

By the Policy and Steering Committee on Ways and Means; the Committee on Criminal and Civil Justice Appropriations; and Senator Crist

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1 A bill to be entitled
2 An act relating to the state judicial system; amending
3 s. 25.241, F.S.; requiring that \$50 from the Supreme
4 Court filing fee be deposited into the State Courts
5 Revenue Trust Fund; amending s. 25.3844, F.S.;
6 renaming the Operating Trust Fund in the state courts
7 system as the "Administrative Trust Fund"; amending s.
8 25.386, F.S.; directing that fees from the foreign
9 language court interpreters program be deposited into
10 the Administrative Trust Fund within the state courts
11 system; amending s. 27.40, F.S.; requiring private
12 court-appointed counsel compensated by the state to
13 maintain records and documents in a prescribed manner;
14 providing for waiver of the right to seek fees in
15 excess of prescribed limits if the attorney refuses to
16 allow the Justice Administrative Commission to review
17 the documentation; providing that the commission's
18 finding of a valid waiver of fees may be overcome by
19 competent and substantial evidence; amending s.
20 27.425, F.S.; eliminating a requirement for the chief
21 judge of the judicial circuit to recommend and submit
22 compensation rates for state-funded due process
23 service providers; requiring the Justice
24 Administrative Commission to approve forms and
25 procedures governing billings for the provision of due
26 process services; amending s. 27.511, F.S.; providing
27 for the appointment of criminal conflict and civil
28 regional counsel in certain proceedings under the
29 Florida Rules of Criminal Procedure and in certain

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30 adoption proceedings; providing for private court-
31 appointed counsel, rather than criminal conflict and
32 civil regional counsel, to have primary responsibility
33 for representing minors in proceedings under the
34 Parental Notice of Abortion Act; amending s. 27.52,
35 F.S.; requiring the clerk of the court to review
36 certain property records in evaluating an application
37 from a criminal defendant for a determination of
38 indigency; providing that the Justice Administrative
39 Commission has standing in a motion seeking to have a
40 person declared indigent for purposes of state payment
41 of due process costs; providing a presumption that a
42 person is not indigent for costs if the person's
43 attorney's fees are being paid from private funds at a
44 specified level; providing that the presumption may be
45 overcome through clear and convincing evidence;
46 providing requirements and rates for reimbursement of
47 due process costs; providing that a person who
48 receives state-funded due process services after being
49 deemed indigent for costs is liable for repayment to
50 the state; requiring the person to submit an
51 accounting to the court of state-paid costs; providing
52 for the court to issue an order determining the amount
53 of the costs; providing for creation and enforcement
54 of a repayment lien; amending s. 27.5304, F.S.;

55 providing for a reduction in the amount paid for an
56 attorney's fees, costs, and related expenses as
57 increased penalties for submitting a bill to the state
58 after prescribed periods; creating s. 27.5305, F.S.;

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59 prescribing conditions and requirements related to
60 payment by the state of legal fees and the costs of
61 due process services in certain criminal and civil
62 cases; prescribing conditions and requirements
63 governing electronic funds transfer, transcripts,
64 court reporters and investigators, expert witnesses
65 and mitigation specialists, and discovery; amending s.
66 28.24, F.S.; clarifying that counties are not required
67 to spend certain funds on court-related technology for
68 the criminal conflict and civil regional counsel;
69 amending s. 28.241, F.S.; increasing the portion of
70 certain filing fees to be deposited into the General
71 Revenue Fund; providing an exception to the imposition
72 of filing fees in certain family law cases; amending
73 s. 28.245, F.S.; requiring that the clerks of the
74 court transmit deposits electronically to the
75 Department of Revenue within a specified time;
76 amending s. 28.36, F.S.; revising the core services
77 for the budget requests for the clerks of the court;
78 revising the procedures for the Florida Clerks of
79 Court Operations Corporation to release appropriations
80 each month; providing a procedure for the corporation
81 to follow if the projected expenditures will exceed
82 the amount appropriated by law; amending s. 29.001,
83 F.S.; eliminating the offices of criminal conflict and
84 civil regional counsel from inclusion in the defined
85 elements of the "offices of public defenders" for
86 purposes of certain state courts system funding;
87 amending s. 29.008, F.S.; removing criminal conflict

