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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

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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

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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

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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 Legislative Budget Commission
111 | may approve adjustments to the clerk's maximum annual
112 | budget for court-related duties; amending s. 28.37, F.S.;

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113 | expanding the types of excess funds that clerks of the
 114 | court must remit to the Department of Revenue over the
 115 | amount needed to meet approved budgets; creating s. 28.44,
 116 | F.S.; 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

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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

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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. 44.103,

192 F.S.; limiting the amount of per diem expenses an

193 arbitrator may charge; amending s. 44.108, F.S.;

194 clarifying the fees charged for scheduled mediation

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

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

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197 judge the amount of such fees collected; amending s.
198 57.081, F.S.; providing a cross-reference to conform;
199 creating s. 57.082, F.S., relating to the determination of
200 civil indigent status; providing for application to the
201 clerk of court for such a determination and appointment of
202 a private attorney in certain civil cases; providing
203 application requirements; prescribing duties of the clerk
204 of court relating to an application; prescribing
205 application requirements and review criteria; providing
206 for determinations by a clerk of the basis of an
207 applicant's indigency; providing criteria; providing for
208 appointment of counsel on an interim basis; providing for
209 review by the court of a clerk's determination; providing
210 criteria; authorizing a court to determine a person
211 indigent and eligible for appointed counsel; providing
212 criteria and requirements for such determination;
213 requiring persons determined to be indigent for civil
214 proceedings to be enrolled in a payment plan and charged
215 an administrative processing charge; providing plan
216 criteria; providing for a reevaluation of indigent status
217 and referral to the state attorney upon evidence of
218 financial discrepancies or fraud; providing for recovery
219 and disposition of certain amounts recovered; providing
220 criminal penalties for the provision of false information;
221 amending s. 92.142, F.S.; deleting a provision that
222 provides for payment of per diem and travel expenses for a
223 witness in a criminal case at the discretion of the court;
224 amending s. 92.231, F.S.; removing a reference to the

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225 Article V Indigent Services Advisory Board; amending s.
226 110.205, F.S.; specifying that members, officers, and
227 employees of the Justice Administrative Commission and
228 certain related organizations are exempt positions under
229 career service provisions; amending s. 116.01, F.S.;
230 providing procedures for the clerk of the court to remit
231 funds to the Department of Revenue; amending s. 116.21,
232 F.S.; authorizing sheriffs and clerks of the courts to pay
233 certain deposited or collected funds into a specific fine
234 and forfeiture fund; requiring the clerk to pay for the
235 cost of publication of the list of unclaimed court-related
236 funds; requiring unclaimed funds to be deposited into the
237 fine and forfeiture fund; amending s. 119.07, F.S.;
238 extending the time period during which certain social
239 security numbers and other data included in court or
240 official county records may be available for public
241 inspection unless redaction is requested; extending the
242 deadline by which court clerks and county recorders must
243 keep such data confidential; amending s. 142.01, F.S.;
244 clarifying those moneys to be included within the fine and
245 forfeiture fund of the clerk of the circuit court;
246 amending s. 213.13, F.S.; requiring that the court-related
247 collections remitted by the clerk to the state be
248 transmitted electronically within a specified period;
249 amending s. 218.245, F.S.; revising the requirements for
250 revenue sharing with respect to certain local governments;
251 amending s. 219.07, F.S.; revising disbursement
252 requirements for the clerk as part of his or her court-

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253 related functions; amending s. 219.075, F.S.; exempting
 254 funds collected by the clerk from the requirements for the
 255 investment of surplus funds of a county; amending s.
 256 318.121, F.S.; specifying that certain surcharges may not
 257 be added to civil traffic penalties; amending s. 318.18,
 258 F.S.; authorizing a portion of certain surcharge revenues
 259 to be used for local law libraries; requiring the clerk of
 260 the court to quarterly report the amount of certain
 261 surcharges collected to the chief judge, the Governor, and
 262 the Legislature; authorizing certain local governments to
 263 impose by ordinance a surcharge on any infraction or
 264 violation in addition to certain noncriminal traffic
 265 infractions and certain criminal violations; providing for
 266 transfer of revenues from such surcharge for certain
 267 purposes; prohibiting a court from waiving the surcharge;
 268 providing for repeal; amending s. 318.21, F.S.; providing
 269 for the disposition of traffic-infraction penalties for
 270 violations occurring in unincorporated areas of certain
 271 counties having a consolidated government or
 272 unincorporated areas of certain municipalities having a
 273 consolidated government; amending s. 318.31, F.S.;
 274 deleting provisions concerning the appointment of a civil
 275 traffic infraction hearing officer; amending s. 328.32,
 276 F.S.; providing additional limitation on a hearing
 277 officer's authority; amending s. 318.325, F.S.; deleting
 278 provisions specifying the funding of such hearing officer;
 279 amending s. 322.29, F.S.; increasing the fees charged for
 280 reinstating a driver's license; amending s. 372.72, F.S.;

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281 requiring that the proceeds from unclaimed bonds be
282 deposited into the clerk's fine and forfeiture fund;
283 amending s. 903.26, F.S.; revising the procedure for
284 determining the amount of the costs incurred in returning
285 a defendant to the county of jurisdiction; amending s.
286 903.28, F.S.; revising certain notice requirements
287 following the surrender or apprehension of a defendant for
288 purposes of remission of a forfeiture; authorizing clerks
289 of circuit courts to enter into contracts or interagency
290 agreements to represent the clerk in certain actions;
291 providing that the clerk is the real party in interest for
292 all appeals arising from such an action; creating s.
293 903.286, F.S.; authorizing the clerk to withhold
294 sufficient funds to pay any unpaid court fees, court
295 costs, and criminal penalties under certain circumstances;
296 authorizing the clerk to obtain payment from the defendant
297 or enroll the defendant in a payment plan under certain
298 circumstances; amending s. 916.115, F.S.; revising
299 requirements for the payment of experts; specifying which
300 fees are to be paid by the state, the office of the public
301 defender, the office of the state attorney, or the Justice
302 Administrative Commission; amending s. 916.12, F.S.;

303 revising the procedures under which the court may take
304 action following a finding that the defendant is
305 incompetent to proceed; requiring evaluation of a
306 defendant; providing criteria; authorizing a court to
307 commit a defendant or take other action under certain
308 circumstances; amending s. 916.301, F.S.; requiring the

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309 | court to pay for certain expert witnesses appointed by the
310 | court; amending s. 938.29, F.S.; providing for a judgment
311 | lien for the payment of certain attorney's fees to be
312 | filed without cost; amending s. 939.06, F.S.; clarifying
313 | that an acquitted defendant is not liable for certain
314 | costs or fees; providing a procedure for such a defendant
315 | to request a refund from the Justice Administrative
316 | Commission of costs or fees paid; amending s. 939.185,
317 | F.S.; authorizing certain local governments to impose by
318 | ordinance in addition to certain court costs and other
319 | costs, fines, and penalties imposed by law a surcharge to
320 | be imposed by court on persons pleading guilty or nolo
321 | contendere to certain criminal offenses; providing for
322 | transfer of revenues from such surcharge for certain
323 | purposes; providing for repeal; amending s. 985.05, F.S.;
324 | authorizing the Justice Administrative Commission to have
325 | access to certain court records; authorizing circuit
326 | courts to share certain juvenile delinquency restitution
327 | orders; amending s. 985.201, F.S.; revising the manner in
328 | which a court may retain jurisdiction over a child and the
329 | child's parent when the court has ordered restitution for
330 | certain delinquent acts; requiring the party calling a
331 | witness in traffic court to bear the costs; requiring the
332 | office of the state attorney to pay such costs if the
333 | witness is required to testify on behalf of the
334 | prosecution; authorizing the trial court administrator to
335 | recover expenditures for state-funded services if those
336 | services were furnished to a user possessing the ability

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337 | to pay; providing for deposit of such funds; authorizing
 338 | the trial court administrator to recover certain costs
 339 | under certain circumstances; requiring the chief judge to
 340 | determine the rate, which may not exceed the cost of the
 341 | service and recovery; providing legislative intent for
 342 | revisions to ss. 28.2402, 34.191, and 318.21, F.S.;

343 | revising the maximum annual budget amount for the Clerk of
 344 | the Circuit Court, Miami-Dade County; repealing s. 29.014,
 345 | F.S., relating to the Article V Indigent Service Advisory
 346 | Board; repealing s. 318.37, F.S., relating to funding for
 347 | a Civil Traffic Infraction Hearing Officer Program;
 348 | amending s. 938.19, F.S.; authorizing a board of county
 349 | commissioners to adopt an ordinance that incorporates the
 350 | provisions of the act; providing funding for a teen court
 351 | through the assessment of an additional court cost against
 352 | each person who pleads guilty or nolo contendere to, or is
 353 | convicted of, a violation of a criminal law, an ordinance,
 354 | or a traffic offense in the county; providing exceptions;
 355 | providing for administration by the clerk of the circuit
 356 | court; authorizing the clerk of the circuit court to
 357 | retain a specified percentage of the assessments
 358 | collected; requiring the teen court to account for all
 359 | funds received; requiring an annual report to the board of
 360 | county commissioners by a specified date; authorizing
 361 | specified organizations to administer a teen court
 362 | program; prohibiting teen courts in counties adopting an
 363 | ordinance from receiving court costs under s. 939.185,
 364 | F.S.; amending s. 939.185, F.S.; providing an exception

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365 | for teen court funding; providing appropriations;
 366 | providing effective dates.

367 |
 368 | Be It Enacted by the Legislature of the State of Florida:

369 |
 370 | Section 1. Subsections (2), (3), (5), and (7) of section
 371 | 27.40, Florida Statutes, are amended to read:

372 | 27.40 Court-appointed counsel; circuit registries; minimum
 373 | requirements; appointment by court.--

374 | (2) ~~No later than October 1, 2004,~~ Private counsel
 375 | appointed by the court to provide representation shall be
 376 | selected from a registry of individual attorneys established by
 377 | the circuit Article V indigent services committee or procured
 378 | through a competitive bidding process.

379 | (3) In utilizing a registry:

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

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393 Commission. Failure to comply with the terms of the contract for
 394 services may result in termination of the contract and removal
 395 from the registry. Each attorney on the registry shall be
 396 responsible for notifying the circuit Article V indigent
 397 services committee and the Justice Administrative Commission of
 398 any change in his or her status. Failure to comply with this
 399 requirement shall be cause for termination of the contract for
 400 services and removal from the registry until the requirement is
 401 fulfilled.

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

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

416 (d) Quarterly, ~~beginning no later than October 1, 2004,~~
 417 each circuit Article V indigent services committee shall provide
 418 a current copy of each registry to the Chief Justice of the
 419 Supreme Court, the chief judge, the state attorney and public
 420 defender in each judicial circuit, ~~and~~ the clerk of court in

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421 | each county, the Justice Administrative Commission, and the
422 | Indigent Services Advisory Board ~~with a current copy of each~~
423 | ~~registry.~~ From October 1, 2005, through September 30, 2007, the
424 | report submitted by the Eleventh Judicial Circuit shall include
425 | the race, gender, and national origin of all attorneys listed in
426 | and appointed under the registry.

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

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

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449 create a rebuttable presumption that the attorney is not
 450 entitled to the entire flat fee for those cases paid on a flat-
 451 fee-per-case basis.

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

458 Section 2. Section 27.42, Florida Statutes, is amended to
 459 read:

460 27.42 Circuit Article V indigent services committees;
 461 composition; staff; responsibilities; funding.--

462 (1) In each judicial circuit a circuit Article V indigent
 463 services committee shall be established. The committee shall
 464 consist of the following:

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

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

469 (c) One experienced private criminal defense attorney
 470 appointed by the chief judge to serve a 2-year term. During the
 471 2-year term, the attorney is prohibited from serving as court-
 472 appointed counsel.

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

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476 (2) (a) The responsibility of the circuit Article V
 477 indigent services committee is to manage the appointment and
 478 compensation of court-appointed counsel within a circuit
 479 pursuant to ss. 27.40 and 27.5303. The committee shall also set
 480 the compensation rates of due-process service providers in cases
 481 where the court has appointed counsel or declared a person
 482 indigent for costs, not to exceed any rates specified in the
 483 General Appropriations Act such that the total amount expended
 484 does not exceed the amount budgeted in the General
 485 Appropriations Act for the particular due-process service. The
 486 circuit Article V indigent services committee shall meet at
 487 least quarterly.

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

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

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504 (d) Each circuit Article V indigent services committee
 505 shall establish a schedule of standard allowances for due-
 506 process expenses for cases in which the court has declared a
 507 person indigent for costs, within the amount of appropriated
 508 funds allocated by the Justice Administrative Commission to the
 509 circuit for this purpose.

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

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

528 (5)-(4)(a) The funding and positions for the processing of
 529 committees' fees and expenses shall be as appropriated to the
 530 Justice Administrative Commission in the General Appropriations
 531 Act.

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

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

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

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

553 Section 3. Section 27.52, Florida Statutes, is amended to
 554 read:

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

557 27.52 Determination of indigent status.--

558 (1) APPLICATION TO THE CLERK.--A person seeking
 559 appointment of a public defender under s. 27.51 based upon an

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560 inability to pay must apply to the clerk of the court for a
561 determination of indigent status using an application form
562 developed by the Florida Clerks of Court Operations Corporation
563 with final approval by the Supreme Court.

564 (a) The application must include, at a minimum, the
565 following financial information:

566 1. Net income, consisting of total salary and wages, minus
567 deductions required by law, including court-ordered support
568 payments.

569 2. Other income, including, but not limited to, social
570 security benefits, union funds, veterans' benefits, workers'
571 compensation, other regular support from absent family members,
572 public or private employee pensions, unemployment compensation,
573 dividends, interest, rent, trusts, and gifts.

574 3. Assets, including, but not limited to, cash, savings
575 accounts, bank accounts, stocks, bonds, certificates of deposit,
576 equity in real estate, and equity in a boat or a motor vehicle
577 or in other tangible property.

578 4. All liabilities and debts.

579 5. If applicable, the amount of any bail paid for the
580 applicant's release from incarceration and the source of the
581 funds.

582
583 The application must include a signature by the applicant which
584 attests to the truthfulness of the information provided. The
585 application form developed by the corporation must include
586 notice that the applicant may seek court review of a clerk's

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587 determination that the applicant is not indigent, as provided in
588 this section.

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

595 1. Assess the application fee as part of the sentence or
596 as a condition of probation; or

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

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

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

612 (e)1. The clerk shall assist a person who appears before
613 the clerk and requests assistance in completing the application,
614 and the clerk shall notify the court if a person is unable to

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615 complete the application after the clerk has provided
616 assistance.

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

627 (2) DETERMINATION BY THE CLERK.--The clerk of the court
628 shall determine whether an applicant seeking appointment of a
629 public defender is indigent based upon the information provided
630 in the application and the criteria prescribed in this
631 subsection.

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

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

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643 or tangible personal property or real property or the expectancy
644 of an interest in any such property having a net equity value of
645 \$2,500 or more, excluding the value of the person's homestead
646 and one vehicle having a net value not exceeding \$5,000.

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

649 1. The applicant is not indigent.

650 2. The applicant is indigent.

651 (c)1. If the clerk determines that the applicant is
652 indigent, the clerk shall submit the determination to the office
653 of the public defender and immediately file the determination in
654 the case file.

655 2. If the public defender is unable to provide
656 representation due to a conflict pursuant to s. 27.5303, the
657 public defender shall move the court for withdrawal from
658 representation and appointment of private counsel.

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

668 (e) The applicant may seek review of the clerk's
669 determination that the applicant is not indigent in the court
670 having jurisdiction over the matter at the next scheduled

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671 hearing. If the applicant seeks review of the clerk's
672 determination of indigent status, the court shall make a final
673 determination as provided in subsection (4).

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

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

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

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

691 2. Whether a bond has been posted, the type of bond, and
692 who paid the bond.

693 3. Whether paying for private counsel in an amount that
694 exceeds the limitations in s. 27.5304, or other due-process
695 services creates a substantial hardship for the applicant or the
696 applicant's family.

697 4. Any other relevant financial circumstances of the
698 applicant or the applicant's family.

699 (b) Based upon its review, the court shall make one of the
 700 following determinations and, if the applicant is indigent,
 701 shall appoint a public defender or, if appropriate, private
 702 counsel:

703 1. The applicant is not indigent.

704 2. The applicant is indigent.

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

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

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

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

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

719 1. Whether the applicant applied for a determination of
 720 indigent status under subsection (1) and the outcome of such
 721 application.

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

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

725 4. Whether the applicant is proceeding pro se.

726 5. When the applicant retained private counsel.

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727 6. The amount of any attorney's fees and who is paying the
 728 fees.

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

731 1. The applicant is not indigent for costs.

732 2. The applicant is indigent for costs.

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

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

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

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

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

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

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

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

795 Section 4. Subsections (1), (2), and (6) of section
 796 27.5304, Florida Statutes, are amended, and subsections (7),
 797 (8), (9), and (10) are added to said section, to read:

798 27.5304 Private court-appointed counsel; compensation.--

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

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811 | Administrative Commission and shall use the Justice
 812 | Administrative Commission's uniform procedures and forms in
 813 | support of billing for attorney's fees, costs, and related
 814 | expenses. Failure to comply with the terms of the contract for
 815 | services may result in termination of the contract.

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

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

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

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

881 (7) Private court-appointed counsel representing a parent
 882 in a dependency case that is open may submit a request for
 883 payment to the Justice Administrative Commission at the
 884 following intervals:

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

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

888 (c) Following a judicial review hearing.

