

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Appropriations Committee  
 2 Representative Metz offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:  
 6 Section 1. Paragraph (a) of subsection (3) of section 28.35,  
 7 Florida Statutes, is amended to read:

8 28.35 Florida Clerks of Court Operations Corporation.—

9 (3) (a) The list of court-related functions that clerks may  
 10 fund from filing fees, service charges, costs, and fines is  
 11 limited to those functions expressly authorized by law or court  
 12 rule. Those functions include the following: case maintenance;  
 13 records management; court preparation and attendance; processing  
 14 the assignment, reopening, and reassignment of cases; processing  
 15 of appeals; collection and distribution of fines, fees, service  
 16 charges, and court costs; processing of bond forfeiture  
 17 payments; ~~payment of jurors and witnesses; payment of expenses~~

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18 ~~for meals or lodging provided to jurors;~~ data collection and  
19 reporting; ~~processing of jurors;~~ determinations of indigent  
20 status; and paying reasonable administrative support costs to  
21 enable the clerk of the court to carry out these court-related  
22 functions.

23 Section 2. Subsections (3), (4), and (5) of section 40.24,  
24 Florida Statutes, are amended to read:

25 40.24 Compensation and reimbursement policy.—

26 (3) (a) Jurors who are regularly employed and who continue  
27 to receive regular wages while serving as a juror are not  
28 entitled to receive compensation from the state ~~clerk of the~~  
29 ~~circuit court~~ for the first 3 days of juror service.

30 (b) Jurors who are not regularly employed or who do not  
31 continue to receive regular wages while serving as a juror are  
32 entitled to receive \$15 per day for the first 3 days of juror  
33 service.

34 (4) Each juror who serves more than 3 days is entitled to  
35 be paid by the state ~~clerk of the circuit court~~ for the fourth  
36 day of service and each day thereafter at the rate of \$30 per  
37 day of service.

38 (5) Jurors are not entitled to additional reimbursement by  
39 the state ~~clerk of the circuit court~~ for travel or other out-of-  
40 pocket expenses.

41 Section 3. Section 40.29, Florida Statutes, is amended to  
42 read:

43 40.29 Payment of due-process costs.—

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44 (1) (a) Each clerk of the circuit court, on behalf of the  
45 state attorney, private court-appointed counsel, the public  
46 defender, and the criminal conflict and civil regional counsel,  
47 shall forward to the Justice Administrative Commission, by  
48 county, a quarterly estimate of funds necessary to pay for  
49 ordinary witnesses, including, but not limited to, witnesses in  
50 civil traffic cases and witnesses of the state attorney, the  
51 public defender, criminal conflict and civil regional counsel,  
52 private court-appointed counsel, and persons determined to be  
53 indigent for costs. Each quarter of the state fiscal year, the  
54 commission, based upon the estimates, shall advance funds to  
55 each clerk to pay for these ordinary witnesses from state funds  
56 specifically appropriated for the payment of ordinary witnesses.

57 (b) Each clerk of the circuit court shall forward to the  
58 Justice Administrative Commission a quarterly estimate of funds  
59 necessary to pay compensation to jurors and for meals or lodging  
60 provided to jurors. The Clerks of Court Operations Corporation  
61 shall forward to the Justice Administrative Commission a  
62 quarterly estimate of jury related personnel costs necessary to  
63 pay each clerk of the circuit court personnel costs related to  
64 jury management.

65 (2) Upon receipt of an estimate pursuant to subsection  
66 (1), the Justice Administrative Commission shall endorse the  
67 amount deemed necessary for payment by the clerk of the court  
68 during the quarterly fiscal period and shall submit a request  
69 for payment to the Chief Financial Officer.

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70 (3) Upon receipt of the funds from the Chief Financial  
71 Officer, the clerk of the court shall pay all invoices approved  
72 and submitted by the state attorney, the public defender, the  
73 clerk of the court, criminal conflict and civil regional  
74 counsel, and private court-appointed counsel for the items  
75 enumerated in subsection (1).

