

1                                   A bill to be entitled  
 2           An act relating to criminal conflict and civil regional  
 3           counsel; repealing s. 27.511, F.S., which created the  
 4           offices of criminal conflict and civil regional counsel;  
 5           amending ss. 27.40, 27.52, 27.525, 27.53, 27.5301,  
 6           27.5303, 27.5304, 27.54, 27.59, 28.24, 28.345, 29.001,  
 7           29.006, 29.007, 29.008, 29.015, 29.018, 43.16, 57.082,  
 8           110.205, 125.69, 216.011, 216.292, 744.331, and 938.29,  
 9           F.S.; conforming provisions to changes made by the act;  
 10          repealing s. 31, ch. 2007-62, Laws of Florida, relating to  
 11          transition provisions for creation and operation of the  
 12          offices of criminal conflict and civil regional counsel;  
 13          providing an effective date.

14  
 15   Be It Enacted by the Legislature of the State of Florida:

17           Section 1. Section 27.511, Florida Statutes, is repealed.

18           Section 2. Subsections (1) and (2) and paragraph (d) of  
 19           subsection (3) of section 27.40, Florida Statutes, are amended  
 20           to read:

21           27.40 Court-appointed counsel; circuit registries; minimum  
 22           requirements; appointment by court.--

23           (1) Counsel shall be appointed to represent any individual  
 24           in a criminal or civil proceeding entitled to court-appointed  
 25           counsel under the Federal or State Constitution or as authorized  
 26           by general law. The court shall appoint a public defender to  
 27           represent indigent persons as authorized in s. 27.51. ~~The office~~  
 28           ~~of criminal conflict and civil regional~~ Counsel shall be

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29 appointed to represent persons in those cases in which provision  
30 is made for court-appointed counsel but the public defender is  
31 unable to provide representation due to a conflict of interest  
32 or is not authorized to provide representation.

33 ~~(2)(a) Private counsel shall be appointed to represent~~  
34 ~~persons in those cases in which provision is made for court-~~  
35 ~~appointed counsel but the office of criminal conflict and civil~~  
36 ~~regional counsel is unable to provide representation due to a~~  
37 ~~conflict of interest.~~

38 ~~(b)~~ Private counsel appointed by the court to provide  
39 representation shall be selected from a registry of individual  
40 attorneys maintained under this section.

41 (3) In utilizing a registry:

42 (d) Quarterly, each chief judge shall provide a current  
43 copy of each registry to the Chief Justice of the Supreme Court,  
44 the state attorney and public defender in each judicial circuit,  
45 ~~the office of criminal conflict and civil regional counsel,~~ the  
46 clerk of court in each county, and the Justice Administrative  
47 Commission. From October 1, 2005, through September 30, 2007,  
48 the report submitted by the Eleventh Judicial Circuit shall  
49 include the race, gender, and national origin of all attorneys  
50 listed in and appointed under the registry.

51 Section 3. Paragraph (c) of subsection (2), subsection  
52 (3), paragraph (b) of subsection (4), subsection (6), and  
53 paragraph (a) of subsection (7) of section 27.52, Florida  
54 Statutes, are amended to read:

55 27.52 Determination of indigent status.--

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56 (2) DETERMINATION BY THE CLERK.--The clerk of the court  
57 shall determine whether an applicant seeking appointment of a  
58 public defender is indigent based upon the information provided  
59 in the application and the criteria prescribed in this  
60 subsection.

61 (c)1. If the clerk determines that the applicant is  
62 indigent, the clerk shall submit the determination to the office  
63 of the public defender and immediately file the determination in  
64 the case file.

65 2. If the public defender is unable to provide  
66 representation due to a conflict pursuant to s. 27.5303, the  
67 public defender shall move the court for withdrawal from  
68 representation and appointment of ~~the office of criminal~~  
69 ~~conflict and civil regional~~ counsel.

70 (3) APPOINTMENT OF COUNSEL ON INTERIM BASIS.--If the clerk  
71 of the court has not made a determination of indigent status at  
72 the time a person requests appointment of a public defender, the  
73 court shall make a preliminary determination of indigent status,  
74 pending further review by the clerk, and may, by court order,  
75 appoint a public defender, ~~the office of criminal conflict and~~  
76 ~~civil regional counsel~~, or private counsel on an interim basis.

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

78 (b) Based upon its review, the court shall make one of the  
79 following determinations and, if the applicant is indigent,  
80 shall appoint a public defender, ~~the office of criminal conflict~~  
81 ~~and civil regional counsel~~, or, if appropriate, private counsel:

- 82 1. The applicant is not indigent.  
83 2. The applicant is indigent.

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

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

109 (a) If the court learns of discrepancies between the  
110 application or motion and the actual financial status of the  
111 person found to be indigent or indigent for costs, the court

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112 shall determine whether the public defender, ~~office of criminal~~  
113 ~~conflict and civil regional counsel~~, or private attorney shall  
114 continue representation or whether the authorization for any  
115 other due process services previously authorized shall be  
116 revoked. The person may be heard regarding the information  
117 learned by the court. If the court, based on the information,  
118 determines that the person is not indigent or indigent for  
119 costs, the court shall order the public defender, ~~office of~~  
120 ~~criminal conflict and civil regional counsel~~, or private  
121 attorney to discontinue representation and revoke the provision  
122 of any other authorized due process services.

123 Section 4. Section 27.525, Florida Statutes, is amended to  
124 read:

125 27.525 Indigent Criminal Defense Trust Fund.--The Indigent  
126 Criminal Defense Trust Fund is created, to be administered by  
127 the Justice Administrative Commission. Funds shall be credited  
128 to the trust fund as provided in s. 27.52, to be used for the  
129 purposes of indigent criminal defense as appropriated by the  
130 Legislature to the public defender ~~or the office of criminal~~  
131 ~~conflict and civil regional counsel~~. The Justice Administrative  
132 Commission shall account for these funds on a circuit basis, and  
133 appropriations from the fund shall be proportional to each  
134 circuit's collections.

135 Section 5. Subsections (4) and (5) of section 27.53,  
136 Florida Statutes, are amended to read:

137 27.53 Appointment of assistants and other staff; method of  
138 payment.--

139       ~~(4) The five criminal conflict and civil regional counsel~~  
140 ~~may employ and establish, in the numbers authorized by the~~  
141 ~~General Appropriations Act, assistant regional counsel and other~~  
142 ~~staff and personnel in each judicial district pursuant to s.~~  
143 ~~29.006, who shall be paid from funds appropriated for that~~  
144 ~~purpose. Notwithstanding s. 790.01, s. 790.02, or s.~~  
145 ~~790.25(2)(a), an investigator employed by an office of criminal~~  
146 ~~conflict and civil regional counsel, while actually carrying out~~  
147 ~~official duties, is authorized to carry concealed weapons if the~~  
148 ~~investigator complies with s. 790.25(3)(o). However, such~~  
149 ~~investigators are not eligible for membership in the Special~~  
150 ~~Risk Class of the Florida Retirement System. The five regional~~  
151 ~~counsel shall jointly develop recommended modifications to the~~  
152 ~~classification plan and the salary and benefits plan for the~~  
153 ~~Justice Administrative Commission. The recommendations shall be~~  
154 ~~submitted to the commission, the office of the President of the~~  
155 ~~Senate, and the office of the Speaker of the House of~~  
156 ~~Representatives by September 15, 2007, for the regional offices~~  
157 ~~initial establishment and before January 1 of each year~~  
158 ~~thereafter. Such recommendations shall be developed in~~  
159 ~~accordance with policies and procedures of the Executive Office~~  
160 ~~of the Governor established in s. 216.181. Each assistant~~  
161 ~~regional counsel appointed by the regional counsel under this~~  
162 ~~section shall serve at the pleasure of the regional counsel.~~  
163 ~~Each investigator employed by the regional counsel shall have~~  
164 ~~full authority to serve any witness subpoena or court order~~  
165 ~~issued by any court or judge in a criminal case in which the~~  
166 ~~regional counsel has been appointed to represent the accused.~~