889
 890 In no case, however, may counsel submit requests under this
 891 subsection more than once per quarter, unless the court finds
 892 extraordinary circumstances justifying more frequent submission
 893 of payment requests.

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- 894 (8) Private court-appointed counsel representing an
 895 individual in an appeal to a district court of appeal or the
 896 Supreme Court may submit a request for payment to the Justice
 897 Administrative Commission at the following intervals:
- 898 (a) Upon the filing of an appellate brief, including, but
 899 not limited to, a reply brief.
- 900 (b) When the opinion of the appellate court is finalized.
- 901 (9) Private court-appointed counsel may not bill for
 902 preparation of invoices whether or not the case is paid on the
 903 basis of an hourly rate or by flat fee.
- 904 (10) The Justice Administrative Commission shall develop a
 905 schedule to provide partial payment of criminal attorney fees
 906 for cases that are not resolved within 6 months. The schedule
 907 must provide that the aggregate payments shall not exceed limits
 908 established by law. Any partial payment made pursuant to this
 909 subsection shall not exceed the actual value of services
 910 provided to date. Any partial payment shall be proportionate to
 911 the value of services provided based on payment rates included
 912 in the contract, not to exceed any limit provided by law.

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

915 27.54 Limitation on payment of expenditures for public
 916 defender's office other than by the state.--

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

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

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

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950 hourly rate is specified in the General Appropriations Act, that
 951 rate shall control.

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

965 (c) Any payments received pursuant to this subsection
 966 shall be deposited into the Grants and Donations Trust Fund
 967 within the Justice Administrative Commission for appropriation
 968 by the Legislature.

969 Section 6. Section 28.24, Florida Statutes, is amended to
 970 read:

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

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

988
 989 Charges

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

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

996 (3) For certifying copies of any instrument in the public
 997 records....1.50

998 (4) For verifying any instrument presented for
 999 certification prepared by someone other than clerk, per
 1000 page....3.00

1001 (5) (a) For making copies by photographic process of any
 1002 instrument in the public records consisting of pages of not more
 1003 than 14 inches by 8 1/2 inches, per page....1.00

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- 1004 (b) For making copies by photographic process of any
- 1005 instrument in the public records of more than 14 inches by 8 1/2
- 1006 inches, per page....5.00
- 1007 (6) For making microfilm copies of any public records:
- 1008 (a) 16 mm 100' microfilm roll....37.50
- 1009 (b) 35 mm 100' microfilm roll....52.50
- 1010 (c) Microfiche, per fiche....3.00
- 1011 (7) For copying any instrument in the public records by
- 1012 other than photographic process, per page....6.00
- 1013 (8) For writing any paper other than herein specifically
- 1014 mentioned, same as for copying, including signing and
- 1015 sealing....6.00
- 1016 (9) For indexing each entry not recorded....1.00
- 1017 (10) For receiving money into the registry of court:
- 1018 (a)1. First \$500, percent....3
- 1019 2. Each subsequent \$100, percent....1.5
- 1020 (b) Eminent domain actions, per deposit....\$150.00
- 1021 (11) For examining, certifying, and recording plats and
- 1022 for recording condominium exhibits larger than 14 inches by 8 1/2
- 1023 inches:
- 1024 (a) First page....30.00
- 1025 (b) Each additional page....15.00
- 1026 (12) For recording, indexing, and filing any instrument
- 1027 not more than 14 inches by 8 1/2 inches, including required
- 1028 notice to property appraiser where applicable:
- 1029 (a) First page or fraction thereof....5.00
- 1030 (b) Each additional page or fraction thereof....4.00

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1031 (c) For indexing instruments recorded in the official
 1032 records which contain more than four names, per additional
 1033 name....1.00

1034 (d) An additional service charge shall be paid to the
 1035 clerk of the circuit court to be deposited in the Public Records
 1036 Modernization Trust Fund for each instrument listed in s.
 1037 28.222, except judgments received from the courts and notices of
 1038 lis pendens, recorded in the official records:

- 1039 1. First page....1.00
- 1040 2. Each additional page....0.50

1041
 1042 Said fund shall be held in trust by the clerk and used
 1043 exclusively for equipment and maintenance of equipment,
 1044 personnel training, and technical assistance in modernizing the
 1045 public records system of the office. In a county where the duty
 1046 of maintaining official records exists in an office other than
 1047 the office of the clerk of the circuit court, the clerk of the
 1048 circuit court is entitled to 25 percent of the moneys deposited
 1049 into the trust fund for equipment, maintenance of equipment,
 1050 training, and technical assistance in modernizing the system for
 1051 storing records in the office of the clerk of the circuit court.
 1052 The fund may not be used for the payment of travel expenses,
 1053 membership dues, bank charges, staff-recruitment costs, salaries
 1054 or benefits of employees, construction costs, general operating
 1055 expenses, or other costs not directly related to obtaining and
 1056 maintaining equipment for public records systems or for the
 1057 purchase of furniture or office supplies and equipment not
 1058 related to the storage of records. On or before December 1,

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1059 | 1995, and on or before December 1 of each year immediately
 1060 | preceding each year during which the trust fund is scheduled for
 1061 | legislative review under s. 19(f)(2), Art. III of the State
 1062 | Constitution, each clerk of the circuit court shall file a
 1063 | report on the Public Records Modernization Trust Fund with the
 1064 | President of the Senate and the Speaker of the House of
 1065 | Representatives. The report must itemize each expenditure made
 1066 | from the trust fund since the last report was filed; each
 1067 | obligation payable from the trust fund on that date; and the
 1068 | percentage of funds expended for each of the following:
 1069 | equipment, maintenance of equipment, personnel training, and
 1070 | technical assistance. The report must indicate the nature of the
 1071 | system each clerk uses to store, maintain, and retrieve public
 1072 | records and the degree to which the system has been upgraded
 1073 | since the creation of the trust fund.

1074 | (e) An additional service charge of \$4 per page shall be
 1075 | paid to the clerk of the circuit court for each instrument
 1076 | listed in s. 28.222, except judgments received from the courts
 1077 | and notices of lis pendens, recorded in the official records.
 1078 | From the additional \$4 service charge collected:

1079 | 1. If the counties maintain legal responsibility for the
 1080 | costs of the court-related technology needs as defined in s.
 1081 | 29.008(1)(f)2. and (h), 10 cents shall be distributed to the
 1082 | Florida Association of Court Clerks and Comptroller, Inc., for
 1083 | the cost of development, implementation, operation, and
 1084 | maintenance of the clerks' Comprehensive Case Information
 1085 | System, in which system all clerks shall participate on or
 1086 | before January 1, 2006; \$1.90 shall be retained by the clerk to

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1087 | be deposited in the Public Records Modernization Trust Fund and
 1088 | used exclusively for funding court-related technology needs of
 1089 | the clerk as defined in s. 29.008(1)(f)2. and (h); and \$2 shall
 1090 | be distributed to the board of county commissioners to be used
 1091 | exclusively to fund court-related technology, and court
 1092 | technology needs as defined in s. 29.008(1)(f)2. and (h) for the
 1093 | state trial courts, state attorney, and public defender in that
 1094 | county. If the counties maintain legal responsibility for the
 1095 | costs of the court-related technology needs as defined in s.
 1096 | 29.008(1)(f)2. and (h), notwithstanding any other provision of
 1097 | law, the county is not required to provide additional funding
 1098 | beyond that provided herein for the court-related technology
 1099 | needs of the clerk as defined in s. 29.008(1)(f)2. and (h). All
 1100 | court records and official records are the property of the State
 1101 | of Florida, including any records generated as part of the
 1102 | Comprehensive Case Information System funded pursuant to this
 1103 | paragraph and the clerk of court is designated as the custodian
 1104 | of such records, except in a county where the duty of
 1105 | maintaining official records exists in a county office other
 1106 | than the clerk of court or comptroller, such county office is
 1107 | designated the custodian of all official records, and the clerk
 1108 | of court is designated the custodian of all court records. The
 1109 | clerk of court or any entity acting on behalf of the clerk of
 1110 | court, including an association, shall not charge a fee to any
 1111 | agency as defined in s. 119.011, the Legislature, or the State
 1112 | Court System for copies of records generated by the
 1113 | Comprehensive Case Information System or held by the clerk of

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1114 court or any entity acting on behalf of the clerk of court,
 1115 including an association.

1116 2. If the state becomes legally responsible for the costs
 1117 of court-related technology needs as defined in s.
 1118 29.008(1)(f)2. and (h), whether by operation of general law or
 1119 by court order, \$4 shall be remitted to the Department of
 1120 Revenue for deposit into the General Revenue Fund.

1121 (13) Oath, administering, attesting, and sealing, not
 1122 otherwise provided for herein....3.00

1123 (14) For validating certificates, any authorized bonds,
 1124 each....3.00

1125 (15) For preparing affidavit of domicile....5.00

1126 (16) For exemplified certificates, including signing and
 1127 sealing....6.00

1128 (17) For authenticated certificates, including signing and
 1129 sealing....6.00

1130 (18)(a) For issuing and filing a subpoena for a witness,
 1131 not otherwise provided for herein (includes writing, preparing,
 1132 signing, and sealing)....6.00

1133 (b) For signing and sealing only....1.50

1134 (19) For approving bond....7.50

1135 (20) For searching of records, for each year's
 1136 search....1.50

1137 (21) For processing an application for a tax deed sale
 1138 (includes application, sale, issuance, and preparation of tax
 1139 deed, and disbursement of proceeds of sale), other than excess
 1140 proceeds....60.00

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1141 (22) For disbursement of excess proceeds of tax deed sale,
 1142 first \$100 or fraction thereof....10.00

1143 (23) Upon receipt of an application for a marriage
 1144 license, for preparing and administering of oath; issuing,
 1145 sealing, and recording of the marriage license; and providing a
 1146 certified copy....30.00

1147 (24) For solemnizing matrimony....30.00

1148 (25) For sealing any court file or expungement of any
 1149 record....37.50

1150 (26) (a) For receiving and disbursing all restitution
 1151 payments, per payment....3.00

1152 (b) For receiving and disbursing all partial payments,
 1153 other than restitution payments, for which an administrative
 1154 processing service charge is not imposed pursuant to s. 28.246,
 1155 per month....5.00

1156 (c) For setting up a payment plan, a one-time
 1157 administrative processing charge in lieu of a per month charge
 1158 under paragraph (b)....25.00

1159 (27) Postal charges incurred by the clerk of the circuit
 1160 court in any mailing by certified or registered mail shall be
 1161 paid by the party at whose instance the mailing is made.

1162 (28) For furnishing an electronic copy of information
 1163 contained in a computer database: a fee as provided for in
 1164 chapter 119.

1165 Section 7. Effective upon this act becoming a law,
 1166 paragraph (a) of subsection (1) and subsection (2) of section
 1167 28.2402, Florida Statutes, are amended to read:

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1168 28.2402 Cost recovery; use of the circuit court for
 1169 ordinance or special law violations.--

1170 (1) (a) In lieu of payment of a filing fee under s. 28.241,
 1171 a filing fee of \$10 shall be paid by a county or municipality
 1172 when filing a county or municipal ordinance violation or
 1173 violation of a special law in circuit court. This fee shall be
 1174 paid to the clerk of the court for performing court-related
 1175 functions. A county or municipality is not required to pay more
 1176 than one filing fee for a single filing against a single
 1177 defendant that contains multiple alleged violations. A filing
 1178 fee, other than that imposed under this section, may not be
 1179 assessed for initiating an enforcement proceeding in circuit
 1180 court for a violation of a county or municipal code or ordinance
 1181 or a violation of a special law. The filing fee shall not apply
 1182 to instances in which a county or municipality has contracted
 1183 with the state, or has been delegated by the state,
 1184 responsibility for enforcing state operations, policies, or
 1185 requirements under s. 125.69, s. 166.0415, or chapter 162.

1186 (2) To offset costs incurred by the clerks of the court in
 1187 performing court-related functions associated with the
 1188 processing of violations of special laws and municipal
 1189 ordinances, 10 percent of the total amount of fines paid to each
 1190 municipality for special law or ordinance violations filed in
 1191 circuit court shall be retained by the clerk of the court for
 1192 deposit into the clerk's fine and forfeiture fund established
 1193 pursuant to s. 142.01, except for fines a portion of which the
 1194 clerk of the court retains pursuant to any other provision of
 1195 state law. A municipality does not include the unincorporated

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1196 areas, if any, of a government created pursuant to s. 6(e), Art.
 1197 VIII of the State Constitution.

1198 Section 8. Section 28.245, Florida Statutes, is amended to
 1199 read:

1200 28.245 Transmittal of funds to Department of Revenue;
 1201 uniform remittance form required.--Notwithstanding any other
 1202 provision of law, all moneys collected by the clerks of the
 1203 court as part of the clerk's court-related functions for
 1204 subsequent distribution to any state entity must be transmitted
 1205 electronically, by the 20th day of the month immediately
 1206 following the month in which the moneys are collected, to the
 1207 Department of Revenue for appropriate distribution. A uniform
 1208 remittance form provided by the Department of Revenue detailing
 1209 the specific amounts due each fund must accompany such
 1210 submittal. All moneys collected by the clerks of court for
 1211 remittance to any entity must be distributed pursuant to the law
 1212 in effect at the time of collection.

1213 Section 9. Subsections (1) and (4) of section 28.246,
 1214 Florida Statutes, are amended to read:

1215 28.246 Payment of court-related fees, charges, and costs;
 1216 partial payments; distribution of funds.--

1217 (1) Beginning July 1, 2003, the clerk of the circuit court
 1218 shall report the following information to the Legislature and
 1219 the Florida Clerks Clerk of Court Operations Corporation
 1220 ~~Conference~~ on a form developed by the Department of Financial
 1221 Services:

1222 (a) The total amount of mandatory fees, service charges,
 1223 and costs; the total amount actually assessed; the total amount

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1224 discharged, waived, or otherwise not assessed; and the total
 1225 amount collected.

1226 (b) The amount of discretionary fees, service charges, and
 1227 costs assessed; the total amount discharged; and the total
 1228 amount collected.

1229 (c) The total amount of mandatory fines and other monetary
 1230 penalties; the total amount assessed; the total amount
 1231 discharged, waived, or otherwise not assessed; and the total
 1232 amount collected.

1233 (d) The amount of discretionary fines and other monetary
 1234 penalties assessed; the amount discharged; and the total amount
 1235 collected.

1236
 1237 If provided to the clerk of court by the judge, the clerk, in
 1238 reporting the amount assessed, shall separately identify the
 1239 amount assessed pursuant to s. 938.30 as community service;
 1240 assessed by reducing the amount to a judgment or lien; satisfied
 1241 by time served; or other. The form developed by the Chief
 1242 Financial Officer shall include separate entries for recording
 1243 these amounts. The clerk shall submit the report on a quarterly
 1244 basis 30 days after the end of the quarter for the period from
 1245 July 1, 2003, through June 30, 2004, and on an annual basis
 1246 thereafter, 60 days after the end of the county fiscal year.

1247 (4) The clerk of the circuit court shall accept partial
 1248 payments for court-related fees, service charges, costs, and
 1249 fines in accordance with the terms of an established payment
 1250 plan. An individual seeking to defer payment of fees, service
 1251 charges, costs, or fines imposed by operation of law or order of

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1252 the court under any provision of general law shall apply to the
 1253 clerk for enrollment in a payment plan. The clerk shall enter
 1254 into a payment plan with an individual who the court determines
 1255 is indigent for costs. A monthly payment amount, calculated
 1256 based upon all fees and all anticipated costs, is presumed to
 1257 correspond to the person's ability to pay if the amount does not
 1258 exceed 2 percent of the person's annual net income, as defined
 1259 in 27.52(1), divided by 12. The court may review the
 1260 reasonableness of the payment plan, ~~and determined by the court~~
 1261 ~~to be unable to make payment in full, shall be enrolled by the~~
 1262 ~~clerk in a payment program, with periodic payment amounts~~
 1263 ~~corresponding to the individual's ability to pay.~~

1264 Section 10. Section 28.345, Florida Statutes, is amended
 1265 to read:

1266 28.345 Exemption from court-related fees and
 1267 charges.--Notwithstanding any other provision of this chapter or
 1268 law to the contrary, judges and those court staff acting on
 1269 behalf of judges, state attorneys, guardians ad litem, public
 1270 guardians, attorneys ad litem, court-appointed private counsel,
 1271 and public defenders, acting in their official capacity, and
 1272 state agencies, are exempt from all court-related fees and
 1273 charges assessed by the clerks of the circuit courts.

1274 Section 11. Paragraph (a) of subsection (3) and paragraph
 1275 (b) of subsection (4) of section 28.36, Florida Statutes, are
 1276 amended, subsection (6) is renumbered as subsection (7), and a
 1277 new subsection (6) is added to said section, to read:

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1278 28.36 Budget procedure.--There is hereby established a
 1279 budget procedure for the court-related functions of the clerks
 1280 of the court.

1281 (3) Each proposed budget shall further conform to the
 1282 following requirements:

1283 (a) On or before August 15 ~~±~~ for each fiscal year
 1284 thereafter, the proposed budget shall be prepared, summarized,
 1285 and submitted by the clerk in each county to the Clerks of Court
 1286 Operations Corporation in the manner and form prescribed by the
 1287 corporation ~~conference~~. The proposed budget must provide
 1288 detailed information on the anticipated revenues available and
 1289 expenditures necessary for the performance of the standard list
 1290 of court-related functions of the clerk's office developed
 1291 pursuant to s. 28.35(4) (a) for the county fiscal year beginning
 1292 the following October 1.

