

Bill No. CS for SB 2548

Barcode 225740

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Smith moved the following amendment:

**Senate Amendment (with title amendment)**

On page 10, between lines 21 and 22,

insert:

Section 4. Section 29.008, Florida Statutes, is amended to read:

29.008 County funding of court-related functions.--

(1) Counties are required by s. 14, Art. V of the State Constitution to fund the cost of communications services, existing radio systems, existing multiagency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the circuit and county courts, public defenders' offices, state attorneys' offices, guardian ad litem offices, and the offices of the clerks of the circuit and county courts performing court-related functions. For purposes of this section, the term "circuit and county courts" shall include the offices and staffing of the guardian ad litem programs. The county designated under s. 35.05(1) as the

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1 headquarters for each appellate district shall fund these  
2 costs for the appellate division of the public defender's  
3 office in that county. For purposes of implementing these  
4 requirements, the term:

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

30 1. As of July 1, 2005, equipment and furnishings shall  
31 be limited to that appropriate and customary for courtrooms,

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1 hearing rooms, jury facilities, and other public areas in  
 2 courthouses and any other facility occupied by the courts,  
 3 state attorneys, and public defenders. Court reporting  
 4 equipment in these areas or facilities is not a responsibility  
 5 of the county.

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

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

26           (c) "Maintenance" includes, but is not limited to, all  
 27 reasonable and necessary costs of custodial and groundskeeping  
 28 services and renovation and reconstruction as needed to  
 29 accommodate functions for the circuit and county courts, the  
 30 public defenders' offices, and state attorneys' offices and  
 31 for performing the court-related functions of the offices of

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1 the clerks of the circuit and county court and for maintaining  
2 the facilities in a condition appropriate and safe for the use  
3 intended.

4 (d) "Utilities" means all electricity services for  
5 light, heat, and power; natural or manufactured gas services  
6 for light, heat, and power; water and wastewater services and  
7 systems, stormwater or runoff services and systems, sewer  
8 services and systems, all costs or fees associated with these  
9 services and systems, and any costs or fees associated with  
10 the mitigation of environmental impacts directly related to  
11 the facility.

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

23 (f) "Communications services" are defined as any  
24 reasonable and necessary transmission, emission, and reception  
25 of signs, signals, writings, images, and sounds of  
26 intelligence of any nature by wire, radio, optical, audio  
27 equipment, or other electromagnetic systems and includes all  
28 facilities and equipment owned, leased, or used by judges,  
29 clerks, public defenders, state attorneys, and all staff of  
30 the state courts system, state attorneys' offices, public  
31 defenders' offices, and clerks of the circuit and county

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1 courts performing court-related functions. Such system or  
2 services shall include, but not be limited to:

3         1. Telephone system infrastructure, including computer  
4 lines, telephone switching equipment, and maintenance, and  
5 facsimile equipment, wireless communications, cellular  
6 telephones, pagers, and video teleconferencing equipment and  
7 line charges. Each county shall continue to provide access to  
8 a local carrier for local and long distance service and shall  
9 pay toll charges for local and long distance service.

10         2. All computer networks, systems and equipment,  
11 including computer hardware and software, modems, printers,  
12 wiring, network connections, maintenance, support staff or  
13 services including any county-funded support staff located in  
14 the offices of the circuit court, county courts, state  
15 attorneys, and public defenders, training, supplies, and line  
16 charges necessary for an integrated computer system to support  
17 the operations and management of the state courts system, the  
18 offices of the public defenders, the offices of the state  
19 attorneys, and the offices of the clerks of the circuit and  
20 county courts and the capability to connect those entities and  
21 reporting data to the state as required for the transmission  
22 of revenue, performance accountability, case management, data  
23 collection, budgeting, and auditing purposes. The integrated  
24 computer system shall be operational by July 1, 2006, and, at  
25 a minimum, permit the exchange of financial, performance  
26 accountability, case management, case disposition, and other  
27 data across multiple state and county information systems  
28 involving multiple users at both the state level and within  
29 each judicial circuit and be able to electronically exchange  
30 judicial case background data, sentencing scoresheets, and  
31 video evidence information stored in integrated case

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1 management systems over secure networks. Once the integrated  
 2 system becomes operational, counties may reject requests to  
 3 purchase communication services included in this subparagraph  
 4 not in compliance with standards, protocols, or processes  
 5 adopted by the board established pursuant to s. 29.0086.

