

State Judicial System: authorizes Supreme Court to impose certain appearance fees on attorneys; requires electronic transmittal of court filings; revises court rules; revises court procedures; court-reports; court clerks of court; revises county court rules; for certain equipment &



CS/CS/SB 2962 SUMMARY

FLORIDA ASSOCIATION OF COURT CLERKS
MAY 2004

CS/CS/SB 2962 Section by Section Analysis

Section 1. Section 25.241 is amended to require the Clerk of the Supreme Court to collect a filing fee of \$300 upon the filing of a certified copy of a notice of appeal or petition and deposit such fee with the state's Chief Financial Officer, \$250 of which is to be deposited into state General Revenue and \$50 of which is to be deposited into the court's Grants and Donations Trust Fund.

The section is further amended to require attorneys appearing pro hac vice before the Supreme Court or a district court of appeal to pay a \$100 fee. Such fee must be deposited into the state General Revenue Fund.

Section 2. Section 25.383 is amended to authorize the Supreme Court to determine the amount of fees to charge court reporter applicants for certification and renewal for certification. The fee must be set in the amount necessary to recover the full cost of administering the certification process. Such fees must be deposited into the Grants and Donations Trust Fund with the state courts.

Section 3. Section 25.384 is amended to require that the Court Education Trust Fund monies are to be used only to provide education and training for judges and other court personnel. References to their use for Clerks education is stricken.

Section 4. Section 27.02 is amended to clarify that the state attorney may prosecute those local ordinances that are punishable by incarceration if the prosecution is ancillary to state prosecution or if the state attorney has contracted with the county or municipality for reimbursement for services rendered in accordance with s. 27.34(1). The section is further amended to authorize the state attorney to charge a defendant no more than 15 cents a page for copies when complying with the discovery obligation.

Section 5. Section 27.34 is amended to authorize a local government to contract with state attorneys to prosecute those local ordinances that are punishable by incarceration and not ancillary to a state charge. The reimbursement requirement is to recover the full cost of services rendered on an hourly basis or to reimburse the state for the full cost of assigning one or more full-time equivalent attorney positions to work on behalf of the county or municipality. In the case with a county having a population less than 75,000, the state attorney must contract for full reimbursement, or for reimbursement as the parties otherwise agree. Reimbursement on an hourly basis must be at a \$50 rate.

A contract for assigning one or more full time equivalent attorney positions to a county or municipality shall assign such positions based on estimates by the state attorney of the number of hours required to handle the projected workload. The full cost of those attorneys will be \$50, or the amount specified in the General Appropriations Act, multiplied by the legislative budget request standard for work hours for one full-time equivalent attorney position, or in the absence of that, 1,854 hours. The contract may provide for funding full-time equivalent positions in one-quarter increments.

Any payments received pursuant to this section must be deposited into the Grants and Donations Trust Fund within the Justice Administration Commission and appropriated by the legislature.

The section is further amended to clarify that if the Chief Financial Officer contributes funds to the state attorney to prosecute these violations and the accused person is indigent and represented by the public defender, the Chief Financial Officer shall also contract with the public defender to provide representation. The section prohibits state attorneys from spending state appropriated funds on county funding obligations beginning January 1, 2005. This is inclusive of communications service and facilities as defined in s. 29.008.

The section also provides a method for short-term advances between the State Attorney and the county.

Section 6. Section 27.40 is amended to extend the date from July 1 to October 1 whereby private counsel appointed by the court will be selected from a registry. The section clarifies that the Justice Administrative Commission (JAC) will approve the forms to be used for these appointments.

Section 7. Section 27.42 is amended to clarify the duties of the circuit Article V Indigent Services committees and gives the committees until October 1, 2004, to compile the registry. The standard fees and expense allowances must be derived from s. 27.5303 and consistent with overall compensation rates in that section and within the amounts allocated by the JAC to the circuit for that purpose. The JAC is required to track expenditures for court appointed counsel in the following categories: criminal conflict; civil conflict; dependency and termination of parental rights; and guardianship.

Section 8. Section 27.51 is amended to authorize public defenders to contract with a county or municipality to provide services for ordinance violations.

Section 9. Section 27.52 is amended to provide that the Clerk determine indigence for the purpose of receiving services by using a form developed by the Supreme Court. In the event the defendant is incarcerated, the Public Defender must obtain the necessary information. The Clerk may contract with third parties to perform this function.

If the Clerk has not made the determination at the time a person requests appointment or provision of due process services, the court will make the preliminary determination of indigent status, pending further review by the clerk and may appoint counsel or authorize provision of services on an interim basis. If the applicant seeks review of the clerk's determination, the court shall make the final determination.

The Clerk must assist a person who requests assistance in completing the affidavit containing financial information and the Clerk must notify the court if a person is unable to complete the affidavit after having provided assistance. The duty of the Clerk in determining indigence is limited to receiving the affidavit and comparing the information provided to the standard of indigence established by law. The determination of indigence

is a ministerial act of the Clerk and not a decision based on further investigation and independent judgment by the Clerk.

A fee of \$40 must be paid for each affidavit filed, regardless of the number of due process services requested in a case. The fee must be paid at the time the affidavit is filed or within 7 days thereafter. If, in a criminal proceeding, the application fee is not paid prior to the disposition of the case, the clerk must advise the sentencing judge and the court must:

- 1) assess the application fee as a part of the sentence or condition of probation; or
- 2) Assess the application fee pursuant to s. 938.29.

The applicant found to be indigent cannot be refused counsel or services for failure to pay the fee.

The applicant must submit, except in the case of incapacity communicated through a public defender, financial information as enumerated in the bill. After receiving the application and questioning the applicant, the Clerk will determine whether the applicant is indigent or not based on the guidelines provided in subsection (4).

If the Clerk finds discrepancies between the application and the investigation of assets the Clerk must submit the information to the court which must make a determination whether representation or provision of due process services may continue. *(Note: this language appears to be in conflict with the language that limits the Clerk to ministerial acts. An operational solution is forthcoming.)*

In the event the applicant was improperly found to be indigent, through fraud or misrepresentation, the State Attorney must proceed against the applicant for the cost of services rendered. Of any amounts collected through this proceeding, 25% must be remitted to the Department of Revenue for deposit into the JAC Grants and Donations Trust Fund for appropriation to the State Attorney. The remaining 75% must be remitted to the department for deposit into the state General Revenue Fund.

Section 10. Section 27.5303 is amended to require that, in determining whether there is a conflict of interest, the public defender must apply the Uniform Standards for Use in Conflict of Interest Cases found in Appendix C to the final report of the Article V Indigent Services Advisory Board, dated January 6, 2004.

Section 11. Section 27.5304 is amended to provide that private counsel is to be compensated pursuant to this section. The section provides that before final disposition, a court-appointed counsel may file a motion for fees, costs, and related expenses for services completed up to the date of the motion in any case or matter in which legal services have been provided by the attorney for more than one year. The amount approved by the court may not exceed 80 percent of the fees earned, or costs and related expenses incurred, to date, of an amount proportionate to the maximum fees permitted under this section based on legal services provided to date, whichever is less. The court may grant the motion if counsel shows that failure to grant the motion would work a particular hardship upon counsel.