76 (4) After review for compliance with applicable rates and  
77 requirements, the Justice Administrative Commission shall pay  
78 all due process service related invoices, except those  
79 enumerated in subsection (1), approved and submitted by the  
80 state attorney, the public defender, the clerk of the court,  
81 criminal conflict and civil regional counsel, or private court-  
82 appointed counsel in accordance with the applicable requirements  
83 of ss. 29.005, 29.006, and 29.007.

84 Section 4. Section 40.31, Florida Statutes, is amended to  
85 read:

86 40.31 Justice Administrative Commission; apportionment of  
87 funds; insufficient appropriations ~~may apportion appropriation.-~~

88 (1) If the Justice Administrative Commission has reason to  
89 believe that the amount appropriated by the Legislature is  
90 insufficient to meet the expenses of witnesses during the  
91 remaining part of the state fiscal year, the commission may  
92 apportion the money in the treasury for that purpose among the  
93 several counties, basing such apportionment upon the amount  
94 expended for the payment of witnesses in each county during the  
95 prior fiscal year. In such case, each county shall be paid by

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96 warrant, issued by the Chief Financial Officer, only the amount  
97 so apportioned to each county, and, when the amount so  
98 apportioned is insufficient to pay in full all the witnesses  
99 during a quarterly fiscal period, the clerk of the court shall  
100 apportion the money received pro rata among the witnesses  
101 entitled to pay and shall give to each witness a certificate of  
102 the amount of compensation still due, which certificate shall be  
103 held by the commission as other demands against the state.

104 (2) If the Justice Administrative Commission has reason to  
105 believe that the amount appropriated by the Legislature is  
106 insufficient to meet jury related personnel costs and expenses  
107 relating to compensation of jurors and meals and lodging  
108 provided to jurors during the remaining part of the state fiscal  
109 year, the commission may apportion the money in the treasury for  
110 those purposes among the several counties, basing such  
111 apportionment upon the amount expended for such purposes in each  
112 county during the prior fiscal year. In such case, each county  
113 shall be paid by warrant, issued by the Chief Financial Officer,  
114 only the amount so apportioned to each county. When the amount  
115 so apportioned is insufficient to pay in full all jury related  
116 personnel costs and jury-related expenses described herein  
117 during a quarterly fiscal period, the clerk of the court shall  
118 pay jurors entitled to pay before reimbursing any other jury-  
119 related expenses described herein. If the amount so apportioned  
120 is insufficient to pay in full all jurors during a quarterly  
121 fiscal period, the clerk of the court shall apportion the money

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122 received pro rata among the jurors entitled to pay and shall  
123 give to each juror a certificate of the amount of compensation  
124 still due, which certificate shall be held by the commission as  
125 other demands against the state. If the amount so apportioned is  
126 insufficient to pay in full all jury related personnel costs  
127 during a quarterly fiscal period, the clerk of the court shall  
128 apportion the money received pro rata among the counties  
129 entitled and shall give to each county a certificate of the  
130 amount of compensation still due, which certificate shall be  
131 held by the commission as other demands against the state.

132 Section 5. Section 40.32, Florida Statutes, is amended to  
133 read:

134 40.32 Clerks to disburse money; payments to jurors and  
135 witnesses.—

136 (1) All moneys drawn from the treasury under ~~the~~  
137 ~~provisions of~~ this chapter by the clerk of the court shall be  
138 disbursed by the clerk of the court as far as needed in payment  
139 of jurors and witnesses, except for expert witnesses paid under  
140 a contract or other professional services agreement pursuant to  
141 ss. 29.004, 29.005, 29.006, and 29.007, for the legal  
142 compensation for service during the quarterly fiscal period for  
143 which the moneys were drawn and for no other purposes.