6           3. Courier messenger and subpoena services.

7           4. Auxiliary aids and services for qualified  
 8 individuals with a disability which are necessary to ensure  
 9 access to the courts. Such auxiliary aids and services  
 10 include, but are not limited to, sign language interpretation  
 11 services required under the federal Americans with  
 12 Disabilities Act other than services required to satisfy  
 13 due-process requirements and identified as a state funding  
 14 responsibility pursuant to ss. 29.004, 29.005, 29.006, and  
 15 29.007, real-time transcription services for individuals who  
 16 are hearing impaired, and assistive listening devices and the  
 17 equipment necessary to implement such accommodations.

18           (g) "Existing radio systems" includes, but is not  
 19 limited to, law enforcement radio systems that are used by the  
 20 circuit and county courts, the offices of the public  
 21 defenders, the offices of the state attorneys, and for  
 22 court-related functions of the offices of the clerks of the  
 23 circuit and county courts. This includes radio systems that  
 24 were operational or under contract at the time Revision No. 7,  
 25 1998, to Art. V of the State Constitution was adopted and any  
 26 enhancements made thereafter, the maintenance of those  
 27 systems, and the personnel and supplies necessary for  
 28 operation.

29           (h) "Existing multiagency criminal justice information  
 30 systems" includes, but is not limited to, those components of  
 31 the multiagency criminal justice information system as defined

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1 in s. 943.045, supporting the offices of the circuit or county  
2 courts, the public defenders' offices, the state attorneys'  
3 offices, or those portions of the offices of the clerks of the  
4 circuit and county courts performing court-related functions  
5 that are used to carry out the court-related activities of  
6 those entities. This includes upgrades and maintenance of the  
7 current equipment, maintenance and upgrades of supporting  
8 technology infrastructure and associated staff, and services  
9 and expenses to assure continued information sharing and  
10 reporting of information to the state. The counties shall also  
11 provide additional information technology services, hardware,  
12 and software as needed for new judges and staff of the state  
13 courts system, state attorneys' offices, public defenders'  
14 offices, and the offices of the clerks of the circuit and  
15 county courts performing court-related functions.

16 (2) Counties shall pay reasonable and necessary  
17 salaries, costs, and expenses of the state courts system,  
18 including associated staff and expenses, to meet local  
19 requirements.

20 (a) Local requirements are those specialized programs,  
21 nonjudicial staff, and other expenses associated with  
22 specialized court programs, specialized prosecution needs,  
23 specialized defense needs, or resources required of a local  
24 jurisdiction as a result of special factors or circumstances.

25 Local requirements exist:

26 1. When imposed pursuant to an express statutory  
27 directive, based on such factors as provided in paragraph (b);  
28 or

29 2. When:

30 a. The county has enacted an ordinance, adopted a  
31 local program, or funded activities with a financial or

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1 operational impact on the circuit or a county within the  
2 circuit; or

3           b. Circumstances in a given circuit or county result  
4 in or necessitate implementation of specialized programs, the  
5 provision of nonjudicial staff and expenses to specialized  
6 court programs, special prosecution needs, specialized defense  
7 needs, or the commitment of resources to the court's  
8 jurisdiction.

9           (b) Factors and circumstances resulting in the  
10 establishment of a local requirement include, but are not  
11 limited to:

- 12           1. Geographic factors;
- 13           2. Demographic factors;
- 14           3. Labor market forces;
- 15           4. The number and location of court facilities; or
- 16           5. The volume, severity, complexity, or mix of court  
17 cases.

18           (c) Local requirements under subparagraph (a)2. must  
19 be determined by the following method:

20           1. The chief judge of the circuit, in conjunction with  
21 the state attorney and the public defender only on matters  
22 that impact their offices, shall identify all local  
23 requirements within the circuit or within each county in the  
24 circuit and shall identify the reasonable and necessary  
25 salaries, costs, and expenses to meet these local  
26 requirements.

27           2. On or before June 1 of each year, the chief judge  
28 shall submit to the board of county commissioners a tentative  
29 budget request for local requirements for the ensuing fiscal  
30 year. The tentative budget must certify a listing of all local  
31 requirements and the reasonable and necessary salaries, costs,



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1 and expenses for each local requirement. The board of county  
2 commissioners may, by resolution, require the certification to  
3 be submitted earlier.

