

Bill No. SB 2542

Barcode 742998

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Clary) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

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

(3) In utilizing a registry:

(a) Each circuit Article V indigent services committee shall compile and maintain a list of attorneys in private practice; ~~7~~ by county by race, sex, and ethnicity of the assigned attorneys; and by category of cases. To be included

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1 on a registry, attorneys shall certify that they meet any
2 minimum requirements established in general law for court
3 appointment, are available to represent indigent defendants in
4 cases requiring court appointment of private counsel, and are
5 willing to abide by the terms of the contract for services. To
6 be included on a registry, an attorney also must enter into a
7 contract for services with the Justice Administrative
8 Commission. Failure to comply with the terms of the contract
9 for services may result in termination of the contract and
10 removal from the registry. Each attorney on the registry shall
11 be responsible for notifying the circuit Article V indigent
12 services committee and the Justice Administrative Commission
13 of any change in his or her status. Failure to comply with
14 this requirement shall be cause for termination of the
15 contract for services and removal from the registry until the
16 requirement is fulfilled.

17 (b) The court shall appoint attorneys in rotating
18 order in the order in which names appear on the applicable
19 registry, unless the court makes a finding of good cause on
20 the record for appointing an attorney out of order. An
21 attorney not appointed in the order in which his or her name
22 appears on the list shall remain next in order. The
23 appointment of an attorney who is part of a law firm that
24 includes other attorneys on the registry shall count as
25 selection of the firm for that particular rotation, and
26 another attorney on the registry from that same law firm may
27 not be appointed in the same rotation. An attorney who is
28 appointed may not share duties related to the appointment with
29 an attorney in his or her law firm unless the attorney sharing
30 in the duties is also on the registry.

31 (c) If it finds the number of attorneys on the

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1 registry in a county or circuit for a particular category of
 2 cases is inadequate, the circuit Article V indigent services
 3 committee shall notify the chief judge of the particular
 4 circuit in writing. The chief judge shall submit the names of
 5 at least three private attorneys with relevant experience. The
 6 clerk of court shall send an application to each of these
 7 attorneys to register for appointment.

8 (d) Quarterly, ~~beginning no later than October 1,~~
 9 ~~2004,~~ each circuit Article V indigent services committee shall
 10 provide a current copy of each registry to the Chief Justice
 11 of the Supreme Court, the chief judge, the state attorney and
 12 public defender in each judicial circuit, ~~and~~ the clerk of
 13 court in each county, the Justice Administrative Commission,
 14 and the Indigent Services Advisory Board ~~with a current copy~~
 15 ~~of each registry.~~ The copy of a registry shall identify the
 16 race, sex, and ethnicity of each attorney listed in the
 17 registry.

18 (5) The Justice Administrative Commission shall
 19 approve uniform contract forms for use in procuring the
 20 services of private court-appointed counsel and uniform
 21 procedures and forms for use by a court-appointed attorney in
 22 support of billing for attorney's fees, costs, and related
 23 expenses to demonstrate the attorney's completion of specified
 24 duties.

25 (7)(a) An attorney appointed to represent a defendant
 26 or other client is entitled to payment pursuant to s. 27.5304,
 27 only upon full performance by the attorney of specified
 28 duties; ~~approval of payment by the court,~~ except for payment
 29 based on a flat fee per case as provided in s. 27.5304; and
 30 attorney submission of a payment request to the Justice
 31 Administrative Commission. Upon being permitted to withdraw

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1 from a case, a court-appointed attorney shall submit a copy of
2 the order to the Justice Administrative Commission at the time
3 it is issued by the court. If an attorney is permitted to
4 withdraw or is otherwise removed from representation prior to
5 full performance of the duties specified in this section for
6 reasons other than breach of duty, the trial court shall
7 approve payment of attorney's fees and costs for work
8 performed in an amount not to exceed the amounts specified in
9 s. 27.5304. Withdrawal from a case prior to full performance
10 of the duties specified shall create a rebuttable presumption
11 that the attorney is not entitled to the entire flat fee for
12 those cases paid on a flat-fee-per-case basis.

13 (b) The attorney shall maintain appropriate
14 documentation, including a current and detailed hourly
15 accounting of time spent representing the defendant or other
16 client. These records and documents are subject to review by
17 the Justice Administrative Commission.

18 Section 2. Section 27.42, Florida Statutes, is amended
19 to read:

20 27.42 Circuit Article V indigent services committees;
21 composition; staff; responsibilities; funding.--

22 (1) In each judicial circuit a circuit Article V
23 indigent services committee shall be established. The
24 committee shall consist of the following:

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

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

29 (c) One experienced private criminal defense attorney
30 appointed by the chief judge to serve a 2-year term. During
31 the 2-year term, the attorney is prohibited from serving as

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1 court-appointed counsel.

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

6 (2)(a) The responsibility of the circuit Article V
7 indigent services committee is to manage the appointment and
8 compensation of court-appointed counsel within a circuit
9 pursuant to ss. 27.40 and 27.5303. The committee shall also
10 set the compensation rates of due-process service providers in
11 cases where the court has appointed counsel or declared a
12 person indigent for costs, not to exceed any rates specified
13 in the General Appropriations Act such that the total amount
14 expended does not exceed the amount budgeted in the General
15 Appropriations Act for the particular due process service.

16 The circuit Article V indigent services committee shall meet
17 at least quarterly.

18 (b) ~~No later than October 1, 2004,~~ Each circuit
19 Article V indigent services committee shall maintain a
20 registry pursuant to s. 27.40, even when procuring counsel
21 through a competitive bidding process. However, if counsel is
22 procured through a competitive bidding process, the registry
23 shall be used only when counsel obtained through that process
24 is unable to provide representation due to a conflict of
25 interest or reasons beyond their control. The committee shall
26 apply any eligibility and performance standards set by the
27 Legislature.

28 (c) Each circuit Article V indigent services committee
29 shall develop a schedule of standard fees and expense
30 allowances for the categories of cases specified in s. 27.5304
31 ~~s. 27.5303~~, consistent with the overall compensation rates in

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1 that section and within the amount of appropriated funds
2 allocated by the Justice Administrative Commission to the
3 circuit for this purpose.

4 (d) Each circuit Article V indigent services committee
5 shall establish a schedule of standard allowances for
6 due-process expenses for cases in which the court has declared
7 a person indigent for costs, within the amount of appropriated
8 funds allocated by the Justice Administrative Commission to
9 the circuit for this purpose.

10 (3) Notwithstanding any provision of this section to
11 the contrary, a circuit Article V indigent services committee
12 may approve, and the Justice Administrative Commission shall
13 expend funds for, alternate models for the provision of
14 criminal and civil due-process services and representation
15 other than a model based on a per-case fee if a more
16 cost-effective and efficient system can be provided. An
17 alternate model may include court-reporting services and the
18 provision of court-appointed counsel.

19 (4)(3) The Justice Administrative Commission shall
20 prepare and issue on a quarterly basis a statewide report
21 comparing actual year-to-date expenditures to budgeted amounts
22 for the circuit Article V indigent services committees in each
23 of the judicial circuits. Copies of these quarterly reports
24 shall be distributed to each circuit Article V indigent
25 services committee and to the Governor, the Chief Justice of
26 the Supreme Court, the President of the Senate, and the
27 Speaker of the House of Representatives.

28 (5)(4)(a) The funding and positions for the processing
29 of committees' fees and expenses shall be as appropriated to
30 the Justice Administrative Commission in the General
31 Appropriations Act.

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

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

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

13 (e) Funds for due-process expenses in cases in which
 14 the court has declared a person indigent for costs shall be
 15 appropriated by the Legislature in a separate appropriations
 16 category within the Justice Administrative Commission. These
 17 expenses may not be paid from funds appropriated for use by
 18 the public defenders.

19
 20 The Justice Administrative Commission shall separately track
 21 expenditures on private court-appointed counsel for the
 22 following categories of cases: criminal conflict, civil
 23 conflict, dependency and termination of parental rights, and
 24 guardianship. The commission shall also track the race, sex,
 25 and ethnicity of private court-appointed counsel for each
 26 circuit and include this data in the quarterly report required
 27 under subsection (4).

28 Section 3. Section 27.52, Florida Statutes, is amended
 29 to read:

30 (Substantial rewording of section. See s.
 31 27.52, F.S., for present text.)

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1 27.52 Determination of indigent status.--

2 (1) APPLICATION TO THE CLERK.--A person seeking
3 appointment of a public defender under s. 27.51 based upon an
4 inability to pay must apply to the clerk of the court for a
5 determination of indigent status using an application form
6 developed by the Florida Clerks of Court Operations
7 Corporation and submitted to the Supreme Court for approval.

8 (a) The application must include, at a minimum, the
9 following financial information:

10 1. Net income, consisting of total salary and wages,
11 minus deductions required by law, including court-ordered
12 support payments.

13 2. Other income, including, but not limited to, social
14 security benefits, union funds, veterans' benefits, workers'
15 compensation, other regular support from absent family
16 members, public or private employee pensions, unemployment
17 compensation, dividends, interest, rent, trusts, and gifts.

18 3. Assets, including, but not limited to, cash,
19 savings accounts, bank accounts, stocks, bonds, certificates
20 of deposit, equity in real estate, and equity in a boat or a
21 motor vehicle or in other tangible property.

22 4. All liabilities and debts.

23 5. If applicable, the amount of any bail paid for the
24 applicant's release from incarceration and the source of the
25 funds.

26
27 The application must include a signature by the applicant
28 which attests to the truthfulness of the information provided.
29 The application form developed by the corporation must include
30 notice that the applicant may seek court review of a clerk's
31 determination that the applicant is not indigent, as provided

1 in this section.

2 (b) An applicant shall pay a \$40 application fee to
3 the clerk for each application filed. The applicant shall pay
4 the fee within 7 days after submitting the application. If
5 the applicant does not pay the fee prior to the disposition of
6 the case, the clerk shall notify the court, and the court
7 shall:

8 1. Assess the application fee as part of the sentence
9 or as a condition of probation; or

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

11 (c) Notwithstanding any provision of law, court rule,
12 or administrative order to the contrary, the clerk shall
13 assign the first \$40 of any fees or costs paid by an indigent
14 person as payment of the application fee. A person found to be
15 indigent may not be refused counsel or other required
16 due-process services for failure to pay the fee.

17 (d) All application fees collected by the clerk under
18 this section shall be transferred monthly by the clerk to the
19 Department of Revenue for deposit in the Indigent Criminal
20 Defense Trust Fund administered by the Justice Administrative
21 Commission, to be used to supplement the general revenue funds
22 appropriated by the Legislature to the public defenders. The
23 clerk may retain 2 percent of application fees collected
24 monthly for administrative costs prior to remitting the
25 remainder to the Department of Revenue.

26 (e)1. The clerk shall assist a person who appears
27 before the clerk and requests assistance in completing the
28 application, and the clerk shall notify the court if a person
29 is unable to complete the application after the clerk has
30 provided assistance.

31 2. If the person seeking appointment of a public

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1 defender is incarcerated, the public defender is responsible
 2 for providing the application to the person and assisting him
 3 or her in its completion and is responsible for submitting the
 4 application to the clerk on the person's behalf. The public
 5 defender may enter into an agreement for jail employees,
 6 pretrial services employees, or employees of other criminal
 7 justice agencies to assist the public defender in performing
 8 functions assigned to the public defender under this
 9 subparagraph.

10 (2) DETERMINATION BY THE CLERK.--The clerk of the
 11 court shall determine whether an applicant seeking appointment
 12 of a public defender is indigent based upon the information
 13 provided in the application and the criteria prescribed in
 14 this subsection.

15 (a)1. An applicant, including an applicant who is a
 16 minor or an adult tax-dependent person, is indigent if the
 17 applicant's income is equal to or below 200 percent of the
 18 then-current federal poverty guidelines prescribed for the
 19 size of the household of the applicant by the United States
 20 Department of Health and Human Services or if the person is
 21 receiving Temporary Assistance for Needy Families-Cash
 22 Assistance, poverty-related veterans' benefits, or
 23 Supplemental Security Income (SSI).

24 2. There is a presumption that the applicant is not
 25 indigent if the applicant owns, has equity in, or has the
 26 expectancy of any interest in any intangible or tangible
 27 personal property or real property having a net equity value
 28 of \$2,500 or more, excluding the value of the person's
 29 homestead and one vehicle having a net value not exceeding
 30 \$5,000.

31 (b) Based upon its review, the clerk shall make one of

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1 the following determinations:

2 1. The applicant is not indigent.

3 2. The applicant is indigent.

4 (c)1. If the clerk determines that the applicant is
5 indigent, the clerk shall submit the determination to the
6 office of the public defender and immediately file the
7 determination in the case title.

8 2. If the public defender is unable to provide
9 representation due to a conflict under s. 27.5303, the public
10 defender shall motion the court for withdrawal from
11 representation and appointment of private counsel.

12 (d) The duty of the clerk in determining whether an
13 applicant is indigent shall be limited to receiving the
14 application and comparing the information provided in the
15 application to the criteria prescribed in this subsection.
16 The determination of indigent status is a ministerial act of
17 the clerk and not a decision based on further investigation or
18 the exercise of independent judgment by the clerk. The clerk
19 may contract with third parties to perform functions assigned
20 to the clerk under this section.

21 (e) The applicant may seek review of the clerk's
22 determination that the applicant is not indigent in the court
23 having jurisdiction over the matter at the next scheduled
24 hearing. If the applicant seeks review of the clerk's
25 determination of indigent status, the court shall make a final
26 determination as provided in subsection (4).

27 (3) APPOINTMENT OF COUNSEL ON INTERIM BASIS.--If the
28 clerk of the court has not made a determination of indigent
29 status at the time a person requests appointment of a public
30 defender, the court shall make a preliminary determination of
31 indigent status, pending further review by the clerk, and may,

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1 by court order, appoint a public defender or private counsel
2 on an interim basis.

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

4 (a) If the clerk of the court determines that the
5 applicant is not indigent, and the applicant seeks review of
6 the clerk's determination, the court shall make a final
7 determination of indigent status by reviewing the information
8 provided in the application against the criteria prescribed in
9 subsection (2) and by considering the following additional
10 factors:

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

13 2. Whether a bond has been posted, the type of bond,
14 and who paid the bond.

15 3. Whether paying for private counsel or other due
16 process services creates a substantial hardship for the
17 applicant or the applicant's family.

18 4. Any other relevant financial circumstances of the
19 applicant or the applicant's family.

20 (b) Based upon its review, the court shall make one of
21 the following determinations and shall, if appropriate,
22 appoint a public defender or private counsel:

23 1. The applicant is not indigent.

24 2. The applicant is indigent.

25 (5) INDIGENT FOR COSTS.--A person who is eligible to
26 be represented by a public defender under s. 27.51 but who is
27 represented by private counsel not appointed by the court for
28 a reasonable fee as approved by the court, or on a pro bono
29 basis, or who is proceeding pro se, may motion the court for a
30 determination that he or she is indigent for costs and
31 eligible for the provision of due-process services, as

1 prescribed by s. 29.006 and s. 29.007, funded by the state.

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

3 1. The completed application prescribed in subsection
4 (1); and

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

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

9 1. Whether the applicant applied for a determination
10 of indigent status under subsection (1) and the outcome of
11 such application;

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

14 3. The additional factors prescribed in subsection
15 (4);

16 4. Whether the applicant is proceeding pro se or is
17 represented by a private attorney for a fee or on a pro bono
18 basis;

19 5. When the applicant retained private counsel; and

20 6. The amount of any attorney's fees and who is paying
21 the fees.

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

24 1. The applicant is not indigent for costs.

25 2. The applicant is indigent for costs.

26 (d) The provision of due-process services based upon a
27 determination that a person is indigent for costs under this
28 subsection must be effectuated pursuant to a court order, a
29 copy of which the clerk shall provide to counsel representing
30 the person, or to the person directly if he or she is
31 proceeding pro se, for use in requesting payment of

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1 due-process expenses through the Justice Administrative
 2 Commission. Counsel representing a person declared indigent
 3 for costs must execute the Justice Administrative Commission's
 4 contract for counsel representing persons indigent for costs.