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88 and civil regional counsel from the definition of the
89 term "public defender offices" in the context of
90 county responsibility for funding court-related
91 functions; eliminating requirements for county funding
92 of criminal conflict and civil regional counsel;
93 repealing s. 29.0095, F.S., relating to a requirement
94 for chief judges, state attorneys, and public
95 defenders to submit budget expenditure reports;
96 amending s. 29.0195, F.S.; providing for moneys from
97 the recovery of expenditures for state-funded services
98 to be deposited into the Administrative Trust Fund
99 within the state courts system; amending s. 34.041,
100 F.S.; specifying that the prescribed filing fee for an
101 action involving claims of not more than \$1,000 filed
102 along with an action for replevin is the total filing
103 fee; amending s. 35.22, F.S.; requiring that \$50 from
104 the District Court of Appeals filing fee be deposited
105 into the State Courts Revenue Trust Fund; amending s.
106 39.0134, F.S.; providing that certain parents in
107 proceedings related to children are liable for fees
108 and costs after receiving legal representation or due
109 process services funded by the state; authorizing the
110 court to make payment of attorney's fees and costs
111 part of a case plan in dependency proceedings;
112 authorizing and providing for enforcement of a lien
113 upon court-ordered payment of fees and costs;
114 providing for deposit of fees and costs into the
115 Indigent Civil Defense Trust Fund; amending s. 39.821,
116 F.S.; requiring certain background screenings for

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117 persons certified as a guardian ad litem; amending s.
118 57.082, F.S.; prescribing circumstances for payment of
119 an application fee when a person seeks to be
120 determined indigent and eligible for appointment of
121 counsel in proceedings relating to children; providing
122 for the court to order payment of the fee and the
123 clerk of the court to pursue collection of the fee;
124 amending s. 316.192, F.S.; increasing the minimum fine
125 for reckless driving; amending s. 320.02, F.S.;
126 extending the time within which the owner of a motor
127 vehicle registered within the state is required to
128 notify the Department of Highway Safety and Motor
129 Vehicles of a change of address; amending s. 320.061,
130 F.S.; creating a noncriminal infraction for altering
131 or obscuring a license plate or mobile home sticker;
132 deleting the second-degree misdemeanor penalty imposed
133 for the offense; amending s. 320.131, F.S.; creating a
134 noncriminal traffic infraction for the unlawful use of
135 a temporary tag; deleting the second-degree
136 misdemeanor penalty imposed for the offense; amending
137 s. 320.38, F.S.; extending the time within which a
138 nonresident of the state is required to register his
139 or her motor vehicle with the Department of Highway
140 Safety and Motor Vehicles after commencing employment
141 or education in the state; amending s. 322.03, F.S.;
142 creating a noncriminal traffic infraction for a
143 commercial motor vehicle driver who fails to surrender
144 driver's licenses from other jurisdictions prior to
145 issuance of a license by the Department of Highway

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146 Safety and Motor Vehicles; extending the period
147 allowed for operating a motor vehicle following
148 expiration of a driver's license; amending s. 322.16,
149 F.S.; creating a noncriminal traffic infraction for
150 persons who fail to abide by driver's license
151 restrictions; deleting the second-degree misdemeanor
152 penalty imposed for the offense; amending s. 394.4599,
153 F.S., relating to the notice given to various parties
154 upon a person's involuntary admission to a mental
155 health facility; removing reference to the state
156 attorney providing notice; amending s. 394.4615, F.S.,
157 relating to clinical records in cases of involuntary
158 placement; removing the state attorney from the list
159 of parties who are entitled to receive clinical
160 records; amending s. 394.4655, F.S., relating to
161 involuntary outpatient placement; removing the
162 requirement for the clerk to provide a copy of the
163 petition for involuntary outpatient placement to the
164 state attorney; removing the requirement for the state
165 attorney for the circuit in which the patient is
166 located to represent the state in the proceeding;
167 removing the requirement for the clerk of the court to
168 provide copies of the certificate and treatment plan
169 to the state attorney; amending s. 394.467, F.S.,
170 relating to involuntary inpatient placement; removing
171 the requirement for the clerk of the court to provide
172 a copy of the petition for involuntary inpatient
173 placement to the state attorney; removing the
174 requirement for the state attorney for the circuit in