1293 (4) If a clerk of the court estimates that available funds
 1294 plus projected revenues from fines, fees, service charges, and
 1295 costs for court-related services are insufficient to meet the
 1296 anticipated expenditures for the standard list of court-related
 1297 functions in s. 28.35(4) (a) performed by his or her office, the
 1298 clerk must report the revenue deficit to the Clerks of Court
 1299 Operations Corporation in the manner and form prescribed by the
 1300 corporation pursuant to contract with the Chief Financial
 1301 Officer. The corporation shall verify that the proposed budget
 1302 is limited to the standard list of court-related functions in s.
 1303 28.35(4) (a).

1304 (b) If the Chief Financial Officer ~~Department of Revenue~~
 1305 finds the court-related budget proposed by a clerk includes

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1306 functions not included in the standard list of court-related
 1307 functions in s. 28.35(4)(a) ~~28.35(3)(a)~~, the Chief Financial
 1308 Officer ~~department~~ shall notify the clerk of the amount of the
 1309 proposed budget not eligible to be funded from fees, service
 1310 charges, costs, and fines for court-related functions and shall
 1311 identify appropriate corrective measures to ensure budget
 1312 integrity. The clerk shall then immediately discontinue all
 1313 ineligible ~~the~~ expenditures of court-related funds for this
 1314 purpose and reimburse the Clerks of the Court Trust Fund for any
 1315 previously ineligible expenditures made for non-court-related
 1316 functions, and shall implement any corrective actions identified
 1317 by the Chief Financial Officer ~~incurred to date for these~~
 1318 ~~functions~~.

1319 (6) The Legislative Budget Commission may approve
 1320 increases to the maximum annual budgets approved for individual
 1321 clerks of the court pursuant to s. 28.36 for court related
 1322 duties, if either of the following conditions exist:

1323 (a) The additional funding is necessary to pay the cost of
 1324 performing new or additional functions required by changes in
 1325 law or court rule. Before the Legislative Budget Commission may
 1326 approve an increase in the maximum annual budget of any clerk
 1327 under this paragraph, the Clerk of the Court Operations
 1328 Corporation must provide the Legislative Budget Commission with
 1329 a statement of the impact of the proposed budget changes on
 1330 state revenues, and evidence that the respective clerk of the
 1331 court is meeting or exceeding the established performance
 1332 standards for measures on the fiscal management, operational

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1333 efficiency, and effective collection of fines, fees, service
 1334 charges, and court costs.

1335 (b) The additional funding is necessary to pay the cost of
 1336 supporting increases in the number of judges or magistrates
 1337 authorized by the Legislature. Before the Legislative Budget
 1338 Commission may approve an increase in the maximum annual budget
 1339 of any clerk under this paragraph, the Clerk of the Court
 1340 Operations Corporation must provide the Legislative Budget
 1341 Commission with a statement of the impact of the proposed budget
 1342 changes on state revenues; evidence that the respective clerk of
 1343 the court is meeting or exceeding the established performance
 1344 standards for measures on the fiscal management, operational
 1345 efficiency, and effective collection of fines, fees, service
 1346 charges, and court costs; and a proposed staffing model,
 1347 including the cost and number of staff necessary to support each
 1348 new judge or magistrate.

1349
 1350 The total amount of increases approved by the Legislative Budget
 1351 Commission for each county fiscal year shall not exceed an
 1352 amount equal to 2 percent of the maximum annual budgets approved
 1353 pursuant to s. 28.36 for all clerks, in the aggregate, for that
 1354 same county fiscal year.

1355 (7)(6) The corporation may submit proposed legislation to
 1356 the Governor, the President of the Senate, and the Speaker of
 1357 the House of Representatives no later than November 1 in any
 1358 year for approval of clerk budget request amounts exceeding the
 1359 restrictions in this section for the following October 1. If
 1360 proposed legislation is recommended, the corporation shall also

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1361 submit supporting justification with sufficient detail to
 1362 identify the specific proposed expenditures that would cause the
 1363 limitations to be exceeded for each affected clerk and the
 1364 estimated fiscal impact on state revenues.

1365 Section 12. Subsection (4) of section 28.37, Florida
 1366 Statutes, is amended to read:

1367 28.37 Fines, fees, service charges, and costs remitted to
 1368 the state.--

1369 (4) Beginning January 1, 2005, for the period July 1,
 1370 2004, through September 30, 2004, and each January 1 thereafter
 1371 for the preceding county fiscal year of October 1 through
 1372 September 30, the clerk of the court must remit to the
 1373 Department of Revenue for deposit in the General Revenue Fund
 1374 the cumulative excess of all fees, service charges, court costs,
 1375 and fines retained by the clerks of the court, plus any funds
 1376 received by the clerks of the court from the Department of
 1377 Revenue Clerk of the Court Trust Fund under s. 28.36(4)(a), over
 1378 the amount needed to meet the approved budget amounts
 1379 established under s. 28.36.

1380 Section 13. Section 28.44, Florida Statutes, is created to
 1381 read:

1382 28.44 Clerk discontinuance of court-related functions.--

1383 (1) No function of the clerk of court being performed in
 1384 support of the trial courts by the individual clerks of court on
 1385 July 1, 2004, may be discontinued or substantially modified on a
 1386 unilateral basis except pursuant to this section. A clerk of
 1387 court may discontinue performing a function performed in support
 1388 of the trial court only if:

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1389 (a) The chief judge of the circuit has consented in
 1390 writing to the discontinuance or substantial modification of the
 1391 function performed in support of the trial court; or

1392 (b) The clerk of court has given written notice of the
 1393 intention to substantially modify or discontinue a function
 1394 performed in support of the trial court at least one year before
 1395 the effective date of the discontinuance or substantial
 1396 modification of the function.

1397 (2) "Substantial modification" of a function performed in
 1398 support of the trial court means a modification which has the
 1399 effect of reducing the level of services provided to the trial
 1400 court.

1401 Section 14. Subsection (6) of section 29.004, Florida
 1402 Statutes, is amended to read:

1403 29.004 State courts system.--For purposes of implementing
 1404 s. 14, Art. V of the State Constitution, the elements of the
 1405 state courts system to be provided from state revenues
 1406 appropriated by general law are as follows:

1407 (6) Expert witnesses ~~who not requested by any party which~~
 1408 are appointed by the court pursuant to an express grant of
 1409 statutory authority.

1410 Section 15. Subsections (4), (5), (6), (7), and (8) of
 1411 section 29.005, Florida Statutes, are amended to read:

1412 29.005 State attorneys' offices and prosecution
 1413 expenses.--For purposes of implementing s. 14, Art. V of the
 1414 State Constitution, the elements of the state attorneys' offices
 1415 to be provided from state revenues appropriated by general law
 1416 are as follows:

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1417 ~~(4) Mental health professionals appointed pursuant to s.~~
 1418 ~~394.473 and required in a court hearing involving an indigent,~~
 1419 ~~and mental health professionals appointed pursuant to s.~~
 1420 ~~916.115(2) and required in a court hearing involving an~~
 1421 ~~indigent.~~

1422 (4)~~(5)~~ Reasonable transportation services in the
 1423 performance of constitutional and statutory responsibilities.
 1424 Motor vehicles owned by the counties and provided exclusively to
 1425 state attorneys as of July 1, 2003, and any additional vehicles
 1426 owned by the counties and provided exclusively to state
 1427 attorneys during fiscal year 2003-2004 shall be transferred by
 1428 title to the state effective July 1, 2004.

1429 (5)~~(6)~~ Travel expenses reimbursable under s. 112.061
 1430 reasonably necessary in the performance of constitutional and
 1431 statutory responsibilities.

1432 (6)~~(7)~~ Reasonable library and electronic legal research
 1433 services, other than a public law library.

1434 (7)~~(8)~~ Reasonable pretrial consultation fees and costs.

1435 Section 16. Section 29.007, Florida Statutes, is amended
 1436 to read:

1437 29.007 Court-appointed counsel.--For purposes of
 1438 implementing s. 14, Art. V of the State Constitution, the
 1439 elements of court-appointed counsel to be provided from state
 1440 revenues appropriated by general law are as follows:

1441 (1) Private attorneys appointed by the court to handle
 1442 cases where the defendant is indigent and cannot be represented
 1443 by the public defender under ss. 27.42 and 27.53.

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1444 (2) Private attorneys appointed by the court to represent
 1445 indigents or other classes of litigants in civil proceedings
 1446 requiring court-appointed counsel in accordance with state and
 1447 federal constitutional guarantees and federal and state
 1448 statutes.

1449 (3) Reasonable court reporting and transcription services
 1450 necessary to meet constitutional or statutory requirements,
 1451 including the cost of transcribing and copying depositions of
 1452 witnesses and the cost of foreign language and sign-language
 1453 interpreters and translators.

1454 (4) Witnesses, including expert witnesses, summoned to
 1455 appear for an investigation, preliminary hearing, or trial in a
 1456 case when the witnesses are summoned on behalf of an indigent,
 1457 and any other expert witnesses approved by the court.

1458 (5) Mental health professionals appointed pursuant to s.
 1459 394.473 and required in a court hearing involving an indigent,
 1460 ~~and~~ mental health professionals appointed pursuant to s.
 1461 916.115(2) and required in a court hearing involving an
 1462 indigent, and any other mental health professionals required by
 1463 law for the full adjudication of any civil case involving an
 1464 indigent person.

1465 (6) Reasonable pretrial consultation fees and costs.

1466 (7) Travel expenses reimbursable under s. 112.061
 1467 reasonably necessary in the performance of constitutional and
 1468 statutory responsibilities.

1469
 1470 Subsections (3), (4), (5), (6), and (7) apply when court-
 1471 appointed counsel is appointed; when the court determines that

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1472 the litigant is indigent for costs; or when the litigant is
 1473 acting pro se and the court determines that the litigant is
 1474 indigent for costs at the trial or appellate level. This section
 1475 applies in any situation in which the court appoints counsel to
 1476 protect a litigant's due-process rights. The Justice
 1477 Administrative Commission shall approve uniform contract forms
 1478 for use in processing payments for due process services under
 1479 this section. In each case in which a private attorney
 1480 represents a person determined by the court to be indigent for
 1481 costs, the attorney shall execute the commission's contract for
 1482 private attorneys representing persons determined to be indigent
 1483 for costs.

1484 Section 17. Subsection (1) of section 29.008, Florida
 1485 Statutes, is amended to read:

1486 29.008 County funding of court-related functions.--

1487 (1) Counties are required by s. 14, Art. V of the State
 1488 Constitution to fund the cost of communications services,
 1489 existing radio systems, existing multiagency criminal justice
 1490 information systems, and the cost of construction or lease,
 1491 maintenance, utilities, and security of facilities for the
 1492 circuit and county courts, public defenders' offices, state
 1493 attorneys' offices, guardian ad litem offices, and the offices
 1494 of the clerks of the circuit and county courts performing court-
 1495 related functions. For purposes of this section, the term
 1496 "circuit and county courts" shall include the offices and
 1497 staffing of the guardian ad litem programs. The county
 1498 designated under s. 35.05(1) as the headquarters for each
 1499 appellate district shall fund these costs for the appellate

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1500 division of the public defender's office in that county. For
 1501 purposes of implementing these requirements, the term:
 1502 (a) "Facility" means reasonable and necessary buildings
 1503 and office space and appurtenant equipment and furnishings,
 1504 structures, real estate, easements, and related interests in
 1505 real estate, including, but not limited to, those for the
 1506 purpose of housing legal materials for use by the general public
 1507 and personnel, equipment, or functions of the circuit or county
 1508 courts, public defenders' offices, state attorneys' offices, and
 1509 court-related functions of the office of the clerks of the
 1510 circuit and county courts and all storage. The term "facility"
 1511 includes all wiring necessary for court-reporting services. The
 1512 term also includes access to parking for such facilities in
 1513 connection with such court-related functions that may be
 1514 available free or from a private provider or a local government
 1515 for a fee. The office space provided by a county may not be less
 1516 than the standards for space allotment adopted by the Department
 1517 of Management Services, except this requirement applies only to
 1518 facilities that are leased, or on which construction commences,
 1519 after June 30, 2003. County funding must include physical
 1520 modifications and improvements to all facilities as are required
 1521 for compliance with the Americans with Disabilities Act. Upon
 1522 mutual agreement of a county and the affected entity in this
 1523 paragraph, the office space provided by the county may vary from
 1524 the standards for space allotment adopted by the Department of
 1525 Management Services. ~~This section applies only to facilities~~
 1526 ~~that are leased, or on which construction commences, after June~~
 1527 ~~30, 2003.~~

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1528 | 1. As of July 1, 2005, equipment and furnishings shall be
 1529 | limited to that appropriate and customary for courtrooms,
 1530 | hearing rooms, jury facilities, and other public areas in
 1531 | courthouses and any other facility occupied by the courts, state
 1532 | attorneys, and public defenders. Court-reporting equipment in
 1533 | these areas or facilities is not a responsibility of the county.

1534 | 2. Equipment and furnishings under this paragraph in
 1535 | existence and owned by counties on July 1, 2005, except for that
 1536 | in the possession of the clerks, for areas other than
 1537 | courtrooms, hearing rooms, jury facilities, and other public
 1538 | areas in courthouses and any other facility occupied by the
 1539 | courts, state attorneys, and public defenders, shall be
 1540 | transferred to the state at no charge. This provision does not
 1541 | apply to any communication services as defined in paragraph (f).

1542 | (b) "Construction or lease" includes, but is not limited
 1543 | to, all reasonable and necessary costs of the acquisition or
 1544 | lease of facilities for all judicial officers, staff, jurors,
 1545 | volunteers of a tenant agency, and the public for the circuit
 1546 | and county courts, the public defenders' offices, state
 1547 | attorneys' offices, and for performing the court-related
 1548 | functions of the offices of the clerks of the circuit and county
 1549 | courts. This includes expenses related to financing such
 1550 | facilities and the existing and future cost and bonded
 1551 | indebtedness associated with placing the facilities in use.

1552 | (c) "Maintenance" includes, but is not limited to, all
 1553 | reasonable and necessary costs of custodial and groundskeeping
 1554 | services and renovation and reconstruction as needed to
 1555 | accommodate functions for the circuit and county courts, the

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1556 public defenders' offices, and state attorneys' offices and for
1557 performing the court-related functions of the offices of the
1558 clerks of the circuit and county court and for maintaining the
1559 facilities in a condition appropriate and safe for the use
1560 intended.

1561 (d) "Utilities" means all electricity services for light,
1562 heat, and power; natural or manufactured gas services for light,
1563 heat, and power; water and wastewater services and systems,
1564 stormwater or runoff services and systems, sewer services and
1565 systems, all costs or fees associated with these services and
1566 systems, and any costs or fees associated with the mitigation of
1567 environmental impacts directly related to the facility.

1568 (e) "Security" includes but is not limited to, all
1569 reasonable and necessary costs of services of law enforcement
1570 officers or licensed security guards and all electronic,
1571 cellular, or digital monitoring and screening devices necessary
1572 to ensure the safety and security of all persons visiting or
1573 working in a facility; to provide for security of the facility,
1574 including protection of property owned by the county or the
1575 state; and for security of prisoners brought to any facility.
1576 This includes bailiffs while providing courtroom and other
1577 security for each judge and other quasi-judicial officers.

1578 (f) "Communications services" are defined as any
1579 reasonable and necessary transmission, emission, and reception
1580 of signs, signals, writings, images, and sounds of intelligence
1581 of any nature by wire, radio, optical, audio equipment, or other
1582 electromagnetic systems and includes all facilities and
1583 equipment owned, leased, or used by judges, clerks, public

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1584 | defenders, state attorneys, and all staff of the state courts
1585 | system, state attorneys' offices, public defenders' offices, and
1586 | clerks of the circuit and county courts performing court-related
1587 | functions. Such system or services shall include, but not be
1588 | limited to:

1589 | 1. Telephone system infrastructure, including computer
1590 | lines, telephone switching equipment, and maintenance, and
1591 | facsimile equipment, wireless communications, cellular
1592 | telephones, pagers, and video teleconferencing equipment and
1593 | line charges. Each county shall continue to provide access to a
1594 | local carrier for local and long distance service and shall pay
1595 | toll charges for local and long distance service.

1596 | 2. All computer networks, systems and equipment, including
1597 | computer hardware and software, modems, printers, wiring,
1598 | network connections, maintenance, support staff or services
1599 | including any county-funded support staff located in the offices
1600 | of the circuit court, county courts, state attorneys, and public
1601 | defenders, training, supplies, and line charges necessary for an
1602 | integrated computer system to support the operations and
1603 | management of the state courts system, the offices of the public
1604 | defenders, the offices of the state attorneys, and the offices
1605 | of the clerks of the circuit and county courts and the
1606 | capability to connect those entities and reporting data to the
1607 | state as required for the transmission of revenue, performance
1608 | accountability, case management, data collection, budgeting, and
1609 | auditing purposes. The integrated computer system shall be
1610 | operational by July 1, 2006, and, at a minimum, permit the
1611 | exchange of financial, performance accountability, case

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1612 management, case disposition, and other data across multiple
 1613 state and county information systems involving multiple users at
 1614 both the state level and within each judicial circuit and be
 1615 able to electronically exchange judicial case background data,
 1616 sentencing scoresheets, and video evidence information stored in
 1617 integrated case management systems over secure networks. Once
 1618 the integrated system becomes operational, counties may reject
 1619 requests to purchase communication services included in this
 1620 subparagraph not in compliance with standards, protocols, or
 1621 processes adopted by the board established pursuant to s.
 1622 29.0086.