5 (6) DUTIES OF PARENT OR LEGAL GUARDIAN.--A nonindigent
 6 parent or legal guardian of an applicant who is a minor or an
 7 adult tax-dependent person shall furnish the minor or adult
 8 tax-dependent person with the necessary legal services and
 9 costs incident to a delinquency proceeding or, upon transfer
 10 of such person for criminal prosecution as an adult pursuant
 11 to chapter 985, a criminal prosecution in which the person has
 12 a right to legal counsel under the Constitution of the United
 13 States or the Constitution of the State of Florida. The
 14 failure of a parent or legal guardian to furnish legal
 15 services and costs under this section does not bar the
 16 appointment of legal counsel pursuant to this section, s.
 17 27.40, or s. 27.5303. When the public defender, a private
 18 court-appointed conflict counsel, or a private attorney is
 19 appointed to represent a minor or an adult tax-dependent
 20 person in any proceeding in circuit court or in a criminal
 21 proceeding in any other court, the parents or the legal
 22 guardian shall be liable for payment of the fees, charges, and
 23 costs of the representation even if the person is a minor
 24 being tried as an adult. Liability for the fees, charges, and
 25 costs of the representation shall be imposed in the form of a
 26 lien against the property of the nonindigent parents or legal
 27 guardian of the minor or adult tax-dependent person. The lien
 28 is enforceable as provided in s. 27.561 or s. 938.29.

29 (7) FINANCIAL DISCREPANCIES; FRAUD; FALSE
 30 INFORMATION.--

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

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1 application or motion and the actual financial status of the
2 person found to be indigent or indigent for costs, the court
3 shall determine whether the public defender or private
4 attorney shall continue representation or whether the
5 authorization for any other due-process services previously
6 authorized shall be revoked. The person may be heard
7 regarding the information learned by the court. If the court,
8 based on the information, determines that the person is not
9 indigent or indigent for costs, the court shall order the
10 public defender or private attorney to discontinue
11 representation and revoke the provision of any other
12 authorized due-process services.

13 (b) If the court has reason to believe that any
14 applicant, through fraud or misrepresentation, was improperly
15 determined to be indigent or indigent for costs, the matter
16 shall be referred to the state attorney. Twenty-five percent
17 of any amount recovered by the state attorney as reasonable
18 value of the services rendered, including fees, charges, and
19 costs paid by the state on the person's behalf, shall be
20 remitted to the Department of Revenue for deposit into the
21 Grants and Donations Trust Fund within the Justice
22 Administrative Commission for appropriation by the Legislature
23 to the state attorney. Seventy-five percent of any amount
24 recovered shall be remitted to the Department of Revenue for
25 deposit into the General Revenue Fund.

26 (c) A person who knowingly provides false information
27 to the clerk or the court in seeking a determination of
28 indigent status under this section commits a misdemeanor of
29 the first degree, punishable as provided in s. 775.082 or s.
30 775.083.

31 Section 4. Subsections (2), (4), and (6) of section

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1 27.5304, Florida Statutes, are amended, and subsections (7),
2 (8), and (9) are added to that section, to read:

3 27.5304 Private court-appointed counsel;
4 compensation.--

5 (2) The Justice Administrative Commission shall review
6 an intended billing by private court-appointed counsel for
7 attorney's fees based on a flat fee per case for completeness
8 and compliance with contractual, statutory, and circuit
9 Article V indigent services committee requirements. The
10 commission may approve the intended billing for flat fee
11 payment without approval by the court if the intended billing
12 is correct. For all other intended billings, prior to filing a
13 motion for an order approving payment of attorney's fees,
14 costs, or related expenses, the private court-appointed
15 counsel shall deliver a copy of the intended billing, together
16 with supporting affidavits and all other necessary
17 documentation, to the Justice Administrative Commission. The
18 Justice Administrative Commission shall review the billings,
19 affidavit, and documentation for completeness and compliance
20 with contractual and statutory requirements. If the Justice
21 Administrative Commission objects to any portion of the
22 proposed billing, the objection and reasons therefor shall be
23 communicated to the private court-appointed counsel. The
24 private court-appointed counsel may thereafter file his or her
25 motion for order approving payment of attorney's fees, costs,
26 or related expenses together with supporting affidavits and
27 all other necessary documentation. The motion must specify
28 whether the Justice Administrative Commission objects to any
29 portion of the billing or the sufficiency of documentation
30 and, if so, the counsel must attach to the motion the letter
31 from the commission stating its objections ~~the reasons~~

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1 ~~therefor~~. A copy of the motion and attachments shall be served
2 on the Justice Administrative Commission at least 5 business
3 days prior to the date of a hearing. The Justice
4 Administrative Commission shall have standing to appear before
5 the court to contest any motion for order approving payment of
6 attorney's fees, costs, or related expenses and may, unless
7 otherwise ordered by the court, participate in a hearing on
8 the motion by use of telephonic or other communication
9 equipment. The Justice Administrative Commission may contract
10 with other public or private entities or individuals to appear
11 before the court for the purpose of contesting any motion for
12 order approving payment of attorney's fees, costs, or related
13 expenses. The fact that the Justice Administrative Commission
14 has not objected to any portion of the billing or to the
15 sufficiency of the documentation is not binding on the court.
16 The court retains primary authority and responsibility for
17 determining the reasonableness of all billings for attorney's
18 fees, costs, and related expenses, subject to statutory
19 limitations. Private court-appointed counsel is entitled to
20 compensation upon final disposition of a case, except as
21 provided in paragraphs (a) and (b). Before final disposition
22 of a case, a private court-appointed counsel may file a motion
23 for fees, costs, and related expenses for services completed
24 up to the date of the motion in any case or matter in which
25 legal services have been provided by the attorney for more
26 than 1 year. The amount approved by the court may not exceed
27 80 percent of the fees earned, or costs and related expenses
28 incurred, to date, or an amount proportionate to the maximum
29 fees permitted under this section based on legal services
30 provided to date, whichever is less. The court may grant the
31 motion if counsel shows that failure to grant the motion would

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1 work a particular hardship upon counsel.

2 (4) By January 1 of each year, the Article V Indigent
3 Services Advisory Board shall recommend to the Legislature any
4 adjustments to the compensation provisions of this section.
5 This subsection expires on July 1, 2006.

6 (6) A private attorney appointed in lieu of the public
7 defender to represent an indigent defendant may not reassign
8 or subcontract the case to another attorney. The
9 court-appointed private attorney may not ~~or~~ allow another
10 attorney to appear at a critical stage of a case who is not on
11 the registry developed under ~~pursuant to~~ s. 27.40.

12 (7) Private court-appointed counsel representing a
13 parent in a dependency case that is open may submit a request
14 for payment to the Justice Administrative Commission at the
15 following intervals:

16 1. Upon entry of an order of disposition as to the
17 parent being represented;

18 2. Upon conclusion of a 12-month permanency review;
19 and

20 3. Following a judicial review hearing.

21
22 In no case, however, may counsel submit requests under this
23 subsection more than once per quarter, unless the court finds
24 extraordinary circumstances justifying more frequent
25 submission of payment requests.

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

30 1. Upon the filing of an appellate brief, including,
31 but not limited to, a reply brief; and

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1 2. When the opinion of the appellate court is
2 finalized.

3 (9) Private court-appointed counsel may bill for no
4 more than one half-hour for preparation of each invoice for
5 attorney's fees in a case paid on the basis of an hourly rate,
6 unless the court has approved the attorney to bill more time
7 for preparation of the invoice. Private court-appointed
8 counsel may not bill for preparation of invoices for cases
9 paid on the basis of a flat fee.

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

12 27.54 Limitation on payment of expenditures for public
13 defender's office other than by the state.--

14 (2) A county or municipality may contract with, or
15 appropriate or contribute funds to, the operation of the
16 offices of the various public defenders as provided in this
17 subsection. A public defender defending violations of special
18 laws or county or municipal ordinances punishable by
19 incarceration and not ancillary to a state charge shall
20 contract with counties and municipalities to recover the full
21 cost of services rendered on an hourly basis or reimburse the
22 state for the full cost of assigning one or more full-time
23 equivalent attorney positions to work on behalf of the county
24 or municipality. Notwithstanding any other provision of law,
25 in the case of a county with a population of less than 75,000,
26 the public defender shall contract for full reimbursement, or
27 for reimbursement as the parties otherwise agree. In cases of
28 violations of special laws or local ordinances, the county or
29 municipality shall pay for due process services that are
30 approved by the court, including deposition costs, deposition
31 transcript costs, investigative costs, witness fees, expert

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1 witness costs, and interpreter costs. The person charged with
2 the violation shall be assessed a fee for the services of a
3 public defender and other costs and fees paid by the county or
4 municipality, which assessed fee may be reduced to a lien, in
5 all instances where the person enters a plea or is found to be
6 in violation or guilty of any count or lesser included offense
7 of the charge or companion case charges, regardless of
8 adjudication. The court shall determine the amount of the
9 obligation. The county or municipality may recover assessed
10 fees through collections court or as otherwise permitted by
11 law, and any fees recovered under this section shall be
12 forwarded to the applicable county or municipality as
13 reimbursement.

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

19 (b) A contract for assigning one or more full-time
20 equivalent attorney positions to perform work on behalf of the
21 county or municipality shall assign one or more full-time
22 equivalent positions based on estimates by the public defender
23 of the number of hours required to handle the projected
24 workload. The full cost of each full-time equivalent attorney
25 position on an annual basis shall be \$50, or the amount
26 specified in the General Appropriations Act, multiplied by the
27 legislative budget request standard for available work hours
28 for one full-time equivalent attorney position, or, in the
29 absence of that standard, 1,854 hours. The contract may
30 provide for funding full-time equivalent positions in
31 one-quarter increments.

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1 (c) Any payments received under pursuant to this
 2 subsection shall be deposited into the Grants and Donations
 3 Trust Fund within the Justice Administrative Commission for
 4 appropriation by the Legislature.

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

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

Charges

25
 26
 27
 28 (1) For examining, comparing, correcting, verifying,
 29 and certifying transcripts of record in appellate proceedings,
 30 prepared by attorney for appellant or someone else other than
 31 clerk per page.....4.50

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1	(2) For preparing, numbering, and indexing an original	
2	record of appellate proceedings, per instrument.....	3.00
3	(3) For certifying copies of any instrument in the	
4	public records.....	1.50
5	(4) For verifying any instrument presented for	
6	certification prepared by someone other than clerk, per page	
7	3.00
8	(5)(a) For making copies by photographic process of	
9	any instrument in the public records consisting of pages of	
10	not more than 14 inches by 8 1/2 inches, per page.....	1.00
11	(b) For making copies by photographic process of any	
12	instrument in the public records of more than 14 inches by 8	
13	1/2 inches, per page.....	5.00
14	(6) For making microfilm copies of any public records:	
15	(a) 16 mm 100' microfilm roll.....	37.50
16	(b) 35 mm 100' microfilm roll.....	52.50
17	(c) Microfiche, per fiche.....	3.00
18	(7) For copying any instrument in the public records	
19	by other than photographic process, per page.....	6.00
20	(8) For writing any paper other than herein	
21	specifically mentioned, same as for copying, including signing	
22	and sealing.....	6.00
23	(9) For indexing each entry not recorded.....	1.00
24	(10) For receiving money into the registry of court:	
25	(a)1. First \$500, percent.....	3
26	2. Each subsequent \$100, percent.....	1.5
27	(b) Eminent domain actions, per deposit.....	\$150.00
28	(11) For examining, certifying, and recording plats	
29	and for recording condominium exhibits larger than 14 inches	
30	by 8 1/2 inches:	
31	(a) First page.....	30.00

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1 (b) Each additional page.....15.00

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

5 (a) First page or fraction thereof.....5.00

6 (b) Each additional page or fraction thereof.....4.00

7 (c) For indexing instruments recorded in the official
8 records which contain more than four names, per additional
9 name.....1.00

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

15 1. First page.....1.00

16 2. Each additional page.....0.50

17

18 Said fund shall be held in trust by the clerk and used
19 exclusively for equipment and maintenance of equipment,
20 personnel training, and technical assistance in modernizing
21 the public records system of the office. In a county where the
22 duty of maintaining official records exists in an office other
23 than the office of the clerk of the circuit court, the clerk
24 of the circuit court is entitled to 25 percent of the moneys
25 deposited into the trust fund for equipment, maintenance of
26 equipment, training, and technical assistance in modernizing
27 the system for storing records in the office of the clerk of
28 the circuit court. The fund may not be used for the payment of
29 travel expenses, membership dues, bank charges,
30 staff-recruitment costs, salaries or benefits of employees,
31 construction costs, general operating expenses, or other costs

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1 not directly related to obtaining and maintaining equipment
2 for public records systems or for the purchase of furniture or
3 office supplies and equipment not related to the storage of
4 records. On or before December 1, 1995, and on or before
5 December 1 of each year immediately preceding each year during
6 which the trust fund is scheduled for legislative review under
7 s. 19(f)(2), Art. III of the State Constitution, each clerk of
8 the circuit court shall file a report on the Public Records
9 Modernization Trust Fund with the President of the Senate and
10 the Speaker of the House of Representatives. The report must
11 itemize each expenditure made from the trust fund since the
12 last report was filed; each obligation payable from the trust
13 fund on that date; and the percentage of funds expended for
14 each of the following: equipment, maintenance of equipment,
15 personnel training, and technical assistance. The report must
16 indicate the nature of the system each clerk uses to store,
17 maintain, and retrieve public records and the degree to which
18 the system has been upgraded since the creation of the trust
19 fund.

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

25 1. If the counties maintain legal responsibility for
26 the costs of the court-related technology needs as defined in
27 s. 29.008(1)(f)2. and (h), 10 cents shall be distributed to
28 the Florida Association of Court Clerks and Comptroller, Inc.,
29 for the cost of development, implementation, operation, and
30 maintenance of the clerks' Comprehensive Case Information
31 System, in which system all clerks shall participate on or

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1 before January 1, 2006; \$1.90 shall be retained by the clerk
 2 to be deposited in the Public Records Modernization Trust Fund
 3 and used exclusively for funding court-related technology
 4 needs of the clerk as defined in s. 29.008(1)(f)2. and (h);
 5 and \$2 shall be distributed to the board of county
 6 commissioners to be used exclusively to fund court-related
 7 technology, and court technology needs as defined in s.
 8 29.008(1)(f)2. and (h) for the state trial courts, state
 9 attorney, and public defender in that county. If the counties
 10 maintain legal responsibility for the costs of the
 11 court-related technology needs as defined in s. 29.008(1)(f)2.
 12 and (h), notwithstanding any other provision of law, the
 13 county is not required to provide additional funding beyond
 14 that provided herein for the court-related technology needs of
 15 the clerk as defined in s. 29.008(1)(f)2. and (h). All court
 16 records ~~and official records~~ are the property of the State of
 17 Florida, including any records generated as part of the
 18 Comprehensive Case Information System funded pursuant to this
 19 paragraph and the clerk of court is designated as the
 20 custodian of such records. All official records, as defined in
 21 s. 28.001, are the property of the county, and the clerk, or
 22 the county office other than the clerk with the duty of
 23 maintaining official records, is designated the custodian of
 24 the official records. The clerk of court or any entity acting
 25 on behalf of the clerk of court, including an association,
 26 shall not charge a fee to any agency as defined in s. 119.011,
 27 the Legislature, or the State Court System for copies of
 28 records generated by the Comprehensive Case Information System
 29 or held by the clerk of court or any entity acting on behalf
 30 of the clerk of court, including an association.

31 2. If the state becomes legally responsible for the

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1 costs of court-related technology needs as defined in s.
2 29.008(1)(f)2. and (h), whether by operation of general law or
3 by court order, \$4 shall be remitted to the Department of
4 Revenue for deposit into the General Revenue Fund.

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

7 (14) For validating certificates, any authorized
8 bonds, each.....3.00

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

10 (16) For exemplified certificates, including signing
11 and sealing.....6.00

12 (17) For authenticated certificates, including signing
13 and sealing.....6.00

14 (18)(a) For issuing and filing a subpoena for a
15 witness, not otherwise provided for herein (includes writing,
16 preparing, signing, and sealing).....6.00

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

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

19 (20) For searching of records, for each year's search
201.50

21 (21) For processing an application for a tax deed sale
22 (includes application, sale, issuance, and preparation of tax
23 deed, and disbursement of proceeds of sale), other than excess
24 proceeds.....60.00

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

27 (23) Upon receipt of an application for a marriage
28 license, for preparing and administering of oath; issuing,
29 sealing, and recording of the marriage license; and providing
30 a certified copy.....30.00

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

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1 (25) For sealing any court file or expungement of any
2 record.....37.50

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

5 (b) For receiving and disbursing all partial payments,
6 other than restitution payments, for which an administrative
7 processing service charge is not imposed pursuant to s.
8 28.246, per month.....5.00

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

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

16 (28) For furnishing an electronic copy of information
17 contained in a computer database: a fee as provided for in
18 chapter 119.