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175 which the patient is located to represent the state at
176 the hearing; amending s. 775.083, F.S.; redirecting
177 revenues from certain criminal fines from the State
178 Courts Revenue Trust Fund into the General Revenue
179 Fund; repealing s. 775.08401, F.S., relating to
180 criteria to be used by state attorneys when pursuing
181 sanctions against habitual felony offenders and
182 habitual violent felony offenders; repealing s.
183 775.087(5), F.S., relating to a provision requiring
184 each state attorney to place in the court file a
185 report explaining why a defendant did not receive the
186 mandatory minimum prison sentence in cases involving
187 certain specified offenses; amending s. 775.0843,
188 F.S.; removing a cross-reference to conform to the
189 repeal of the referenced statute; amending s. 938.06,
190 F.S.; requiring the assessment of a court cost
191 following conviction of a criminal offense; defining
192 the term "convicted" for purposes of the assessed
193 cost; amending s. 939.08, F.S.; authorizing a designee
194 of the trial court administrator to review, approve,
195 and certify certain bills related to costs, fees, or
196 expenses of the state courts system; amending s.
197 939.185, F.S.; authorizing the chief judge of the
198 circuit to determine innovations eligible for funding
199 from a county-assessed court cost; amending s. 943.03,
200 F.S.; requiring the Department of Law Enforcement to
201 modify the statewide uniform statute table in its
202 criminal history system; amending s. 943.053, F.S.;
203 providing for a discounted fee for criminal history

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204 record checks for the guardian ad litem program;
205 amending s. 943.0585, F.S., relating to court-ordered
206 expunction of criminal history records; removing the
207 requirement for the state attorney or statewide
208 prosecutor to provide written certified documentation
209 to a person seeking a certificate of eligibility to
210 expunge a criminal record; repealing s. 985.557(4),
211 F.S., relating to a requirement for state attorneys to
212 develop direct-file policies and guidelines for
213 juveniles and report to the Governor and Legislature;
214 transferring certain funds from the Operating Trust
215 Fund to the State Courts Revenue Trust Fund and the
216 Administrative Trust Fund within the state courts
217 system; providing effective dates.

218

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

220

221 Section 1. Subsection (5) of section 25.241, Florida
222 Statutes, is amended to read:

223 25.241 Clerk of Supreme Court; compensation; assistants;
224 filing fees, etc.—

225 (5) The Clerk of the Supreme Court is hereby required to
226 prepare a statement of all fees collected each month and remit
227 such statement, together with all fees collected by him or her,
228 to the Chief Financial Officer. The Chief Financial Officer
229 shall deposit \$250 of each \$300 filing fee and all other fees
230 collected into the General Revenue Fund. The Chief Financial
231 Officer shall deposit \$50 of each filing fee collected into the
232 State Courts Revenue ~~state court's Operating~~ Trust Fund to fund

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233 court operations ~~improvement projects~~ as authorized in the
234 General Appropriations Act.

235 Section 2. Section 25.3844, Florida Statutes, is amended to
236 read:

237 25.3844 Administrative ~~Operating~~ Trust Fund.—

238 (1) The Administrative ~~Operating~~ Trust Fund is created
239 within the state courts system.

240 (2) The fund is established ~~for use as a depository of fees~~
241 ~~and related revenue~~ for the purpose of supporting the ~~program~~
242 operations of the judicial branch and for such other purposes as
243 may be appropriate, and shall be expended only pursuant to
244 legislative appropriation or an approved amendment to the
245 agency's operating budget pursuant to the provisions of chapter
246 216.