The section provides that the Article V Indigent Services Advisory Board must recommend any compensation adjustments to the compensation provisions by January 1 of each year. The section extends the \$1,000 and \$2,500 caps for compensation for all chapter 39 proceedings. Compensation for chapters 384 or 392 appointments shall receive reasonable compensation as fixed by the court making the appointment.

Section 12. Section 27.54 is amended to authorize a county or municipality to contract with the offices of the public defenders for local ordinance proceedings, ordinances that are punishable by incarceration, and not ancillary to a state charge. The reimbursement requirement is to recover the full cost of services rendered on an hourly basis or to reimburse the state for the full cost of assigning one or more full-time equivalent attorney positions to work on behalf of the county or municipality. In the case with a county having a population less than 75,000, the state attorney must contract for full reimbursement, or for reimbursement as the parties otherwise agree. Reimbursement on an hourly basis must be at a \$50 rate.

A contract for assigning one or more full time equivalent attorney positions to a county or municipality shall assign such positions based on estimates by the public defender of the number of hours required to handle the projected workload. The full cost of those attorneys will be \$50, or the amount specified in the General Appropriations Act, multiplied by the legislative budget request standard for work hours for one full-time equivalent attorney position, or in the absence of that, 1,854 hours. The contract may provide for funding full-time equivalent positions in one-quarter increments.

Any payments received pursuant to this section must be deposited into the Grants and Donations Trust Fund within the Justice Administration Commission and appropriated by the legislature.

The section prohibits public defenders from spending state appropriated funds on county funding obligations beginning January 1, 2005. This is inclusive of communications service and facilities as defined in s. 29.008.

The section also provides a method for short-term advances between the Public Defender and the county.

Section 13. Section 27.562 is amended to provide that the first \$40 of all funds collected pursuant to s. 939.29 must be deposited into the Indigent Criminal Defense Fund pursuant to s. 27.525. The remaining funds collected must be distributed as follows:

- 25% must be remitted to the Department of Revenue (DOR) for deposit into the Justice Administrative Commission's Indigent Criminal Defense Trust Fund
- 75% must be remitted to DOR for deposit into the General Revenue Fund.

The JAC must account for the funds deposited into the Indigent Criminal Defense Trust Fund by circuit. Appropriations must be proportional to the circuit's collections.

Section 14. Section 28.101 is amended to increase from \$18 to \$55 the fee assessed as a portion of the dissolution of marriage which is remitted to the Domestic Violence Trust Fund.

Section 15. This section is effective only for the month of June 2004. For that month a \$4 per page fee is assessed on documents presented for recording listed in s. 28.222, except for judgments received from the court or a lis pendens. The funds collected must be remitted to DOR for deposit into the Clerk of Courts Trust Fund for subsequent appropriation for the purpose of addressing cash flows needs of the Clerks of Court during the months of July and August, 2004. (see section 105 of the bill) The funds must be distributed pursuant to section 28.36. (*Note: operational procedure to be determined*)

Section 16. Section 28.24 is amended to provide that the Clerk must provide without charge to the state attorney, the public defender and the guardian ad litem, and any staff acting on their behalf, a copy of any public record, if the requesting party is entitled by law to view the exempt or confidential record. The Clerk may provide the requested copy in an electronic format in lieu of paper when capable of being accessed by the requesting entity.

The section is further amended to create a \$4 per page fee to be paid by the Clerk on documents presented for recording listed in s. 28.222, except for judgments received from the court or a lis pendens. The funds collected must be distributed as follows:

\$2.00 to the Board of County Commissioners to fund technology for the courts, state attorneys and public defenders

\$1.90 to be retained by the Clerk to be deposited into the Public Records Modernization Trust Fund to be used fund court-related technology needs, as defined in ss. 29.008(1)(f)2. and 29.008(1)(h).¹ (*Note: the implication is that all Clerk's court-related technology systems are eligible to be funded with this money.*)

¹ 29.008 **County funding of court-related functions.**-- (1) Counties are required by s. 14, Art. V of the State Constitution to fund the cost of communications services, existing radio systems, existing multiagency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the circuit and county courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions. For purposes of implementing these requirements, the term:

(f) "Communications services" are defined as any reasonable and necessary transmission, emission, and reception of signs, signals, writings, images, and sounds of intelligence of any nature by wire, radio, optical, or other electromagnetic systems and includes all facilities and equipment owned, leased, or used by judges, clerks, public defenders, state attorneys, and all staff of the state courts 2 system, state attorneys' offices, public defenders' offices, and clerks of the circuit and county courts performing court-related functions. Such system or services shall include, but not be limited to:

2. All computer networks, systems and equipment, including computer hardware and software, modems, printers, wiring, network connections, maintenance, support staff or services including any county-funded support staff located in the offices of the circuit court, county courts, state attorneys, and public defenders, training, supplies, and line charges necessary for an integrated computer system to support the operations and management of the state courts system, the offices of the public defenders, the offices of the state attorneys, and the offices of the clerks of the circuit and county courts and the capability to connect those entities and reporting data to the state as required for the transmission of revenue, performance accountability, case management, data collection, budgeting, and auditing purposes. The integrated computer system shall be operational by July 1, 2006, and, at a minimum, permit the exchange of financial, performance accountability, case management, case disposition, and other data across multiple state and county information systems involving multiple users at both the state level and within each judicial circuit and be able to electronically exchange judicial case background data, sentencing scoresheets, and video evidence information stored in integrated case management systems over secure networks. Once the integrated system becomes operational, counties may reject requests to purchase communication services included in this subparagraph not in compliance with standards, protocols, or processes adopted by the board established pursuant to s. 29.0086.

(h) "Existing multiagency criminal justice information systems" includes, but is not limited to, those components of the multiagency criminal justice information system as defined in s. 943.045, supporting the offices of the circuit or county courts, the public

\$.10 to be remitted to the Florida Association of Court Clerks to fund the Clerk's Comprehensive Case Information System (CCIS) system.

In the event the counties do not maintain legal responsibility for the court-related technology needs and shifts that responsibility to the state, the \$4 fee will be remitted to DOR for deposit into the state General Revenue Fund.

Additionally, in this section is the provision for fees that may be assessed on partial payments.

- For receiving and disbursing all partial payments, other than restitution, for which a service charge is not imposed pursuant to s. 28.246, a service charge of \$5.00/month is authorized.
- For setting up a payment plan, a one-time administrative processing charge of \$25, in lieu of a per month charge.

Section 17. Section 28.2401 is amended to clarify that there is a \$4.00 service charge in addition to the base filing fee of \$250. Of the \$4.00, \$3.50 is to be remitted to DOR for deposit into the Court Education Trust Fund, \$.50 is to be remitted to DOR for deposit into the Department of Financial Services (DFS) Administrative Services Trust Fund to fund Clerk education.

