  
 923 population of less than 75,000, the public defender shall  
 924 contract for full reimbursement, or for reimbursement as the  
 925 parties otherwise agree. In local ordinance violation cases, the  
 926 county or municipality shall pay for due-process services that  
 927 are approved by the court, including deposition costs,  
 928 deposition transcript costs, investigative costs, witness fees,  
 929 expert witness costs, and interpreter costs. The person charged  
 930 with the violation shall be assessed a fee for the services of a  
 931 public defender and other costs and fees paid by the county or  
 932 municipality, which assessed fee may be reduced to a lien, in  
 933 all instances in which the person enters a plea of guilty or no  
 934 contest or is found to be in violation or guilty of any count or  
 935 lesser included offense of the charge or companion case charges,  
 936 regardless of adjudication. The court shall determine the amount  
 937 of the obligation. The county or municipality may recover  
 938 assessed fees through collections court or as otherwise  
 939 permitted by law and any fees recovered pursuant to this section  
 940 shall be forwarded to the applicable county or municipality as  
 941 reimbursement.

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

945 hourly rate is specified in the General Appropriations Act, that  
 946 rate shall control.

947 (b) A contract for assigning one or more full-time  
 948 equivalent attorney positions to perform work on behalf of the  
 949 county or municipality shall assign one or more full-time  
 950 equivalent positions based on estimates by the public defender  
 951 of the number of hours required to handle the projected  
 952 workload. The full cost of each full-time equivalent attorney  
 953 position on an annual basis shall be \$50, or the amount  
 954 specified in the General Appropriations Act, multiplied by the  
 955 legislative budget request standard for available work hours for  
 956 one full-time equivalent attorney position, or, in the absence  
 957 of that standard, 1,854 hours. The contract may provide for  
 958 funding full-time equivalent positions in one-quarter  
 959 increments.

960 (c) Any payments received pursuant to this subsection  
 961 shall be deposited into the Grants and Donations Trust Fund  
 962 within the Justice Administrative Commission for appropriation  
 963 by the Legislature.

964 Section 6. Section 28.24, Florida Statutes, is amended to  
 965 read:

966 28.24 Service charges by clerk of the circuit court.--The  
 967 clerk of the circuit court shall ~~may~~ charge for services  
 968 rendered by the clerk's office in recording documents and  
 969 instruments and in performing the duties enumerated in amounts  
 970 not to exceed those specified in this section. Notwithstanding  
 971 any other provision of this section, the clerk of the circuit  
 972 court shall provide without charge to the state attorney, public

973 defender, ~~and~~ guardian ad litem, public guardian, attorney ad  
 974 litem, and court-appointed counsel paid by the state, and to the  
 975 authorized staff acting on behalf of each, access to and a copy  
 976 of any public record, if the requesting party is entitled by law  
 977 to view the exempt or confidential record, as maintained by and  
 978 in the custody of the clerk of the circuit court as provided in  
 979 general law and the Florida Rules of Judicial Administration.  
 980 The clerk of the circuit court may provide the requested public  
 981 record in an electronic format in lieu of a paper format when  
 982 capable of being accessed by the requesting entity.

983

984 Charges

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

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

991 (3) For certifying copies of any instrument in the public  
 992 records....1.50

993 (4) For verifying any instrument presented for  
 994 certification prepared by someone other than clerk, per  
 995 page....3.00

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

999           (b) For making copies by photographic process of any  
1000 instrument in the public records of more than 14 inches by 8 1/2  
1001 inches, per page....5.00

1002           (6) For making microfilm copies of any public records:  
1003           (a) 16 mm 100' microfilm roll....37.50  
1004           (b) 35 mm 100' microfilm roll....52.50  
1005           (c) Microfiche, per fiche....3.00

1006           (7) For copying any instrument in the public records by  
1007 other than photographic process, per page....6.00

1008           (8) For writing any paper other than herein specifically  
1009 mentioned, same as for copying, including signing and  
1010 sealing....6.00

1011           (9) For indexing each entry not recorded....1.00

1012           (10) For receiving money into the registry of court:  
1013           (a)1. First \$500, percent....3  
1014           2. Each subsequent \$100, percent....1.5  
1015           (b) Eminent domain actions, per deposit....\$150.00

1016           (11) For examining, certifying, and recording plats and  
1017 for recording condominium exhibits larger than 14 inches by 8 1/2  
1018 inches:  
1019           (a) First page....30.00  
1020           (b) Each additional page....15.00

1021           (12) For recording, indexing, and filing any instrument  
1022 not more than 14 inches by 8 1/2 inches, including required  
1023 notice to property appraiser where applicable:  
1024           (a) First page or fraction thereof....5.00  
1025           (b) Each additional page or fraction thereof....4.00

1026 (c) For indexing instruments recorded in the official  
 1027 records which contain more than four names, per additional  
 1028 name....1.00

1029 (d) An additional service charge shall be paid to the  
 1030 clerk of the circuit court to be deposited in the Public Records  
 1031 Modernization Trust Fund for each instrument listed in s.  
 1032 28.222, except judgments received from the courts and notices of  
 1033 lis pendens, recorded in the official records:

- 1034 1. First page....1.00
- 1035 2. Each additional page....0.50

1036

1037 Said fund shall be held in trust by the clerk and used  
 1038 exclusively for equipment and maintenance of equipment,  
 1039 personnel training, and technical assistance in modernizing the  
 1040 public records system of the office. In a county where the duty  
 1041 of maintaining official records exists in an office other than  
 1042 the office of the clerk of the circuit court, the clerk of the  
 1043 circuit court is entitled to 25 percent of the moneys deposited  
 1044 into the trust fund for equipment, maintenance of equipment,  
 1045 training, and technical assistance in modernizing the system for  
 1046 storing records in the office of the clerk of the circuit court.  
 1047 The fund may not be used for the payment of travel expenses,  
 1048 membership dues, bank charges, staff-recruitment costs, salaries  
 1049 or benefits of employees, construction costs, general operating  
 1050 expenses, or other costs not directly related to obtaining and  
 1051 maintaining equipment for public records systems or for the  
 1052 purchase of furniture or office supplies and equipment not  
 1053 related to the storage of records. On or before December 1,

1054 1995, and on or before December 1 of each year immediately  
 1055 preceding each year during which the trust fund is scheduled for  
 1056 legislative review under s. 19(f)(2), Art. III of the State  
 1057 Constitution, each clerk of the circuit court shall file a  
 1058 report on the Public Records Modernization Trust Fund with the  
 1059 President of the Senate and the Speaker of the House of  
 1060 Representatives. The report must itemize each expenditure made  
 1061 from the trust fund since the last report was filed; each  
 1062 obligation payable from the trust fund on that date; and the  
 1063 percentage of funds expended for each of the following:  
 1064 equipment, maintenance of equipment, personnel training, and  
 1065 technical assistance. The report must indicate the nature of the  
 1066 system each clerk uses to store, maintain, and retrieve public  
 1067 records and the degree to which the system has been upgraded  
 1068 since the creation of the trust fund.

1069 (e) An additional service charge of \$4 per page shall be  
 1070 paid to the clerk of the circuit court for each instrument  
 1071 listed in s. 28.222, except judgments received from the courts  
 1072 and notices of lis pendens, recorded in the official records.  
 1073 From the additional \$4 service charge collected:

1074 1. If the counties maintain legal responsibility for the  
 1075 costs of the court-related technology needs as defined in s.  
 1076 29.008(1)(f)2. and (h), 10 cents shall be distributed to the  
 1077 Florida Association of Court Clerks and Comptroller, Inc., for  
 1078 the cost of development, implementation, operation, and  
 1079 maintenance of the clerks' Comprehensive Case Information  
 1080 System, in which system all clerks shall participate on or  
 1081 before January 1, 2006; \$1.90 shall be retained by the clerk to

1082 | be deposited in the Public Records Modernization Trust Fund and  
1083 | used exclusively for funding court-related technology needs of  
1084 | the clerk as defined in s. 29.008(1)(f)2. and (h); and \$2 shall  
1085 | be distributed to the board of county commissioners to be used  
1086 | exclusively to fund court-related technology, and court  
1087 | technology needs as defined in s. 29.008(1)(f)2. and (h) for the  
1088 | state trial courts, state attorney, and public defender in that  
1089 | county. If the counties maintain legal responsibility for the  
1090 | costs of the court-related technology needs as defined in s.  
1091 | 29.008(1)(f)2. and (h), notwithstanding any other provision of  
1092 | law, the county is not required to provide additional funding  
1093 | beyond that provided herein for the court-related technology  
1094 | needs of the clerk as defined in s. 29.008(1)(f)2. and (h). All  
1095 | court records and official records are the property of the State  
1096 | of Florida, including any records generated as part of the  
1097 | Comprehensive Case Information System funded pursuant to this  
1098 | paragraph and the clerk of court is designated as the custodian  
1099 | of such records, except in a county where the duty of  
1100 | maintaining official records exists in a county office other  
1101 | than the clerk of court, such county office is designated the  
1102 | custodian of all official records, and the clerk of court is  
1103 | designated the custodian of all court records. The clerk of  
1104 | court or any entity acting on behalf of the clerk of court,  
1105 | including an association, shall not charge a fee to any agency  
1106 | as defined in s. 119.011, the Legislature, or the State Court  
1107 | System for copies of records generated by the Comprehensive Case  
1108 | Information System or held by the clerk of court or any entity



1109 acting on behalf of the clerk of court, including an  
 1110 association.

1111 2. If the state becomes legally responsible for the costs  
 1112 of court-related technology needs as defined in s.  
 1113 29.008(1)(f)2. and (h), whether by operation of general law or  
 1114 by court order, \$4 shall be remitted to the Department of  
 1115 Revenue for deposit into the General Revenue Fund.

1116 (13) Oath, administering, attesting, and sealing, not  
 1117 otherwise provided for herein....3.00

1118 (14) For validating certificates, any authorized bonds,  
 1119 each....3.00

1120 (15) For preparing affidavit of domicile....5.00

1121 (16) For exemplified certificates, including signing and  
 1122 sealing....6.00

1123 (17) For authenticated certificates, including signing and  
 1124 sealing....6.00

1125 (18)(a) For issuing and filing a subpoena for a witness,  
 1126 not otherwise provided for herein (includes writing, preparing,  
 1127 signing, and sealing)....6.00

1128 (b) For signing and sealing only....1.50

1129 (19) For approving bond....7.50

1130 (20) For searching of records, for each year's  
 1131 search....1.50

1132 (21) For processing an application for a tax deed sale  
 1133 (includes application, sale, issuance, and preparation of tax  
 1134 deed, and disbursement of proceeds of sale), other than excess  
 1135 proceeds....60.00

1136 (22) For disbursement of excess proceeds of tax deed sale,  
 1137 first \$100 or fraction thereof....10.00

1138 (23) Upon receipt of an application for a marriage  
 1139 license, for preparing and administering of oath; issuing,  
 1140 sealing, and recording of the marriage license; and providing a  
 1141 certified copy....30.00

1142 (24) For solemnizing matrimony....30.00

1143 (25) For sealing any court file or expungement of any  
 1144 record....37.50

1145 (26) (a) For receiving and disbursing all restitution  
 1146 payments, per payment....3.00

1147 (b) For receiving and disbursing all partial payments,  
 1148 other than restitution payments, for which an administrative  
 1149 processing service charge is not imposed pursuant to s. 28.246,  
 1150 per month....5.00

1151 (c) For setting up a payment plan, a one-time  
 1152 administrative processing charge in lieu of a per month charge  
 1153 under paragraph (b)....25.00

1154 (27) Postal charges incurred by the clerk of the circuit  
 1155 court in any mailing by certified or registered mail shall be  
 1156 paid by the party at whose instance the mailing is made.

1157 (28) For furnishing an electronic copy of information  
 1158 contained in a computer database: a fee as provided for in  
 1159 chapter 119.

1160 Section 7. Paragraph (a) of subsection (1) and subsection  
 1161 (2) of section 28.2402, Florida Statutes, are amended to read:

1162 28.2402 Cost recovery; use of the circuit court for  
 1163 ordinance or special law violations.--

1164 (1) (a) In lieu of payment of a filing fee under s. 28.241,  
1165 a filing fee of \$10 shall be paid by a county or municipality  
1166 when filing a county or municipal ordinance violation or  
1167 violation of a special law in circuit court. This fee shall be  
1168 paid to the clerk of the court for performing court-related  
1169 functions. A county or municipality is not required to pay more  
1170 than one filing fee for a single filing against a single  
1171 defendant that contains multiple alleged violations. A filing  
1172 fee, other than that imposed under this section, may not be  
1173 assessed for initiating an enforcement proceeding in circuit  
1174 court for a violation of a county or municipal code or ordinance  
1175 or a violation of a special law. The filing fee shall not apply  
1176 to instances in which a county or municipality has contracted  
1177 with the state, or has been delegated by the state,  
1178 responsibility for enforcing state operations, policies, or  
1179 requirements under s. 125.69, s. 166.0415, or chapter 162.

1180 (2) To offset costs incurred by the clerks of the court in  
1181 performing court-related functions associated with the  
1182 processing of violations of special laws and municipal  
1183 ordinances, 10 percent of the total amount of fines paid to each  
1184 municipality for special law or ordinance violations filed in  
1185 circuit court shall be retained by the clerk of the court for  
1186 deposit into the clerk's fine and forfeiture fund established  
1187 pursuant to s. 142.01, except for fines a portion of which the  
1188 clerk of the court retains pursuant to any other provision of  
1189 state law. A municipality does not include the unincorporated  
1190 areas, if any, of a government created pursuant to s. 6(e), Art.  
1191 VIII of the State Constitution.

1192 Section 8. Section 28.245, Florida Statutes, is amended to  
 1193 read:

1194 28.245 Transmittal of funds to Department of Revenue;  
 1195 uniform remittance form required.--Notwithstanding any other  
 1196 provision of law, all moneys collected by the clerks of the  
 1197 court as part of the clerk's court-related functions for  
 1198 subsequent distribution to any state entity must be transmitted  
 1199 electronically, by the 20th day of the month immediately  
 1200 following the month in which the moneys are collected, to the  
 1201 Department of Revenue for appropriate distribution. A uniform  
 1202 remittance form provided by the Department of Revenue detailing  
 1203 the specific amounts due each fund must accompany such  
 1204 submittal. All moneys collected by the clerks of court for  
 1205 remittance to any entity must be distributed pursuant to the law  
 1206 in effect at the time of collection.

1207 Section 9. Subsections (1) and (4) of section 28.246,  
 1208 Florida Statutes, are amended to read:

1209 28.246 Payment of court-related fees, charges, and costs;  
 1210 partial payments; distribution of funds.--

1211 (1) Beginning July 1, 2003, the clerk of the circuit court  
 1212 shall report the following information to the Legislature and  
 1213 the Florida Clerks ~~Clerk~~ of Court Operations Corporation  
 1214 ~~Conference~~ on a form developed by the Department of Financial  
 1215 Services:

1216 (a) The total amount of mandatory fees, service charges,  
 1217 and costs; the total amount actually assessed; the total amount  
 1218 discharged, waived, or otherwise not assessed; and the total  
 1219 amount collected.

1220 (b) The amount of discretionary fees, service charges, and  
 1221 costs assessed; the total amount discharged; and the total  
 1222 amount collected.

1223 (c) The total amount of mandatory fines and other monetary  
 1224 penalties; the total amount assessed; the total amount  
 1225 discharged, waived, or otherwise not assessed; and the total  
 1226 amount collected.

