

ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

1                                   A bill to be entitled  
2       An act relating to the state judicial system; amending s.  
3       25.241, F.S.; requiring that \$50 from the Supreme Court  
4       filing fee be deposited into the State Courts Revenue  
5       Trust Fund to fund court operations; amending s. 25.383,  
6       F.S.; conforming provisions to the renaming of the  
7       Operating Trust Fund in the state courts system; amending  
8       s. 25.3844, F.S.; renaming the Operating Trust Fund in the  
9       state courts system as the Administrative Trust Fund;  
10      amending s. 25.386, F.S.; conforming provisions to the  
11      renaming of the Operating Trust Fund in the state courts  
12      system; amending s. 27.40, F.S.; requiring private court-  
13      appointed counsel compensated by the state to maintain  
14      records and documents in a prescribed manner; providing  
15      for waiver of the right to seek fees in excess of  
16      prescribed limits if the attorney refuses to allow the  
17      Justice Administrative Commission to review the  
18      documentation; providing that the commission's finding of  
19      a valid waiver of fees may be overcome by competent and  
20      substantial evidence; amending s. 27.425, F.S.;  
21      eliminating a requirement for the chief judge of the  
22      judicial circuit to recommend and submit compensation  
23      rates for state-funded due process service providers;  
24      requiring the Justice Administrative Commission to approve  
25      forms and procedures governing billings for the provision  
26      of due process services; amending s. 27.511, F.S.;  
27      providing for the appointment of criminal conflict and  
28      civil regional counsel in certain proceedings under the

## ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

29 Florida Rules of Criminal Procedure and in certain  
30 adoption proceedings; providing for private court-  
31 appointed counsel, rather than criminal conflict and civil  
32 regional counsel, to have primary responsibility for  
33 representing minors in proceedings under the Parental  
34 Notice of Abortion Act; amending s. 27.52, F.S.; requiring  
35 the clerk of the court to review certain property records  
36 in evaluating an application from a criminal defendant for  
37 a determination of indigency; providing that the Justice  
38 Administrative Commission has standing in a motion seeking  
39 to have a person declared indigent for purposes of state  
40 payment of due process costs; providing a presumption that  
41 a person is not indigent for costs if the person's  
42 attorney's fees are being paid from private funds at a  
43 specified level; providing that the presumption may be  
44 overcome through clear and convincing evidence; providing  
45 requirements and rates for reimbursement of due process  
46 costs; providing that a person who receives state-funded  
47 due process services after being deemed indigent for costs  
48 is liable for repayment to the state; requiring the person  
49 to submit an accounting to the court of state-paid costs;  
50 providing for the court to issue an order determining the  
51 amount of the costs; providing for creation and  
52 enforcement of a repayment lien; amending s. 27.5304,  
53 F.S.; providing for a reduction in the amount paid for an  
54 attorney's fees, costs, and related expenses as increased  
55 penalties for submitting a bill to the state after  
56 prescribed periods; providing a definition; creating s.

## ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

57 | 27.5305, F.S.; prescribing conditions and requirements  
58 | related to payment by the state of legal fees and the  
59 | costs of due process services in certain criminal and  
60 | civil cases; prescribing conditions and requirements  
61 | governing electronic funds transfer, transcripts, court  
62 | reporters and investigators, expert witnesses and  
63 | mitigation specialists, and discovery; amending s. 28.241,  
64 | F.S.; providing that the section does not require  
65 | assessment of a filing fee if the assessment is otherwise  
66 | prohibited by law; amending s. 28.245, F.S.; decreasing  
67 | the period allowed clerks of the court for transmission of  
68 | deposits electronically to the Department of Revenue;  
69 | amending s. 28.246, F.S.; requiring the clerk to give a  
70 | copy of an application for appointment of court-appointed  
71 | counsel to a private attorney or collection agent employed  
72 | by the clerk to collect moneys from the person; amending  
73 | s. 28.36, F.S.; revising the core services for the budget  
74 | requests for the clerks of the court; revising the  
75 | procedures for the Florida Clerks of Court Operations  
76 | Corporation to release appropriations each quarter;  
77 | providing a procedure for the corporation to follow if the  
78 | projected expenditures will exceed the amount appropriated  
79 | by law; repealing s. 29.0095, F.S., relating to a  
80 | requirement for chief judges, state attorneys, and public  
81 | defenders to submit budget expenditure reports; amending  
82 | s. 29.0195, F.S.; conforming provisions to the renaming of  
83 | the Operating Trust Fund in the state courts system;  
84 | amending s. 34.041, F.S.; specifying that the prescribed

## ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

85 filing fee for an action involving claims of not more than  
86 \$1,000 filed along with an action for replevin is the  
87 total filing fee; amending s. 35.22, F.S.; requiring that  
88 \$50 from the district court of appeals filing fee be  
89 deposited into the State Courts Revenue Trust Fund;  
90 amending s. 39.0134, F.S.; providing that certain parents  
91 in proceedings related to children are liable for fees and  
92 costs after receiving legal representation or due process  
93 services funded by the state; authorizing the court to  
94 make payment of attorney's fees and costs part of a case  
95 plan in dependency proceedings; authorizing and providing  
96 for enforcement of a lien upon court-ordered payment of  
97 fees and costs; providing for deposit of fees and costs  
98 into the Indigent Civil Defense Trust Fund; amending s.  
99 39.821, F.S.; requiring certain background screenings for  
100 persons certified as a guardian ad litem; amending s.  
101 57.082, F.S.; prescribing circumstances for payment of an  
102 application fee when a person seeks to be determined  
103 indigent and eligible for appointment of counsel in  
104 proceedings relating to children; providing for the court  
105 to order payment of the fee and the clerk of the court to  
106 pursue collection of the fee; amending s. 68.085, F.S.;  
107 providing that Medicaid fraud recoveries by the Attorney  
108 General are to be deposited into the Operating Trust Fund  
109 rather than in the Legal Affairs Revolving Trust Fund;  
110 amending s. 119.0714, F.S.; delaying from January 1, 2011,  
111 to January 1, 2012, the obligation of a clerk of court to  
112 redact certain confidential information from court files;

ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

113 | amending s. 318.18, F.S.; providing that a county may  
 114 | elect among various surcharges on traffic offenses;  
 115 | limiting counties to only one surcharge at a time;  
 116 | amending s. 320.061, F.S.; creating a noncriminal  
 117 | infraction for altering or obscuring a license plate or  
 118 | mobile home sticker; deleting the second-degree  
 119 | misdemeanor penalty imposed for the offense; amending s.  
 120 | 320.131, F.S.; creating a noncriminal traffic infraction  
 121 | for the unlawful use of a temporary tag; deleting the  
 122 | second-degree misdemeanor penalty imposed for the offense;  
 123 | amending s. 322.03, F.S.; creating a noncriminal traffic  
 124 | infraction for a commercial motor vehicle driver who fails  
 125 | to surrender driver's licenses from other jurisdictions  
 126 | before issuance of a license by the Department of Highway  
 127 | Safety and Motor Vehicles; extending the period allowed  
 128 | for operating a motor vehicle after expiration of a  
 129 | driver's license; amending s. 322.16, F.S.; creating a  
 130 | noncriminal traffic infraction for persons who fail to  
 131 | abide by driver's license restrictions other than  
 132 | restrictions recommended by a court or by corrections  
 133 | officials; deleting the second-degree misdemeanor penalty  
 134 | recommended for offenses other than violation of  
 135 | restrictions recommended by a court or by corrections  
 136 | officials; amending s. 775.083, F.S.; redirecting revenues  
 137 | from certain criminal fines from the State Courts Revenue  
 138 | Trust Fund into the General Revenue Fund; amending s.  
 139 | 832.08, F.S.; providing for deposit of bad check diversion  
 140 | program fees into the State Attorneys Revenue Trust Fund;

## ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

141 amending s. 938.06, F.S.; requiring the assessment of a  
142 court cost after conviction of a criminal offense;  
143 defining the term "convicted" for purposes of the assessed  
144 cost; amending s. 938.27, F.S.; providing for deposit of  
145 certain court costs after criminal convictions into the  
146 State Attorneys Revenue Trust Fund rather than the state  
147 attorney's grants and donations trust fund; amending s.  
148 938.29, F.S.; specifying that a lien for the cost of  
149 court-appointed counsel against a parent for services  
150 provided to a child does not expire upon the emancipation  
151 of the child or upon the child reaching the age of  
152 majority; amending s. 939.08, F.S.; authorizing a designee  
153 of the trial court administrator to review, approve, and  
154 certify certain bills related to costs, fees, or expenses  
155 of the state courts system; amending s. 939.185, F.S.;  
156 authorizing the chief judge of the circuit to determine  
157 innovations eligible for funding from a county-assessed  
158 court cost; amending s. 943.03, F.S.; requiring the  
159 Department of Law Enforcement to modify the statewide  
160 uniform statute table in its criminal history system;  
161 providing an implementation deadline; amending s. 943.053,  
162 F.S.; providing for a discounted fee for criminal history  
163 record checks for the guardian ad litem program;  
164 transferring certain funds from the state court's  
165 Operating Trust Fund to the State Courts Revenue Trust  
166 Fund and the Administrative Trust Fund within the state  
167 courts system; transferring certain unexpended balances in  
168 the state attorney's grants and donations trust fund to

ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

169 the State Attorneys Revenue Trust Fund; making a specific  
 170 appropriation; providing for a transfer of funds to pay  
 171 the general revenue service charge; providing effective  
 172 dates.

173  
 174 Be It Enacted by the Legislature of the State of Florida:

175  
 176 Section 1. Subsection (5) of section 25.241, Florida  
 177 Statutes, is amended to read:

178 25.241 Clerk of Supreme Court; compensation; assistants;  
 179 filing fees, etc.—

180 (5) The Clerk of the Supreme Court is hereby required to  
 181 prepare a statement of all fees collected each month and remit  
 182 such statement, together with all fees collected by him or her,  
 183 to the Chief Financial Officer. The Chief Financial Officer  
 184 shall deposit \$250 of each \$300 filing fee and all other fees  
 185 collected into the General Revenue Fund. The Chief Financial  
 186 Officer shall deposit \$50 of each filing fee collected into the  
 187 State Courts Revenue ~~state court's Operating~~ Trust Fund to fund  
 188 court operations ~~improvement projects~~ as authorized in the  
 189 General Appropriations Act.