1623 3. Courier messenger and subpoena services.

1624 4. Auxiliary aids and services for qualified individuals
 1625 with a disability which are necessary to ensure access to the
 1626 courts. Such auxiliary aids and services include, but are not
 1627 limited to, sign language interpretation services required under
 1628 the federal Americans with Disabilities Act other than services
 1629 required to satisfy due-process ~~due-process~~ requirements and
 1630 identified as a state funding responsibility pursuant to ss.
 1631 29.004, 29.005, 29.006, and 29.007, real-time transcription
 1632 services for individuals who are hearing impaired, and assistive
 1633 listening devices and the equipment necessary to implement such
 1634 accommodations.

1635 (g) "Existing radio systems" includes, but is not limited
 1636 to, law enforcement radio systems that are used by the circuit
 1637 and county courts, the offices of the public defenders, the
 1638 offices of the state attorneys, and for court-related functions
 1639 of the offices of the clerks of the circuit and county courts.

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1640 This includes radio systems that were operational or under
 1641 contract at the time Revision No. 7, 1998, to Art. V of the
 1642 State Constitution was adopted and any enhancements made
 1643 thereafter, the maintenance of those systems, and the personnel
 1644 and supplies necessary for operation.

1645 (h) "Existing multiagency criminal justice information
 1646 systems" includes, but is not limited to, those components of
 1647 the multiagency criminal justice information system as defined
 1648 in s. 943.045, supporting the offices of the circuit or county
 1649 courts, the public defenders' offices, the state attorneys'
 1650 offices, or those portions of the offices of the clerks of the
 1651 circuit and county courts performing court-related functions
 1652 that are used to carry out the court-related activities of those
 1653 entities. This includes upgrades and maintenance of the current
 1654 equipment, maintenance and upgrades of supporting technology
 1655 infrastructure and associated staff, and services and expenses
 1656 to assure continued information sharing and reporting of
 1657 information to the state. The counties shall also provide
 1658 additional information technology services, hardware, and
 1659 software as needed for new judges and staff of the state courts
 1660 system, state attorneys' offices, public defenders' offices, and
 1661 the offices of the clerks of the circuit and county courts
 1662 performing court-related functions.

1663 Section 18. Section 29.0081, Florida Statutes, is
 1664 created to read:

1665 29.0081 County funding of additional court
 1666 personnel.--

1667 (1) A county and the chief judge of a judicial circuit

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1668 that includes that county may enter into an agreement under
 1669 which the county funds personnel positions to assist in the
 1670 operation of the circuit.

1671 (2) The agreement shall, at a minimum, provide that:

1672 (a) Funding for the positions is provided on at least
 1673 a court fiscal-year basis.

1674 (b) The personnel whose employment is funded under the
 1675 agreement are employees of the judicial circuit and are hired,
 1676 supervised, managed, and fired by personnel of the judicial
 1677 circuit.

1678 (c) The positions terminate upon the expiration of, or
 1679 substantial breach of, the agreement or upon the expiration of
 1680 county funding for the positions.

1681 (3) Positions funded under this section shall be
 1682 full-time equivalent positions of the judicial circuit but
 1683 shall not count against any formula or similar process used by
 1684 the Office of the State Courts Administrator to determine
 1685 personnel needs or levels of a judicial circuit.

1686 (4) Nothing in this section obligates the state to
 1687 fund any personnel positions.

1688 Section 19. Subsection (2) of section 29.015, Florida
 1689 Statutes, is amended to read:

1690 29.015 Contingency fund; limitation of authority to
 1691 transfer funds in contracted due process services appropriation
 1692 categories.--

1693 (2) In the event that a state attorney or public defender
 1694 incurs a deficit in a contracted due process services

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1695 appropriation category, the following steps shall be taken in
 1696 order:

1697 (a) The state attorney or public defender shall first
 1698 attempt to identify surplus funds from other appropriation
 1699 categories within his or her office and submit a budget
 1700 amendment pursuant to chapter 216 to transfer funds from within
 1701 the office.

1702 (b) In the event that the state attorney or public
 1703 defender is unable to identify surplus funds from within his or
 1704 her office, he or she shall certify this to the Justice
 1705 Administrative Commission along with a complete explanation of
 1706 the circumstances which led to the deficit and steps the office
 1707 has taken to reduce or alleviate the deficit. The Justice
 1708 Administrative Commission shall inquire as to whether any other
 1709 office has surplus funds in its contracted due process services
 1710 appropriation categories which can be transferred to the office
 1711 that is experiencing the deficit. If other offices indicate that
 1712 surplus funds are available within the same appropriation
 1713 category, the Justice Administrative Commission shall transfer
 1714 the amount needed to fund the deficit and notify the Governor
 1715 and the chair and vice chair of the Legislative Budget
 1716 Commission 14 days prior to a transfer pursuant to the notice,
 1717 review, and objection provisions of s. 216.177. If funds
 1718 appropriated for this purpose are available in a different
 1719 budget entity, the Justice Administrative Commission shall
 1720 request a budget amendment pursuant to chapter 216 ~~request a~~
 1721 ~~budget amendment to transfer funds from the office or offices to~~

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1722 ~~alleviate the deficit upon agreement of the contributing office~~
 1723 ~~or offices.~~

1724 (c) If no office indicates that surplus funds are
 1725 available to alleviate the deficit, the Justice Administrative
 1726 Commission may request a budget amendment to transfer funds from
 1727 the contingency fund. Such transfers shall be in accordance with
 1728 all applicable provisions of chapter 216 and shall be subject to
 1729 review and approval by the Legislative Budget Commission. The
 1730 Justice Administrative Commission shall submit the documentation
 1731 provided by the office explaining the circumstances that led to
 1732 the deficit and the steps taken by the office and the Justice
 1733 Administrative Commission to identify surplus funds to the
 1734 Legislative Budget Commission.

1735 Section 20. Section 29.018, Florida Statutes, is amended
 1736 to read:

1737 29.018 Cost sharing of due-process services ~~due process~~
 1738 ~~costs~~; legislative intent.--It is the intent of the Legislature
 1739 to provide state-funded due-process ~~due process~~ services to the
 1740 state courts system, state attorneys, public defenders, and
 1741 court-appointed counsel in the most cost-effective and efficient
 1742 manner. The state courts system, state attorneys, public
 1743 defenders, and the Justice Administrative Commission on behalf
 1744 of court-appointed counsel may enter into contractual agreements
 1745 to share, on a pro rata basis, the costs associated with court
 1746 reporting services, court interpreter and translation services,
 1747 court experts, and all other due-process ~~due process~~ services
 1748 funded by the state pursuant to this chapter. These costs shall

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1749 | be budgeted within the funds appropriated to each of the
 1750 | affected users of services.

1751 | Section 21. Section 29.0185, Florida Statutes, is created
 1752 | to read:

1753 | 29.0185 Provision of state-funded due-process services to
 1754 | individuals.--Due-process services may not be provided with
 1755 | state revenues to an individual unless the individual on whose
 1756 | behalf the due-process services are being provided is eligible
 1757 | for court-appointed counsel under s. 27.40, based upon a
 1758 | determination of indigency under s. 27.52, regardless of whether
 1759 | such counsel is appointed or the individual on whose behalf the
 1760 | due process services are being provided is eligible for court-
 1761 | appointed counsel under s. 27.40 and has been determined
 1762 | indigent for costs pursuant to s. 27.52.

1763 | Section 22. Subsection (1) of section 34.045, Florida
 1764 | Statutes, is amended to read:

1765 | 34.045 Cost recovery; use of the county court for
 1766 | ordinance or special law violations.--

1767 | (1) (a) In lieu of payment of a filing fee under s. 34.041,
 1768 | a filing fee of \$10 shall be paid by a county or municipality
 1769 | when filing a violation of a county or municipal ordinance or a
 1770 | violation of a special law in county court. This fee shall be
 1771 | paid to the clerk of the court for performing court-related
 1772 | functions. A county or municipality is not required to pay more
 1773 | than one filing fee for a single filing against a single
 1774 | defendant that contains multiple alleged violations. A filing
 1775 | fee, other than that imposed under this section, may not be
 1776 | assessed for initiating an enforcement proceeding in county

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1777 court for a violation of a county or municipal code or ordinance
 1778 or a violation of a special law. The filing fee shall not apply
 1779 to instances in which a county or municipality has contracted
 1780 with the state, or has been delegated by the state,
 1781 responsibility for enforcing state operations, policies, or
 1782 requirements under s. 125.69, s. 166.0415, or chapter 162.

1783 (b) No other filing fee may be assessed for filing the
 1784 violation in county court. If a person contests the violation in
 1785 court, the court shall assess \$40 in costs against the
 1786 nonprevailing party. The county or municipality shall be
 1787 considered the prevailing party when there is a plea or finding
 1788 of violation or guilt to any count or lesser included offense of
 1789 the charge or companion case charges, regardless of
 1790 adjudication. Costs ~~Cost~~ recovered pursuant to this paragraph
 1791 shall be deposited into the clerk's fine and forfeiture fund
 1792 established pursuant to s. 142.01.

1793 (c) If the person does not contest the violation in court
 1794 or if the county or municipality is the prevailing party, the
 1795 court shall assess the person or nonprevailing party \$10 for the
 1796 filing fee provided in paragraph (a), which amount shall be
 1797 forwarded to the county or municipality.

1798 Section 23. Effective upon this act becoming a law,
 1799 section 34.191, Florida Statutes, is amended to read:

1800 34.191 Fines and forfeitures; dispositions.--

1801 (1) All fines and forfeitures arising from offenses tried
 1802 in the county court shall be collected and accounted for by the
 1803 clerk of the court and, other than the charge provided in s.
 1804 318.1215, disbursed in accordance with ss. 28.2402, 34.045,

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1805 142.01, and 142.03 ~~142.13~~ and subject to the provisions of s.
 1806 28.246(5) and (6). Notwithstanding the provisions of this
 1807 section, all fines and forfeitures arising from operation of the
 1808 provisions of s. 318.1215 shall be disbursed in accordance with
 1809 that section.

1810 (2) All fines and forfeitures received from violations of
 1811 municipal ordinances committed within a municipality within the
 1812 territorial jurisdiction of the county court, other than the
 1813 charge provided in s. 318.1215, shall be paid monthly to the
 1814 municipality except as provided in s. 28.2402(2), s. 34.045(2),
 1815 s. 318.21, or s. 943.25. A municipality does not include the
 1816 unincorporated areas, if any, of a government created pursuant
 1817 to s. 6(e), Art. VIII of the State Constitution.

1818 (3) All other fines and forfeitures collected by the
 1819 clerk, other than the charge provided in s. 318.1215, shall be
 1820 considered income of the office of the clerk for use in
 1821 performing court-related duties of the office.

1822 Section 24. Subsection (3) of section 39.0132, Florida
 1823 Statutes, is amended to read:

1824 39.0132 Oaths, records, and confidential information.--

1825 (3) The clerk shall keep all court records required by
 1826 this chapter separate from other records of the circuit court.
 1827 All court records required by this chapter shall not be open to
 1828 inspection by the public. All records shall be inspected only
 1829 upon order of the court by persons deemed by the court to have a
 1830 proper interest therein, except that, subject to the provisions
 1831 of s. 63.162, a child and the parents of the child and their
 1832 attorneys, guardian ad litem, law enforcement agencies, and the

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1833 department and its designees shall always have the right to
 1834 inspect and copy any official record pertaining to the child.
 1835 The Justice Administrative Commission may inspect court dockets
 1836 required by this chapter as necessary to audit compensation of
 1837 court-appointed attorneys. If the docket is insufficient for
 1838 purposes of the audit, the commission may petition the court for
 1839 additional documentation as necessary and appropriate. The court
 1840 may permit authorized representatives of recognized
 1841 organizations compiling statistics for proper purposes to
 1842 inspect and make abstracts from official records, under whatever
 1843 conditions upon their use and disposition the court may deem
 1844 proper, and may punish by contempt proceedings any violation of
 1845 those conditions.

1846 Section 25. Subsection (1) of section 39.821, Florida
 1847 Statutes, is amended to read:

1848 39.821 Qualifications of guardians ad litem.--

1849 (1) Because of the special trust or responsibility placed
 1850 in a guardian ad litem, the Guardian Ad Litem Program may use
 1851 any private funds collected by the program, or any state funds
 1852 so designated, to conduct a security background investigation
 1853 before certifying a volunteer to serve. A security background
 1854 investigation must include, but need not be limited to,
 1855 employment history checks, checks of references, local criminal
 1856 records checks through local law enforcement agencies, and
 1857 statewide criminal records checks through the Department of Law
 1858 Enforcement. Upon request, an employer shall furnish a copy of
 1859 the personnel record for the employee or former employee who is
 1860 the subject of a security background investigation conducted

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1861 | under this section. The information contained in the personnel
1862 | record may include, but need not be limited to, disciplinary
1863 | matters and the reason why the employee was terminated from
1864 | employment. An employer who releases a personnel record for
1865 | purposes of a security background investigation is presumed to
1866 | have acted in good faith and is not liable for information
1867 | contained in the record without a showing that the employer
1868 | maliciously falsified the record. A security background
1869 | investigation conducted under this section must ensure that a
1870 | person is not certified as a guardian ad litem if the person has
1871 | been convicted of, regardless of adjudication, or entered a plea
1872 | of nolo contendere or guilty to, any offense prohibited under
1873 | the provisions of the Florida Statutes specified in s. 435.04(2)
1874 | or under any similar law in another jurisdiction. Before
1875 | certifying an applicant to serve as a guardian ad litem, the
1876 | Guardian Ad Litem Program ~~chief judge of the circuit court~~ may
1877 | request a federal criminal records check of the applicant
1878 | through the Federal Bureau of Investigation. In analyzing and
1879 | evaluating the information obtained in the security background
1880 | investigation, the program must give particular emphasis to past
1881 | activities involving children, including, but not limited to,
1882 | child-related criminal offenses or child abuse. The program has
1883 | the sole discretion in determining whether to certify a person
1884 | based on his or her security background investigation. The
1885 | information collected pursuant to the security background
1886 | investigation is confidential and exempt from s. 119.07(1).

1887 | Section 26. Section 39.822, Florida Statutes, is amended
1888 | to read:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1889 39.822 Appointment of guardian ad litem for abused,
 1890 abandoned, or neglected child.--

1891 (1) A guardian ad litem shall be appointed by the court at
 1892 the earliest possible time to represent the child in any child
 1893 abuse, abandonment, or neglect judicial proceeding, whether
 1894 civil or criminal. Any person participating in a civil or
 1895 criminal judicial proceeding resulting from such appointment
 1896 shall be presumed prima facie to be acting in good faith and in
 1897 so doing shall be immune from any liability, civil or criminal,
 1898 that otherwise might be incurred or imposed.

1899 (2) In those cases in which the parents are financially
 1900 able, the parent or parents of the child shall reimburse the
 1901 court, in part or in whole, for the cost of provision of
 1902 guardian ad litem services. Reimbursement to the individual
 1903 providing guardian ad litem services shall not be contingent
 1904 upon successful collection by the court from the parent or
 1905 parents.

1906 (3) Upon presentation by a guardian ad litem of a court
 1907 order appointing the guardian ad litem:

1908 (a) An agency, as defined in chapter 119, shall allow the
 1909 guardian ad litem to inspect and copy records related to the
 1910 best interests of the child who is the subject of the
 1911 appointment, including, but not limited to, records made
 1912 confidential or exempt from s. 119.07(1) or s. 24(a), Art. I of
 1913 the State Constitution. The guardian ad litem shall maintain the
 1914 confidential or exempt status of any records shared by an agency
 1915 under this paragraph.

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1916 (b) A person or organization, other than an agency under
 1917 paragraph (a), shall allow the guardian ad litem to inspect and
 1918 copy any records related to the best interests of the child who
 1919 is the subject of the appointment, including, but not limited
 1920 to, confidential records.

1921
 1922 For the purposes of this subsection, the term "records related
 1923 to the best interests of the child" includes, but is not limited
 1924 to, medical, mental health, substance abuse, child care,
 1925 education, law enforcement, court, social services, and
 1926 financial records.

1927 (4)~~(3)~~ The guardian ad litem or the program representative
 1928 shall review all disposition recommendations and changes in
 1929 placements, and must be present at all critical stages of the
 1930 dependency proceeding or submit a written report of
 1931 recommendations to the court. Written reports must be filed with
 1932 the court and served on all parties whose whereabouts are known
 1933 at least 72 hours prior to the hearing.

1934 Section 27. Subsection (1) of section 40.29, Florida
 1935 Statutes, is amended to read:

1936 40.29 Payment of due-process ~~due-process~~ costs.--

1937 (1) (a) Each clerk of the circuit court, on behalf of the
 1938 courts, the state attorney, court-appointed counsel, and the
 1939 public defender, shall forward to the Justice Administrative
 1940 Commission, by county, a quarterly estimate of funds necessary
 1941 to pay for ordinary witnesses, including, but not limited to,
 1942 witnesses in civil traffic cases and witnesses of the state
 1943 attorney, public defender, court-appointed counsel, and persons

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1944 determined to be indigent for costs ~~except expert witnesses paid~~
 1945 ~~pursuant to a contract or other professional services agreement,~~
 1946 ~~pursuant to ss. 29.005 and 29.006.~~ Each quarter of the state
 1947 fiscal year, the commission, based upon the estimates, shall
 1948 advance funds to each clerk to pay for these ordinary witnesses
 1949 from state funds specifically appropriated for the payment of
 1950 ordinary witnesses.