1227 (d) The amount of discretionary fines and other monetary  
 1228 penalties assessed; the amount discharged; and the total amount  
 1229 collected.

1230

1231 If provided to the clerk of court by the judge, the clerk, in  
 1232 reporting the amount assessed, shall separately identify the  
 1233 amount assessed pursuant to s. 938.30 as community service;  
 1234 assessed by reducing the amount to a judgment or lien; satisfied  
 1235 by time served; or other. The form developed by the Chief  
 1236 Financial Officer shall include separate entries for recording  
 1237 these amounts. The clerk shall submit the report on a quarterly  
 1238 basis 30 days after the end of the quarter for the period from  
 1239 July 1, 2003, through June 30, 2004, and on an annual basis  
 1240 thereafter, 60 days after the end of the county fiscal year.

1241 (4) The clerk of the circuit court shall accept partial  
 1242 payments for court-related fees, service charges, costs, and  
 1243 fines in accordance with the terms of an established payment  
 1244 plan. An individual seeking to defer payment of fees, service  
 1245 charges, costs, or fines imposed by operation of law or order of  
 1246 the court under any provision of general law shall apply to the  
 1247 clerk for enrollment in a payment plan. The clerk shall enter

1248 into a payment plan with an individual who the court determines  
 1249 is indigent for costs. A monthly payment amount, calculated  
 1250 based upon all fees and all anticipated costs, is presumed to  
 1251 correspond to the person's ability to pay if the amount does not  
 1252 exceed 2 percent of the person's annual net income, as defined  
 1253 in 27.52(1), divided by 12. The court may review the  
 1254 reasonableness of the payment plan, ~~and determined by the court~~  
 1255 ~~to be unable to make payment in full, shall be enrolled by the~~  
 1256 ~~clerk in a payment program, with periodic payment amounts~~  
 1257 ~~corresponding to the individual's ability to pay.~~

1258 Section 10. Section 28.345, Florida Statutes, is amended  
 1259 to read:

1260 28.345 Exemption from court-related fees and  
 1261 charges.--Notwithstanding any other provision of this chapter or  
 1262 law to the contrary, judges and those court staff acting on  
 1263 behalf of judges, state attorneys, guardians ad litem, public  
 1264 guardians, attorneys ad litem, court-appointed private counsel,  
 1265 and public defenders, acting in their official capacity, and  
 1266 state agencies, are exempt from all court-related fees and  
 1267 charges assessed by the clerks of the circuit courts.

1268 Section 11. Paragraph (a) of subsection (3) and paragraph  
 1269 (b) of subsection (4) of section 28.36, Florida Statutes, are  
 1270 amended, subsection (6) is renumbered as subsection (7), and a  
 1271 new subsection (6) is added to said section, to read:

1272 28.36 Budget procedure.--There is hereby established a  
 1273 budget procedure for the court-related functions of the clerks  
 1274 of the court.

1275 (3) Each proposed budget shall further conform to the  
 1276 following requirements:

1277 (a) On or before August 15 ~~±~~ for each fiscal year  
 1278 thereafter, the proposed budget shall be prepared, summarized,  
 1279 and submitted by the clerk in each county to the Clerks of Court  
 1280 Operations Corporation in the manner and form prescribed by the  
 1281 corporation ~~conference~~. The proposed budget must provide  
 1282 detailed information on the anticipated revenues available and  
 1283 expenditures necessary for the performance of the standard list  
 1284 of court-related functions of the clerk's office developed  
 1285 pursuant to s. 28.35(4) (a) for the county fiscal year beginning  
 1286 the following October 1.

1287 (4) If a clerk of the court estimates that available funds  
 1288 plus projected revenues from fines, fees, service charges, and  
 1289 costs for court-related services are insufficient to meet the  
 1290 anticipated expenditures for the standard list of court-related  
 1291 functions in s. 28.35(4) (a) performed by his or her office, the  
 1292 clerk must report the revenue deficit to the Clerks of Court  
 1293 Operations Corporation in the manner and form prescribed by the  
 1294 corporation pursuant to contract with the Chief Financial  
 1295 Officer. The corporation shall verify that the proposed budget  
 1296 is limited to the standard list of court-related functions in s.  
 1297 28.35(4) (a).

1298 (b) If the Chief Financial Officer ~~Department of Revenue~~  
 1299 finds the court-related budget proposed by a clerk includes  
 1300 functions not included in the standard list of court-related  
 1301 functions in s. 28.35(4) (a) ~~28.35(3) (a)~~, the Chief Financial  
 1302 Officer ~~department~~ shall notify the clerk of the amount of the

1303 | proposed budget not eligible to be funded from fees, service  
 1304 | charges, costs, and fines for court-related functions and shall  
 1305 | identify appropriate corrective measures to ensure budget  
 1306 | integrity. The clerk shall then immediately discontinue all  
 1307 | ineligible ~~the~~ expenditures of court-related funds for this  
 1308 | purpose and reimburse the Clerks of the Court Trust Fund for any  
 1309 | previously ineligible expenditures made for non-court-related  
 1310 | functions, and shall implement any corrective actions identified  
 1311 | by the Chief Financial Officer ~~incurred to date for these~~  
 1312 | ~~functions~~.

1313 |       (6) The Florida Clerks of Court Operations Corporation,  
 1314 | upon review and approval by the Chief Financial Officer, may  
 1315 | approve adjustments to the clerk's maximum annual budget for  
 1316 | court-related duties if either of the following conditions  
 1317 | exists:

1318 |       (a) The additional funding is necessary to pay the cost of  
 1319 | performing new or additional functions required by changes in  
 1320 | law and the legislation which establishes the new or additional  
 1321 | functions specifically authorizes, by reference to this  
 1322 | subsection, the adjustment of maximum annual budgets; or

1323 |       (b) The additional funding is necessary to pay the cost of  
 1324 | supporting increases in the number of judges or magistrates  
 1325 | authorized by the Legislature and the legislation which  
 1326 | establishes additional judges or magistrates specifically  
 1327 | authorizes, by reference to this subsection, the adjustment of  
 1328 | maximum annual budgets.

1329 |



1330 Before the maximum annual budget of any clerk can be increased  
1331 pursuant to this subsection, the corporation shall provide the  
1332 Chief Financial Officer and the Legislative Budget Commission  
1333 with a statement of the impact of the proposed budget changes on  
1334 state revenues, performance data indicating unit costs for the  
1335 affected clerk as compared to statewide averages, evidence that  
1336 the respective clerk of the court is meeting or exceeding the  
1337 established performance standards for measures on the fiscal  
1338 management, operational efficiency, and effective collection of  
1339 finances, fees, service charges, and court costs, and a proposed  
1340 staffing model, including the cost and number of staff necessary  
1341 to support additional statutory responsibilities for each new  
1342 judge or magistrate. If not otherwise specified in the  
1343 legislation that establishes additional responsibilities, judges  
1344 or magistrates, any adjustments approved by the corporation  
1345 pursuant to this subsection shall not, in the aggregate, exceed  
1346 1 percent of the aggregate statewide maximum annual budgets that  
1347 would otherwise be established pursuant to the methodology  
1348 required by this section. Any adjustment to a maximum annual  
1349 budget authorized by this subsection is subject to review and  
1350 approval by the Legislative Budget Commission pursuant to  
1351 chapter 216.

1352 (7)~~(6)~~ The corporation may submit proposed legislation to  
1353 the Governor, the President of the Senate, and the Speaker of  
1354 the House of Representatives no later than November 1 in any  
1355 year for approval of clerk budget request amounts exceeding the  
1356 restrictions in this section for the following October 1. If  
1357 proposed legislation is recommended, the corporation shall also

1358 submit supporting justification with sufficient detail to  
 1359 identify the specific proposed expenditures that would cause the  
 1360 limitations to be exceeded for each affected clerk and the  
 1361 estimated fiscal impact on state revenues.

1362 Section 12. Subsection (4) of section 28.37, Florida  
 1363 Statutes, is amended to read:

1364 28.37 Fines, fees, service charges, and costs remitted to  
 1365 the state.--

1366 (4) Beginning January 1, 2005, for the period July 1,  
 1367 2004, through September 30, 2004, and each January 1 thereafter  
 1368 for the preceding county fiscal year of October 1 through  
 1369 September 30, the clerk of the court must remit to the  
 1370 Department of Revenue for deposit in the General Revenue Fund  
 1371 the cumulative excess of all fees, service charges, court costs,  
 1372 and fines retained by the clerks of the court, plus any funds  
 1373 received by the clerks of the court from the Department of  
 1374 Revenue Clerk of the Court Trust Fund under s. 28.36(4)(a), over  
 1375 the amount needed to meet the approved budget amounts  
 1376 established under s. 28.36.

1377 Section 13. Section 28.44, Florida Statutes, is created to  
 1378 read:

1379 28.44 Clerk discontinuance of court-related functions.--

1380 (1) No function of the clerk of court being performed in  
 1381 support of the trial courts by the individual clerks of court on  
 1382 July 1, 2004, may be discontinued or substantially modified on a  
 1383 unilateral basis except pursuant to this section. A clerk of  
 1384 court may discontinue performing a function performed in support  
 1385 of the trial court only if:

1386        (a) The chief judge of the circuit has consented in  
1387 writing to the discontinuance or substantial modification of the  
1388 function performed in support of the trial court; or

1389        (b) The clerk of court has given written notice of the  
1390 intention to substantially modify or discontinue a function  
1391 performed in support of the trial court at least one year before  
1392 the effective date of the discontinuance or substantial  
1393 modification of the function.

1394        (2) "Substantial modification" of a function performed in  
1395 support of the trial court means a modification which has the  
1396 effect of reducing the level of services provided to the trial  
1397 court.

1398        Section 14. Subsection (6) of section 29.004, Florida  
1399 Statutes, is amended to read:

1400        29.004 State courts system.--For purposes of implementing  
1401 s. 14, Art. V of the State Constitution, the elements of the  
1402 state courts system to be provided from state revenues  
1403 appropriated by general law are as follows:

1404        (6) Expert witnesses ~~who not requested by any party which~~  
1405 are appointed by the court pursuant to an express grant of  
1406 statutory authority.

1407        Section 15. Subsections (4), (5), (6), (7), and (8) of  
1408 section 29.005, Florida Statutes, are amended to read:

1409        29.005 State attorneys' offices and prosecution  
1410 expenses.--For purposes of implementing s. 14, Art. V of the  
1411 State Constitution, the elements of the state attorneys' offices  
1412 to be provided from state revenues appropriated by general law  
1413 are as follows:

1414           ~~(4) Mental health professionals appointed pursuant to s.~~  
 1415 ~~394.473 and required in a court hearing involving an indigent,~~  
 1416 ~~and mental health professionals appointed pursuant to s.~~  
 1417 ~~916.115(2) and required in a court hearing involving an~~  
 1418 ~~indigent.~~

1419           (4)~~(5)~~ Reasonable transportation services in the  
 1420 performance of constitutional and statutory responsibilities.  
 1421 Motor vehicles owned by the counties and provided exclusively to  
 1422 state attorneys as of July 1, 2003, and any additional vehicles  
 1423 owned by the counties and provided exclusively to state  
 1424 attorneys during fiscal year 2003-2004 shall be transferred by  
 1425 title to the state effective July 1, 2004.

1426           (5)~~(6)~~ Travel expenses reimbursable under s. 112.061  
 1427 reasonably necessary in the performance of constitutional and  
 1428 statutory responsibilities.

1429           (6)~~(7)~~ Reasonable library and electronic legal research  
 1430 services, other than a public law library.

1431           (7)~~(8)~~ Reasonable pretrial consultation fees and costs.

1432           Section 16. Section 29.007, Florida Statutes, is amended  
 1433 to read:

1434           29.007 Court-appointed counsel.--For purposes of  
 1435 implementing s. 14, Art. V of the State Constitution, the  
 1436 elements of court-appointed counsel to be provided from state  
 1437 revenues appropriated by general law are as follows:

1438           (1) Private attorneys appointed by the court to handle  
 1439 cases where the defendant is indigent and cannot be represented  
 1440 by the public defender under ss. 27.42 and 27.53.

1441 (2) Private attorneys appointed by the court to represent  
 1442 indigents or other classes of litigants in civil proceedings  
 1443 requiring court-appointed counsel in accordance with state and  
 1444 federal constitutional guarantees and federal and state  
 1445 statutes.

1446 (3) Reasonable court reporting and transcription services  
 1447 necessary to meet constitutional or statutory requirements,  
 1448 including the cost of transcribing and copying depositions of  
 1449 witnesses and the cost of foreign language and sign-language  
 1450 interpreters and translators.

1451 (4) Witnesses, including expert witnesses, summoned to  
 1452 appear for an investigation, preliminary hearing, or trial in a  
 1453 case when the witnesses are summoned on behalf of an indigent,  
 1454 and any other expert witnesses approved by the court.

1455 (5) Mental health professionals appointed pursuant to s.  
 1456 394.473 and required in a court hearing involving an indigent,  
 1457 ~~and~~ mental health professionals appointed pursuant to s.  
 1458 916.115(2) and required in a court hearing involving an  
 1459 indigent, and any other mental health professionals expressly  
 1460 required by law for the full adjudication of any civil case  
 1461 involving an indigent person.

1462 (6) Reasonable pretrial consultation fees and costs.

1463 (7) Travel expenses reimbursable under s. 112.061  
 1464 reasonably necessary in the performance of constitutional and  
 1465 statutory responsibilities.

1466  
 1467 Subsections (3), (4), (5), (6), and (7) apply when court-  
 1468 appointed counsel is appointed; when the court determines that

1469 the litigant is indigent for costs; or when the litigant is  
 1470 acting pro se and the court determines that the litigant is  
 1471 indigent for costs at the trial or appellate level. This section  
 1472 applies in any situation in which the court appoints counsel to  
 1473 protect a litigant's due-process rights. The Justice  
 1474 Administrative Commission shall approve uniform contract forms  
 1475 for use in processing payments for due process services under  
 1476 this section. In each case in which a private attorney  
 1477 represents a person determined by the court to be indigent for  
 1478 costs, the attorney shall execute the commission's contract for  
 1479 private attorneys representing persons determined to be indigent  
 1480 for costs.