247 Section 3. Section 25.386, Florida Statutes, is amended to
248 read:

249 25.386 Foreign language court interpreters.—The Supreme
250 Court shall establish minimum standards and procedures for
251 qualifications, certification, professional conduct, discipline,
252 and training of foreign language court interpreters who are
253 appointed by a court of competent jurisdiction. The Supreme
254 Court shall set fees to be charged to applicants for
255 certification and renewal of certification as a foreign language
256 court interpreter. The revenues generated from such fees shall
257 be used to offset the costs of administration of the
258 certification program and shall be deposited into the
259 Administrative ~~Operating~~ Trust Fund within the state courts
260 system. The Supreme Court may appoint or employ such personnel
261 as are necessary to assist the court in administering this

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262 section.

263 Section 4. Subsection (7) of section 27.40, Florida
264 Statutes, is amended to read:

265 27.40 Court-appointed counsel; circuit registries; minimum
266 requirements; appointment by court.—

267 (7) (a) A private attorney appointed by the court from the
268 registry to represent a client is entitled to payment as
269 provided in s. 27.5304. An attorney appointed by the court who
270 is not on the registry list may be compensated under s. 27.5304
271 if the court finds in the order of appointment that there were
272 no registry attorneys available for representation for that
273 case.

274 (b) 1. The attorney shall maintain appropriate
275 documentation, including contemporaneous and detailed hourly
276 accounting of time spent representing the client. If the
277 attorney fails to maintain such contemporaneous and detailed
278 hourly records, the attorney waives the right to seek
279 compensation in excess of the flat fee established in s. 27.5304
280 and the General Appropriations Act. These records and documents
281 are subject to review by the Justice Administrative Commission,
282 subject to the attorney-client privilege and work-product
283 privilege. The attorney shall maintain the records and documents
284 in a manner that enables the attorney to redact information
285 subject to a privilege in order to facilitate and not impede the
286 commission's review of the records and documents. The attorney
287 may redact information from the records and documents only to
288 the extent necessary to comply with the privilege.

289 2. If an attorney fails, refuses, or declines to permit the
290 commission to review documentation for a case as provided in

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291 this paragraph, the attorney waives the right to seek, and the
292 commission may not pay, compensation in excess of the flat fee
293 established in s. 27.5304 and the General Appropriations Act for
294 that case.

295 3. A finding by the commission that an attorney waives the
296 right to seek compensation in excess of the flat fee established
297 in s. 27.5304 and the General Appropriations Act, as provided in
298 this paragraph, is presumed to be valid, unless a court
299 concludes that the commission's finding is not supported by
300 competent and substantial evidence.

301 Section 5. Section 27.425, Florida Statutes, is amended to
302 read:

303 27.425 Due process service rates; responsibilities of chief
304 judge.-

305 (1) The maximum chief judge of each circuit shall recommend
306 compensation rates for state-funded due process service
307 providers in cases in which the court has appointed private
308 counsel or declared a person indigent for costs shall be
309 specified annually in the General Appropriations Act. For
310 purposes of this section, due process compensation rates do not
311 include attorney's fees for legal representation of the client.

312 ~~(2) Annually, the chief judge shall submit proposed due~~
313 ~~process compensation rates to the Office of the State Courts~~
314 ~~Administrator for inclusion in the legislative budget request~~
315 ~~for the state courts system.~~

316 ~~(3) The maximum rates shall be specified annually in the~~
317 ~~General Appropriations Act. For the 2007-2008 fiscal year, the~~
318 ~~maximum rates shall be the rates in effect on June 30, 2007.~~

319 (2)(4) The total amount expended for providers of due

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320 process services in eligible cases may not exceed the amount
321 budgeted in the General Appropriations Act for the particular
322 due process service.

323 (3) The Justice Administrative Commission shall approve
324 uniform contract forms for use in procuring due process services
325 and uniform procedures for use by a due process provider, or a
326 private attorney on behalf of a due process provider, in support
327 of billing for due process services to demonstrate completion of
328 the specified services.

