

1 A bill to be entitled
2 An act relating to continuing implementation of
3 Constitutional Revision 7 to Article V; amending s. 27.52,
4 F.S.; providing for liability for fees, costs, and charges
5 of representation in delinquency proceedings; expanding a
6 provision imposing a lien; amending s. 27.561, F.S.;
7 deleting authorization for a court to reduce or revoke
8 attorney's fees or costs under certain circumstances;
9 requiring defendant-recipients or parents defaulting on
10 payment of attorney's fees or costs to enroll in a payment
11 plan under certain circumstances; amending s. 28.24, F.S.;
12 decreasing a portion of a fee distributed to the Florida
13 Association of Court Clerks and Comptroller, Inc., used to
14 fund court-related technology needs; increasing a portion
15 of a fee used to fund court-related technology needs and
16 court technology needs and redirecting its distribution
17 from the boards of county commissioners to the Court
18 Technology Trust Fund; specifying additional uses of the
19 fee; providing criteria and requirements for use and
20 distribution of funds in the trust fund; amending s.
21 28.35, F.S.; providing additional duties of the Florida
22 Clerks of Court Operations Corporation; providing
23 requirements for the corporation relating to certain
24 budget amendments; prohibiting a clerk from making certain
25 noncomplying expenditures; amending s. 28.36, F.S.;
26 correcting cross-references; providing expenditure
27 requirements for certain budgets; providing expenditure
28 recording and reporting requirements for clerks; amending

29 s. 29.008, F.S.; specifying methodology, criteria, and
30 procedures for determining noncompliance of counties in
31 funding court-related functions; providing duties of a
32 chief judge, the board of county commissioners, the
33 Executive Office of the Governor, and the Administration
34 Commission; revising provisions for withholding certain
35 revenue sharing receipts by the Department of Revenue;
36 providing a definition; amending s. 29.0086, F.S.;
37 providing an additional reporting requirement of the
38 Article V Technology Board; providing for future repeal of
39 the Article V Technology Board; creating s. 29.0087, F.S.;
40 establishing in each judicial circuit a Judicial Circuit
41 Article V Technology Advisory Council; providing for
42 membership; providing for terms; providing for serving
43 without compensation; providing for per diem and travel
44 expenses; providing for staff for the councils; providing
45 for meetings; providing purposes and duties; amending s.
46 44.103, F.S.; providing additional requirements and
47 procedures for court-ordered nonbinding arbitration
48 proceedings; authorizing courts to assess certain costs
49 against parties requesting de novo trials after
50 arbitration; providing cost assessment criteria; providing
51 a definition; amending s. 218.245, F.S.; revising
52 apportionment criteria for revenue sharing distributions
53 for certain local governments; amending s. 318.18, F.S.;
54 revising reporting requirements for infraction or
55 violation surcharge funds used to finance court
56 facilities; amending s. 903.286, F.S.; revising authority

57 of the clerk of court to withhold funds from return of
 58 certain cash bonds for unpaid court fees, court costs, and
 59 criminal penalties; providing notice requirements of such
 60 withheld funds; amending s. 938.27, F.S.; requiring
 61 convicted persons or parents of adjudicated juveniles to
 62 enroll in certain prosecution cost-payment plans; deleting
 63 certain cost-payment criteria; deleting a requirement for
 64 deposit and use of costs collected by the state attorney;
 65 amending s. 938.29, F.S.; revising certain provisions for
 66 liability for payment of attorney's fees and costs;
 67 amending s. 948.15, F.S.; requiring misdemeanor probation
 68 service providers to establish a process for collecting
 69 certain payments; providing for allocating certain
 70 payments among outstanding obligations; renumbering s.
 71 939.185, F.S., as s. 938.195, F.S.; creating s. 938.065,
 72 F.S., by transferring and amending s. 775.083(2), F.S.;
 73 providing for financing county crime prevention programs
 74 from certain court costs; amending ss. 938.17, 938.19,
 75 948.08, 948.16, and 985.306, F.S.; correcting cross-
 76 references; providing an effective date.

77

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

79

80 Section 1. Subsection (6) of section 27.52, Florida
 81 Statutes, is amended to read:

82 27.52 Determination of indigent status.--

83 (6) DUTIES OF PARENT OR LEGAL GUARDIAN.--A nonindigent
 84 parent or legal guardian of an applicant who is a minor or an

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85 adult tax-dependent person shall furnish the minor or adult tax-
86 dependent person with the necessary legal services and costs
87 incident to a delinquency proceeding or, upon transfer of such
88 person for criminal prosecution as an adult pursuant to chapter
89 985, a criminal prosecution in which the person has a right to
90 legal counsel under the Constitution of the United States or the
91 Constitution of the State of Florida. The failure of a parent or
92 legal guardian to furnish legal services and costs under this
93 section does not bar the appointment of legal counsel pursuant
94 to this section, s. 27.40, or s. 27.5303. When the public
95 defender, a private court-appointed conflict counsel, or a
96 private attorney is appointed to represent a minor or an adult
97 tax-dependent person in any proceeding in circuit court or in a
98 criminal or delinquency proceeding in any other court, the
99 parents or the legal guardian shall be liable for payment of the
100 fees, charges, and costs of the representation even if the
101 person is a minor being tried as an adult. Liability for the
102 fees, charges, and costs of the representation shall be imposed
103 in the form of a lien against the property of the ~~nonindigent~~
104 parents or legal guardian of the minor or adult tax-dependent
105 person. The lien is enforceable as provided in s. 27.561 or s.
106 938.29.

107 Section 2. Subsection (3) of section 27.561, Florida
108 Statutes, is amended to read:

109 27.561 Effect of nonpayment.--

110 (3) If it appears to the satisfaction of the court that
111 the default in the payment of the attorney's fees or costs is
112 not contempt, the court may enter an order allowing the

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113 ~~defendant-recipient or parent additional time for, or reducing~~
 114 ~~the amount of, payment or revoking the assessed attorney's fees~~
 115 ~~or costs, or the unpaid portion thereof, in whole or in part. If~~
 116 ~~the court allows additional time for payment, the defendant-~~
 117 ~~recipient or parent shall be enrolled in a payment plan pursuant~~
 118 ~~to s. 28.246(4).~~

119 Section 3. Paragraph (e) of subsection (12) of section
 120 28.24, Florida Statutes, is amended to read:

121 28.24 Service charges by clerk of the circuit court.--The
 122 clerk of the circuit court shall charge for services rendered by
 123 the clerk's office in recording documents and instruments and in
 124 performing the duties enumerated in amounts not to exceed those
 125 specified in this section. Notwithstanding any other provision
 126 of this section, the clerk of the circuit court shall provide
 127 without charge to the state attorney, public defender, guardian
 128 ad litem, public guardian, attorney ad litem, and court-
 129 appointed counsel paid by the state, and to the authorized staff
 130 acting on behalf of each, access to and a copy of any public
 131 record, if the requesting party is entitled by law to view the
 132 exempt or confidential record, as maintained by and in the
 133 custody of the clerk of the circuit court as provided in general
 134 law and the Florida Rules of Judicial Administration. The clerk
 135 of the circuit court may provide the requested public record in
 136 an electronic format in lieu of a paper format when capable of
 137 being accessed by the requesting entity.