1951 (b) Each clerk of the circuit court shall forward to the
 1952 Office of the State Courts Administrator, by county, a quarterly
 1953 estimate of funds necessary to pay juror compensation.

1954 Section 28. Section 40.355, Florida Statutes, is created
 1955 to read:

1956 40.355 Accounting and payment to public defenders and
 1957 state attorneys.--The clerk of the court shall, within 2 weeks
 1958 after the last day of the state's quarterly fiscal period,
 1959 render to the state attorney and the public defender in each
 1960 circuit a full statement of accounts for moneys received and
 1961 disbursed under this chapter.

1962 Section 29. Subsections (5) and (6) of section 43.16,
 1963 Florida Statutes, are amended, and subsection (7) is added to
 1964 said section, to read:

1965 43.16 Justice Administrative Commission; membership,
 1966 powers and duties.--

1967 (5) The duties of the commission shall include, but not be
 1968 limited to, the following:

1969 (a) The maintenance of a central state office for
 1970 administrative services and assistance when possible to and on
 1971 behalf of the state attorneys and public defenders of Florida,

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1972 | the office of capital collateral representative of Florida, and
 1973 | the Guardian Ad Litem Program ~~Judicial Qualifications~~
 1974 | ~~Commission~~.

1975 | (b) Each state attorney and public defender and the
 1976 | Guardian Ad Litem Program ~~Judicial Qualifications Commission~~
 1977 | shall continue to prepare necessary budgets, vouchers which
 1978 | represent valid claims for reimbursement by the state for
 1979 | authorized expenses, and other things incidental to the proper
 1980 | administrative operation of the office, such as revenue
 1981 | transmittals to the Chief Financial Officer and automated
 1982 | systems plans, but will forward same to the commission for
 1983 | recording and submission to the proper state officer. However,
 1984 | when requested by a state attorney or a public defender or the
 1985 | Guardian Ad Litem Program ~~Judicial Qualifications Commission~~,
 1986 | the commission will either assist in the preparation of budget
 1987 | requests, voucher schedules, and other forms and reports or
 1988 | accomplish the entire project involved.

1989 | (6) The provisions contained in this section shall be
 1990 | supplemental to those of chapter 27, relating to state attorneys
 1991 | and public defenders; to those of chapter 39 s. 43.20, relating
 1992 | to the Guardian Ad Litem Program ~~Judicial Qualifications~~
 1993 | ~~Commission~~; or to other laws pertaining hereto.

1994 | (7) Chapter 120 does not apply to the Justice
 1995 | Administrative Commission.

1996 | Section 30. Subsection (6) is added to section 43.26,
 1997 | Florida Statutes, to read:

1998 | 43.26 Chief judge of circuit; selection; powers.--

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1999 | (6) The chief judge of each circuit is charged by s. 2(d),
 2000 | Art. V of the Florida Constitution and this section with the
 2001 | authority to promote the prompt and efficient administration of
 2002 | justice in the courts over which he or she is chief judge. The
 2003 | clerks of court provide court-related functions which are
 2004 | essential to the orderly operation of the judicial branch. The
 2005 | chief judge of each circuit, after consultation with the clerk
 2006 | of court, shall determine the priority of services provided by
 2007 | the clerk of court to the trial court. The clerk of court shall
 2008 | manage the performance of such services in a method or manner
 2009 | that is consistent with statute, rule, or administrative order.

2010 | Section 31. Paragraph (b) of subsection (4) of section
 2011 | 44.102, Florida Statutes, is amended to read:

2012 | 44.102 Court-ordered mediation.--

2013 | (4) The chief judge of each judicial circuit shall
 2014 | maintain a list of mediators who have been certified by the
 2015 | Supreme Court and who have registered for appointment in that
 2016 | circuit.

2017 | (b) Nonvolunteer mediators shall be compensated according
 2018 | to rules adopted by the Supreme Court. If a mediation program is
 2019 | funded pursuant to s. 44.108, a mediator may be compensated by
 2020 | the county or by the parties. ~~When a party has been declared~~
 2021 | ~~indigent or insolvent, that party's pro rata share of a~~
 2022 | ~~mediator's compensation shall be paid by the county at the rate~~
 2023 | ~~set by administrative order of the chief judge of the circuit.~~

2024 | Section 32. Subsection (3) of section 44.103, Florida
 2025 | Statutes, is amended to read:

2026 | 44.103 Court-ordered, nonbinding arbitration.--

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2027 (3) Arbitrators shall be selected and compensated in
 2028 accordance with rules adopted by the Supreme Court. Arbitrators
 2029 shall be compensated by the parties, or, upon a finding by the
 2030 court that a party is indigent, an arbitrator may be partially
 2031 or fully compensated from state funds according to the party's
 2032 present ability to pay. At no time may an arbitrator charge more
 2033 than \$1,500 per diem, unless the parties agree otherwise. Prior
 2034 to approving the use of state funds to reimburse an arbitrator,
 2035 the court must ensure that the party reimburses the portion of
 2036 the total cost that the party is immediately able to pay and
 2037 that the party has agreed to a payment plan established by the
 2038 clerk of the court that will fully reimburse the state for the
 2039 balance of all state costs for both the arbitrator and any costs
 2040 of administering the payment plan and any collection efforts
 2041 that may be necessary in the future. Whenever possible,
 2042 qualified individuals who have volunteered their time to serve
 2043 as arbitrators shall be appointed. If an arbitration program is
 2044 funded pursuant to s. 44.108, volunteer arbitrators shall be
 2045 entitled to be reimbursed pursuant to s. 112.061 for all actual
 2046 expenses necessitated by service as an arbitrator.

2047 Section 33. Section 44.108, Florida Statutes, is amended
 2048 to read:

2049 44.108 Funding of mediation and arbitration.--

2050 (1) Mediation and arbitration should be accessible to all
 2051 parties regardless of financial status. A filing fee of \$1 is
 2052 levied on all proceedings in the circuit or county courts to
 2053 fund mediation and arbitration services which are the
 2054 responsibility of the Supreme Court pursuant to the provisions

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2055 of s. 44.106. The clerk of the court shall forward the moneys
 2056 collected to the Department of Revenue for deposit in the state
 2057 courts' Mediation and Arbitration Trust Fund.

2058 (2) When court-ordered mediation services are provided by
 2059 a circuit court's mediation program, the following fees, unless
 2060 otherwise established in the General Appropriations Act, shall
 2061 be collected by the clerk of court:

2062 (a) Eighty dollars per person per scheduled session in
 2063 family mediation when the parties' combined income is greater
 2064 than \$50,000, but less than \$100,000 per year;

2065 (b) Forty dollars per person per scheduled session in
 2066 family mediation when the parties' combined income is less than
 2067 \$50,000; or

2068 (c) Forty dollars per person per scheduled session in
 2069 county court cases.

2070
 2071 No mediation fees shall be assessed under this subsection in
 2072 residential eviction cases, against a party found to be
 2073 indigent, or for any small claims action. Fees collected by the
 2074 clerk of court pursuant to this section shall be remitted to the
 2075 Department of Revenue for deposit into the state courts'
 2076 Mediation and Arbitration Trust Fund to fund court-ordered
 2077 mediation. The clerk of court may deduct \$1 per fee assessment
 2078 for processing this fee. The clerk of the court shall submit to
 2079 the chief judge of the circuit, no later than 30 days after the
 2080 end of each quarter, a report specifying the amount of funds
 2081 collected under this section during each quarter of the fiscal
 2082 year.

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2083 Section 34. Subsection (1) of section 57.081, Florida
 2084 Statutes, is amended to read:

2085 57.081 Costs; right to proceed where prepayment of costs
 2086 waived.--

2087 (1) Any indigent person, except a prisoner as defined in
 2088 s. 57.085, who is a party or intervenor in any judicial or
 2089 administrative agency proceeding or who initiates such
 2090 proceeding shall receive the services of the courts, sheriffs,
 2091 and clerks, with respect to such proceedings, despite his or her
 2092 present inability to pay for these services. Such services are
 2093 limited to filing fees; service of process; certified copies of
 2094 orders or final judgments; a single photocopy of any court
 2095 pleading, record, or instrument filed with the clerk; examining
 2096 fees; mediation services and fees; private court-appointed
 2097 counsel fees; subpoena fees and services; service charges for
 2098 collecting and disbursing funds; and any other cost or service
 2099 arising out of pending litigation. In any appeal from an
 2100 administrative agency decision, for which the clerk is
 2101 responsible for preparing the transcript, the clerk shall record
 2102 the cost of preparing the transcripts and the cost for copies of
 2103 any exhibits in the record. Prepayment of costs to any court,
 2104 clerk, or sheriff is not required in any action if the party has
 2105 obtained in each proceeding a certification of indigence in
 2106 accordance with s. 27.52 or s. 57.082.

2107 Section 35. Section 57.082, Florida Statutes, is created
 2108 to read:

2109 57.082 Determination of civil indigent status.--

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2110 (1) APPLICATION TO THE CLERK.--A person seeking
2111 appointment of a private attorney in a civil case eligible for
2112 court-appointed counsel, or seeking relief from prepayment of
2113 fees and costs under s. 57.081, based upon an inability to pay
2114 must apply to the clerk of the court for a determination of
2115 civil indigent status using an application form developed by the
2116 Florida Clerks of Court Operations Corporation with final
2117 approval by the Supreme Court.

2118 (a) The application must include, at a minimum, the
2119 following financial information:

2120 1. Net income, consisting of total salary and wages, minus
2121 deductions required by law, including court-ordered support
2122 payments.

2123 2. Other income, including, but not limited to, social
2124 security benefits, union funds, veterans' benefits, workers'
2125 compensation, other regular support from absent family members,
2126 public or private employee pensions, unemployment compensation,
2127 dividends, interest, rent, trusts, and gifts.

2128 3. Assets, including, but not limited to, cash, savings
2129 accounts, bank accounts, stocks, bonds, certificates of deposit,
2130 equity in real estate, and equity in a boat or a motor vehicle
2131 or in other tangible property.

2132 4. All liabilities and debts.

2133
2134 The application must include a signature by the applicant which
2135 attests to the truthfulness of the information provided. The
2136 application form developed by the corporation must include
2137 notice that the applicant may seek court review of a clerk's

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2138 determination that the applicant is not indigent, as provided in
 2139 this section.

2140 (b) The clerk shall assist a person who appears before the
 2141 clerk and requests assistance in completing the application and
 2142 the clerk shall notify the court if a person is unable to
 2143 complete the application after the clerk has provided
 2144 assistance.

2145 (c) The clerk shall accept an application that is signed
 2146 by the applicant and submitted on his or her behalf by a private
 2147 attorney who is representing the applicant in the applicable
 2148 matter.

2149 (2) DETERMINATION BY THE CLERK.--The clerk of the court
 2150 shall determine whether an applicant seeking such designation is
 2151 indigent based upon the information provided in the application
 2152 and the criteria prescribed in this subsection.

2153 (a)1. An applicant, including an applicant who is a minor
 2154 or an adult tax-dependent person, is indigent if the applicant's
 2155 income is equal to or below 200 percent of the then-current
 2156 federal poverty guidelines prescribed for the size of the
 2157 household of the applicant by the United States Department of
 2158 Health and Human Services.

2159 2. There is a presumption that the applicant is not
 2160 indigent if the applicant owns, or has equity in, any intangible
 2161 or tangible personal property or real property or the expectancy
 2162 of an interest in any such property having a net equity value of
 2163 \$2,500 or more, excluding the value of the person's homestead
 2164 and one vehicle having a net value not exceeding \$5,000.

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2165 (b) Based upon its review, the clerk shall make one of the
 2166 following determinations:

2167 1. The applicant is not indigent.

2168 2. The applicant is indigent.

2169 (c) If the clerk determines that the applicant is
 2170 indigent, the clerk shall immediately file the determination in
 2171 the case record.

2172 (d) The duty of the clerk in determining whether an
 2173 applicant is indigent is limited to receiving the application
 2174 and comparing the information provided in the application to the
 2175 criteria prescribed in this subsection. The determination of
 2176 indigent status is a ministerial act of the clerk and may not be
 2177 based on further investigation or the exercise of independent
 2178 judgment by the clerk. The clerk may contract with third parties
 2179 to perform functions assigned to the clerk under this section.

2180 (e) The applicant may seek review of the clerk's
 2181 determination that the applicant is not indigent in the court
 2182 having jurisdiction over the matter by filing a petition to
 2183 review the clerk's determination of nonindigent status for which
 2184 a filing fee may not be charged. If the applicant seeks review
 2185 of the clerk's determination of indigent status, the court shall
 2186 make a final determination as provided in subsection (4).

2187 (3) APPOINTMENT OF COUNSEL ON AN INTERIM BASIS.--If the
 2188 clerk of the court has not made a determination of indigent
 2189 status at the time a person requests appointment of a private
 2190 attorney in a civil case eligible for court-appointed counsel,
 2191 the court shall make a preliminary determination of indigent

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2192 status, pending further review by the clerk, and may, by court
 2193 order, appoint private counsel on an interim basis.

2194 (4) REVIEW OF THE CLERK'S DETERMINATION.--

2195 (a) If the clerk of the court determines that the
 2196 applicant is not indigent and the applicant seeks review of the
 2197 clerk's determination, the court shall make a final
 2198 determination of indigent status by reviewing the information
 2199 provided in the application against the criteria prescribed in
 2200 subsection (2) and by considering the following additional
 2201 factors:

2202 1. Whether paying for private counsel or other fees and
 2203 costs creates a substantial hardship for the applicant or the
 2204 applicant's family.

2205 2. Whether the applicant is proceeding pro se or is
 2206 represented by a private attorney for a fee or on a pro-bono
 2207 basis.

2208 3. When the applicant retained private counsel.

2209 4. The amount of any attorney's fees and who is paying the
 2210 fees.

2211 5. Any other relevant financial circumstances of the
 2212 applicant or the applicant's family.

2213 (b) Based upon its review, the court shall make one of the
 2214 following determinations and shall, if appropriate, appoint
 2215 private counsel:

2216 1. The applicant is not indigent.

2217 2. The applicant is indigent.

2218 (5) PROCESSING CHARGE; PAYMENT PLANS.--A person who the
 2219 clerk or the court determines is indigent for civil proceedings

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2220 under this section shall be enrolled in a payment plan under s.
 2221 28.246 and shall be charged a one-time administrative processing
 2222 charge under s. 28.24(26)(c). A monthly payment amount,
 2223 calculated based upon all fees and all anticipated costs, is
 2224 presumed to correspond to the person's ability to pay if it does
 2225 not exceed 2 percent of the person's annual net income, as
 2226 defined in subsection (1), divided by 12. The person may seek
 2227 review of the clerk's decisions regarding a payment plan
 2228 established under s. 28.246 in the court having jurisdiction
 2229 over the matter. A case may not be impeded in any way, delayed
 2230 in filing, or delayed in its progress, including the final
 2231 hearing and order, due to nonpayment of any fees by an indigent
 2232 person.

2233 (6) FINANCIAL DISCREPANCIES; FRAUD; FALSE INFORMATION.--

2234 (a) If the court learns of discrepancies between the
 2235 application and the actual financial status of the person found
 2236 to be indigent, the court shall determine whether the status and
 2237 any relief provided as a result of that status shall be revoked.
 2238 The person may be heard regarding the information learned by the
 2239 court. If the court, based on the information, determines that
 2240 the person is not indigent, the court shall revoke the provision
 2241 of any relief under this section.

2242 (b) If the court has reason to believe that any applicant,
 2243 through fraud or misrepresentation, was improperly determined to
 2244 be indigent, the matter shall be referred to the state attorney.
 2245 Twenty-five percent of any amount recovered by the state
 2246 attorney as reasonable value of the services rendered, including
 2247 fees, charges, and costs paid by the state on the person's

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2248 behalf, shall be remitted to the Department of Revenue for
 2249 deposit into the Grants and Donations Trust Fund within the
 2250 Justice Administrative Commission. Seventy-five percent of any
 2251 amount recovered shall be remitted to the Department of Revenue
 2252 for deposit into the General Revenue Fund.

2253 (c) A person who knowingly provides false information to
 2254 the clerk or the court in seeking a determination of indigent
 2255 status under this section commits a misdemeanor of the first
 2256 degree, punishable as provided in s. 775.082 or s. 775.083.