Section 18. Section 28.2402 is amended to provide a framework for the use of the courts for local ordinance violations. In lieu of payment of a filing fee under s. 28.241, a filing fee of \$10 must be paid to the Clerk by a county or municipality when filing a local ordinance violation. No other filing fee may be assessed. If the person contests the violation, an additional cost of \$40 must be assessed against the non-prevailing party, including when there is a finding of a violation or a lesser included offense of the charge. Costs recovered under this section must be deposited into the Clerk's fine and forfeiture fund established pursuant to s. 142.01.

Additionally, the section requires that 10 percent of the total amount of fines paid from each ordinance violation filed in circuit court shall be retained by the Clerk and deposited into the fine and forfeiture fund established pursuant to s. 142.01, except for fines a portion of which the Clerk retains pursuant to any other provision of state law.

Section 19. Section 28.241 is amended to clarify that the first \$55 of the \$250 must be remitted to the DOR, \$50 to be deposited into the state General Revenue Fund, \$5.00 to

defenders' offices, the state attorneys' offices, or those portions of the offices of the clerks of the circuit and county courts performing court-related functions that are used to carry out the court-related activities of those entities. This includes upgrades and maintenance of the current equipment, maintenance and upgrades of supporting technology infrastructure and associated staff, and services and expenses to assure continued information sharing and reporting of information to the state. The counties shall also provide additional information technology services, hardware, and software as needed for new judges and staff of the state courts system, state attorneys' offices, public defenders' offices, and the offices of the clerks of the circuit and county courts performing court-related functions.

be deposited into the DFS Administrative Services Trust Fund to fund the contract with the Clerk Operations Corporation. One-third of any filing fee in excess of the \$55 is to be remitted to DOR for deposit into the Clerk of Courts Trust Fund.

The section is also amended to clarify that an additional fee of \$4.00 is to be assessed in addition to the base filing fee of \$250. Of the \$4.00, \$3.50 is to be remitted to DOR for deposit into the Court Education Trust Fund, \$.50 is to be remitted to DOR for deposit into the Department of Financial Services (DFS) Administrative Services Trust Fund to fund Clerk education.

The section is further amended to provide exemptions from paying the re-open fee. This section applies to both circuit civil and probate filings. A party is exempt from paying the \$50 reopen fee for the following filings:

- A writ of garnishment;
- A writ of replevin;
- A distress writ;
- A writ of attachment;
- A motion of rehearing filed within 10 days;
- A motion for attorney's fees filed within 30 days after entry of a judgment or final order;
- A motion for dismissal filed after a mediation agreement has been filed;
- A disposition of personal property without administration;
- Any probate case prior to the discharge of a personal representative;
- Any guardianship pleading prior to discharge;
- Any mental health pleading;
- Motions to withdraw by attorneys;
- Motions exclusively for the enforcement of child support orders;
- A petition for credit of child support;
- Stipulations;
- Responsive pleadings; or
- Cases in which there is no initial filing fee.

The filing fee for appeals from county court to circuit court remains at \$250, however the subsection is amended to clarify that this includes appeals filed by a county or municipality as provided in s. 34.041(5). If the party is determined to be indigent, the Clerk must defer the fee.

Additionally, for filing of a notice of appeal from the circuit court to the district court or supreme court the fee is \$50 in addition to any fee required under s. 25.241 or s. 35.22.

Of the \$250 filing fee for appeals, the subsection is amended to require that the first \$50 just be remitted to DOR for deposit into the General Revenue Fund. One third of the fee in excess of the \$50 must be remitted to DOR for deposit into the Clerk of Court Trust Fund.

The section clarifies that the any actions reopening a case in county court are enumerated in s. 34.041.

The section finally requires that any attorney appearing pro hac vice must pay to the Clerk a \$100 fee for deposit into the state General Revenue Fund.

Section 20. Section 28.245 is amended to re-enact the provision that this section only applies to monies collected by the Clerk that are due to any state entity. Additionally, the section is amended to provide that all monies collected by the Clerk for remittance to ***any*** entity must be distributed pursuant to the law in effect at the time of collection. (emphasis added)

Section 21. Section 28.246 is amended to revise slightly the forms for reporting the court assessments and waivers. Additionally, new language is added to require the Chief Financial Officer to revise the form to include separate entries for the following. That if provided to the Clerk by the judge, the Clerk in reporting the amount assessed, shall separately identify the amount assess pursuant to s. 938.30 as community service; assessed by reducing the amount to a judgment or lien; satisfied by time served; or other.

Language regarding the requirement to enter into a payment plan with a person found to be indigent is stricken.

Subsection (4) is amended to revise slightly that for which the Clerk must accept partial payments. A partial payment must be accepted for court-related fees, service charges, costs and fines in accordance with an established payment plan. A person seeking to defer payment of those enumerated payment types and determined by the court to be unable to make payment in full, must be enrolled by the Clerk in a payment program, with periodic amounts based on a person's ability to pay. (*Note: operational solution forthcoming.*) Clerks may impose either a per month service charge of \$5 or a one-time administrative fee of \$25. (see fees in section 16 above)

Subsection (6) is amended to authorize the Clerk to pursue collections on any fees, service charges, fines, court costs, and liens for payment of attorney's fees and costs pursuant to s. 938.29 remaining unpaid for 90 days or more. The Clerk must have attempted to collect the unpaid amounts through a collections court, collections docket, or other collections process, ***if any***, established by the court prior to pursuing collections through an agent or attorney. (emphasis added) The collection fee cap of 40% is restored and is based on the balance owed at the time the case is turned over to the agent or attorney. The law is clear that the collections fee, capped at 40%, may be in addition to the balance owed.

Section 22. Section 28.345 is amended to add to the list of those who are exempt from paying court-related fees and charges judges, guardians ad litem, and state agencies. All those entities listed in the section must be acting in their official capacity to be exempt from the charges.

Section 23. Section 28.35 is amended to revise the structure of the Florida Clerk of Court Operations Conference to that of a public corporation. The Florida Clerks of Court Operations Corporation is created as a public corporation organized to perform the functions specified in this section. All Clerks of Court are members of the corporation in

an ex-officio capacity. The functions of the corporation must be performed by the executive council pursuant to the plan of operations approved by the members.

The executive council is composed of eight Clerks of Court elected by the Clerks of Court for a term of two years.

The corporation is considered to be a political subdivision of the state and is exempt from: paying corporate income tax; the procurement requirements set forth in ch. 287; and the provision of ch. 120 for policies and decisions of the corporation relating to incurring debt, levying assessments, and the sale, issuance, continuation, terms, and claims under corporation policies and all services thereto.

The functions assigned to the corporation under this section and ss. 28.26 and 28.37 are considered to be for a valid public purpose.