138
 139 Charges

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

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

149 1. If the counties maintain legal responsibility for the
 150 costs of the court-related technology needs as described ~~defined~~
 151 in s. 29.008(1)(f)2. and (h), 5 ~~10~~ cents shall be distributed to
 152 the Florida Association of Court Clerks and Comptroller, Inc.,
 153 for the cost of development, implementation, operation, and
 154 maintenance of the clerks' Comprehensive Case Information
 155 System, in which system all clerks shall participate on or
 156 before January 1, 2006; \$1.90 shall be retained by the clerk to
 157 be deposited in the Public Records Modernization Trust Fund and
 158 used exclusively for funding court-related technology needs of
 159 the clerk as described ~~defined~~ in s. 29.008(1)(f)2. and (h); and
 160 \$2.05 ~~\$2~~ shall be distributed to the Court Technology Trust Fund
 161 ~~board of county commissioners~~ to be used to prepare the
 162 strategic plan required by s. 29.0087 and provide oversight of
 163 court-related technology services provided by the counties and
 164 to be disbursed to counties as state financial assistance to
 165 offset the costs of providing ~~exclusively to fund~~ court-related
 166 technology, and court technology needs as described ~~defined~~ in
 167 s. 29.008(1)(f)2. and (h) for the state trial courts, state
 168 attorney, and public defender in that county. Counties shall

169 agree to use funds in conformance with the strategic plan
 170 required by s. 29.0087 as approved by the chief judge in order
 171 to be eligible for state financial assistance from the Court
 172 Technology Trust Fund. The amount provided to each county from
 173 the Court Technology Trust Fund shall be equal to each county's
 174 percentage of total collections of the additional recording fee
 175 required by this section applied to the total amount available
 176 to be distributed to counties. If a county is not eligible to
 177 receive funds from the Court Technology Trust Fund, the funds
 178 that would have otherwise been distributed to the county shall
 179 remain in the Court Technology Trust Fund to be used as
 180 appropriated by the Legislature. If the counties maintain legal
 181 responsibility for the costs of the court-related technology
 182 needs as described ~~defined~~ in s. 29.008(1)(f)2. and (h),
 183 notwithstanding any other provision of law, the county is not
 184 required to provide additional funding beyond that provided
 185 herein for the court-related technology needs of the clerk as
 186 described ~~defined~~ in s. 29.008(1)(f)2. and (h). All court
 187 records and official records are the property of the State of
 188 Florida, including any records generated as part of the
 189 Comprehensive Case Information System funded pursuant to this
 190 paragraph and the clerk of court is designated as the custodian
 191 of such records, except in a county where the duty of
 192 maintaining official records exists in a county office other
 193 than the clerk of court or comptroller, such county office is
 194 designated the custodian of all official records, and the clerk
 195 of court is designated the custodian of all court records. The
 196 clerk of court or any entity acting on behalf of the clerk of

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197 court, including an association, shall not charge a fee to any
 198 agency as defined in s. 119.011, the Legislature, or the State
 199 Court System for copies of records generated by the
 200 Comprehensive Case Information System or held by the clerk of
 201 court or any entity acting on behalf of the clerk of court,
 202 including an association.

203 2. If the state becomes legally responsible for the costs
 204 of court-related technology needs as described ~~defined~~ in s.
 205 29.008(1)(f)2. and (h), whether by operation of general law or
 206 by court order, \$4 shall be remitted to the Department of
 207 Revenue for deposit into the General Revenue Fund.

208 Section 4. Paragraphs (h) and (i) are added to subsection
 209 (2) of section 28.35, Florida Statutes, paragraph (e) of that
 210 subsection is amended, subsections (4) through (7) of that
 211 section are renumbered as subsections (5) through (8),
 212 respectively, and a new subsection (4) is added to that section,
 213 to read:

214 28.35 Florida Clerks of Court Operations Corporation.--

215 (2) The duties of the corporation shall include the
 216 following:

217 (e) Developing and certifying a uniform system of
 218 performance measures and applicable performance standards for
 219 the functions specified in paragraph (5) ~~(4)~~(a) and clerk
 220 performance in meeting the performance standards. These measures
 221 and standards shall be designed to facilitate an objective
 222 determination of the performance of each clerk in accordance
 223 with minimum standards for fiscal management, operational
 224 efficiency, and effective collection of fines, fees, service

225 | charges, and court costs. When the corporation finds a clerk has
 226 | not met the performance standards, the corporation shall
 227 | identify the nature of each deficiency and any corrective action
 228 | recommended and taken by the affected clerk of the court.

229 | (h) Receiving reports from each clerk of court in a format
 230 | specified by the corporation that allows reconciliation of the
 231 | expenses of a clerk to the clerk's certified budget.

232 | (i) Providing information regarding the budgets and
 233 | expenditures of clerks and any other fiscal data related to the
 234 | corporation and performance of court-related clerk duties upon
 235 | request by a committee of the Legislature, the Governor, or the
 236 | Office of the State Courts Administrator. Clerks of court shall
 237 | provide any information requested by the corporation in
 238 | accordance with this paragraph.

239 | (4) Approval of the corporation is required for a
 240 | certified budget to be amended except as otherwise provided in
 241 | s. 28.36(6). The corporation shall provide notice to the
 242 | appropriations committees of the Senate and the House of
 243 | Representatives of any requested amendment to a certified budget
 244 | and the resulting action taken by the corporation to approve or
 245 | disapprove such request. A clerk may not make expenditures that
 246 | do not comply with the clerk's certified budget.

247 | Section 5. Subsections (1) through (5) of section 28.36,
 248 | Florida Statutes, are amended, and subsection (8) is added to
 249 | that section, to read:

250 | 28.36 Budget procedure.--There is hereby established a
 251 | budget procedure for the court-related functions of the clerks
 252 | of the court.