2257 Section 36. Subsection (1) of section 92.142, Florida
 2258 Statutes, is amended to read:

2259 92.142 Witnesses; pay.--

2260 (1) Witnesses in all cases, civil and criminal, in all
 2261 courts, now or hereafter created, and witnesses summoned before
 2262 any arbitrator or general or special magistrate appointed by the
 2263 court shall receive for each day's actual attendance \$5 and also
 2264 6 cents per mile for actual distance traveled to and from the
 2265 courts. A witness in a criminal case required to appear in a
 2266 county other than the county of his or her residence and
 2267 residing more than 50 miles from the location of the trial shall
 2268 be entitled to per diem and travel expenses at the same rate
 2269 provided for state employees under s. 112.061, in lieu of any
 2270 other witness fee ~~at the discretion of the court.~~

2271 Section 37. Effective July 1, 2006, subsections (2) and
 2272 (3) of section 92.231, Florida Statutes, are amended to read:

2273 92.231 Expert witnesses; fee.--

2274 (2) Any expert or skilled witness who shall have testified
 2275 in any cause shall be allowed a witness fee including the cost

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2276 of any exhibits used by such witness in an amount agreed to by
 2277 the parties, and the same shall be taxed as costs. In instances
 2278 where services are provided for the state, including for state-
 2279 paid private court-appointed counsel, payment from state funds
 2280 shall be in accordance with standards adopted by the Legislature
 2281 ~~after receiving recommendations from the Article V Indigent~~
 2282 ~~Services Advisory Board.~~

2283 (3) In a criminal case in which the state or an indigent
 2284 defendant requires the services of an expert witness whose
 2285 opinion is relevant to the issues of the case, the expert
 2286 witness shall be compensated in accordance with standards
 2287 adopted by the Legislature ~~after receiving recommendations from~~
 2288 ~~the Article V Indigent Services Advisory Board.~~

2289 Section 38. Paragraph (y) is added to subsection (2) of
 2290 section 110.205, Florida Statutes, to read:

2291 110.205 Career service; exemptions.--

2292 (2) EXEMPT POSITIONS.--The exempt positions that are not
 2293 covered by this part include the following:

2294 (y) All officers and employees of the Justice
 2295 Administrative Commission, Office of the State Attorney, Office
 2296 of the Public Defender, regional offices of capital collateral
 2297 counsel, and Statewide Guardian Ad Litem Office, including the
 2298 circuit guardian ad litem programs.

2299 Section 39. Subsection (1) of section 116.01, Florida
 2300 Statutes, is amended to read:

2301 116.01 Payment of public funds into treasury.--

2302 (1) Every state and county officer within this state
 2303 authorized to collect funds due the state or county shall pay

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2304 all sums officially received by the officer into the state or
 2305 county treasury not later than 7 working days from the close of
 2306 the week in which the officer received the funds. Funds received
 2307 by the county officer on behalf of the state shall be deposited
 2308 directly to the account of the State Treasury not later than 7
 2309 working days from the close of the week in which the officer
 2310 received the funds. The clerk of the court, when collecting
 2311 funds as part of the clerk's court-related functions, must remit
 2312 those funds as required under s. 28.245.

2313 Section 40. Subsections (1) and (4) of section 116.21,
 2314 Florida Statutes, are amended to read:

2315 116.21 Unclaimed moneys; limitation.--

2316 (1) The sheriffs and clerks of the courts of the various
 2317 counties of the state are authorized at their discretion on or
 2318 before September 25 of each and every year hereafter to pay into
 2319 the fine and forfeiture fund of their respective counties, or
 2320 the fine and forfeiture fund created under s. 142.01, any or all
 2321 unclaimed moneys deposited or collected by them in their
 2322 official capacity, which unclaimed moneys came into their hands
 2323 prior to January 1 of the preceding year and for which moneys
 2324 claim has not been made. Any unclaimed moneys collected or
 2325 deposited by the clerk of the circuit court in the course of the
 2326 clerk's court related activities may be processed under this
 2327 chapter; however, the clerk must pay for the cost of publication
 2328 of the list of unclaimed court-related funds. Any unclaimed
 2329 court-related funds collected or deposited by the clerk which
 2330 remain unclaimed must be deposited into the fine and forfeiture
 2331 fund established under s. 142.01.

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2332 (4) Except for the cost of publishing the notice for
 2333 the clerk's unclaimed court-related moneys, the cost of
 2334 publishing the notices as required by subsection (2) shall be
 2335 paid by the county commissioners, and the sheriff or the clerk
 2336 shall receive as compensation the regular fee allowed by statute
 2337 for the collection of fines, fees, and costs adjudged to the
 2338 state upon the amounts remitted to the fine and forfeiture fund.
 2339 Upon such payment to the fine and forfeiture fund, the sheriff
 2340 or clerk shall be released and discharged from any and all
 2341 further responsibility or liability in connection therewith.

2342 Section 41. Paragraph (gg) of subsection (6) of section
 2343 119.07, Florida Statutes, is amended to read:

2344 119.07 Inspection and copying of records; photographing
 2345 public records; fees; exemptions.--

2346 (6)

2347 (gg)1. Until January 1, 2007 ~~2006~~, if a social security
 2348 number, made confidential and exempt pursuant to s. 119.0721,
 2349 created pursuant to s. 1, ch. 2002-256, passed during the 2002
 2350 regular legislative session, or a complete bank account, debit,
 2351 charge, or credit card number made exempt pursuant to paragraph
 2352 (dd), created pursuant to s. 1, ch. 2002-257, passed during the
 2353 2002 regular legislative session, is or has been included in a
 2354 court file, such number may be included as part of the court
 2355 record available for public inspection and copying unless
 2356 redaction is requested by the holder of such number, or by the
 2357 holder's attorney or legal guardian, in a signed, legibly
 2358 written request specifying the case name, case number, document
 2359 heading, and page number. The request must be delivered by mail,

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2360 | facsimile, electronic transmission, or in person to the clerk of
2361 | the circuit court. The clerk of the circuit court does not have
2362 | a duty to inquire beyond the written request to verify the
2363 | identity of a person requesting redaction. A fee may not be
2364 | charged for the redaction of a social security number or a bank
2365 | account, debit, charge, or credit card number pursuant to such
2366 | request.

2367 | 2. Any person who prepares or files a document to be
2368 | recorded in the official records by the county recorder as
2369 | provided in chapter 28 may not include a person's social
2370 | security number or complete bank account, debit, charge, or
2371 | credit card number in that document unless otherwise expressly
2372 | required by law. Until January 1, 2007 ~~2006~~, if a social
2373 | security number or a complete bank account, debit, charge or
2374 | credit card number is or has been included in a document
2375 | presented to the county recorder for recording in the official
2376 | records of the county, such number may be made available as part
2377 | of the official record available for public inspection and
2378 | copying. Any person, or his or her attorney or legal guardian,
2379 | may request that a county recorder remove from an image or copy
2380 | of an official record placed on a county recorder's publicly
2381 | available Internet website, or a publicly available Internet
2382 | website used by a county recorder to display public records
2383 | outside the office or otherwise made electronically available
2384 | outside the county recorder's office to the general public, his
2385 | or her social security number or complete account, debit,
2386 | charge, or credit card number contained in that official record.
2387 | Such request must be legibly written, signed by the requester,

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2388 and delivered by mail, facsimile, electronic transmission, or in
 2389 person to the county recorder. The request must specify the
 2390 identification page number of the document that contains the
 2391 number to be redacted. The county recorder does not have a duty
 2392 to inquire beyond the written request to verify the identity of
 2393 a person requesting redaction. A fee may not be charged for
 2394 redacting such numbers.

2395 3. Upon the effective date of this act, subsections (3)
 2396 and (4) of s. 119.0721, do not apply to the clerks of the court
 2397 or the county recorder with respect to circuit court records and
 2398 official records.

2399 4. On January 1, 2007 ~~2006~~, and thereafter, the clerk of
 2400 the circuit court and the county recorder must keep complete
 2401 bank account, debit, charge, and credit card numbers exempt as
 2402 provided for in paragraph (dd), and must keep social security
 2403 numbers confidential and exempt as provided for in s. 119.0721,
 2404 without any person having to request redaction.

2405 Section 42. Subsection (4) of section 142.01, Florida
 2406 Statutes, is amended to read:

2407 142.01 Fine and forfeiture fund; clerk of the circuit
 2408 court.--There shall be established by the clerk of the circuit
 2409 court in each county of this state a separate fund to be known
 2410 as the fine and forfeiture fund for use by the clerk of the
 2411 circuit court in performing court-related functions. The fund
 2412 shall consist of the following:

2413 (4) Proceeds from forfeited bail bonds, unclaimed bonds,
 2414 unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a),
 2415 372.72(1), and 903.26(3)(a).

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2416
 2417 Notwithstanding the provisions of this section, all fines and
 2418 forfeitures arising from operation of the provisions of s.
 2419 318.1215 shall be disbursed in accordance with that section.

2420 Section 43. Subsection (5) is added to section 213.13,
 2421 Florida Statutes, to read:

2422 213.13 Electronic remittance and distribution of funds
 2423 collected by clerks of the court.--

2424 (5) All court-related collections, including fees, fines,
 2425 reimbursements, court costs, and other court-related funds that
 2426 the clerks must remit to the state pursuant to law, must be
 2427 transmitted electronically by the 20th day of the month
 2428 immediately following the month in which the funds are
 2429 collected.

2430 Section 44. Effective July 1, 2006, subsection (3) of
 2431 section 218.245, Florida Statutes, is amended to read:

2432 218.245 Revenue sharing; apportionment.--

2433 (3) Revenues attributed to the increase in distribution to
 2434 the Revenue Sharing Trust Fund for Municipalities pursuant to s.
 2435 212.20(6)(d)6. from 1.0715 percent to 1.3409 percent provided in
 2436 chapter 2003-402, Laws of Florida, shall be distributed to each
 2437 eligible municipality and any unit of local government which is
 2438 consolidated as provided by s. 9, Art. VIII of the State
 2439 Constitution of 1885, as preserved by s. 6(e), Art. VIII, 1968
 2440 revised constitution, as follows: each eligible local
 2441 government's allocation shall be based on the amount it received
 2442 from the half-cent sales tax under s. 218.61 in the prior state
 2443 fiscal year divided by the total receipts under s. 218.61 in the

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2444 prior state fiscal year for all eligible local governments;
 2445 provided, however, for the purpose of calculating this
 2446 distribution, the amount received from the half-cent sales tax
 2447 under s. 218.61 in the prior state fiscal year by a unit of
 2448 local government which is consolidated as provided by s. 9, Art.
 2449 VIII of the State Constitution of 1885, as amended, and as
 2450 preserved by s. 6(e), Art. VIII, of the Constitution as revised
 2451 in 1968, shall be reduced by 50 percent for such local
 2452 government and for the total receipts. For eligible
 2453 municipalities that began participating in the allocation of
 2454 half-cent sales tax under s. 218.61 in the previous state fiscal
 2455 year, their annual receipts shall be calculated by dividing
 2456 their actual receipts by the number of months they participated,
 2457 and the result multiplied by 12.

2458 Section 45. Section 219.07, Florida Statutes, is amended
 2459 to read:

2460 219.07 Disbursements.--Each officer shall, not later than
 2461 7 working days from the close of the week in which the officer
 2462 received the funds, distribute the money which is required to be
 2463 paid to other officers, agencies, funds, or persons entitled to
 2464 receive the same; provided, that distributions or partial
 2465 distributions may be made more frequently; and provided further,
 2466 that money required by law or court order, or by the purpose for
 2467 which it was collected, to be held and disbursed for a
 2468 particular purpose in a manner different from that set out
 2469 herein shall be held and disbursed accordingly. Further, money
 2470 collected by the county officer on behalf of the state, except
 2471 for money collected by the clerk of the court as part of court-

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2472 related functions, shall be deposited directly to the account of
 2473 the State Treasury not later than 7 working days from the close
 2474 of the week in which the officer received the funds. The clerk
 2475 of the court, when collecting money as part of the clerk's
 2476 court-related functions, must remit that money as required under
 2477 s. 28.245.

2478 Section 46. Subsection (1) of section 219.075, Florida
 2479 Statutes, is amended to read:

2480 219.075 Investment of surplus funds by county officers.--

2481 (1) (a) Except when another procedure is prescribed by law
 2482 or by ordinance as to particular funds, a tax collector or any
 2483 other county officer having, receiving, or collecting any money,
 2484 either for his or her office or on behalf of and subject to
 2485 subsequent distribution to another officer of state or local
 2486 government, while such money is in excess of that required to
 2487 meet current expenses or is pending distribution, shall invest
 2488 such money, without limitation, as provided in s. 218.415.

2489 (b) These investments shall be planned so as not to slow
 2490 the normal distribution of the subject funds. The investment
 2491 earnings shall be reasonably apportioned and allocated and shall
 2492 be credited to the account of, and paid to, the office or
 2493 distributee, together with the principal on which such earnings
 2494 accrued.

2495 (c) This section does not apply to the clerk of the
 2496 circuit court with respect to money collected as part of the
 2497 clerk's court-related functions. The clerk, however, shall remit
 2498 this money as provided under s. 28.245.

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2499 Section 47. Section 318.121, Florida Statutes, is amended
 2500 to read:

2501 318.121 Preemption of additional fees, fines, surcharges,
 2502 and costs.--Notwithstanding any general or special law, or
 2503 municipal or county ordinance, additional fees, fines,
 2504 surcharges, or costs other than the court costs and surcharges
 2505 assessed under s. 318.18(11) and (13) may not be added to the
 2506 civil traffic penalties assessed in this chapter.

2507 Section 48. Subsection (13) of section 318.18, Florida
 2508 Statutes, is amended, and subsection (14) is added to said
 2509 section, to read:

2510 318.18 Amount of civil penalties.--The penalties required
 2511 for a noncriminal disposition pursuant to s. 318.14 are as
 2512 follows:

2513 (13) In addition to any penalties imposed for noncriminal
 2514 traffic infractions pursuant to this chapter or imposed for
 2515 criminal violations listed in s. 318.17, a board of county
 2516 commissioners or any unit of local government which is
 2517 consolidated as provided by s. 9, Art. VIII of the State
 2518 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
 2519 Constitution of 1968:

2520 (a) May impose by ordinance a surcharge of up to \$15 for
 2521 any infraction or violation to fund state court facilities. The
 2522 court shall not waive this surcharge. Up to 25 percent of the
 2523 revenue from such surcharge may be used to support local law
 2524 libraries provided that the county or unit of local government
 2525 provides a level of service equal to that provided prior to July

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2526 1, 2004, which shall include the continuation of library
2527 facilities located in or near the county courthouse or annexes.

2528 (b) That imposed increased fees or service charges by
2529 ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the
2530 purpose of securing payment of the principal and interest on
2531 bonds issued by the county before July 1, 2003, to finance state
2532 court facilities, may impose by ordinance a surcharge for any
2533 infraction or violation for the exclusive purpose of securing
2534 payment of the principal and interest on bonds issued by the
2535 county before July 1, 2003, to fund state court facilities until
2536 the date of stated maturity. The court shall not waive this
2537 surcharge. Such surcharge may not exceed an amount per violation
2538 calculated as the quotient of the maximum annual payment of the
2539 principal and interest on the bonds as of July 1, 2003, divided
2540 by the number of traffic citations for county fiscal year 2002-
2541 2003 certified as paid by the clerk of the court of the county.
2542 Such quotient shall be rounded up to the next highest dollar
2543 amount. The bonds may be refunded only if savings will be
2544 realized on payments of debt service and the refunding bonds are
2545 scheduled to mature on the same date or before the bonds being
2546 refunded.

2547
2548 A county may not impose both of the surcharges authorized under
2549 paragraphs (a) and (b) concurrently. The clerk of court shall
2550 report, no later than 30 days after the end of the quarter, the
2551 amount of funds collected under this subsection during each
2552 quarter of the fiscal year. The clerk shall submit the report,
2553 in a format developed by the Office of State Courts

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2554 Administrator, to the chief judge of the circuit, the Governor,
2555 the President of the Senate, and the Speaker of the House of
2556 Representatives.

2557 (14) In addition to any penalties imposed for noncriminal
2558 traffic infractions under chapter 318 or imposed for criminal
2559 violations listed in s. 318.17, any unit of local government
2560 that is consolidated as provided by s. 9, Art. VIII of the State
2561 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
2562 State Constitution of 1968, and that is granted the authority in
2563 the State Constitution to exercise all the powers of a municipal
2564 corporation, and any unit of local government operating under a
2565 home rule charter adopted pursuant to ss. 10, 11, and 24, Art.
2566 VIII of the State Constitution of 1885, as preserved by s. 6(e),
2567 Art. VIII of the State Constitution of 1968, that is granted the
2568 authority in the State Constitution to exercise all the powers
2569 conferred now or hereafter by general law upon municipalities,
2570 may impose by ordinance a surcharge of up to \$15 for any
2571 infraction or violation. Revenue from the surcharge shall be
2572 transferred to such unit of local government for the purpose of
2573 replacing fine revenue deposited into the clerk's fine and
2574 forfeiture fund under s. 142.01. The court may not waive this
2575 surcharge. Proceeds from the imposition of the surcharge
2576 authorized in this subsection shall not be used for the purpose
2577 of securing payment of the principal and interest on bonds. This
2578 subsection, and any surcharge imposed pursuant to this
2579 subsection, shall stand repealed September 30, 2007.

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2580 Section 49. Effective upon this act becoming a law,
 2581 paragraph (g) of subsection (2) of section 318.21, Florida
 2582 Statutes, is amended to read:

2583 318.21 Disposition of civil penalties by county
 2584 courts.--All civil penalties received by a county court pursuant
 2585 to the provisions of this chapter shall be distributed and paid
 2586 monthly as follows:

2587 (2) Of the remainder:

2588 (g)1. If the violation occurred within a special
 2589 improvement district of the Seminole Indian Tribe or Miccosukee
 2590 Indian Tribe, 56.4 percent shall be paid to that special
 2591 improvement district.

2592 2. If the violation occurred within a municipality, 50.8
 2593 percent shall be paid to that municipality and 5.6 percent shall
 2594 be deposited into the fine and forfeiture trust fund established
 2595 pursuant to s. 142.01.

