

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 and the
8 Florida Clerks of Court Operations Corporation to
9 forward quarterly estimates on certain jury-related
10 costs to the Justice Administrative Commission;
11 revising procedures governing the payment of certain
12 costs; amending s. 40.31, F.S.; authorizing the
13 commission to apportion funds for specified jury-
14 related costs in certain circumstances; providing for
15 issuance to jurors and counties of certificates for
16 the amount of compensation still due in certain
17 circumstances; amending s. 40.32, F.S.; conforming
18 provisions to changes made by the act; amending s.
19 40.33, F.S.; authorizing the clerk to make requests to
20 the commission for additional funds to pay certain
21 costs in the event of a deficiency; amending s. 40.34,
22 F.S.; requiring the clerk to provide for payroll in
23 triplicate for the payment of jurors; requiring the
24 clerk to forward a specified number of copies of juror
25 payrolls to the commission by a specified date;
26 requiring the commission to audit such payrolls;

27 providing an effective date.

28

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

30

31 Section 1. Paragraph (a) of subsection (3) of section
32 28.35, Florida Statutes, is amended to read:

33 28.35 Florida Clerks of Court Operations Corporation.—

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

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

50 40.24 Compensation and reimbursement policy.—

51 (3) (a) Jurors who are regularly employed and who continue
52 to receive regular wages while serving as a juror are not

53 entitled to receive compensation from the state ~~clerk of the~~
54 ~~circuit court~~ for the first 3 days of juror service.

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

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

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

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

68 40.29 Payment of due-process costs.—

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

79 | commission, based upon the estimates, shall advance funds to
80 | each clerk to pay for these ordinary witnesses from state funds
81 | specifically appropriated for the payment of ordinary witnesses.

82 | (b) Each clerk of the circuit court shall forward to the
83 | Justice Administrative Commission a quarterly estimate of funds
84 | necessary to pay compensation to jurors and for meals or lodging
85 | provided to jurors. The Florida Clerks of Court Operations
86 | Corporation shall forward to the Justice Administrative
87 | Commission a quarterly estimate of jury-related personnel costs
88 | in order to reimburse each clerk of the circuit court for such
89 | costs.

90 | (2) Upon receipt of an estimate pursuant to subsection
91 | (1), the Justice Administrative Commission shall endorse the
92 | amount deemed necessary for payment by the clerk of the court
93 | during the quarterly fiscal period and shall submit a request
94 | for payment to the Chief Financial Officer.

95 | (3) Upon receipt of the funds from the Chief Financial
96 | Officer, the clerk of the court shall pay all invoices approved
97 | and submitted by the state attorney, the public defender, the
98 | clerk of the court, criminal conflict and civil regional
99 | counsel, and private court-appointed counsel for the items
100 | enumerated in subsection (1).

101 | (4) After review for compliance with applicable rates and
102 | requirements, the Justice Administrative Commission shall pay
103 | all due process service related invoices, except those
104 | enumerated in subsection (1), approved and submitted by the

105 state attorney, the public defender, the clerk of the court,
 106 criminal conflict and civil regional counsel, or private court-
 107 appointed counsel in accordance with the applicable requirements
 108 of ss. 29.005, 29.006, and 29.007.

109 Section 4. Section 40.31, Florida Statutes, is amended to
 110 read:

111 40.31 Justice Administrative Commission; apportionment of
 112 funds; insufficient appropriations ~~may apportion appropriation.~~-

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

129 (2) If the Justice Administrative Commission has reason to
 130 believe that the amount appropriated by the Legislature is

131 insufficient to meet jury-related personnel costs and expenses
132 relating to compensation of jurors and meals and lodging
133 provided to jurors during the remaining part of the state fiscal
134 year, the commission may apportion the money in the treasury for
135 those purposes among the several counties, basing such
136 apportionment upon the amount expended for such purposes in each
137 county during the prior fiscal year. In such case, each county
138 shall be paid by warrant, issued by the Chief Financial Officer,
139 only the amount so apportioned to each county. When the amount
140 so apportioned is insufficient to pay in full all jury-related
141 personnel costs and jury-related expenses described herein
142 during a quarterly fiscal period, the clerk of the court shall
143 pay jurors entitled to pay before reimbursing any other jury-
144 related expenses described herein. If the amount so apportioned
145 is insufficient to pay in full all jurors during a quarterly
146 fiscal period, the clerk of the court shall apportion the money
147 received pro rata among the jurors entitled to pay and shall
148 give to each juror a certificate of the amount of compensation
149 still due, which certificate shall be held by the commission as
150 other demands against the state. If the amount so apportioned is
151 insufficient to pay in full all jury-related personnel costs
152 during a quarterly fiscal period, the commission shall apportion
153 the money received pro rata among the counties entitled to it
154 and give to each county a certificate in the amount of the
155 remaining compensation owed. The certificate shall be held by
156 the commission as other demands against the state.

157 Section 5. Section 40.32, Florida Statutes, is amended to
 158 read:

159 40.32 Clerks to disburse money; payments to jurors and
 160 witnesses.—

161 (1) All moneys drawn from the treasury under ~~the~~
 162 ~~provisions of~~ this chapter by the clerk of the court shall be
 163 disbursed by the clerk of the court as far as needed in payment
 164 of jurors and witnesses, except for expert witnesses paid under
 165 a contract or other professional services agreement pursuant to
 166 ss. 29.004, 29.005, 29.006, and 29.007, for the legal
 167 compensation for service during the quarterly fiscal period for
 168 which the moneys were drawn and for no other purposes.

169 ~~(2) The payment of jurors and the payment of expenses for~~
 170 ~~meals and lodging for jurors under the provisions of this~~
 171 ~~chapter are court-related functions that the clerk of the court~~
 172 ~~shall fund from filing fees, service charges, court costs, and~~
 173 ~~finer.~~

174 (2)~~(3)~~ Jurors and witnesses shall be paid by the clerk of
 175 the court in cash, by check, or by warrant within 20 days after
 176 completion of jury service or completion of service as a
 177 witness.

178 (a) If the clerk of the court pays a juror or witness by
 179 cash, the juror or witness shall sign the payroll in the
 180 presence of the clerk, a deputy clerk, or some other person
 181 designated by the clerk.

182 (b) If the clerk pays a juror or witness by warrant, he or

183 she shall endorse on the payroll opposite the juror's or
 184 witness's name the words "Paid by warrant," giving the number
 185 and date of the warrant.

186 Section 6. Section 40.33, Florida Statutes, is amended to
 187 read:

188 40.33 Deficiency.—If the funds required for payment of the
 189 items enumerated in s. 40.29(1) in any county during a quarterly
 190 fiscal period exceeds the amount of the funds provided pursuant
 191 to s. 40.29(3), the state attorney, public defender, clerk of
 192 the circuit court, or criminal conflict and civil regional
 193 counsel, as applicable, shall make a further request upon the
 194 Justice Administrative Commission for the items enumerated in s.
 195 40.29(1) for the amount necessary to allow for full payment.

196 Section 7. Section 40.34, Florida Statutes, is amended to
 197 read:

198 40.34 Clerks to make triplicate payroll.—

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

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

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

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

207 (d) The total compensation each juror and witness is
 208 entitled to receive.

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

211 (3) Compensation paid a juror or witness shall be attested
212 as provided in s. 40.32. The payroll shall be approved by the
213 signature of the clerk, or his or her deputy, except for the
214 payroll as to witnesses appearing before the state attorney,
215 which payroll shall be approved by the signature of the state
216 attorney or an assistant state attorney.

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

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