167       ~~(5) The appropriations for the offices of criminal~~  
 168 ~~conflict and civil regional counsel shall be determined by a~~  
 169 ~~funding formula and other factors that are considered~~  
 170 ~~appropriate in a manner to be determined by this section and the~~  
 171 ~~General Appropriations Act.~~

172       Section 6. Subsections (3) and (4) of section 27.5301,  
 173 Florida Statutes, are amended to read:

174       27.5301 Salaries of public defenders and assistant public  
 175 ~~defenders, criminal conflict and civil regional counsel, and~~  
 176 ~~assistant regional counsel.--~~

177       ~~(3) The salary of the criminal conflict and civil regional~~  
 178 ~~counsel shall be as provided in the General Appropriations Act~~  
 179 ~~and shall be paid in equal monthly installments.~~

180       ~~(4) The salary for each assistant regional counsel shall~~  
 181 ~~be set by the regional counsel in an amount not to exceed 100~~  
 182 ~~percent of the regional counsel's salary and shall be paid from~~  
 183 ~~funds appropriated for that purpose. Assistant regional counsel~~  
 184 ~~who serve in less than a full time capacity shall be compensated~~  
 185 ~~for services performed in an amount that is in proportion to the~~  
 186 ~~salary allowed for full time services.~~

187       Section 7. Paragraphs (b) through (e) of subsection (1)  
 188 and subsection (2) of section 27.5303, Florida Statutes, are  
 189 amended to read:

190       27.5303 Public defenders; ~~criminal conflict and civil~~  
 191 ~~regional counsel; conflict of interest.--~~

192       (1)

193       ~~(b) If, at any time during the representation of two or~~  
 194 ~~more persons in a criminal or civil proceeding, a criminal~~

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195 ~~conflict and civil regional counsel determines that the~~  
196 ~~interests of those clients are so adverse or hostile that they~~  
197 ~~cannot all be counseled by the regional counsel or his or her~~  
198 ~~staff without conflict of interest, or that none can be~~  
199 ~~counseled by the regional counsel or his or her staff because of~~  
200 ~~a conflict of interest, the regional counsel shall file a motion~~  
201 ~~to withdraw and move the court to appoint other counsel. If~~  
202 ~~requested by the Justice Administrative Commission, the regional~~  
203 ~~counsel shall submit a copy of the motion to the Justice~~  
204 ~~Administrative Commission at the time it is filed with the~~  
205 ~~court. The court shall review and may inquire or conduct a~~  
206 ~~hearing into the adequacy of the regional counsel's~~  
207 ~~representations regarding a conflict of interest without~~  
208 ~~requiring the disclosure of any confidential communications. The~~  
209 ~~court shall deny the motion to withdraw if the court finds the~~  
210 ~~grounds for withdrawal are insufficient or the asserted conflict~~  
211 ~~is not prejudicial to the client. If the court grants the motion~~  
212 ~~to withdraw, the court shall appoint one or more private~~  
213 ~~attorneys to represent the person as provided in s. 27.40. The~~  
214 ~~clerk of court shall inform the regional office and the~~  
215 ~~commission when the court appoints private counsel.~~

216 (b) ~~(e)~~ Upon its own motion, the court shall appoint such  
217 other counsel when the facts developed upon the face of the  
218 record and court files in the case disclose a conflict of  
219 interest. The clerk shall advise the appropriate public defender  
220 ~~or criminal conflict and civil regional counsel~~, in writing,  
221 with an electronic copy to the Justice Administrative  
222 Commission, when the court makes the motion and appoints one or



223 more attorneys. The court shall specify the basis for the  
 224 conflict.

225 (c)~~(d)~~ In no case shall the court approve a withdrawal by  
 226 the public defender ~~or criminal conflict and civil regional~~  
 227 ~~counsel~~ based solely upon inadequacy of funding or excess  
 228 workload of the public defender ~~or regional counsel~~.

229 (d)~~(e)~~ In determining whether ~~or not~~ there is a conflict  
 230 of interest, the public defender ~~or regional counsel~~ shall apply  
 231 the standards contained in the Uniform Standards for Use in  
 232 Conflict of Interest Cases found in appendix C to the Final  
 233 Report of the Article V Indigent Services Advisory Board dated  
 234 January 6, 2004. Before a motion to withdraw is filed under this  
 235 section, the public defender ~~or regional counsel~~ serving the  
 236 circuit, or his or her designee, must:

237 1. Determine if there is a viable alternative to  
 238 withdrawal from representation that ~~which~~ would remedy the  
 239 conflict of interest and, if it exists, implement that  
 240 alternative; and

241 2. Approve in writing the filing of the motion to  
 242 withdraw.

243 (2) The court shall appoint private conflict counsel  
 244 pursuant to s. 27.40, ~~first appointing the office of criminal~~  
 245 ~~conflict and civil regional counsel and, if the office is found~~  
 246 ~~to have a conflict, appointing private counsel~~. The appointed  
 247 private attorney may not be affiliated with the public defender  
 248 or, any assistant public defender, ~~the regional counsel, or any~~  
 249 ~~assistant regional counsel~~ in his or her official capacity or  
 250 any other private attorney appointed to represent a codefendant.

251 The public defender ~~or regional counsel~~ may not participate in  
 252 case-related decisions, performance evaluations, or expense  
 253 determinations in conflict cases.

254 Section 8. Subsection (8) of section 27.5304, Florida  
 255 Statutes, is amended to read:

256 27.5304 Private court-appointed counsel; compensation.--

257 (8) A private attorney appointed in lieu of the public  
 258 defender ~~or the criminal conflict and civil regional counsel~~ to  
 259 represent an indigent defendant may not reassign or subcontract  
 260 the case to another attorney or allow another attorney to appear  
 261 at a critical stage of a case who is not on the registry  
 262 developed under s. 27.40.

263 Section 9. Section 27.54, Florida Statutes, is amended to  
 264 read:

265 27.54 Limitation on payment of expenditures other than by  
 266 the state.--

267 (1) All payments for the salary of the public defender ~~and~~  
 268 ~~the criminal conflict and civil regional counsel~~ and for the  
 269 necessary expenses of office, including salaries of assistants  
 270 and staff, shall be considered as being for a valid public  
 271 purpose. Travel expenses shall be paid in accordance with the  
 272 provisions of s. 112.061.

273 (2) A county or municipality may contract with, or  
 274 appropriate or contribute funds to, the operation of the offices  
 275 of the various public defenders ~~and regional counsel~~ as provided  
 276 in this subsection. A public defender ~~or regional counsel~~  
 277 defending violations of special laws or county or municipal  
 278 ordinances punishable by incarceration and not ancillary to a

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279 state charge shall contract with counties and municipalities to  
280 recover the full cost of services rendered on an hourly basis or  
281 reimburse the state for the full cost of assigning one or more  
282 full-time equivalent attorney positions to work on behalf of the  
283 county or municipality. Notwithstanding any other provision of  
284 law, in the case of a county with a population of less than  
285 75,000, the public defender ~~or regional counsel~~ shall contract  
286 for full reimbursement, or for reimbursement as the parties  
287 otherwise agree. In local ordinance violation cases, the county  
288 or municipality shall pay for due process services that are  
289 approved by the court, including deposition costs, deposition  
290 transcript costs, investigative costs, witness fees, expert  
291 witness costs, and interpreter costs. The person charged with  
292 the violation shall be assessed a fee for the services of a  
293 public defender ~~or regional counsel~~ and other costs and fees  
294 paid by the county or municipality, which assessed fee may be  
295 reduced to a lien, in all instances in which the person enters a  
296 plea of guilty or no contest or is found to be in violation or  
297 guilty of any count or lesser included offense of the charge or  
298 companion case charges, regardless of adjudication. The court  
299 shall determine the amount of the obligation. The county or  
300 municipality may recover assessed fees through collections court  
301 or as otherwise permitted by law, and any fees recovered  
302 pursuant to this section shall be forwarded to the applicable  
303 county or municipality as reimbursement.