1481 Section 17. Subsection (1) of section 29.008, Florida  
 1482 Statutes, is amended to read:

1483 29.008 County funding of court-related functions.--

1484 (1) Counties are required by s. 14, Art. V of the State  
 1485 Constitution to fund the cost of communications services,  
 1486 existing radio systems, existing multiagency criminal justice  
 1487 information systems, and the cost of construction or lease,  
 1488 maintenance, utilities, and security of facilities for the  
 1489 circuit and county courts, public defenders' offices, state  
 1490 attorneys' offices, guardian ad litem offices, and the offices  
 1491 of the clerks of the circuit and county courts performing court-  
 1492 related functions. For purposes of this section, the term  
 1493 "circuit and county courts" shall include the offices and  
 1494 staffing of the guardian ad litem programs. The county  
 1495 designated under s. 35.05(1) as the headquarters for each  
 1496 appellate district shall fund these costs for the appellate

1497 | division of the public defender's office in that county. For  
 1498 | purposes of implementing these requirements, the term:

1499 |       (a) "Facility" means reasonable and necessary buildings  
 1500 | and office space and appurtenant equipment and furnishings,  
 1501 | structures, real estate, easements, and related interests in  
 1502 | real estate, including, but not limited to, those for the  
 1503 | purpose of housing legal materials for use by the general public  
 1504 | and personnel, equipment, or functions of the circuit or county  
 1505 | courts, public defenders' offices, state attorneys' offices, and  
 1506 | court-related functions of the office of the clerks of the  
 1507 | circuit and county courts and all storage. The term "facility"  
 1508 | includes all wiring necessary for court-reporting services. The  
 1509 | term also includes access to parking for such facilities in  
 1510 | connection with such court-related functions that may be  
 1511 | available free or from a private provider or a local government  
 1512 | for a fee. The office space provided by a county may not be less  
 1513 | than the standards for space allotment adopted by the Department  
 1514 | of Management Services, except this requirement applies only to  
 1515 | facilities that are leased, or on which construction commences,  
 1516 | after June 30, 2003. County funding must include physical  
 1517 | modifications and improvements to all facilities as are required  
 1518 | for compliance with the Americans with Disabilities Act. Upon  
 1519 | mutual agreement of a county and the affected entity in this  
 1520 | paragraph, the office space provided by the county may vary from  
 1521 | the standards for space allotment adopted by the Department of  
 1522 | Management Services. ~~This section applies only to facilities~~  
 1523 | ~~that are leased, or on which construction commences, after June~~  
 1524 | ~~30, 2003.~~

1525           1. As of July 1, 2005, equipment and furnishings shall be  
 1526 limited to that appropriate and customary for courtrooms,  
 1527 hearing rooms, jury facilities, and other public areas in  
 1528 courthouses and any other facility occupied by the courts, state  
 1529 attorneys, and public defenders. Court-reporting equipment in  
 1530 these areas or facilities is not a responsibility of the county.

1531           2. Equipment and furnishings under this paragraph in  
 1532 existence and owned by counties on July 1, 2005, except for that  
 1533 in the possession of the clerks, for areas other than  
 1534 courtrooms, hearing rooms, jury facilities, and other public  
 1535 areas in courthouses and any other facility occupied by the  
 1536 courts, state attorneys, and public defenders, shall be  
 1537 transferred to the state at no charge. This provision does not  
 1538 apply to any communication services as defined in paragraph (f).

1539           (b) "Construction or lease" includes, but is not limited  
 1540 to, all reasonable and necessary costs of the acquisition or  
 1541 lease of facilities for all judicial officers, staff, jurors,  
 1542 volunteers of a tenant agency, and the public for the circuit  
 1543 and county courts, the public defenders' offices, state  
 1544 attorneys' offices, and for performing the court-related  
 1545 functions of the offices of the clerks of the circuit and county  
 1546 courts. This includes expenses related to financing such  
 1547 facilities and the existing and future cost and bonded  
 1548 indebtedness associated with placing the facilities in use.

1549           (c) "Maintenance" includes, but is not limited to, all  
 1550 reasonable and necessary costs of custodial and groundskeeping  
 1551 services and renovation and reconstruction as needed to  
 1552 accommodate functions for the circuit and county courts, the



1553 public defenders' offices, and state attorneys' offices and for  
1554 performing the court-related functions of the offices of the  
1555 clerks of the circuit and county court and for maintaining the  
1556 facilities in a condition appropriate and safe for the use  
1557 intended.

1558 (d) "Utilities" means all electricity services for light,  
1559 heat, and power; natural or manufactured gas services for light,  
1560 heat, and power; water and wastewater services and systems,  
1561 stormwater or runoff services and systems, sewer services and  
1562 systems, all costs or fees associated with these services and  
1563 systems, and any costs or fees associated with the mitigation of  
1564 environmental impacts directly related to the facility.

1565 (e) "Security" includes but is not limited to, all  
1566 reasonable and necessary costs of services of law enforcement  
1567 officers or licensed security guards and all electronic,  
1568 cellular, or digital monitoring and screening devices necessary  
1569 to ensure the safety and security of all persons visiting or  
1570 working in a facility; to provide for security of the facility,  
1571 including protection of property owned by the county or the  
1572 state; and for security of prisoners brought to any facility.  
1573 This includes bailiffs while providing courtroom and other  
1574 security for each judge and other quasi-judicial officers.

1575 (f) "Communications services" are defined as any  
1576 reasonable and necessary transmission, emission, and reception  
1577 of signs, signals, writings, images, and sounds of intelligence  
1578 of any nature by wire, radio, optical, audio equipment, or other  
1579 electromagnetic systems and includes all facilities and  
1580 equipment owned, leased, or used by judges, clerks, public

1581 | defenders, state attorneys, and all staff of the state courts  
1582 | system, state attorneys' offices, public defenders' offices, and  
1583 | clerks of the circuit and county courts performing court-related  
1584 | functions. Such system or services shall include, but not be  
1585 | limited to:

1586 |       1. Telephone system infrastructure, including computer  
1587 | lines, telephone switching equipment, and maintenance, and  
1588 | facsimile equipment, wireless communications, cellular  
1589 | telephones, pagers, and video teleconferencing equipment and  
1590 | line charges. Each county shall continue to provide access to a  
1591 | local carrier for local and long distance service and shall pay  
1592 | toll charges for local and long distance service.

1593 |       2. All computer networks, systems and equipment, including  
1594 | computer hardware and software, modems, printers, wiring,  
1595 | network connections, maintenance, support staff or services  
1596 | including any county-funded support staff located in the offices  
1597 | of the circuit court, county courts, state attorneys, and public  
1598 | defenders, training, supplies, and line charges necessary for an  
1599 | integrated computer system to support the operations and  
1600 | management of the state courts system, the offices of the public  
1601 | defenders, the offices of the state attorneys, and the offices  
1602 | of the clerks of the circuit and county courts and the  
1603 | capability to connect those entities and reporting data to the  
1604 | state as required for the transmission of revenue, performance  
1605 | accountability, case management, data collection, budgeting, and  
1606 | auditing purposes. The integrated computer system shall be  
1607 | operational by July 1, 2006, and, at a minimum, permit the  
1608 | exchange of financial, performance accountability, case

1609 management, case disposition, and other data across multiple  
 1610 state and county information systems involving multiple users at  
 1611 both the state level and within each judicial circuit and be  
 1612 able to electronically exchange judicial case background data,  
 1613 sentencing scoresheets, and video evidence information stored in  
 1614 integrated case management systems over secure networks. Once  
 1615 the integrated system becomes operational, counties may reject  
 1616 requests to purchase communication services included in this  
 1617 subparagraph not in compliance with standards, protocols, or  
 1618 processes adopted by the board established pursuant to s.  
 1619 29.0086.

1620 3. Courier messenger and subpoena services.

1621 4. Auxiliary aids and services for qualified individuals  
 1622 with a disability which are necessary to ensure access to the  
 1623 courts. Such auxiliary aids and services include, but are not  
 1624 limited to, sign language interpretation services required under  
 1625 the federal Americans with Disabilities Act other than services  
 1626 required to satisfy due-process ~~due-process~~ requirements and  
 1627 identified as a state funding responsibility pursuant to ss.  
 1628 29.004, 29.005, 29.006, and 29.007, real-time transcription  
 1629 services for individuals who are hearing impaired, and assistive  
 1630 listening devices and the equipment necessary to implement such  
 1631 accommodations.

1632 (g) "Existing radio systems" includes, but is not limited  
 1633 to, law enforcement radio systems that are used by the circuit  
 1634 and county courts, the offices of the public defenders, the  
 1635 offices of the state attorneys, and for court-related functions  
 1636 of the offices of the clerks of the circuit and county courts.

1637 This includes radio systems that were operational or under  
 1638 contract at the time Revision No. 7, 1998, to Art. V of the  
 1639 State Constitution was adopted and any enhancements made  
 1640 thereafter, the maintenance of those systems, and the personnel  
 1641 and supplies necessary for operation.

1642 (h) "Existing multiagency criminal justice information  
 1643 systems" includes, but is not limited to, those components of  
 1644 the multiagency criminal justice information system as defined  
 1645 in s. 943.045, supporting the offices of the circuit or county  
 1646 courts, the public defenders' offices, the state attorneys'  
 1647 offices, or those portions of the offices of the clerks of the  
 1648 circuit and county courts performing court-related functions  
 1649 that are used to carry out the court-related activities of those  
 1650 entities. This includes upgrades and maintenance of the current  
 1651 equipment, maintenance and upgrades of supporting technology  
 1652 infrastructure and associated staff, and services and expenses  
 1653 to assure continued information sharing and reporting of  
 1654 information to the state. The counties shall also provide  
 1655 additional information technology services, hardware, and  
 1656 software as needed for new judges and staff of the state courts  
 1657 system, state attorneys' offices, public defenders' offices, and  
 1658 the offices of the clerks of the circuit and county courts  
 1659 performing court-related functions.

1660 Section 18. Section 29.0081, Florida Statutes, is  
 1661 created to read:

1662 29.0081 County funding of additional court  
 1663 personnel.--

1664 (1) A county and the chief judge of a judicial circuit

1665 that includes that county may enter into an agreement under  
1666 which the county funds personnel positions to assist in the  
1667 operation of the circuit.

1668 (2) The agreement shall, at a minimum, provide that:

1669 (a) Funding for the positions is provided on at least  
1670 a court fiscal-year basis.

1671 (b) The personnel whose employment is funded under the  
1672 agreement are employees of the judicial circuit and are hired,  
1673 supervised, managed, and fired by personnel of the judicial  
1674 circuit.

1675 (c) The positions terminate upon the expiration of, or  
1676 substantial breach of, the agreement or upon the expiration of  
1677 county funding for the positions.

1678 (3) Positions funded under this section shall be  
1679 full-time equivalent positions of the judicial circuit but  
1680 shall not count against any formula or similar process used by  
1681 the Office of the State Courts Administrator to determine  
1682 personnel needs or levels of a judicial circuit.

1683 (4) Nothing in this section obligates the state to  
1684 fund any personnel positions.

1685 Section 19. Subsection (2) of section 29.015, Florida  
1686 Statutes, is amended to read:

1687 29.015 Contingency fund; limitation of authority to  
1688 transfer funds in contracted due process services appropriation  
1689 categories.--

1690 (2) In the event that a state attorney or public defender  
1691 incurs a deficit in a contracted due process services

1692 appropriation category, the following steps shall be taken in  
 1693 order:

1694 (a) The state attorney or public defender shall first  
 1695 attempt to identify surplus funds from other appropriation  
 1696 categories within his or her office and submit a budget  
 1697 amendment pursuant to chapter 216 to transfer funds from within  
 1698 the office.

1699 (b) In the event that the state attorney or public  
 1700 defender is unable to identify surplus funds from within his or  
 1701 her office, he or she shall certify this to the Justice  
 1702 Administrative Commission along with a complete explanation of  
 1703 the circumstances which led to the deficit and steps the office  
 1704 has taken to reduce or alleviate the deficit. The Justice  
 1705 Administrative Commission shall inquire as to whether any other  
 1706 office has surplus funds in its contracted due process services  
 1707 appropriation categories which can be transferred to the office  
 1708 that is experiencing the deficit. If other offices indicate that  
 1709 surplus funds are available within the same appropriation  
 1710 category, the Justice Administrative Commission shall transfer  
 1711 the amount needed to fund the deficit and notify the Governor  
 1712 and the chair and vice chair of the Legislative Budget  
 1713 Commission 14 days prior to a transfer pursuant to the notice,  
 1714 review, and objection provisions of s. 216.177. If funds  
 1715 appropriated for this purpose are available in a different  
 1716 budget entity, the Justice Administrative Commission shall  
 1717 request a budget amendment pursuant to chapter 216 ~~request a~~  
 1718 ~~budget amendment to transfer funds from the office or offices to~~

1719 ~~alleviate the deficit upon agreement of the contributing office~~  
 1720 ~~or offices.~~

1721 (c) If no office indicates that surplus funds are  
 1722 available to alleviate the deficit, the Justice Administrative  
 1723 Commission may request a budget amendment to transfer funds from  
 1724 the contingency fund. Such transfers shall be in accordance with  
 1725 all applicable provisions of chapter 216 and shall be subject to  
 1726 review and approval by the Legislative Budget Commission. The  
 1727 Justice Administrative Commission shall submit the documentation  
 1728 provided by the office explaining the circumstances that led to  
 1729 the deficit and the steps taken by the office and the Justice  
 1730 Administrative Commission to identify surplus funds to the  
 1731 Legislative Budget Commission.

1732 Section 20. Section 29.018, Florida Statutes, is amended  
 1733 to read:

1734 29.018 Cost sharing of due-process services ~~due process~~  
 1735 ~~costs~~; legislative intent.--It is the intent of the Legislature  
 1736 to provide state-funded due-process ~~due process~~ services to the  
 1737 state courts system, state attorneys, public defenders, and  
 1738 court-appointed counsel in the most cost-effective and efficient  
 1739 manner. The state courts system, state attorneys, public  
 1740 defenders, and the Justice Administrative Commission on behalf  
 1741 of court-appointed counsel may enter into contractual agreements  
 1742 to share, on a pro rata basis, the costs associated with court  
 1743 reporting services, court interpreter and translation services,  
 1744 court experts, and all other due-process ~~due process~~ services  
 1745 funded by the state pursuant to this chapter. These costs shall

1746 be budgeted within the funds appropriated to each of the  
 1747 affected users of services.

1748 Section 21. Section 29.0185, Florida Statutes, is created  
 1749 to read:

1750 29.0185 Provision of state-funded due-process services to  
 1751 individuals.--Due-process services may not be provided with  
 1752 state revenues to an individual unless the individual on whose  
 1753 behalf the due-process services are being provided is eligible  
 1754 for court-appointed counsel under s. 27.40, based upon a  
 1755 determination of indigency under s. 27.52, regardless of whether  
 1756 such counsel is appointed or the individual on whose behalf the  
 1757 due process services are being provided is eligible for court-  
 1758 appointed counsel under s. 27.40 and has been determined  
 1759 indigent for costs pursuant to s. 27.52.

1760 Section 22. Subsection (1) of section 34.045, Florida  
 1761 Statutes, is amended to read:

1762 34.045 Cost recovery; use of the county court for  
 1763 ordinance or special law violations.--

1764 (1) (a) In lieu of payment of a filing fee under s. 34.041,  
 1765 a filing fee of \$10 shall be paid by a county or municipality  
 1766 when filing a violation of a county or municipal ordinance or a  
 1767 violation of a special law in county court. This fee shall be  
 1768 paid to the clerk of the court for performing court-related  
 1769 functions. A county or municipality is not required to pay more  
 1770 than one filing fee for a single filing against a single  
 1771 defendant that contains multiple alleged violations. A filing  
 1772 fee, other than that imposed under this section, may not be  
 1773 assessed for initiating an enforcement proceeding in county



1774 court for a violation of a county or municipal code or ordinance  
 1775 or a violation of a special law. The filing fee shall not apply  
 1776 to instances in which a county or municipality has contracted  
 1777 with the state, or has been delegated by the state,  
 1778 responsibility for enforcing state operations, policies, or  
 1779 requirements under s. 125.69, s. 166.0415, or chapter 162.

1780 (b) No other filing fee may be assessed for filing the  
 1781 violation in county court. If a person contests the violation in  
 1782 court, the court shall assess \$40 in costs against the  
 1783 nonprevailing party. The county or municipality shall be  
 1784 considered the prevailing party when there is a plea or finding  
 1785 of violation or guilt to any count or lesser included offense of  
 1786 the charge or companion case charges, regardless of  
 1787 adjudication. Costs ~~Cost~~ recovered pursuant to this paragraph  
 1788 shall be deposited into the clerk's fine and forfeiture fund  
 1789 established pursuant to s. 142.01.