253 (1) Only those functions on the standard list developed
 254 pursuant to s. 28.35(5)~~(4)~~(a) may be funded from fees, service
 255 charges, court costs, and fines retained by the clerks of the
 256 court. No clerk may use fees, service charges, court costs, and
 257 fines in excess of the maximum budget amounts as established in
 258 subsection (5).

259 (2) For the period July 1, 2004, through September 30,
 260 2004, and for each county fiscal year ending September 30
 261 thereafter, each clerk of the court shall prepare a budget
 262 relating solely to the performance of the standard list of
 263 court-related functions pursuant to s. 28.35(5)~~(4)~~(a).

264 (3) Each proposed budget shall further conform to the
 265 following requirements:

266 (a) On or before August 15 for each fiscal year
 267 thereafter, the proposed budget shall be prepared, summarized,
 268 and submitted by the clerk in each county to the Clerks of Court
 269 Operations Corporation in the manner and form prescribed by the
 270 corporation. The proposed budget must provide detailed
 271 information on the anticipated revenues available and
 272 expenditures necessary for the performance of the standard list
 273 of court-related functions of the clerk's office developed
 274 pursuant to s. 28.35(5)~~(4)~~(a) for the county fiscal year
 275 beginning the following October 1.

276 (b) The proposed budget must be balanced~~r~~, such that the
 277 total of the estimated revenues available equals ~~must equal~~ or
 278 exceeds ~~exceed~~ the total of the anticipated expenditures. These
 279 revenues include the following: cash balances brought forward
 280 from the prior fiscal period; revenue projected to be received

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281 from fees, service charges, court costs, and fines for court-
282 related functions during the fiscal period covered by the
283 budget; and supplemental revenue that may be requested pursuant
284 to subsection (4). Both proposed and certified budgets shall
285 list expenditures by appropriations categories as defined in s.
286 216.011 and the number of full-time equivalent positions. A
287 budget shall specifically list any nonrecurring expenditures,
288 including, but not limited to, employee bonuses and equipment
289 purchases. The budget shall also specify details of any general
290 changes to salaries and benefits, such as cost-of-living
291 increases in salaries and improvements in benefits. The
292 ~~anticipated expenditures must be itemized as required by the~~
293 ~~corporation, pursuant to contract with the Chief Financial~~
294 ~~Officer.~~

295 (c) The proposed budget may include a contingency reserve
296 not to exceed 10 percent of the total budget, provided that,
297 overall, the proposed budget does not exceed the limits
298 prescribed in subsection (5).

299 (4) If a clerk of the court estimates that available funds
300 plus projected revenues from fines, fees, service charges, and
301 costs for court-related services are insufficient to meet the
302 anticipated expenditures for the standard list of court-related
303 functions in s. 28.35 (5) ~~(4)~~ (a) performed by his or her office,
304 the clerk must report the revenue deficit to the Clerks of Court
305 Operations Corporation in the manner and form prescribed by the
306 corporation pursuant to contract with the Chief Financial
307 Officer. The corporation shall verify that the proposed budget

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308 is limited to the standard list of court-related functions in s.
309 28.35(5)~~(4)~~(a).

310 (a) If the corporation verifies that the proposed budget
311 is limited to the standard list of court-related functions in s.
312 28.35(5)~~(4)~~(a) and a revenue deficit is projected, a clerk
313 seeking to retain revenues pursuant to this subsection shall
314 increase all fees, service charges, and any other court-related
315 clerk fees and charges to the maximum amounts specified by law
316 or the amount necessary to resolve the deficit, whichever is
317 less. If, after increasing fees, service charges, and any other
318 court-related clerk fees and charges to the maximum amounts
319 specified by law, a revenue deficit is still projected, the
320 corporation shall, pursuant to the terms of the contract with
321 the Chief Financial Officer, certify a revenue deficit and
322 notify the Department of Revenue that the clerk is authorized to
323 retain revenues, in an amount necessary to fully fund the
324 projected revenue deficit, which he or she would otherwise be
325 required to remit to the Department of Revenue for deposit into
326 the Department of Revenue Clerks of the Court Trust Fund
327 pursuant to s. 28.37. If a revenue deficit is projected for that
328 clerk after retaining all of the projected collections from the
329 court-related fines, fees, service charges, and costs, the
330 Department of Revenue shall certify the amount of the revenue
331 deficit amount to the Executive Office of the Governor and
332 request release authority for funds appropriated for this
333 purpose from the Department of Revenue Clerks of the Court Trust
334 Fund. Notwithstanding provisions of s. 216.192 related to the
335 release of funds, the Executive Office of the Governor may

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336 approve the release of funds appropriated to resolve projected
337 revenue deficits in accordance with the notice, review, and
338 objection procedures set forth in s. 216.177 and shall provide
339 notice to the Chief Financial Officer. The Department of Revenue
340 is directed to request monthly distributions from the Chief
341 Financial Officer in equal amounts to each clerk certified to
342 have a revenue deficit, in accordance with the releases approved
343 by the Governor.

344 (b) If the Chief Financial Officer finds the court-related
345 budget proposed by a clerk includes functions not included in
346 the standard list of court-related functions in s.
347 28.35(5)~~(4)~~(a), the Chief Financial Officer shall notify the
348 clerk of the amount of the proposed budget not eligible to be
349 funded from fees, service charges, costs, and fines for court-
350 related functions and shall identify appropriate corrective
351 measures to ensure budget integrity. The clerk shall then
352 immediately discontinue all ineligible expenditures of court-
353 related funds for this purpose and reimburse the Clerks of the
354 Court Trust Fund for any previously ineligible expenditures made
355 for non-court-related functions, and shall implement any
356 corrective actions identified by the Chief Financial Officer.

357 (5) (a) For the county fiscal year October 1, 2004, through
358 September 30, 2005, the maximum annual budget amount for the
359 standard list of court-related functions of the clerks of court
360 in s. 28.35(5)~~(4)~~(a) that may be funded from fees, service
361 charges, court costs, and fines retained by the clerks of the
362 court shall not exceed:

363 1. One hundred and three percent of the clerk's estimated
 364 expenditures for the prior county fiscal year; or

365 2. One hundred and five percent of the clerk's estimated
 366 expenditures for the prior county fiscal year for those clerks
 367 in counties that for calendar years 1998-2002 experienced an
 368 average annual increase of at least 5 percent in both population
 369 and case filings for all case types as reported through the
 370 Summary Reporting System used by the state courts system.