190 Section 2. Section 25.383, Florida Statutes, is amended to  
 191 read:

192 25.383 Standards for court reporters; procedures; rules of  
 193 professional conduct, discipline, and training.—The Supreme  
 194 Court shall establish minimum standards and procedures for  
 195 qualifications, certification, discipline, and training for  
 196 court reporters. The Supreme Court shall determine the amount of

ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

197 fees to charge applicants for certification and renewal of  
 198 certification. Fees shall be set in an amount necessary to  
 199 recover the full cost of administering the certification  
 200 process. All proceeds from fees collected pursuant to this  
 201 section shall be deposited into the Administrative ~~Operating~~  
 202 Trust Fund within the state courts. The Supreme Court may  
 203 appoint or employ such personnel as are necessary to assist the  
 204 court in exercising its powers and performing its duties under  
 205 this section.

206 Section 3. Section 25.3844, Florida Statutes, is amended  
 207 to read:

208 25.3844 Administrative ~~Operating~~ Trust Fund.—

209 (1) The Administrative ~~Operating~~ Trust Fund is created  
 210 within the state courts system.

211 (2) The fund is established ~~for use as a depository of~~  
 212 ~~fees and related revenue~~ for the purpose of supporting the  
 213 ~~program~~ operations of the judicial branch and for such other  
 214 purposes as may be appropriate, and shall be expended only  
 215 pursuant to legislative appropriation or an approved amendment  
 216 to the agency's operating budget pursuant to the provisions of  
 217 chapter 216.

218 Section 4. Section 25.386, Florida Statutes, is amended to  
 219 read:

220 25.386 Foreign language court interpreters.—The Supreme  
 221 Court shall establish minimum standards and procedures for  
 222 qualifications, certification, professional conduct, discipline,  
 223 and training of foreign language court interpreters who are  
 224 appointed by a court of competent jurisdiction. The Supreme



ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

225 Court shall set fees to be charged to applicants for  
 226 certification and renewal of certification as a foreign language  
 227 court interpreter. The revenues generated from such fees shall  
 228 be used to offset the costs of administration of the  
 229 certification program and shall be deposited into the  
 230 Administrative ~~Operating~~ Trust Fund within the state courts  
 231 system. The Supreme Court may appoint or employ such personnel  
 232 as are necessary to assist the court in administering this  
 233 section.

234 Section 5. Subsection (7) of section 27.40, Florida  
 235 Statutes, is amended to read:

236 27.40 Court-appointed counsel; circuit registries; minimum  
 237 requirements; appointment by court.—

238 (7) (a) A private attorney appointed by the court from the  
 239 registry to represent a client is entitled to payment as  
 240 provided in s. 27.5304. An attorney appointed by the court who  
 241 is not on the registry list may be compensated under s. 27.5304  
 242 if the court finds in the order of appointment that there were  
 243 no registry attorneys available for representation for that  
 244 case.

245 (b) 1. The attorney shall maintain appropriate  
 246 documentation, including contemporaneous and detailed hourly  
 247 accounting of time spent representing the client. If the  
 248 attorney fails to maintain such contemporaneous and detailed  
 249 hourly records, the attorney waives the right to seek  
 250 compensation in excess of the flat fee established in s. 27.5304  
 251 and the General Appropriations Act. These records and documents  
 252 are subject to review by the Justice Administrative Commission,

ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

253 subject to the attorney-client privilege and work-product  
 254 privilege. The attorney shall maintain the records and documents  
 255 in a manner that enables the attorney to redact any information  
 256 subject to a privilege in order to facilitate the commission's  
 257 review of the records and documents and not to impede such  
 258 review. The attorney may redact information from the records and  
 259 documents only to the extent necessary to comply with the  
 260 privilege.

261 2. If an attorney fails, refuses, or declines to permit  
 262 the commission to review documentation for a case as provided in  
 263 this paragraph, the attorney waives the right to seek, and the  
 264 commission may not pay, compensation in excess of the flat fee  
 265 established in s. 27.5304 and the General Appropriations Act for  
 266 that case.

267 3. A finding by the commission that an attorney has waived  
 268 the right to seek compensation in excess of the flat fee  
 269 established in s. 27.5304 and the General Appropriations Act, as  
 270 provided in this paragraph, is presumed to be valid, unless, as  
 271 determined by a court, the commission's finding is not supported  
 272 by competent and substantial evidence.

273 Section 6. Section 27.425, Florida Statutes, is amended to  
 274 read:

275 27.425 Due process service rates; responsibilities of  
 276 chief judge.—

277 (1) The maximum ~~chief judge of each circuit shall~~  
 278 ~~recommend~~ compensation rates for state-funded due process  
 279 service providers in cases in which the court has appointed  
 280 private counsel or declared a person indigent for costs shall be

ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

281 specified annually in the General Appropriations Act. For  
 282 purposes of this section, due process compensation rates do not  
 283 include attorney's fees for legal representation of the client.

284 ~~(2) Annually, the chief judge shall submit proposed due~~  
 285 ~~process compensation rates to the Office of the State Courts~~  
 286 ~~Administrator for inclusion in the legislative budget request~~  
 287 ~~for the state courts system.~~

288 ~~(3) The maximum rates shall be specified annually in the~~  
 289 ~~General Appropriations Act. For the 2007-2008 fiscal year, the~~  
 290 ~~maximum rates shall be the rates in effect on June 30, 2007.~~

291 (2) ~~(4)~~ The total amount expended for providers of due  
 292 process services in eligible cases may not exceed the amount  
 293 budgeted in the General Appropriations Act for the particular  
 294 due process service.

295 (3) The Justice Administrative Commission shall approve  
 296 uniform contract forms for use in procuring due process services  
 297 and uniform procedures for use by a due process provider, or a  
 298 private attorney on behalf of a due process provider, in support  
 299 of billing for due process services to demonstrate completion of  
 300 the specified services.

301 Section 7. Subsections (5) and paragraph (a) of subsection  
 302 (6) of section 27.511, Florida Statutes, are amended to read:

303 27.511 Offices of criminal conflict and civil regional  
 304 counsel; legislative intent; qualifications; appointment;  
 305 duties.—

306 ~~(5) Effective October 1, 2007,~~ When the Office of the  
 307 Public Defender, at any time during the representation of two or  
 308 more defendants, determines that the interests of those accused

## ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

309 are so adverse or hostile that they cannot all be counseled by  
310 the public defender or his or her staff without a conflict of  
311 interest, or that none can be counseled by the public defender  
312 or his or her staff because of a conflict of interest, and the  
313 court grants the public defender's motion to withdraw, the  
314 office of criminal conflict and civil regional counsel shall be  
315 appointed and shall provide legal services, without additional  
316 compensation, to any person determined to be indigent under s.  
317 27.52, who is:

- 318 (a) Under arrest for, or charged with, a felony;
- 319 (b) Under arrest for, or charged with:
- 320 1. A misdemeanor authorized for prosecution by the state  
321 attorney;
  - 322 2. A violation of chapter 316 punishable by imprisonment;
  - 323 3. Criminal contempt; or
  - 324 4. A violation of a special law or county or municipal  
325 ordinance ancillary to a state charge or, if not ancillary to a  
326 state charge, only if the office of criminal conflict and civil  
327 regional counsel contracts with the county or municipality to  
328 provide representation pursuant to ss. 27.54 and 125.69.

329

330 The office of criminal conflict and civil regional counsel may  
331 not provide representation pursuant to this paragraph if the  
332 court, prior to trial, files in the cause an order of no  
333 imprisonment as provided in s. 27.512;

- 334 (c) Alleged to be a delinquent child pursuant to a  
335 petition filed before a circuit court;

ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

336 (d) Sought by petition filed in such court to be  
 337 involuntarily placed as a mentally ill person under part I of  
 338 chapter 394, involuntarily committed as a sexually violent  
 339 predator under part V of chapter 394, or involuntarily admitted  
 340 to residential services as a person with developmental  
 341 disabilities under chapter 393;

342 (e) Convicted and sentenced to death, for purposes of  
 343 handling an appeal to the Supreme Court; ~~or~~

344 (f) ~~Is~~ Appealing a matter in a case arising under  
 345 paragraphs (a)-(d); or-

346 (g) Seeking correction, reduction, or modification of a  
 347 sentence under Rule 3.800, Florida Rules of Criminal Procedure,  
 348 or seeking postconviction relief under Rule 3.850, Florida Rules  
 349 of Criminal Procedure, if, in either case, the court determines  
 350 that appointment of counsel is necessary to protect a person's  
 351 due process rights.

352 (6) (a) ~~Effective October 1, 2007,~~ The office of criminal  
 353 conflict and civil regional counsel has primary responsibility  
 354 for representing persons entitled to court-appointed counsel  
 355 under the Federal or State Constitution or as authorized by  
 356 general law in civil proceedings, including, but not limited to,  
 357 proceedings under s. 393.12 and chapters 39, ~~390,~~ 392, 397, 415,  
 358 743, 744, and 984 and proceedings to terminate parental rights  
 359 under chapter 63. Private court-appointed counsel eligible under  
 360 s. 27.40 have primary responsibility for representing minors who  
 361 request counsel under s. 390.01114, the Parental Notice of  
 362 Abortion Act; however, the office of criminal conflict and civil  
 363 regional counsel may represent a minor under that section if the

ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

364 court finds that no private court-appointed attorney is  
 365 available.

366 Section 8. Section 27.52, Florida Statutes, is amended to  
 367 read:

368 27.52 Determination of indigent status.—

369 (1) APPLICATION TO THE CLERK.—A person seeking appointment  
 370 of a public defender under s. 27.51 based upon an inability to  
 371 pay must apply to the clerk of the court for a determination of  
 372 indigent status using an application form developed by the  
 373 Florida Clerks of Court Operations Corporation with final  
 374 approval by the Supreme Court.

375 (a) The application must include, at a minimum, the  
 376 following financial information:

377 1. Net income, consisting of total salary and wages, minus  
 378 deductions required by law, including court-ordered support  
 379 payments.

380 2. Other income, including, but not limited to, social  
 381 security benefits, union funds, veterans' benefits, workers'  
 382 compensation, other regular support from absent family members,  
 383 public or private employee pensions, unemployment compensation,  
 384 dividends, interest, rent, trusts, and gifts.