19 Section 7. Paragraph (a) of subsection (1) of section
20 28.2402, Florida Statutes, is amended to read:

21 28.2402 Cost recovery; use of the circuit court for
22 ordinance or special law violations.--

23 (1)(a) In lieu of payment of a filing fee under s.
24 28.241, a filing fee of \$10 shall be paid by a county or
25 municipality when filing a county or municipal ordinance
26 violation or violation of a special law in circuit court. This
27 fee shall be paid to the clerk of the court for performing
28 court-related functions. A county or municipality is not
29 required to pay more than one filing fee for a single filing
30 against a single defendant which contains multiple alleged
31 violations. A filing fee, other than that imposed under this

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1 section, may not be assessed for initiating an enforcement
 2 proceeding in circuit court for a violation of a county or
 3 municipal code or ordinance or a violation of a special law.
 4 The filing fee does not apply to instances in which a county
 5 or a municipality has contracted with the state, or has been
 6 delegated by the state, responsibility for enforcing state
 7 operations, policies, or requirements under s. 125.69, s.
 8 166.0415, or chapter 162.

9 Section 8. Subsection (2) of section 28.241, Florida
 10 Statutes, is amended to read:

11 28.241 Filing fees for trial and appellate
 12 proceedings.--

13 (2)(a) Upon the institution of any appellate
 14 proceeding from any lower court to the circuit court of any
 15 such county, including appeals filed by a county or
 16 municipality as provided in s. 34.041(5), ~~or from the circuit~~
 17 ~~court to an appellate court of the state,~~ the clerk shall
 18 charge and collect from the party or parties instituting such
 19 appellate ~~proceedings~~ proceeding a filing fee not to exceed
 20 \$250 for filing a notice of appeal from the county court to
 21 the circuit court. The clerk shall remit the first \$50 to the
 22 Department of Revenue for deposit into the General Revenue
 23 Fund. One-third of the fee collected by the clerk in excess of
 24 \$50 also shall be remitted to the Department of Revenue for
 25 deposit into the Clerks of the Court Trust Fund. and,

26 (b) In addition to the filing fee required under s.
 27 25.241 or s. 35.22, the clerk shall collect and retain from
 28 the party or parties instituting an appellate proceeding a
 29 service charge of \$75~~\$50~~ for filing a notice of appeal from
 30 the circuit court to the district court of appeal or to the
 31 Supreme Court.

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If the party is determined to be indigent, the clerk shall defer payment of the fee and service charge under this subsection. ~~The clerk shall remit the first \$50 to the Department of Revenue for deposit into the General Revenue Fund. One-third of the fee collected by the clerk in excess of \$50 also shall be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund.~~

Section 9. Section 28.245, Florida Statutes, is amended to read:

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

Section 10. Subsections (1) and (4) of section 28.246, Florida Statutes, are amended to read:

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

(1) Beginning July 1, 2003, the clerk of the circuit court shall report the following information to the Legislature and the Florida Clerks ~~Clerk~~ of Court Operations

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1 ~~Corporation Conference~~ on a form developed by the Department
2 of Financial Services:

3 (a) The total amount of mandatory fees, service
4 charges, and costs; the total amount actually assessed; the
5 total amount discharged, waived, or otherwise not assessed;
6 and the total amount collected.

7 (b) The amount of discretionary fees, service charges,
8 and costs assessed; the total amount discharged; and the total
9 amount collected.

10 (c) The total amount of mandatory fines and other
11 monetary penalties; the total amount assessed; the total
12 amount discharged, waived, or otherwise not assessed; and the
13 total amount collected.

14 (d) The amount of discretionary fines and other
15 monetary penalties assessed; the amount discharged; and the
16 total amount collected.

17
18 If provided to the clerk of court by the judge, the clerk, in
19 reporting the amount assessed, shall separately identify the
20 amount assessed pursuant to s. 938.30 as community service;
21 assessed by reducing the amount to a judgment or lien;
22 satisfied by time served; or other. The form developed by the
23 Chief Financial Officer shall include separate entries for
24 recording these amounts. The clerk shall submit the report on
25 a quarterly basis 30 days after the end of the quarter for the
26 period from July 1, 2003, through June 30, 2004, and on an
27 annual basis thereafter, 60 days after the end of the county
28 fiscal year.

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

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1 established payment plan. An individual seeking to defer
 2 payment of fees, service charges, costs, or fines imposed by
 3 operation of law or order of the court under any provision of
 4 general law shall apply to the clerk for enrollment in a
 5 payment plan. The clerk shall enter into a payment plan with
 6 an individual who the court determines is indigent for costs.
 7 A monthly payment amount, calculated based upon all fees and
 8 all anticipated costs, is presumed to correspond to the
 9 person's ability to pay if it does not exceed 2 percent of the
 10 person's annual net income, as defined in subsection (1),
 11 divided by 12. The court may review the reasonableness of the
 12 payment plan, and determined by the court to be unable to make
 13 payment in full, shall be enrolled by the clerk in a payment
 14 program, with periodic payment amounts corresponding to the
 15 individual's ability to pay.

16 Section 11. Section 28.345, Florida Statutes, is
 17 amended to read:

18 28.345 Exemption from court-related fees and
 19 charges.--Notwithstanding any other provision of this chapter
 20 or law to the contrary, judges and those court staff acting on
 21 behalf of judges, state attorneys, guardians ad litem, public
 22 guardians, attorneys ad litem, court-appointed private
 23 counsel, and public defenders, acting in their official
 24 capacity, and state agencies, are exempt from all
 25 court-related fees and charges assessed by the clerks of the
 26 circuit courts.

27 Section 12. Paragraph (a) of subsection (3) of section
 28 28.35, Florida Statutes, is amended to read:

29 28.35 Florida Clerks of Court Operations
 30 Corporation.--

31 (3)(a) The Clerks of Court Operations Corporation

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1 shall certify to the President of the Senate, the Speaker of
 2 the House of Representatives, the Chief Financial Officer, and
 3 the Department of Revenue by October 15 of each year, the
 4 amount of the proposed budget certified for each clerk; the
 5 revenue projection supporting each clerk's budget; each clerk
 6 eligible to retain some or all of the state's share of fines,
 7 fees, service charges, and costs; the amount to be paid to
 8 each clerk from the Clerks of the Court Trust Fund within the
 9 Department of Revenue; the performance measures and standards
 10 approved by the conference for each clerk; and the performance
 11 of each clerk in meeting the performance standards. This
 12 certification must also include a report of any additional
 13 budget funding authority the corporation approves for a clerk
 14 under s. 28.36(6), as well as the documentation required under
 15 s. 28.36 relating to the factual basis for the approval.

16 Section 13. Paragraph (a) of subsection (3) and
 17 paragraph (b) of subsection (4) of section 28.36, Florida
 18 Statutes, are amended, present subsection (6) of that section
 19 is redesignated as subsection (7), and a new subsection (6) is
 20 added to that section, to read:

21 28.36 Budget procedure.--There is hereby established a
 22 budget procedure for the court-related functions of the clerks
 23 of the court.

24 (3) Each proposed budget shall further conform to the
 25 following requirements:

26 (a) On or before August 15 † for each fiscal year
 27 thereafter, the proposed budget shall be prepared, summarized,
 28 and submitted by the clerk in each county to the Clerks of
 29 Court Operations Corporation in the manner and form prescribed
 30 by the corporation ~~conference~~. The proposed budget must
 31 provide detailed information on the anticipated revenues

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1 available and expenditures necessary for the performance of
2 the standard list of court-related functions of the clerk's
3 office developed pursuant to s. 28.35(4)(a) for the county
4 fiscal year beginning the following October 1.

5 (4) If a clerk of the court estimates that available
6 funds plus projected revenues from fines, fees, service
7 charges, and costs for court-related services are insufficient
8 to meet the anticipated expenditures for the standard list of
9 court-related functions in s. 28.35(4)(a) performed by his or
10 her office, the clerk must report the revenue deficit to the
11 Clerks of Court Operations Corporation in the manner and form
12 prescribed by the corporation pursuant to contract with the
13 Chief Financial Officer. The corporation shall verify that the
14 proposed budget is limited to the standard list of
15 court-related functions in s. 28.35(4)(a).

16 (b) If the Chief Financial Officer, after reviewing a
17 clerk's approved court-related budget, Department of Revenue
18 finds the court-related budget proposed by a clerk includes
19 functions not included in the standard list of court-related
20 functions in s. 28.35(4)(a) ~~s. 28.35(3)(a)~~, the Chief
21 Financial Officer department shall notify the clerk of the
22 amount of the proposed budget not eligible to be funded from
23 fees, service charges, costs, and fines for court-related
24 functions, and shall identify appropriate corrective measures
25 to assure budget integrity. The clerk shall then immediately
26 discontinue all ineligible the expenditures of court-related
27 funds for this purpose and reimburse the Clerks of the Court
28 Trust Fund for any previous ineligible expenditures made for
29 non-court-related functions, and shall implement any
30 corrective actions identified by the Chief Financial Officer
31 incurred to date for these functions.

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1 (6) The Florida Clerks of Court Operations Corporation
 2 may approve funding and adjust the maximum of a clerk's
 3 authorized court-related budget in excess of the amount
 4 otherwise authorized to be funded in this section if the
 5 corporation finds that additional funding is necessary for the
 6 clerk to perform the standard list of court-related functions
 7 in s. 28.35(4)(a) and one of the following conditions exists:

8 (a) The additional funding is reasonable and necessary
 9 to pay the cost of performing new or additional functions
 10 required by changes in law or court rule;

11 (b) The additional funding is reasonable and necessary
 12 to pay the additional costs required for the clerk to support
 13 increases in the number of judges and other judicial resources
 14 authorized by the Legislature; or

15 (c) The additional funding is reasonable and necessary
 16 to satisfy court-related expenses incurred by the clerk which
 17 result from increases in previously funded fixed expenses
 18 outside the control of the clerk or to meet increases
 19 resulting from contractual obligations entered into prior to
 20 July 1, 2004.

21
 22 Before approving additional funding in excess of the maximum
 23 annual budget amounts, as authorized by this subsection, the
 24 corporation must document in detail the factual basis for the
 25 approval. Within 30 days after approving additional funding,
 26 the corporation shall notify the Chief Financial Officer of
 27 the action and submit to him or her the documentation relating
 28 to the factual basis for the approval.

29 Section 14. Subsection (4) of section 28.37, Florida
 30 Statutes, is amended to read:

31 28.37 Fines, fees, service charges, and costs remitted

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1 to the state.--

2 (4) Beginning January 1, 2005, for the period July 1,
3 2004, through September 30, 2004, and each January 1
4 thereafter for the preceding county fiscal year of October 1
5 through September 30, the clerk of the court must remit to the
6 Department of Revenue for deposit in the General Revenue Fund
7 the cumulative excess of all fees, service charges, court
8 costs, and fines retained by the clerks of the court, plus any
9 funds received by the clerks of the court from the Department
10 of Revenue Clerk of the Court Trust Fund under s. 28.36(4)(a),
11 over the amount needed to meet the approved budget amounts
12 established under s. 28.36.

13 Section 15. Subsection (6) of section 29.004, Florida
14 Statutes, is amended to read:

15 29.004 State courts system.--For purposes of
16 implementing s. 14, Art. V of the State Constitution, the
17 elements of the state courts system to be provided from state
18 revenues appropriated by general law are as follows:

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

22 Section 16. Section 29.007, Florida Statutes, is
23 amended to read:

24 29.007 Court-appointed counsel.--For purposes of
25 implementing s. 14, Art. V of the State Constitution, the
26 elements of court-appointed counsel to be provided from state
27 revenues appropriated by general law are as follows:

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

31 (2) Private attorneys appointed by the court to

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1 represent indigents or other classes of litigants in civil
2 proceedings requiring court-appointed counsel in accordance
3 with state and federal constitutional guarantees and federal
4 and state statutes.

5 (3) Reasonable court reporting and transcription
6 services necessary to meet constitutional or statutory
7 requirements, including the cost of transcribing and copying
8 depositions of witnesses and the cost of foreign language and
9 sign-language interpreters and translators.

10 (4) Witnesses, including expert witnesses, summoned to
11 appear for an investigation, preliminary hearing, or trial in
12 a case when the witnesses are summoned on behalf of an
13 indigent, and any other expert witnesses approved by the
14 court.

15 (5) Mental health professionals appointed pursuant to
16 s. 394.473 and required in a court hearing involving an
17 indigent, ~~and~~ mental health professionals appointed pursuant
18 to s. 916.115(2) and required in a court hearing involving an
19 indigent, and any other mental health professionals required
20 by law for the full adjudication of any civil case involving
21 an indigent person.

22 (6) Reasonable pretrial consultation fees and costs.

23 (7) Travel expenses reimbursable under s. 112.061
24 reasonably necessary in the performance of constitutional and
25 statutory responsibilities.

26
27 Subsections (3), (4), (5), (6), and (7) apply when
28 court-appointed counsel is appointed; when the litigant
29 retains, or is represented on a pro-bono basis by, a private
30 attorney and the court determines that the litigant is
31 indigent for costs; or when the litigant is acting pro se and

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1 the court determines that the litigant is indigent for costs
2 at the trial or appellate level. This section applies in any
3 situation in which the court appoints counsel to protect a
4 litigant's due-process rights. The Justice Administrative
5 Commission shall approve uniform contract forms for use in
6 processing due process services under this section. In each
7 case in which a private attorney represents a person
8 determined by the court to be indigent for costs, the attorney
9 shall execute the commission's contract for private attorneys
10 representing persons indigent for costs.

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

13 29.008 County funding of court-related functions.--

14 (1) Counties are required by s. 14, Art. V of the
15 State Constitution to fund the cost of communications
16 services, existing radio systems, existing multiagency
17 criminal justice information systems, and the cost of
18 construction or lease, maintenance, utilities, and security of
19 facilities for the circuit and county courts, public
20 defenders' offices, state attorneys' offices, guardian ad
21 litem offices, and the offices of the clerks of the circuit
22 and county courts performing court-related functions. For
23 purposes of this section, the term "circuit and county courts"
24 shall include the offices and staffing of the guardian ad
25 litem programs. The county designated under s. 35.05(1) as the
26 headquarters for each appellate district shall fund these
27 costs for the appellate division of the public defender's
28 office in that county. For purposes of implementing these
29 requirements, the term:

30 (a) "Facility" means reasonable and necessary
31 buildings and office space and appurtenant equipment and

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1 furnishings, structures, real estate, easements, and related
2 interests in real estate, including, but not limited to, those
3 for the purpose of housing legal materials for use by the
4 general public and personnel, equipment, or functions of the
5 circuit or county courts, public defenders' offices, state
6 attorneys' offices, and court-related functions of the office
7 of the clerks of the circuit and county courts and all
8 storage. The term "facility" includes all wiring necessary for
9 court-reporting services. The term also includes access to
10 parking for such facilities in connection with such
11 court-related functions that may be available free or from a
12 private provider or a local government for a fee. The office
13 space provided by a county may not be less than the standards
14 for space allotment adopted by the Department of Management
15 Services, except that this requirement applies only to
16 facilities that are leased, or on which construction
17 commences, after June 30, 2003. County funding must include
18 physical modifications and improvements to all facilities as
19 are required for compliance with the Americans with
20 Disabilities Act. Upon mutual agreement of a county and the
21 affected entity in this paragraph, the office space provided
22 by the county may vary from the standards for space allotment
23 adopted by the Department of Management Services. ~~This section~~
24 ~~applies only to facilities that are leased, or on which~~
25 ~~construction commences, after June 30, 2003.~~

26 1. As of July 1, 2005, equipment and furnishings shall
27 be limited to that appropriate and customary for courtrooms,
28 hearing rooms, jury facilities, and other public areas in
29 courthouses and any other facility occupied by the courts,
30 state attorneys, and public defenders. Court-reporting
31 equipment in these areas or facilities is not a responsibility

1 of the county.