371 (b) For the county fiscal year 2005-2006, the maximum
 372 budget amount for the standard list of court-related functions
 373 of the clerks of court in s. 28.35(5)~~(4)~~(a) that may be funded
 374 from fees, service charges, court costs, and fines retained by
 375 the clerks of the court shall be the approved budget for county
 376 fiscal year 2004-2005 adjusted by the projected percentage
 377 change in revenue between the county fiscal years 2004-2005 and
 378 2005-2006.

379 (c) For the county fiscal years 2006-2007 and thereafter,
 380 the maximum budget amount for the standard list of court-related
 381 functions of the clerks of court in s. 28.35(5)~~(4)~~(a) that may
 382 be funded from fees, service charges, court costs, and fines
 383 retained by the clerks of the court shall be established by
 384 first rebasing the prior fiscal year budget to reflect the
 385 actual percentage change in the prior fiscal year revenue and
 386 then adjusting the rebased prior fiscal year budget by the
 387 projected percentage change in revenue for the proposed budget
 388 year. The rebasing calculations and maximum annual budget
 389 calculations shall be as follows:

390 1. For county fiscal year 2006-2007, the approved budget
 391 for county fiscal year 2004-2005 shall be adjusted for the
 392 actual percentage change in revenue between the two 12-month
 393 periods ending June 30, 2005, and June 30, 2006. This result is
 394 the rebased budget for the county fiscal year 2005-2006. Then
 395 the rebased budget for the county fiscal year 2005-2006 shall be
 396 adjusted by the projected percentage change in revenue between
 397 the county fiscal years 2005-2006 and 2006-2007. This result
 398 shall be the maximum annual budget amount for the standard list
 399 of court-related functions of the clerks of court in s.
 400 28.35(5)~~(4)~~(a) that may be funded from fees, service charges,
 401 court costs, and fines retained by the clerks of the court for
 402 each clerk for the county fiscal year 2006-2007.

403 2. For county fiscal year 2007-2008, the rebased budget
 404 for county fiscal year 2005-2006 shall be adjusted for the
 405 actual percentage change in revenue between the two 12-month
 406 periods ending June 30, 2006, and June 30, 2007. This result is
 407 the rebased budget for the county fiscal year 2006-2007. The
 408 rebased budget for county fiscal year 2006-2007 shall be
 409 adjusted by the projected percentage change in revenue between
 410 the county fiscal years 2006-2007 and 2007-2008. This result
 411 shall be the maximum annual budget amount for the standard list
 412 of court-related functions of the clerks of court in s.
 413 28.35(5)~~(4)~~(a) that may be funded from fees, service charges,
 414 court costs, and fines retained by the clerks of the court for
 415 county fiscal year 2007-2008.

416 3. For county fiscal years 2008-2009 and thereafter, the
 417 maximum budget amount for the standard list of court-related

418 functions of the clerks of court in s. 28.35~~(5)~~(4)(a) that may
 419 be funded from fees, service charges, court costs, and fines
 420 retained by the clerks of the court shall be calculated as the
 421 rebased budget for the prior county fiscal year adjusted by the
 422 projected percentage change in revenues between the prior county
 423 fiscal year and the county fiscal year for which the maximum
 424 budget amount is being authorized. The rebased budget for the
 425 prior county fiscal year shall always be calculated by adjusting
 426 the rebased budget for the year preceding the prior county
 427 fiscal year by the actual percentage change in revenues between
 428 the 12-month period ending June 30 of the year preceding the
 429 prior county fiscal year and the 12-month period ending June 30
 430 of the prior county fiscal year.

431 (8) Each clerk shall record and report actual expenditures
 432 in a format specified by the Clerks of Court Operations
 433 Corporation that allows reconciliation to the clerk's budget as
 434 certified by the corporation. The clerk shall submit reports of
 435 such expenditures to the corporation upon request but at least
 436 quarterly.

437 Section 6. Subsection (4) of section 29.008, Florida
 438 Statutes, is amended, and subsection (5) is added to that
 439 section, to read:

440 29.008 County funding of court-related functions.--

441 (4)(a) A county may be determined not to be in compliance
 442 with its responsibility to fund court-related functions if:

443 1. The amount budgeted by the county in the upcoming or
 444 current county fiscal year for any item specified in paragraphs
 445 (1)(a), (c), (d), (e), (f), (g), and (h) and subsection (3) is

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446 less than the amount spent for that item in county fiscal year
447 2002-2003, the base year, plus 1.5 percent growth per year; and

448 2. The chief judge asserts that deficiencies will exist in
449 the functioning of the circuit court due to the lack of
450 sufficient budget for that item which the county is funding at
451 less than the base year plus 1.5 percent growth per year.

452 (b) The process for determining whether a county is not in
453 compliance with its funding responsibility shall be as follows:

454 1. The chief judge shall identify in writing the specific
455 deficiencies the chief judge asserts will be experienced by the
456 circuit court associated with the county's lack of sufficient
457 support for that item, the recommended corrections, and an
458 estimate of the funding required for such corrections and shall
459 furnish this statement to the board of county commissioners.

460 2. The board shall provide a response in writing to the
461 chief judge. If the board chooses not to amend its budget to
462 provide funding sufficient to equal the funding for the item in
463 the base year plus 1.5 percent growth per year or remedy the
464 specific deficiencies identified by the chief judge, whichever
465 is less, within 30 days after receiving written notice of such
466 action by the board, the chief judge may notify the
467 Administration Commission of the alleged deficiency and explain
468 the expected impact on the ability of the court to perform the
469 court's constitutional and statutory functions. The notice shall
470 set forth, in the form and manner prescribed by the Executive
471 Office of the Governor and approved by the Administration
472 Commission, the specific deficiencies, recommended corrections,
473 estimate of the funding required for such corrections,

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474 expenditures made by the county in the base year for the items,
475 and budget for the items for the county fiscal year in question.
476 The notice shall be provided to the Executive Office of the
477 Governor and the board. The board shall have 5 days from receipt
478 of the notice to provide to the Executive Office of the Governor
479 a reply to the notice, and the board shall provide a copy of
480 such reply to the chief judge.