385 3. Assets, including, but not limited to, cash, savings  
 386 accounts, bank accounts, stocks, bonds, certificates of deposit,  
 387 equity in real estate, and equity in a boat or a motor vehicle  
 388 or in other tangible property.

389 4. All liabilities and debts.

## ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

390           5. If applicable, the amount of any bail paid for the  
391 applicant's release from incarceration and the source of the  
392 funds.

393  
394 The application must include a signature by the applicant which  
395 attests to the truthfulness of the information provided. The  
396 application form developed by the corporation must include  
397 notice that the applicant may seek court review of a clerk's  
398 determination that the applicant is not indigent, as provided in  
399 this section.

400           (b) An applicant shall pay a \$50 application fee to the  
401 clerk for each application for court-appointed counsel filed.  
402 The applicant shall pay the fee within 7 days after submitting  
403 the application. If the applicant does not pay the fee prior to  
404 the disposition of the case, the clerk shall notify the court,  
405 and the court shall:

406           1. Assess the application fee as part of the sentence or  
407 as a condition of probation; or

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

409           (c) Notwithstanding any provision of law, court rule, or  
410 administrative order, the clerk shall assign the first \$50 of  
411 any fees or costs paid by an indigent person as payment of the  
412 application fee. A person found to be indigent may not be  
413 refused counsel or other required due process services for  
414 failure to pay the fee.

415           (d) All application fees collected by the clerk under this  
416 section shall be transferred monthly by the clerk to the  
417 Department of Revenue for deposit in the Indigent Criminal

## ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

418 Defense Trust Fund administered by the Justice Administrative  
419 Commission, to be used to as appropriated by the Legislature.  
420 The clerk may retain 2 percent of application fees collected  
421 monthly for administrative costs prior to remitting the  
422 remainder to the Department of Revenue.

423 (e)1. The clerk shall assist a person who appears before  
424 the clerk and requests assistance in completing the application,  
425 and the clerk shall notify the court if a person is unable to  
426 complete the application after the clerk has provided  
427 assistance.

428 2. If the person seeking appointment of a public defender  
429 is incarcerated, the public defender is responsible for  
430 providing the application to the person and assisting him or her  
431 in its completion and is responsible for submitting the  
432 application to the clerk on the person's behalf. The public  
433 defender may enter into an agreement for jail employees,  
434 pretrial services employees, or employees of other criminal  
435 justice agencies to assist the public defender in performing  
436 functions assigned to the public defender under this  
437 subparagraph.

438 (2) DETERMINATION BY THE CLERK.—The clerk of the court  
439 shall determine whether an applicant seeking appointment of a  
440 public defender is indigent based upon the information provided  
441 in the application and the criteria prescribed in this  
442 subsection.

443 (a)1. An applicant, including an applicant who is a minor  
444 or an adult tax-dependent person, is indigent if the applicant's  
445 income is equal to or below 200 percent of the then-current



## ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

446 federal poverty guidelines prescribed for the size of the  
447 household of the applicant by the United States Department of  
448 Health and Human Services or if the person is receiving  
449 Temporary Assistance for Needy Families-Cash Assistance,  
450 poverty-related veterans' benefits, or Supplemental Security  
451 Income (SSI).

452 2.a. There is a presumption that the applicant is not  
453 indigent if the applicant owns, or has equity in, any intangible  
454 or tangible personal property or real property or the expectancy  
455 of an interest in any such property having a net equity value of  
456 \$2,500 or more, excluding the value of the person's homestead  
457 and one vehicle having a net value not exceeding \$5,000.

458 b. Notwithstanding the information that the applicant  
459 provides, the clerk shall conduct a review of the property  
460 records for the county in which the applicant resides and the  
461 motor vehicle title records of the state to identify any  
462 property interests of the applicant under this subparagraph. The  
463 clerk shall evaluate and consider the results of the review in  
464 making a determination under this subsection. The clerk shall  
465 maintain the results of the review in a file with the  
466 application and provide the file to the court if the applicant  
467 seeks review under subsection (4) of the clerk's determination  
468 of indigent status.

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

- 471 1. The applicant is not indigent.
- 472 2. The applicant is indigent.

## ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

473 (c)1. If the clerk determines that the applicant is  
474 indigent, the clerk shall submit the determination to the office  
475 of the public defender and immediately file the determination in  
476 the case file.

477 2. If the public defender is unable to provide  
478 representation due to a conflict pursuant to s. 27.5303, the  
479 public defender shall move the court for withdrawal from  
480 representation and appointment of the office of criminal  
481 conflict and civil regional counsel.

482 (d) The duty of the clerk in determining whether an  
483 applicant is indigent shall be limited to receiving the  
484 application and comparing the information provided in the  
485 application to the criteria prescribed in this subsection. The  
486 determination of indigent status is a ministerial act of the  
487 clerk and not a decision based on further investigation or the  
488 exercise of independent judgment by the clerk. The clerk may  
489 contract with third parties to perform functions assigned to the  
490 clerk under this section.

491 (e) The applicant may seek review of the clerk's  
492 determination that the applicant is not indigent in the court  
493 having jurisdiction over the matter at the next scheduled  
494 hearing. If the applicant seeks review of the clerk's  
495 determination of indigent status, the court shall make a final  
496 determination as provided in subsection (4).

497 (3) APPOINTMENT OF COUNSEL ON INTERIM BASIS.—If the clerk  
498 of the court has not made a determination of indigent status at  
499 the time a person requests appointment of a public defender, the  
500 court shall make a preliminary determination of indigent status,

ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

501 pending further review by the clerk, and may, by court order,  
 502 appoint a public defender, the office of criminal conflict and  
 503 civil regional counsel, or private counsel on an interim basis.

504 (4) REVIEW OF CLERK'S DETERMINATION.—

505 (a) If the clerk of the court determines that the  
 506 applicant is not indigent, and the applicant seeks review of the  
 507 clerk's determination, the court shall make a final  
 508 determination of indigent status by reviewing the information  
 509 provided in the application against the criteria prescribed in  
 510 subsection (2) and by considering the following additional  
 511 factors:

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

514 2. Whether a bond has been posted, the type of bond, and  
 515 who paid the bond.

516 3. Whether paying for private counsel in an amount that  
 517 exceeds the limitations in s. 27.5304, or other due process  
 518 services creates a substantial hardship for the applicant or the  
 519 applicant's family.

520 4. Any other relevant financial circumstances of the  
 521 applicant or the applicant's family.

522 (b) Based upon its review, the court shall make one of the  
 523 following determinations and, if the applicant is indigent,  
 524 shall appoint a public defender, the office of criminal conflict  
 525 and civil regional counsel, or, if appropriate, private counsel:

526 1. The applicant is not indigent.

527 2. The applicant is indigent.

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CS/HB 5401, Engrossed 2

2010 Legislature

528 (5) INDIGENT FOR COSTS.—A person who is eligible to be  
 529 represented by a public defender under s. 27.51 but who is  
 530 represented by private counsel not appointed by the court for a  
 531 reasonable fee as approved by the court or on a pro bono basis,  
 532 or who is proceeding pro se, may move the court for a  
 533 determination that he or she is indigent for costs and eligible  
 534 for the provision of due process services, as prescribed by ss.  
 535 29.006 and 29.007, funded by the state.

536 (a) The person must file a written motion with the court  
 537 and submit to the court:

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

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

542 (b) The person shall arrange for service of a copy of the  
 543 motion and attachments on the Justice Administrative Commission.  
 544 The commission has standing to appear before the court to  
 545 contest any motion to declare a person indigent for costs and  
 546 may participate in a hearing on the motion by use of telephonic  
 547 or other communication equipment.

548 (c) If the person did not apply for a determination of  
 549 indigent status under subsection (1) in the same case and is not  
 550 already liable for the application fee required under that  
 551 subsection, he or she becomes liable for payment of the fee upon  
 552 filing the motion with the court.

553 (d) ~~(b)~~ In reviewing the motion, the court shall consider:

ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

554 1. Whether the applicant applied for a determination of  
 555 indigent status under subsection (1) and the outcome of such  
 556 application.

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

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

560 4. Whether the applicant is proceeding pro se.

561 5. When the applicant retained private counsel.

562 6. The amount of any attorney's fees and who is paying the  
 563 fees. There is a presumption that the applicant is not indigent  
 564 for costs if the amount of attorney's fees exceeds \$5,000 for a  
 565 noncapital case or \$25,000 for a capital case in which the state  
 566 is seeking the death penalty. To overcome this presumption, the  
 567 applicant has the burden to show through clear and convincing  
 568 evidence that the fees are reasonable based on the nature and  
 569 complexity of the case. In determining the reasonableness of the  
 570 fees, the court shall consider the amount that a private court-  
 571 appointed attorney paid by the state would receive for providing  
 572 representation for that type of case.

573 ~~(e)~~ Based upon its review, the court shall make one of  
 574 the following determinations:

575 1. The applicant is not indigent for costs.

576 2. The applicant is indigent for costs.

577 ~~(f)~~ The provision of due process services based upon a  
 578 determination that a person is indigent for costs under this  
 579 subsection must be effectuated pursuant to a court order, a copy  
 580 of which the clerk shall provide to counsel representing the  
 581 person, or to the person directly if he or she is proceeding pro

## ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

582 se, for use in requesting payment of due process expenses  
583 through the Justice Administrative Commission. Private counsel  
584 representing a person declared indigent for costs shall execute  
585 the Justice Administrative Commission's contract for counsel  
586 representing persons determined to be indigent for costs.  
587 Private counsel representing a person declared indigent for  
588 costs may not receive state funds, either directly or on behalf  
589 of due process providers, unless the attorney has executed the  
590 contract required under this paragraph.

591 (g) Costs shall be reimbursed at the rates established  
592 under ss. 27.425 and 27.5305. To receive reimbursement of costs,  
593 either directly or on behalf of due process providers, private  
594 counsel representing a person declared indigent for costs shall  
595 comply with the procedures and requirements under this chapter  
596 governing billings by and compensation of private court-  
597 appointed counsel.

598 (h) The court may not appoint an attorney paid by the  
599 state based on a finding that the defendant is indigent for  
600 costs if the defendant has privately retained and paid counsel.