1790 (c) If the person does not contest the violation in court  
 1791 or if the county or municipality is the prevailing party, the  
 1792 court shall assess the person or nonprevailing party \$10 for the  
 1793 filing fee provided in paragraph (a), which amount shall be  
 1794 forwarded to the county or municipality.

1795 Section 23. Section 34.191, Florida Statutes, is amended  
 1796 to read:

1797 34.191 Fines and forfeitures; dispositions.--

1798 (1) All fines and forfeitures arising from offenses tried  
 1799 in the county court shall be collected and accounted for by the  
 1800 clerk of the court and, other than the charge provided in s.  
 1801 318.1215, disbursed in accordance with ss. 28.2402, 34.045,

1802 142.01, and 142.03 ~~142.13~~ and subject to the provisions of s.  
 1803 28.246(5) and (6). Notwithstanding the provisions of this  
 1804 section, all fines and forfeitures arising from operation of the  
 1805 provisions of s. 318.1215 shall be disbursed in accordance with  
 1806 that section.

1807 (2) All fines and forfeitures received from violations of  
 1808 municipal ordinances committed within a municipality within the  
 1809 territorial jurisdiction of the county court, other than the  
 1810 charge provided in s. 318.1215, shall be paid monthly to the  
 1811 municipality except as provided in s. 28.2402(2), s. 34.045(2),  
 1812 s. 318.21, or s. 943.25. A municipality does not include the  
 1813 unincorporated areas, if any, of a government created pursuant  
 1814 to s. 6(e), Art. VIII of the State Constitution.

1815 (3) All other fines and forfeitures collected by the  
 1816 clerk, other than the charge provided in s. 318.1215, shall be  
 1817 considered income of the office of the clerk for use in  
 1818 performing court-related duties of the office.

1819 Section 24. Subsection (3) of section 39.0132, Florida  
 1820 Statutes, is amended to read:

1821 39.0132 Oaths, records, and confidential information.--

1822 (3) The clerk shall keep all court records required by  
 1823 this chapter separate from other records of the circuit court.  
 1824 All court records required by this chapter shall not be open to  
 1825 inspection by the public. All records shall be inspected only  
 1826 upon order of the court by persons deemed by the court to have a  
 1827 proper interest therein, except that, subject to the provisions  
 1828 of s. 63.162, a child and the parents of the child and their  
 1829 attorneys, guardian ad litem, law enforcement agencies, and the

1830 department and its designees shall always have the right to  
 1831 inspect and copy any official record pertaining to the child.  
 1832 The Justice Administrative Commission may inspect court dockets  
 1833 required by this chapter as necessary to audit compensation of  
 1834 court-appointed attorneys. If the docket is insufficient for  
 1835 purposes of the audit, the commission may petition the court for  
 1836 additional documentation as necessary and appropriate. The court  
 1837 may permit authorized representatives of recognized  
 1838 organizations compiling statistics for proper purposes to  
 1839 inspect and make abstracts from official records, under whatever  
 1840 conditions upon their use and disposition the court may deem  
 1841 proper, and may punish by contempt proceedings any violation of  
 1842 those conditions.

1843 Section 25. Subsection (1) of section 39.821, Florida  
 1844 Statutes, is amended to read:

1845 39.821 Qualifications of guardians ad litem.--

1846 (1) Because of the special trust or responsibility placed  
 1847 in a guardian ad litem, the Guardian Ad Litem Program may use  
 1848 any private funds collected by the program, or any state funds  
 1849 so designated, to conduct a security background investigation  
 1850 before certifying a volunteer to serve. A security background  
 1851 investigation must include, but need not be limited to,  
 1852 employment history checks, checks of references, local criminal  
 1853 records checks through local law enforcement agencies, and  
 1854 statewide criminal records checks through the Department of Law  
 1855 Enforcement. Upon request, an employer shall furnish a copy of  
 1856 the personnel record for the employee or former employee who is  
 1857 the subject of a security background investigation conducted

1858 | under this section. The information contained in the personnel  
1859 | record may include, but need not be limited to, disciplinary  
1860 | matters and the reason why the employee was terminated from  
1861 | employment. An employer who releases a personnel record for  
1862 | purposes of a security background investigation is presumed to  
1863 | have acted in good faith and is not liable for information  
1864 | contained in the record without a showing that the employer  
1865 | maliciously falsified the record. A security background  
1866 | investigation conducted under this section must ensure that a  
1867 | person is not certified as a guardian ad litem if the person has  
1868 | been convicted of, regardless of adjudication, or entered a plea  
1869 | of nolo contendere or guilty to, any offense prohibited under  
1870 | the provisions of the Florida Statutes specified in s. 435.04(2)  
1871 | or under any similar law in another jurisdiction. Before  
1872 | certifying an applicant to serve as a guardian ad litem, the  
1873 | Guardian Ad Litem Program ~~chief judge of the circuit court~~ may  
1874 | request a federal criminal records check of the applicant  
1875 | through the Federal Bureau of Investigation. In analyzing and  
1876 | evaluating the information obtained in the security background  
1877 | investigation, the program must give particular emphasis to past  
1878 | activities involving children, including, but not limited to,  
1879 | child-related criminal offenses or child abuse. The program has  
1880 | the sole discretion in determining whether to certify a person  
1881 | based on his or her security background investigation. The  
1882 | information collected pursuant to the security background  
1883 | investigation is confidential and exempt from s. 119.07(1).

1884 |         Section 26. Section 39.822, Florida Statutes, is amended  
1885 | to read:

1886           39.822 Appointment of guardian ad litem for abused,  
 1887 abandoned, or neglected child.--

1888           (1) A guardian ad litem shall be appointed by the court at  
 1889 the earliest possible time to represent the child in any child  
 1890 abuse, abandonment, or neglect judicial proceeding, whether  
 1891 civil or criminal. Any person participating in a civil or  
 1892 criminal judicial proceeding resulting from such appointment  
 1893 shall be presumed prima facie to be acting in good faith and in  
 1894 so doing shall be immune from any liability, civil or criminal,  
 1895 that otherwise might be incurred or imposed.

1896           (2) In those cases in which the parents are financially  
 1897 able, the parent or parents of the child shall reimburse the  
 1898 court, in part or in whole, for the cost of provision of  
 1899 guardian ad litem services. Reimbursement to the individual  
 1900 providing guardian ad litem services shall not be contingent  
 1901 upon successful collection by the court from the parent or  
 1902 parents.

1903           (3) Upon presentation by a guardian ad litem of a court  
 1904 order appointing the guardian ad litem:

1905           (a) An agency, as defined in chapter 119, shall allow the  
 1906 guardian ad litem to inspect and copy records related to the  
 1907 best interests of the child who is the subject of the  
 1908 appointment, including, but not limited to, records made  
 1909 confidential or exempt from s. 119.07(1) or s. 24(a), Art. I of  
 1910 the State Constitution. The guardian ad litem shall maintain the  
 1911 confidential or exempt status of any records shared by an agency  
 1912 under this paragraph.

1913           (b) A person or organization, other than an agency under  
 1914 paragraph (a), shall allow the guardian ad litem to inspect and  
 1915 copy any records related to the best interests of the child who  
 1916 is the subject of the appointment, including, but not limited  
 1917 to, confidential records.

1918  
 1919           For the purposes of this subsection, the term "records related  
 1920 to the best interests of the child" includes, but is not limited  
 1921 to, medical, mental health, substance abuse, child care,  
 1922 education, law enforcement, court, social services, and  
 1923 financial records.

1924           (4)~~(3)~~ The guardian ad litem or the program representative  
 1925 shall review all disposition recommendations and changes in  
 1926 placements, and must be present at all critical stages of the  
 1927 dependency proceeding or submit a written report of  
 1928 recommendations to the court. Written reports must be filed with  
 1929 the court and served on all parties whose whereabouts are known  
 1930 at least 72 hours prior to the hearing.

1931           Section 27. Subsection (1) of section 40.29, Florida  
 1932 Statutes, is amended to read:

1933           40.29 Payment of due-process ~~due-process~~ costs.--

1934           (1) (a) Each clerk of the circuit court, on behalf of the  
 1935 courts, the state attorney, court-appointed counsel, and the  
 1936 public defender, shall forward to the Justice Administrative  
 1937 Commission, by county, a quarterly estimate of funds necessary  
 1938 to pay for ordinary witnesses, including, but not limited to,  
 1939 witnesses in civil traffic cases and witnesses of the state  
 1940 attorney, public defender, court-appointed counsel, and persons

1941 determined to be indigent for costs ~~except expert witnesses paid~~  
 1942 ~~pursuant to a contract or other professional services agreement,~~  
 1943 ~~pursuant to ss. 29.005 and 29.006.~~ Each quarter of the state  
 1944 fiscal year, the commission, based upon the estimates, shall  
 1945 advance funds to each clerk to pay for these ordinary witnesses  
 1946 from state funds specifically appropriated for the payment of  
 1947 ordinary witnesses.

1948 (b) Each clerk of the circuit court shall forward to the  
 1949 Office of the State Courts Administrator, by county, a quarterly  
 1950 estimate of funds necessary to pay juror compensation.

1951 Section 28. Section 40.355, Florida Statutes, is created  
 1952 to read:

1953 40.355 Accounting and payment to public defenders and  
 1954 state attorneys.--The clerk of the court shall, within 2 weeks  
 1955 after the last day of the state's fiscal year, render to the  
 1956 state attorney and the public defender in each circuit a full  
 1957 statement of accounts for moneys received and disbursed under  
 1958 this chapter.

1959 Section 29. Subsections (5) and (6) of section 43.16,  
 1960 Florida Statutes, are amended, and subsection (7) is added to  
 1961 said section, to read:

1962 43.16 Justice Administrative Commission; membership,  
 1963 powers and duties.--

1964 (5) The duties of the commission shall include, but not be  
 1965 limited to, the following:

1966 (a) The maintenance of a central state office for  
 1967 administrative services and assistance when possible to and on  
 1968 behalf of the state attorneys and public defenders of Florida,

1969 | the office of capital collateral representative of Florida, and  
 1970 | the Guardian Ad Litem Program ~~Judicial Qualifications~~  
 1971 | ~~Commission~~.

1972 |         (b) Each state attorney and public defender and the  
 1973 | Guardian Ad Litem Program ~~Judicial Qualifications Commission~~  
 1974 | shall continue to prepare necessary budgets, vouchers which  
 1975 | represent valid claims for reimbursement by the state for  
 1976 | authorized expenses, and other things incidental to the proper  
 1977 | administrative operation of the office, such as revenue  
 1978 | transmittals to the Chief Financial Officer and automated  
 1979 | systems plans, but will forward same to the commission for  
 1980 | recording and submission to the proper state officer. However,  
 1981 | when requested by a state attorney or a public defender or the  
 1982 | Guardian Ad Litem Program ~~Judicial Qualifications Commission~~,  
 1983 | the commission will either assist in the preparation of budget  
 1984 | requests, voucher schedules, and other forms and reports or  
 1985 | accomplish the entire project involved.

1986 |         (6) The provisions contained in this section shall be  
 1987 | supplemental to those of chapter 27, relating to state attorneys  
 1988 | and public defenders; to those of chapter 39 s. 43.20, relating  
 1989 | to the Guardian Ad Litem Program ~~Judicial Qualifications~~  
 1990 | ~~Commission~~; or to other laws pertaining hereto.

1991 |         (7) Chapter 120 does not apply to the Justice  
 1992 | Administrative Commission.

1993 |         Section 30. Subsection (6) is added to section 43.26,  
 1994 | Florida Statutes, to read:

1995 |         43.26 Chief judge of circuit; selection; powers.--



1996        (6) The chief judge of each circuit is charged by s. 2(d),  
 1997 Art. V of the Florida Constitution and this section with the  
 1998 authority to promote the prompt and efficient administration of  
 1999 justice in the courts over which he or she is chief judge. The  
 2000 clerks of court provide court-related functions which are  
 2001 essential to the orderly operation of the judicial branch. The  
 2002 chief judge of each circuit, after consultation with the clerk  
 2003 of court, shall determine the priority of services provided by  
 2004 the clerk of court to the trial court. The clerk of court shall  
 2005 manage the performance of such services in a method or manner  
 2006 that is consistent with statute, rule, or administrative order.

2007        Section 31. Paragraph (b) of subsection (4) of section  
 2008 44.102, Florida Statutes, is amended to read:

2009        44.102 Court-ordered mediation.--

2010        (4) The chief judge of each judicial circuit shall  
 2011 maintain a list of mediators who have been certified by the  
 2012 Supreme Court and who have registered for appointment in that  
 2013 circuit.

2014        (b) Nonvolunteer mediators shall be compensated according  
 2015 to rules adopted by the Supreme Court. If a mediation program is  
 2016 funded pursuant to s. 44.108, a mediator may be compensated by  
 2017 the county or by the parties. ~~When a party has been declared~~  
 2018 ~~indigent or insolvent, that party's pro rata share of a~~  
 2019 ~~mediator's compensation shall be paid by the county at the rate~~  
 2020 ~~set by administrative order of the chief judge of the circuit.~~

2021        Section 32. Section 44.108, Florida Statutes, is amended  
 2022 to read:

2023        44.108 Funding of mediation and arbitration.--

2024 (1) Mediation and arbitration should be accessible to all  
 2025 parties regardless of financial status. A filing fee of \$1 is  
 2026 levied on all proceedings in the circuit or county courts to  
 2027 fund mediation and arbitration services which are the  
 2028 responsibility of the Supreme Court pursuant to the provisions  
 2029 of s. 44.106. The clerk of the court shall forward the moneys  
 2030 collected to the Department of Revenue for deposit in the state  
 2031 courts' Mediation and Arbitration Trust Fund.

2032 (2) When court-ordered mediation services are provided by  
 2033 a circuit court's mediation program, the following fees, unless  
 2034 otherwise established in the General Appropriations Act, shall  
 2035 be collected by the clerk of court:

2036 (a) Eighty dollars per person per scheduled session in  
 2037 family mediation when the parties' combined income is greater  
 2038 than \$50,000, but less than \$100,000 per year;

2039 (b) Forty dollars per person per scheduled session in  
 2040 family mediation when the parties' combined income is less than  
 2041 \$50,000; or

2042 (c) Forty dollars per person per scheduled session in  
 2043 county court cases.

2044  
 2045 No mediation fees shall be assessed under this subsection in  
 2046 residential eviction cases, against a party found to be  
 2047 indigent, or for any small claims action. Fees collected by the  
 2048 clerk of court pursuant to this section shall be remitted to the  
 2049 Department of Revenue for deposit into the state courts'  
 2050 Mediation and Arbitration Trust Fund to fund court-ordered  
 2051 mediation. The clerk of court may deduct \$1 per fee assessment

2052 for processing this fee. The clerk of the court shall submit to  
2053 the chief judge of the circuit, no later than 30 days after the  
2054 end of each quarter, a report specifying the amount of funds  
2055 collected under this section during each quarter of the fiscal  
2056 year.