4 3. The board of county commissioners shall thereafter  
5 treat the certification in accordance with the county's  
6 budgetary procedures. A board of county commissioners may:

7 a. Determine whether to provide funding, and to what  
8 extent it will provide funding, for salaries, costs, and  
9 expenses under this section;

10 b. Require a county finance officer to conduct a  
11 preaudit review of any county funds provided under this  
12 section prior to disbursement;

13 c. Require review or audit of funds expended under  
14 this section by the appropriate county office; and

15 d. Provide additional financial support for the courts  
16 system, state attorneys, or public defenders.

17 (d) Counties may satisfy these requirements by  
18 entering into interlocal agreements for the collective funding  
19 of these reasonable and necessary salaries, costs, and  
20 expenses.

21 (3) The following shall be considered a local  
22 requirement pursuant to subparagraph (2)(a)1.:

23 (a) Legal aid programs, which shall be funded at a  
24 level equal to or greater than the amount provided from filing  
25 fees and surcharges to legal aid programs from October 1,  
26 2002, to September 30, 2003.

27 (b) Alternative sanctions coordinators pursuant to ss.  
28 984.09 and 985.216.

29 (4)(a) The Department of Financial Services shall  
30 review county expenditure reports required under s. 29.0085  
31 for the purpose of ensuring that counties fulfill the

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1 responsibilities of this section. The department shall compare  
2 county fiscal reports to determine if expenditures for the  
3 items specified in paragraphs (1)(a), (b), (c), (d), (e), (f),  
4 (g), and (h) and subsection (3) have increased by 1.5 percent  
5 over the prior county fiscal year. The initial review must  
6 compare county fiscal year 2005-2006 to county fiscal year  
7 2004-2005. If the department finds that expenditures for the  
8 items specified in paragraphs (1)(a), (b), (c), (d), (e), (f),  
9 (g), and (h) and subsection (3) have not increased by 1.5  
10 percent over the prior county fiscal year, the department  
11 shall notify the President of the Senate and the Speaker of  
12 the House of Representatives and the respective county. The  
13 Legislature may determine that a county has met its  
14 obligations for items specified in this section if the prior  
15 county fiscal year included nonrecurring expenditures for  
16 facilities or information technology that is not needed in the  
17 next county fiscal year or expenditures or actions that enable  
18 a county to attain efficiencies in providing services to the  
19 court system. The Legislature may direct the Department of  
20 Revenue to withhold revenue-sharing receipts distributed  
21 pursuant to part II of chapter 218, except for revenues used  
22 for paying the principal or interest on bonds, tax  
23 anticipation certificates, or any other form of indebtedness  
24 allowed under s. 218.25(1), (2), or (4), from any county that  
25 is not in compliance with the funding obligations in this  
26 section by an amount equal to the difference between the  
27 amount spent and the amount that would have been spent had the  
28 county increased expenditures by 1.5 percent per year. ~~Except~~  
29 for revenues used for the payment of principal or interest on  
30 bonds, tax anticipation certificates, or any other form of  
31 indebtedness as allowed under s. 218.25(1), (2) or (4), the

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1 ~~Department of Revenue shall withhold revenue sharing receipts~~  
2 ~~distributed pursuant to part II of chapter 218 from any county~~  
3 ~~not in compliance with the county funding obligations for~~  
4 ~~items specified in paragraphs (1)(a), (c), (d), (e), (f), (g),~~  
5 ~~and (h) and subsection (3). The department shall withhold an~~  
6 ~~amount equal to the difference between the amount spent by the~~  
7 ~~county for the particular item in county fiscal year~~  
8 ~~2002-2003, the base year, plus 3 percent, and the amount~~  
9 ~~budgeted by the county for these obligations in county fiscal~~  
10 ~~year 2004-2005, if the latter is less than the former. Every~~  
11 ~~year thereafter, the department shall withhold such an amount~~  
12 ~~if the amount budgeted in that year is less than the base year~~  
13 ~~plus 1.5 percent growth per year. On or before December 31,~~  
14 ~~2004, counties shall send to the department a certified copy~~  
15 ~~of their budget documents for the respective 2 years,~~  
16 ~~separately identifying expenditure amounts for each county~~  
17 ~~funding obligation specified in paragraphs (1) (a), (c), (d),~~  
18 ~~(e), (f), (g), and (h) and subsection (3). Each year~~  
19 ~~thereafter, on or before December 31 of that year, each county~~  
20 ~~shall send a certified copy of its budget document to the~~  
21 ~~department.~~