The duties of the corporation are as follows:

- Adopting a plan of operation.
- Conducting the election of directors as required in paragraph (1)(a).
- Recommending to the Legislature changes in the various court-related fines, fees, service charges, and court costs to ensure reasonable and adequate funding of the Clerks for court-related activities.
- Establishing a plan for the review and certification of Clerk's proposed court-related budgets for completeness and compliance with this section and ss. 28.36 and 28.37. This plan must be development pursuant to a contract with the Chief Financial Officer, DFS. The process must be of sufficient detail to permit independent verification and validation of the budget certification. The contract must specify the process to be used in determining compliance by the corporation.
- Developing and certifying a uniform system of performance measures and applicable performance standards for the list of court-related functions enumerated in (4)(a). The standards must be designed to facilitate an objective determination of the performance of each Clerk in accordance with minimum standards for fiscal management, operational efficiency, and effective collections. When the corporation finds a Clerk has not met the performance standards, the corporation must identify the nature of the deficiency and any corrective action recommended and taken by the affected Clerk.
- Reviewing and certifying proposed budgets submitted by the Clerks using the process approved by the Chief Financial Officer. As part of this process the corporation must:
 - Calculate the maximum authorized annual budget pursuant to the requirements of s.28.36;
 - Identify those proposed budgets exceeding the maximum annual budget pursuant to s. 28.36(5) for the standard list of court-related functions;
 - Identify those proposed budgets containing funding for items not included in the standard list of court-related functions developed pursuant to s. 28.36(3)(a).
 - Identify those Clerks projected to have court-related revenues insufficient to fund their anticipated court-related expenditures.

- Developing and conducting Clerk education programs.

The corporation must certify to the President of the Senate, the Speaker of the House, the Chief Financial Officer, and the Department of Revenue by October 15 of each year the amount of the proposed budget certified for each Clerk, each Clerk eligible to retain some or all of the share of the state's fines, fees, service charges, and costs; the amount to be paid to each Clerk from the Clerks of Court Trust Fund for deficit; the performance measures and standards approved by the corporation for each Clerk; and the performance of each Clerk in meeting the performance standards.

Prior to December 1 of each year, the Chief Financial Officer must review the certifications made by the corporation for compliance with the process and present findings to the President of the Senate, the Speaker of the House and the Department of Revenue.

Subsection (4) provides that the list of court-related functions that the Clerk may fund from filing fees, service charges, court costs, and fines is limited to those functions authorized by law or court rule. The functions must 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
- Determination of indigent status
- Data collection and reporting
- And reasonable administrative support costs to enable the Clerk to carry out these court-related functions.

The Clerks are prohibited from providing court-related funding for:

- Those functions not specified above.
- Functions assigned by administrative orders with are not required for the Clerk to perform those functions listed above.
- Enhanced levels of service which are not required for the Clerk to perform those functions listed above.
- Functions identified as local requirements in law or local optional programs.

Paragraph (c) requires publishing a uniform schedule of actual fees, services charges and costs that may be charged by the Clerk for court-related functions pursuant to general law. *(Note: while this section does not appear to link with the other portions of subsection 94, the implication is that a list must be published that consists of the fees, service charges and costs as to be assessed in each county. It does not include fines. This list easilt fits as a subset of what the courts must publish as required in s. 98 of the bill.)*

The corporation will be funded by contract with the Department of Financial Services with funds appropriated to the Chief Financial Officer for this purpose. The funds are available to the conference for the performance of duties set forth in s. 28.35 (see list of duties above).

Certified public accountants conducting audits of counties pursuant to s. 218.39 shall report as part of the audit whether or not the Clerks have complied with the budgets certified by the corporation pursuant to the process. The Auditor General shall develop a compliance supplement for the audit of compliance with the budgets and applicable performance standards certified by the corporation.

Section 24. Section 28.36 is amended to reiterate that only those functions listed in s. 28.35(4)(a) may be funded from fees, service charges, court costs, and fines retained by the Clerks of Court. A Clerk is prohibited from using those funds in excess of the maximum budget amounts as established in subsection (5) of this section. The section also clarifies that the budget must be built upon revenues projected to be received from fees, service charges, court costs, and fines from court-related functions. Anticipated revenues must be itemized as required by the corporation, pursuant to their contract with the Chief Financial Officer (CFO). If, after increasing all court-related fees, service charges and any other clerk fees and charges to the maximum amount specified in law, the Clerk still has a projected revenue deficit, the corporation must, pursuant to the terms of the contract with the Chief Financial Officer, certify the deficit and notify DOR that the Clerk is authorized to retain revenue. The Department of Revenue must certify the amount of revenue deficit to the Executive Office of the Governor (EOG) and request release of authority for funds appropriated for this purpose from the Clerks of Court Trust Fund. Notwithstanding the provisions of s. 216.192 related to the release of funds, the EOG may release funds to resolve projected revenue deficits in accordance with the notice, review and objection procedures set forth in s. 216.177. The Department of Revenue is directed to request monthly distributions from the CFO to deficit-certified Clerks.

If DOR finds the court-related budgets proposed by the Clerk includes functions not included in the standard list of court-related functions found in s. 28.35(4)(a), DOR must notify the Clerk of the amount of the proposed budget not eligible to be funded from fees, service charges, costs and fines for court-related functions. *(Note: the reference to s. 28.35(3)(a) in this paragraph appears to be a typographical error.)* The Clerk must immediately discontinue the expenditures of funds for this purpose and reimburse the Clerks of Court Trust Fund for any expenditures incurred to date for the disallowed functions.

Subsection (5) provides that for county fiscal year 2004/05 the maximum annual budget amounts that may be funded from fines, fees, service charges and court costs retained by the Clerks must not exceed 103% of the Clerk's estimated expenses for the previous county fiscal year, OR 105 % of the prior year estimated expenditures for those Clerks in counties that for calendar years 1998-2002 experienced an average annual increase of at least 5% in both population and case filings for all case types reported through the court's

Summary Reporting System. *(Note: FACC staff is compiling data to assist in determining which Clerk's Offices will meet this threshold.)*

Section 25. Section 28.37 is amended to revise the date from the 5th to the 20th day of the month by which Clerk must remit the one-third excess fines, fees, service charges and costs to the state for deposit into the Clerks of Court Trust Fund.

For the period of October 1, 2003, to June 30, 2004, those Clerks operating as fee officers for court-related services shall determine the amount of fees collected and expenses generated for court-related services. Any excess fees generated during the period must be remitted to the county on December 31, 2004. However, any billings for payment of due process services rendered before July 1, 2004, may be paid by the Clerk from these funds. Due process services include, but are not limited to, court reporters services, court interpreter services, expert witness services, mental health evaluations, and court-appointed counsel services. Any deficit experienced by the Clerk during the period from October 1, 2003, to June 30, 2004, shall be funded by the county.

Section 26. Section 28.005 is amended to require that motor vehicles owned by the counties and provided exclusively to state attorneys as of July 1, 2003, and any additional vehicles owned by the counties and provided exclusively to state attorneys during fiscal year 2003/04 shall be transferred by title to the state effectively July 1, 2004.