2057 Section 33. Subsection (1) of section 57.081, Florida  
2058 Statutes, is amended to read:

2059 57.081 Costs; right to proceed where prepayment of costs  
2060 waived.--

2061 (1) Any indigent person, except a prisoner as defined in  
2062 s. 57.085, who is a party or intervenor in any judicial or  
2063 administrative agency proceeding or who initiates such  
2064 proceeding shall receive the services of the courts, sheriffs,  
2065 and clerks, with respect to such proceedings, despite his or her  
2066 present inability to pay for these services. Such services are  
2067 limited to filing fees; service of process; certified copies of  
2068 orders or final judgments; a single photocopy of any court  
2069 pleading, record, or instrument filed with the clerk; examining  
2070 fees; mediation services and fees; private court-appointed  
2071 counsel fees; subpoena fees and services; service charges for  
2072 collecting and disbursing funds; and any other cost or service  
2073 arising out of pending litigation. In any appeal from an  
2074 administrative agency decision, for which the clerk is  
2075 responsible for preparing the transcript, the clerk shall record  
2076 the cost of preparing the transcripts and the cost for copies of  
2077 any exhibits in the record. Prepayment of costs to any court,  
2078 clerk, or sheriff is not required in any action if the party has

2079 | obtained in each proceeding a certification of indigence in  
 2080 | accordance with s. 27.52 or s. 57.082.

2081 | Section 34. Section 57.082, Florida Statutes, is created  
 2082 | to read:

2083 | 57.082 Determination of civil indigent status.--

2084 | (1) APPLICATION TO THE CLERK.--A person seeking  
 2085 | appointment of a private attorney in a civil case eligible for  
 2086 | court-appointed counsel, or seeking relief from prepayment of  
 2087 | fees and costs under s. 57.081, based upon an inability to pay  
 2088 | must apply to the clerk of the court for a determination of  
 2089 | civil indigent status using an application form developed by the  
 2090 | Florida Clerks of Court Operations Corporation with final  
 2091 | approval by the Supreme Court.

2092 | (a) The application must include, at a minimum, the  
 2093 | following financial information:

2094 | 1. Net income, consisting of total salary and wages, minus  
 2095 | deductions required by law, including court-ordered support  
 2096 | payments.

2097 | 2. Other income, including, but not limited to, social  
 2098 | security benefits, union funds, veterans' benefits, workers'  
 2099 | compensation, other regular support from absent family members,  
 2100 | public or private employee pensions, unemployment compensation,  
 2101 | dividends, interest, rent, trusts, and gifts.

2102 | 3. Assets, including, but not limited to, cash, savings  
 2103 | accounts, bank accounts, stocks, bonds, certificates of deposit,  
 2104 | equity in real estate, and equity in a boat or a motor vehicle  
 2105 | or in other tangible property.

2106 | 4. All liabilities and debts.

2107  
2108 The application must include a signature by the applicant which  
2109 attests to the truthfulness of the information provided. The  
2110 application form developed by the corporation must include  
2111 notice that the applicant may seek court review of a clerk's  
2112 determination that the applicant is not indigent, as provided in  
2113 this section.

2114 (b) The clerk shall assist a person who appears before the  
2115 clerk and requests assistance in completing the application and  
2116 the clerk shall notify the court if a person is unable to  
2117 complete the application after the clerk has provided  
2118 assistance.

2119 (c) The clerk shall accept an application that is signed  
2120 by the applicant and submitted on his or her behalf by a private  
2121 attorney who is representing the applicant in the applicable  
2122 matter.

2123 (2) DETERMINATION BY THE CLERK.--The clerk of the court  
2124 shall determine whether an applicant seeking such designation is  
2125 indigent based upon the information provided in the application  
2126 and the criteria prescribed in this subsection.

2127 (a)1. An applicant, including an applicant who is a minor  
2128 or an adult tax-dependent person, is indigent if the applicant's  
2129 income is equal to or below 200 percent of the then-current  
2130 federal poverty guidelines prescribed for the size of the  
2131 household of the applicant by the United States Department of  
2132 Health and Human Services.

2133 2. There is a presumption that the applicant is not  
2134 indigent if the applicant owns, or has equity in, any intangible

2135 or tangible personal property or real property or the expectancy  
2136 of an interest in any such property having a net equity value of  
2137 \$2,500 or more, excluding the value of the person's homestead  
2138 and one vehicle having a net value not exceeding \$5,000.

2139 (b) Based upon its review, the clerk shall make one of the  
2140 following determinations:

2141 1. The applicant is not indigent.

2142 2. The applicant is indigent.

2143 (c) If the clerk determines that the applicant is  
2144 indigent, the clerk shall immediately file the determination in  
2145 the case record.

2146 (d) The duty of the clerk in determining whether an  
2147 applicant is indigent is limited to receiving the application  
2148 and comparing the information provided in the application to the  
2149 criteria prescribed in this subsection. The determination of  
2150 indigent status is a ministerial act of the clerk and may not be  
2151 based on further investigation or the exercise of independent  
2152 judgment by the clerk. The clerk may contract with third parties  
2153 to perform functions assigned to the clerk under this section.

2154 (e) The applicant may seek review of the clerk's  
2155 determination that the applicant is not indigent in the court  
2156 having jurisdiction over the matter by filing a petition to  
2157 review the clerk's determination of nonindigent status for which  
2158 a filing fee may not be charged. If the applicant seeks review  
2159 of the clerk's determination of indigent status, the court shall  
2160 make a final determination as provided in subsection (4).

2161 (3) APPOINTMENT OF COUNSEL ON AN INTERIM BASIS.--If the  
2162 clerk of the court has not made a determination of indigent

2163 status at the time a person requests appointment of a private  
 2164 attorney in a civil case eligible for court-appointed counsel,  
 2165 the court shall make a preliminary determination of indigent  
 2166 status, pending further review by the clerk, and may, by court  
 2167 order, appoint private counsel on an interim basis.

2168 (4) REVIEW OF THE CLERK'S DETERMINATION.--

2169 (a) If the clerk of the court determines that the  
 2170 applicant is not indigent and the applicant seeks review of the  
 2171 clerk's determination, the court shall make a final  
 2172 determination of indigent status by reviewing the information  
 2173 provided in the application against the criteria prescribed in  
 2174 subsection (2) and by considering the following additional  
 2175 factors:

2176 1. Whether paying for private counsel or other fees and  
 2177 costs creates a substantial hardship for the applicant or the  
 2178 applicant's family.

2179 2. Whether the applicant is proceeding pro se or is  
 2180 represented by a private attorney for a fee or on a pro-bono  
 2181 basis.

2182 3. When the applicant retained private counsel.

2183 4. The amount of any attorney's fees and who is paying the  
 2184 fees.

2185 5. Any other relevant financial circumstances of the  
 2186 applicant or the applicant's family.

2187 (b) Based upon its review, the court shall make one of the  
 2188 following determinations and shall, if appropriate, appoint  
 2189 private counsel:

2190 1. The applicant is not indigent.

2191        2. The applicant is indigent.

2192        (5) PROCESSING CHARGE; PAYMENT PLANS.--A person who the

2193 clerk or the court determines is indigent for civil proceedings

2194 under this section shall be enrolled in a payment plan under s.

2195 28.246 and shall be charged a one-time administrative processing

2196 charge under s. 28.24(26)(c). A monthly payment amount,

2197 calculated based upon all fees and all anticipated costs, is

2198 presumed to correspond to the person's ability to pay if it does

2199 not exceed 2 percent of the person's annual net income, as

2200 defined in subsection (1), divided by 12. The person may seek

2201 review of the clerk's decisions regarding a payment plan

2202 established under s. 28.246 in the court having jurisdiction

2203 over the matter. A case may not be impeded in any way, delayed

2204 in filing, or delayed in its progress, including the final

2205 hearing and order, due to nonpayment of any fees by an indigent

2206 person.

2207        (6) FINANCIAL DISCREPANCIES; FRAUD; FALSE INFORMATION.--

2208        (a) If the court learns of discrepancies between the

2209 application and the actual financial status of the person found

2210 to be indigent, the court shall determine whether the status and

2211 any relief provided as a result of that status shall be revoked.

2212 The person may be heard regarding the information learned by the

2213 court. If the court, based on the information, determines that

2214 the person is not indigent, the court shall revoke the provision

2215 of any relief under this section.

2216        (b) If the court has reason to believe that any applicant,

2217 through fraud or misrepresentation, was improperly determined to

2218 be indigent, the matter shall be referred to the state attorney.



2219 Twenty-five percent of any amount recovered by the state  
 2220 attorney as reasonable value of the services rendered, including  
 2221 fees, charges, and costs paid by the state on the person's  
 2222 behalf, shall be remitted to the Department of Revenue for  
 2223 deposit into the Grants and Donations Trust Fund within the  
 2224 Justice Administrative Commission. Seventy-five percent of any  
 2225 amount recovered shall be remitted to the Department of Revenue  
 2226 for deposit into the General Revenue Fund.

2227 (c) A person who knowingly provides false information to  
 2228 the clerk or the court in seeking a determination of indigent  
 2229 status under this section commits a misdemeanor of the first  
 2230 degree, punishable as provided in s. 775.082 or s. 775.083.

2231 Section 35. Subsection (1) of section 92.142, Florida  
 2232 Statutes, is amended to read:

2233 92.142 Witnesses; pay.--

2234 (1) Witnesses in all cases, civil and criminal, in all  
 2235 courts, now or hereafter created, and witnesses summoned before  
 2236 any arbitrator or general or special magistrate appointed by the  
 2237 court shall receive for each day's actual attendance \$5 and also  
 2238 6 cents per mile for actual distance traveled to and from the  
 2239 courts. A witness in a criminal case required to appear in a  
 2240 county other than the county of his or her residence and  
 2241 residing more than 50 miles from the location of the trial shall  
 2242 be entitled to per diem and travel expenses at the same rate  
 2243 provided for state employees under s. 112.061, in lieu of any  
 2244 other witness fee ~~at the discretion of the court.~~

2245 Section 36. Effective July 1, 2006, subsections (2) and  
 2246 (3) of section 92.231, Florida Statutes, are amended to read:

2247 | 92.231 Expert witnesses; fee.--

2248 | (2) Any expert or skilled witness who shall have testified  
 2249 | in any cause shall be allowed a witness fee including the cost  
 2250 | of any exhibits used by such witness in an amount agreed to by  
 2251 | the parties, and the same shall be taxed as costs. In instances  
 2252 | where services are provided for the state, including for state-  
 2253 | paid private court-appointed counsel, payment from state funds  
 2254 | shall be in accordance with standards adopted by the Legislature  
 2255 | ~~after receiving recommendations from the Article V Indigent~~  
 2256 | ~~Services Advisory Board.~~

2257 | (3) In a criminal case in which the state or an indigent  
 2258 | defendant requires the services of an expert witness whose  
 2259 | opinion is relevant to the issues of the case, the expert  
 2260 | witness shall be compensated in accordance with standards  
 2261 | adopted by the Legislature ~~after receiving recommendations from~~  
 2262 | ~~the Article V Indigent Services Advisory Board.~~

2263 | Section 37. Paragraph (y) is added to subsection (2) of  
 2264 | section 110.205, Florida Statutes, to read:

2265 | 110.205 Career service; exemptions.--

2266 | (2) EXEMPT POSITIONS.--The exempt positions that are not  
 2267 | covered by this part include the following:

2268 | (y) All officers and employees of the Justice  
 2269 | Administrative Commission, Office of the State Attorney, Office  
 2270 | of the Public Defender, regional offices of capital collateral  
 2271 | counsel, and Statewide Guardian Ad Litem Office, including the  
 2272 | circuit guardian ad litem programs.

2273 | Section 38. Subsection (1) of section 116.01, Florida  
 2274 | Statutes, is amended to read:

2275 | 116.01 Payment of public funds into treasury.--  
 2276 | (1) Every state and county officer within this state  
 2277 | authorized to collect funds due the state or county shall pay  
 2278 | all sums officially received by the officer into the state or  
 2279 | county treasury not later than 7 working days from the close of  
 2280 | the week in which the officer received the funds. Funds received  
 2281 | by the county officer on behalf of the state shall be deposited  
 2282 | directly to the account of the State Treasury not later than 7  
 2283 | working days from the close of the week in which the officer  
 2284 | received the funds. The clerk of the court, when collecting  
 2285 | funds as part of the clerk's court-related functions, must remit  
 2286 | those funds as required under s. 28.245.

2287 | Section 39. Subsections (1) and (4) of section 116.21,  
 2288 | Florida Statutes, are amended to read:

2289 | 116.21 Unclaimed moneys; limitation.--

2290 | (1) The sheriffs and clerks of the courts of the various  
 2291 | counties of the state are authorized at their discretion on or  
 2292 | before September 25 of each and every year hereafter to pay into  
 2293 | the fine and forfeiture fund of their respective counties, or  
 2294 | the fine and forfeiture fund created under s. 142.01, any or all  
 2295 | unclaimed moneys deposited or collected by them in their  
 2296 | official capacity, which unclaimed moneys came into their hands  
 2297 | prior to January 1 of the preceding year and for which moneys  
 2298 | claim has not been made. Any unclaimed moneys collected or  
 2299 | deposited by the clerk of the circuit court in the course of the  
 2300 | clerk's court related activities may be processed under this  
 2301 | chapter; however, the clerk must pay for the cost of publication  
 2302 | of the list of unclaimed court-related funds. Any unclaimed

2303 court-related funds collected or deposited by the clerk which  
 2304 remain unclaimed must be deposited into the fine and forfeiture  
 2305 fund established under s. 142.01.

2306 (4) Except for the cost of publishing the notice for  
 2307 the clerk's unclaimed court-related moneys, the cost of  
 2308 publishing the notices as required by subsection (2) shall be  
 2309 paid by the county commissioners, and the sheriff or the clerk  
 2310 shall receive as compensation the regular fee allowed by statute  
 2311 for the collection of fines, fees, and costs adjudged to the  
 2312 state upon the amounts remitted to the fine and forfeiture fund.  
 2313 Upon such payment to the fine and forfeiture fund, the sheriff  
 2314 or clerk shall be released and discharged from any and all  
 2315 further responsibility or liability in connection therewith.

2316 Section 40. Paragraph (gg) of subsection (6) of section  
 2317 119.07, Florida Statutes, is amended to read:

2318 119.07 Inspection and copying of records; photographing  
 2319 public records; fees; exemptions.--

2320 (6)

2321 (gg)1. Until January 1, 2007 ~~2006~~, if a social security  
 2322 number, made confidential and exempt pursuant to s. 119.0721,  
 2323 created pursuant to s. 1, ch. 2002-256, passed during the 2002  
 2324 regular legislative session, or a complete bank account, debit,  
 2325 charge, or credit card number made exempt pursuant to paragraph  
 2326 (dd), created pursuant to s. 1, ch. 2002-257, passed during the  
 2327 2002 regular legislative session, is or has been included in a  
 2328 court file, such number may be included as part of the court  
 2329 record available for public inspection and copying unless  
 2330 redaction is requested by the holder of such number, or by the

2331 holder's attorney or legal guardian, in a signed, legibly  
2332 written request specifying the case name, case number, document  
2333 heading, and page number. The request must be delivered by mail,  
2334 facsimile, electronic transmission, or in person to the clerk of  
2335 the circuit court. The clerk of the circuit court does not have  
2336 a duty to inquire beyond the written request to verify the  
2337 identity of a person requesting redaction. A fee may not be  
2338 charged for the redaction of a social security number or a bank  
2339 account, debit, charge, or credit card number pursuant to such  
2340 request.