601 (i) A defendant who is found guilty of a criminal act by a  
602 court or jury or enters a plea of guilty or nolo contendere and  
603 who received due process services after being found indigent for  
604 costs under this subsection is liable for payment of due process  
605 costs expended by the state.

606 1. The attorney representing the defendant, or the  
607 defendant if he or she is proceeding pro se, shall provide an  
608 accounting to the court delineating all costs paid or to be paid

## ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

609 by the state within 90 days after disposition of the case  
610 notwithstanding any appeals.

611 2. The court shall issue an order determining the amount  
612 of all costs paid by the state and any costs for which  
613 prepayment was waived under this section or s. 57.081. The clerk  
614 shall cause a certified copy of the order to be recorded in the  
615 official records of the county, at no cost. The recording  
616 constitutes a lien against the person in favor of the state in  
617 the county in which the order is recorded. The lien may be  
618 enforced in the same manner prescribed in s. 938.29.

619 3. If the attorney or the pro se defendant fails to  
620 provide a complete accounting of costs expended by the state and  
621 consequently costs are omitted from the lien, the attorney or  
622 pro se defendant may not receive reimbursement or any other form  
623 of direct or indirect payment for those costs if the state has  
624 not paid the costs. The attorney or pro se defendant shall repay  
625 the state for those costs if the state has already paid the  
626 costs. The clerk of the court may establish a payment plan under  
627 s. 28.246 and may charge the attorney or pro se defendant a one-  
628 time administrative processing charge under s. 28.24(26)(c).

629 (6) DUTIES OF PARENT OR LEGAL GUARDIAN.—A nonindigent  
630 parent or legal guardian of an applicant who is a minor or an  
631 adult tax-dependent person shall furnish the minor or adult tax-  
632 dependent person with the necessary legal services and costs  
633 incident to a delinquency proceeding or, upon transfer of such  
634 person for criminal prosecution as an adult pursuant to chapter  
635 985, a criminal prosecution in which the person has a right to  
636 legal counsel under the Constitution of the United States or the

## ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

637 Constitution of the State of Florida. The failure of a parent or  
638 legal guardian to furnish legal services and costs under this  
639 section does not bar the appointment of legal counsel pursuant  
640 to this section, s. 27.40, or s. 27.5303. When the public  
641 defender, the office of criminal conflict and civil regional  
642 counsel, a private court-appointed conflict counsel, or a  
643 private attorney is appointed to represent a minor or an adult  
644 tax-dependent person in any proceeding in circuit court or in a  
645 criminal proceeding in any other court, the parents or the legal  
646 guardian shall be liable for payment of the fees, charges, and  
647 costs of the representation even if the person is a minor being  
648 tried as an adult. Liability for the fees, charges, and costs of  
649 the representation shall be imposed in the form of a lien  
650 against the property of the nonindigent parents or legal  
651 guardian of the minor or adult tax-dependent person. The lien is  
652 enforceable as provided in s. 27.561 or s. 938.29.

653 (7) FINANCIAL DISCREPANCIES; FRAUD; FALSE INFORMATION.—

654 (a) If the court learns of discrepancies between the  
655 application or motion and the actual financial status of the  
656 person found to be indigent or indigent for costs, the court  
657 shall determine whether the public defender, office of criminal  
658 conflict and civil regional counsel, or private attorney shall  
659 continue representation or whether the authorization for any  
660 other due process services previously authorized shall be  
661 revoked. The person may be heard regarding the information  
662 learned by the court. If the court, based on the information,  
663 determines that the person is not indigent or indigent for  
664 costs, the court shall order the public defender, office of



ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

665 criminal conflict and civil regional counsel, or private  
 666 attorney to discontinue representation and revoke the provision  
 667 of any other authorized due process services.

668 (b) If the court has reason to believe that any applicant,  
 669 through fraud or misrepresentation, was improperly determined to  
 670 be indigent or indigent for costs, the matter shall be referred  
 671 to the state attorney. Twenty-five percent of any amount  
 672 recovered by the state attorney as reasonable value of the  
 673 services rendered, including fees, charges, and costs paid by  
 674 the state on the person's behalf, shall be remitted to the  
 675 Department of Revenue for deposit into the Grants and Donations  
 676 Trust Fund within the Justice Administrative Commission.  
 677 Seventy-five percent of any amount recovered shall be remitted  
 678 to the Department of Revenue for deposit into the General  
 679 Revenue Fund.

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

684 Section 9. Subsection (4) of section 27.5304, Florida  
 685 Statutes, is amended to read:

686 27.5304 Private court-appointed counsel; compensation.—

687 (4) (a) The attorney shall submit a bill for attorney's  
 688 fees, costs, and related expenses within 90 days after the  
 689 disposition of the case at the lower court level,  
 690 notwithstanding any appeals. The Justice Administrative  
 691 Commission shall provide by contract with the attorney for  
 692 imposition of a penalty of:

## ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

693        1. Fifteen ~~15~~ percent of the allowable attorney's fees,  
694 costs, and related expenses for a bill that is submitted more  
695 than 90 days after the disposition of the case at the lower  
696 court level, notwithstanding any appeals;

697        2. For cases for which disposition occurs on or after July  
698 1, 2010, 50 percent of the allowable attorney's fees, costs, and  
699 related expenses for a bill that is submitted more than 1 year  
700 after the disposition of the case at the lower court level,  
701 notwithstanding any appeals; or

702        3. For cases for which disposition occurs on or after July  
703 1, 2010, 75 percent of the allowable attorney's fees, costs, and  
704 related expenses for a bill that is submitted more than 2 years  
705 after the disposition of the case at the lower court level,  
706 notwithstanding any appeals.

707        (b) For purposes of this subsection, the term  
708 "disposition" means:

709        1. At the trial court level, that the court has entered a  
710 final appealable judgment, unless rendition of judgment is  
711 stayed by the filing of a timely motion for rehearing. The  
712 filing of a notice of appeal does not stay the time for  
713 submission of an intended billing; and

714        2. At the appellate court level, that the court has issued  
715 its mandate.

716        Section 10. Section 27.5305, Florida Statutes, is created  
717 to read:

718        27.5305 Attorney or provider compensation; conditions;  
719 requirements.—This section applies to the payment by the state  
720 through the Justice Administrative Commission of legal fees and

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CS/HB 5401, Engrossed 2

2010 Legislature

721 due process costs in an eligible criminal or civil matter when a  
 722 person receives the services of a private court-appointed  
 723 attorney or is declared indigent for costs.

724 (1) ELECTRONIC FUNDS TRANSFER.—

725 (a) A person requesting compensation from the state  
 726 through the Justice Administrative Commission for the provision  
 727 of criminal or civil legal representation or other due process  
 728 services must, as a condition for compensation, participate in a  
 729 direct-deposit program under which the person authorizes the  
 730 transfer of funds electronically to an account in the person's  
 731 name at a federally chartered or state-chartered financial  
 732 institution.

733 (b) The Justice Administrative Commission may exempt a  
 734 person from compliance with this section if the commission finds  
 735 that participation in a direct-deposit program creates a  
 736 financial hardship for the person.

737 (c) This subsection applies to compensation for services  
 738 that are provided on or after January 1, 2011.

739 (2) TRANSCRIPTS.—

740 (a) The state may pay for the cost of preparing a  
 741 transcript of a deposition only if the private court-appointed  
 742 attorney secures an order from the court finding that  
 743 preparation of the transcript is necessary, in which case the  
 744 state may pay for one original and one copy only.

745 (b) The state may pay for the cost of one original  
 746 transcript of any deposition, hearing, or other proceeding. Any  
 747 other payment for a transcript of that same deposition, hearing,  
 748 or other proceeding, regardless of whether the transcript is an

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CS/HB 5401, Engrossed 2

2010 Legislature

749 additional original transcript or a copy, shall be at the rate  
750 paid for a copy of a transcript. This paragraph applies  
751 regardless of which state agency pays for the first original  
752 transcript.

753 (3) COURT REPORTERS; INVESTIGATORS.—Beginning with the  
754 2010-2011 fiscal year, and applicable to services performed  
755 starting in that year, uniform statewide rates shall be  
756 prescribed annually in the General Appropriations Act for the  
757 payment of:

758 (a) Court reporting services that are not provided through  
759 the state courts system; and

760 (b) Private investigation services.

761 (4) EXPERT WITNESSES; MITIGATION SPECIALISTS.—A private  
762 court-appointed attorney must obtain authorization from the  
763 court to employ an out-of-state expert or mitigation specialist  
764 upon a showing that an expert or mitigation specialist who has  
765 appropriate skills or expertise is not available from within the  
766 county in which the case was filed or from elsewhere in the  
767 state. An order authorizing the employment must be in writing  
768 and contain specific findings regarding the unavailability of a  
769 qualified in-state expert or mitigation specialist. The attorney  
770 shall submit a copy of the order to the Justice Administrative  
771 Commission.

772 (5) RIGHT TO DISCOVERY.—The Justice Administrative  
773 Commission has a right to engage in discovery in accordance with  
774 the Florida Rules of Civil Procedure on a motion to the court  
775 seeking payment of attorney's fees, costs, or other expenses.

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CS/HB 5401, Engrossed 2

2010 Legislature

776 This right includes a reasonable opportunity to obtain discovery  
 777 before a hearing on the motion.

778 Section 11. Subsection (7) is added to section 28.241,  
 779 Florida Statutes, to read:

780 28.241 Filing fees for trial and appellate proceedings.—

781 (7) Nothing in this section authorizes the assessment of a  
 782 filing fee if the assessment is otherwise prohibited by law.

783 Section 12. Section 28.245, Florida Statutes, is amended  
 784 to read:

785 28.245 Transmittal of funds to Department of Revenue;  
 786 uniform remittance form required.—Notwithstanding any other  
 787 provision of law, all moneys collected by the clerks of the  
 788 court as part of the clerk's court-related functions for  
 789 subsequent distribution to any state entity must be transmitted  
 790 electronically, by the 10th ~~20th~~ day of the month immediately  
 791 after ~~following~~ the month in which the moneys are collected, to  
 792 the Department of Revenue for appropriate distribution. A  
 793 uniform remittance form provided by the Department of Revenue  
 794 detailing the specific amounts due each fund must accompany such  
 795 submittal. All moneys collected by the clerks of court for  
 796 remittance to any entity must be distributed pursuant to the law  
 797 in effect at the time of collection.