481 3. Upon receipt of the notice, the Executive Office of the
482 Governor shall provide for a budget hearing at which the matters
483 presented in the notice and the reply shall be considered. A
484 report of the findings and recommendations of the Executive
485 Office of the Governor on such matters shall be promptly
486 submitted to the Administration Commission, which, within 30
487 days, shall approve the action of the board as to each separate
488 item or direct the Department of Revenue to withhold revenue
489 sharing funds as provided in paragraph (c) in an amount
490 determined by the Administration Commission to be sufficient to
491 remedy the deficiency; however, in no case shall the amount
492 withheld result in a budget that exceeds the amount spent for
493 the item in the base year plus 1.5 percent growth per year for
494 any item enumerated in subparagraph (a)1. The determination of
495 the Administration Commission shall be final and shall be
496 provided to the chief judge, the board, and the Department of
497 Revenue.

498 (c)1. If the Administration Commission determines that the
499 board shall provide additional funding to fulfill its
500 responsibilities under this section ~~Except for revenues used for~~
501 ~~the payment of principal or interest on bonds, tax anticipation~~

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502 ~~certificates, or any other form of indebtedness as allowed under~~
503 ~~s. 218.25(1), (2) or (4), the Department of Revenue shall~~
504 ~~withhold revenue sharing receipts distributed pursuant to part~~
505 ~~II of chapter 218, except for revenues used for the payment of~~
506 principal or interest on bonds, tax anticipation certificates,
507 or any other form of indebtedness as allowed under s. 218.25(1),
508 (2), or (4), from that any county determined to be not in
509 compliance as provided in this subsection with the county
510 ~~funding obligations for items specified in paragraphs (1) (a),~~
511 ~~(c), (d), (e), (f), (g), and (h) and subsection (3). The~~
512 ~~department shall withhold an amount equal to the difference~~
513 ~~between the amount spent by the county for the particular item~~
514 ~~in county fiscal year 2002-2003, the base year, plus 3 percent,~~
515 ~~and the amount budgeted by the county for these obligations in~~
516 ~~county fiscal year 2004-2005, if the latter is less than the~~
517 ~~former. Every year thereafter, the department shall withhold~~
518 ~~such an amount if the amount budgeted in that year is less than~~
519 ~~the base year plus 1.5 percent growth per year. On or before~~
520 ~~December 31, 2004, counties shall send to the department a~~
521 ~~certified copy of their budget documents for the respective 2~~
522 ~~years, separately identifying expenditure amounts for each~~
523 ~~county funding obligation specified in paragraphs (1) (a), (c),~~
524 ~~(d), (e), (f), (g), and (h) and subsection (3). Each year~~
525 ~~thereafter, on or before December 31 of that year, each county~~
526 ~~shall send a certified copy of its budget document to the~~
527 ~~department.~~

528 ~~(b) Beginning in fiscal year 2005-2006, additional amounts~~
529 ~~shall be withheld pursuant to paragraph (a), if the amount spent~~

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530 ~~in the previous fiscal year on the items specified in paragraphs~~
531 ~~(1)(a), (c), (d), (e), (f), (g), and (h), and subsection (3) is~~
532 ~~less than the amount budgeted for those items. Each county shall~~
533 ~~certify expenditures for these county obligations for the prior~~
534 ~~fiscal year to the department within 90 days after the end of~~
535 ~~the fiscal year.~~

536 2.(e) The department shall transfer the withheld payments
537 to the General Revenue Fund by March 31 of each year. These
538 payments are hereby appropriated to the Department of Revenue to
539 pay for these responsibilities on behalf of the county.

540 (5) For purposes of this section, the term "salaries"
541 includes associated fringe benefits or other perquisites that
542 are typically provided by the county to its employees.

543 Section 7. Paragraph (d) is added to subsection (5) of
544 section 29.0086, Florida Statutes, and subsection (9) of that
545 section is amended, to read:

546 29.0086 Article V Technology Board.--

547 (5) The board shall:

548 (d) By December 15, 2006, provide a report to the
549 Governor, the President of the Senate, the Speaker of the House
550 of Representatives, and the Chief Justice of the Supreme Court.

551 The report shall contain:

552 1. Recommended statutory language that would provide
553 policy guidance for the strategic plans to be developed and the
554 data integration to be promoted by the Judicial Circuit Article
555 V Technology Advisory Councils.

556 2. Recommended policies to be adopted by the Office of the
557 State Courts Administrator within the framework provided by the

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558 recommended statutory language provided under subparagraph 1.
559 regarding circuit information technology.

560 3. A description of any further progress made on efforts
561 to develop a catalog of common data elements.

562 (9) This section is repealed effective January 1, 2007
563 ~~July 1, 2006.~~

564 Section 8. Section 29.0087, Florida Statutes, is created
565 to read:

566 29.0087 Judicial Circuit Article V Technology Advisory
567 Councils.--

568 (1) There shall be established in each judicial circuit a
569 Judicial Circuit Article V Technology Advisory Council.

570 (a) The membership of the council shall include:

571 1. The chief judge of the circuit court, or his or her
572 designee, who shall serve as chair.

573 2. The state attorney of the circuit or his or her
574 designee.

575 3. The public defender of the circuit or his or her
576 designee.

577 4. A sheriff from a county in the circuit selected by the
578 chief judge, or the sheriff's designee, who shall be appointed
579 to an initial term of 1 year and shall serve 2-year terms
580 thereafter.

581 5. A clerk from a county in the circuit selected by the
582 chief judge, or the clerk's designee, who shall be appointed to
583 an initial term of 1 year and shall serve 2-year terms
584 thereafter.

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585 6. A member of a board of county commissioners from a
586 county in the circuit selected by the chief judge, or the
587 member's designee, who shall be appointed to an initial term of
588 2 years and shall serve 2-year terms thereafter.

589 7. A member in good standing of The Florida Bar practicing
590 in the circuit, appointed by the chief judge.

591 (b)1. There shall be no limit to the number of terms a
592 member may serve. For multicounty circuits, to the extent
593 possible, the members provided in subparagraphs (a)4.-6. shall
594 be from different counties.

595 2. Members of the advisory council shall serve without
596 compensation but are entitled to per diem and reimbursement for
597 travel expenses in accordance with s. 112.061. Such per diem and
598 reimbursement for travel expenses shall be paid by the entity
599 employing the member, except for the member of The Florida Bar,
600 whose per diem and reimbursement for travel expenses shall be
601 paid by the judicial circuit.

602 (c) The judicial circuit information technology director
603 and such other judicial circuit employees as are necessary shall
604 serve as staff to the advisory council. Employees of the
605 entities represented by the members of the advisory council may
606 also provide staff support to the advisory council at the
607 request of the judicial circuit information technology director.

608 (d) The first meeting of the advisory council shall be
609 held no later than September 30, 2006. The advisory council
610 shall meet at the call of the chair but no less frequently than
611 quarterly.