2596 3. If the violation occurred within the unincorporated
 2597 area of a county, including the unincorporated areas, if any, of
 2598 a government created pursuant to s. 6(e), Article VIII of the
 2599 State Constitution, that is not within a special improvement
 2600 district of the Seminole Indian Tribe or Miccosukee Indian
 2601 Tribe, 56.4 percent shall be deposited into the fine and
 2602 forfeiture fund established pursuant to s. 142.01.

2603 Section 50. Section 318.31, Florida Statutes, is amended
 2604 to read:

2605 318.31 Objectives.--The Supreme Court is hereby requested
 2606 to adopt rules and procedures for the establishment and
 2607 operation of Civil Traffic Infraction Hearing Officer Programs

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2608 under ss. 318.30-318.38. ~~However, the appointment of a hearing~~
 2609 ~~officer shall be at the option of the county electing to~~
 2610 ~~establish such a program, upon recommendation by the county~~
 2611 ~~court judge or judges, as the case may be, and the Chief Judge~~
 2612 ~~of the Circuit and approval by the Chief Justice of the Supreme~~
 2613 ~~Court.~~

2614 Section 51. Subsection (1) of section 318.32, Florida
 2615 Statutes, is amended to read:

2616 318.32 Jurisdiction; limitations.--

2617 (1) Hearing officers shall be empowered to accept pleas
 2618 from and decide the guilt or innocence of any person, adult or
 2619 juvenile, charged with any civil traffic infraction and shall be
 2620 empowered to adjudicate or withhold adjudication of guilt in the
 2621 same manner as a county court judge under the statutes, rules,
 2622 and procedures presently existing or as subsequently amended,
 2623 except that hearing officers shall not:

2624 (a) Have the power to hold a defendant in contempt of
 2625 court, but shall be permitted to file a motion for order of
 2626 contempt with the appropriate state trial court judge;

2627 (b) Hear a case involving a crash resulting in injury or
 2628 death; ~~or~~

2629 (c) Hear a criminal traffic offense case or a case
 2630 involving a civil traffic infraction issued in conjunction with
 2631 a criminal traffic offense; or

2632 (d) Have the power to suspend a defendant's drivers
 2633 license pursuant to s. 316.655(2).

2634 Section 52. Section 318.325, Florida Statutes, is amended
 2635 to read:

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2636 318.325 Jurisdiction and procedure for parking
 2637 infractions.--Any county or municipality may adopt an ordinance
 2638 that allows the county or municipality to refer cases involving
 2639 the violation of a county or municipal parking ordinance to a
 2640 hearing officer ~~funded by the county or municipality~~.
 2641 Notwithstanding the provisions of ss. 318.14 and 775.08(3), any
 2642 parking violation shall be deemed to be an infraction as defined
 2643 in s. 318.13(3). However, the violation must be enforced and
 2644 disposed of in accordance with the provisions of general law
 2645 applicable to parking violations and with the charter or code of
 2646 the county or municipality where the violation occurred. The
 2647 clerk of the court or the designated traffic violations bureau
 2648 must collect and distribute the fines, forfeitures, and court
 2649 costs assessed under this section.

2650 Section 53. Subsection (2) of section 322.29, Florida
 2651 Statutes, is amended to read:

2652 322.29 Surrender and return of license.--

2653 (2) The provisions of subsection (1) to the contrary
 2654 notwithstanding, no examination is required for the return of a
 2655 license suspended under s. 318.15 or s. 322.245 unless an
 2656 examination is otherwise required by this chapter. Every person
 2657 applying for the return of a license suspended under s. 318.15
 2658 or s. 322.245 shall present to the department certification from
 2659 the court that he or she has complied with all obligations and
 2660 penalties imposed on him or her pursuant to s. 318.15 or, in the
 2661 case of a suspension pursuant to s. 322.245, that he or she has
 2662 complied with all directives of the court and the requirements
 2663 of s. 322.245 and shall pay to the department a nonrefundable

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2664 service fee of \$47.50 ~~\$35~~, of which \$37.50 ~~\$25~~ shall be
 2665 deposited into the General Revenue Fund and \$10 shall be
 2666 deposited into the Highway Safety Operating Trust Fund. If
 2667 reinstated by the clerk of the court or tax collector, \$37.50
 2668 ~~\$25~~ shall be retained and \$10 shall be remitted to the
 2669 Department of Revenue for deposit into the Highway Safety
 2670 Operating Trust Fund. However, the service fee is not required
 2671 if the person is required to pay a \$35 fee or \$60 fee under the
 2672 provisions of s. 322.21.

2673 Section 54. Subsection (1) of section 372.72, Florida
 2674 Statutes, is amended to read:

2675 372.72 Disposition of fines, penalties, and forfeitures.--

2676 (1) All moneys collected from fines, penalties, proceeds
 2677 from unclaimed bonds, or forfeitures of bail of persons
 2678 convicted under this chapter shall be deposited in the fine and
 2679 forfeiture fund established pursuant to s. 142.01 where such
 2680 convictions are had, except for the disposition of moneys as
 2681 provided in subsection (2).

2682 Section 55. Subsection (8) of section 903.26, Florida
 2683 Statutes, is amended to read:

2684 903.26 Forfeiture of the bond; when and how directed;
 2685 discharge; how and when made; effect of payment.--

2686 (8) If the defendant is arrested and returned to the
 2687 county of jurisdiction of the court prior to judgment, the
 2688 clerk, upon affirmation by the sheriff or the chief correctional
 2689 officer, shall, without further order of the court, discharge
 2690 the forfeiture of the bond. However, if the surety agent fails
 2691 to pay the costs and expenses incurred in returning the

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2692 | defendant to the county of jurisdiction, the clerk shall not
 2693 | discharge the forfeiture of the bond. If the surety agent and
 2694 | the sheriff ~~state attorney~~ fail to agree on the amount of said
 2695 | costs, then the court, after notice to the sheriff and the state
 2696 | attorney, shall determine the amount of the costs.

2697 | Section 56. Section 903.28, Florida Statutes, is amended
 2698 | to read:

2699 | 903.28 Remission of forfeiture; conditions.--

2700 | (1) On application within 2 years from forfeiture, the
 2701 | court shall order remission of the forfeiture if it determines
 2702 | that there was no breach of the bond.

2703 | (2) If the defendant surrenders or is apprehended within
 2704 | 90 days after forfeiture, the court, on motion at a hearing upon
 2705 | notice having been given to the clerk of the circuit court
 2706 | ~~county attorney~~ and the state attorney as required in subsection
 2707 | (8), shall direct remission of up to, but not more than, 100
 2708 | percent of a forfeiture if the surety apprehended and
 2709 | surrendered the defendant or if the apprehension or surrender of
 2710 | the defendant was substantially procured or caused by the
 2711 | surety, or the surety has substantially attempted to procure or
 2712 | cause the apprehension or surrender of the defendant, and the
 2713 | delay has not thwarted the proper prosecution of the defendant.
 2714 | In addition, remission shall be granted when the surety did not
 2715 | substantially participate or attempt to participate in the
 2716 | apprehension or surrender of the defendant when the costs of
 2717 | returning the defendant to the jurisdiction of the court have
 2718 | been deducted from the remission and when the delay has not
 2719 | thwarted the proper prosecution of the defendant.

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2720 (3) If the defendant surrenders or is apprehended within
 2721 180 days after forfeiture, the court, on motion at a hearing
 2722 upon notice having been given to the clerk of the circuit court
 2723 ~~county attorney~~ and the state attorney as required in subsection
 2724 (8), shall direct remission of up to, but not more than, 95
 2725 percent of a forfeiture if the surety apprehended and
 2726 surrendered the defendant or if the apprehension or surrender of
 2727 the defendant was substantially procured or caused by the
 2728 surety, or the surety has substantially attempted to procure or
 2729 cause the apprehension or surrender of the defendant, and the
 2730 delay has not thwarted the proper prosecution of the defendant.
 2731 In addition, remission shall be granted when the surety did not
 2732 substantially participate or attempt to participate in the
 2733 apprehension or surrender of the defendant when the costs of
 2734 returning the defendant to the jurisdiction of the court have
 2735 been deducted from the remission and when the delay has not
 2736 thwarted the proper prosecution of the defendant.

2737 (4) If the defendant surrenders or is apprehended within
 2738 270 days after forfeiture, the court, on motion at a hearing
 2739 upon notice having been given to the clerk of the circuit court
 2740 ~~county attorney~~ and the state attorney as required in subsection
 2741 (8), shall direct remission of up to, but not more than, 90
 2742 percent of a forfeiture if the surety apprehended and
 2743 surrendered the defendant or if the apprehension or surrender of
 2744 the defendant was substantially procured or caused by the
 2745 surety, or the surety has substantially attempted to procure or
 2746 cause the apprehension or surrender of the defendant, and the
 2747 delay has not thwarted the proper prosecution of the defendant.

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2748 In addition, remission shall be granted when the surety did not
2749 substantially participate or attempt to participate in the
2750 apprehension or surrender of the defendant when the costs of
2751 returning the defendant to the jurisdiction of the court have
2752 been deducted from the remission and when the delay has not
2753 thwarted the proper prosecution of the defendant.

2754 (5) If the defendant surrenders or is apprehended within 1
2755 year after forfeiture, the court, on motion at a hearing upon
2756 notice having been given to the clerk of the circuit court
2757 ~~county attorney~~ and the state attorney as required in subsection
2758 (8), shall direct remission of up to, but not more than, 85
2759 percent of a forfeiture if the surety apprehended and
2760 surrendered the defendant or if the apprehension or surrender of
2761 the defendant was substantially procured or caused by the
2762 surety, or the surety has substantially attempted to procure or
2763 cause the apprehension or surrender of the defendant, and the
2764 delay has not thwarted the proper prosecution of the defendant.

2765 In addition, remission shall be granted when the surety did not
2766 substantially participate or attempt to participate in the
2767 apprehension or surrender of the defendant when the costs of
2768 returning the defendant to the jurisdiction of the court have
2769 been deducted from the remission and when the delay has not
2770 thwarted the proper prosecution of the defendant.

2771 (6) If the defendant surrenders or is apprehended within 2
2772 years after forfeiture, the court, on motion at a hearing upon
2773 notice having been given to the clerk of the circuit court
2774 ~~county attorney~~ and the state attorney as required in subsection
2775 (8), shall direct remission of up to, but not more than, 50

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2776 | percent of a forfeiture if the surety apprehended and
2777 | surrendered the defendant or if the apprehension or surrender of
2778 | the defendant was substantially procured or caused by the
2779 | surety, or the surety has substantially attempted to procure or
2780 | cause the apprehension or surrender of the defendant, and the
2781 | delay has not thwarted the proper prosecution of the defendant.
2782 | In addition, remission shall be granted when the surety did not
2783 | substantially participate or attempt to participate in the
2784 | apprehension or surrender of the defendant when the costs of
2785 | returning the defendant to the jurisdiction of the court have
2786 | been deducted from the remission and when the delay has not
2787 | thwarted the proper prosecution of the defendant.

2788 | (7) The remission of a forfeiture may not be ordered for
2789 | any reason other than as specified herein.

2790 | (8) An application for remission must be accompanied by
2791 | affidavits setting forth the facts on which it is founded;
2792 | however, the surety must establish by further documentation or
2793 | other evidence any claimed attempt at procuring or causing the
2794 | apprehension or surrender of the defendant before the court may
2795 | order remission based upon an attempt to procure or cause such
2796 | apprehension or surrender. The clerk of the circuit court and
2797 | the state attorney must be given 20 days' notice before a
2798 | hearing on an application and be furnished copies of all papers,
2799 | applications, and affidavits. Remission shall be granted on the
2800 | condition of payment of costs, unless the ground for remission
2801 | is that there was no breach of the bond.

2802 | (9) The clerk of the circuit court may enter into a
2803 | contract with a private attorney or into an interagency

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2804 agreement with a governmental agency to represent the clerk of
 2805 the court in an action for the remission of a forfeiture under
 2806 this section.

2807 (10) The clerk of the circuit court is the real party in
 2808 interest for all appeals arising from an action for the
 2809 remission of a forfeiture under this section.

2810 Section 57. Section 903.286, Florida Statutes, is created
 2811 to read:

2812 903.286 Return of cash bond; requirement to withhold
 2813 unpaid fines, fees, and court costs.--Notwithstanding the
 2814 provisions of s. 903.31(2), the clerk of the court shall
 2815 withhold from the return of a cash bond posted on behalf of a
 2816 criminal defendant by a person other than a bail bond agent
 2817 licensed pursuant to chapter 648 sufficient funds to pay any
 2818 unpaid court fees, court costs, and criminal penalties. In the
 2819 event that sufficient funds are not available to pay all unpaid
 2820 court fees, court costs, and criminal penalties, the clerk of
 2821 the court shall immediately obtain payment from the defendant or
 2822 enroll the defendant in a payment plan pursuant to s. 28.246.

2823 Section 58. Section 916.115, Florida Statutes, is amended
 2824 to read:

2825 916.115 Appointment of experts.--

2826 (1)(a) Annually, the department shall provide the courts
 2827 with a list of mental health professionals who have completed
 2828 approved training as experts.

2829 (b) The court may appoint no more than three ~~nor fewer~~
 2830 ~~than two~~ experts to determine issues of the mental condition of
 2831 a defendant in a criminal case, including the issues of

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2832 competency to proceed, insanity, and involuntary hospitalization
 2833 or placement. An expert ~~The panel of experts~~ may evaluate the
 2834 defendant in jail or in another appropriate local facility.

2835 (c) To the extent possible, an ~~the~~ appointed expert
 2836 ~~experts~~ shall have completed forensic evaluator training
 2837 approved by the department and be either a psychiatrist,
 2838 licensed psychologist, or physician.

2839 (2) Expert witnesses appointed by the court to evaluate
 2840 the mental condition of a defendant in a criminal case shall be
 2841 allowed reasonable fees for services rendered as evaluators of
 2842 competence or sanity and as witnesses, ~~which shall be paid by~~
 2843 ~~the county in which the indictment was found or the information~~
 2844 ~~or affidavit was filed.~~

2845 (a)1. The court shall pay for any expert that it appoints
 2846 by court order, upon motion of counsel for the defendant or the
 2847 state or upon its own motion. If the defense or the state
 2848 retains an expert and waives the confidentiality of the expert's
 2849 report, the court may pay for no more than two additional
 2850 experts appointed by court order. If an expert appointed by the
 2851 court upon motion of counsel for the defendant specifically to
 2852 evaluate the competence of the defendant to proceed also
 2853 addresses in his or her evaluation issues related to sanity as
 2854 an affirmative defense, the court shall pay only for that
 2855 portion of the experts' fees relating to the evaluation on
 2856 competency to proceed and the balance of the fees shall be
 2857 chargeable to the defense.

2858 2. Pursuant to s. 29.006, the office of the public
 2859 defender shall pay for any expert retained by the office.

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2860 3. Pursuant to s. 29.005, the office of the state attorney
 2861 shall pay for any expert retained by the office. Notwithstanding
 2862 subparagraph 1., the office of the state attorney shall pay for
 2863 any expert whom the office retains and whom the office moves the
 2864 court to appoint in order to ensure that the expert has access
 2865 to the defendant.

2866 4. An expert retained by the defendant who is represented
 2867 by private counsel appointed under s. 27.5303 shall be paid by
 2868 the Justice Administrative Commission.

2869 5. An expert retained by a defendant who is indigent for
 2870 costs as determined by the court and who is represented by
 2871 private counsel, other than private counsel appointed under s.
 2872 27.5303, on a fee or pro bono basis, or who is representing
 2873 himself or herself, shall be paid by the Justice Administrative
 2874 Commission from funds specifically appropriated for these
 2875 expenses.

2876 (b) State employees shall be paid expenses pursuant to s.
 2877 112.061.

2878 (c) The fees shall be taxed as costs in the case.

2879 (d) In order for an expert ~~the experts~~ to be paid for the
 2880 services rendered, the expert's report ~~reports~~ and testimony
 2881 must explicitly address each of the factors and follow the
 2882 procedures set out in this chapter and in the Florida Rules of
 2883 Criminal Procedure.

2884 Section 59. Subsections (2), (3), and (4) of section
 2885 916.12, Florida Statutes, are amended to read:

2886 916.12 Mental competence to proceed.--

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2887 (2) An expert ~~The experts~~ shall first determine whether
 2888 the person is mentally ill and, if so, consider the factors
 2889 related to the issue of whether the defendant meets the criteria
 2890 for competence to proceed; that is, whether the defendant has
 2891 sufficient present ability to consult with counsel with a
 2892 reasonable degree of rational understanding and whether the
 2893 defendant has a rational, as well as factual, understanding of
 2894 the pending proceedings. A defendant must be evaluated by no
 2895 fewer than two experts before the court commits the defendant or
 2896 takes other action authorized by this chapter or the Florida
 2897 Rules of Criminal Procedure, except if one expert finds that the
 2898 defendant is incompetent to proceed and the parties stipulate to
 2899 that finding, the court may commit the defendant or take other
 2900 action authorized by this chapter or the rules without further
 2901 evaluation or hearing, or the court may appoint no more than two
 2902 additional experts to evaluate the defendant. Notwithstanding
 2903 any stipulation by the state and the defendant, the court may
 2904 require a hearing with testimony from the expert or experts
 2905 before ordering the commitment of a defendant.