798 Section 13. Subsection (6) of section 28.246, Florida  
 799 Statutes, is amended to read:

800 28.246 Payment of court-related fees, charges, and costs;  
 801 partial payments; distribution of funds.—

802 (6) A clerk of court shall pursue the collection of any  
 803 fees, service charges, fines, court costs, and liens for the

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CS/HB 5401, Engrossed 2

2010 Legislature

804 payment of attorney's fees and costs pursuant to s. 938.29 which  
 805 remain unpaid after 90 days by referring the account to a  
 806 private attorney who is a member in good standing of The Florida  
 807 Bar or collection agent who is registered and in good standing  
 808 pursuant to chapter 559. In pursuing the collection of such  
 809 unpaid financial obligations through a private attorney or  
 810 collection agent, the clerk of the court must have attempted to  
 811 collect the unpaid amount through a collection court,  
 812 collections docket, or other collections process, if any,  
 813 established by the court, find this to be cost-effective and  
 814 follow any applicable procurement practices. The collection fee,  
 815 including any reasonable attorney's fee, paid to any attorney or  
 816 collection agent retained by the clerk may be added to the  
 817 balance owed in an amount not to exceed 40 percent of the amount  
 818 owed at the time the account is referred to the attorney or  
 819 agent for collection. The clerk shall give the private attorney  
 820 or collection agent the application for the appointment of  
 821 court-appointed counsel regardless of whether the court file is  
 822 otherwise confidential from disclosure.

823 Section 14. Subsections (3) and (10) of section 28.36,  
 824 Florida Statutes, are amended to read:

825 28.36 Budget procedure.—There is established a budget  
 826 procedure for preparing budget requests for funding for the  
 827 court-related functions of the clerks of the court.

828 (3) Each clerk shall include in his or her budget request  
 829 the number of personnel and the proposed budget for each of the  
 830 following core services:

831 (a) Circuit criminal ~~Case processing~~.

ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

- 832 (b) County criminal ~~Financial processing.~~
- 833 (c) Juvenile delinquency ~~Jury management.~~
- 834 (d) Criminal traffic ~~Information and reporting.~~
- 835 (e) Circuit civil.
- 836 (f) County civil.
- 837 (g) Civil traffic.
- 838 (h) Probate.
- 839 (i) Family.
- 840 (j) Juvenile dependency.

841  
 842 Central administrative costs shall be allocated among the core-  
 843 services categories.

844 (10) (a) Beginning in the 2010-2011 fiscal year, the  
 845 corporation shall release appropriations to each clerk  
 846 quarterly. If funds in the Clerks of Court Trust Fund are  
 847 insufficient to provide a release in a quarter in a single  
 848 release, the corporation may release partial amounts for that  
 849 quarter so long as the total of those partial amounts does not  
 850 exceed that quarter's release. If funds in the Clerks of Court  
 851 Trust Fund are insufficient for the first quarter release, the  
 852 corporation may make a request to the Governor for a trust fund  
 853 loan pursuant to chapter 215. The amount of the first three  
 854 releases shall be based on one quarter of the estimated budget  
 855 for each clerk as identified in the General Appropriations Act.

856 (b) The corporation shall estimate the fourth quarter's  
 857 number of units to be performed by each clerk. The amount of the  
 858 fourth-quarter release shall be based on the approved unit cost  
 859 times the estimated number of units of the fourth quarter with

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CS/HB 5401, Engrossed 2

2010 Legislature

860 the following adjustment: the fourth-quarter release shall be  
861 adjusted based on the first three quarter's actual number of  
862 service units provided as reported to the corporation by each  
863 clerk. If the clerk has performed fewer service units in the  
864 first three quarters of the year compared to three quarters of  
865 the estimated number of service units in the General  
866 Appropriations Act, the corporation shall decrease the fourth-  
867 quarter release. The amount of the decrease shall equal the  
868 amount of the difference between estimated number of service  
869 units for the first three quarters and the actual number of  
870 service units provided in the first three quarters times the  
871 approved unit cost.

872 (c) No adjustment for the fourth-quarter release shall be  
873 made if the clerk has performed more units than the estimate for  
874 the first three quarters.

875 (d) If the clerk performs fewer units in the fourth  
876 quarter than estimated by the corporation, the corporation shall  
877 decrease the first-quarter release for the clerk in the next  
878 fiscal year by the amount of the difference between the  
879 estimated number of service units for the fourth quarter and the  
880 actual number of service units performed in that quarter times  
881 the approved unit cost.

882 (e) The total of all releases to the clerks of court may  
883 not exceed the amount appropriated in the General Appropriations  
884 Act. If, during the year, the corporation determines that the  
885 projected releases of appropriations for service units will  
886 exceed the estimate used in the General Appropriations Act and  
887 result in statewide expenditures greater than the amount



ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

888 appropriated by law, the corporation shall reduce all service  
 889 unit costs of all clerks by the amount necessary to ensure that  
 890 service units are funded within the total amount appropriated to  
 891 the clerks of court. If such action is necessary, the  
 892 corporation shall notify the Legislative Budget Commission. If  
 893 the Legislative Budget Commission objects to the adjustments,  
 894 the Legislative Budget Commission shall adjust all service unit  
 895 costs by the amount necessary to ensure that projected units of  
 896 service are funded within the total amount appropriated to the  
 897 clerks of court at its next scheduled meeting. For the 2009-2010  
 898 ~~fiscal year, the corporation shall release appropriations in an~~  
 899 ~~amount equal to one-twelfth of each clerk's approved budget each~~  
 900 ~~month. The statewide total appropriation for the 2009-2010~~  
 901 ~~fiscal year shall be set in the General Appropriations Act. The~~  
 902 ~~corporation shall determine the amount of each clerk of court~~  
 903 ~~budget, but the statewide total of such amounts may not exceed~~  
 904 ~~the amount listed in the General Appropriations Act. Beginning~~  
 905 ~~in the 2010-2011 fiscal year, the corporation shall release~~  
 906 ~~appropriations to each clerk quarterly. The amount of the~~  
 907 ~~release shall be based on the prior quarter's performance of~~  
 908 ~~service units identified in the four core services and the~~  
 909 ~~established unit costs for each clerk.~~

910 Section 15. Section 29.0095, Florida Statutes, is  
 911 repealed.

912 Section 16. Section 29.0195, Florida Statutes, is amended  
 913 to read:

914 29.0195 Recovery of expenditures for state-funded  
 915 services.—The trial court administrator of each circuit shall

ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

916 recover expenditures for state-funded services when those  
 917 services have been furnished to a user of the state court system  
 918 who possesses the present ability to pay. The rate of  
 919 compensation for such services shall be the actual cost of the  
 920 services, including the cost of recovery. The trial court  
 921 administrator shall deposit moneys recovered under this section  
 922 in the Administrative ~~Operating~~ Trust Fund within the state  
 923 courts ~~court~~ system. The trial court administrator shall recover  
 924 the costs of court reporter services and transcription; court  
 925 interpreter services, including translation; and any other  
 926 service for which state funds were used to provide a product or  
 927 service within the circuit. This section does not authorize cost  
 928 recovery from entities described in ss. 29.005, 29.006, and  
 929 29.007.

930 Section 17. Paragraph (a) of subsection (1) of section  
 931 34.041, Florida Statutes, is amended to read:

932 34.041 Filing fees.—

933 (1)(a) Upon the institution of any civil action, suit, or  
 934 proceeding in county court, the party shall pay the following  
 935 filing fee, not to exceed:

- 936 1. For all claims less than \$100.....\$50.
- 937 2. For all claims of \$100 or more but not more than \$500  
 938 \$75.
- 939 3. For all claims of more than \$500 but not more than  
 940 \$2,500.....\$170.
- 941 4. For all claims of more than \$2,500.....\$295.
- 942 5. In addition, for all proceedings of garnishment,  
 943 attachment, replevin, and distress.....\$85.

ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

944           6. Notwithstanding subparagraphs 3. and 5., for all claims  
 945 of not more than \$1,000 filed simultaneously with an action for  
 946 replevin of property that is the subject of the claim\$125.

947           7. For removal of tenant action.....\$180.

948  
 949 The filing fee in subparagraph 6. is the total fee due under  
 950 this paragraph for that type of filing, and no other filing fee  
 951 under this paragraph may be assessed against such a filing.

952           Section 18. Subsection (6) of section 35.22, Florida  
 953 Statutes, is amended to read:

954           35.22 Clerk of district court; appointment; compensation;  
 955 assistants; filing fees; teleconferencing.-

956           (6) The clerk of each district court of appeal is required  
 957 to deposit all fees collected in the State Treasury to the  
 958 credit of the General Revenue Fund, except that \$50 of each \$300  
 959 filing fee collected shall be deposited into the State Courts  
 960 Revenue ~~state court's Operating~~ Trust Fund to fund court  
 961 operations ~~improvement projects~~ as authorized in the General  
 962 Appropriations Act. The clerk shall retain an accounting of each  
 963 such remittance.

964           Section 19. Section 39.0134, Florida Statutes, is amended  
 965 to read:

966           39.0134 Appointed counsel; compensation.-

967           (1) If counsel is entitled to receive compensation for  
 968 representation pursuant to a court appointment in a dependency  
 969 proceeding or a termination of parental rights proceeding  
 970 pursuant to this chapter, compensation shall be paid in  
 971 accordance with s. 27.5304. The state may acquire and enforce a

ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

972 | lien upon court-ordered payment of attorney's fees and costs in  
 973 | the same manner prescribed in s. 938.29 ~~accordance with s.~~  
 974 | ~~984.08.~~

975 |       (2) (a) A parent whose child is dependent, regardless of  
 976 | whether adjudication was withheld, or whose parental rights are  
 977 | terminated and who has received the assistance of the office of  
 978 | criminal conflict and civil regional counsel, or any other  
 979 | court-appointed attorney, or who has received due process  
 980 | services after being found indigent for costs, shall be liable  
 981 | for payment of the assessed application fee under s. 57.082,  
 982 | together with reasonable attorney's fees and costs as determined  
 983 | by the court.