2341 2. Any person who prepares or files a document to be  
2342 recorded in the official records by the county recorder as  
2343 provided in chapter 28 may not include a person's social  
2344 security number or complete bank account, debit, charge, or  
2345 credit card number in that document unless otherwise expressly  
2346 required by law. Until January 1, 2007 ~~2006~~, if a social  
2347 security number or a complete bank account, debit, charge or  
2348 credit card number is or has been included in a document  
2349 presented to the county recorder for recording in the official  
2350 records of the county, such number may be made available as part  
2351 of the official record available for public inspection and  
2352 copying. Any person, or his or her attorney or legal guardian,  
2353 may request that a county recorder remove from an image or copy  
2354 of an official record placed on a county recorder's publicly  
2355 available Internet website, or a publicly available Internet  
2356 website used by a county recorder to display public records  
2357 outside the office or otherwise made electronically available  
2358 outside the county recorder's office to the general public, his

2359 or her social security number or complete account, debit,  
 2360 charge, or credit card number contained in that official record.  
 2361 Such request must be legibly written, signed by the requester,  
 2362 and delivered by mail, facsimile, electronic transmission, or in  
 2363 person to the county recorder. The request must specify the  
 2364 identification page number of the document that contains the  
 2365 number to be redacted. The county recorder does not have a duty  
 2366 to inquire beyond the written request to verify the identity of  
 2367 a person requesting redaction. A fee may not be charged for  
 2368 redacting such numbers.

2369 3. Upon the effective date of this act, subsections (3)  
 2370 and (4) of s. 119.0721, do not apply to the clerks of the court  
 2371 or the county recorder with respect to circuit court records and  
 2372 official records.

2373 4. On January 1, 2007 ~~2006~~, and thereafter, the clerk of  
 2374 the circuit court and the county recorder must keep complete  
 2375 bank account, debit, charge, and credit card numbers exempt as  
 2376 provided for in paragraph (dd), and must keep social security  
 2377 numbers confidential and exempt as provided for in s. 119.0721,  
 2378 without any person having to request redaction.

2379 Section 41. Subsection (4) of section 142.01, Florida  
 2380 Statutes, is amended to read:

2381 142.01 Fine and forfeiture fund; clerk of the circuit  
 2382 court.--There shall be established by the clerk of the circuit  
 2383 court in each county of this state a separate fund to be known  
 2384 as the fine and forfeiture fund for use by the clerk of the  
 2385 circuit court in performing court-related functions. The fund  
 2386 shall consist of the following:

2387 (4) Proceeds from forfeited bail bonds, unclaimed bonds,  
 2388 unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a),  
 2389 372.72(1), and 903.26(3)(a).

2390  
 2391 Notwithstanding the provisions of this section, all fines and  
 2392 forfeitures arising from operation of the provisions of s.  
 2393 318.1215 shall be disbursed in accordance with that section.

2394 Section 42. Subsection (5) is added to section 213.13,  
 2395 Florida Statutes, to read:

2396 213.13 Electronic remittance and distribution of funds  
 2397 collected by clerks of the court.--

2398 (5) All court-related collections, including fees, fines,  
 2399 reimbursements, court costs, and other court-related funds that  
 2400 the clerks must remit to the state pursuant to law, must be  
 2401 transmitted electronically by the 20th day of the month  
 2402 immediately following the month in which the funds are  
 2403 collected.

2404 Section 43. Section 219.07, Florida Statutes, is amended  
 2405 to read:

2406 219.07 Disbursements.--Each officer shall, not later than  
 2407 7 working days from the close of the week in which the officer  
 2408 received the funds, distribute the money which is required to be  
 2409 paid to other officers, agencies, funds, or persons entitled to  
 2410 receive the same; provided, that distributions or partial  
 2411 distributions may be made more frequently; and provided further,  
 2412 that money required by law or court order, or by the purpose for  
 2413 which it was collected, to be held and disbursed for a  
 2414 particular purpose in a manner different from that set out

2415 herein shall be held and disbursed accordingly. Further, money  
2416 collected by the county officer on behalf of the state, except  
2417 for money collected by the clerk of the court as part of court-  
2418 related functions, shall be deposited directly to the account of  
2419 the State Treasury not later than 7 working days from the close  
2420 of the week in which the officer received the funds. The clerk  
2421 of the court, when collecting money as part of the clerk's  
2422 court-related functions, must remit that money as required under  
2423 s. 28.245.

2424 Section 44. Subsection (1) of section 219.075, Florida  
2425 Statutes, is amended to read:

2426 219.075 Investment of surplus funds by county officers.--

2427 (1) (a) Except when another procedure is prescribed by law  
2428 or by ordinance as to particular funds, a tax collector or any  
2429 other county officer having, receiving, or collecting any money,  
2430 either for his or her office or on behalf of and subject to  
2431 subsequent distribution to another officer of state or local  
2432 government, while such money is in excess of that required to  
2433 meet current expenses or is pending distribution, shall invest  
2434 such money, without limitation, as provided in s. 218.415.

2435 (b) These investments shall be planned so as not to slow  
2436 the normal distribution of the subject funds. The investment  
2437 earnings shall be reasonably apportioned and allocated and shall  
2438 be credited to the account of, and paid to, the office or  
2439 distributee, together with the principal on which such earnings  
2440 accrued.

2441 (c) This section does not apply to the clerk of the  
2442 circuit court with respect to money collected as part of the



2443 clerk's court-related functions. The clerk, however, shall remit  
 2444 this money as provided under s. 28.245.

2445 Section 45. Section 318.121, Florida Statutes, is amended  
 2446 to read:

2447 318.121 Preemption of additional fees, fines, surcharges,  
 2448 and costs.--Notwithstanding any general or special law, or  
 2449 municipal or county ordinance, additional fees, fines,  
 2450 surcharges, or costs other than the court costs and surcharges  
 2451 assessed under s. 318.18(11) and (13) may not be added to the  
 2452 civil traffic penalties assessed in this chapter.

2453 Section 46. Subsection (13) of section 318.18, Florida  
 2454 Statutes, is amended, and subsection (14) is added to said  
 2455 section, to read:

2456 318.18 Amount of civil penalties.--The penalties required  
 2457 for a noncriminal disposition pursuant to s. 318.14 are as  
 2458 follows:

2459 (13) In addition to any penalties imposed for noncriminal  
 2460 traffic infractions pursuant to this chapter or imposed for  
 2461 criminal violations listed in s. 318.17, a board of county  
 2462 commissioners or any unit of local government which is  
 2463 consolidated as provided by s. 9, Art. VIII of the State  
 2464 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
 2465 Constitution of 1968:

2466 (a) May impose by ordinance a surcharge of up to \$15 for  
 2467 any infraction or violation to fund state court facilities. The  
 2468 court shall not waive this surcharge. Up to 25 percent of the  
 2469 revenue from such surcharge may be used to support local law  
 2470 libraries provided that the county or unit of local government

2471 provides a level of service equal to that provided prior to July  
2472 1, 2004, which shall include the continuation of library  
2473 facilities located in or near the county courthouse or annexes.

2474 (b) That imposed increased fees or service charges by  
2475 ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the  
2476 purpose of securing payment of the principal and interest on  
2477 bonds issued by the county before July 1, 2003, to finance state  
2478 court facilities, may impose by ordinance a surcharge for any  
2479 infraction or violation for the exclusive purpose of securing  
2480 payment of the principal and interest on bonds issued by the  
2481 county before July 1, 2003, to fund state court facilities until  
2482 the date of stated maturity. The court shall not waive this  
2483 surcharge. Such surcharge may not exceed an amount per violation  
2484 calculated as the quotient of the maximum annual payment of the  
2485 principal and interest on the bonds as of July 1, 2003, divided  
2486 by the number of traffic citations for county fiscal year 2002-  
2487 2003 certified as paid by the clerk of the court of the county.  
2488 Such quotient shall be rounded up to the next highest dollar  
2489 amount. The bonds may be refunded only if savings will be  
2490 realized on payments of debt service and the refunding bonds are  
2491 scheduled to mature on the same date or before the bonds being  
2492 refunded.

2493  
2494 A county may not impose both of the surcharges authorized under  
2495 paragraphs (a) and (b) concurrently. The clerk of court shall  
2496 report, no later than 30 days after the end of the quarter, the  
2497 amount of funds collected under this subsection during each  
2498 quarter of the fiscal year. The clerk shall submit the report,

2499 in a format developed by the Office of State Courts  
2500 Administrator, to the chief judge of the circuit, the Governor,  
2501 the President of the Senate, and the Speaker of the House of  
2502 Representatives.

2503 (14) In addition to any penalties imposed for noncriminal  
2504 traffic infractions under chapter 318 or imposed for criminal  
2505 violations listed in s. 318.17, any unit of local government  
2506 that is consolidated as provided by s. 9, Art. VIII of the State  
2507 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
2508 State Constitution of 1968, and that is granted the authority in  
2509 the State Constitution to exercise all the powers of a municipal  
2510 corporation, and any unit of local government operating under a  
2511 home rule charter adopted pursuant to ss. 10, 11, and 24, Art.  
2512 VIII of the State Constitution of 1885, as preserved by s. 6(e),  
2513 Art. VIII of the State Constitution of 1968, that is granted the  
2514 authority in the State Constitution to exercise all the powers  
2515 conferred now or hereafter by general law upon municipalities,  
2516 may impose by ordinance a surcharge of up to \$15 for any  
2517 infraction or violation. Revenue from the surcharge shall be  
2518 transferred to such unit of local government for the purpose of  
2519 replacing fine revenue deposited into the clerk's fine and  
2520 forfeiture fund under s. 142.01. The court may not waive this  
2521 surcharge. Proceeds from the imposition of the surcharge  
2522 authorized in this subsection shall not be used for the purpose  
2523 of securing payment of the principal and interest on bonds. This  
2524 subsection, and any surcharge imposed pursuant to this  
2525 subsection, shall stand repealed September 30, 2007.

2526 Section 47. Paragraph (g) of subsection (2) of section  
 2527 318.21, Florida Statutes, is amended to read:

2528 318.21 Disposition of civil penalties by county  
 2529 courts.--All civil penalties received by a county court pursuant  
 2530 to the provisions of this chapter shall be distributed and paid  
 2531 monthly as follows:

2532 (2) Of the remainder:

2533 (g)1. If the violation occurred within a special  
 2534 improvement district of the Seminole Indian Tribe or Miccosukee  
 2535 Indian Tribe, 56.4 percent shall be paid to that special  
 2536 improvement district.

2537 2. If the violation occurred within a municipality, 50.8  
 2538 percent shall be paid to that municipality and 5.6 percent shall  
 2539 be deposited into the fine and forfeiture trust fund established  
 2540 pursuant to s. 142.01.

2541 3. If the violation occurred within the unincorporated  
 2542 area of a county, including the unincorporated areas, if any, of  
 2543 a government created pursuant to s. 6(e), Article VIII of the  
 2544 State Constitution, that is not within a special improvement  
 2545 district of the Seminole Indian Tribe or Miccosukee Indian  
 2546 Tribe, 56.4 percent shall be deposited into the fine and  
 2547 forfeiture fund established pursuant to s. 142.01.

2548 Section 48. Section 318.31, Florida Statutes, is amended  
 2549 to read:

2550 318.31 Objectives.--The Supreme Court is hereby requested  
 2551 to adopt rules and procedures for the establishment and  
 2552 operation of Civil Traffic Infraction Hearing Officer Programs  
 2553 under ss. 318.30-318.38. ~~However, the appointment of a hearing~~

2554 ~~officer shall be at the option of the county electing to~~  
 2555 ~~establish such a program, upon recommendation by the county~~  
 2556 ~~court judge or judges, as the case may be, and the Chief Judge~~  
 2557 ~~of the Circuit and approval by the Chief Justice of the Supreme~~  
 2558 ~~Court.~~

2559 Section 49. Subsection (1) of section 318.32, Florida  
 2560 Statutes, is amended to read:

2561 318.32 Jurisdiction; limitations.--

2562 (1) Hearing officers shall be empowered to accept pleas  
 2563 from and decide the guilt or innocence of any person, adult or  
 2564 juvenile, charged with any civil traffic infraction and shall be  
 2565 empowered to adjudicate or withhold adjudication of guilt in the  
 2566 same manner as a county court judge under the statutes, rules,  
 2567 and procedures presently existing or as subsequently amended,  
 2568 except that hearing officers shall not:

2569 (a) Have the power to hold a defendant in contempt of  
 2570 court, but shall be permitted to file a motion for order of  
 2571 contempt with the appropriate state trial court judge;

2572 (b) Hear a case involving a crash resulting in injury or  
 2573 death; ~~or~~

2574 (c) Hear a criminal traffic offense case or a case  
 2575 involving a civil traffic infraction issued in conjunction with  
 2576 a criminal traffic offense; or

2577 (d) Have the power to suspend a defendant's drivers  
 2578 license pursuant to s. 316.655(2).

2579 Section 50. Section 318.325, Florida Statutes, is amended  
 2580 to read:

2581 |           318.325 Jurisdiction and procedure for parking  
 2582 |           infractions.--Any county or municipality may adopt an ordinance  
 2583 |           that allows the county or municipality to refer cases involving  
 2584 |           the violation of a county or municipal parking ordinance to a  
 2585 |           hearing officer ~~funded by the county or municipality~~.  
 2586 |           Notwithstanding the provisions of ss. 318.14 and 775.08(3), any  
 2587 |           parking violation shall be deemed to be an infraction as defined  
 2588 |           in s. 318.13(3). However, the violation must be enforced and  
 2589 |           disposed of in accordance with the provisions of general law  
 2590 |           applicable to parking violations and with the charter or code of  
 2591 |           the county or municipality where the violation occurred. The  
 2592 |           clerk of the court or the designated traffic violations bureau  
 2593 |           must collect and distribute the fines, forfeitures, and court  
 2594 |           costs assessed under this section.

2595 |           Section 51. Subsection (2) of section 322.29, Florida  
 2596 |           Statutes, is amended to read:

2597 |           322.29 Surrender and return of license.--

2598 |           (2) The provisions of subsection (1) to the contrary  
 2599 |           notwithstanding, no examination is required for the return of a  
 2600 |           license suspended under s. 318.15 or s. 322.245 unless an  
 2601 |           examination is otherwise required by this chapter. Every person  
 2602 |           applying for the return of a license suspended under s. 318.15  
 2603 |           or s. 322.245 shall present to the department certification from  
 2604 |           the court that he or she has complied with all obligations and  
 2605 |           penalties imposed on him or her pursuant to s. 318.15 or, in the  
 2606 |           case of a suspension pursuant to s. 322.245, that he or she has  
 2607 |           complied with all directives of the court and the requirements  
 2608 |           of s. 322.245 and shall pay to the department a nonrefundable

2609 service fee of \$47.50 ~~\$35~~, of which \$37.50 ~~\$25~~ shall be  
 2610 deposited into the General Revenue Fund and \$10 shall be  
 2611 deposited into the Highway Safety Operating Trust Fund. If  
 2612 reinstated by the clerk of the court or tax collector, \$37.50  
 2613 ~~\$25~~ shall be retained and \$10 shall be remitted to the  
 2614 Department of Revenue for deposit into the Highway Safety  
 2615 Operating Trust Fund. However, the service fee is not required  
 2616 if the person is required to pay a \$35 fee or \$60 fee under the  
 2617 provisions of s. 322.21.

2618 Section 52. Subsection (1) of section 372.72, Florida  
 2619 Statutes, is amended to read:

2620 372.72 Disposition of fines, penalties, and forfeitures.--

2621 (1) All moneys collected from fines, penalties, proceeds  
 2622 from unclaimed bonds, or forfeitures of bail of persons  
 2623 convicted under this chapter shall be deposited in the fine and  
 2624 forfeiture fund established pursuant to s. 142.01 where such  
 2625 convictions are had, except for the disposition of moneys as  
 2626 provided in subsection (2).