2 2. Equipment and furnishings under this paragraph in
3 existence and owned by counties on July 1, 2005, except for
4 that in the possession of the clerks, for areas other than
5 courtrooms, hearing rooms, jury facilities, and other public
6 areas in courthouses and any other facility occupied by the
7 courts, state attorneys, and public defenders, shall be
8 transferred to the state at no charge. This provision does not
9 apply to any communication services as defined in paragraph
10 (f).

11 (b) "Construction or lease" includes, but is not
12 limited to, all reasonable and necessary costs of the
13 acquisition or lease of facilities for all judicial officers,
14 staff, jurors, volunteers of a tenant agency, and the public
15 for the circuit and county courts, the public defenders'
16 offices, state attorneys' offices, and for performing the
17 court-related functions of the offices of the clerks of the
18 circuit and county courts. This includes expenses related to
19 financing such facilities and the existing and future cost and
20 bonded indebtedness associated with placing the facilities in
21 use.

22 (c) "Maintenance" includes, but is not limited to, all
23 reasonable and necessary costs of custodial and groundskeeping
24 services and renovation and reconstruction as needed to
25 accommodate functions for the circuit and county courts, the
26 public defenders' offices, and state attorneys' offices and
27 for performing the court-related functions of the offices of
28 the clerks of the circuit and county court and for maintaining
29 the facilities in a condition appropriate and safe for the use
30 intended.

31 (d) "Utilities" means all electricity services for

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1 light, heat, and power; natural or manufactured gas services
2 for light, heat, and power; water and wastewater services and
3 systems, stormwater or runoff services and systems, sewer
4 services and systems, all costs or fees associated with these
5 services and systems, and any costs or fees associated with
6 the mitigation of environmental impacts directly related to
7 the facility.

8 (e) "Security" includes but is not limited to, all
9 reasonable and necessary costs of services of law enforcement
10 officers or licensed security guards and all electronic,
11 cellular, or digital monitoring and screening devices
12 necessary to ensure the safety and security of all persons
13 visiting or working in a facility; to provide for security of
14 the facility, including protection of property owned by the
15 county or the state; and for security of prisoners brought to
16 any facility. This includes bailiffs while providing courtroom
17 and other security for each judge and other quasi-judicial
18 officers.

19 (f) "Communications services" are defined as any
20 reasonable and necessary transmission, emission, and reception
21 of signs, signals, writings, images, and sounds of
22 intelligence of any nature by wire, radio, optical, audio
23 equipment, or other electromagnetic systems and includes all
24 facilities and equipment owned, leased, or used by judges,
25 clerks, public defenders, state attorneys, and all staff of
26 the state courts system, state attorneys' offices, public
27 defenders' offices, and clerks of the circuit and county
28 courts performing court-related functions. Such system or
29 services shall include, but not be limited to:

30 1. Telephone system infrastructure, including computer
31 lines, telephone switching equipment, and maintenance, and

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1 facsimile equipment, wireless communications, cellular
 2 telephones, pagers, and video teleconferencing equipment and
 3 line charges. Each county shall continue to provide access to
 4 a local carrier for local and long distance service and shall
 5 pay toll charges for local and long distance service.

6 2. All computer networks, systems and equipment,
 7 including computer hardware and software, modems, printers,
 8 wiring, network connections, maintenance, support staff or
 9 services including any county-funded support staff located in
 10 the offices of the circuit court, county courts, state
 11 attorneys, and public defenders, training, supplies, and line
 12 charges necessary for an integrated computer system to support
 13 the operations and management of the state courts system, the
 14 offices of the public defenders, the offices of the state
 15 attorneys, and the offices of the clerks of the circuit and
 16 county courts and the capability to connect those entities and
 17 reporting data to the state as required for the transmission
 18 of revenue, performance accountability, case management, data
 19 collection, budgeting, and auditing purposes. The integrated
 20 computer system shall be operational by July 1, 2006, and, at
 21 a minimum, permit the exchange of financial, performance
 22 accountability, case management, case disposition, and other
 23 data across multiple state and county information systems
 24 involving multiple users at both the state level and within
 25 each judicial circuit and be able to electronically exchange
 26 judicial case background data, sentencing scoresheets, and
 27 video evidence information stored in integrated case
 28 management systems over secure networks. Once the integrated
 29 system becomes operational, counties may reject requests to
 30 purchase communication services included in this subparagraph
 31 not in compliance with standards, protocols, or processes

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1 adopted by the board established pursuant to s. 29.0086.

2 3. Courier messenger and subpoena services.

3 4. Auxiliary aids and services for qualified
4 individuals with a disability which are necessary to ensure
5 access to the courts. Such auxiliary aids and services
6 include, but are not limited to, sign language interpretation
7 services required under the federal Americans with
8 Disabilities Act other than services required to satisfy due
9 process requirements and identified as a state funding
10 responsibility pursuant to ss. 29.004, 29.005, 29.006, and
11 29.007, real-time transcription services for individuals who
12 are hearing impaired, and assistive listening devices and the
13 equipment necessary to implement such accommodations.

14 (g) "Existing radio systems" includes, but is not
15 limited to, law enforcement radio systems that are used by the
16 circuit and county courts, the offices of the public
17 defenders, the offices of the state attorneys, and for
18 court-related functions of the offices of the clerks of the
19 circuit and county courts. This includes radio systems that
20 were operational or under contract at the time Revision No. 7,
21 1998, to Art. V of the State Constitution was adopted and any
22 enhancements made thereafter, the maintenance of those
23 systems, and the personnel and supplies necessary for
24 operation.

25 (h) "Existing multiagency criminal justice information
26 systems" includes, but is not limited to, those components of
27 the multiagency criminal justice information system as defined
28 in s. 943.045, supporting the offices of the circuit or county
29 courts, the public defenders' offices, the state attorneys'
30 offices, or those portions of the offices of the clerks of the
31 circuit and county courts performing court-related functions

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1 that are used to carry out the court-related activities of
 2 those entities. This includes upgrades and maintenance of the
 3 current equipment, maintenance and upgrades of supporting
 4 technology infrastructure and associated staff, and services
 5 and expenses to assure continued information sharing and
 6 reporting of information to the state. The counties shall also
 7 provide additional information technology services, hardware,
 8 and software as needed for new judges and staff of the state
 9 courts system, state attorneys' offices, public defenders'
 10 offices, and the offices of the clerks of the circuit and
 11 county courts performing court-related functions.

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

14 29.015 Contingency fund; limitation of authority to
 15 transfer funds in contracted due process services
 16 appropriation categories.--

17 (2) In the event that a state attorney or public
 18 defender incurs a deficit in a contracted due process services
 19 appropriation category, the following steps shall be taken in
 20 order:

21 (a) The state attorney or public defender shall first
 22 attempt to identify surplus funds from other appropriation
 23 categories within his or her office and submit a budget
 24 amendment pursuant to chapter 216 to transfer funds from
 25 within the office.

26 (b) In the event that the state attorney or public
 27 defender is unable to identify surplus funds from within his
 28 or her office, he or she shall certify this to the Justice
 29 Administrative Commission along with a complete explanation of
 30 the circumstances which led to the deficit and steps the
 31 office has taken to reduce or alleviate the deficit. The

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1 Justice Administrative Commission shall inquire as to whether
 2 any other office has surplus funds in its contracted due
 3 process services appropriation categories which can be
 4 transferred to the office that is experiencing the deficit. If
 5 other offices indicate that surplus funds are available within
 6 the same appropriation category, the Justice Administrative
 7 Commission shall transfer the amount needed to fund the
 8 deficit and notify the Governor and the chair and vice chair
 9 of the legislative budget commission 14 days prior to a
 10 transfer pursuant to the notice, review, and objection
 11 provisions of s. 216.177. If funds appropriated for this
 12 purpose are available in a different budget entity, the
 13 Justice Administrative Commission shall request a budget
 14 amendment pursuant to chapter 216 ~~request a budget amendment~~
 15 ~~to transfer funds from the office or offices to alleviate the~~
 16 ~~deficit upon agreement of the contributing office or offices.~~

17 (c) If no office indicates that surplus funds are
 18 available to alleviate the deficit, the Justice Administrative
 19 Commission may request a budget amendment to transfer funds
 20 from the contingency fund. Such transfers shall be in
 21 accordance with all applicable provisions of chapter 216 and
 22 shall be subject to review and approval by the Legislative
 23 Budget Commission. The Justice Administrative Commission shall
 24 submit the documentation provided by the office explaining the
 25 circumstances that led to the deficit and the steps taken by
 26 the office and the Justice Administrative Commission to
 27 identify surplus funds to the Legislative Budget Commission.

28 Section 19. Section 29.018, Florida Statutes, is
 29 amended to read:

30 29.018 Cost sharing of due-process ~~due process costs~~;
 31 legislative intent.--It is the intent of the Legislature to

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1 provide state-funded due-process ~~due process~~ services to the
 2 state courts system, state attorneys, public defenders, and
 3 court-appointed counsel in the most cost-effective and
 4 efficient manner. The state courts system, state attorneys,
 5 public defenders, and the Justice Administrative Commission on
 6 behalf of court-appointed counsel may enter into contractual
 7 agreements to share, on a pro rata basis, the costs associated
 8 with court reporting services, court interpreter and
 9 translation services, court experts, and all other due-process
 10 ~~due process~~ services funded by the state pursuant to this
 11 chapter. These costs shall be budgeted within the funds
 12 appropriated to each of the affected users of services.

13 Section 20. Section 29.0185, Florida Statutes, is
 14 created to read:

15 29.0185 Provision of state-funded due-process services
 16 to individuals.--Due-process services may not be provided with
 17 state revenues to an individual unless:

18 (1) The individual on whose behalf the due-process
 19 services are being provided is eligible for court-appointed
 20 counsel under s. 27.40, based upon a determination of
 21 indigency under s. 27.52, regardless of whether such counsel
 22 is appointed; or

23 (2) The due-process services are provided pursuant to
 24 a court order.

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

27 34.045 Cost recovery; use of the county court for
 28 ordinance or special law violations.--

29 (1)(a) In lieu of payment of a filing fee under s.
 30 34.041, a filing fee of \$10 shall be paid by a county or
 31 municipality when filing a violation of a county or municipal

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1 ordinance or a violation of a special law in county court.

2 This fee shall be paid to the clerk of the court for
3 performing court-related functions. A county or municipality
4 is not required to pay more than one filing fee for a single
5 filing that contains multiple alleged violations. A filing
6 fee, other than that imposed under this section, may not be
7 assessed for initiating an enforcement proceeding in county
8 court for a violation of a county or municipal code or
9 ordinance or a violation of a special law. The filing fee
10 under this section does not apply to:

11 1. Violations of a local government code that are
12 enforced under part I of chapter 162;

13 2. Instances in which a county or a municipality has
14 contracted with the state, or has been delegated by the state,
15 responsibility for enforcing state operations, policies, or
16 requirements under s. 125.69, s. 166.0415, or chapter 162; or

17 3. Instances in which the filing of a violation of a
18 county or municipal code or ordinance or a violation of a
19 special law also includes a violation of state law.

20 (b) No other filing fee may be assessed for filing the
21 violation in county court. If a person contests the violation
22 in court, the court shall assess \$40 in costs against the
23 nonprevailing party. The county or municipality shall be
24 considered the prevailing party when there is a plea or
25 finding of violation or guilt to any count or lesser included
26 offense of the charge or companion case charges, regardless of
27 adjudication. Costs ~~cost~~ recovered pursuant to this paragraph
28 shall be deposited into the clerk's fine and forfeiture fund
29 established pursuant to s. 142.01.

30 (c) If the person does not contest the violation in
31 court, or if the county or municipality is the prevailing

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1 party, the court shall assess the person or nonprevailing
2 party \$10 for the filing fee provided in paragraph (a), which
3 amount shall be forwarded to the county or municipality.

4 Section 22. Effective upon this act becoming a law,
5 section 34.191, Florida Statutes, is amended to read:

6 34.191 Fines and forfeitures; dispositions.--

7 (1) All fines and forfeitures arising from offenses
8 tried in the county court shall be collected and accounted for
9 by the clerk of the court and, other than the charge provided
10 in s. 318.1215, disbursed in accordance with ss. 28.2402,
11 34.045, 142.01, and 142.03 ~~142.13~~ and subject to the
12 provisions of s. 28.246(5) and (6). Notwithstanding the
13 provisions of this section, all fines and forfeitures arising
14 from operation of the provisions of s. 318.1215 shall be
15 disbursed in accordance with that section.

16 (2)(a) All fines and forfeitures received from
17 violations of municipal ordinances committed within a
18 municipality within the territorial jurisdiction of the county
19 court, other than the charge provided in s. 318.1215, shall be
20 paid monthly to the municipality except as provided in s.
21 28.2402(2), s. 34.045(2), s. 318.21, or s. 943.25.

22 (b) Notwithstanding paragraph (a), all fines and
23 forfeitures arising from offenses committed within an
24 unincorporated area of a municipality having a consolidated
25 government under s. 6(e), Art. VIII of the State Constitution
26 shall be paid monthly to the clerk of the county court.

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

31 Section 23. Subsection (3) of section 39.0132, Florida

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1 Statutes, is amended to read:

2 39.0132 Oaths, records, and confidential
3 information.--

4 (3) The clerk shall keep all court records required by
5 this chapter separate from other records of the circuit court.
6 All court records required by this chapter shall not be open
7 to inspection by the public. All records shall be inspected
8 only upon order of the court by persons deemed by the court to
9 have a proper interest therein, except that, subject to the
10 provisions of s. 63.162, a child and the parents of the child
11 and their attorneys, guardian ad litem, law enforcement
12 agencies, and the department and its designees shall always
13 have the right to inspect and copy any official record
14 pertaining to the child. The Justice Administrative Commission
15 may inspect court dockets required by this chapter as
16 necessary to audit compensation of court-appointed attorneys.
17 If the docket is insufficient for purposes of the audit, the
18 commission may petition the court for additional documentation
19 as necessary and appropriate. The court may permit authorized
20 representatives of recognized organizations compiling
21 statistics for proper purposes to inspect and make abstracts
22 from official records, under whatever conditions upon their
23 use and disposition the court may deem proper, and may punish
24 by contempt proceedings any violation of those conditions.

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

27 39.821 Qualifications of guardians ad litem.--

28 (1) Because of the special trust or responsibility
29 placed in a guardian ad litem, the Guardian Ad Litem Program
30 may use any private funds collected by the program, or any
31 state funds so designated, to conduct a security background

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1 investigation before certifying a volunteer to serve. A
2 security background investigation must include, but need not
3 be limited to, employment history checks, checks of
4 references, local criminal records checks through local law
5 enforcement agencies, and statewide criminal records checks
6 through the Department of Law Enforcement. Upon request, an
7 employer shall furnish a copy of the personnel record for the
8 employee or former employee who is the subject of a security
9 background investigation conducted under this section. The
10 information contained in the personnel record may include, but
11 need not be limited to, disciplinary matters and the reason
12 why the employee was terminated from employment. An employer
13 who releases a personnel record for purposes of a security
14 background investigation is presumed to have acted in good
15 faith and is not liable for information contained in the
16 record without a showing that the employer maliciously
17 falsified the record. A security background investigation
18 conducted under this section must ensure that a person is not
19 certified as a guardian ad litem if the person has been
20 convicted of, regardless of adjudication, or entered a plea of
21 nolo contendere or guilty to, any offense prohibited under the
22 provisions of the Florida Statutes specified in s. 435.04(2)
23 or under any similar law in another jurisdiction. Before
24 certifying an applicant to serve as a guardian ad litem, the
25 Guardian Ad Litem Program ~~chief judge of the circuit court~~ may
26 request a federal criminal records check of the applicant
27 through the Federal Bureau of Investigation. In analyzing and
28 evaluating the information obtained in the security background
29 investigation, the program must give particular emphasis to
30 past activities involving children, including, but not limited
31 to, child-related criminal offenses or child abuse. The

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1 program has the sole discretion in determining whether to
 2 certify a person based on his or her security background
 3 investigation. The information collected pursuant to the
 4 security background investigation is confidential and exempt
 5 from s. 119.07(1).