2906 (3) In considering the issue of competence to proceed, an
 2907 ~~the~~ examining expert ~~experts~~ shall first consider and
 2908 specifically include in his or her ~~their~~ report the defendant's
 2909 capacity to:

2910 (a) Appreciate the charges or allegations against the
 2911 defendant;

2912 (b) Appreciate the range and nature of possible penalties,
 2913 if applicable, that may be imposed in the proceedings against
 2914 the defendant;

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2915 (c) Understand the adversarial nature of the legal
 2916 process;
 2917 (d) Disclose to counsel facts pertinent to the proceedings
 2918 at issue;
 2919 (e) Manifest appropriate courtroom behavior; and
 2920 (f) Testify relevantly;
 2921
 2922 and include in his or her ~~their~~ report any other factor deemed
 2923 relevant by the expert ~~experts~~.
 2924 (4) If an expert finds ~~the experts should find~~ that the
 2925 defendant is incompetent to proceed, the expert ~~experts~~ shall
 2926 report on any recommended treatment for the defendant to attain
 2927 competence to proceed. In considering the issues relating to
 2928 treatment, the examining expert ~~experts~~ shall specifically
 2929 report on:
 2930 (a) The mental illness causing the incompetence;
 2931 (b) The treatment or treatments appropriate for the mental
 2932 illness of the defendant and an explanation of each of the
 2933 possible treatment alternatives in order of choices;
 2934 (c) The availability of acceptable treatment and, if
 2935 treatment is available in the community, the expert shall so
 2936 state in the report; and
 2937 (d) The likelihood of the defendant's attaining competence
 2938 under the treatment recommended, an assessment of the probable
 2939 duration of the treatment required to restore competence, and
 2940 the probability that the defendant will attain competence to
 2941 proceed in the foreseeable future.

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2942 Section 60. Subsection (7) of section 916.301, Florida
 2943 Statutes, is amended to read:
 2944 916.301 Appointment of experts.--
 2945 (7) Expert witnesses appointed by the court to evaluate
 2946 the mental condition of a defendant in a criminal case shall be
 2947 allowed reasonable fees for services rendered as evaluators and
 2948 as witnesses, which shall be paid by the court ~~county in which~~
 2949 ~~the indictment was found or the information or affidavit was~~
 2950 ~~filed~~. State employees shall be paid expenses pursuant to s.
 2951 112.061. The fees shall be taxed as costs in the case. In order
 2952 for the experts to be paid for the services rendered, the
 2953 reports and testimony must explicitly address each of the
 2954 factors and follow the procedures set out in this chapter and in
 2955 the Florida Rules of Criminal Procedure.
 2956 Section 61. Paragraph (b) of subsection (2) of section
 2957 938.29, Florida Statutes, is amended to read:
 2958 938.29 Legal assistance; lien for payment of attorney's
 2959 fees or costs.--
 2960 (2)
 2961 (b) A judgment showing the name and residence of the
 2962 defendant-recipient or parent shall be recorded in the public
 2963 record, without cost, by ~~filed for record in the office of the~~
 2964 clerk of the circuit court in the county where the defendant-
 2965 recipient or parent resides and in each county in which such
 2966 defendant-recipient or parent then owns or later acquires any
 2967 property. Such judgments shall be enforced on behalf of the
 2968 state by the clerk of the circuit court of the county in which
 2969 assistance was rendered.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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2970 Section 62. Section 939.06, Florida Statutes, is amended
 2971 to read:

2972 939.06 Acquitted defendant not liable for costs.--

2973 (1) A ~~No~~ defendant in a criminal prosecution who is
 2974 acquitted or discharged is not ~~shall be~~ liable for any costs or
 2975 fees of the court or any ministerial office, or for any charge
 2976 of subsistence while detained in custody. If the defendant has
 2977 ~~shall have~~ paid any taxable costs, or fees required under s.
 2978 27.52(1)(b), in the case, the clerk or judge shall give him or
 2979 her a certificate of the payment of such costs, with the items
 2980 thereof, which, when audited and approved according to law,
 2981 shall be refunded to the defendant.

2982 (2) To receive a refund under this section, a defendant
 2983 must submit a request for the refund to the Justice
 2984 Administrative Commission on a form and in a manner prescribed
 2985 by the commission. The defendant must attach to the form an
 2986 order from the court demonstrating the defendant's right to the
 2987 refund and the amount of the refund.

2988 Section 63. Paragraph (b) of subsection (1) of section
 2989 939.185, Florida Statutes, is redesignated as paragraph (c), and
 2990 a new paragraph (b) is added to said subsection, to read:

2991 939.185 Assessment of additional court costs and
 2992 surcharges.--

2993 (1)

2994 (b) In addition to the court costs imposed under paragraph
 2995 (a) and any other cost, fine, or penalty imposed by law, any
 2996 unit of local government which is consolidated as provided by s.
 2997 9, Art. VIII of the State Constitution of 1885, as preserved by

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2998 s. 6(e), Art. VIII of the State Constitution of 1968, and which
 2999 is granted the authority in the State Constitution to exercise
 3000 all the powers of a municipal corporation, and any unit of local
 3001 government operating under a home rule charter adopted pursuant
 3002 to ss. 10, 11, and 24, Art. VIII of the State Constitution of
 3003 1885, as preserved by s. 6(e), Art. VIII of the State
 3004 Constitution of 1968, which is granted the authority in the
 3005 State Constitution to exercise all the powers conferred now or
 3006 hereafter by general law upon municipalities, may impose by
 3007 ordinance a surcharge in the amount of \$85 to be imposed by the
 3008 court when a person pleads guilty or nolo contendere to, or is
 3009 found guilty of, any felony, misdemeanor, or criminal traffic
 3010 offense under the laws of this state. Revenue from the surcharge
 3011 shall be transferred to such unit of local government for the
 3012 purpose of replacing fine revenue deposited into the clerk's
 3013 fine and forfeiture fund under s. 142.01. Proceeds from the
 3014 imposition of the surcharge authorized in this paragraph shall
 3015 not be used for the purpose of securing payment of the principal
 3016 and interest on bonds. This paragraph, and any surcharge imposed
 3017 pursuant to this paragraph, shall stand repealed on September
 3018 30, 2007.

3019 (c) ~~(b)~~ The disbursement of costs collected under this
 3020 section shall be subordinate in priority order of disbursement
 3021 to all other state-imposed costs authorized in this chapter,
 3022 restitution or other compensation to victims, and child support
 3023 payments.

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3024 Section 64. Subsection (2) of section 985.05, Florida
 3025 Statutes, is amended, and subsection (5) is added to said
 3026 section, to read:

3027 985.05 Court records.--

3028 (2) The clerk shall keep all official records required by
 3029 this section separate from other records of the circuit court,
 3030 except those records pertaining to motor vehicle violations,
 3031 which shall be forwarded to the Department of Highway Safety and
 3032 Motor Vehicles. Except as provided in ss. 943.053 and 985.04(4),
 3033 official records required by this part are not open to
 3034 inspection by the public, but may be inspected only upon order
 3035 of the court by persons deemed by the court to have a proper
 3036 interest therein, except that a child and the parents,
 3037 guardians, or legal custodians of the child and their attorneys,
 3038 law enforcement agencies, the Department of Juvenile Justice and
 3039 its designees, the Parole Commission, ~~and~~ the Department of
 3040 Corrections, and the Justice Administrative Commission shall
 3041 always have the right to inspect and copy any official record
 3042 pertaining to the child. The court may permit authorized
 3043 representatives of recognized organizations compiling statistics
 3044 for proper purposes to inspect, and make abstracts from,
 3045 official records under whatever conditions upon the use and
 3046 disposition of such records the court may deem proper and may
 3047 punish by contempt proceedings any violation of those
 3048 conditions.

3049 (5) This part does not prohibit a circuit court from
 3050 providing a restitution order containing the information
 3051 prescribed in s. 985.201(4)(c) to a collection court or a

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3052 private collection agency for the sole purpose of collecting
 3053 unpaid restitution ordered in a case in which the circuit court
 3054 has retained jurisdiction over the child and the child's parent
 3055 or legal guardian. The collection court or private collection
 3056 agency shall maintain the confidential status of the information
 3057 to the extent such confidentiality is provided by law.

3058 Section 65. Paragraph (c) of subsection (4) of section
 3059 985.201, Florida Statutes, is amended to read:

3060 985.201 Jurisdiction.--

3061 (4)

3062 (c) The court may retain jurisdiction over a child and the
 3063 child's parent or legal guardian whom the court has ordered to
 3064 pay restitution until the restitution order is satisfied ~~or~~
 3065 ~~until the court orders otherwise.~~ To retain jurisdiction, the
 3066 court shall enter a restitution order, which is separate from
 3067 any disposition or order of commitment, on or prior to the date
 3068 that ~~If the court retains such jurisdiction after the date upon~~
 3069 ~~which~~ the court's jurisdiction would cease under this section,
 3070 ~~it shall do so solely for the purpose of enforcing the~~
 3071 ~~restitution order.~~ The contents of the restitution order shall
 3072 be limited to the child's name and address, the name and address
 3073 of the parent or legal guardian, the name and address of the
 3074 payee, the case number, the date and amount of restitution
 3075 ordered, any amount of restitution paid, the amount of
 3076 restitution due and owing, and a notation that costs, interest,
 3077 penalties, and attorney's fees may also be due and owing. The
 3078 terms of the restitution order are subject to the provisions of
 3079 s. 775.089(5).

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3080 Section 66. Compensation to traffic court witnesses.--Any
 3081 party who secures the attendance of a witness in traffic court
 3082 shall bear all costs of calling the witness, including witness
 3083 fees. If the witness is required to testify on behalf of the
 3084 prosecution, the office of the state attorney of the respective
 3085 judicial circuit shall pay the fees and costs of calling the
 3086 witness.

3087 Section 67. Recovery of expenditures for state-funded
 3088 services.--The trial court administrator of each circuit shall
 3089 recover expenditures for state-funded services when those
 3090 services have been furnished to a user of the state court system
 3091 who possesses the present ability to pay. The rate of
 3092 compensation for such services shall be the actual cost of the
 3093 services, including the cost of recovery. The trial court
 3094 administrator shall deposit moneys recovered under this section
 3095 in the Grants and Donations Trust Fund within the state court
 3096 system. The trial court administrator shall recover the costs of
 3097 court-reporter services and transcription; court-interpreter
 3098 services, including translation; and any other service for which
 3099 state funds were used to provide a product or service within the
 3100 circuit. This section does not authorize cost recovery from
 3101 entities described in ss. 29.005, 29.006, and 29.007, Florida
 3102 Statutes.

3103 Section 68. It is the intent of the Legislature that the
 3104 amendments made by this act to ss. 28.2402(2), 34.191, and
 3105 318.21, Florida Statutes, are remedial. It is the further intent
 3106 of the Legislature that fines and forfeitures or civil penalties
 3107 arising from offenses or violations committed or occurring

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3108 within an unincorporated area of a government created pursuant
3109 to Section 6(e), Article VIII of the State Constitution be paid
3110 or deposited for fiscal year 2004-2005 as provided in ss.
3111 28.2402, 34.191, and 318.21, Florida Statutes, as those sections
3112 are amended by this act. This section shall take effect upon
3113 becoming a law.

3114 Section 69. (1)(a) The Legislature finds that the use of
3115 estimates of prior-year expenditures to establish maximum annual
3116 budgets for the county fiscal year 2004-2005 resulted in maximum
3117 annual budgets for some clerks of court which were less than the
3118 amounts would have been if actual prior-year expenditures had
3119 been used.

3120 (b) The Legislature further finds that the clerks of court
3121 perform duties critical to the operations of the judicial branch
3122 and that future maximum annual budgets for the clerks of court
3123 are based in part on their prior-year budgets.

3124 (c) The Legislature further finds that the difference
3125 between establishing the maximum annual budget using estimated
3126 prior-year expenditures and using actual prior-year expenditures
3127 was significant for the Clerk of the Circuit Court, Miami-Dade
3128 County.

3129 (2) Therefore, the maximum annual budget for the Clerk of
3130 the Circuit Court, Miami-Dade County, is increased by \$3,817,115
3131 for the county fiscal year 2004-2005.

3132 Section 70. (1) Effective July 1, 2006, section 29.014,
3133 Florida Statutes, is repealed.

3134 (2) Section 318.37, Florida Statutes, is repealed.

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3135 Section 71. Section 938.19, Florida Statutes, is amended
3136 to read:

3137 938.19 Teen courts.--

3138 (1) Notwithstanding s. 318.121, in each county in which a
3139 teen court has been created, the board of county commissioners
3140 may adopt a mandatory court cost to be assessed in specific
3141 cases by incorporating by reference the provisions of this
3142 section in a county ordinance. Assessments collected by the
3143 clerk of the circuit court under this section shall be deposited
3144 into an account specifically for the operation and
3145 administration of the teen court.

3146 (2) A sum of up to \$3 shall be assessed as a court cost in
3147 the circuit and county court in the county against each person
3148 who pleads guilty or nolo contendere to, or is convicted of,
3149 regardless of adjudication, a violation of a criminal law or a
3150 municipal or county ordinance, or who pays a fine or civil
3151 penalty for any violation of chapter 316. Any person whose
3152 adjudication is withheld under s. 318.14(9) or s. 318.14(10)
3153 shall also be assessed the cost.

3154 (3) The assessment for court costs shall be assessed in
3155 addition to any fine or civil penalty or other court cost and
3156 may not be deducted from the proceeds of that portion of any
3157 fine or civil penalty that is received by a municipality in the
3158 county or by the county in accordance with ss. 316.660 and
3159 318.21. The assessment shall be specifically added to any civil
3160 penalty paid for a violation of chapter 316, regardless of
3161 whether the penalty is paid by mail, paid in person without
3162 request for a hearing, or paid after hearing and determination

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3163 by the court. However, the assessment may not be made against a
 3164 person for a violation of any state law or municipal or county
 3165 ordinance relating to the parking of vehicles, with the
 3166 exception of a violation of the handicapped parking laws.

3167 (4) (a) The clerk of the circuit court shall collect the
 3168 assessments for court costs established in this section and
 3169 shall remit the assessments to the teen court monthly.

3170 (b) The clerk of the circuit court shall withhold 5
 3171 percent of the assessments collected, which shall be retained as
 3172 fee income of the office of the clerk of the circuit court.

3173 (5) A teen court must account for all funds received under
 3174 this section in a written report to the board of county
 3175 commissioners. The report must be given to the commissioners by
 3176 August 1 of each year or by a date required by the
 3177 commissioners.

3178 (6) A teen court may be administered by a nonprofit
 3179 organization, a law enforcement agency, the court administrator,
 3180 the clerk of the court, or another similar agency authorized by
 3181 the board of county commissioners.

3182 (7) A teen court administered in a county that adopts an
 3183 ordinance to assess court costs under this section may not
 3184 receive court costs collected under s. 939.185(1)(a)4. Counties
 3185 are hereby authorized to fund teen courts.

3186 Section 72. Paragraph (a) of subsection (1) of section
 3187 939.185, Florida Statutes, is amended to read:

3188 939.185 Assessment of additional court costs.--

3189 (1) (a) The board of county commissioners may adopt by
 3190 ordinance an additional court cost, not to exceed \$65, to be

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3191 imposed by the court when a person pleads guilty or nolo
 3192 contendere to, or is found guilty of, any felony, misdemeanor,
 3193 or criminal traffic offense under the laws of this state. Such
 3194 additional assessment shall be accounted for separately by the
 3195 county in which the offense occurred and be used only in the
 3196 county imposing this cost, to be allocated as follows:

3197 1. Twenty-five percent of the amount collected shall be
 3198 allocated to fund innovations to supplement state funding for
 3199 the elements of the state courts system identified in s. 29.004
 3200 and county funding for local requirements under s.
 3201 29.008(2)(a)2.

3202 2. Twenty-five percent of the amount collected shall be
 3203 allocated to assist counties in providing legal aid programs
 3204 required under s. 29.008(3)(a).

3205 3. Twenty-five percent of the amount collected shall be
 3206 allocated to fund personnel and legal materials for the public
 3207 as part of a law library.

3208 4. Twenty-five percent of the amount collected shall be
 3209 used as determined by the board of county commissioners to
 3210 support teen court programs, except as provided in s. 938.19(7),
 3211 juvenile assessment centers, and other juvenile alternative
 3212 programs.

3213
 3214 Each county receiving funds under this section shall report the
 3215 amount of funds collected pursuant to this section and an
 3216 itemized list of expenditures for all authorized programs and
 3217 activities. The report shall be submitted in a format developed
 3218 by the Supreme Court to the Governor, the Chief Financial

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3219 Officer, the President of the Senate, and the Speaker of the
3220 House of Representatives on a quarterly basis beginning with the
3221 quarter ending September 30, 2004. Quarterly reports shall be
3222 submitted no later than 30 days after the end of the quarter.
3223 Any unspent funds at the close of the county fiscal year
3224 allocated under subparagraphs 2., 3., and 4., shall be
3225 transferred for use pursuant to subparagraph 1.

3226 Section 73. The sum of \$1.5 million in recurring funds is
3227 appropriated from the General Revenue Fund to the Justice
3228 Administrative Commission for public defender due process
3229 services for the 2005-2006 fiscal year.

3230 Section 74. The sum of \$800,000 in recurring funds is
3231 appropriated from the General Revenue Fund to the Justice
3232 Administrative Commission for state attorney due process
3233 services for the 2005-2006 fiscal year.

3234 Section 75. The sum of \$182,885 in recurring funds is
3235 appropriated from the General Revenue Fund to the State Attorney
3236 for the Eleventh Judicial Circuit to be used for state attorney
3237 operations for the 2005-2006 fiscal year.

3238 Section 76. Except as otherwise provided herein, this act
3239 shall take effect July 1, 2005.