329 Section 6. Subsections (5) and (6) of section 27.511,
330 Florida Statutes, are amended to read:

331 27.511 Offices of criminal conflict and civil regional
332 counsel; legislative intent; qualifications; appointment;
333 duties.—

334 (5) ~~Effective October 1, 2007,~~ When the Office of the
335 Public Defender, at any time during the representation of two or
336 more defendants, determines that the interests of those accused
337 are so adverse or hostile that they cannot all be counseled by
338 the public defender or his or her staff without a conflict of
339 interest, or that none can be counseled by the public defender
340 or his or her staff because of a conflict of interest, and the
341 court grants the public defender's motion to withdraw, the
342 office of criminal conflict and civil regional counsel shall be
343 appointed and shall provide legal services, without additional
344 compensation, to any person determined to be indigent under s.
345 27.52, who is:

346 (a) Under arrest for, or charged with, a felony;

347 (b) Under arrest for, or charged with:

348 1. A misdemeanor authorized for prosecution by the state

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349 attorney;

350 2. A violation of chapter 316 punishable by imprisonment;

351 3. Criminal contempt; or

352 4. A violation of a special law or county or municipal
353 ordinance ancillary to a state charge or, if not ancillary to a
354 state charge, only if the office of criminal conflict and civil
355 regional counsel contracts with the county or municipality to
356 provide representation pursuant to ss. 27.54 and 125.69.

357

358 The office of criminal conflict and civil regional counsel may
359 not provide representation pursuant to this paragraph if the
360 court, prior to trial, files in the cause an order of no
361 imprisonment as provided in s. 27.512;

362 (c) Alleged to be a delinquent child pursuant to a petition
363 filed before a circuit court;

364 (d) Sought by petition filed in such court to be
365 involuntarily placed as a mentally ill person under part I of
366 chapter 394, involuntarily committed as a sexually violent
367 predator under part V of chapter 394, or involuntarily admitted
368 to residential services as a person with developmental
369 disabilities under chapter 393;

370 (e) Convicted and sentenced to death, for purposes of
371 handling an appeal to the Supreme Court; ~~or~~

372 (f) ~~Is~~ Appealing a matter in a case arising under
373 paragraphs (a)-(d); or-

374 (g) Seeking correction, reduction, or modification of a
375 sentence under Rule 3.800 or seeking postconviction relief under
376 Rule 3.850 of the Florida Rules of Criminal Procedure if, in
377 either case, the court determines that appointment of counsel is

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378 necessary to protect a person's due process rights.

379 (6) (a) ~~Effective October 1, 2007,~~ The office of criminal
380 conflict and civil regional counsel has primary responsibility
381 for representing persons entitled to court-appointed counsel
382 under the Federal or State Constitution or as authorized by
383 general law in civil proceedings, including, but not limited to,
384 proceedings under s. 393.12 and chapters 39, ~~390,~~ 392, 397, 415,
385 743, 744, and 984 and proceedings to terminate parental rights
386 under chapter 63. Private court-appointed counsel eligible under
387 s. 27.40 have primary responsibility for representing minors who
388 request counsel under s. 390.01114, the Parental Notice of
389 Abortion Act. The office of criminal conflict and civil regional
390 counsel may represent a minor under that section if the court
391 finds that no private court-appointed attorney is available.

392 (b) If constitutional principles or general law provide for
393 court-appointed counsel in civil proceedings, the court shall
394 first appoint the regional counsel unless general law
395 specifically provides for appointment of the public defender, in
396 which case the court shall appoint the regional counsel if the
397 public defender has a conflict of interest.

398 (c) Notwithstanding paragraph (b) or any provision of
399 chapter 744 to the contrary, when chapter 744 provides for
400 appointment of counsel, the court, in consultation with the
401 clerk of court and prior to appointing counsel, shall determine,
402 if possible, whether the person entitled to representation is
403 indigent, using the best available evidence.