6 Section 25. Section 39.822, Florida Statutes, is
 7 amended to read:

8 39.822 Appointment of guardian ad litem for abused,
 9 abandoned, or neglected child.--

10 (1) A guardian ad litem shall be appointed by the
 11 court at the earliest possible time to represent the child in
 12 any child abuse, abandonment, or neglect judicial proceeding,
 13 whether civil or criminal. Any person participating in a civil
 14 or criminal judicial proceeding resulting from such
 15 appointment shall be presumed prima facie to be acting in good
 16 faith and in so doing shall be immune from any liability,
 17 civil or criminal, that otherwise might be incurred or
 18 imposed.

19 (2) In those cases in which the parents are
 20 financially able, the parent or parents of the child shall
 21 reimburse the court, in part or in whole, for the cost of
 22 provision of guardian ad litem services. Reimbursement to the
 23 individual providing guardian ad litem services shall not be
 24 contingent upon successful collection by the court from the
 25 parent or parents.

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

28 (a) An agency, defined in chapter 119, shall allow the
 29 guardian ad litem to inspect and copy records related to the
 30 best interests of the child who is the subject of the
 31 appointment, including, but not limited to, records made

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1 confidential or exempt from s. 119.07(1) or s. 24(a), Art. I
 2 of the State Constitution. The guardian ad litem shall
 3 maintain the confidential or exempt status of any records
 4 shared by an agency under this paragraph.

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

10

11 For the purposes of this subsection, the term "records related
 12 to the best interests of the child" includes, but is not
 13 limited to, medical, mental health, substance abuse, child
 14 care, education, law enforcement, court, social services, and
 15 financial records.

16 (4)(3) The guardian ad litem or the program
 17 representative shall review all disposition recommendations
 18 and changes in placements, and must be present at all critical
 19 stages of the dependency proceeding or submit a written report
 20 of recommendations to the court. Written reports must be filed
 21 with the court and served on all parties whose whereabouts are
 22 known at least 72 hours prior to the hearing.

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

25 40.29 Payment of due process costs.--

26 (1)(a) Each clerk of the circuit court, on behalf of
 27 the courts, the state attorney, ~~and~~ the public defender, and
 28 court-appointed counsel, shall forward to the Justice
 29 Administrative Commission, by county, a quarterly estimate of
 30 funds necessary to pay for ordinary witnesses, including, but
 31 not limited to, witnesses in civil traffic cases and witnesses

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1 of the state attorney, public defender, court-appointed
 2 counsel, and persons determined to be indigent for costs
 3 ~~except expert witnesses paid pursuant to a contract or other~~
 4 ~~professional services agreement, pursuant to ss. 29.005 and~~
 5 ~~29.006.~~ Each quarter of the state fiscal year, the commission,
 6 based upon the estimates, shall advance funds to each clerk to
 7 pay for these ordinary witnesses from state funds specifically
 8 appropriated for the payment of ordinary witnesses.

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

13 Section 27. Section 40.355, Florida Statutes, is
 14 created to read:

15 40.355 Accounting and payment to public defenders and
 16 state attorneys.--The clerk of the court shall, within 2 weeks
 17 after the last day of the state's quarterly fiscal period,
 18 render to the state attorney and the public defender in each
 19 circuit a full statement of accounts for moneys received and
 20 disbursed under this chapter.

21 Section 28. Subsections (5) and (6) of section 43.16,
 22 Florida Statutes, are amended, and subsection (7) is added to
 23 that section, to read:

24 43.16 Justice Administrative Commission; membership,
 25 powers and duties.--

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

28 (a) The maintenance of a central state office for
 29 administrative services and assistance when possible to and on
 30 behalf of the state attorneys and public defenders of Florida,
 31 the office of capital collateral representative of Florida,

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1 and the Guardian ad litem Program ~~Judicial Qualifications~~
2 ~~Commission.~~

3 (b) Each state attorney and public defender and the
4 Guardian ad litem Program ~~Judicial Qualifications Commission~~
5 shall continue to prepare necessary budgets, vouchers which
6 represent valid claims for reimbursement by the state for
7 authorized expenses, and other things incidental to the proper
8 administrative operation of the office, such as revenue
9 transmittals to the Chief Financial Officer and automated
10 systems plans, but will forward same to the commission for
11 recording and submission to the proper state officer. However,
12 when requested by a state attorney or a public defender or the
13 Guardian ad litem Program ~~Judicial Qualifications Commission~~,
14 the commission will either assist in the preparation of budget
15 requests, voucher schedules, and other forms and reports or
16 accomplish the entire project involved.

17 (6) The provisions contained in this section shall be
18 supplemental to those of chapter 27, relating to state
19 attorneys and public defenders; to those of chapter 39 s.
20 ~~43.20~~, relating to the Guardian ad litem Program ~~Judicial~~
21 ~~Qualifications Commission~~; or to other laws pertaining hereto.

22 (7) Chapter 120 does not apply to the Justice
23 Administrative Commission.

24 Section 29. subsection (6) is added to section 43.26,
25 Florida Statutes, to read:

26 43.26 Chief judge of circuit; selection; powers.--

27 (6) The chief judge of each circuit is charged by s.
28 2(d), Article V of the Florida Constitution and this section
29 with the authority to promote the prompt and efficient
30 administration of justice in the courts over which he or she
31 is chief judge. The clerks of court provide court-related

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1 functions which are essential to the orderly administration of
 2 the judicial branch. The chief judge of each circuit, after
 3 consultation with the clerk of court, shall determine the
 4 priority of services provided by the clerk of court to the
 5 trial court. The clerk of court shall manage the performance
 6 of such services in a method or manner that is consistent with
 7 statute, court rule, or administrative order.

8 Section 30. Paragraph (b) of subsection (4) of section
 9 44.102, Florida Statutes, is amended to read:

10 44.102 Court-ordered mediation.--

11 (4) The chief judge of each judicial circuit shall
 12 maintain a list of mediators who have been certified by the
 13 Supreme Court and who have registered for appointment in that
 14 circuit.

15 (b) Nonvolunteer mediators shall be compensated
 16 according to rules adopted by the Supreme Court. If a
 17 mediation program is not funded pursuant to s. 44.108, a
 18 mediator may be compensated by the county or by the parties.
 19 ~~When a party has been declared indigent or insolvent, that~~
 20 ~~party's pro rata share of a mediator's compensation shall be~~
 21 ~~paid by the county at the rate set by administrative order of~~
 22 ~~the chief judge of the circuit.~~

23 Section 31. Section 44.108, Florida Statutes, is
 24 amended to read:

25 44.108 Funding of mediation and arbitration.--

26 (1) Mediation and arbitration should be accessible to
 27 all parties regardless of financial status. A filing fee of \$1
 28 is levied on all proceedings in the circuit or county courts
 29 to fund mediation and arbitration services which are the
 30 responsibility of the Supreme Court pursuant to the provisions
 31 of s. 44.106. The clerk of the court shall forward the moneys

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1 collected to the Department of Revenue for deposit in the
2 state courts' Mediation and Arbitration Trust Fund.

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

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

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

13 (c) Forty dollars per person per scheduled session in
14 county court cases.

15

16 No mediation fees shall be assessed under this subsection in
17 residential eviction cases, against a party found to be
18 indigent, or for any small claims action. Fees collected by
19 the clerk of court pursuant to this section shall be remitted
20 to the Department of Revenue for deposit into the state
21 courts' Mediation and Arbitration Trust Fund to fund
22 court-ordered mediation. The clerk of court may deduct \$1 per
23 fee assessment for processing this fee. The clerk of the court
24 shall submit to the chief judge of the circuit, no later than
25 30 days after the end of each quarter, a report specifying the
26 amount of funds collected under this section during each
27 quarter of the fiscal year.

28 Section 32. Subsection (1) of section 57.081, Florida
29 Statutes, is amended to read:

30 57.081 Costs; right to proceed where prepayment of
31 costs waived.--

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1 (1) Any indigent person, except a prisoner as defined
 2 in s. 57.085, who is a party or intervenor in any judicial or
 3 administrative agency proceeding or who initiates such
 4 proceeding shall receive the services of the courts, sheriffs,
 5 and clerks, with respect to such proceedings, despite his or
 6 her present inability to pay for these services. Such services
 7 are limited to filing fees; service of process; certified
 8 copies of orders or final judgments; a single photocopy of any
 9 court pleading, record, or instrument filed with the clerk;
 10 examining fees; mediation services and fees; private
 11 court-appointed counsel fees; subpoena fees and services;
 12 service charges for collecting and disbursing funds; and any
 13 other cost or service arising out of pending litigation. In
 14 any appeal from an administrative agency decision, for which
 15 the clerk is responsible for preparing the transcript, the
 16 clerk shall record the cost of preparing the transcripts and
 17 the cost for copies of any exhibits in the record. Prepayment
 18 of costs to any court, clerk, or sheriff is not required in
 19 any action if the party has obtained in each proceeding a
 20 certification of indigence in accordance with s. 27.52 or s.
 21 57.082.

22 Section 33. Section 57.082, Florida Statutes, is
 23 created to read:

24 57.082 Determination of civil indigent status.--

25 (1) APPLICATION TO THE CLERK.--A person seeking
 26 appointment of a private attorney in a type of civil case for
 27 which court-appointed counsel is authorized, or seeking relief
 28 from prepayment of fees and costs under s. 57.081, based upon
 29 an inability to pay must apply to the clerk of the court for a
 30 determination of civil indigent status using an application
 31 form developed by the Florida Clerks of Court Operations

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1 Corporation and submitted to the Supreme Court for approval.

2 (a) The application must include, at a minimum, the
3 following financial information:

4 1. Net income, consisting of total salary and wages,
5 minus deductions required by law, including court-ordered
6 support payments.

7 2. Other income, including, but not limited to, social
8 security benefits, union funds, veterans' benefits, workers'
9 compensation, other regular support from absent family
10 members, public or private employee pensions, unemployment
11 compensation, dividends, interest, rent, trusts, and gifts.

12 3. Assets, including, but not limited to, cash,
13 savings accounts, bank accounts, stocks, bonds, certificates
14 of deposit, equity in real estate, and equity in a boat or a
15 motor vehicle or in other tangible property.

16 4. All liabilities and debts.

17
18 The application must include a signature by the applicant
19 which attests to the truthfulness of the information provided.
20 The application form developed by the corporation must include
21 notice that the applicant may seek court review of a clerk's
22 determination that the applicant is not indigent, as provided
23 in this section.

24 (b) The clerk shall assist a person who appears before
25 the clerk and requests assistance in completing the
26 application, and the clerk shall notify the court if a person
27 is unable to complete the application after the clerk has
28 provided assistance.

29 (c) The clerk shall accept an application that is
30 signed by the applicant and submitted on his or her behalf by
31 a private attorney who is representing the applicant in the

1 applicable matter.

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

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

13 2. There is a presumption that the applicant is not
14 indigent if the applicant owns, has equity in, or has the
15 expectancy of any interest in any intangible or tangible
16 personal property or real property having a net equity value
17 of \$2,500 or more, excluding the value of the person's
18 homestead and one vehicle having a net value not exceeding
19 \$5,000.

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

22 1. The applicant is not indigent.

23 2. The applicant is indigent.

24 (c) If the clerk determines that the applicant is
25 indigent, the clerk shall immediately file the determination
26 in the case record.

27 (d) The duty of the clerk in determining whether an
28 applicant is indigent, is limited to receiving the application
29 and comparing the information provided in the application to
30 the criteria prescribed in this subsection. The determination
31 of indigent status is a ministerial act of the clerk and may

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1 not be based on further investigation or the exercise of
2 independent judgment by the clerk. The clerk may contract with
3 third parties to perform functions assigned to the clerk under
4 this section.

5 (e) The applicant may seek review of the clerk's
6 determination that the applicant is not indigent in the court
7 having jurisdiction over the matter by filing a petition to
8 review the clerk's determination of nonindigent status for
9 which a filing fee may not be charged. If the applicant seeks
10 review of the clerk's determination of indigent status, the
11 court shall make a final determination as provided in
12 subsection (4).

13 (3) APPOINTMENT OF COUNSEL ON AN INTERIM BASIS.--If
14 the clerk of the court has not made a determination of
15 indigent status at the time a person requests appointment of a
16 private attorney in a civil case eligible for court-appointed
17 counsel, the court shall make a preliminary determination of
18 indigent status, pending further review by the clerk, and may,
19 by court order, appoint private counsel on an interim basis.

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

21 (a) If the clerk of the court determines that the
22 applicant is not indigent, and the applicant seeks review of
23 the clerk's determination, the court shall make a final
24 determination of indigent status by reviewing the information
25 provided in the application against the criteria prescribed in
26 subsection (2) and by considering the following additional
27 factors:

28 1. Whether paying for private counsel or other fees
29 and costs creates a substantial hardship for the applicant or
30 the applicant's family.

31 2. Whether the applicant is proceeding pro se or is

1 represented by a private attorney for a fee or on a pro-bono
2 basis.

3 3. When the applicant retained private counsel.

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

6 5. Any other relevant financial circumstances of the
7 applicant or the applicant's family.

8 (b) Based upon its review, the court shall make one of
9 the following determinations and shall, if appropriate,
10 appoint private counsel:

11 1. The applicant is not indigent.

12 2. The applicant is indigent.

13 (5) PROCESSING CHARGE; PAYMENT PLANS.--

14 (a) A person who the clerk or the court determines is
15 indigent for civil proceedings under this section shall, upon
16 the request of the party, be enrolled in a payment plan under
17 s. 28.246 and shall be charged an administrative fee under s.
18 28.24(26)(b) and (c). A monthly payment amount, calculated
19 based upon all fees and all anticipated costs, is presumed to
20 correspond to the person's ability to pay if it does not
21 exceed 2 percent of the person's annual net income, as defined
22 in subsection (1), divided by 12. The person may seek review
23 of the clerk's decisions regarding a payment plan established
24 under s. 28.246 in the court having jurisdiction over the
25 matter. A case may not be impeded in any way, delayed in
26 filing, or delayed in its progress, including the final
27 hearing and order, due to nonpayment of any fees by an
28 indigent person.

29 (b) Notwithstanding paragraph (a), a person who the
30 clerk or the court determines is indigent is entitled to the
31 waiver of all costs for the services listed in s. 57.081 if

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1 that person's income is equal to or below 150 percent of the
 2 then-current federal poverty guidelines prescribed for the
 3 size of the household of the applicant by the United States
 4 Department of Health and Human Services or if the person is
 5 receiving Temporary Assistance for Needy Families-Cash
 6 Assistance, poverty-related veterans' benefits, or
 7 Supplemental Security Income (SSI).

8 (6) FINANCIAL DISCREPANCIES; FRAUD; FALSE
 9 INFORMATION.--

10 (a) If the court learns of discrepancies between the
 11 application and the actual financial status of the person
 12 found to be indigent, the court shall determine whether the
 13 status and any relief provided as a result of that status
 14 shall be revoked. The person may be heard regarding the
 15 information learned by the court. If the court, based on the
 16 information, determines that the person is not indigent, the
 17 court shall revoke the provision of any relief under this
 18 section.

19 (b) If the court has reason to believe that any
 20 applicant, through fraud or misrepresentation, was improperly
 21 determined to be indigent, the matter shall be referred to the
 22 state attorney. Twenty-five percent of any amount recovered by
 23 the state attorney as reasonable value of the services
 24 rendered, including fees, charges, and costs paid by the state
 25 on the person's behalf, shall be remitted to the Department of
 26 Revenue for deposit into the Grants and Donations Trust Fund
 27 within the Justice Administrative Commission for appropriation
 28 by the Legislature to the state attorney. Seventy-five percent
 29 of any amount recovered shall be remitted to the Department of
 30 Revenue for deposit into the General Revenue Fund.

31 (c) A person who knowingly provides false information

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1 to the clerk or the court in seeking a determination of
 2 indigent status under this section commits a misdemeanor of
 3 the second degree, punishable as provided in s. 775.082 or s.
 4 775.083.

5 Section 34. Section 61.1828, Florida Statutes, is
 6 created to read:

7 61.1828 Court and witness fees non-Title IV-D cases;
 8 bond.--

9 (1) A non-Title IV-D county child support enforcement
 10 agency or an authorized agent thereof is entitled to the
 11 necessary services of the clerk and court reporter in any
 12 proceedings brought to enforce child support orders or to
 13 otherwise collect child support on behalf of eligible county
 14 residents, including contempt proceedings. Fees for such court
 15 reporter or clerk services may not be charged against the
 16 agency or agency's client. A bond is not required of the
 17 agency for any action taken to enforce child support orders or
 18 to otherwise collect child support on behalf of eligible
 19 county residents, except by order of the court. This
 20 subsection does not prevent the depository from charging and
 21 collecting fees for services rendered.