612 (2) The advisory council shall work to promote the
 613 efficiency and effectiveness of the justice system in the
 614 circuit and the state as well as to ensure the security of data.

615 (3) The duties of the advisory council shall include:

616 (a) Developing an initial strategic plan and subsequent
 617 updated strategic plans to address court-related technology and
 618 court technology needs as described in s. 29.008(1)(f)2. and
 619 (h). Such plans shall comply with any policies adopted by the
 620 Office of the State Courts Administrator regarding circuit-level
 621 information technology services. The initial strategic plan or
 622 subsequent updated strategic plans shall be provided to the
 623 chief judge no later than March 31 of each year.

624 (b) Promoting secure and reliable data integration,
 625 interoperability, and access among the information systems under
 626 the control of the chief judge, state attorney, and public
 627 defender; the clerks of court, sheriffs, and counties of the
 628 circuit; and the various state agencies involved in the justice
 629 system and the other court systems of the state.

630 Section 9. Subsections (4) and (6) of section 44.103,
 631 Florida Statutes, are amended to read:

632 44.103 Court-ordered, nonbinding arbitration.--

633 (4) An arbitrator or, in the case of a panel, the chief
 634 arbitrator~~7~~, shall have such power to administer oaths or
 635 affirmation and to conduct the proceedings as the rules of court
 636 shall provide. The proceedings shall be conducted informally.
 637 Presentation of testimony and evidence shall be kept to a
 638 minimum and matters shall be presented to the arbitrators
 639 primarily through the statements and arguments of counsel. ~~At~~

640 ~~the request of~~ Any party to the arbitration may petition the
641 court in the underlying action, for good cause shown, to
642 authorize the, such arbitrator to shall issue subpoenas for the
643 attendance of witnesses and the production of books, records,
644 documents, and other evidence at the arbitration and may
645 petition apply to the court for orders compelling such
646 attendance and production at the arbitration. Subpoenas shall be
647 served and shall be enforceable in the manner provided by law.

648 (6) Upon motion made by either party within 30 days after
649 entry of a judgment, the court may assess costs against the
650 party requesting a trial de novo, including arbitration costs,
651 court costs, reasonable attorney's fees, and other reasonable
652 costs, such as investigation expenses and expenses for expert or
653 other testimony that were incurred after the arbitration hearing
654 and continuing through the trial of the case, in accordance with
655 the guidelines for taxation of costs as adopted by the Supreme
656 Court. Such costs may be assessed if:

657 (a) The plaintiff, having filed for a trial de novo,
658 obtains a judgment at trial that is at least 25 percent less
659 than the arbitration award. In such an instance, the costs and
660 attorney's fees assessed pursuant to this subsection shall be
661 set off against the award. When the costs and attorney's fees
662 assessed pursuant to this subsection total more than the amount
663 of the judgment, the court shall enter judgment for the
664 defendant against the plaintiff for the amount of the costs and
665 attorney's fees, less the amount of the award to the plaintiff.
666 For purposes of a determination under this paragraph, the term
667 "judgment" means the amount of the net judgment entered plus all

668 taxable costs pursuant to the guidelines for taxation of costs
 669 as adopted by the Supreme Court, any postarbitration collateral
 670 source payments received or due as of the date of the judgment,
 671 and any postarbitration settlement amounts by which the verdict
 672 was reduced; or

673 (b) The defendant, having filed for a trial de novo, has a
 674 judgment entered against the defendant that is a least 25
 675 percent more than the arbitration award. For purposes of a
 676 determination under this paragraph, the term "judgment" means
 677 the amount of the net judgment entered plus any postarbitration
 678 settlement amounts by which the verdict was reduced. ~~The party~~
 679 ~~having filed for a trial de novo may be assessed the arbitration~~
 680 ~~costs, court costs, and other reasonable costs of the party,~~
 681 ~~including attorney's fees, investigation expenses, and expenses~~
 682 ~~for expert or other testimony or evidence incurred after the~~
 683 ~~arbitration hearing if the judgment upon the trial de novo is~~
 684 ~~not more favorable than the arbitration decision.~~

685 Section 10. Subsection (3) of section 218.245, Florida
 686 Statutes, as amended by section 44 of chapter 2005-236, Laws of
 687 Florida, is amended to read:

688 218.245 Revenue sharing; apportionment.--

689 (3) Revenues attributed to the increase in distribution to
 690 the Revenue Sharing Trust Fund for Municipalities pursuant to s.
 691 212.20(6)(d)6. from 1.0715 percent to 1.3409 percent provided in
 692 chapter 2003-402, Laws of Florida, shall be distributed to each
 693 eligible municipality and any unit of local government which is
 694 consolidated as provided by s. 9, Art. VIII of the State
 695 Constitution of 1885, as preserved by s. 6(e), Art. VIII, 1968

696 revised constitution, as follows: each eligible local
 697 government's allocation shall be based on the amount it received
 698 from the half-cent sales tax under s. 218.61 in the prior state
 699 fiscal year divided by the total receipts under s. 218.61 in the
 700 prior state fiscal year for all eligible local governments;
 701 provided, however, for the purpose of calculating this
 702 distribution, the amount received from the half-cent sales tax
 703 under s. 218.61 in the prior state fiscal year by a unit of
 704 local government which is consolidated as provided by s. 9, Art.
 705 VIII of the State Constitution of 1885, as amended, and as
 706 preserved by s. 6(e), Art. VIII, of the Constitution as revised
 707 in 1968, shall be reduced by 42 ~~50~~ percent for such local
 708 government and for the total receipts. For eligible
 709 municipalities that began participating in the allocation of
 710 half-cent sales tax under s. 218.61 in the previous state fiscal
 711 year, their annual receipts shall be calculated by dividing
 712 their actual receipts by the number of months they participated,
 713 and the result multiplied by 12.

714 Section 11. Subsection (13) of section 318.18, Florida
 715 Statutes, is amended to read:

716 318.18 Amount of civil penalties.--The penalties required
 717 for a noncriminal disposition pursuant to s. 318.14 are as
 718 follows:

719 (13) In addition to any penalties imposed for noncriminal
 720 traffic infractions pursuant to this chapter or imposed for
 721 criminal violations listed in s. 318.17, a board of county
 722 commissioners or any unit of local government which is
 723 consolidated as provided by s. 9, Art. VIII of the State

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724 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
 725 Constitution of 1968:

726 (a) May impose by ordinance a surcharge of up to \$15 for
 727 any infraction or violation to fund state court facilities. The
 728 court shall not waive this surcharge. Up to 25 percent of the
 729 revenue from such surcharge may be used to support local law
 730 libraries provided that the county or unit of local government
 731 provides a level of service equal to that provided prior to July
 732 1, 2004, which shall include the continuation of library
 733 facilities located in or near the county courthouse or annexes.