984 |       (b) If reasonable attorney's fees or costs are assessed,  
 985 | the court, at its discretion, may make payment of the fees or  
 986 | costs part of any case plan in dependency proceedings. However,  
 987 | a case plan may not remain open for the sole issue of payment of  
 988 | attorney's fees or costs. At the court's discretion, a lien upon  
 989 | court-ordered payment of attorney's fees and costs may be  
 990 | ordered by the court and enforced in the same manner prescribed  
 991 | in s. 938.29.

992 |       (c) The clerk of the court shall transfer monthly all  
 993 | attorney's fees and costs collected under this subsection to the  
 994 | Department of Revenue for deposit into the Indigent Civil  
 995 | Defense Trust Fund, to be used as appropriated by the  
 996 | Legislature and consistent with s. 27.511.

997 |       Section 20. Subsection (1) of section 39.821, Florida  
 998 | Statutes, is amended to read:

999 |       39.821 Qualifications of guardians ad litem.—

ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

1000 (1) Because of the special trust or responsibility placed  
 1001 in a guardian ad litem, the Guardian Ad Litem Program may use  
 1002 any private funds collected by the program, or any state funds  
 1003 so designated, to conduct a security background investigation  
 1004 before certifying a volunteer to serve. A security background  
 1005 investigation must include, but need not be limited to,  
 1006 employment history checks, checks of references, local criminal  
 1007 history records checks through local law enforcement agencies,  
 1008 and statewide criminal history records checks through the  
 1009 Department of Law Enforcement. Upon request, an employer shall  
 1010 furnish a copy of the personnel record for the employee or  
 1011 former employee who is the subject of a security background  
 1012 investigation conducted under this section. The information  
 1013 contained in the personnel record may include, but need not be  
 1014 limited to, disciplinary matters and the reason why the employee  
 1015 was terminated from employment. An employer who releases a  
 1016 personnel record for purposes of a security background  
 1017 investigation is presumed to have acted in good faith and is not  
 1018 liable for information contained in the record without a showing  
 1019 that the employer maliciously falsified the record. A security  
 1020 background investigation conducted under this section must  
 1021 ensure that a person is not certified as a guardian ad litem if  
 1022 the person has an arrest awaiting final disposition for, been  
 1023 convicted of, regardless of adjudication, ~~or~~ entered a plea of  
 1024 nolo contendere or guilty to, or has been adjudicated delinquent  
 1025 and the record has not been sealed or expunged for, any offense  
 1026 prohibited under the provisions listed in s. 435.04. All  
 1027 applicants certified on or after July 1, 2010, must undergo a

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CS/HB 5401, Engrossed 2

2010 Legislature

1028 level 2 background screening pursuant to chapter 435 before  
 1029 being certified ~~the provisions of the Florida Statutes specified~~  
 1030 ~~in s. 435.04(2) or under any similar law in another~~  
 1031 ~~jurisdiction. Before certifying an applicant to serve as a~~  
 1032 ~~guardian ad litem, the Guardian Ad Litem Program may request a~~  
 1033 ~~federal criminal records check of the applicant through the~~  
 1034 ~~Federal Bureau of Investigation.~~ In analyzing and evaluating the  
 1035 information obtained in the security background investigation,  
 1036 the program must give particular emphasis to past activities  
 1037 involving children, including, but not limited to, child-related  
 1038 criminal offenses or child abuse. The program has the sole  
 1039 discretion in determining whether to certify a person based on  
 1040 his or her security background investigation. The information  
 1041 collected pursuant to the security background investigation is  
 1042 confidential and exempt from s. 119.07(1).

1043 Section 21. Subsections (1) and (5) of section 57.082,  
 1044 Florida Statutes, are amended to read:

1045 57.082 Determination of civil indigent status.—

1046 (1) APPLICATION TO THE CLERK.—A person seeking appointment  
 1047 of an attorney in a civil case eligible for court-appointed  
 1048 counsel, or seeking relief from payment of filing fees and  
 1049 prepayment of costs under s. 57.081, based upon an inability to  
 1050 pay must apply to the clerk of the court for a determination of  
 1051 civil indigent status using an application form developed by the  
 1052 Florida Clerks of Court Operations Corporation with final  
 1053 approval by the Supreme Court.

1054 (a) The application must include, at a minimum, the  
 1055 following financial information:

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CS/HB 5401, Engrossed 2

2010 Legislature

1056           1. Net income, consisting of total salary and wages, minus  
 1057 deductions required by law, including court-ordered support  
 1058 payments.

1059           2. Other income, including, but not limited to, social  
 1060 security benefits, union funds, veterans' benefits, workers'  
 1061 compensation, other regular support from absent family members,  
 1062 public or private employee pensions, unemployment compensation,  
 1063 dividends, interest, rent, trusts, and gifts.

1064           3. Assets, including, but not limited to, cash, savings  
 1065 accounts, bank accounts, stocks, bonds, certificates of deposit,  
 1066 equity in real estate, and equity in a boat or a motor vehicle  
 1067 or in other tangible property.

1068           4. All liabilities and debts.

1069  
 1070 The application must include a signature by the applicant which  
 1071 attests to the truthfulness of the information provided. The  
 1072 application form developed by the corporation must include  
 1073 notice that the applicant may seek court review of a clerk's  
 1074 determination that the applicant is not indigent, as provided in  
 1075 this section.

1076           (b) The clerk shall assist a person who appears before the  
 1077 clerk and requests assistance in completing the application, and  
 1078 the clerk shall notify the court if a person is unable to  
 1079 complete the application after the clerk has provided  
 1080 assistance.

1081           (c) The clerk shall accept an application that is signed  
 1082 by the applicant and submitted on his or her behalf by a private

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CS/HB 5401, Engrossed 2

2010 Legislature

1083 attorney who is representing the applicant in the applicable  
 1084 matter.

1085 (d) A person who seeks appointment of an attorney in a  
 1086 proceeding ~~ease~~ under chapter 39, at shelter hearings or during  
 1087 the adjudicatory process, during the judicial review process,  
 1088 upon the filing of a petition to terminate parental rights, or  
 1089 upon the filing of any appeal, or if the person seeks  
 1090 appointment of an attorney in a reopened proceeding ~~the trial or~~  
 1091 ~~appellate level~~, for which an indigent person is eligible for  
 1092 court-appointed representation, must ~~shall~~ pay a \$50 application  
 1093 fee to the clerk for each application filed. A person is not  
 1094 required to pay more than one application fee per case. However,  
 1095 an appeal or the reopening of a proceeding shall be deemed to be  
 1096 a distinct case. The applicant must ~~shall~~ pay the fee within 7  
 1097 days after submitting the application. If the applicant has not  
 1098 paid the fee within 7 days, the court shall enter an order  
 1099 requiring payment, and the clerk shall pursue collection under  
 1100 s. 28.246. The clerk shall transfer monthly all application fees  
 1101 collected under this paragraph to the Department of Revenue for  
 1102 deposit into the Indigent Civil Defense Trust Fund, to be used  
 1103 as appropriated by the Legislature. The clerk may retain 10  
 1104 percent of application fees collected monthly for administrative  
 1105 costs prior to remitting the remainder to the Department of  
 1106 Revenue. ~~A person found to be indigent may not be refused~~  
 1107 ~~counsel.~~ If the person cannot pay the application fee, the clerk  
 1108 shall enroll the person in a payment plan pursuant to s. 28.246.

1109 (5) APPOINTMENT OF COUNSEL.—In appointing counsel after a  
 1110 determination that a person is indigent under this section, the



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CS/HB 5401, Engrossed 2

2010 Legislature

1111 court shall first appoint the office of criminal conflict and  
 1112 civil regional counsel, as provided in s. 27.511, unless  
 1113 specific provision is made in law for the appointment of the  
 1114 public defender in the particular civil proceeding. The court  
 1115 shall also order the person to pay the application fee under  
 1116 subsection (1), or enroll in a payment plan if he or she is  
 1117 unable to pay the fee, if the fee remains unpaid or if the  
 1118 person has not enrolled in a payment plan at the time the court  
 1119 appoints counsel. However, a person who is found to be indigent  
 1120 may not be refused counsel.

1121 Section 22. Subsection (4) of section 68.085, Florida  
 1122 Statutes, is amended to read:

1123 68.085 Awards to plaintiffs bringing action.—

1124 (4) Following any distributions under subsection (1),  
 1125 subsection (2), or subsection (3), the agency injured by the  
 1126 submission of a false or fraudulent claim shall be awarded an  
 1127 amount not to exceed its compensatory damages. If the action was  
 1128 based on a claim of funds from the state Medicaid program, 10  
 1129 percent of any remaining proceeds shall be deposited into the  
 1130 Operating Legal Affairs Revolving Trust Fund to fund rewards for  
 1131 persons who report and provide information relating to Medicaid  
 1132 fraud pursuant to s. 409.9203. Any remaining proceeds, including  
 1133 civil penalties awarded under s. 68.082, shall be deposited in  
 1134 the General Revenue Fund.

1135 Section 23. Subsection (2) of section 119.0714, Florida  
 1136 Statutes, is amended to read:

1137 119.0714 Court files; court records; official records.—

1138 (2) COURT RECORDS.—

## ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

1139 (a) Until January 1, 2012 ~~2011~~, if a social security  
1140 number or a bank account, debit, charge, or credit card number  
1141 is included in a court file, such number may be included as part  
1142 of the court record available for public inspection and copying  
1143 unless redaction is requested by the holder of such number or by  
1144 the holder's attorney or legal guardian.

1145 (b) A request for redaction must be a signed, legibly  
1146 written request specifying the case name, case number, document  
1147 heading, and page number. The request must be delivered by mail,  
1148 facsimile, electronic transmission, or in person to the clerk of  
1149 the court. The clerk of the court does not have a duty to  
1150 inquire beyond the written request to verify the identity of a  
1151 person requesting redaction.

1152 (c) A fee may not be charged for the redaction of a social  
1153 security number or a bank account, debit, charge, or credit card  
1154 number pursuant to such request.

1155 (d) The clerk of the court has no liability for the  
1156 inadvertent release of social security numbers, or bank account,  
1157 debit, charge, or credit card numbers, unknown to the clerk of  
1158 the court in court records filed on or before January 1, 2012  
1159 ~~2011~~.