22 (2) Notwithstanding s. 28.241, each clerk of the
 23 circuit court shall accept petitions, complaints, and motions
 24 filed by a non-Title IV-D county child support enforcement
 25 agency or an authorized agent thereof in non-Title IV-D cases
 26 and may not collect any fees from the non-Title IV-D county
 27 child support enforcement agency or the agency's client.

28 (3) Witness fees may not be paid to any party to a
 29 petition or complaint or to any parent or legal custodian of a
 30 dependent child described in a petition or complaint filed by
 31 a non-Title IV-D county child support enforcement agency or an

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1 authorized agent thereof.

2 (4) As used in this section, the term "non-Title IV-D
3 county child support enforcement agency" has the same meaning
4 as in s. 61.1827(3).

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

7 92.142 Witnesses; pay.--

8 (1) Witnesses in all cases, civil and criminal, in all
9 courts, now or hereafter created, and witnesses summoned
10 before any arbitrator or general or special magistrate
11 appointed by the court shall receive for each day's actual
12 attendance \$5 and also 6 cents per mile for actual distance
13 traveled to and from the courts. A witness in a criminal case
14 required to appear in a county other than the county of his or
15 her residence and residing more than 50 miles from the
16 location of the trial shall be entitled to per diem and travel
17 expenses at the same rate provided for state employees under
18 s. 112.061, in lieu of any other witness fee ~~at the discretion~~
19 ~~of the court.~~

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

23 92.231 Expert witnesses; fee.--

24 (2) Any expert or skilled witness who shall have
25 testified in any cause shall be allowed a witness fee
26 including the cost of any exhibits used by such witness in an
27 amount agreed to by the parties, and the same shall be taxed
28 as costs. In instances where services are provided for the
29 state, including for state-paid private court-appointed
30 counsel, payment from state funds shall be in accordance with
31 standards adopted by the Legislature ~~after receiving~~

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1 ~~recommendations from the Article V Indigent Services Advisory~~
2 ~~Board.~~

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

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

12 110.205 Career service; exemptions.--

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

15 (y) All officers and employees of the Justice
16 Administrative Commission, Office of the State Attorney,
17 Office of the Public Defender, regional offices of capital
18 collateral counsel, and Statewide Guardian Ad Litem Office,
19 including the circuit guardian ad litem programs.

20 Section 38. Subsection (1) of section 116.01, Florida
21 Statutes, is amended to read:

22 116.01 Payment of public funds into treasury.--

23 (1) Every state and county officer within this state
24 authorized to collect funds due the state or county shall pay
25 all sums officially received by the officer into the state or
26 county treasury not later than 7 working days from the close
27 of the week in which the officer received the funds. Funds
28 received by the county officer on behalf of the state shall be
29 deposited directly to the account of the State Treasury not
30 later than 7 working days from the close of the week in which
31 the officer received the funds. The clerk of the court, when

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

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

5 116.21 Unclaimed moneys; limitation.--

6 (1) The sheriffs and clerks of the courts of the
7 various counties of the state are authorized at their
8 discretion on or before September 25 of each and every year
9 hereafter to pay into the fine and forfeiture fund of their
10 respective counties or the fine and forfeiture fund created
11 under s.142.01 any or all unclaimed moneys deposited or
12 collected by them in their official capacity, which unclaimed
13 moneys came into their hands prior to January 1 of the
14 preceding year and for which moneys claim has not been made.
15 Any unclaimed monies collected or deposited by the clerk of
16 the circuit court in the course of the clerk's court-related
17 activities may be processed under this chapter; however, the
18 clerk must pay for the cost of publication of the list of
19 unclaimed court-related funds. Any unclaimed court-related
20 funds collected or deposited by the clerk which remain
21 unclaimed must be deposited into the fine and forfeiture fund
22 established under s. 142.01.

23 (4) Except for the cost of publishing the notice for
24 clerk's unclaimed court-related monies, the cost of publishing
25 the notices as required by subsection (2) shall be paid by the
26 county commissioners, and the sheriff or the clerk shall
27 receive as compensation the regular fee allowed by statute for
28 the collection of fines, fees, and costs adjudged to the state
29 upon the amounts remitted to the fine and forfeiture fund.
30 Upon such payment to the fine and forfeiture fund, the sheriff
31 or clerk shall be released and discharged from any and all

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1 further responsibility or liability in connection therewith.

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

4 119.07 Inspection and copying of records;
5 photographing public records; fees; exemptions.--

6 (6)

7 (gg)1. Until January 1, 2007 ~~2006~~, if a social
8 security number, made confidential and exempt pursuant to s.
9 119.0721, created pursuant to s. 1, ch. 2002-256, passed
10 during the 2002 regular legislative session, or a complete
11 bank account, debit, charge, or credit card number made exempt
12 pursuant to paragraph (dd), created pursuant to s. 1, ch.
13 2002-257, passed during the 2002 regular legislative session,
14 is or has been included in a court file, such number may be
15 included as part of the court record available for public
16 inspection and copying unless redaction is requested by the
17 holder of such number, or by the holder's attorney or legal
18 guardian, in a signed, legibly written request specifying the
19 case name, case number, document heading, and page number. The
20 request must be delivered by mail, facsimile, electronic
21 transmission, or in person to the clerk of the circuit court.
22 The clerk of the circuit court does not have a duty to inquire
23 beyond the written request to verify the identity of a person
24 requesting redaction. A fee may not be charged for the
25 redaction of a social security number or a bank account,
26 debit, charge, or credit card number pursuant to such request.

27 2. Any person who prepares or files a document to be
28 recorded in the official records by the county recorder as
29 provided in chapter 28 may not include a person's social
30 security number or complete bank account, debit, charge, or
31 credit card number in that document unless otherwise expressly

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1 required by law. Until January 1, 2007 ~~2006~~, if a social
 2 security number or a complete bank account, debit, charge or
 3 credit card number is or has been included in a document
 4 presented to the county recorder for recording in the official
 5 records of the county, such number may be made available as
 6 part of the official record available for public inspection
 7 and copying. Any person, or his or her attorney or legal
 8 guardian, may request that a county recorder remove from an
 9 image or copy of an official record placed on a county
 10 recorder's publicly available Internet website, or a publicly
 11 available Internet website used by a county recorder to
 12 display public records outside the office or otherwise made
 13 electronically available outside the county recorder's office
 14 to the general public, his or her social security number or
 15 complete account, debit, charge, or credit card number
 16 contained in that official record. Such request must be
 17 legibly written, signed by the requester, and delivered by
 18 mail, facsimile, electronic transmission, or in person to the
 19 county recorder. The request must specify the identification
 20 page number of the document that contains the number to be
 21 redacted. The county recorder does not have a duty to inquire
 22 beyond the written request to verify the identity of a person
 23 requesting redaction. A fee may not be charged for redacting
 24 such numbers.

25 3. Upon the effective date of this act, subsections
 26 (3) and (4) of s. 119.0721, do not apply to the clerks of the
 27 court or the county recorder with respect to circuit court
 28 records and official records.

29 4. On January 1, 2007 ~~2006~~, and thereafter, the clerk
 30 of the circuit court and the county recorder must keep
 31 complete bank account, debit, charge, and credit card numbers

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1 exempt as provided for in paragraph (dd), and must keep social
2 security numbers confidential and exempt as provided for in s.
3 119.0721, without any person having to request redaction.

4 Section 41. Section 142.01, Florida Statutes, is
5 amended to read:

6 142.01 Fine and forfeiture fund; clerk of the circuit
7 court.--There shall be established by the clerk of the circuit
8 court in each county of this state a separate fund to be known
9 as the fine and forfeiture fund for use by the clerk of the
10 circuit court in performing court-related functions. The fund
11 shall consist of the following:

12 (1) Fines and penalties pursuant to ss. 28.2402(2),
13 34.045(2), 316.193, 327.35, 327.72, 372.72(1), and 775.083(1).

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

16 (3) Court costs pursuant to ss. 28.2402(1)(b),
17 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a) and
18 (11)(a), and 938.05(3).

19 (4) Proceeds from forfeited bail bonds, unclaimed
20 bonds, unclaimed moneys, or recognizances pursuant to ss.
21 321.05(4)(a), 372.72(1), and 903.26(3)(a).

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

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

25
26 Notwithstanding the provisions of this section, all fines and
27 forfeitures arising from operation of the provisions of s.
28 318.1215 shall be disbursed in accordance with that section.

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

31 213.13 Electronic remittance and distribution of funds

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1 collected by clerks of the court.--

2 (5) All court-related collections, including fees,
3 finances, reimbursements, court costs, and other court-related
4 funds that the clerks must remit to the state pursuant to law,
5 must be transmitted electronically by the 20th day of the
6 month immediately following the month in which the funds are
7 collected.

8 Section 43. Section 219.07, Florida Statutes, is
9 amended to read:

10 219.07 Disbursements.--Each officer shall, not later
11 than 7 working days from the close of the week in which the
12 officer received the funds, distribute the money which is
13 required to be paid to other officers, agencies, funds, or
14 persons entitled to receive the same; provided, that
15 distributions or partial distributions may be made more
16 frequently; and provided further, that money required by law
17 or court order, or by the purpose for which it was collected,
18 to be held and disbursed for a particular purpose in a manner
19 different from that set out herein shall be held and disbursed
20 accordingly. Further, money collected by the county officer on
21 behalf of the state, except for money collected by the clerk
22 of the court as part of court-related functions, shall be
23 deposited directly to the account of the State Treasury not
24 later than 7 working days from the close of the week in which
25 the officer received the funds. The clerk of the court, when
26 collecting money as part of the clerk's court-related
27 functions, must remit that money as required under s. 28.245.

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

30 219.075 Investment of surplus funds by county
31 officers.--

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1 (1)(a) Except when another procedure is prescribed by
 2 law or by ordinance as to particular funds, a tax collector or
 3 any other county officer having, receiving, or collecting any
 4 money, either for his or her office or on behalf of and
 5 subject to subsequent distribution to another officer of state
 6 or local government, while such money is in excess of that
 7 required to meet current expenses or is pending distribution,
 8 shall invest such money, without limitation, as provided in s.
 9 218.415.

10 (b) These investments shall be planned so as not to
 11 slow the normal distribution of the subject funds. The
 12 investment earnings shall be reasonably apportioned and
 13 allocated and shall be credited to the account of, and paid
 14 to, the office or distributee, together with the principal on
 15 which such earnings accrued.

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

20 Section 45. Section 318.121, Florida Statutes, is
 21 amended to read:

22 318.121 Preemption of additional fees, fines,
 23 surcharges, and costs.--Notwithstanding any general or special
 24 law, or municipal or county ordinance, additional fees, fines,
 25 surcharges, or costs, other than the court costs and
 26 surcharges assessed under s. 318.18(11) and (13), may not be
 27 added to the civil traffic penalties assessed in this chapter.

28 Section 46. Subsection (13) of section 318.18, Florida
 29 Statutes, is amended, to read:

30 318.18 Amount of civil penalties.--The penalties
 31 required for a noncriminal disposition pursuant to s. 318.14

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1 are as follows:

2 (13) In addition to any penalties imposed for
3 noncriminal traffic infractions pursuant to this chapter or
4 imposed for criminal violations listed in s. 318.17, a board
5 of county commissioners or any unit of local government which
6 is consolidated as provided by s. 9, Art. VIII of the State
7 Constitution of 1885, as preserved by s. 6(e), Art. VIII of
8 the Constitution of 1968:

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

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

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1 A county may not impose both of the surcharges authorized
 2 under paragraphs (a) and (b) concurrently. The clerk of court
 3 shall report, no later than 30 days after the end of the
 4 quarter, the amount of funds collected under this subsection
 5 during each quarter of the fiscal year. The clerk shall submit
 6 the report, in a format developed by the Office of State
 7 Courts Administrator, to the chief judge of the circuit, the
 8 Governor, the President of the Senate, and the Speaker of the
 9 House of Representatives.

10 Section 47. Effective upon this act becoming a law,
 11 paragraph (g) of subsection (2) of section 318.21, Florida
 12 Statutes, is amended to read:

13 318.21 Disposition of civil penalties by county
 14 courts.--All civil penalties received by a county court
 15 pursuant to the provisions of this chapter shall be
 16 distributed and paid monthly as follows:

17 (2) Of the remainder:

18 (g)1. If the violation occurred within a special
 19 improvement district of the Seminole Indian Tribe or
 20 Miccosukee Indian Tribe, 56.4 percent shall be paid to that
 21 special improvement district.

22 2. If the violation occurred within a municipality,
 23 50.8 percent shall be paid to that municipality and 5.6
 24 percent shall be deposited into the fine and forfeiture trust
 25 fund established pursuant to s. 142.01.

26 3. If the violation occurred within the unincorporated
 27 area of a county that is not within a special improvement
 28 district of the Seminole Indian Tribe or Miccosukee Indian
 29 Tribe or, notwithstanding subparagraph 2., if the violation
 30 occurred within the unincorporated area of a municipality
 31 having a consolidated government under s. 6(e), Article VIII

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1 of the State Constitution, 56.4 percent shall be deposited
2 into the fine and forfeiture fund established pursuant to s.
3 142.01.

4 Section 48. Section 318.31, Florida Statutes, is
5 amended to read:

6 318.31 Objectives.--The Supreme Court is hereby
7 requested to adopt rules and procedures for the establishment
8 and operation of Civil Traffic Infraction Hearing Officer
9 Programs under ss. 318.30-318.38. ~~However, the appointment of~~
10 ~~a hearing officer shall be at the option of the county~~
11 ~~electing to establish such a program, upon recommendation by~~
12 ~~the county court judge or judges, as the case may be, and the~~
13 ~~Chief Judge of the Circuit and approval by the Chief Justice~~
14 ~~of the Supreme Court.~~

15 Section 49. Section 318.325, Florida Statutes, is
16 amended to read:

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

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1 Section 50. Section 322.29, Florida Statutes, is
2 amended to read:

3 322.29 Surrender and return of license.--

4 (1) The department, upon suspending or revoking a
5 license, shall require that such license be surrendered to the
6 department. At the end of the period of suspension, such
7 license so surrendered shall be returned, or a duplicate
8 license issued, to the licensee after the applicant has
9 successfully passed the vision, sign, and traffic law
10 examinations. In addition, pursuant to s. 322.221, the
11 department may require the licensee to successfully complete a
12 driving examination. The department is prohibited from
13 requiring the surrender of a license except as authorized by
14 this chapter.

15 (2) The provisions of subsection (1) to the contrary
16 notwithstanding, no examination is required for the return of
17 a license suspended under s. 318.15 or s. 322.245 unless an
18 examination is otherwise required by this chapter. Every
19 person applying for the return of a license suspended under s.
20 318.15 or s. 322.245 shall present to the department
21 certification from the court that he or she has complied with
22 all obligations and penalties imposed on him or her pursuant
23 to s. 318.15 or, in the case of a suspension pursuant to s.
24 322.245, that he or she has complied with all directives of
25 the court and the requirements of s. 322.245 and shall pay to
26 the department a nonrefundable service fee of ~~\$47.50~~^{\$35}, of
27 which ~~\$37.50~~^{\$25} shall be deposited into the General Revenue
28 Fund and \$10 shall be deposited into the Highway Safety
29 Operating Trust Fund. If reinstated by the clerk of the court
30 or tax collector, ~~\$37.50~~^{\$25} shall be retained and \$10 shall
31 be remitted to the Department of Revenue for deposit into the

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1 Highway Safety Operating Trust Fund. However, the service fee
2 is not required if the person is required to pay a \$35 fee or
3 \$60 fee under the provisions of s. 322.21.

4 Section 51. Section 372.72, Florida Statutes, is
5 amended to read:

6 372.72 Disposition of fines, penalties, and
7 forfeitures.--

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

14 (2) All moneys collected from fines, penalties, or
15 forfeitures of bail of persons convicted of violations of
16 rules, regulations, or orders of the Fish and Wildlife
17 Conservation Commission concerning endangered or threatened
18 species or of violation of s. 372.662, s. 372.663, s. 372.667,
19 or s. 372.671 shall be remitted by the clerk of the court to
20 the Department of Revenue to be deposited in the Nongame
21 Wildlife Trust Fund.