404 1. If the person is indigent, the court shall appoint the
405 regional counsel. If at any time after appointment the regional
406 counsel determines that the person is not indigent and that

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407 there are sufficient assets available for the payment of legal
408 representation under s. 744.108, the regional counsel shall move
409 the court to reassign the case to a private attorney.

410 2. If the person is not indigent or if the court and the
411 clerk are not able to determine whether the person is indigent
412 at the time of appointment, the court shall appoint a private
413 attorney. If at any time after appointment the private attorney
414 determines that the person is indigent and that there are not
415 sufficient assets available for the payment of legal
416 representation under s. 744.108, the private attorney shall move
417 the court to reassign the case to the regional counsel. When a
418 case is reassigned, the private attorney may seek compensation
419 from the Justice Administrative Commission for representation
420 not recoverable from any assets of the person in an amount
421 approved by the court as a pro rata portion of the compensation
422 limits prescribed in the General Appropriations Act.

423 (d) The regional counsel may not represent any plaintiff in
424 a civil action brought under the Florida Rules of Civil
425 Procedure, the Federal Rules of Civil Procedure, or federal
426 statutes, and may not represent a petitioner in a rule challenge
427 under chapter 120, unless specifically authorized by law.

428 Section 7. Section 27.52, Florida Statutes, is amended to
429 read:

430 27.52 Determination of indigent status.—

431 (1) APPLICATION TO THE CLERK.—A person seeking appointment
432 of a public defender under s. 27.51 based upon an inability to
433 pay must apply to the clerk of the court for a determination of
434 indigent status using an application form developed by the
435 Florida Clerks of Court Operations Corporation with final

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436 approval by the Supreme Court.

437 (a) The application must include, at a minimum, the
438 following financial information:

439 1. Net income, consisting of total salary and wages, minus
440 deductions required by law, including court-ordered support
441 payments.

442 2. Other income, including, but not limited to, social
443 security benefits, union funds, veterans' benefits, workers'
444 compensation, other regular support from absent family members,
445 public or private employee pensions, unemployment compensation,
446 dividends, interest, rent, trusts, and gifts.

447 3. Assets, including, but not limited to, cash, savings
448 accounts, bank accounts, stocks, bonds, certificates of deposit,
449 equity in real estate, and equity in a boat or a motor vehicle
450 or in other tangible property.

451 4. All liabilities and debts.

452 5. If applicable, the amount of any bail paid for the
453 applicant's release from incarceration and the source of the
454 funds.

455

456 The application must include a signature by the applicant which
457 attests to the truthfulness of the information provided. The
458 application form developed by the corporation must include
459 notice that the applicant may seek court review of a clerk's
460 determination that the applicant is not indigent, as provided in
461 this section.

462 (b) An applicant shall pay a \$50 application fee to the
463 clerk for each application for court-appointed counsel filed.
464 The applicant shall pay the fee within 7 days after submitting

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465 the application. If the applicant does not pay the fee prior to
466 the disposition of the case, the clerk shall notify the court,
467 and the court shall:

468 1. Assess the application fee as part of the sentence or as
469 a condition of probation; or

470 2. Assess the application fee pursuant to s. 938.29.

471 (c) Notwithstanding any provision of law, court rule, or
472 administrative order, the clerk shall assign the first \$50 of
473 any fees or costs paid by an indigent person as payment of the
474 application fee. A person found to be indigent may not be
475 refused counsel or other required due process services for
476 failure to pay the fee.

477 (d) All application fees collected by the clerk under this
478 section shall be transferred monthly by the clerk to the
479 Department of Revenue for deposit in the Indigent Criminal
480 Defense Trust Fund administered by the Justice Administrative
481 Commission, to be used to as appropriated by the Legislature.
482 The clerk may retain 2 percent of application fees collected
483 monthly for administrative costs prior to remitting the
484 remainder to the Department of Revenue.

485 (e)1. The clerk shall assist a person who appears before
486 the clerk and requests assistance in completing the application,
487 and the clerk shall notify the court if a person is unable to
488 complete the application after the clerk has provided
489 assistance.