304 (a) A contract for reimbursement on an hourly basis shall  
305 require a county or municipality to reimburse the public  
306 defender ~~or regional counsel~~ for services rendered at a rate of

307 \$50 per hour. If an hourly rate is specified in the General  
 308 Appropriations Act, that rate shall control.

309 (b) A contract for assigning one or more full-time  
 310 equivalent attorney positions to perform work on behalf of the  
 311 county or municipality shall assign one or more full-time  
 312 equivalent positions based on estimates by the public defender  
 313 ~~or regional counsel~~ of the number of hours required to handle  
 314 the projected workload. The full cost of each full-time  
 315 equivalent attorney position on an annual basis shall be \$50, or  
 316 the amount specified in the General Appropriations Act,  
 317 multiplied by the legislative budget request standard for  
 318 available work hours for one full-time equivalent attorney  
 319 position, or, in the absence of that standard, 1,854 hours. The  
 320 contract may provide for funding full-time equivalent positions  
 321 in one-quarter increments.

322 (c) Any payments received pursuant to this subsection  
 323 shall be deposited into the Grants and Donations Trust Fund  
 324 within the Justice Administrative Commission for appropriation  
 325 by the Legislature.

326 (3) No public defender or, assistant public defender,  
 327 ~~regional counsel, or assistant regional counsel~~ shall receive  
 328 from any county or municipality any supplemental salary, except  
 329 as provided in this section.

330 (4) Unless expressly authorized by law or in the General  
 331 Appropriations Act, public defenders ~~and regional counsel~~ are  
 332 prohibited from spending state-appropriated funds on county  
 333 funding obligations under s. 14, Art. V of the State  
 334 Constitution beginning January 1, 2005. This includes

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335 expenditures on communications services and facilities as  
336 defined in s. 29.008. This does not prohibit a public defender  
337 from spending funds for these purposes in exceptional  
338 circumstances when necessary to maintain operational continuity  
339 in the form of a short-term advance pending reimbursement from  
340 the county. If a public defender ~~or regional counsel~~ provides  
341 short-term advance funding for a county responsibility as  
342 authorized by this subsection, the public defender ~~or regional~~  
343 ~~counsel~~ shall request full reimbursement from the board of  
344 county commissioners prior to making the expenditure or at the  
345 next meeting of the board of county commissioners after the  
346 expenditure is made. The total of all short-term advances  
347 authorized by this subsection shall not exceed 2 percent of the  
348 public defender's ~~or regional counsel's~~ approved operating  
349 budget in any given year. No short-term advances authorized by  
350 this subsection shall be permitted until all reimbursements  
351 arising from advance funding in the prior state fiscal year have  
352 been received by the public defender ~~or regional counsel~~. All  
353 reimbursement payments received by the public defender ~~or~~  
354 ~~regional counsel~~ shall be deposited into the General Revenue  
355 Fund. Notwithstanding the provisions of this subsection, the  
356 public defender ~~or regional counsel~~ may expend funds for the  
357 purchase of computer systems, including associated hardware and  
358 software, and for personnel related to this function.

359 Section 10. Section 27.59, Florida Statutes, is amended to  
360 read:

361 27.59 Access to prisoners.--The public defenders and,  
362 assistant public defenders, ~~criminal conflict and civil regional~~

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363 ~~counsel, and assistant regional counsel~~ shall be empowered to  
 364 inquire of all persons who are incarcerated in lieu of bond and  
 365 to tender them advice and counsel at any time, but the  
 366 provisions of this section shall not apply with respect to  
 367 persons who have engaged private counsel.

368 Section 11. Section 28.24, Florida Statutes, is amended to  
 369 read:

370 28.24 Service charges by clerk of the circuit court.--The  
 371 clerk of the circuit court shall charge for services rendered by  
 372 the clerk's office in recording documents and instruments and in  
 373 performing the duties enumerated in amounts not to exceed those  
 374 specified in this section. Notwithstanding any other provision  
 375 of this section, the clerk of the circuit court shall provide  
 376 without charge to the state attorney, public defender, guardian  
 377 ad litem, public guardian, attorney ad litem, ~~criminal conflict~~  
 378 ~~and civil regional counsel~~, and private court-appointed counsel  
 379 paid by the state, and to the authorized staff acting on behalf  
 380 of each, access to and a copy of any public record, if the  
 381 requesting party is entitled by law to view the exempt or  
 382 confidential record, as maintained by and in the custody of the  
 383 clerk of the circuit court as provided in general law and the  
 384 Florida Rules of Judicial Administration. The clerk of the  
 385 circuit court may provide the requested public record in an  
 386 electronic format in lieu of a paper format when capable of  
 387 being accessed by the requesting entity.

388  
 389 Charges

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

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

396 (3) For certifying copies of any instrument in the public  
 397 records....1.50

398 (4) For verifying any instrument presented for  
 399 certification prepared by someone other than clerk, per  
 400 page....3.00

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

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

407 (6) For making microfilm copies of any public records:

408 (a) 16 mm 100' microfilm roll....37.50

409 (b) 35 mm 100' microfilm roll....52.50

410 (c) Microfiche, per fiche....3.00

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

413 (8) For writing any paper other than herein specifically  
 414 mentioned, same as for copying, including signing and  
 415 sealing....6.00

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

417 (10) For receiving money into the registry of court:

418 (a)1. First \$500, percent....3  
 419 2. Each subsequent \$100, percent....1.5  
 420 (b) Eminent domain actions, per deposit....150.00  
 421 (11) For examining, certifying, and recording plats and  
 422 for recording condominium exhibits larger than 14 inches by 8 1/2  
 423 inches:  
 424 (a) First page....30.00  
 425 (b) Each additional page....15.00  
 426 (12) For recording, indexing, and filing any instrument  
 427 not more than 14 inches by 8 1/2 inches, including required  
 428 notice to property appraiser where applicable:  
 429 (a) First page or fraction thereof....5.00  
 430 (b) Each additional page or fraction thereof....4.00  
 431 (c) For indexing instruments recorded in the official  
 432 records which contain more than four names, per additional  
 433 name....1.00  
 434 (d) An additional service charge shall be paid to the  
 435 clerk of the circuit court to be deposited in the Public Records  
 436 Modernization Trust Fund for each instrument listed in s.  
 437 28.222, except judgments received from the courts and notices of  
 438 lis pendens, recorded in the official records:  
 439 1. First page....1.00  
 440 2. Each additional page....0.50  
 441  
 442 Said fund shall be held in trust by the clerk and used  
 443 exclusively for equipment and maintenance of equipment,  
 444 personnel training, and technical assistance in modernizing the  
 445 public records system of the office. In a county where the duty



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446 of maintaining official records exists in an office other than  
447 the office of the clerk of the circuit court, the clerk of the  
448 circuit court is entitled to 25 percent of the moneys deposited  
449 into the trust fund for equipment, maintenance of equipment,  
450 training, and technical assistance in modernizing the system for  
451 storing records in the office of the clerk of the circuit court.  
452 The fund may not be used for the payment of travel expenses,  
453 membership dues, bank charges, staff-recruitment costs, salaries  
454 or benefits of employees, construction costs, general operating  
455 expenses, or other costs not directly related to obtaining and  
456 maintaining equipment for public records systems or for the  
457 purchase of furniture or office supplies and equipment not  
458 related to the storage of records. On or before December 1,  
459 1995, and on or before December 1 of each year immediately  
460 preceding each year during which the trust fund is scheduled for  
461 legislative review under s. 19(f)(2), Art. III of the State  
462 Constitution, each clerk of the circuit court shall file a  
463 report on the Public Records Modernization Trust Fund with the  
464 President of the Senate and the Speaker of the House of  
465 Representatives. The report must itemize each expenditure made  
466 from the trust fund since the last report was filed; each  
467 obligation payable from the trust fund on that date; and the  
468 percentage of funds expended for each of the following:  
469 equipment, maintenance of equipment, personnel training, and  
470 technical assistance. The report must indicate the nature of the  
471 system each clerk uses to store, maintain, and retrieve public  
472 records and the degree to which the system has been upgraded  
473 since the creation of the trust fund.