Section 27. Section 29.006 is amended to provide that motor vehicles owned by the counties and provided exclusively to public defenders as of July 1, 2003, and any additional vehicles owned by the counties and provided exclusively to public defenders during fiscal year 2003/04 shall be transferred by title to the state effectively July 1, 2004.

Section 28. Section 28.008 is amended to include guardian ad litem offices and staffing in the list of those entities eligible for county funding. The definition for "facility" is revised to include appurtenant equipment and furnishings, and space used for housing legal materials available for use by the public (law libraries) among those office spaces or other facilities required to be furnished by the county.

The section is further amended to require that as of July 1, 2005, equipment and furnishings will be limited to that appropriate and customary for courtrooms, jury facilities, and other public areas in courthouses and any other facility occupied by the courts, state attorneys and public defenders.

Equipment and furnishings in existence and owned by the counties on July 1, 2005, for areas other than courtrooms, jury facilities and other public areas in courthouses and other facility occupied by the courts, state attorneys and public defenders, will be transferred to the state at no charge. This does not include communications services as defined in s. 29.008(1)(f) or that equipment and those furnishings in possession of the Clerks.

The paragraph on telecommunications services is amended to include as county responsibilities facsimile equipment, wireless communications, cellular phones, pagers, and video teleconferencing equipment and line charges, and toll charges for local and long distance service. The paragraph is further amended to clarify that the county funding covers the networks for the computers, and any county-funded support staff located in the offices of the circuit court, county courts, state attorneys and public defenders.

The date for the implementation of an integrated computer system was moved from January 1, 2006 to July 1, 2006, and clarifies that the system must also permit the exchange of financial, performance accountability, case management, case disposition, and other data across multiple state and county information systems involving multiple users at both the state level and within each judicial circuit. Once the integrated system becomes operational, counties may reject requests to purchase communications services included in subparagraph 2. not in compliance with standards, protocols, or processes adopted by the Article V Technology Board.

Subparagraph 4. is amended to include sign language interpretation services other than those sign language services required to meet due process requirements and identified as a state funding responsibility pursuant ss. 29.004, 29.005, 29.006 and 29.007.

Subsection (3) specifies that legal aid programs must continue to be funded at the same level or higher than the amount provided from filing fees and surcharges for such programs during the period of October 1, 2002 to September 30, 2003.

Subsection (4) is created to require that the Department of Revenue withhold county revenue sharing receipts if the county is not in compliance with county funding obligations as specified in paragraphs (1)(a), (c)-(h) and subsection (3). The withheld amount will be equal to the amount spent for the item for fiscal year 2002/03, plus 3%, and the amount budgeted for fiscal year 2004/05, if the latter is less than the former. Every year thereafter, the department will withhold the same amount plus 1.5% growth per year. On or before December 31, 2004, the counties will send to the department a certified copy of their budget documents for the respective 2 years, separately identifying expenditure amounts for each county funding obligation specified in paragraphs (1)(a), (c)-(h) and subsection (3). Each year thereafter, on or before December 31, each county must send a certified copy of its budget document to the department. Beginning 2005/06, additional amounts will be withheld if the amount spent in the previous fiscal year is less than the amounts budgeted for those items.

Section 29. Section 29.0086 is created to provide for an Article V Technology Board to be housed in the Office of Legislative Services. The members of the board must be appointed as soon as possible in order to hold an initial meeting by August 15, 2004. The board consists of 10 members as follows:

- The Chief Justice of the Supreme Court, or designee, chair;
- A person appointed by the Speaker of the House to represent executive branch agencies that participate on the CJJIS Council;
- A private sector representative appointed by the Speaker of the House with general knowledge or experience managing enterprise integration projects;

- A person appointed by the Senate President with general knowledge of , or experience in, managing enterprise integration projects;
- A State Attorney, or designee, appointed by Florida Prosecuting Attorneys Association;
- A Public Defender, or designee, appointed by the Florida Public Defender Association;
- A court clerk, or designee, appointed by the Florida Association of Court Clerks;
- A county budget director appointed by the Florida Association of Counties;
- A county management information system director, appointed by the Florida Association of Counties;

Membership is until the board is repealed effective July 1, 2006, unless the member holds elected office and is no longer holding office.

The board must adopt a charter to define the major objectives activities and deliverables necessary to implement the provisions of this section. By January 15, 2005, the board must provide a report to the Senate President, the Speaker of the House and the Chief Justice of the Supreme Court. The requirements of the report are enumerated in the bill. Based on the review of the first report by the Legislature, another report is due no later than January 15, 2006, to the Governor, Senate President and Speaker of the House and the Chief Justice of the Supreme Court proposing alternative integration models. The requirements for this second report are fully enumerated in the bill. A definition for integration is provided in subsection (6), and subsection (7) authorizes the board to establish workgroups as needed.

Section 30. Section 29.016 is amended to clarify that the judicial branch contingency funds may not be used to alleviate deficits for private court-appointed counsel.

Section 31. Section 34.01 is amended to delete the requirement that actions filed in county court with a monetary amount in controversy of over \$5,000 pay the circuit civil filing fee and service charges.

Section 32. Section 34.041 clarifies that the \$4 for education must be assessed in addition to the county civil filing fee, \$3.50 of which is to be remitted to the Court Education Trust Fund, \$.50 of which must be remitted to the DFS Administrative Trust Fund. The first \$50.00 of the base \$250 must be remitted to the state General Revenue Fund.

Subsection (2) is created to provide exceptions for reopening a case in county court. The reopen fees are \$25 for all claims not more than \$500. The reopen fee is \$50 for all claims of more than \$500. A person is exempt from paying the re-open fee for any of the following:

- A writ of garnishment;
- A writ of replevin;
- A distress writ;
- A writ of attachment;
- A motion of rehearing filed within 10 days;

- A motion for attorney's fees filed within 30 days after entry of a judgment or final order;
- A motion for dismissal filed after a mediation agreement has been filed;
- Motions to withdraw by attorneys;
- Motions exclusively for the enforcement of child support orders;
- A petition for credit of child support;
- Stipulations; or
- Responsive pleadings.

Subsection (5) is amended to authorize the Clerk to defer the fee in an appeals action if the party instituting an appeals case is determined to be indigent.

Subsection (8) is created to require that any attorney appearing pro hac vice must pay the Clerk a fee of \$100 for deposit into the state General Revenue fund.

Section 33. Section 34.045 is created to provide for fees for the use of the courts for local ordinance violation hearings. A filing fee of \$10 must be paid to the Clerk by a county or city when filing an ordinance violation. If a person contests the violation in court, the court must assess a \$40 cost against the prevailing party. If there is a finding of violation to any count or less included offense or the charge, the county or municipality will be considered the prevailing party. To offset Clerk's costs for processing special law and municipal ordinance violations, 10 percent of the total amount of fines paid to each municipality from actions filed in county court shall be retained by the Clerk, with the exception of any fines a portion of which the Clerk retains pursuant to any other provision of state law. Any costs recovered pursuant to this section must be deposited into the Clerk's fine and forfeiture fund.