734 (b) That imposed increased fees or service charges by
 735 ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the
 736 purpose of securing payment of the principal and interest on
 737 bonds issued by the county before July 1, 2003, to finance state
 738 court facilities, may impose by ordinance a surcharge for any
 739 infraction or violation for the exclusive purpose of securing
 740 payment of the principal and interest on bonds issued by the
 741 county before July 1, 2003, to fund state court facilities until
 742 the date of stated maturity. The court shall not waive this
 743 surcharge. Such surcharge may not exceed an amount per violation
 744 calculated as the quotient of the maximum annual payment of the
 745 principal and interest on the bonds as of July 1, 2003, divided
 746 by the number of traffic citations for county fiscal year 2002-
 747 2003 certified as paid by the clerk of the court of the county.
 748 Such quotient shall be rounded up to the next highest dollar
 749 amount. The bonds may be refunded only if savings will be
 750 realized on payments of debt service and the refunding bonds are

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751 | scheduled to mature on the same date or before the bonds being
752 | refunded.

753 |
754 | A county may not impose both of the surcharges authorized under
755 | paragraphs (a) and (b) concurrently. The county clerk of court
756 | shall report, no later than 30 days after the end of the
757 | quarter, the amount of funds collected, the amount of funds
758 | expended, and the uses of the funds under this subsection during
759 | each quarter of the fiscal year. The county clerk shall submit
760 | the report, in a format developed by the Office of State Courts
761 | Administrator, to the chief judge of the circuit, the Governor,
762 | the President of the Senate, and the Speaker of the House of
763 | Representatives.

764 | Section 12. Section 903.286, Florida Statutes, is amended
765 | to read:

766 | 903.286 Return of cash bond; requirement to withhold
767 | unpaid fines, fees, and court costs.--Notwithstanding the
768 | provisions of s. 903.31(2), the clerk of the court shall
769 | withhold from the return of a cash bond posted after June 30,
770 | 2005, on behalf of a criminal defendant by a person other than a
771 | bail bond agent licensed pursuant to chapter 648 sufficient
772 | funds to pay any unpaid court fees, court costs, and criminal
773 | penalties. The clerk of the court shall provide notice of such
774 | withholding of funds and an itemized listing of the specific
775 | amounts subject to such withholding to such persons prior to the
776 | posting of the cash bond. In the event that sufficient funds are
777 | not available to pay all unpaid court fees, court costs, and
778 | criminal penalties, the clerk of the court shall immediately

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779 obtain payment from the defendant or enroll the defendant in a
780 payment plan pursuant to s. 28.246.

781 Section 13. Subsections (1), (2), and (8) of section
782 938.27, Florida Statutes, are amended to read:

783 938.27 Judgment for costs on conviction.--

784 (1) In all criminal cases, convicted persons or parents of
785 adjudicated juveniles are liable for payment of the documented
786 costs of prosecution, including investigative costs incurred by
787 law enforcement agencies, by fire departments for arson
788 investigations, and by investigations of the Department of
789 Financial Services or the Office of Financial Regulation of the
790 Financial Services Commission, ~~if requested by such agencies.~~
791 These costs shall be included and entered in the judgment
792 rendered against the convicted person or adjudicated juvenile.

793 (2) (a) If the court allows additional time for payment of
794 such costs, the convicted person or the parents of the
795 adjudicated juvenile shall be enrolled in a payment plan
796 pursuant to s. 28.246(4) ~~The court shall require the defendant~~
797 ~~to pay the costs within a specified period or in specified~~
798 ~~installments.~~

799 ~~(b) The end of such period or the last such installment~~
800 ~~shall not be later than:~~

801 ~~1. The end of the period of probation or community~~
802 ~~control, if probation or community control is ordered;~~

803 ~~2. Five years after the end of the term of imprisonment~~
804 ~~imposed, if the court does not order probation or community~~
805 ~~control; or~~

806 ~~3. Five years after the date of sentencing in any other~~
 807 ~~case.~~

808
 809 ~~However, in no event shall the obligation to pay any unpaid~~
 810 ~~amounts expire if not paid in full within the period specified~~
 811 ~~in this paragraph.~~

812 ~~(b)(e)~~ If not otherwise provided by the court under this
 813 section, costs shall be paid immediately.

814 ~~(8) Costs that are collected by the state attorney under~~
 815 ~~this section shall be deposited into the state attorney's grants~~
 816 ~~and donations trust fund to be used during the fiscal year in~~
 817 ~~which the funds are collected, or in any subsequent fiscal year,~~
 818 ~~for actual expenses incurred in investigating and prosecuting~~
 819 ~~criminal cases, which may include the salaries of permanent~~
 820 ~~employees.~~

821 Section 14. Paragraph (a) of subsection (1) of section
 822 938.29, Florida Statutes, is amended to read:

823 938.29 Legal assistance; lien for payment of attorney's
 824 fees or costs.--

825 (1) (a) A defendant determined to be guilty of a criminal
 826 act or found to have committed a delinquent act by a court or
 827 jury or through a plea of guilty or nolo contendere, regardless
 828 of adjudication, and who has received the assistance of the
 829 public defender's office, ~~a special assistant public defender,~~
 830 or a court-appointed conflict attorney shall be liable for
 831 payment of attorney's fees and costs. The court shall determine
 832 the amount of the obligation. Such costs shall include, but not
 833 be limited to, the cost of depositions; cost of transcripts of

834 depositions, including the cost of defendant's copy, which
 835 transcripts are certified by the defendant's attorney as having
 836 served a useful purpose in the disposition of the case;
 837 investigative costs; witness fees; the cost of psychiatric
 838 examinations; or other reasonable costs specially incurred by
 839 the state and the clerk of court for the defense of the
 840 defendant in criminal prosecutions. Costs shall not include
 841 expenses inherent in providing a constitutionally guaranteed
 842 jury trial or expenditures in connection with the maintenance
 843 and operation of government agencies that must be made by the
 844 public irrespective of specific violations of law. Any costs
 845 assessed pursuant to this paragraph shall be reduced by any
 846 amount assessed against a defendant pursuant to s. 938.05.