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

479 1. If the counties maintain legal responsibility for the  
480 costs of the court-related technology needs as defined in s.  
481 29.008(1)(f)2. and (h), 10 cents shall be distributed to the  
482 Florida Association of Court Clerks and Comptroller, Inc., for  
483 the cost of development, implementation, operation, and  
484 maintenance of the clerks' Comprehensive Case Information  
485 System, in which system all clerks shall participate on or  
486 before January 1, 2006; \$1.90 shall be retained by the clerk to  
487 be deposited in the Public Records Modernization Trust Fund and  
488 used exclusively for funding court-related technology needs of  
489 the clerk as defined in s. 29.008(1)(f)2. and (h); and \$2 shall  
490 be distributed to the board of county commissioners to be used  
491 exclusively to fund court-related technology, and court  
492 technology needs as defined in s. 29.008(1)(f)2. and (h) for the  
493 state trial courts, state attorney, and public defender, ~~and~~  
494 ~~criminal conflict and civil regional counsel~~ in that county. If  
495 the counties maintain legal responsibility for the costs of the  
496 court-related technology needs as defined in s. 29.008(1)(f)2.  
497 and (h), notwithstanding any other provision of law, the county  
498 is not required to provide additional funding beyond that  
499 provided herein for the court-related technology needs of the  
500 clerk as defined in s. 29.008(1)(f)2. and (h). All court records  
501 and official records are the property of the State of Florida,

502 including any records generated as part of the Comprehensive  
 503 Case Information System funded pursuant to this paragraph and  
 504 the clerk of court is designated as the custodian of such  
 505 records, except in a county where the duty of maintaining  
 506 official records exists in a county office other than the clerk  
 507 of court or comptroller, such county office is designated the  
 508 custodian of all official records, and the clerk of court is  
 509 designated the custodian of all court records. The clerk of  
 510 court or any entity acting on behalf of the clerk of court,  
 511 including an association, shall not charge a fee to any agency  
 512 as defined in s. 119.011, the Legislature, or the State Court  
 513 System for copies of records generated by the Comprehensive Case  
 514 Information System or held by the clerk of court or any entity  
 515 acting on behalf of the clerk of court, including an  
 516 association.

517         2. If the state becomes legally responsible for the costs  
 518 of court-related technology needs as defined in s.  
 519 29.008(1)(f)2. and (h), whether by operation of general law or  
 520 by court order, \$4 shall be remitted to the Department of  
 521 Revenue for deposit into the General Revenue Fund.

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

524         (14) For validating certificates, any authorized bonds,  
 525 each....3.00

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

527         (16) For exemplified certificates, including signing and  
 528 sealing....6.00

- 529           (17) For authenticated certificates, including signing and
- 530 sealing....6.00
- 531           (18) (a) For issuing and filing a subpoena for a witness,
- 532 not otherwise provided for herein (includes writing, preparing,
- 533 signing, and sealing)....6.00
- 534           (b) For signing and sealing only....1.50
- 535           (19) For approving bond....7.50
- 536           (20) For searching of records, for each year's
- 537 search....1.50
- 538           (21) For processing an application for a tax deed sale
- 539 (includes application, sale, issuance, and preparation of tax
- 540 deed, and disbursement of proceeds of sale), other than excess
- 541 proceeds....60.00
- 542           (22) For disbursement of excess proceeds of tax deed sale,
- 543 first \$100 or fraction thereof....10.00
- 544           (23) Upon receipt of an application for a marriage
- 545 license, for preparing and administering of oath; issuing,
- 546 sealing, and recording of the marriage license; and providing a
- 547 certified copy....30.00
- 548           (24) For solemnizing matrimony....30.00
- 549           (25) For sealing any court file or expungement of any
- 550 record....37.50
- 551           (26) (a) For receiving and disbursing all restitution
- 552 payments, per payment....3.00
- 553           (b) For receiving and disbursing all partial payments,
- 554 other than restitution payments, for which an administrative
- 555 processing service charge is not imposed pursuant to s. 28.246,
- 556 per month....5.00

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

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

563 (28) For furnishing an electronic copy of information  
 564 contained in a computer database: a fee as provided for in  
 565 chapter 119.

566 Section 12. Section 28.345, Florida Statutes, is amended  
 567 to read:

568 28.345 Exemption from court-related fees and  
 569 charges.--Notwithstanding any other provision of this chapter or  
 570 law to the contrary, judges and those court staff acting on  
 571 behalf of judges, state attorneys, guardians ad litem, public  
 572 guardians, attorneys ad litem, court-appointed private counsel,  
 573 ~~eriminal conflict and civil regional counsel,~~ and public  
 574 defenders, acting in their official capacity, and state  
 575 agencies, are exempt from all court-related fees and charges  
 576 assessed by the clerks of the circuit courts.

577 Section 13. Subsection (1) of section 29.001, Florida  
 578 Statutes, is amended to read:

579 29.001 State courts system elements and definitions.--

580 (1) For the purpose of implementing s. 14, Art. V of the  
 581 State Constitution, the state courts system is defined to  
 582 include the enumerated elements of the Supreme Court, district  
 583 courts of appeal, circuit courts, county courts, and certain  
 584 supports thereto. The offices of public defenders and state

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585 attorneys are defined to include the enumerated elements of the  
 586 20 state attorneys' offices and the enumerated elements of the  
 587 20 public defenders' offices ~~and five offices of criminal~~  
 588 ~~conflict and civil regional counsel~~. Court-appointed counsel are  
 589 defined to include the enumerated elements for counsel appointed  
 590 to ensure due process in criminal and civil proceedings in  
 591 accordance with state and federal constitutional guarantees.  
 592 Funding for the state courts system, the state attorneys'  
 593 offices, the public defenders' offices, ~~the offices of criminal~~  
 594 ~~conflict and civil regional counsel~~, and other court-appointed  
 595 counsel shall be provided from state revenues appropriated by  
 596 general law.

597 Section 14. Section 29.006, Florida Statutes, is amended  
 598 to read:

599 29.006 Indigent defense costs.--For purposes of  
 600 implementing s. 14, Art. V of the State Constitution, the  
 601 elements of the public defenders' offices ~~and criminal conflict~~  
 602 ~~and civil regional counsel offices~~ to be provided from state  
 603 revenues appropriated by general law are as follows:

604 (1)~~(a)~~ The public defender of each judicial circuit and  
 605 assistant public defenders and other staff as determined by  
 606 general law.

607 ~~(b) The regional counsel of each judicial district, the~~  
 608 ~~assistant regional counsel, and other staff as determined by~~  
 609 ~~general law.~~

610 (2) Reasonable court reporting and transcription services  
 611 necessary to meet constitutional or statutory requirements,  
 612 including the cost of transcribing and copying depositions of

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613 witnesses and the cost of foreign language and sign-language  
614 interpreters and translators.

615 (3) Witnesses, including expert witnesses, summoned to  
616 appear for an investigation, preliminary hearing, or trial in a  
617 case when the witnesses are summoned on behalf of an indigent  
618 defendant, and any other expert witnesses required in a court  
619 hearing by law or whomever the public defender ~~or regional~~  
620 ~~counsel~~ deems necessary for the performance of his or her  
621 duties.

622 (4) Mental health professionals appointed pursuant to s.  
623 394.473 and required in a court hearing involving an indigent,  
624 and mental health professionals appointed pursuant to s.  
625 916.115(2) and required in a court hearing involving an  
626 indigent.