1160 (e)1. On January 1, 2012 ~~2011~~, and thereafter, the clerk  
1161 of the court must keep social security numbers confidential and  
1162 exempt as provided for in s. 119.071(5) (a), and bank account,  
1163 debit, charge, and credit card numbers exempt as provided for in  
1164 s. 119.071(5) (b), without any person having to request  
1165 redaction.

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CS/HB 5401, Engrossed 2

2010 Legislature

1166 2. Section 119.071(5) (a)7. and 8. does not apply to the  
 1167 clerks of the court with respect to court records.

1168 Section 24. Paragraph (b) of subsection (13) of section  
 1169 318.18, Florida Statutes, is amended to read:

1170 318.18 Amount of penalties.—The penalties required for a  
 1171 noncriminal disposition pursuant to s. 318.14 or a criminal  
 1172 offense listed in s. 318.17 are as follows:

1173 (13)

1174 (b) A county may ~~not~~ impose a surcharge ~~the surcharges~~  
 1175 ~~authorized under subparagraph~~ subparagraphs (a)1.,  
 1176 subparagraph(a)2., or ~~and~~ subparagraph(a)3., but may not impose  
 1177 more than one surcharge under this subsection concurrently. A  
 1178 county may elect to impose a different authorized surcharge but  
 1179 may not impose more than one surcharge at a time. The clerk of  
 1180 court shall report, no later than 30 days after the end of the  
 1181 quarter, the amount of funds collected under this subsection  
 1182 during each quarter of the fiscal year. The clerk shall submit  
 1183 the report, in a format developed by the Office of State Courts  
 1184 Administrator, to the chief judge of the circuit, the Governor,  
 1185 the President of the Senate, the Speaker of the House of  
 1186 Representatives, and the board of county commissioners.

1187 Section 25. Effective October 1, 2010, section 320.061,  
 1188 Florida Statutes, is amended to read:

1189 320.061 Unlawful to alter motor vehicle registration  
 1190 certificates, license plates, mobile home stickers, or  
 1191 validation stickers or to obscure license plates; penalty.—No  
 1192 person shall alter the original appearance of any registration  
 1193 license plate, mobile home sticker, validation sticker, or

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CS/HB 5401, Engrossed 2

2010 Legislature

1194 vehicle registration certificate issued for and assigned to any  
 1195 motor vehicle or mobile home, whether by mutilation, alteration,  
 1196 defacement, or change of color or in any other manner. No person  
 1197 shall apply or attach any substance, reflective matter,  
 1198 illuminated device, spray, coating, covering, or other material  
 1199 onto or around any license plate that interferes with the  
 1200 legibility, angular visibility, or detectability of any feature  
 1201 or detail on the license plate or interferes with the ability to  
 1202 record any feature or detail on the license plate. Any person  
 1203 who violates this section commits a noncriminal traffic  
 1204 infraction, punishable as a moving violation as provided in  
 1205 chapter 318 ~~misdemeanor of the second degree, punishable as~~  
 1206 ~~provided in s. 775.082 or s. 775.083.~~

1207 Section 26. Effective October 1, 2010, subsection (3) of  
 1208 section 320.131, Florida Statutes, is amended to read:

1209 320.131 Temporary tags.—

1210 (3) Any person or corporation who unlawfully issues or  
 1211 uses a temporary tag or violates this section or any rule  
 1212 adopted by the department to implement this section commits ~~is~~  
 1213 ~~guilty of~~ a noncriminal infraction, punishable as a moving  
 1214 violation as provided in chapter 318 ~~misdemeanor of the second~~  
 1215 ~~degree punishable as provided in s. 775.082 or s. 775.083~~ in  
 1216 addition to other administrative action by the department. ~~7~~  
 1217 ~~except that~~ Using a temporary tag that has been expired for a  
 1218 period of 7 days or less is a noncriminal infraction, and is a  
 1219 nonmoving violation punishable as provided for in chapter 318.

1220 Section 27. Effective October 1, 2010, subsections (1) and  
 1221 (5) of section 322.03, Florida Statutes, are amended to read:

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CS/HB 5401, Engrossed 2

2010 Legislature

1222 322.03 Drivers must be licensed; penalties.—

1223 (1) Except as otherwise authorized in this chapter, a  
 1224 person may not drive any motor vehicle upon a highway in this  
 1225 state unless such person has a valid driver's license issued  
 1226 under this chapter.

1227 (a) A person who drives a commercial motor vehicle may not  
 1228 receive a driver's license unless and until he or she surrenders  
 1229 to the department all driver's licenses in his or her possession  
 1230 issued to him or her by any other jurisdiction or makes an  
 1231 affidavit that he or she does not possess a driver's license.  
 1232 Any such person who fails to surrender such licenses commits a  
 1233 noncriminal infraction, punishable as a moving violation as set  
 1234 forth in chapter 318. Any such person ~~or~~ who makes a false  
 1235 affidavit concerning such licenses commits a misdemeanor of the  
 1236 first degree, punishable as provided in s. 775.082 or s.  
 1237 775.083.

1238 (b) All surrendered licenses may be returned by the  
 1239 department to the issuing jurisdiction together with information  
 1240 that the licensee is now licensed in a new jurisdiction or may  
 1241 be destroyed by the department, which shall notify the issuing  
 1242 jurisdiction of such destruction. A person may not have more  
 1243 than one valid driver's license at any time.

1244 (c) Part-time residents of this state issued a license  
 1245 that is valid within this state only under paragraph (b) as that  
 1246 paragraph existed before November 1, 2009, may continue to hold  
 1247 such license until the next issuance of a Florida driver's  
 1248 license or identification card. Licenses that are identified as

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CS/HB 5401, Engrossed 2

2010 Legislature

1249 "Valid in Florida Only" may not be issued or renewed effective  
 1250 November 1, 2009. This paragraph expires June 30, 2017.

1251 (5) It is a violation of this section for any person whose  
 1252 driver's license has been expired for more than 6 4 months to  
 1253 operate a motor vehicle on the highways of this state.

1254 Section 28. Effective October 1, 2010, subsections (5) and  
 1255 (6) of section 322.16, Florida Statutes, are amended to read:

1256 322.16 License restrictions.—

1257 (5) It is a misdemeanor of the second degree, punishable  
 1258 as provided in s. 775.082 or s. 775.083, for any person to  
 1259 operate a motor vehicle in any manner in violation of the  
 1260 restrictions imposed under paragraph (1)(c) ~~in a license issued~~  
 1261 ~~to him or her except for a violation of paragraph (1)(d),~~  
 1262 ~~subsection (2), or subsection (3).~~

1263 (6) Any person who operates a motor vehicle in violation  
 1264 of the restrictions imposed under paragraph (1)(a), paragraph  
 1265 (1)(b), ~~in~~ subsection (2), or subsection (3) will be charged  
 1266 with a moving violation and fined in accordance with chapter  
 1267 318.

1268 Section 29. Subsection (1) of section 775.083, Florida  
 1269 Statutes, is amended to read:

1270 775.083 Fines.—

1271 (1) A person who has been convicted of an offense other  
 1272 than a capital felony may be sentenced to pay a fine in addition  
 1273 to any punishment described in s. 775.082; when specifically  
 1274 authorized by statute, he or she may be sentenced to pay a fine  
 1275 in lieu of any punishment described in s. 775.082. A person who  
 1276 has been convicted of a noncriminal violation may be sentenced

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CS/HB 5401, Engrossed 2

2010 Legislature

1277 to pay a fine. Fines for designated crimes and for noncriminal  
 1278 violations shall not exceed:

1279 (a) \$15,000, when the conviction is of a life felony.  
 1280 (b) \$10,000, when the conviction is of a felony of the  
 1281 first or second degree.  
 1282 (c) \$5,000, when the conviction is of a felony of the  
 1283 third degree.  
 1284 (d) \$1,000, when the conviction is of a misdemeanor of the  
 1285 first degree.  
 1286 (e) \$500, when the conviction is of a misdemeanor of the  
 1287 second degree or a noncriminal violation.  
 1288 (f) Any higher amount equal to double the pecuniary gain  
 1289 derived from the offense by the offender or double the pecuniary  
 1290 loss suffered by the victim.  
 1291 (g) Any higher amount specifically authorized by statute.  
 1292

1293 Fines imposed in this subsection shall be deposited by the clerk  
 1294 of the court in the fine and forfeiture fund established  
 1295 pursuant to s. 142.01, except that the clerk shall remit fines  
 1296 imposed when adjudication is withheld to the Department of  
 1297 Revenue for deposit shall be deposited in the General Revenue  
 1298 Fund State Courts Revenue Trust Fund, and such fines imposed  
 1299 when adjudication is withheld are not revenue for purposes of s.  
 1300 28.36 and may not be used in establishing the budget of the  
 1301 clerk of the court under that section or s. 28.35. If a  
 1302 defendant is unable to pay a fine, the court may defer payment  
 1303 of the fine to a date certain. As used in this subsection, the  
 1304 term "convicted" or "conviction" means a determination of guilt

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CS/HB 5401, Engrossed 2

2010 Legislature

1305 which is the result of a trial or the entry of a plea of guilty  
 1306 or nolo contendere, regardless of whether adjudication is  
 1307 withheld.

1308 Section 30. Subsection (5) of section 832.08, Florida  
 1309 Statutes, is amended to read:

1310 832.08 State attorney bad check diversion program; fees  
 1311 for collections.—

1312 (5) To fund the diversion program, the state attorney may  
 1313 collect a fee on each check that is collected through the state  
 1314 attorney's office, whether it is collected through prosecution  
 1315 or through the diversion program. Funds collected under this  
 1316 subsection shall be deposited in the State Attorneys Revenue  
 1317 Trust Fund. However, the state attorney may not collect such a  
 1318 fee on any check collected through a diversion program which was  
 1319 in existence in another office prior to October 1, 1986. A fee  
 1320 may be collected by an office operating such a preexisting  
 1321 diversion program for the purpose of funding such program. The  
 1322 amount of the fee for each check shall not exceed:

1323 (a) Twenty-five dollars, if the face value does not exceed  
 1324 \$50.

1325 (b) Thirty dollars, if the face value is more than \$50 but  
 1326 does not exceed \$300.

1327 (c) Forty dollars, if the face value is more than \$300.