490 2. If the person seeking appointment of a public defender
491 is incarcerated, the public defender is responsible for
492 providing the application to the person and assisting him or her
493 in its completion and is responsible for submitting the

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494 application to the clerk on the person's behalf. The public
495 defender may enter into an agreement for jail employees,
496 pretrial services employees, or employees of other criminal
497 justice agencies to assist the public defender in performing
498 functions assigned to the public defender under this
499 subparagraph.

500 (2) DETERMINATION BY THE CLERK.—The clerk of the court
501 shall determine whether an applicant seeking appointment of a
502 public defender is indigent based upon the information provided
503 in the application and the criteria prescribed in this
504 subsection.

505 (a)1. An applicant, including an applicant who is a minor
506 or an adult tax-dependent person, is indigent if the applicant's
507 income is equal to or below 200 percent of the then-current
508 federal poverty guidelines prescribed for the size of the
509 household of the applicant by the United States Department of
510 Health and Human Services or if the person is receiving
511 Temporary Assistance for Needy Families-Cash Assistance,
512 poverty-related veterans' benefits, or Supplemental Security
513 Income (SSI).

514 2.a. There is a presumption that the applicant is not
515 indigent if the applicant owns, or has equity in, any intangible
516 or tangible personal property or real property or the expectancy
517 of an interest in any such property having a net equity value of
518 \$2,500 or more, excluding the value of the person's homestead
519 and one vehicle having a net value not exceeding \$5,000.

520 b. Notwithstanding the information that the applicant
521 provides, the clerk shall conduct a review of the property
522 records for the county in which the applicant resides and the

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523 motor vehicle title records of the state to identify any
524 property interests of the applicant under this subparagraph. The
525 clerk shall evaluate and consider the results of the review in
526 making its determination under this subsection. The clerk shall
527 maintain the results of the review in a file with the
528 application and provide the file to the court if the applicant
529 seeks review under subsection (4) of the clerk's determination
530 of indigent status.

531 (b) Based upon its review, the clerk shall make one of the
532 following determinations:

533 1. The applicant is not indigent.

534 2. The applicant is indigent.

535 (c)1. If the clerk determines that the applicant is
536 indigent, the clerk shall submit the determination to the office
537 of the public defender and immediately file the determination in
538 the case file.

539 2. If the public defender is unable to provide
540 representation due to a conflict pursuant to s. 27.5303, the
541 public defender shall move the court for withdrawal from
542 representation and appointment of the office of criminal
543 conflict and civil regional counsel.

544 (d) The duty of the clerk in determining whether an
545 applicant is indigent shall be limited to receiving the
546 application and comparing the information provided in the
547 application to the criteria prescribed in this subsection. The
548 determination of indigent status is a ministerial act of the
549 clerk and not a decision based on further investigation or the
550 exercise of independent judgment by the clerk. The clerk may
551 contract with third parties to perform functions assigned to the

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552 clerk under this section.

553 (e) The applicant may seek review of the clerk's
554 determination that the applicant is not indigent in the court
555 having jurisdiction over the matter at the next scheduled
556 hearing. If the applicant seeks review of the clerk's
557 determination of indigent status, the court shall make a final
558 determination as provided in subsection (4).

559 (3) APPOINTMENT OF COUNSEL ON INTERIM BASIS.—If the clerk
560 of the court has not made a determination of indigent status at
561 the time a person requests appointment of a public defender, the
562 court shall make a preliminary determination of indigent status,
563 pending further review by the clerk, and may, by court order,
564 appoint a public defender, the office of criminal conflict and
565 civil regional counsel, or private counsel on an interim basis.

566 (4) REVIEW OF CLERK'S DETERMINATION.—

567 (a) If the clerk of the court determines that the applicant
568 is not indigent, and the applicant seeks review of the clerk's
569 determination, the court shall make a final determination of
570 indigent status by reviewing the information provided in the
571 application against the criteria prescribed in subsection (2)
572 and by considering the following additional factors:

573 1. Whether the applicant has been released on bail in an
574 amount of \$5,000 or more.