847 Section 15. Subsections (4) and (5) of section 948.15,
 848 Florida Statutes, are renumbered as subsections (5) and (6),
 849 respectively, present subsection (3) is renumbered as subsection
 850 (4), paragraph (e) of that subsection is amended, and a new
 851 subsection (3) is added to that section, to read:

852 948.15 Misdemeanor probation services.--

853 (3) The entity providing probation services for offenders
 854 sentenced by the county court shall establish a process to
 855 collect payments for all offender fees, fines, and costs imposed
 856 by the court, restitution owed by the misdemeanor probationer,
 857 and the cost of supervision. If a payment made by the
 858 misdemeanor probationer is not sufficient to cover the total
 859 installment required under a payment plan imposed by the court
 860 plus any additional payments that are outstanding, the payment
 861 made by the misdemeanor probationer shall be allocated

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862 proportionally among any fees, fines, and costs imposed by the
863 court, restitution owed by the misdemeanor probationer, and the
864 cost of supervision based upon the percentage that the sum owed
865 for each type of payment comprises of the total owed for all
866 types of payments. The entity providing probation services shall
867 provide any funds collected in accordance with this subsection,
868 within 30 days after collection, to the payee to whom the funds
869 are owed.

870 (4)~~(3)~~ Any private entity providing services for the
871 supervision of misdemeanor probationers must contract with the
872 county in which the services are to be rendered. In a county
873 with a population of less than 70,000, the county court judge,
874 or the administrative judge of the county court in a county that
875 has more than one county court judge, must approve the contract.
876 Terms of the contract must state, but are not limited to:

877 (e) Procedures for handling the collection in accordance
878 with subsection (3) of all payments owed by an offender fees and
879 restitution.

880
881 In addition, the entity shall supply the chief judge's office
882 with a quarterly report summarizing the number of offenders
883 supervised by the private entity, payment of the required
884 contribution under supervision or rehabilitation, and the number
885 of offenders for whom supervision or rehabilitation will be
886 terminated. All records of the entity must be open to inspection
887 upon the request of the county, the court, the Auditor General,
888 the Office of Program Policy Analysis and Government
889 Accountability, or agents thereof.

890 Section 16. Section 939.185, Florida Statutes, is
 891 renumbered as section 938.195, Florida Statutes.

892 Section 17. Subsection (3) of section 775.083, Florida
 893 Statutes, is renumbered as subsection (2) of that section, and
 894 present subsection (2) of that section is transferred to section
 895 938.065, Florida Statutes, which is created, and amended to
 896 read:

897 938.065 County crime prevention programs.--

898 ~~(2) In addition to the fines set forth in subsection (1),~~
 899 Court costs shall be assessed and collected in each instance a
 900 defendant pleads nolo contendere to, or is convicted of, or
 901 adjudicated delinquent for, a felony, a misdemeanor, or a
 902 criminal traffic offense under state law, or a violation of any
 903 municipal or county ordinance if the violation constitutes a
 904 misdemeanor under state law. The court costs imposed by this
 905 section shall be \$50 for a felony and \$20 for any other offense
 906 and shall be deposited by the clerk of the court into an
 907 appropriate county account for disbursement for the purposes
 908 provided in this subsection. A county shall account for the
 909 funds separately from other county funds as crime prevention
 910 funds. The county, in consultation with the sheriff, must expend
 911 such funds for crime prevention programs in the county,
 912 including safe neighborhood programs under ss. 163.501-163.523.

913 Section 18. Subsections (1), (2), and (4) of section
 914 938.17, Florida Statutes, are amended to read:

915 938.17 County delinquency prevention; juvenile assessment
 916 centers and school board suspension programs.--

917 (1) Prior to the use of costs received pursuant to s.
 918 938.195 ~~939.185~~, the sheriff's office of the county must be a
 919 partner in a written agreement with the Department of Juvenile
 920 Justice to participate in a juvenile assessment center or with
 921 the district school board to participate in a suspension
 922 program.

923 (2) Assessments collected by clerks of the circuit courts
 924 comprised of more than one county shall remit the funds
 925 collected pursuant to s. 938.195 ~~939.185~~ to the county in which
 926 the offense at issue was committed for deposit and disbursement.

927 (4) A sheriff's office that receives proceeds pursuant to
 928 s. 938.195 ~~939.185~~ shall account for all funds annually by
 929 August 1 in a written report to the juvenile justice county
 930 council if funds are used for assessment centers, and to the
 931 district school board if funds are used for suspension programs.

932 Section 19. Subsection (7) of section 938.19, Florida
 933 Statutes, is amended to read:

934 938.19 Teen courts.--

935 (7) A teen court administered in a county that adopts an
 936 ordinance to assess court costs under this section may not
 937 receive court costs collected under s. 938.195(1)(a)4.

938 ~~939.185(1)(a)4.~~

939 Section 20. Paragraph (d) of subsection (6) of section
 940 948.08, Florida Statutes, is amended to read:

941 948.08 Pretrial intervention program.--

942 (6)

943 (d) Any entity, whether public or private, providing a
 944 pretrial substance abuse education and treatment intervention

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945 program under this subsection must contract with the county or
 946 appropriate governmental entity, and the terms of the contract
 947 must include, but need not be limited to, the requirements
 948 established for private entities under s. 948.15(4)~~(3)~~.

949 Section 21. Subsection (3) of section 948.16, Florida
 950 Statutes, is amended to read:

951 948.16 Misdemeanor pretrial substance abuse education and
 952 treatment intervention program.--

953 (3) Any public or private entity providing a pretrial
 954 substance abuse education and treatment program under this
 955 section shall contract with the county or appropriate
 956 governmental entity. The terms of the contract shall include,
 957 but not be limited to, the requirements established for private
 958 entities under s. 948.15(4)~~(3)~~.

959 Section 22. Paragraph (d) of subsection (1) of section
 960 985.306, Florida Statutes, is amended to read:

961 985.306 Delinquency pretrial intervention program.--

962 (1)

963 (d) Any entity, whether public or private, providing
 964 pretrial substance abuse education, treatment intervention, and
 965 a urine monitoring program under this section must contract with
 966 the county or appropriate governmental entity, and the terms of
 967 the contract must include, but need not be limited to, the
 968 requirements established for private entities under s.
 969 948.15(4)~~(3)~~. It is the intent of the Legislature that public or
 970 private entities providing substance abuse education and
 971 treatment intervention programs involve the active participation

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972 | of parents, schools, churches, businesses, law enforcement
973 | agencies, and the department or its contract providers.

974 | Section 23. This act shall take effect July 1, 2006.