22 ~~(b) Beginning in fiscal year 2005-2006, additional~~  
23 ~~amounts shall be withheld pursuant to paragraph (a), if the~~  
24 ~~amount spent in the previous fiscal year on the items~~  
25 ~~specified in paragraphs (1)(a), (c), (d), (e), (f), (g), and~~  
26 ~~(h), and subsection (3) is less than the amount budgeted for~~  
27 ~~those items. Each county shall certify expenditures for these~~  
28 ~~county obligations for the prior fiscal year to the department~~  
29 ~~within 90 days after the end of the fiscal year.~~

30 ~~(b)(c)~~ The department shall transfer the withheld  
31 payments to the General Revenue Fund by March 31 of each year

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1 for the previous county fiscal year. These payments are ~~hereby~~  
2 appropriated to the Department of Revenue to pay for these  
3 responsibilities on behalf of the county.

4 Section 5. The amendments made by this act to s.  
5 29.008(4), Florida Statutes, apply retroactively to July 1,  
6 2004.

7 Section 6. Section 29.0085, Florida Statutes, is  
8 amended to read:

9 29.0085 Annual statement of certain revenues and  
10 expenditures.--

11 (1) Each county shall submit annually to the Chief  
12 Financial Officer a statement of revenues and expenditures as  
13 set forth in this section in the form and manner prescribed by  
14 the Chief Financial Officer in consultation with the  
15 Legislative Committee on Intergovernmental Relations, provided  
16 that such statement identify total county expenditures on each  
17 of the services outlined in s. 29.008.

18 (2)(a) Within 4 ~~6~~ months of the close of the local  
19 government fiscal year, each county shall submit to the Chief  
20 Financial Officer a statement of compliance from its  
21 independent certified public accountant, engaged pursuant to  
22 s. 218.39, that the certified statement of expenditures was in  
23 accordance with s. 29.008 and this section. All discrepancies  
24 noted by the independent certified public accountant shall be  
25 included in the statement furnished by the county to the Chief  
26 Financial Officer.

27 (b) If the Chief Financial Officer determines that  
28 additional auditing procedures are appropriate because:

29 1. The county failed to submit timely its annual  
30 statement;

31 2. Discrepancies were noted by the independent

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1 certified public accountant; or

2           3. The county failed to file before January ~~March~~ 31  
3 of each year the certified public accountant statement of  
4 compliance, the Chief Financial Officer may send his or her  
5 personnel or contract for services to bring the county into  
6 compliance. The costs incurred by the Chief Financial Officer  
7 shall be paid promptly by the county upon certification by the  
8 Chief Financial Officer.

9           (c) Where the Chief Financial Officer elects to  
10 utilize the services of an independent contractor, such  
11 certification by the Chief Financial Officer may require the  
12 county to make direct payment to a contractor. Any funds owed  
13 by a county in such matters shall be recovered pursuant to s.  
14 17.04 or s. 17.041.

15           (3) The Chief Financial Officer shall adopt any rules  
16 necessary to implement his or her responsibilities pursuant to  
17 this section.

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

21 And the title is amended as follows:

22           On page 1, line 21, after the first semicolon,  
23  
24 insert:

25           amending s. 29.008, F.S.; requiring that the  
26 Department of Financial Services review county  
27 expenditure reports in order to determine if  
28 county expenditures have increased by a  
29 specified percentage for certain court-related  
30 functions; requiring that the department notify  
31 the Legislature and the respective county if a

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1 county fails to meet its funding obligations;  
2 providing for the Department of Revenue to  
3 withhold revenue-sharing receipts under certain  
4 circumstances upon the direction of the  
5 Legislature; providing that a county has met  
6 its funding obligations in certain  
7 circumstances; providing for retroactive  
8 application; amending s. 29.0085, F.S.;  
9 revising the due date of an annual statement of  
10 county revenues and expenditures;

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