22 Section 52. Subsection (8) of section 903.26, Florida
23 Statutes, is amended to read:

24 903.26 Forfeiture of the bond; when and how directed;
25 discharge; how and when made; effect of payment.--

26 (8) If the defendant is arrested and returned to the
27 county of jurisdiction of the court prior to judgment, the
28 clerk, upon affirmation by the sheriff or the chief
29 correctional officer, shall, without further order of the
30 court, discharge the forfeiture of the bond. However, if the
31 surety agent fails to pay the costs and expenses incurred in

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1 returning the defendant to the county of jurisdiction, the
 2 clerk shall not discharge the forfeiture of the bond. If the
 3 surety agent and the sheriff ~~state attorney~~ fail to agree on
 4 the amount of said costs, then the court, after notice to the
 5 sheriff and the state attorney, shall determine the amount of
 6 the costs.

7 Section 53. Section 903.28, Florida Statutes, is
 8 amended to read:

9 903.28 Remission of forfeiture; conditions.--

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

13 (2) If the defendant surrenders or is apprehended
 14 within 90 days after forfeiture, the court, on motion at a
 15 hearing upon notice having been given to the clerk of the
 16 circuit court ~~county attorney~~ and the state attorney as
 17 required in subsection (8), shall direct remission of up to,
 18 but not more than, 100 percent of a forfeiture if the surety
 19 apprehended and surrendered the defendant or if the
 20 apprehension or surrender of the defendant was substantially
 21 procured or caused by the surety, or the surety has
 22 substantially attempted to procure or cause the apprehension
 23 or surrender of the defendant, and the delay has not thwarted
 24 the proper prosecution of the defendant. In addition,
 25 remission shall be granted when the surety did not
 26 substantially participate or attempt to participate in the
 27 apprehension or surrender of the defendant when the costs of
 28 returning the defendant to the jurisdiction of the court have
 29 been deducted from the remission and when the delay has not
 30 thwarted the proper prosecution of the defendant.

31 (3) If the defendant surrenders or is apprehended

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1 within 180 days after forfeiture, the court, on motion at a
2 hearing upon notice having been given to the clerk of the
3 circuit court ~~county attorney~~ and the state attorney as
4 required in subsection (8), shall direct remission of up to,
5 but not more than, 95 percent of a forfeiture if the surety
6 apprehended and surrendered the defendant or if the
7 apprehension or surrender of the defendant was substantially
8 procured or caused by the surety, or the surety has
9 substantially attempted to procure or cause the apprehension
10 or surrender of the defendant, and the delay has not thwarted
11 the proper prosecution of the defendant. In addition,
12 remission shall be granted when the surety did not
13 substantially participate or attempt to participate in the
14 apprehension or surrender of the defendant when the costs of
15 returning the defendant to the jurisdiction of the court have
16 been deducted from the remission and when the delay has not
17 thwarted the proper prosecution of the defendant.

18 (4) If the defendant surrenders or is apprehended
19 within 270 days after forfeiture, the court, on motion at a
20 hearing upon notice having been given to the clerk of the
21 circuit court ~~county attorney~~ and the state attorney as
22 required in subsection (8), shall direct remission of up to,
23 but not more than, 90 percent of a forfeiture if the surety
24 apprehended and surrendered the defendant or if the
25 apprehension or surrender of the defendant was substantially
26 procured or caused by the surety, or the surety has
27 substantially attempted to procure or cause the apprehension
28 or surrender of the defendant, and the delay has not thwarted
29 the proper prosecution of the defendant. In addition,
30 remission shall be granted when the surety did not
31 substantially participate or attempt to participate in the

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1 apprehension or surrender of the defendant when the costs of
2 returning the defendant to the jurisdiction of the court have
3 been deducted from the remission and when the delay has not
4 thwarted the proper prosecution of the defendant.

5 (5) If the defendant surrenders or is apprehended
6 within 1 year after forfeiture, the court, on motion at a
7 hearing upon notice having been given to the clerk of the
8 circuit court ~~county attorney~~ and the state attorney as
9 required in subsection (8), shall direct remission of up to,
10 but not more than, 85 percent of a forfeiture if the surety
11 apprehended and surrendered the defendant or if the
12 apprehension or surrender of the defendant was substantially
13 procured or caused by the surety, or the surety has
14 substantially attempted to procure or cause the apprehension
15 or surrender of the defendant, and the delay has not thwarted
16 the proper prosecution of the defendant. In addition,
17 remission shall be granted when the surety did not
18 substantially participate or attempt to participate in the
19 apprehension or surrender of the defendant when the costs of
20 returning the defendant to the jurisdiction of the court have
21 been deducted from the remission and when the delay has not
22 thwarted the proper prosecution of the defendant.

23 (6) If the defendant surrenders or is apprehended
24 within 2 years after forfeiture, the court, on motion at a
25 hearing upon notice having been given to the clerk of the
26 circuit court ~~county attorney~~ and the state attorney as
27 required in subsection (8), shall direct remission of up to,
28 but not more than, 50 percent of a forfeiture if the surety
29 apprehended and surrendered the defendant or if the
30 apprehension or surrender of the defendant was substantially
31 procured or caused by the surety, or the surety has

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1 substantially attempted to procure or cause the apprehension
2 or surrender of the defendant, and the delay has not thwarted
3 the proper prosecution of the defendant. In addition,
4 remission shall be granted when the surety did not
5 substantially participate or attempt to participate in the
6 apprehension or surrender of the defendant when the costs of
7 returning the defendant to the jurisdiction of the court have
8 been deducted from the remission and when the delay has not
9 thwarted the proper prosecution of the defendant.

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

12 (8) An application for remission must be accompanied
13 by affidavits setting forth the facts on which it is founded;
14 however, the surety must establish by further documentation or
15 other evidence any claimed attempt at procuring or causing the
16 apprehension or surrender of the defendant before the court
17 may order remission based upon an attempt to procure or cause
18 such apprehension or surrender. The clerk of the circuit court
19 and the state attorney must be given 20 days' notice before a
20 hearing on an application and be furnished copies of all
21 papers, applications, and affidavits. Remission shall be
22 granted on the condition of payment of costs, unless the
23 ground for remission is that there was no breach of the bond.

24 (9) The clerk of the circuit court may enter into a
25 contract with a private attorney or into an interagency
26 agreement with a governmental agency to represent the clerk of
27 the court in an action for the remission of a forfeiture under
28 this section.

29 (10) The clerk of the circuit is the real party in
30 interest for all appeals arising from an action for the
31 remission of a forfeiture under this section.

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1 Section 54. Section 916.115, Florida Statutes, is
2 amended to read:

3 916.115 Appointment of experts.--

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

7 (b) The court may appoint no more than three ~~nor fewer~~
8 ~~than two~~ experts to determine issues of the mental condition
9 of a defendant in a criminal case, including the issues of
10 competency to proceed, insanity, and involuntary
11 hospitalization or placement. An expert ~~The panel of experts~~
12 may evaluate the defendant in jail or in another appropriate
13 local facility.

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

18 (2) Expert witnesses appointed by the court to
19 evaluate the mental condition of a defendant in a criminal
20 case shall be allowed reasonable fees for services rendered as
21 evaluators of competence or sanity and as witnesses, ~~which~~
22 ~~shall be paid by the county in which the indictment was found~~
23 ~~or the information or affidavit was filed.~~

24 (a)1. The court shall pay for any expert that it
25 appoints by court order, upon motion of counsel for the
26 defendant or the state or upon its own motion, using funds
27 specifically appropriated on behalf of the state courts for
28 due process costs. If the defense or the state retains an
29 expert and waives the confidentiality of the expert's report,
30 the court may pay for no more than two additional experts
31 appointed by court order. If an expert appointed by the court

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1 upon motion of counsel for the defendant specifically to
 2 evaluate the competence of the defendant to proceed also
 3 addresses in his or her evaluation issues related to sanity as
 4 an affirmative defense, the court shall pay only for that
 5 portion of the experts' fees relating to the evaluation on
 6 competency to proceed, and the balance of the fees shall be
 7 chargeable to the defense.

8 2. Pursuant to s. 29.006, the office of the public
 9 defender shall pay for any expert it retains.

10 3. Pursuant to s. 29.005, the office of the state
 11 attorney shall pay for any expert it retains. Notwithstanding
 12 subparagraph 1., the office of the state attorney shall pay
 13 for any expert whom it retains and whom it moves the court to
 14 appoint in order to ensure that the expert has access to the
 15 defendant.

16 4. An expert retained by the defendant who is
 17 represented by private counsel appointed under s. 27.5303
 18 shall be paid by the Justice Administrative Commission from
 19 funds specifically appropriated for such expenses.

20 5. An expert retained by a defendant who is indigent
 21 for costs as determined by the court and who is represented by
 22 private counsel, other than private counsel appointed under s.
 23 27.5303, on a fee or pro bono basis, or who is representing
 24 himself or herself, shall be paid by the Justice
 25 Administrative Commission from funds specifically appropriated
 26 for these expenses.

27 (b) State employees shall be paid expenses pursuant to
 28 s. 112.061.

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

30 (d) In order for an expert ~~the experts~~ to be paid for
 31 the services rendered, the ~~expert's report reports~~ and

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1 testimony must explicitly address each of the factors and
2 follow the procedures set out in this chapter and in the
3 Florida Rules of Criminal Procedure.

4 Section 55. Subsections (2), (3), and (4) of section
5 916.12, Florida Statutes, are amended to read:

6 916.12 Mental competence to proceed.--

7 (2) An expert ~~The experts~~ shall first determine
8 whether the person is mentally ill and, if so, consider the
9 factors related to the issue of whether the defendant meets
10 the criteria for competence to proceed; that is, whether the
11 defendant has sufficient present ability to consult with
12 counsel with a reasonable degree of rational understanding and
13 whether the defendant has a rational, as well as factual,
14 understanding of the pending proceedings. A defendant must be
15 evaluated by no fewer than two experts before the court
16 commits the defendant or takes other action authorized by this
17 chapter or the Florida Rules of Criminal Procedure, except
18 that if one expert finds that the defendant is incompetent to
19 proceed and the parties stipulate to that finding, the court
20 may commit the defendant or take other action authorized by
21 this chapter or the rules without further evaluation or
22 hearing, or the court may appoint no more than two additional
23 experts to evaluate the defendant. Notwithstanding any
24 stipulation by the state and the defendant, the court may
25 require a hearing with testimony from the expert or experts
26 before ordering the commitment of a defendant.

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

31 (a) Appreciate the charges or allegations against the

1 defendant;

2 (b) Appreciate the range and nature of possible
3 penalties, if applicable, that may be imposed in the
4 proceedings against the defendant;

5 (c) Understand the adversarial nature of the legal
6 process;

7 (d) Disclose to counsel facts pertinent to the
8 proceedings at issue;

9 (e) Manifest appropriate courtroom behavior; and

10 (f) Testify relevantly;

11

12 and include in his or her ~~their~~ report any other factor deemed
13 relevant by the expert ~~experts~~.

14 (4) If an expert finds ~~the experts should find~~ that
15 the defendant is incompetent to proceed, the expert ~~experts~~
16 shall report on any recommended treatment for the defendant to
17 attain competence to proceed. In considering the issues
18 relating to treatment, the examining expert ~~experts~~ shall
19 specifically report on:

20 (a) The mental illness causing the incompetence;

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

24 (c) The availability of acceptable treatment and, if
25 treatment is available in the community, the expert shall so
26 state in the report; and

27 (d) The likelihood of the defendant's attaining
28 competence under the treatment recommended, an assessment of
29 the probable duration of the treatment required to restore
30 competence, and the probability that the defendant will attain
31 competence to proceed in the foreseeable future.

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1 Section 56. Subsection (7) of section 916.301, Florida
2 Statutes, is amended to read:

3 916.301 Appointment of experts.--

4 (7) Expert witnesses appointed by the court to
5 evaluate the mental condition of a defendant in a criminal
6 case shall be allowed reasonable fees for services rendered as
7 evaluators and as witnesses, which shall be paid by the court
8 ~~county in which the indictment was found or the information or~~
9 ~~affidavit was filed.~~ State employees shall be paid expenses
10 pursuant to s. 112.061. The fees shall be taxed as costs in
11 the case. In order for the experts to be paid for the services
12 rendered, the reports and testimony must explicitly address
13 each of the factors and follow the procedures set out in this
14 chapter and in the Florida Rules of Criminal Procedure.

15 Section 57. Subsection (2) of section 938.29, Florida
16 Statutes, is amended to read:

17 938.29 Legal assistance; lien for payment of
18 attorney's fees or costs.--

19 (2)(a) There is created in the name of the state a
20 lien, enforceable as hereinafter provided, upon all the
21 property, both real and personal, of any person who:

22 1. Has received any assistance from any public
23 defender of the state, from any special assistant public
24 defender, or from any conflict attorney; or

25 2. Is a parent of an accused minor or an accused adult
26 tax-dependent person who is being, or has been, represented by
27 any public defender of the state, by any special assistant
28 public defender, or by a conflict attorney.

29
30 Such lien constitutes a claim against the defendant-recipient
31 or parent and his or her estate, enforceable according to law.

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1 (b) A judgment showing the name and residence of the
 2 defendant-recipient or parent shall be recorded in the public
 3 record, without cost, by filed for record in the office of the
 4 clerk of the circuit court in the county where the
 5 defendant-recipient or parent resides and in each county in
 6 which such defendant-recipient or parent then owns or later
 7 acquires any property. Such judgments shall be enforced on
 8 behalf of the state by the clerk of the circuit court of the
 9 county in which assistance was rendered.

10 Section 58. Section 939.06, Florida Statutes, is
 11 amended to read:

12 939.06 Acquitted defendant not liable for costs.--

13 (1) A ~~No~~ defendant in a criminal prosecution who is
 14 acquitted or discharged is not ~~shall be~~ liable for any costs
 15 or fees of the court or any ministerial office, or for any
 16 charge of subsistence while detained in custody. If the
 17 defendant ~~has shall have~~ paid any taxable costs, or fees
 18 required under s. 27.52(1)(b), in the case, the clerk or judge
 19 shall give him or her a certificate of the payment of such
 20 costs or fees, with the items thereof, which, when audited and
 21 approved according to law, shall be refunded to the defendant.

22 (2) To receive a refund under this section, a
 23 defendant must submit a request for the refund to the Justice
 24 Administrative Commission on a form and in a manner prescribed
 25 by the commission. The defendant must attach to the form an
 26 order from the court demonstrating the defendant's right to
 27 the refund and the amount of the refund.

28 (3) If a defendant seeking a refund under this section
 29 has paid the \$0 fee required under s. 27.52(1)(b), the Justice
 30 Administrative Commission shall pay the first \$40 of any
 31 refund of taxable costs or fees paid by the defendant, which

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1 meet the criteria of this section, using funds appropriated
 2 from the Indigent Criminal Defense Trust Fund. If the
 3 defendant has not paid the \$40 fee, the commission shall pay
 4 the refund of any other eligible taxable costs or fees paid by
 5 the defendant using funds from the applicable appropriation
 6 for due process costs related to implementation of s. 14, Art.
 7 V of the State Constitution.

8 Section 59. Subsection (2) of section 985.05, Florida
 9 Statutes, is amended to read:

10 985.05 Court records.--

11 (2) The clerk shall keep all official records required
 12 by this section separate from other records of the circuit
 13 court, except those records pertaining to motor vehicle
 14 violations, which shall be forwarded to the Department of
 15 Highway Safety and Motor Vehicles. Except as provided in ss.
 16 943.053 and 985.04(4), official records required by this part
 17 are not open to inspection by the public, but may be inspected
 18 only upon order of the court by persons deemed by the court to
 19 have a proper interest therein, except that a child and the
 20 parents, guardians, or legal custodians of the child and their
 21 attorneys, law enforcement agencies, the Department of
 22 Juvenile Justice and its designees, the Parole Commission, ~~and~~
 23 the Department of Corrections, and the Justice Administrative
 24 Commission shall always have the right to inspect and copy any
 25 official record pertaining to the child. The court may permit
 26 authorized representatives of recognized organizations
 27 compiling statistics for proper purposes to inspect, and make
 28 abstracts from, official records under whatever conditions
 29 upon the use and disposition of such records the court may
 30 deem proper and may punish by contempt proceedings any
 31 violation of those conditions.