Section 34. Section 34.191 is amended to clarify that the fines and forfeitures arising from offenses tried in county court must be disbursed in accordance to several specified sections and are subject to s. 28.246(5) and (6). The section clarifies that the assessment made on traffic offenses for the Dori Slosberg act is not impacted and is still distributed according to ordinance.

Section 35. Section 35.22 is amended to provide that the filing fee for the notice of appeal or petition in district court is \$300 for each case docketed. The first \$50 of the filing fee must be deposited into the state court's Grants and Donations Trust Fund to fund court improvement projects.

Section 36. Section 39.0134 is amended to clarify that, in addition to dependency proceedings, counsel may be entitled to receive compensation for termination of parental rights proceedings under chapter 39.

Section 37. Section 39.3035 is amended to prohibit child advocacy centers from receiving state funding unless certain standards and screening requirements are met.

Section 38. Section 40.29 is amended to require Clerk, on behalf of the courts, the state attorneys and public defenders, to forward to the Justice Administrative Commission (JAC), by county, quarterly estimates necessary to pay ordinary witnesses.

The Clerk must forward to the Office of State Courts Administrator (OSCA), by county, a quarterly estimate of funds necessary to pay juror compensation.

Upon receipt of estimates, JAC or OSCA, as applicable, must endorse the amount deemed necessary for payment by the Clerk during the quarterly period and submit a request for payment to the state Chief Financial Officer who shall remit the funds to the Clerk. Once received, the Clerk must pay all invoices for jurors and ordinary witnesses.

The JAC is required to pay all other due process service related invoices.

Section 39. Section 40.32 is amended to clarify that the Clerk is only required to pay jurors or ordinary witnesses.

Section 40. Section 40.33 is amended to provide a process for requesting funds, in the event that the funds requested for ordinary witnesses and jurors are not sufficient to meet actual expenses.

Section 41. Section 40.361 is created to specify that the state budgeting laws apply to the release of funds and the use of contingency funds for due process services apply to the processes in this chapter for the payment of the jurors and ordinary witnesses.

Section 42. Section 43.16 is amended to provide that the JAC is exempt from fees generally imposed on agencies pursuant to s. 287.057(23), F.S.

Section 43. Section 44.103 is amended to provide for payment of arbitration services. Upon funding by the court that a party is indigent, the court may authorize all or part of the cost of the arbitrator to be paid from state funds, with the exception of that which the court finds the party has the ability to pay immediately. If the indigent party is able to pay some portion of the costs, the party must enter into a payment plan with the Clerk. The section is amended to specify that the plan makes the party liable for payment of the cost of arbitration, any costs to administer the payment plan and any subsequent cost of collection.

Section 44. Section 44.108 is amended to provide fees to be assessed and collected by the Clerk for participation in certain court-ordered mediation.

\$80 per person per session in family mediation when the parties' combined income is greater than \$50,000, but less than \$100,000 per year.

\$40 per person per session in family mediation when the parties' combined income is less than \$50,000, OR

\$40 per person per session in county court cases.

The section is further amended to clarify that **no** mediation fees are to be assessed for eviction cases, when a party is found to be indigent, or for a small claims action.

The Clerk must remit these fees to DOR for deposit into the Mediation Arbitration Trust Fund. The Clerk may retain \$1 per fee assessment.

(Note: there is no provision for those having a combined income of greater than \$100,000. Presumably, the court would order those parties to seek private mediation, rather than the services offered by the court.)

Section 45. Section 45.031 is amended to increase the service charge from \$45 to \$60 for judicial sales.

Section 46. Section 50.0711 is created to authorize the Clerk to establish a court docket fund for the purpose of paying the cost of publication of the fact of filing any civil case in circuit court. A mandatory \$1 court cost is to be assessed on all civil actions, suits, or proceedings filed in circuit court. The funds must be kept separate and apart and dispensed to the designated record newspaper in the county on a quarterly basis. Such paper must be designated by order by the majority of the judges in the circuit. The newspaper may be changed at the end of the fiscal year by majority vote of the judges 30 days prior to the end of the fiscal year, with notice provided to the previously designated newspaper. The payment of the proceeds of the docket fund to the designated newspaper requires such paper to publish free of charge the fact of the filing of any civil actions, suits, or proceedings filed in circuit court at an agreed to schedule between the newspaper and the Clerk. The newspaper must also publish free of charge legal advertisements for the purpose of service of process by publication under s. 49.011(4) and (10) when such publication is required of person authorized to proceed as indigent persons under s. 57.081.

Section 47. Section 55.10 is amended to clarify that what was once termed a “fee” for the making and recording a certificate of lien or transferring a lien, is now called a “service charge.”

Section 48. Section 55.141 is amended to revise the word “fee” to “service charge.”

Section 49. Section 57.085 is amended to make technical changes.

Section 50. Section 61.14 is amended to increase the service charge from \$5.00 to \$7.50 for a child support delinquency.

Section 51. Section 61.181 is amended to delete the expiration date for the imposition of the fee on non-IV-D child support payments.

Section 52. Section 125.69 is amended to provide that county ordinances are to be prosecuted in the name of the state, not the county. The section is further amended to clarify that a county may contract with the public defender to serve as court-appointed counsel and, if the prevailing party, a county may recover the costs and fees paid.

Section 53. Section 129.02 is amended to make minor technical changes.

Section 54. Section 142.01 is amended to specify that the fine and forfeiture fund is that of the Clerk. The section is further amended to direct the Clerk to deposit all revenues collected by the Clerk into this fund, except that which is otherwise directed in statute. The following collections are specified as being required to be deposited into the fund:

- Fines and penalties pursuant to ss. 28.2402(2), 24.045(2), 316.193, 327.35, 327.72, 372.72(1), and 775.083(1).
- The portion of civil penalties directed to the fund pursuant to 318.21.
- Court costs pursuant to ss. 28.2402(1)(Bb), 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a) and (11)(a), and 938.05(3).
- Proceeds from forfeited bail bonds or recognizances pursuant to ss. 321.05(4)(a), 372.72(1), and 903.26(3)(A).
- Fines and forfeitures pursuant to s. 34.191.

The section is further amended that the funds collected under s. 318.1215 (Dori Slosberg monies) must be disbursed as required in that section.

Section 55. Section 142.03 is amended to clarify which funds must be deposited into the municipal fine and forfeiture fund.

Section 56. Section 142.09 is amended to provide that in the event a defendant is not convicted or dies, that the fees of witnesses and officers arising from the criminal case must be paid to the state, rather than the county.

Section 57. Section 218.245 is amended to provide a methodology for distributing a municipality's share of the revenues from the Revenue Sharing Trust Fund.

Section 58. Section 318.14 is amended to provide that the Clerk, rather than the county, retains the \$8 for a violation of the subsection if it occurred in a municipality, or the entire \$22 if the violation occurred in the county.