1328 Section 31. Section 938.06, Florida Statutes, is amended  
 1329 to read:

1330 938.06 ~~Additional~~ Cost for crime stoppers programs.—

1331 (1) In addition to any fine prescribed by law, when a  
 1332 person is convicted of ~~for~~ any criminal offense, the county or



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CS/HB 5401, Engrossed 2

2010 Legislature

1333 circuit court shall assess ~~there is hereby assessed as~~ a court  
 1334 ~~cost an additional surcharge of \$20 on such fine, which shall be~~  
 1335 ~~imposed by all county and circuit courts and collected by the~~  
 1336 ~~clerks of the courts together with such fine.~~

1337 (2) The clerk of the court shall collect and forward, on a  
 1338 monthly basis, all costs assessed under this section, less \$3  
 1339 per assessment as a service charge to be retained by the clerk,  
 1340 to the Department of Revenue for deposit in the Crime Stoppers  
 1341 Trust Fund, to be used as provided in s. 16.555.

1342 (3) As used in this section, the term "convicted" means a  
 1343 determination of guilt that is the result of a trial or the  
 1344 entry of a plea of guilty or nolo contendere, regardless of  
 1345 whether adjudication is withheld.

1346 Section 32. Subsection (8) of section 938.27, Florida  
 1347 Statutes, is amended to read:

1348 938.27 Judgment for costs on conviction.—

1349 (8) Costs for the state attorney shall be set in all cases  
 1350 at no less than \$50 per case when a misdemeanor or criminal  
 1351 traffic offense is charged and no less than \$100 per case when a  
 1352 felony offense is charged, including a proceeding in which the  
 1353 underlying offense is a violation of probation or community  
 1354 control. The court may set a higher amount upon a showing of  
 1355 sufficient proof of higher costs incurred. Costs recovered on  
 1356 behalf of the state attorney under this section shall be  
 1357 deposited into the State Attorneys Revenue ~~attorney's grants and~~  
 1358 ~~donations~~ Trust Fund to be used during the fiscal year in which  
 1359 the funds are collected, or in any subsequent fiscal year, for  
 1360 actual expenses incurred in investigating and prosecuting

ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

1361 criminal cases, which may include the salaries of permanent  
 1362 employees, or for any other purpose authorized by the  
 1363 Legislature.

1364 Section 33. Paragraph (b) of subsection (2) of section  
 1365 938.29, Florida Statutes, is amended to read:

1366 938.29 Legal assistance; lien for payment of attorney's  
 1367 fees or costs.—

1368 (2)

1369 (b) A judgment showing the name and residence of the  
 1370 defendant-recipient or parent shall be recorded in the public  
 1371 record, without cost, by the clerk of the circuit court in the  
 1372 county where the defendant-recipient or parent resides and in  
 1373 each county in which such defendant-recipient or parent then  
 1374 owns or later acquires any property. Such judgments shall be  
 1375 enforced on behalf of the state by the clerk of the circuit  
 1376 court of the county in which assistance was rendered. The lien  
 1377 against a parent shall remain in force notwithstanding the child  
 1378 becoming emancipated or the child reaching the age of majority.

1379 Section 34. Section 939.08, Florida Statutes, is amended  
 1380 to read:

1381 939.08 Costs to be certified before audit.—In all cases  
 1382 wherein is claimed the payment of applicable bills of costs,  
 1383 fees, or expenses of the state courts system as provided in s.  
 1384 29.004, other than juror and witness fees, in the adjudication  
 1385 of any case payable by the state, the trial court administrator  
 1386 or the administrator's designee shall review the itemized bill.  
 1387 The bill shall not be paid until the trial court administrator  
 1388 or the administrator's designee has approved it and certified

ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

1389 that it is just, correct, and reasonable and contains no  
 1390 unnecessary or illegal item.

1391 Section 35. Paragraph (a) of subsection (1) of section  
 1392 939.185, Florida Statutes, is amended to read:

1393 939.185 Assessment of additional court costs and  
 1394 surcharges.—

1395 (1) (a) The board of county commissioners may adopt by  
 1396 ordinance an additional court cost, not to exceed \$65, to be  
 1397 imposed by the court when a person pleads guilty or nolo  
 1398 contendere to, or is found guilty of, or adjudicated delinquent  
 1399 for, any felony, misdemeanor, delinquent act, or criminal  
 1400 traffic offense under the laws of this state. Such additional  
 1401 assessment shall be accounted for separately by the county in  
 1402 which the offense occurred and be used only in the county  
 1403 imposing this cost, to be allocated as follows:

1404 1. Twenty-five percent of the amount collected shall be  
 1405 allocated to fund innovations, as determined by the chief judge  
 1406 of the circuit, to supplement state funding for the elements of  
 1407 the state courts system identified in s. 29.004 and county  
 1408 funding for local requirements under s. 29.008(2)(a)2.

1409 2. Twenty-five percent of the amount collected shall be  
 1410 allocated to assist counties in providing legal aid programs  
 1411 required under s. 29.008(3)(a).

1412 3. Twenty-five percent of the amount collected shall be  
 1413 allocated to fund personnel and legal materials for the public  
 1414 as part of a law library.

1415 4. Twenty-five percent of the amount collected shall be  
 1416 used as determined by the board of county commissioners to

ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

1417 support teen court programs, except as provided in s. 938.19(7),  
 1418 juvenile assessment centers, and other juvenile alternative  
 1419 programs.

1420  
 1421 Each county receiving funds under this section shall report the  
 1422 amount of funds collected pursuant to this section and an  
 1423 itemized list of expenditures for all authorized programs and  
 1424 activities. The report shall be submitted in a format developed  
 1425 by the Supreme Court to the Governor, the Chief Financial  
 1426 Officer, the President of the Senate, and the Speaker of the  
 1427 House of Representatives on a quarterly basis beginning with the  
 1428 quarter ending September 30, 2004. Quarterly reports shall be  
 1429 submitted no later than 30 days after the end of the quarter.  
 1430 Any unspent funds at the close of the county fiscal year  
 1431 allocated under subparagraphs 2., 3., and 4., shall be  
 1432 transferred for use pursuant to subparagraph 1.

1433 Section 36. Subsection (15) is added to section 943.03,  
 1434 Florida Statutes, to read:

1435 943.03 Department of Law Enforcement.—

1436 (15) The Department of Law Enforcement, in consultation  
 1437 with the Criminal and Juvenile Justice Information Systems  
 1438 Council established in s. 943.06, shall modify the existing  
 1439 statewide uniform statute table in its criminal history system  
 1440 to meet the business requirements of state and local criminal  
 1441 justice and law enforcement agencies. In order to accomplish  
 1442 this objective, the department shall:

1443 (a) Define the minimum business requirements necessary for  
 1444 successful implementation.

ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

1445           (b) Consider the charging and booking requirements of  
 1446 sheriffs' offices and police departments and the business  
 1447 requirements of state attorneys, public defenders, criminal  
 1448 conflict and civil regional counsel, clerks of court, judges,  
 1449 and state law enforcement agencies.

1450           (c) Adopt rules establishing the necessary technical and  
 1451 business process standards required to implement, operate, and  
 1452 ensure uniform system use and compliance.

1453  
 1454 The required system modifications and adopted rules shall be  
 1455 implemented by December 31, 2012.

1456           Section 37. Paragraph (b) of subsection (3) of section  
 1457 943.053, Florida Statutes, is amended to read:

1458           943.053 Dissemination of criminal justice information;  
 1459 fees.—

1460           (3)

1461           (b) The fee per record for criminal history information  
 1462 provided pursuant to this subsection and s. 943.0542 is \$24 per  
 1463 name submitted, except that the fee for the guardian ad litem  
 1464 program and vendors of the Department of Children and Family  
 1465 Services, the Department of Juvenile Justice, and the Department  
 1466 of Elderly Affairs shall be \$8 for each name submitted; the fee  
 1467 for a state criminal history provided for application processing  
 1468 as required by law to be performed by the Department of  
 1469 Agriculture and Consumer Services shall be \$15 for each name  
 1470 submitted; and the fee for requests under s. 943.0542, which  
 1471 implements the National Child Protection Act, shall be \$18 for  
 1472 each volunteer name submitted. The state offices of the Public

ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

1473 Defender shall not be assessed a fee for Florida criminal  
 1474 history information or wanted person information.

1475 Section 38. The amount of unexpended balances in the state  
 1476 court's Operating Trust Fund attributable to collections made  
 1477 pursuant to ss. 25.241 and 35.22, Florida Statutes, before  
 1478 amendment by this act shall be transferred to the State Courts  
 1479 Revenue Trust Fund, FLAIR number 22-2-057. All other unexpended  
 1480 funds in the Operating Trust Fund are transferred to the  
 1481 Administrative Trust Fund within the state courts system.

1482 Section 39. The amount of unexpended balances in the state  
 1483 attorney's grants and donations trust fund attributable to  
 1484 collections made pursuant to ss. 832.08 and 938.27, Florida  
 1485 Statutes, before amendment by this act shall be transferred to  
 1486 the State Attorneys Revenue Trust Fund, FLAIR number 21-2-058.

1487 Section 40. The sum of \$3,600,000 of nonrecurring funds  
 1488 from the Clerks of Court Trust Fund is appropriated to the  
 1489 Florida Clerks of Court Operations Corporation to be distributed  
 1490 to the clerks of court where the state court system has  
 1491 distributed the increased resources provided in the 2010-2011  
 1492 General Appropriations Act for workload associated with  
 1493 foreclosure and economic recovery. The corporation shall submit  
 1494 a budget amendment pursuant to chapter 216, Florida Statutes, to  
 1495 distribute the funding among the clerks of court.

1496 Section 41. The sum of \$18,600,000 from the State Courts  
 1497 Revenue Trust Fund is transferred to the Clerks of the Court  
 1498 Trust Fund in the Justice Administrative Commission for the  
 1499 purpose of paying the general revenue service charge for the

## ENROLLED

CS/HB 5401, Engrossed 2

2010 Legislature

1500 state fiscal year 2009-2010. This section shall take effect upon  
1501 this act becoming a law.

1502 Section 42. Except as otherwise expressly provided in this  
1503 act, and except for this section which shall take effect upon  
1504 this act becoming a law, this act shall take effect July 1,  
1505 2010.