
Senate Committee on Criminal and Civil Justice Appropriations

CS/SB 1788 — Indigent Civil Defense

by Criminal and Civil Justice Appropriations Committee and Senator Crist

This bill creates the Indigent Civil Defense Trust Fund for use by the offices of criminal conflict and civil regional counsel as provided in s. 27.511, F.S. The offices of criminal conflict and civil regional counsel are currently funded by general revenue. The office now has access to the Indigent Criminal Defense Trust Fund and funds have been appropriated in FY 2008-2009.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 39-0; House 119-0

CS/SB 1790 — State Judicial System

by Criminal and Civil Justice Appropriations Committee and Senator Crist

This bill increases certain service charges, court costs, and fees. Among other principal changes, the bill:

- Reassigns the funding responsibility for court juror payments from the State Court System to the clerk of the courts;
- Provides that the public defender shall provide appellate representation in criminal cases handled at trial by the criminal conflict and civil regional counsel, unless the case presents a conflict for the public defender, in which case the regional counsel or private court-appointed counsel shall handle the appeal;
- Allows part-time attorneys in the office of criminal conflict and civil regional counsel to take private-pay criminal cases for 2 years, unless the case presents a conflict of interest for the office;
- Deletes a provision allowing county court judges to receive a circuit court judge salary when hearing circuit court cases;
- Requires the clerks to report to the Office of the State Court Administrator on a quarterly basis on moneys collected and remitted to the Mediation and Arbitration Trust Fund;
- Decreases the number of judges in the Third District Court of Appeal from 11 to 10;
- Requires a person who seeks a determination of indigent status in order to receive court-appointed counsel in a dependency proceeding to pay a \$50 application fee;
- Creates a \$12.50 administrative fee to be paid for all noncriminal moving and nonmoving traffic violations under ch. 316, F.S.;

- Mandates costs of prosecution in all criminal, juvenile, and violation-of-probation or community-control case convictions;
- Mandates fees and costs related to receiving state-funded legal representation in a criminal or violation-of-probation or community-control case convictions;
- Clarifies that a person is liable for the application fee for a determination of indigent status in a criminal case and that the fee may be collected through the use of a lien;
- Increases the financial penalties for driving under the influence (DUI) and boating under the influence (BUI);
- Creates a new filing fee for certain counterclaim suits or cross appeals in county, circuit, and appellate courts;
- Creates a fee for the issuance of summons;
- Removes outdated language authorizing counties to recover attorney fees and costs for legal representation provided in certain proceedings involving children and families in need of services under ch. 984, F.S.;
- Directs the Clerk of Court Operations Corporation to not consider the increased revenue from the bill in setting the individual clerk of court budgets; and
- Allows the Clerk of Court Operations Corporation to increase the clerk budgets to pay for juror payments. On an annual basis, clerks can increase their budgets by \$4.7 million in the aggregate.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 39-0; House 119-0

CS/SB 1792 — Criminal History Information

by Criminal and Civil Justice Appropriations Committee and Senator Crist

This bill increases fees for criminal history background checks by the Florida Department of Law Enforcement by amending s. 943.053, F.S. The current fee is \$23 for each records check with the exception of background checks for vendors of the Department of Children and Family Services (DCF), Department of Elder Affairs (DEA), Department of Juvenile Justice (DJJ), specific checks for the Department of Agriculture and Consumer Services (DACs), and summer camps. The new fee structure will increase the fee by \$1 to \$24 for the dissemination of criminal justice information and is estimated to generate an additional \$1,750,000 in fee revenues. This bill will also allow the department to apply the revenue generated from this fee to any legislatively approved department purpose rather than strictly toward the cost of providing the service.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 39-0; House 119-0

SB 2100 — Shared County/State Juvenile Detention Trust Fund/DJJ

by Senator Crist

This bill (Chapter 2008-8, L.O.F.) re-creates the Shared County/State Juvenile Detention Trust Fund within the Department of Juvenile Justice without modification, and repeals the provisions that would have terminated the trust fund. This bill amends s. 985.686, F.S.

These provisions were approved by the Governor and take effect July 1, 2008.

Vote: Senate 36-0; House 78-37

SB 2820 — Juvenile Offenders/Residential Facilities

by Senator Crist

This bill places limitations on residential facilities that house juvenile offenders by amending the restrictiveness levels in s. 985.02, F.S., so that low-risk, moderate-risk, high-risk, and maximum-risk residential facilities must have no more than 165 beds each. This policy change was adopted by the Legislature in order to better serve kids that are placed in residential programs, because smaller programs improve the quality of the programs. Also, smaller programs give the Department of Juvenile Justice the ability to place these programs in the communities where these kids live and will encourage more family participation in the future.

This limitation does not apply if the facility has a specified campus-style program that includes more than one level of restrictiveness, provides multilevel education and treatment programs using different treatment protocols, and has facilities that co-exist separately in distinct locations on the same property. This exemption applies to the DeSoto Juvenile Correctional Facility and the Dozier Campus, which facility houses both the Dozier School for Boys and the Jackson Juvenile Offender Correctional Center. The Department of Juvenile Justice will have to rearrange two facilities, Hastings Moderate-risk facility and Avon Park Youth Academy, and transfer juveniles in order to accommodate the restriction.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 39-0; House 118-0