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1 Section 60. Paragraph (c) of subsection (4) of section
2 985.201, Florida Statutes, is amended to read:

3 985.201 Jurisdiction.--

4 (4)

5 (c) The court may retain jurisdiction over a child and
6 the child's parent or legal guardian whom the court has
7 ordered to pay restitution until the restitution order is
8 satisfied ~~or until the court orders otherwise.~~ To retain
9 jurisdiction, the court must enter a restitution order, which
10 is separate from any disposition or order of commitment, on or
11 prior to the date that ~~If the court retains such jurisdiction~~
12 ~~after the date upon which~~ the court's jurisdiction would cease
13 under this section, ~~it shall do so solely for the purpose of~~
14 ~~enforcing the restitution order.~~ The contents of the
15 restitution order shall be limited to the child's name and
16 address; the name and address of the parent or legal guardian;
17 the name and address of the payee; the case number; the date
18 and amount of restitution ordered; any amount of restitution
19 paid; the amount of restitution due and owing; and a notation
20 that costs, interest, penalties, and attorney's fees may also
21 be due and owing. The terms of the restitution order are
22 subject to the provisions of s. 775.089(5).

23 Section 61. Section 92.152, Florida Statutes, is
24 created to read:

25 92.152.--Compensation to traffic court witnesses.--Any
26 party who secures the attendance of a witness in traffic court
27 shall bear all costs of calling the witness, including witness
28 fees. If the witness is required to testify on behalf of the
29 prosecution, the office of the state attorney of the
30 respective judicial circuit shall pay the fees and costs of
31 calling the witness.

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1 Section 62. Recovery of expenditures for state-funded
2 services.--The trial court administrator of each circuit shall
3 recover expenditures for state-funded services when those
4 services have been furnished to a user of the state court
5 system who possesses the present ability to pay. The rate of
6 compensation for such services shall be the actual cost of the
7 services, including the cost of recovery. The trial court
8 administrator shall deposit moneys recovered under this
9 section in the Grants and Donations Trust Fund within the
10 state court system. The trial court administrator shall
11 recover the costs of court-reporter services and
12 transcription; court-interpreter services, including
13 translation; and any other service for which state funds were
14 used to provide a product or service within the circuit. This
15 section does not authorize cost recovery from entities
16 described in ss. 29.005, 29.006, and 29.007.

17 Section 63. Subsection (4) of section 29.005, Florida
18 Statutes, is repealed.

19 Section 64. Section 318.37, Florida Statutes, is
20 repealed.

21 Section 65. Effective July 1, 2006, section 29.014,
22 Florida Statutes, is repealed.

23 Section 66. Except as otherwise expressly provided in
24 this act, this act shall take effect July 1, 2005.

25
26

27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete everything before the enacting clause

30

31 and insert: An act relating to the state judicial system;

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1 amending s. 27.40, F.S., relating to circuit registries for
2 court-appointed counsel; requiring that an attorney enter into
3 a contract to be included on the registry; limiting the
4 appointment of attorneys from the same law firm; prohibiting
5 the sharing of duties among attorneys except under certain
6 circumstances; requiring data on the race, sex, and ethnicity
7 of attorneys; requiring the Justice Administrative Commission
8 to approve uniform procedures and forms for use in billing for
9 an attorney's fees, costs, and related expenses; requiring
10 that a withdrawal order be filed with the commission;
11 providing that withdrawal from a case creates a rebuttable
12 presumption of nonentitlement to the entire flat fee; amending
13 s. 27.42, F.S.; requiring that the circuit Article V indigent
14 services committee establish the compensation rates for
15 court-appointed counsel or in cases of indigency; providing a
16 limitation on the rates; requiring each committee to establish
17 a schedule of allowances for due-process expenses; authorizing
18 alternate models for providing criminal and civil due-process
19 representation; requiring that the expenses for representing
20 indigent persons be appropriated in a separate category within
21 the Justice Administrative Commission rather than paid from
22 funds appropriated for use by the public defenders; requiring
23 the commission to track and report data on the race, sex, and
24 ethnicity of private court-appointed counsel; amending s.
25 27.52, F.S., relating to the determination of indigent status;
26 providing for application to the clerk of court for such a
27 determination and appointment of a public defender;
28 prescribing duties of the clerk and the public defender
29 relating to an application; prescribing application
30 requirements and review criteria; providing for review by the
31 court of a clerk's determination; authorizing the court to

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1 determine a person indigent for costs and eligible for payment
2 of due-process expenses; requiring certain parents or legal
3 guardians to furnish legal services and costs; providing for a
4 reevaluation of indigent status and referral to the state
5 attorney upon evidence of financial discrepancies or fraud;
6 providing criminal penalties for the provision of false
7 information; amending s. 27.5304, F.S.; authorizing the
8 Justice Administrative Commission to pay attorney's fees
9 without court approval under certain conditions; requiring the
10 attorney to provide the commission with advance notice of a
11 court hearing on payment of fees and costs; authorizing the
12 commission to participate in such hearings telephonically;
13 eliminating a requirement for the Article V Indigent Services
14 Advisory Board to make recommendations on compensation of
15 private court-appointed counsel; providing that private
16 court-appointed counsel is entitled to compensation upon final
17 disposition of the case; providing exceptions; specifying
18 intervals other than final disposition of a case at which
19 private court-appointed counsel may request payment;
20 clarifying a prohibition against allowing an attorney who is
21 not on the registry to appear; limiting the reimbursement
22 allowed for the preparation of invoices; amending s. 27.54,
23 F.S.; requiring that the county or municipality pay certain
24 costs for due-process services; prescribing assessment of fees
25 to recover such costs; amending s. 28.24, F.S.; requiring that
26 the clerk of the court provide copies to attorneys ad litem
27 and court-appointed counsel paid by the state; requiring
28 clerks of the court to participate in the Comprehensive Case
29 Information System by a certain date; designating the
30 custodian of official records; providing that official records
31 are county property; amending s. 28.2402, F.S.; prohibiting

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1 the circuit court from charging a county or municipality more
2 than one filing fee for a single filing containing multiple
3 allegations; exempting certain enforcement actions from the
4 filing fee; amending s. 28.241, F.S.; providing for the clerk
5 of the court to collect a service fee for appeals from circuit
6 court; amending s. 28.245, F.S.; requiring that the clerks of
7 the court remit collections to the Department of Revenue
8 within a specified period; amending s. 28.246, F.S.;
9 conforming a reference; revising provisions authorizing an
10 individual to enter into a payment plan for the payment of
11 fees, costs, or fines; providing for the court to review the
12 payment plan; amending s. 28.345, F.S.; exempting certain
13 court staff, attorneys ad litem, and court-appointed counsel
14 from the payment of fees and charges assessed by the clerk of
15 the circuit court; amending s. 28.35, F.S.; requiring the
16 Florida Clerks of Court Operations Committee to report on
17 additional budget funding authority provided to a clerk;
18 amending s. 28.36, F.S.; revising the date for the county
19 clerk to submit a proposed budget; conforming a reference to
20 the Florida Clerks of Court Operations Corporation; conforming
21 a reference to the Chief Financial Officer; conforming a
22 cross-reference; providing for identification of ineligible
23 expenditures by the clerks of court; requiring the clerks to
24 reimburse ineligible expenditures to the Clerks of Court Trust
25 Fund; authorizing the corporation to approve additional annual
26 funding for a clerk under prescribed conditions; requiring
27 notice and documentation; amending s. 28.37, F.S.; expanding
28 the types of excess funds that clerks of the court must remit
29 to the Department of Revenue over the amount needed to meet
30 approved budgets; amending s. 29.004, F.S.; providing for
31 state appropriations to be used for expert witnesses who are

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1 appointed by the court rather than requested by any party;
2 amending s. 29.007, F.S.; providing for state funds to be used
3 in providing mental health professionals in certain civil
4 cases; clarifying the use of state funds at the trial or
5 appellate level to pay certain costs on behalf of a litigant
6 who is indigent; amending s. 29.008, F.S.; requiring that the
7 county where the appellate district is located fund the
8 appellate division of the public defender's office; expanding
9 the definition of the term "facility" to include items
10 necessary for court-reporting services; narrowing a limitation
11 on the application of certain requirements to specified
12 facilities; including hearing rooms within those facilities
13 funded by the county as a court-related function; including
14 audio equipment within county-funded communications services;
15 amending s. 29.015, F.S.; authorizing the Justice
16 Administrative Commission to transfer funds to address budget
17 deficits relating to due-process services; requiring notice of
18 the transfer; amending s. 29.018, F.S.; eliminating the
19 authority for court-appointed counsel to contract to share in
20 court and due-process costs; providing that the Justice
21 Administrative Commission may contract for such cost-sharing
22 on behalf of court-appointed counsel; creating s. 29.0185,
23 F.S.; specifying conditions under which state-funded
24 due-process services are provided; amending s. 34.045, F.S.;
25 prohibiting the county court from charging a county or
26 municipality more than one filing fee for a single filing
27 containing multiple allegations; exempting certain enforcement
28 actions of local code violations from the filing fee;
29 expanding conditions under which the county or municipality is
30 the prevailing party; requiring an assessment for a filing
31 fee; amending s. 34.191, F.S.; clarifying a requirement that

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1 certain fines and forfeitures committed within an
2 unincorporated area of a municipality be paid to the clerk of
3 the county court; amending s. 39.0132, F.S.; authorizing the
4 Justice Administrative Commission to inspect certain court
5 dockets; amending s. 39.821, F.S.; requiring that the Guardian
6 Ad Litem Program rather than the chief judge request the
7 federal criminal records check for purposes of certifying
8 guardians ad litem; amending s. 39.822, F.S.; directing
9 agencies, persons, and other organizations to provide a
10 guardian ad litem access to certain records related to the
11 best interests of a child; amending s. 40.29, F.S.; clarifying
12 procedures for the payments made by the state to the clerk of
13 the court for the costs of witnesses; creating s. 40.355,
14 F.S.; requiring the clerk of the court to report on, and
15 refund to the state attorneys and public defenders, certain
16 moneys collected for payment of jurors and due-process costs;
17 amending s. 43.16, F.S.; providing that the Justice
18 Administrative Commission is not subject to the Administrative
19 Procedure Act; amending s. 43.26, F.S.; prescribing
20 responsibilities of the chief judge and the clerk of court
21 relating to the administration of justice and provision of
22 court-related functions; amending s. 44.102, F.S.; revising
23 conditions under which nonvolunteer court mediators may be
24 compensated by the county or parties; amending s. 44.108,
25 F.S.; clarifying the fees charged for scheduled mediation
26 services provided by a circuit court's mediation program;
27 requiring the clerk of the court to report to the chief judge
28 the amount of such fees collected; amending s. 57.081, F.S.;
29 adding a cross-reference to conform; creating s. 57.082, F.S.,
30 relating to the determination of civil indigent status;
31 providing for application to the clerk of court for such a

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1 determination; prescribing duties of the clerk relating to an
2 application; prescribing application requirements and review
3 criteria; providing for an interim determination by the court
4 and appointment of counsel; providing for review by the court
5 of the clerk's determination; providing for enrollment in a
6 payment plan by a person determined indigent; providing for
7 the waiver of fees and costs under certain conditions;
8 providing for reevaluation of indigent status and referral to
9 the state attorney upon evidence of financial discrepancies or
10 fraud; providing criminal penalties for providing false
11 information; creating s. 61.1828, F.S.; authorizing certain
12 county child support enforcement agencies to receive court
13 services under specified conditions; prohibiting imposition of
14 fees and bonds for such agencies; amending s. 92.142, F.S.;
15 deleting a provision that provides for payment of per diem and
16 travel expenses for a witness in a criminal case at the
17 discretion of the court; amending s. 92.231, F.S.; removing
18 references to the Article V Indigent Services Advisory Board
19 and the provision of recommendations on expert witness fees;
20 amending s. 110.205, F.S.; providing that officers and
21 employees of the Justice Administrative Commission and
22 specified related organizations are not career service
23 positions; amending s. 116.01, F.S.; providing procedures for
24 the clerk of the court to remit funds to the Department of
25 Revenue; amending s. 116.21, F.S.; providing for the
26 disposition of unclaimed monies collected in the course of
27 court-related activities by the clerk of the court; requiring
28 the clerk to pay certain publication costs; amending s.
29 119.07, F.S.; extending the time period during which certain
30 social security numbers and other data included in court or
31 official county records may be available for public inspection

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1 unless redaction is requested; extending the deadline by which
2 court clerks and county recorders must keep such data
3 confidential; amending s. 142.01, F.S.; clarifying those
4 moneys to be included within the fine and forfeiture fund of
5 the clerk of the circuit court; amending s. 213.13, F.S.;
6 requiring that the funds remitted by the clerk to the state be
7 transmitted electronically within a specified period; amending
8 s. 219.07, F.S.; clarifying the distributions that the clerk
9 is required to make as part of his or her court-related
10 functions; amending s. 219.075, F.S.; exempting funds
11 collected by the clerk from the requirements for the
12 investment of surplus funds of a county; amending s. 318.121,
13 F.S.; clarifying that certain court costs and surcharges are
14 added to civil traffic penalties; amending s. 318.18, F.S.;
15 requiring that the clerk of the court report the amount of
16 certain surcharges collected to the chief judge, the Governor,
17 and the Legislature; amending s. 318.21, F.S.; providing for
18 the disposition of traffic-infraction penalties for violations
19 occurring in unincorporated areas of certain municipalities
20 having a consolidated government; amending s. 318.31, F.S.;
21 deleting provisions concerning the appointment of a civil
22 traffic infraction hearing officer; amending s. 318.325, F.S.;
23 deleting provisions specifying the funding of such hearing
24 officer; amending s. 322.29, F.S.; increasing the fees charged
25 for reinstating a driver's license; amending s. 372.72, F.S.;
26 requiring that the proceeds from unclaimed bonds be deposited
27 into the clerk's fine and forfeiture fund; amending s. 903.26,
28 F.S.; revising the procedure for determining the amount of the
29 costs incurred in returning a defendant to the county of
30 jurisdiction; amending s. 903.28, F.S.; revising certain
31 notice requirements following the surrender or apprehension of

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1 a defendant for purposes of remission of a forfeiture;
2 authorizing the clerk of the circuit court to enter into
3 certain contracts for purposes of representation in an action
4 for the remission of a forfeiture; providing that the clerk is
5 the real party in interest for all appeals arising from such
6 an action; amending s. 916.115, F.S.; providing requirements
7 for the payment of experts; specifying those fees which are
8 paid by the state, the office of the public defender, the
9 office of the state attorney, or the Justice Administrative
10 Commission; amending s. 916.12, F.S.; revising the procedures
11 under which the court may take action following a finding that
12 the defendant is incompetent to proceed; amending s. 916.301,
13 F.S.; requiring the court to pay for certain court-appointed
14 retardation and autism experts; amending s. 938.29, F.S.;
15 providing for a judgment lien for the payment of certain
16 attorney's fees to be filed without cost; amending s. 939.06,
17 F.S.; clarifying that an acquitted defendant is not liable for
18 certain fees; providing a procedure for such a defendant to
19 request a refund from the Justice Administrative Commission of
20 costs or fees paid; amending s. 985.05, F.S.; authorizing the
21 Justice Administrative Commission to have access to certain
22 court records; amending s. 985.201, F.S.; revising the manner
23 in which a court may retain jurisdiction over a child and the
24 child's parent when the court has ordered restitution for
25 certain delinquent acts; requiring entry of a restitution
26 order; creating s. 92.152, F.S.; requiring that the party
27 calling a witness in traffic court bear the costs; requiring
28 that the office of the state attorney pay such costs if the
29 witness is required to testify on behalf of the prosecution;
30 directing the trial court administrator to recover
31 expenditures for state-funded services if those services were

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1 furnished to a user possessing the ability to pay; providing
2 that the rate may not exceed the cost of the service and
3 recovery; repealing s. 29.005(4), F.S., relating to
4 prosecution expenses for appointing mental health
5 professionals; repealing s. 29.014, F.S., relating to the
6 Article V Indigent Services Advisory Board; repealing s.
7 318.37, F.S., relating to funding for a Civil Traffic
8 Infraction Hearing Officer Program; providing effective dates.

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