

1                   A bill to be entitled  
2           An act relating to juror costs; amending s. 28.35,  
3           F.S.; revising the list of court-related functions  
4           that clerks may fund from filing fees, service  
5           charges, costs, and fines; amending s. 40.24, F.S.;  
6           conforming provisions to changes made by the act;  
7           amending s. 40.29, F.S.; requiring the clerk to  
8           forward quarterly estimates on certain jury-related  
9           costs to the Justice Administrative Commission;  
10          revising procedures governing the payment of certain  
11          costs; amending s. 40.31, F.S.; authorizing the  
12          commission to apportion funds for specified jury-  
13          related costs in certain circumstances; providing for  
14          issuance to jurors of certificates for the amount of  
15          compensation still due in certain circumstances;  
16          amending s. 40.32, F.S.; conforming provisions to  
17          changes made by the act; amending s. 40.33, F.S.;  
18          authorizing the clerk to make requests to the  
19          commission for additional funds to pay certain costs  
20          in the event of a deficiency; amending s. 40.34, F.S.;  
21          requiring the clerk to provide for payroll in  
22          triplicate for the payment of jurors; requiring the  
23          clerk to forward a specified number of copies of juror  
24          payrolls to the commission by a specified date;  
25          requiring the commission to audit such payrolls;  
26          providing an effective date.

27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52

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

Section 1. Paragraph (a) of subsection (3) of section 28.35, Florida Statutes, is amended to read:

28.35 Florida Clerks of Court Operations Corporation.—

(3) (a) The list of court-related functions that clerks may fund from filing fees, service charges, costs, and fines is limited to those functions expressly authorized by law or court rule. Those functions include the following: case maintenance; records management; court preparation and attendance; processing the assignment, reopening, and reassignment of cases; processing of appeals; collection and distribution of fines, fees, service charges, and court costs; processing of bond forfeiture payments; ~~payment of jurors and witnesses; payment of expenses for meals or lodging provided to jurors;~~ data collection and reporting; processing of jurors; determinations of indigent status; and paying reasonable administrative support costs to enable the clerk of the court to carry out these court-related functions.

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

40.24 Compensation and reimbursement policy.—

(3) (a) Jurors who are regularly employed and who continue to receive regular wages while serving as a juror are not entitled to receive compensation from the state ~~clerk of the~~

HB 7095

2016

53 ~~circuit court~~ for the first 3 days of juror service.

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

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

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

65 Section 3. Section 40.29, Florida Statutes, is amended to  
66 read:

67 40.29 Payment of due-process costs.—

68 (1) (a) Each clerk of the circuit court, on behalf of the  
69 state attorney, private court-appointed counsel, the public  
70 defender, and the criminal conflict and civil regional counsel,  
71 shall forward to the Justice Administrative Commission, by  
72 county, a quarterly estimate of funds necessary to pay for  
73 ordinary witnesses, including, but not limited to, witnesses in  
74 civil traffic cases and witnesses of the state attorney, the  
75 public defender, criminal conflict and civil regional counsel,  
76 private court-appointed counsel, and persons determined to be  
77 indigent for costs. Each quarter of the state fiscal year, the  
78 commission, based upon the estimates, shall advance funds to

79 each clerk to pay for these ordinary witnesses from state funds  
80 specifically appropriated for the payment of ordinary witnesses.

81 (b) Each clerk of the circuit court shall forward to the  
82 Justice Administrative Commission a quarterly estimate of funds  
83 necessary to pay compensation to jurors and for meals or lodging  
84 provided to jurors.

85 (2) Upon receipt of an estimate pursuant to subsection  
86 (1), the Justice Administrative Commission shall endorse the  
87 amount deemed necessary for payment by the clerk of the court  
88 during the quarterly fiscal period and shall submit a request  
89 for payment to the Chief Financial Officer.

90 (3) Upon receipt of the funds from the Chief Financial  
91 Officer, the clerk of the court shall pay all invoices approved  
92 and submitted by the state attorney, the public defender, the  
93 clerk of the court, criminal conflict and civil regional  
94 counsel, and private court-appointed counsel for the items  
95 enumerated in subsection (1).

96 (4) After review for compliance with applicable rates and  
97 requirements, the Justice Administrative Commission shall pay  
98 all due process service related invoices, except those  
99 enumerated in subsection (1), approved and submitted by the  
100 state attorney, the public defender, the clerk of the court,  
101 criminal conflict and civil regional counsel, or private court-  
102 appointed counsel in accordance with the applicable requirements  
103 of ss. 29.005, 29.006, and 29.007.