144 ~~(2) The payment of jurors and the payment of expenses for~~  
145 ~~meals and lodging for jurors under the provisions of this~~  
146 ~~chapter are court-related functions that the clerk of the court~~  
147 ~~shall fund from filing fees, service charges, court costs, and~~

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148 ~~finer.~~

149 ~~(2)(3)~~ Jurors and witnesses shall be paid by the clerk of  
150 the court in cash, by check, or by warrant within 20 days after  
151 completion of jury service or completion of service as a  
152 witness.

153 (a) If the clerk of the court pays a juror or witness by  
154 cash, the juror or witness shall sign the payroll in the  
155 presence of the clerk, a deputy clerk, or some other person  
156 designated by the clerk.

157 (b) If the clerk pays a juror or witness by warrant, he or  
158 she shall endorse on the payroll opposite the juror's or  
159 witness's name the words "Paid by warrant," giving the number  
160 and date of the warrant.

161 Section 6. Section 40.33, Florida Statutes, is amended to  
162 read:

163 40.33 Deficiency.—If the funds required for payment of the  
164 items enumerated in s. 40.29(1) in any county during a quarterly  
165 fiscal period exceeds the amount of the funds provided pursuant  
166 to s. 40.29(3), the state attorney, public defender, clerk of  
167 the circuit court, or criminal conflict and civil regional  
168 counsel, as applicable, shall make a further request upon the  
169 Justice Administrative Commission for the items enumerated in s.  
170 40.29(1) for the amount necessary to allow for full payment.

171 Section 7. Section 40.34, Florida Statutes, is amended to  
172 read:

173 40.34 Clerks to make triplicate payroll.—

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174 (1) The clerk of the court shall make out a payroll in  
175 triplicate for the payment of jurors and witnesses, which  
176 payroll shall contain:

177 (a) The name of each juror and witness entitled to be paid  
178 with state funds;

179 (b) The number of days for which the jurors and witnesses  
180 are entitled to be paid;

181 (c) The number of miles traveled by each; and

182 (d) The total compensation each juror and witness is  
183 entitled to receive.

184 (2) The form of such payroll shall be prescribed by the  
185 Chief Financial Officer.

186 (3) Compensation paid a juror or witness shall be attested  
187 as provided in s. 40.32. The payroll shall be approved by the  
188 signature of the clerk, or his or her deputy, except for the  
189 payroll as to witnesses appearing before the state attorney,  
190 which payroll shall be approved by the signature of the state  
191 attorney or an assistant state attorney.

192 (4) The clerks of the courts shall forward two copies of  
193 such payrolls to the Justice Administrative Commission, within 2  
194 weeks after the last day of the quarterly fiscal period, and the  
195 commission shall audit such payrolls.

196 Section 8. This act shall take effect July 1, 2016.  
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199 **T I T L E A M E N D M E N T**



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200 Remove everything before the enacting clause and insert:  
201 An act relating to juror costs; amending s. 28.35, F.S.;  
202 revising the list of court-related functions that clerks may  
203 fund from filing fees, service charges, costs, and fines;  
204 amending s. 40.24, F.S.; conforming provisions to changes made  
205 by the act; amending s. 40.29, F.S.; requiring the clerk and the  
206 Florida Clerks of Court Operations Corporation to forward  
207 quarterly estimates on certain jury-related costs to the Justice  
208 Administrative Commission; revising procedures governing the  
209 payment of certain costs; amending s. 40.31, F.S.; authorizing  
210 the commission to apportion funds for specified jury-related  
211 costs in certain circumstances; providing for issuance to jurors  
212 and counties of certificates for the amount of compensation  
213 still due in certain circumstances; amending s. 40.32, F.S.;  
214 conforming provisions to changes made by the act; amending s.  
215 40.33, F.S.; authorizing the clerk to make requests to the  
216 commission for additional funds to pay certain costs in the  
217 event of a deficiency; amending s. 40.34, F.S.; requiring the  
218 clerk to provide for payroll in triplicate for the payment of  
219 jurors; requiring the clerk to forward a specified number of  
220 copies of juror payrolls to the commission by a specified date;  
221 requiring the commission to audit such payrolls; providing an  
222 effective date.  
223