627 (5) Reasonable transportation services in the performance  
628 of constitutional and statutory responsibilities. Motor vehicles  
629 owned by counties and provided exclusively to public defenders  
630 as of July 1, 2003, and any additional vehicles owned by the  
631 counties and provided exclusively to public defenders during  
632 fiscal year 2003-2004 shall be transferred by title to the state  
633 effective July 1, 2004.

634 (6) Travel expenses reimbursable under s. 112.061  
635 reasonably necessary in the performance of constitutional and  
636 statutory responsibilities.

637 (7) Reasonable library and electronic legal research  
638 services, other than a public law library.

639 (8) Reasonable pretrial consultation fees and costs.

640 Section 15. Subsections (1) and (2) of section 29.007,  
 641 Florida Statutes, are amended to read:

642 29.007 Court-appointed counsel.--For purposes of  
 643 implementing s. 14, Art. V of the State Constitution, the  
 644 elements of court-appointed counsel to be provided from state  
 645 revenues appropriated by general law are as follows:

646 (1) Private attorneys appointed by the court to handle  
 647 cases where the defendant is indigent and cannot be represented  
 648 by the public defender ~~or the office of criminal conflict and~~  
 649 ~~civil regional counsel.~~

650 (2) ~~When the office of criminal conflict and civil~~  
 651 ~~regional counsel has a conflict of interest,~~ Private attorneys  
 652 appointed by the court to represent indigents or other classes  
 653 of litigants in civil proceedings requiring court-appointed  
 654 counsel in accordance with state and federal constitutional  
 655 guarantees and federal and state statutes.

656  
 657 Subsections (3), (4), (5), (6), and (7) apply when court-  
 658 appointed counsel is appointed; when the court determines that  
 659 the litigant is indigent for costs; or when the litigant is  
 660 acting pro se and the court determines that the litigant is  
 661 indigent for costs at the trial or appellate level. This section  
 662 applies in any situation in which the court appoints counsel to  
 663 protect a litigant's due process rights. The Justice  
 664 Administrative Commission shall approve uniform contract forms  
 665 for use in processing payments for due process services under  
 666 this section. In each case in which a private attorney  
 667 represents a person determined by the court to be indigent for



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668 costs, the attorney shall execute the commission's contract for  
 669 private attorneys representing persons determined to be indigent  
 670 for costs.

671 Section 16. Subsection (1) and paragraph (c) of subsection  
 672 (2) of section 29.008, Florida Statutes, are amended to read:

673 29.008 County funding of court-related functions.--

674 (1) Counties are required by s. 14, Art. V of the State  
 675 Constitution to fund the cost of communications services,  
 676 existing radio systems, existing multiagency criminal justice  
 677 information systems, and the cost of construction or lease,  
 678 maintenance, utilities, and security of facilities for the  
 679 circuit and county courts, public defenders' offices, state  
 680 attorneys' offices, guardian ad litem offices, and the offices  
 681 of the clerks of the circuit and county courts performing court-  
 682 related functions. For purposes of this section, the term  
 683 "circuit and county courts" includes the offices and staffing of  
 684 the guardian ad litem programs, ~~and the term "public defenders'~~  
 685 ~~offices" includes the offices of criminal conflict and civil~~  
 686 ~~regional counsel~~. The county designated under s. 35.05(1) as the  
 687 headquarters for each appellate district shall fund these costs  
 688 for the appellate division of the public defender's office in  
 689 that county. For purposes of implementing these requirements,  
 690 the term:

691 (a) "Facility" means reasonable and necessary buildings  
 692 and office space and appurtenant equipment and furnishings,  
 693 structures, real estate, easements, and related interests in  
 694 real estate, including, but not limited to, those for the  
 695 purpose of housing legal materials for use by the general public

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696 and personnel, equipment, or functions of the circuit or county  
697 courts, public defenders' offices, state attorneys' offices, and  
698 court-related functions of the office of the clerks of the  
699 circuit and county courts and all storage. The term "facility"  
700 includes all wiring necessary for court reporting services. The  
701 term also includes access to parking for such facilities in  
702 connection with such court-related functions that may be  
703 available free or from a private provider or a local government  
704 for a fee. The office space provided by a county may not be less  
705 than the standards for space allotment adopted by the Department  
706 of Management Services, except this requirement applies only to  
707 facilities that are leased, or on which construction commences,  
708 after June 30, 2003. County funding must include physical  
709 modifications and improvements to all facilities as are required  
710 for compliance with the Americans with Disabilities Act. Upon  
711 mutual agreement of a county and the affected entity in this  
712 paragraph, the office space provided by the county may vary from  
713 the standards for space allotment adopted by the Department of  
714 Management Services.

715 1. As of July 1, 2005, Equipment and furnishings shall be  
716 limited to that appropriate and customary for courtrooms,  
717 hearing rooms, jury facilities, and other public areas in  
718 courthouses and any other facility occupied by the courts, state  
719 attorneys, public defenders, and guardians ad litem, ~~and~~  
720 ~~criminal conflict and civil regional counsel~~. Court reporting  
721 equipment in these areas or facilities is not a responsibility  
722 of the county.

723           2. Equipment and furnishings under this paragraph in  
724 existence and owned by counties on July 1, 2005, except for that  
725 in the possession of the clerks, for areas other than  
726 courtrooms, hearing rooms, jury facilities, and other public  
727 areas in courthouses and any other facility occupied by the  
728 courts, state attorneys, and public defenders, shall be  
729 transferred to the state at no charge. This provision does not  
730 apply to any communications services as defined in paragraph  
731 (f).

732           (b) "Construction or lease" includes, but is not limited  
733 to, all reasonable and necessary costs of the acquisition or  
734 lease of facilities for all judicial officers, staff, jurors,  
735 volunteers of a tenant agency, and the public for the circuit  
736 and county courts, the public defenders' offices, state  
737 attorneys' offices, and for performing the court-related  
738 functions of the offices of the clerks of the circuit and county  
739 courts. This includes expenses related to financing such  
740 facilities and the existing and future cost and bonded  
741 indebtedness associated with placing the facilities in use.

742           (c) "Maintenance" includes, but is not limited to, all  
743 reasonable and necessary costs of custodial and groundskeeping  
744 services and renovation and reconstruction as needed to  
745 accommodate functions for the circuit and county courts, the  
746 public defenders' offices, and state attorneys' offices and for  
747 performing the court-related functions of the offices of the  
748 clerks of the circuit and county court and for maintaining the  
749 facilities in a condition appropriate and safe for the use  
750 intended.

751 (d) "Utilities" means all electricity services for light,  
 752 heat, and power; natural or manufactured gas services for light,  
 753 heat, and power; water and wastewater services and systems,  
 754 stormwater or runoff services and systems, sewer services and  
 755 systems, all costs or fees associated with these services and  
 756 systems, and any costs or fees associated with the mitigation of  
 757 environmental impacts directly related to the facility.

758 (e) "Security" includes but is not limited to, all  
 759 reasonable and necessary costs of services of law enforcement  
 760 officers or licensed security guards and all electronic,  
 761 cellular, or digital monitoring and screening devices necessary  
 762 to ensure the safety and security of all persons visiting or  
 763 working in a facility; to provide for security of the facility,  
 764 including protection of property owned by the county or the  
 765 state; and for security of prisoners brought to any facility.  
 766 This includes bailiffs while providing courtroom and other  
 767 security for each judge and other quasi-judicial officers.