2627 Section 53. Subsection (8) of section 903.26, Florida  
 2628 Statutes, is amended to read:

2629 903.26 Forfeiture of the bond; when and how directed;  
 2630 discharge; how and when made; effect of payment.--

2631 (8) If the defendant is arrested and returned to the  
 2632 county of jurisdiction of the court prior to judgment, the  
 2633 clerk, upon affirmation by the sheriff or the chief correctional  
 2634 officer, shall, without further order of the court, discharge  
 2635 the forfeiture of the bond. However, if the surety agent fails  
 2636 to pay the costs and expenses incurred in returning the

2637 | defendant to the county of jurisdiction, the clerk shall not  
 2638 | discharge the forfeiture of the bond. If the surety agent and  
 2639 | the sheriff ~~state attorney~~ fail to agree on the amount of said  
 2640 | costs, then the court, after notice to the sheriff and the state  
 2641 | attorney, shall determine the amount of the costs.

2642 |         Section 54. Section 903.28, Florida Statutes, is amended  
 2643 | to read:

2644 |             903.28 Remission of forfeiture; conditions.--

2645 |             (1) On application within 2 years from forfeiture, the  
 2646 | court shall order remission of the forfeiture if it determines  
 2647 | that there was no breach of the bond.

2648 |             (2) If the defendant surrenders or is apprehended within  
 2649 | 90 days after forfeiture, the court, on motion at a hearing upon  
 2650 | notice having been given to the clerk of the circuit court  
 2651 | ~~county attorney~~ and the state attorney as required in subsection  
 2652 | (8), shall direct remission of up to, but not more than, 100  
 2653 | percent of a forfeiture if the surety apprehended and  
 2654 | surrendered the defendant or if the apprehension or surrender of  
 2655 | the defendant was substantially procured or caused by the  
 2656 | surety, or the surety has substantially attempted to procure or  
 2657 | cause the apprehension or surrender of the defendant, and the  
 2658 | delay has not thwarted the proper prosecution of the defendant.  
 2659 | In addition, remission shall be granted when the surety did not  
 2660 | substantially participate or attempt to participate in the  
 2661 | apprehension or surrender of the defendant when the costs of  
 2662 | returning the defendant to the jurisdiction of the court have  
 2663 | been deducted from the remission and when the delay has not  
 2664 | thwarted the proper prosecution of the defendant.



2665 (3) If the defendant surrenders or is apprehended within  
2666 180 days after forfeiture, the court, on motion at a hearing  
2667 upon notice having been given to the clerk of the circuit court  
2668 ~~county attorney~~ and the state attorney as required in subsection  
2669 (8), shall direct remission of up to, but not more than, 95  
2670 percent of a forfeiture if the surety apprehended and  
2671 surrendered the defendant or if the apprehension or surrender of  
2672 the defendant was substantially procured or caused by the  
2673 surety, or the surety has substantially attempted to procure or  
2674 cause the apprehension or surrender of the defendant, and the  
2675 delay has not thwarted the proper prosecution of the defendant.  
2676 In addition, remission shall be granted when the surety did not  
2677 substantially participate or attempt to participate in the  
2678 apprehension or surrender of the defendant when the costs of  
2679 returning the defendant to the jurisdiction of the court have  
2680 been deducted from the remission and when the delay has not  
2681 thwarted the proper prosecution of the defendant.

2682 (4) If the defendant surrenders or is apprehended within  
2683 270 days after forfeiture, the court, on motion at a hearing  
2684 upon notice having been given to the clerk of the circuit court  
2685 ~~county attorney~~ and the state attorney as required in subsection  
2686 (8), shall direct remission of up to, but not more than, 90  
2687 percent of a forfeiture if the surety apprehended and  
2688 surrendered the defendant or if the apprehension or surrender of  
2689 the defendant was substantially procured or caused by the  
2690 surety, or the surety has substantially attempted to procure or  
2691 cause the apprehension or surrender of the defendant, and the  
2692 delay has not thwarted the proper prosecution of the defendant.

2693 In addition, remission shall be granted when the surety did not  
2694 substantially participate or attempt to participate in the  
2695 apprehension or surrender of the defendant when the costs of  
2696 returning the defendant to the jurisdiction of the court have  
2697 been deducted from the remission and when the delay has not  
2698 thwarted the proper prosecution of the defendant.

2699 (5) If the defendant surrenders or is apprehended within 1  
2700 year after forfeiture, the court, on motion at a hearing upon  
2701 notice having been given to the clerk of the circuit court  
2702 ~~county attorney~~ and the state attorney as required in subsection  
2703 (8), shall direct remission of up to, but not more than, 85  
2704 percent of a forfeiture if the surety apprehended and  
2705 surrendered the defendant or if the apprehension or surrender of  
2706 the defendant was substantially procured or caused by the  
2707 surety, or the surety has substantially attempted to procure or  
2708 cause the apprehension or surrender of the defendant, and the  
2709 delay has not thwarted the proper prosecution of the defendant.  
2710 In addition, remission shall be granted when the surety did not  
2711 substantially participate or attempt to participate in the  
2712 apprehension or surrender of the defendant when the costs of  
2713 returning the defendant to the jurisdiction of the court have  
2714 been deducted from the remission and when the delay has not  
2715 thwarted the proper prosecution of the defendant.

2716 (6) If the defendant surrenders or is apprehended within 2  
2717 years after forfeiture, the court, on motion at a hearing upon  
2718 notice having been given to the clerk of the circuit court  
2719 ~~county attorney~~ and the state attorney as required in subsection  
2720 (8), shall direct remission of up to, but not more than, 50

2721 | percent of a forfeiture if the surety apprehended and  
2722 | surrendered the defendant or if the apprehension or surrender of  
2723 | the defendant was substantially procured or caused by the  
2724 | surety, or the surety has substantially attempted to procure or  
2725 | cause the apprehension or surrender of the defendant, and the  
2726 | delay has not thwarted the proper prosecution of the defendant.  
2727 | In addition, remission shall be granted when the surety did not  
2728 | substantially participate or attempt to participate in the  
2729 | apprehension or surrender of the defendant when the costs of  
2730 | returning the defendant to the jurisdiction of the court have  
2731 | been deducted from the remission and when the delay has not  
2732 | thwarted the proper prosecution of the defendant.

2733 |         (7) The remission of a forfeiture may not be ordered for  
2734 | any reason other than as specified herein.

2735 |         (8) An application for remission must be accompanied by  
2736 | affidavits setting forth the facts on which it is founded;  
2737 | however, the surety must establish by further documentation or  
2738 | other evidence any claimed attempt at procuring or causing the  
2739 | apprehension or surrender of the defendant before the court may  
2740 | order remission based upon an attempt to procure or cause such  
2741 | apprehension or surrender. The clerk of the circuit court and  
2742 | the state attorney must be given 20 days' notice before a  
2743 | hearing on an application and be furnished copies of all papers,  
2744 | applications, and affidavits. Remission shall be granted on the  
2745 | condition of payment of costs, unless the ground for remission  
2746 | is that there was no breach of the bond.

2747 |         (9) The clerk of the circuit court may enter into a  
2748 | contract with a private attorney or into an interagency

2749 agreement with a governmental agency to represent the clerk of  
 2750 the court in an action for the remission of a forfeiture under  
 2751 this section.

2752 (10) The clerk of the circuit court is the real party in  
 2753 interest for all appeals arising from an action for the  
 2754 remission of a forfeiture under this section.

2755 (11) Upon remission of bond pursuant to this section, the  
 2756 clerk of the circuit court shall withhold any unpaid fines,  
 2757 fees, service charges, and court costs imposed as a matter of  
 2758 law or ordered by the court.

2759 Section 55. Section 916.115, Florida Statutes, is amended  
 2760 to read:

2761 916.115 Appointment of experts.--

2762 (1) (a) Annually, the department shall provide the courts  
 2763 with a list of mental health professionals who have completed  
 2764 approved training as experts.

2765 (b) The court may appoint no more than three ~~nor fewer~~  
 2766 ~~than two~~ experts to determine issues of the mental condition of  
 2767 a defendant in a criminal case, including the issues of  
 2768 competency to proceed, insanity, and involuntary hospitalization  
 2769 or placement. An expert ~~The panel of experts~~ may evaluate the  
 2770 defendant in jail or in another appropriate local facility.

2771 (c) To the extent possible, an ~~the~~ appointed expert  
 2772 ~~experts~~ shall have completed forensic evaluator training  
 2773 approved by the department and be either a psychiatrist,  
 2774 licensed psychologist, or physician.

2775 (2) Expert witnesses appointed by the court to evaluate  
 2776 the mental condition of a defendant in a criminal case shall be

2777 allowed reasonable fees for services rendered as evaluators of  
2778 competence or sanity and as witnesses, ~~which shall be paid by~~  
2779 ~~the county in which the indictment was found or the information~~  
2780 ~~or affidavit was filed.~~

2781 (a)1. The court shall pay for any expert that it appoints  
2782 by court order, upon motion of counsel for the defendant or the  
2783 state or upon its own motion. If the defense or the state  
2784 retains an expert and waives the confidentiality of the expert's  
2785 report, the court may pay for no more than two additional  
2786 experts appointed by court order. If an expert appointed by the  
2787 court upon motion of counsel for the defendant specifically to  
2788 evaluate the competence of the defendant to proceed also  
2789 addresses in his or her evaluation issues related to sanity as  
2790 an affirmative defense, the court shall pay only for that  
2791 portion of the experts' fees relating to the evaluation on  
2792 competency to proceed and the balance of the fees shall be  
2793 chargeable to the defense.

2794 2. Pursuant to s. 29.006, the office of the public  
2795 defender shall pay for any expert retained by the office.

2796 3. Pursuant to s. 29.005, the office of the state attorney  
2797 shall pay for any expert retained by the office. Notwithstanding  
2798 subparagraph 1., the office of the state attorney shall pay for  
2799 any expert whom the office retains and whom the office moves the  
2800 court to appoint in order to ensure that the expert has access  
2801 to the defendant.

2802 4. An expert retained by the defendant who is represented  
2803 by private counsel appointed under s. 27.5303 shall be paid by  
2804 the Justice Administrative Commission.

2805        5. An expert retained by a defendant who is indigent for  
 2806 costs as determined by the court and who is represented by  
 2807 private counsel, other than private counsel appointed under s.  
 2808 27.5303, on a fee or pro bono basis, or who is representing  
 2809 himself or herself, shall be paid by the Justice Administrative  
 2810 Commission from funds specifically appropriated for these  
 2811 expenses.

2812        (b) State employees shall be paid expenses pursuant to s.  
 2813 112.061.

2814        (c) The fees shall be taxed as costs in the case.

2815        (d) In order for an expert ~~the experts~~ to be paid for the  
 2816 services rendered, the expert's report ~~reports~~ and testimony  
 2817 must explicitly address each of the factors and follow the  
 2818 procedures set out in this chapter and in the Florida Rules of  
 2819 Criminal Procedure.

2820        Section 56. Subsections (2), (3), and (4) of section  
 2821 916.12, Florida Statutes, are amended to read:

2822        916.12 Mental competence to proceed.--

2823        (2) An expert ~~The experts~~ shall first determine whether  
 2824 the person is mentally ill and, if so, consider the factors  
 2825 related to the issue of whether the defendant meets the criteria  
 2826 for competence to proceed; that is, whether the defendant has  
 2827 sufficient present ability to consult with counsel with a  
 2828 reasonable degree of rational understanding and whether the  
 2829 defendant has a rational, as well as factual, understanding of  
 2830 the pending proceedings. A defendant must be evaluated by no  
 2831 fewer than two experts before the court commits the defendant or  
 2832 takes other action authorized by this chapter or the Florida

2833 Rules of Criminal Procedure, except if one expert finds that the  
 2834 defendant is incompetent to proceed and the parties stipulate to  
 2835 that finding, the court may commit the defendant or take other  
 2836 action authorized by this chapter or the rules without further  
 2837 evaluation or hearing, or the court may appoint no more than two  
 2838 additional experts to evaluate the defendant. Notwithstanding  
 2839 any stipulation by the state and the defendant, the court may  
 2840 require a hearing with testimony from the expert or experts  
 2841 before ordering the commitment of a defendant.

2842 (3) In considering the issue of competence to proceed, an  
 2843 ~~the~~ examining expert ~~experts~~ shall first consider and  
 2844 specifically include in his or her ~~their~~ report the defendant's  
 2845 capacity to:

2846 (a) Appreciate the charges or allegations against the  
 2847 defendant;

2848 (b) Appreciate the range and nature of possible penalties,  
 2849 if applicable, that may be imposed in the proceedings against  
 2850 the defendant;

2851 (c) Understand the adversarial nature of the legal  
 2852 process;

2853 (d) Disclose to counsel facts pertinent to the proceedings  
 2854 at issue;

2855 (e) Manifest appropriate courtroom behavior; and

2856 (f) Testify relevantly;

2857  
 2858 and include in his or her ~~their~~ report any other factor deemed  
 2859 relevant by the expert ~~experts~~.

2860 (4) If an expert finds ~~the experts should find~~ that the  
 2861 defendant is incompetent to proceed, the expert ~~experts~~ shall  
 2862 report on any recommended treatment for the defendant to attain  
 2863 competence to proceed. In considering the issues relating to  
 2864 treatment, the examining expert ~~experts~~ shall specifically  
 2865 report on:

- 2866 (a) The mental illness causing the incompetence;
- 2867 (b) The treatment or treatments appropriate for the mental  
 2868 illness of the defendant and an explanation of each of the  
 2869 possible treatment alternatives in order of choices;
- 2870 (c) The availability of acceptable treatment and, if  
 2871 treatment is available in the community, the expert shall so  
 2872 state in the report; and
- 2873 (d) The likelihood of the defendant's attaining competence  
 2874 under the treatment recommended, an assessment of the probable  
 2875 duration of the treatment required to restore competence, and  
 2876 the probability that the defendant will attain competence to  
 2877 proceed in the foreseeable future.

2878 Section 57. Subsection (7) of section 916.301, Florida  
 2879 Statutes, is amended to read:

2880 916.301 Appointment of experts.--

2881 (7) Expert witnesses appointed by the court to evaluate  
 2882 the mental condition of a defendant in a criminal case shall be  
 2883 allowed reasonable fees for services rendered as evaluators and  
 2884 as witnesses, which shall be paid by the court ~~county in which~~  
 2885 ~~the indictment was found or the information or affidavit was~~  
 2886 ~~filed~~. State employees shall be paid expenses pursuant to s.  
 2887 112.061. The fees shall be taxed as costs in the case. In order



2888 for the experts to be paid for the services rendered, the  
 2889 reports and testimony must explicitly address each of the  
 2890 factors and follow the procedures set out in this chapter and in  
 2891 the Florida Rules of Criminal Procedure.

2892 Section 58. Paragraph (b) of subsection (2) of section  
 2893 938.29, Florida Statutes, is amended to read:

2894 938.29 Legal assistance; lien for payment of attorney's  
 2895 fees or costs.--

2896 (2)

2897 (b) A judgment showing the name and residence of the  
 2898 defendant-recipient or parent shall be recorded in the public  
 2899 record, without cost, by ~~filed for record in the office of the~~  
 2900 clerk of the circuit court in the county where the defendant-  
 2901 recipient or parent resides and in each county in which such  
 2902 defendant-recipient or parent then owns or later acquires any  
 2903 property. Such judgments shall be enforced on behalf of the  
 2904 state by the clerk of the circuit court of the county in which  
 2905 assistance was rendered.