Section 59. Section 318.15 is amended to increase the charge for a reinstatement of a driver license under this section from \$37.50 to \$47.50. The Clerk or the Tax Collector retains 37.50 of the charge and must remit the remaining \$10 to DHSMV.

Section 60. Section 318.18 is amended to establish base court costs for noncriminal traffic offenses at set amounts of \$3, \$16, and \$30 that are retained by the Clerk.

The section is further amended to provide that an additional amount of \$3 must be collected in the counties authorized to establish a criminal justice selection center or criminal justice access and assessment center. The section designated Brevard County, Bay County, Alachua County and Pinellas County. The funds collected must be distributed to those centers.

In addition to the base court costs, a \$2.50 court cost must be paid for each infraction to be distributed by the Clerk to the county to help pay for criminal justice education and training programs pursuant to s. 938.15. Funds from the distribution not directed by the county shall be retained by the Clerk.

In addition to any penalties imposed for noncriminal or criminal traffic violations, a board of county commissioners OR Duval County may impose a mandatory surcharge by ordinance of up to \$15 to fund state court facilities OR any county that imposed an additional fee as a part of the filing fees for a court facility that was bonded prior to July 1, 2003, may impose a surcharge for funding state court facilities. A county may not impose both fees. *(Note: floor testimony attributed this second condition to Miami-Dade, Bay and Hillsborough counties.)*

Section 61. Section 318.21 is amended to delete an obsolete section of law, transfer a portion of the General Revenue funding to the JAC, and to provide that of a ticket written in a municipality, 50.8 percent is paid to the municipality and 5.6 percent is to be retained by the Clerk.

Section 62. Section 318.325 is amended to delete the provision that required distribution of monies collected from parking violations. In effect, parking violations become regular noncriminal traffic violations.

Section 63. Section 321.05 is amended to clarify that all fines and costs and the proceeds from the forfeiture of bail bonds and recognizances resulting from enforcement of the chapter by Florida Highway Patrol officers are to be distributed to the Clerk's fine and forfeiture fund.

Section 64. Section 322.245 is amended to authorize the suspension of a driver license in the event a person fails to pay financial obligations in a criminal case, in addition to those type offenses enumerated in subsection (1). Subsection (5) is created to require the Clerk to notify DHSMV of the persons' failure to pay. The department may only reinstate the license if the Clerk provides an affidavit stating that:

- The person has satisfied the financial obligations in full or made all payments currently due under the payment plan;
- The person has entered into a written agreement for payment of the financial obligation if not presently enrolled in a payment plan; or
- A court has entered an order granting relief to the person ordering the reinstatement of the license.

Section 65. Section 327.73 is amended to increase the dismissal fee for noncriminal boating violations from \$5.00 to \$7.50.

Section 66. Section 372.72 is amended to conform and specifies that, for all violations of the chapter, all moneys collected are to be deposited in the Clerk's fine and forfeiture fund.

Section 67. Section 382.023 is amended to clarify that the Clerk, not the court, retains the 43 percent.

Section 68. Section 384.288 is amended to clarify that court-appointed counsel representing an indigent person shall receive compensation as provided in s. 27.5304. The section is further amended to require that all court-related fee, mileage and charges

provided by the sheriff are taxed by the court as costs and paid by the board of county commissioners.

Section 69. Section 392.68 is amended to clarify that court-appointed counsel representing an indigent person shall receive compensation as provided in s. 27.5304. The section is further amended to require that all court-related fee, mileage and charges provided by the sheriff are taxed by the court as costs and paid by the board of county commissioners.

Section 70. Section 394.473 is amended to provide that in the event a person is determined to be indigent, a court-appointed public defender or expert witness is to be compensated as provided in s. 27.5304.

Section 71. Section 395.3025 is amended to delete cross-references.

Section 72. Section 397.334 is amended to provide that counties are not precluded from using treatment or other service dollars provided through state executive branch agencies for funding treatment-based drug court programs.

Section 73. Section 713.24 is amended to make a technical change.

Section 74. Section 721.83 is amended to provide that no more than 15 timeshare estates, without regard to number of defendants, can be joined in the same consolidated foreclosure action. Additionally, a consolidated timeshare foreclosure action is to be considered to be a single action, suit, or proceeding for the payment of filing fees and service charges. An additional \$5 filing fee shall be paid to the Clerk for each timeshare estate enjoined in that action.

Section 75. Section 741.01 is amended to decrease from \$30 to \$25 the portion of the marriage fee to be remitted to the Domestic Violence Trust Fund.

Section 76. Section 744.331 is amended to clarify that the state, rather than the county, will pay fees if a ward is indigent.

Section 77. Section 744.365 is amended to clarify that, upon petition by the guardian, the court may waive the auditing fee upon a showing of insufficient funds in the ward's estate, rather than the audit fee being paid by the county.

Section 78. Section 744.3678 is amended to clarify that, upon petition by the guardian, the court may waive the auditing fee upon a showing of insufficient funds in the ward's estate.

Section 79. Section 766.104 is amended to increase from \$25 to \$37.50 the filing fee for medical negligence cases.

Section 80. Section 903.035 is required to delete a reference to having to notify a county attorney for a modification of bail hearing.

Section 81. Section 903.26 is amended to clarify that bond forfeitures are to be deposited into the Clerk fine and forfeiture fund and that the surety agent and the state attorney, rather than the county attorney, must negotiate the costs.

Section 82. Section 903.28 is amended to delete a reference to the county attorney.

Section 83. Section 925.09 is amended to delete a reference to the county fine and forfeiture fund.

Section 84. Section 938.10 is created to create a court cost of \$101 to be assessed when a person pleads guilty, nolo contendere to, or is found guilty of, regardless of adjudication, to any offense against a minor in violation of ss. 784.085, ch. 787, ch 794, s. 796.03, s. 800.04, ch. 827, s. 847.0145, or s. 985.4045.

The court costs, less \$1 to be retained by the Clerk, must be remitted to DOR for deposit into the Child Advocacy Trust Fund.

Section 85. Section 938.17 is amended to delete obsolete language and create a cross-reference to s. 939.185.

Section 86. Section 938.29 is amended to delete obsolete language.

Section 87. Section 938.35 is amended to authorize a municipality to contract for collection services for fees, service charges, fines, or costs. The collections fee may be added to the balance owed not to exceed 40 % of the amount owed at the time the account is referred for collection.

Section 88. Section 939.185 is created to authorize a board of county commissioners to adopt by ordinance an additional court cost, not to exceed \$65, to be imposed by the court when a person pleads guilty or nolo contendere to, or is found guilty of, any felony, misdemeanor, or criminal traffic offense. Such assessment must be accounted for separately by the county in which the offense occurred, used only in that county, and be allocated as follows:

- 25% to be used to fund innovations to supplement state funding for the elements of the state courts systems identified under s. 29.004 and county funding for local requirements under s. 29.008(2)(a)2.
- 25% to be used to assist counties in providing legal aid programs required under s. 29.008(3)(a).
- 25% to be used to fund personnel and legal materials for the public as part of a law library.
- 25% to be used as determined by the board of county commissioners to fund teen court programs, juvenile assessment centers, and other juvenile alternative programs.