768 (f) "Communications services" are defined as any  
 769 reasonable and necessary transmission, emission, and reception  
 770 of signs, signals, writings, images, and sounds of intelligence  
 771 of any nature by wire, radio, optical, audio equipment, or other  
 772 electromagnetic systems and includes all facilities and  
 773 equipment owned, leased, or used by judges, clerks, public  
 774 defenders, state attorneys, guardians ad litem, ~~criminal~~  
 775 ~~conflict and civil regional counsel~~, and all staff of the state  
 776 courts system, state attorneys' offices, public defenders'  
 777 offices, and clerks of the circuit and county courts performing

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778 court-related functions. Such system or services shall include,  
779 but not be limited to:

780 1. Telephone system infrastructure, including computer  
781 lines, telephone switching equipment, and maintenance, and  
782 facsimile equipment, wireless communications, cellular  
783 telephones, pagers, and video teleconferencing equipment and  
784 line charges. Each county shall continue to provide access to a  
785 local carrier for local and long distance service and shall pay  
786 toll charges for local and long distance service.

787 2. All computer networks, systems and equipment, including  
788 computer hardware and software, modems, printers, wiring,  
789 network connections, maintenance, support staff or services  
790 including any county-funded support staff located in the offices  
791 of the circuit court, county courts, state attorneys, public  
792 defenders, and guardians ad litem, ~~and criminal conflict and~~  
793 ~~civil regional counsel~~; training, supplies, and line charges  
794 necessary for an integrated computer system to support the  
795 operations and management of the state courts system, the  
796 offices of the public defenders, the offices of the state  
797 attorneys, the guardian ad litem offices, ~~the offices of~~  
798 ~~criminal conflict and civil regional counsel~~, and the offices of  
799 the clerks of the circuit and county courts; and the capability  
800 to connect those entities and reporting data to the state as  
801 required for the transmission of revenue, performance  
802 accountability, case management, data collection, budgeting, and  
803 auditing purposes. The integrated computer system shall be  
804 operational by July 1, 2006, and, at a minimum, permit the  
805 exchange of financial, performance accountability, case

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806 management, case disposition, and other data across multiple  
807 state and county information systems involving multiple users at  
808 both the state level and within each judicial circuit and be  
809 able to electronically exchange judicial case background data,  
810 sentencing scoresheets, and video evidence information stored in  
811 integrated case management systems over secure networks. Once  
812 the integrated system becomes operational, counties may reject  
813 requests to purchase communications services included in this  
814 subparagraph not in compliance with standards, protocols, or  
815 processes adopted by the board established pursuant to former s.  
816 29.0086.

817 3. Courier messenger and subpoena services.

818 4. Auxiliary aids and services for qualified individuals  
819 with a disability which are necessary to ensure access to the  
820 courts. Such auxiliary aids and services include, but are not  
821 limited to, sign language interpretation services required under  
822 the federal Americans with Disabilities Act other than services  
823 required to satisfy due-process requirements and identified as a  
824 state funding responsibility pursuant to ss. 29.004, 29.005,  
825 29.006, and 29.007, real-time transcription services for  
826 individuals who are hearing impaired, and assistive listening  
827 devices and the equipment necessary to implement such  
828 accommodations.

829 (g) "Existing radio systems" includes, but is not limited  
830 to, law enforcement radio systems that are used by the circuit  
831 and county courts, the offices of the public defenders, the  
832 offices of the state attorneys, and for court-related functions  
833 of the offices of the clerks of the circuit and county courts.

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834 This includes radio systems that were operational or under  
835 contract at the time Revision No. 7, 1998, to Art. V of the  
836 State Constitution was adopted and any enhancements made  
837 thereafter, the maintenance of those systems, and the personnel  
838 and supplies necessary for operation.

839 (h) "Existing multiagency criminal justice information  
840 systems" includes, but is not limited to, those components of  
841 the multiagency criminal justice information system as defined  
842 in s. 943.045, supporting the offices of the circuit or county  
843 courts, the public defenders' offices, the state attorneys'  
844 offices, or those portions of the offices of the clerks of the  
845 circuit and county courts performing court-related functions  
846 that are used to carry out the court-related activities of those  
847 entities. This includes upgrades and maintenance of the current  
848 equipment, maintenance and upgrades of supporting technology  
849 infrastructure and associated staff, and services and expenses  
850 to assure continued information sharing and reporting of  
851 information to the state. The counties shall also provide  
852 additional information technology services, hardware, and  
853 software as needed for new judges and staff of the state courts  
854 system, state attorneys' offices, public defenders' offices,  
855 guardian ad litem offices, and the offices of the clerks of the  
856 circuit and county courts performing court-related functions.

857 (2) Counties shall pay reasonable and necessary salaries,  
858 costs, and expenses of the state courts system, including  
859 associated staff and expenses, to meet local requirements.

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

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862           1. The chief judge of the circuit, in conjunction with the  
863 state attorney and, the public defender, ~~and the criminal~~  
864 ~~conflict and civil regional counsel~~ only on matters that impact  
865 their offices, shall identify all local requirements within the  
866 circuit or within each county in the circuit and shall identify  
867 the reasonable and necessary salaries, costs, and expenses to  
868 meet these local requirements.

869           2. On or before June 1 of each year, the chief judge shall  
870 submit to the board of county commissioners a tentative budget  
871 request for local requirements for the ensuing fiscal year. The  
872 tentative budget must certify a listing of all local  
873 requirements and the reasonable and necessary salaries, costs,  
874 and expenses for each local requirement. The board of county  
875 commissioners may, by resolution, require the certification to  
876 be submitted earlier.

877           3. The board of county commissioners shall thereafter  
878 treat the certification in accordance with the county's  
879 budgetary procedures. A board of county commissioners may:

880           a. Determine whether to provide funding, and to what  
881 extent it will provide funding, for salaries, costs, and  
882 expenses under this section;

883           b. Require a county finance officer to conduct a preaudit  
884 review of any county funds provided under this section prior to  
885 disbursement;

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



888 d. Provide additional financial support for the courts  
 889 system, state attorneys, or public defenders, ~~or criminal~~  
 890 ~~conflict and civil regional counsel.~~

891 Section 17. Subsections (2), (3), and (5) of section  
 892 29.015, Florida Statutes, are amended to read:

893 29.015 Contingency fund; limitation of authority to  
 894 transfer funds in contracted due process services appropriation  
 895 categories.--

896 (2) In the event that a state attorney or, public  
 897 defender, ~~or criminal conflict and civil regional counsel~~ incurs  
 898 a deficit in a contracted due process services appropriation  
 899 category ~~or conflict counsel category~~, the following steps shall  
 900 be taken in order:

901 (a) The state attorney or, public defender, ~~or regional~~  
 902 ~~counsel~~ shall first attempt to identify surplus funds from other  
 903 appropriation categories within his or her office and submit a  
 904 budget amendment pursuant to chapter 216 to transfer funds from  
 905 within the office.

906 (b) In the event that the state attorney or, public  
 907 defender, ~~or regional counsel~~ is unable to identify surplus  
 908 funds from within his or her office, he or she shall certify  
 909 this to the Justice Administrative Commission along with a  
 910 complete explanation of the circumstances which led to the  
 911 deficit and steps the office has taken to reduce or alleviate  
 912 the deficit. The Justice Administrative Commission shall inquire  
 913 as to whether any other office has surplus funds in its  
 914 contracted due process services appropriation categories which  
 915 can be transferred to the office that is experiencing the

916 deficit. If other offices indicate that surplus funds are  
 917 available within the same budget entity, the Justice  
 918 Administrative Commission shall transfer the amount needed to  
 919 fund the deficit and notify the Governor and the chair and vice  
 920 chair of the Legislative Budget Commission 14 days prior to a  
 921 transfer pursuant to the notice, review, and objection  
 922 provisions of s. 216.177. If funds appropriated for this purpose  
 923 are available in a different budget entity, the Justice  
 924 Administrative Commission shall request a budget amendment  
 925 pursuant to chapter 216.

926 (c) If no office indicates that surplus funds are  
 927 available to alleviate the deficit, the Justice Administrative  
 928 Commission may request a budget amendment to transfer funds from  
 929 the contingency fund. Such transfers shall be in accordance with  
 930 all applicable provisions of chapter 216 and shall be subject to  
 931 review and approval by the Legislative Budget Commission. The  
 932 Justice Administrative Commission shall submit the documentation  
 933 provided by the office explaining the circumstances that led to  
 934 the deficit and the steps taken by the office and the Justice  
 935 Administrative Commission to identify surplus funds to the  
 936 Legislative Budget Commission.