2906 Section 59. Section 939.06, Florida Statutes, is amended  
 2907 to read:

2908 939.06 Acquitted defendant not liable for costs.--

2909 (1) A ~~No~~ defendant in a criminal prosecution who is  
 2910 acquitted or discharged is not ~~shall be~~ liable for any costs or  
 2911 fees of the court or any ministerial office, or for any charge  
 2912 of subsistence while detained in custody. If the defendant has  
 2913 ~~shall have~~ paid any taxable costs, or fees required under s.  
 2914 27.52(1)(b), in the case, the clerk or judge shall give him or  
 2915 her a certificate of the payment of such costs, with the items

2916 thereof, which, when audited and approved according to law,  
 2917 shall be refunded to the defendant.

2918 (2) To receive a refund under this section, a defendant  
 2919 must submit a request for the refund to the Justice  
 2920 Administrative Commission on a form and in a manner prescribed  
 2921 by the commission. The defendant must attach to the form an  
 2922 order from the court demonstrating the defendant's right to the  
 2923 refund and the amount of the refund.

2924 Section 60. Paragraph (b) of subsection (1) of section  
 2925 939.185, Florida Statutes, is redesignated as paragraph (c), and  
 2926 a new paragraph (b) is added to said subsection, to read:

2927 939.185 Assessment of additional court costs and  
 2928 surcharges.--

2929 (1)

2930 (b) In addition to the court costs imposed under  
 2931 subsection (1) and any other cost, fine, or penalty imposed by  
 2932 law, any unit of local government which is consolidated as  
 2933 provided by s. 9, Art. VIII of the State Constitution of 1885,  
 2934 as preserved by s. 6(e), Art. VIII of the State Constitution of  
 2935 1968, and which is granted the authority in the State  
 2936 Constitution to exercise all the powers of a municipal  
 2937 corporation, and any unit of local government operating under a  
 2938 home rule charter adopted pursuant to ss. 10, 11, and 24, Art.  
 2939 VIII of the State Constitution of 1885, as preserved by s. 6(e),  
 2940 Art. VIII of the State Constitution of 1968, which is granted  
 2941 the authority in the State Constitution to exercise all the  
 2942 powers conferred now or hereafter by general law upon  
 2943 municipalities, may impose by ordinance a surcharge in the

2944 amount of \$85 to be imposed by the court when a person pleads  
 2945 guilty or nolo contendere to, or is found guilty of, any felony,  
 2946 misdemeanor, or criminal traffic offense under the laws of this  
 2947 state. Revenue from the surcharge shall be transferred to such  
 2948 unit of local government for the purpose of replacing fine  
 2949 revenue deposited into the clerk's fine and forfeiture fund  
 2950 under s. 142.01. Proceeds from the imposition of the surcharge  
 2951 authorized in this paragraph shall not be used for the purpose  
 2952 of securing payment of the principal and interest on bonds. This  
 2953 paragraph, and any surcharge imposed pursuant to this paragraph,  
 2954 shall stand repealed on September 30, 2007.

2955 (c) ~~(b)~~ The disbursement of costs collected under this  
 2956 section shall be subordinate in priority order of disbursement  
 2957 to all other state-imposed costs authorized in this chapter,  
 2958 restitution or other compensation to victims, and child support  
 2959 payments.

2960 Section 61. Subsection (2) of section 985.05, Florida  
 2961 Statutes, is amended, and subsection (5) is added to said  
 2962 section, to read:

2963 985.05 Court records.--

2964 (2) The clerk shall keep all official records required by  
 2965 this section separate from other records of the circuit court,  
 2966 except those records pertaining to motor vehicle violations,  
 2967 which shall be forwarded to the Department of Highway Safety and  
 2968 Motor Vehicles. Except as provided in ss. 943.053 and 985.04(4),  
 2969 official records required by this part are not open to  
 2970 inspection by the public, but may be inspected only upon order  
 2971 of the court by persons deemed by the court to have a proper

2972 | interest therein, except that a child and the parents,  
 2973 | guardians, or legal custodians of the child and their attorneys,  
 2974 | law enforcement agencies, the Department of Juvenile Justice and  
 2975 | its designees, the Parole Commission, ~~and~~ the Department of  
 2976 | Corrections, and the Justice Administrative Commission shall  
 2977 | always have the right to inspect and copy any official record  
 2978 | pertaining to the child. The court may permit authorized  
 2979 | representatives of recognized organizations compiling statistics  
 2980 | for proper purposes to inspect, and make abstracts from,  
 2981 | official records under whatever conditions upon the use and  
 2982 | disposition of such records the court may deem proper and may  
 2983 | punish by contempt proceedings any violation of those  
 2984 | conditions.

2985 |       (5) This part does not prohibit a circuit court from  
 2986 | providing a restitution order containing the information  
 2987 | prescribed in s. 985.201(4)(c) to a collection court or a  
 2988 | private collection agency for the sole purpose of collecting  
 2989 | unpaid restitution ordered in a case in which the circuit court  
 2990 | has retained jurisdiction over the child and the child's parent  
 2991 | or legal guardian. The collection court or private collection  
 2992 | agency shall maintain the confidential status of the information  
 2993 | to the extent such confidentiality is provided by law.

2994 |       Section 62. Paragraph (c) of subsection (4) of section  
 2995 | 985.201, Florida Statutes, is amended to read:

2996 |       985.201 Jurisdiction.--

2997 |       (4)

2998 |       (c) The court may retain jurisdiction over a child and the  
 2999 | child's parent or legal guardian whom the court has ordered to

3000 pay restitution until the restitution order is satisfied ~~or~~  
 3001 ~~until the court orders otherwise.~~ To retain jurisdiction, the  
 3002 court shall enter a restitution order, which is separate from  
 3003 any disposition or order of commitment, on or prior to the date  
 3004 that ~~If the court retains such jurisdiction after the date upon~~  
 3005 ~~which~~ the court's jurisdiction would cease under this section,  
 3006 ~~it shall do so solely for the purpose of enforcing the~~  
 3007 ~~restitution order.~~ The contents of the restitution order shall  
 3008 be limited to the child's name and address, the name and address  
 3009 of the parent or legal guardian, the name and address of the  
 3010 payee, the case number, the date and amount of restitution  
 3011 ordered, any amount of restitution paid, the amount of  
 3012 restitution due and owing, and a notation that costs, interest,  
 3013 penalties, and attorney's fees may also be due and owing. The  
 3014 terms of the restitution order are subject to the provisions of  
 3015 s. 775.089(5).

3016 Section 63. Compensation to traffic court witnesses.--Any  
 3017 party who secures the attendance of a witness in traffic court  
 3018 shall bear all costs of calling the witness, including witness  
 3019 fees. If the witness is required to testify on behalf of the  
 3020 prosecution, the office of the state attorney of the respective  
 3021 judicial circuit shall pay the fees and costs of calling the  
 3022 witness.

3023 Section 64. Recovery of expenditures for state-funded  
 3024 services.--The trial court administrator of each circuit shall  
 3025 recover expenditures for state-funded services when those  
 3026 services have been furnished to a user of the state court system  
 3027 who possesses the present ability to pay. The rate of

3028 compensation for such services shall be the actual cost of the  
 3029 services, including the cost of recovery. The trial court  
 3030 administrator shall deposit moneys recovered under this section  
 3031 in the Grants and Donations Trust Fund within the state court  
 3032 system. The trial court administrator shall recover the costs of  
 3033 court-reporter services and transcription; court-interpreter  
 3034 services, including translation; and any other service for which  
 3035 state funds were used to provide a product or service within the  
 3036 circuit. This section does not authorize cost recovery from  
 3037 entities described in ss. 29.005, 29.006, and 29.007, Florida  
 3038 Statutes.

3039 Section 65. It is the intent of the Legislature that  
 3040 the amendments made by this act to ss. 28.2402, 34.191, and  
 3041 318.21, Florida Statutes, are remedial. It is the further intent  
 3042 of the Legislature that fines and forfeitures or civil penalties  
 3043 arising from offenses or violations committed or occurring  
 3044 within an unincorporated area of a municipality having a  
 3045 consolidated government under Section 6(e), Article VIII of the  
 3046 State Constitution be paid or deposited for fiscal year 2004-  
 3047 2005 as provided in ss. 28.2402, 34.191, and 318.21, Florida  
 3048 Statutes, as those sections are amended by this act. This  
 3049 section shall take effect upon becoming a law.

3050 Section 66. (1)(a) The Legislature finds that the use of  
 3051 estimates of prior-year expenditures to establish maximum annual  
 3052 budgets for the county fiscal year 2004-2005 resulted in maximum  
 3053 annual budgets for some clerks of court which were less than the  
 3054 amounts would have been if actual prior-year expenditures had  
 3055 been used.

3056        (b) The Legislature further finds that the clerks of court  
3057 perform duties critical to the operations of the judicial branch  
3058 and that future maximum annual budgets for the clerks of court  
3059 are based in part on their prior-year budgets.

3060        (c) The Legislature further finds that the difference  
3061 between establishing the maximum annual budget using estimated  
3062 prior-year expenditures and using actual prior-year expenditures  
3063 was significant for the Clerk of Court for the Eleventh Judicial  
3064 Circuit.

3065        (2) Therefore, the maximum annual budget for the Clerk of  
3066 Court for the Eleventh Judicial Circuit is increased by  
3067 \$3,817,115 for the county fiscal year 2004-2005.

3068        Section 67. (1) Effective July 1, 2006, section 29.014,  
3069 Florida Statutes, is repealed.

3070        (2) Section 318.37, Florida Statutes, is repealed.

3071        Section 68. Section 938.19, Florida Statutes, is amended  
3072 to read:

3073        938.19 Teen courts.--

3074        (1) Notwithstanding s. 318.121, in each county in which a  
3075 teen court has been created, the board of county commissioners  
3076 may adopt a mandatory court cost to be assessed in specific  
3077 cases by incorporating by reference the provisions of this  
3078 section in a county ordinance. Assessments collected by the  
3079 clerk of the circuit court under this section shall be deposited  
3080 into an account specifically for the operation and  
3081 administration of the teen court.

3082        (2) A sum of up to \$3 shall be assessed as a court cost in  
3083 the circuit and county court in the county against each person

3084 who pleads guilty or nolo contendere to, or is convicted of,  
 3085 regardless of adjudication, a violation of a criminal law or a  
 3086 municipal or county ordinance, or who pays a fine or civil  
 3087 penalty for any violation of chapter 316. Any person whose  
 3088 adjudication is withheld under s. 318.14(9) or s. 318.14(10)  
 3089 shall also be assessed the cost.

3090 (3) The assessment for court costs shall be assessed in  
 3091 addition to any fine or civil penalty or other court cost and  
 3092 may not be deducted from the proceeds of that portion of any  
 3093 fine or civil penalty that is received by a municipality in the  
 3094 county or by the county in accordance with ss. 316.660 and  
 3095 318.21. The assessment shall be specifically added to any civil  
 3096 penalty paid for a violation of chapter 316, regardless of  
 3097 whether the penalty is paid by mail, paid in person without  
 3098 request for a hearing, or paid after hearing and determination  
 3099 by the court. However, the assessment may not be made against a  
 3100 person for a violation of any state law or municipal or county  
 3101 ordinance relating to the parking of vehicles, with the  
 3102 exception of a violation of the handicapped parking laws.

3103 (4) (a) The clerk of the circuit court shall collect the  
 3104 assessments for court costs established in this section and  
 3105 shall remit the assessments to the teen court monthly.

3106 (b) The clerk of the circuit court shall withhold 5  
 3107 percent of the assessments collected, which shall be retained as  
 3108 fee income of the office of the clerk of the circuit court.

3109 (5) A teen court must account for all funds received under  
 3110 this section in a written report to the board of county  
 3111 commissioners. The report must be given to the commissioners by



3112 August 1 of each year or by a date required by the  
 3113 commissioners.

3114 (6) A teen court may be administered by a nonprofit  
 3115 organization, a law enforcement agency, the court administrator,  
 3116 the clerk of the court, or another similar agency authorized by  
 3117 the board of county commissioners.

3118 (7) A teen court administered in a county that adopts an  
 3119 ordinance to assess court costs under this section may not  
 3120 receive court costs collected under s. 939.185(1)(a)4. Counties  
 3121 are hereby authorized to fund teen courts.

3122 Section 69. The amendment to s. 938.19, Florida Statutes,  
 3123 by this act shall expire on July 1, 2006, and the text of that  
 3124 section shall revert to that in existence on June 30, 2005,  
 3125 except that any amendments to such text enacted other than by  
 3126 this act shall be preserved and continue to operate to the  
 3127 extent that such amendments are not dependent upon the portions  
 3128 of such text that expire pursuant to the provisions of this act.  
 3129 Any court cost imposed pursuant to the amendment of s. 938.19,  
 3130 Florida Statutes, by this act shall also expire on July 1, 2006.

3131 Section 70. Paragraph (a) of subsection (1) of section  
 3132 939.185, Florida Statutes, is amended to read:

3133 939.185 Assessment of additional court costs.--

3134 (1)(a) The board of county commissioners may adopt by  
 3135 ordinance an additional court cost, not to exceed \$65, to be  
 3136 imposed by the court when a person pleads guilty or nolo  
 3137 contendere to, or is found guilty of, any felony, misdemeanor,  
 3138 or criminal traffic offense under the laws of this state. Such  
 3139 additional assessment shall be accounted for separately by the

3140 county in which the offense occurred and be used only in the  
3141 county imposing this cost, to be allocated as follows:

3142 1. Twenty-five percent of the amount collected shall be  
3143 allocated to fund innovations to supplement state funding for  
3144 the elements of the state courts system identified in s. 29.004  
3145 and county funding for local requirements under s.  
3146 29.008(2)(a)2.

3147 2. Twenty-five percent of the amount collected shall be  
3148 allocated to assist counties in providing legal aid programs  
3149 required under s. 29.008(3)(a).

3150 3. Twenty-five percent of the amount collected shall be  
3151 allocated to fund personnel and legal materials for the public  
3152 as part of a law library.

3153 4. Twenty-five percent of the amount collected shall be  
3154 used as determined by the board of county commissioners to  
3155 support teen court programs, except as provided in s. 938.19(7),  
3156 juvenile assessment centers, and other juvenile alternative  
3157 programs.

3158  
3159 Each county receiving funds under this section shall report the  
3160 amount of funds collected pursuant to this section and an  
3161 itemized list of expenditures for all authorized programs and  
3162 activities. The report shall be submitted in a format developed  
3163 by the Supreme Court to the Governor, the Chief Financial  
3164 Officer, the President of the Senate, and the Speaker of the  
3165 House of Representatives on a quarterly basis beginning with the  
3166 quarter ending September 30, 2004. Quarterly reports shall be  
3167 submitted no later than 30 days after the end of the quarter.

3168 Any unspent funds at the close of the county fiscal year  
3169 allocated under subparagraphs 2., 3., and 4., shall be  
3170 transferred for use pursuant to subparagraph 1.

3171 Section 71. The sum of \$1.5 million in recurring funds is  
3172 appropriated from the General Revenue Fund to the Justice  
3173 Administrative Commission for public defender due process  
3174 services for the 2005-2006 fiscal year.

3175 Section 72. The sum of \$800,000 in recurring funds is  
3176 appropriated from the General Revenue Fund to the Justice  
3177 Administrative Commission for state attorney due process  
3178 services for the 2005-2006 fiscal year.

3179 Section 73. Except as otherwise provided herein, this act  
3180 shall take effect July 1, 2005.