104 Section 4. Section 40.31, Florida Statutes, is amended to

105 read:

106 40.31 Justice Administrative Commission; apportionment of  
 107 funds; insufficient appropriations ~~may apportion appropriation.~~-

108 (1) If the Justice Administrative Commission has reason to  
 109 believe that the amount appropriated by the Legislature is  
 110 insufficient to meet the expenses of witnesses during the  
 111 remaining part of the state fiscal year, the commission may  
 112 apportion the money in the treasury for that purpose among the  
 113 several counties, basing such apportionment upon the amount  
 114 expended for the payment of witnesses in each county during the  
 115 prior fiscal year. In such case, each county shall be paid by  
 116 warrant, issued by the Chief Financial Officer, only the amount  
 117 so apportioned to each county, and, when the amount so  
 118 apportioned is insufficient to pay in full all the witnesses  
 119 during a quarterly fiscal period, the clerk of the court shall  
 120 apportion the money received pro rata among the witnesses  
 121 entitled to pay and shall give to each witness a certificate of  
 122 the amount of compensation still due, which certificate shall be  
 123 held by the commission as other demands against the state.

124 (2) If the Justice Administrative Commission has reason to  
 125 believe that the amount appropriated by the Legislature is  
 126 insufficient to meet expenses relating to compensation of jurors  
 127 and meals and lodging provided to jurors during the remaining  
 128 part of the state fiscal year, the commission may apportion the  
 129 money in the treasury for those purposes among the several  
 130 counties, basing such apportionment upon the amount expended for

131 such purposes in each county during the prior fiscal year. In  
132 such case, each county shall be paid by warrant, issued by the  
133 Chief Financial Officer, only the amount so apportioned to each  
134 county. When the amount so apportioned is insufficient to pay in  
135 full all jury-related expenses described herein during a  
136 quarterly fiscal period, the clerk of the court shall pay jurors  
137 entitled to pay before reimbursing any other jury-related  
138 expenses described herein. If the amount so apportioned is  
139 insufficient to pay in full all jurors during a quarterly fiscal  
140 period, the clerk of the court shall apportion the money  
141 received pro rata among the jurors entitled to pay and shall  
142 give to each juror a certificate of the amount of compensation  
143 still due, which certificate shall be held by the commission as  
144 other demands against the state.

145 Section 5. Section 40.32, Florida Statutes, is amended to  
146 read:

147 40.32 Clerks to disburse money; payments to jurors and  
148 witnesses.—

149 (1) All moneys drawn from the treasury under ~~the~~  
150 ~~provisions of~~ this chapter by the clerk of the court shall be  
151 disbursed by the clerk of the court as far as needed in payment  
152 of jurors and witnesses, except for expert witnesses paid under  
153 a contract or other professional services agreement pursuant to  
154 ss. 29.004, 29.005, 29.006, and 29.007, for the legal  
155 compensation for service during the quarterly fiscal period for  
156 which the moneys were drawn and for no other purposes.

157 ~~(2) The payment of jurors and the payment of expenses for~~  
 158 ~~meals and lodging for jurors under the provisions of this~~  
 159 ~~chapter are court-related functions that the clerk of the court~~  
 160 ~~shall fund from filing fees, service charges, court costs, and~~  
 161 ~~finer.~~

162 (2)~~(3)~~ Jurors and witnesses shall be paid by the clerk of  
 163 the court in cash, by check, or by warrant within 20 days after  
 164 completion of jury service or completion of service as a  
 165 witness.

166 (a) If the clerk of the court pays a juror or witness by  
 167 cash, the juror or witness shall sign the payroll in the  
 168 presence of the clerk, a deputy clerk, or some other person  
 169 designated by the clerk.

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

174 Section 6. Section 40.33, Florida Statutes, is amended to  
 175 read:

176 40.33 Deficiency.—If the funds required for payment of the  
 177 items enumerated in s. 40.29(1) in any county during a quarterly  
 178 fiscal period exceeds the amount of the funds provided pursuant  
 179 to s. 40.29(3), the state attorney, public defender, clerk of  
 180 the circuit court, or criminal conflict and civil regional  
 181 counsel, as applicable, shall make a further request upon the  
 182 Justice Administrative Commission for the items enumerated in s.

183 40.29(1) for the amount necessary to allow for full payment.

184 Section 7. Section 40.34, Florida Statutes, is amended to  
185 read:

186 40.34 Clerks to make triplicate payroll.—

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

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

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

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

195 (d) The total compensation each juror and witness is  
196 entitled to receive.

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

199 (3) Compensation paid a juror or witness shall be attested  
200 as provided in s. 40.32. The payroll shall be approved by the  
201 signature of the clerk, or his or her deputy, except for the  
202 payroll as to witnesses appearing before the state attorney,  
203 which payroll shall be approved by the signature of the state  
204 attorney or an assistant state attorney.

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



HB 7095

2016

209

Section 8. This act shall take effect July 1, 2016.