937 (3) In the event that there is a deficit in a statewide  
 938 contracted due process services appropriation category provided  
 939 for private court-appointed counsel necessary due to withdrawal  
 940 of the public defender ~~and criminal conflict and civil regional~~  
 941 ~~counsel~~ due to an ethical conflict, the following steps shall be  
 942 taken in order:

943 (a) The Justice Administrative Commission shall first  
944 attempt to identify surplus funds from other contracted due  
945 process services appropriation categories within the Justice  
946 Administrative Commission and submit a budget amendment pursuant  
947 to chapter 216 to transfer funds from within the commission.

948 (b) In the event that the Justice Administrative  
949 Commission is unable to identify surplus funds from within the  
950 commission, the commission shall inquire of each of the public  
951 defenders ~~and regional counsel~~ as to whether any office has  
952 surplus funds in its contracted due process services  
953 appropriations categories which can be transferred. If any  
954 public defender ~~or regional counsel~~ office or offices indicate  
955 that surplus funds are available, the Justice Administrative  
956 Commission shall request a budget amendment to transfer funds  
957 from the office or offices to alleviate the deficit upon  
958 agreement of the contributing office or offices.

959 (c) If no public defender ~~or regional counsel~~ office has  
960 surplus funds available to alleviate the deficit, the Justice  
961 Administrative Commission may request a budget amendment to  
962 transfer funds from the contingency fund. Such transfers shall  
963 be in accordance with all applicable provisions of chapter 216  
964 and shall be subject to review and approval by the Legislative  
965 Budget Commission. The Justice Administrative Commission shall  
966 submit the documentation provided by the office explaining the  
967 circumstances that led to the deficit and the steps taken by the  
968 Justice Administrative Commission to identify surplus funds to  
969 the Legislative Budget Commission.

970 (5) Notwithstanding any provisions in chapter 216 to the  
 971 contrary, no office shall transfer funds from a contracted due  
 972 process services appropriation category or from a contingency  
 973 fund category authorized in this section except as specifically  
 974 authorized in this section. In addition, funds shall not be  
 975 transferred from a state attorney office to alleviate a deficit  
 976 in a public defender office ~~or an office of criminal conflict~~  
 977 ~~and civil regional counsel~~, and funds shall not be transferred  
 978 from a public defender office ~~or regional counsel office~~ to  
 979 alleviate a deficit in a state attorney office.

980 Section 18. Section 29.018, Florida Statutes, is amended  
 981 to read:

982 29.018 Cost sharing of due-process services; legislative  
 983 intent.--It is the intent of the Legislature to provide state-  
 984 funded due-process services to the state courts system, state  
 985 attorneys, public defenders, ~~criminal conflict and civil~~  
 986 ~~regional counsel~~, and private court-appointed counsel in the  
 987 most cost-effective and efficient manner. The state courts  
 988 system, state attorneys, public defenders, ~~criminal conflict and~~  
 989 ~~civil regional counsel~~, and the Justice Administrative  
 990 Commission on behalf of private court-appointed counsel may  
 991 enter into contractual agreements to share, on a pro rata basis,  
 992 the costs associated with court reporting services, court  
 993 interpreter and translation services, court experts, and all  
 994 other due-process services funded by the state pursuant to this  
 995 chapter. These costs shall be budgeted within the funds  
 996 appropriated to each of the affected users of services.

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997 Section 19. Subsections (5) and (6) of section 43.16,  
 998 Florida Statutes, are amended to read:

999 43.16 Justice Administrative Commission; membership,  
 1000 powers and duties.--

1001 (5) The duties of the commission shall include, but not be  
 1002 limited to, the following:

1003 (a) The maintenance of a central state office for  
 1004 administrative services and assistance when possible to and on  
 1005 behalf of the state attorneys and public defenders of Florida,  
 1006 the capital collateral regional counsel of Florida, ~~the criminal~~  
 1007 ~~conflict and civil regional counsel~~, and the Guardian Ad Litem  
 1008 Program.

1009 (b) Each state attorney and, public defender, ~~and criminal~~  
 1010 ~~conflict and civil regional counsel~~ and the Guardian Ad Litem  
 1011 Program shall continue to prepare necessary budgets, vouchers  
 1012 that represent valid claims for reimbursement by the state for  
 1013 authorized expenses, and other things incidental to the proper  
 1014 administrative operation of the office, such as revenue  
 1015 transmittals to the Chief Financial Officer and automated  
 1016 systems plans, but will forward same to the commission for  
 1017 recording and submission to the proper state officer. However,  
 1018 when requested by a state attorney, a public defender, a  
 1019 ~~criminal conflict and civil regional counsel~~, or the Guardian Ad  
 1020 Litem Program, the commission will either assist in the  
 1021 preparation of budget requests, voucher schedules, and other  
 1022 forms and reports or accomplish the entire project involved.

1023 (6) The provisions contained in this section shall be  
 1024 supplemental to those of chapter 27, relating to state

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1025 attorneys, public defenders, ~~criminal conflict and civil~~  
 1026 ~~regional counsel~~, and capital collateral regional counsel; to  
 1027 those of chapter 39, relating to the Guardian Ad Litem Program;  
 1028 or to other laws pertaining hereto.

1029 Section 20. Subsections (6) and (7) of section 57.082,  
 1030 Florida Statutes, are renumbered as subsections (5) and (6),  
 1031 respectively, and present subsection (5) of that section is  
 1032 amended to read:

1033 57.082 Determination of civil indigent status.--

1034 ~~(5) APPOINTMENT OF COUNSEL.--In appointing counsel after a~~  
 1035 ~~determination that a person is indigent under this section, the~~  
 1036 ~~court shall first appoint the office of criminal conflict and~~  
 1037 ~~civil regional counsel, as provided in s. 27.511, unless~~  
 1038 ~~specific provision is made in law for the appointment of the~~  
 1039 ~~public defender in the particular civil proceeding.~~

1040 Section 21. Paragraph (y) of subsection (2) of section  
 1041 110.205, Florida Statutes, is amended to read:

1042 110.205 Career service; exemptions.--

1043 (2) EXEMPT POSITIONS.--The exempt positions that are not  
 1044 covered by this part include the following:

1045 (y) All officers and employees of the Justice  
 1046 Administrative Commission, Office of the State Attorney, Office  
 1047 of the Public Defender, regional offices of capital collateral  
 1048 counsel, ~~offices of criminal conflict and civil regional~~  
 1049 ~~counsel~~, and Statewide Guardian Ad Litem Office, including the  
 1050 circuit guardian ad litem programs.

1051 Section 22. Subsection (2) of section 125.69, Florida  
 1052 Statutes, is amended to read:

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1053 125.69 Penalties; enforcement by code inspectors.--  
 1054 (2) Each county is authorized and required to pay any  
 1055 attorney appointed by the court to represent a defendant charged  
 1056 with a criminal violation of a special law or county ordinance  
 1057 not ancillary to a state charge if the defendant is indigent and  
 1058 otherwise entitled to court-appointed counsel under the  
 1059 Constitution of the United States or the Constitution of the  
 1060 State of Florida. In these cases, the court shall appoint  
 1061 counsel to represent the defendant in accordance with s. 27.40,  
 1062 and shall order the county to pay the reasonable attorney's  
 1063 fees, costs, and related expenses of the defense. The county may  
 1064 contract with the public defender ~~or the office of criminal~~  
 1065 ~~conflict and civil regional counsel~~ for the judicial circuit in  
 1066 which the county is located to serve as court-appointed counsel  
 1067 pursuant to s. 27.54.