Each county receiving funds under this section must report the amount of funds collected and an itemized list of expenditures for all authorized programs and activities. The report

must be in a format developed by the Supreme Court and submitted to the Governor, the Chief Financial Officer, the President of the Senate, the Speaker of the House on a quarterly basis, beginning with the quarter ending September 30, 2004, no later than 30 days after the end of the quarter. Any unspent funds will be transferred for use as listed in the first category. (ss. 29.004 and 29.008(2)(a)2.)

The disbursement of these costs are subordinate to all other distributions to the state made pursuant to this chapter, restitution or other compensation to victims, and child support payments.

The court shall order a person to pay the additional court cost. If a person is determined to be indigent, the Clerk shall defer payment of the cost.

Section 89. Section 960.001 is amended to make technical changes.

Section 90. Section 985.203 is amended to delete a cross-reference.

Section 91. Section 149 of chapter 2003-402, Laws of Florida, is amended to clarify which sections that fees, service charges and costs imposed by a local government pursuant to ordinance or special law are repealed. The list is as follows: ss. 28.2401, 28.241, 34.041, 938.17, and 938.19.

Section 92. This section provides legislative intent for the implementation of the allocation of Article V funding responsibilities between the state, counties, and system users.

Section 93. This section provides that court-related assessments retained by the Clerk after July 1, 2004, used to fund court-related functions included in the list in s. 28.35(4)(a), must be remitted to the Clerk after July 1, 2004, regardless of the date of assessment.

Section 94. This section provides that on July 1, 2004, all cash balances within county funds previously established to provide dedicated funding to benefit specific court-related programs must be used to fund those programs after July 1, 2004, until those funds are depleted.

Section 95. This section provides that it is the intent of the Legislature to provide state-funded due process services to the state courts system, the state attorneys, public defenders, and court-appointed counsel in a cost-effective and efficient manner. These named systems stakeholders may enter into contractual agreements to share the costs of court reporting services, court interpreter and translation services, court experts, and all other due process services funded by the state.

Section 96. This section directs the Division of Statutory Revision to rename chapter 40 as “Juries; Payment of Jurors and Due Process Costs.”

Section 97. This section is created to specify that counties must pay for certain due process services if the services were rendered prior to July 1, 2004. Such services include, but are not limited to court reporter services, court interpreter and translation services, expert witness services, mental health evaluations, and court-appointed counsel services.

Counties must also pay for the entire cost of flat-fee per case payment pursuant to contract or professional services agreement with court-appointed counsel for appointments made prior to July 1, 2004.

With the exception of the court-appointed counsel contracts, billings for services on any case that commenced prior to July 1, 2004, but continues past that time, must be submitted with an itemized listing of payment due for services rendered before that date and on or after that date. The county must pay for the services rendered prior to July 1, 2004, and provide an itemized billing to the Justice Administrative Commission (JAC) or Office of State Courts Administrator (OSCA), as appropriate, for payment of the portion of the bill for services rendered on or after July 1, 2004.

Section 98. This section requires OSCA to prepare and disseminate a manual of court-related filing fees, service charges, costs and fines imposed pursuant to state law, organized by county for each type action and offense and classified as either mandatory or discretionary. The manual will be disseminated to the chief judge, state attorney, public defender, and court administrator in each circuit and to the Clerk in each county. The manual must be distributed by July 1, 2004, and be updated yearly.

Section 99. This section requires the Department of Management Services (DMS) to review the services procurement policies and practices for the ch. 29 state-funded services. DMS must report its findings and recommendations by January 1, 2005, to the Governor, the President of the Senate, the Speaker of the House, Chief Justice of the Supreme Court and the JAC.

The section also authorizes DMS to assist the JAC and OSCA with competitive solicitations for the procurement of state-funded services under ch. 29.

Section 100. This section authorized the Department of Revenue to adopt rules necessary to carry out its responsibilities under ss. 28.35-28.37. The rules must include forms and procedures for transferring funds from the Clerks to the Clerks of Court Trust Fund. The section also authorizes the Department of Financial Services to adopt rules as necessary to carry out its responsibilities under ss. 28.35-28.37.

Section 101. This section provides that, effective July 1, 2004, the following sections of law are repealed: s. 11.75, s. 40.30, ss. 142.04-142.08, ss. 142.10-142.13, and s. 939.18.

Section 102. This section provides an appropriation of \$75,000 to DMS to conduct the review referenced in section 99 of the bill.

Section 103. This section provides for an appropriation of \$2,500,000 from the Department of Financial Services' Administrative Trust Fund and authorizes five full-time positions for fiscal year 2004-2005 to fund the contract with the Clerks of Court Operations Corporation (CCOC) and to provide for personnel and expenses necessary to implement the department's responsibilities pursuant to this act. Funds for the CCOC shall be appropriated in a special category created only for this purpose by the Executive Office of the Governor in consultation with the chairs of the respective Senate and House appropriations committees.

Section 104. This section provides for an appropriation of \$20,000,000 from the Clerks of Court Trust Fund for fiscal year 2004-2005 to fund Clerk revenue deficits in accordance with the provisions of s. 28.36. The Executive Office of the Governor will provide release authority for the funds as needed, subject to the provisions of ch. 216. *(Note: this operational procedure will be forthcoming.)*

Section 105. This section provides for an appropriation of \$13,600,000 from the Clerks of Court Trust Fund, as collected and remitted pursuant to section 15 of the bill, and the imposition of reopen fees required by s. 31 of chapter 2003-402, Laws of Florida. These funds are to be used to assist Clerks with cash-flow problems that may arise during July and August 2004, and shall be distributed pursuant to the provisions of s. 28.36. *(Note: this operational procedure will be forthcoming. Additionally, there is no provision in law asserting that this must be paid back separately. It is presumed that any funds to be paid back will be accounted for at year end along with all other remaining funding due to the state.)*

Section 106. This section provides for an appropriation of \$500,000 to the Office of Legislative Services for fiscal year 2004-2005. These funds are to be used by the President of the Senate and the Speaker of the House to pay the expenses of the Article V Technology Board created in section 29 of the bill. Such funding may be used by Legislative Services to hire or contract with staff to work under direction of the board.

Section 107. This section provides for an appropriation of \$2,500,000 from the Domestic Violence Trust Fund in the Department of Children and Family Services (DCFS) for the purpose of funding operational costs of domestic violence shelters for fiscal year 2004-2005.

Section 108. This section provides for an appropriation of \$900,000 from the DCFS Grants and Donations Trust Fund for the purpose of funding children's advocacy centers for fiscal year 2004-2005.

Section 109. This section provides that, except as expressly provided in the bill (see section 15) and except for this section which is effective upon becoming a law, the effective date of the bill is July 1, 2004.