1068 Section 23. Paragraph (qq) of subsection (1) of section  
 1069 216.011, Florida Statutes, is amended to read:

1070 216.011 Definitions.--

1071 (1) For the purpose of fiscal affairs of the state,  
 1072 appropriations acts, legislative budgets, and approved budgets,  
 1073 each of the following terms has the meaning indicated:

1074 (qq) "State agency" or "agency" means any official,  
 1075 officer, commission, board, authority, council, committee, or  
 1076 department of the executive branch of state government. For  
 1077 purposes of this chapter and chapter 215, "state agency" or  
 1078 "agency" includes, but is not limited to, state attorneys,  
 1079 public defenders, ~~criminal conflict and civil regional counsel,~~  
 1080 capital collateral regional counsel, the Justice Administrative

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1081 Commission, the Florida Housing Finance Corporation, and the  
 1082 Florida Public Service Commission. Solely for the purposes of  
 1083 implementing s. 19(h), Art. III of the State Constitution, the  
 1084 terms "state agency" or "agency" include the judicial branch.

1085 Section 24. Paragraphs (c), (d), and (e) of subsection (3)  
 1086 of section 216.292, Florida Statutes, are amended to read:

1087 216.292 Appropriations nontransferable; exceptions.--

1088 (3) The following transfers are authorized with the  
 1089 approval of the Executive Office of the Governor for the  
 1090 executive branch or the Chief Justice for the judicial branch,  
 1091 subject to the notice and objection provisions of s. 216.177:

1092 ~~(c) The transfer of appropriations for operations from~~  
 1093 ~~general revenue between categories of appropriations within each~~  
 1094 ~~criminal conflict and civil regional counsel budget entity. This~~  
 1095 ~~paragraph expires July 1, 2008.~~

1096 ~~(d) The transfer of appropriations for operations from~~  
 1097 ~~general revenue between criminal conflict and civil regional~~  
 1098 ~~counsel budget entities. This paragraph expires July 1, 2008.~~

1099 ~~(e) The transfer of appropriations for operations from~~  
 1100 ~~general revenue between criminal conflict and civil regional~~  
 1101 ~~counsel budget entities and the child dependency and civil~~  
 1102 ~~conflict case appropriation category and the criminal conflict~~  
 1103 ~~ease costs appropriation category within the Justice~~  
 1104 ~~Administrative Commission. This paragraph expires July 1, 2008.~~

1105 Section 25. Paragraphs (a) and (d) of subsection (2) of  
 1106 section 744.331, Florida Statutes, are amended to read:

1107 744.331 Procedures to determine incapacity.--

1108 (2) ATTORNEY FOR THE ALLEGED INCAPACITATED PERSON.--



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1109 (a) When a court appoints an attorney for an alleged  
 1110 incapacitated person, the court must appoint ~~the office of~~  
 1111 ~~eriminal conflict and civil regional counsel~~ or a private  
 1112 attorney ~~as prescribed in s. 27.511(6)~~. A private attorney must  
 1113 be one who is included in the attorney registry compiled  
 1114 pursuant to s. 27.40. Appointments of private attorneys must be  
 1115 made on a rotating basis, taking into consideration conflicts  
 1116 arising under this chapter.

1117 (d) Effective January 1, 2007, an attorney seeking to be  
 1118 appointed by a court for incapacity and guardianship proceedings  
 1119 must have completed a minimum of 8 hours of education in  
 1120 guardianship. A court may waive the initial training requirement  
 1121 for an attorney who has served as a court-appointed attorney in  
 1122 incapacity proceedings or as an attorney of record for guardians  
 1123 for not less than 3 years. ~~The education requirement of this~~  
 1124 ~~paragraph does not apply to the office of criminal conflict and~~  
 1125 ~~civil regional counsel until July 1, 2008.~~

1126 Section 26. Paragraph (a) of subsection (1), paragraph (a)  
 1127 of subsection (2), and subsections (3) and (5) of section  
 1128 938.29, Florida Statutes, are amended to read:

1129 938.29 Legal assistance; lien for payment of attorney's  
 1130 fees or costs.--

1131 (1) (a) A defendant determined to be guilty of a criminal  
 1132 act by a court or jury or through a plea of guilty or nolo  
 1133 contendere and who has received the assistance of the public  
 1134 defender's office, a special assistant public defender, ~~the~~  
 1135 ~~office of criminal conflict and civil regional counsel~~, or a  
 1136 private conflict attorney, or who has received due process

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1137 services after being found indigent for costs under s. 27.52,  
 1138 shall be liable for payment of attorney's fees and costs. The  
 1139 court shall determine the amount of the obligation. Such costs  
 1140 shall include, but not be limited to, the cost of depositions;  
 1141 cost of transcripts of depositions, including the cost of  
 1142 defendant's copy, which transcripts are certified by the  
 1143 defendant's attorney as having served a useful purpose in the  
 1144 disposition of the case; investigative costs; witness fees; the  
 1145 cost of psychiatric examinations; or other reasonable costs  
 1146 specially incurred by the state and the clerk of court for the  
 1147 defense of the defendant in criminal prosecutions. Costs shall  
 1148 not include expenses inherent in providing a constitutionally  
 1149 guaranteed jury trial or expenditures in connection with the  
 1150 maintenance and operation of government agencies that must be  
 1151 made by the public irrespective of specific violations of law.  
 1152 Any costs assessed pursuant to this paragraph shall be reduced  
 1153 by any amount assessed against a defendant pursuant to s.  
 1154 938.05.

1155 (2) (a) There is created in the name of the state a lien,  
 1156 enforceable as hereinafter provided, upon all the property, both  
 1157 real and personal, of any person who:

1158 1. Has received any assistance from any public defender of  
 1159 the state, from any special assistant public defender, ~~from any~~  
 1160 ~~office of criminal conflict and civil regional counsel,~~ or from  
 1161 any private conflict attorney, or who has received due process  
 1162 services after being found indigent for costs; or

1163 2. Is a parent of an accused minor or an accused adult  
 1164 tax-dependent person who is being, or has been, represented by

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1165 any public defender of the state, by any special assistant  
 1166 public defender, ~~by any office of criminal conflict and civil~~  
 1167 ~~regional counsel~~, or by a private conflict attorney, or who is  
 1168 receiving or has received due process services after being found  
 1169 indigent for costs.

1170  
 1171 Such lien constitutes a claim against the defendant-recipient or  
 1172 parent and his or her estate, enforceable according to law.

1173 (3) The clerk of the circuit court within the county  
 1174 wherein the defendant-recipient was tried or received the  
 1175 services of a public defender, special assistant public  
 1176 defender, ~~office of criminal conflict and civil regional~~  
 1177 ~~counsel~~, or appointed private legal counsel, or received due  
 1178 process services after being found indigent for costs, shall  
 1179 enforce, satisfy, compromise, settle, subordinate, release, or  
 1180 otherwise dispose of any debt or lien imposed under this  
 1181 section. A defendant-recipient or parent, liable to pay  
 1182 attorney's fees or costs and who is not in willful default in  
 1183 the payment thereof, may, at any time, petition the court which  
 1184 entered the order for deferral of the payment of attorney's fees  
 1185 or costs or of any unpaid portion thereof.

1186 (5) The court having jurisdiction of the defendant-  
 1187 recipient shall, at such stage of the proceedings as the court  
 1188 may deem appropriate, determine the value of the services of the  
 1189 public defender, special assistant public defender, ~~office of~~  
 1190 ~~criminal conflict and civil regional counsel~~, or appointed  
 1191 private legal counsel and costs, at which time the defendant-  
 1192 recipient or parent, after adequate notice thereof, shall have

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1193 opportunity to be heard and offer objection to the  
1194 determination, and to be represented by counsel, with due  
1195 opportunity to exercise and be accorded the procedures and  
1196 rights provided in the laws and court rules pertaining to civil  
1197 cases at law.

1198 Section 27. Section 31 of chapter 2007-62, Laws of  
1199 Florida, is repealed.

1200 Section 28. This act shall take effect July 1, 2008.