575 2. Whether a bond has been posted, the type of bond, and
576 who paid the bond.

577 3. Whether paying for private counsel in an amount that
578 exceeds the limitations in s. 27.5304, or other due process
579 services creates a substantial hardship for the applicant or the
580 applicant's family.

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581 4. Any other relevant financial circumstances of the
582 applicant or the applicant's family.

583 (b) Based upon its review, the court shall make one of the
584 following determinations and, if the applicant is indigent,
585 shall appoint a public defender, the office of criminal conflict
586 and civil regional counsel, or, if appropriate, private counsel:

587 1. The applicant is not indigent.

588 2. The applicant is indigent.

589 (5) INDIGENT FOR COSTS.—A person who is ~~eligible to be~~
590 ~~represented by a public defender under s. 27.51 but who is~~
591 represented by private counsel not appointed by the court for a
592 reasonable fee as approved by the court, or on a pro bono basis,
593 or who is proceeding pro se, may move the court for a
594 determination that he or she is indigent for costs and eligible
595 for the provision of due process services, as prescribed by ss.
596 29.006 and 29.007, funded by the state.

597 (a) The person must file a written motion with the court
598 and submit to the court:

599 1. The completed application prescribed in subsection (1).

600 2. In the case of a person represented by counsel, an
601 affidavit attesting to the estimated amount of attorney's fees
602 and the source of payment for these fees.

603 (b) The person shall arrange for service of a copy of the
604 motion and attachments on the Justice Administrative Commission.
605 The commission has standing to appear before the court to
606 contest any motion to declare a person indigent for costs and
607 may participate in a hearing on the motion by use of telephonic
608 or other communication equipment.

609 (c) If the person did not apply for a determination of

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610 indigent status under subsection (1) in the same case and is not
611 already liable for the application fee required under that
612 subsection, he or she becomes liable for payment of the fee upon
613 filing the motion with the court.

614 (d)~~(b)~~ In reviewing the motion, the court shall consider:

615 1. Whether the applicant applied for a determination of
616 indigent status under subsection (1) and the outcome of such
617 application.

618 2. The extent to which the person's income equals or
619 exceeds the income criteria prescribed in subsection (2).

620 3. The additional factors prescribed in subsection (4).

621 4. Whether the applicant is proceeding pro se.

622 5. When the applicant retained private counsel.

623 6. The amount of any attorney's fees and who is paying the
624 fees. There is a presumption that the applicant is not indigent
625 for costs if the amount of attorney's fees exceeds \$5,000 for a
626 noncapital case or \$25,000 for a capital case in which the state
627 is seeking the death penalty. To overcome this presumption, the
628 applicant has the burden to show through clear and convincing
629 evidence that the fees are reasonable based on the nature and
630 complexity of the case. In determining the reasonableness of the
631 fees, the court shall consider the amount that a private court-
632 appointed attorney paid by the state would receive for providing
633 representation for the type of case.

634 (e)~~(e)~~ Based upon its review, the court shall make one of
635 the following determinations:

636 1. The applicant is not indigent for costs.

637 2. The applicant is indigent for costs.

638 (f)~~(d)~~ The provision of due process services based upon a

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639 determination that a person is indigent for costs under this
640 subsection must be effectuated pursuant to a court order, a copy
641 of which the clerk shall provide to counsel representing the
642 person, or to the person directly if he or she is proceeding pro
643 se, for use in requesting payment of due process expenses
644 through the Justice Administrative Commission. Private counsel
645 representing a person declared indigent for costs shall execute
646 the Justice Administrative Commission's contract for counsel
647 representing persons determined to be indigent for costs.
648 Private counsel representing a person declared indigent for
649 costs may not receive state funds, either directly or on behalf
650 of due process providers, unless the attorney has executed the
651 contract required under this paragraph.

652 (g) Costs shall be reimbursed at the rates established
653 under ss. 27.425 and 27.5305. To receive reimbursement of costs,
654 either directly or on behalf of due process providers, private
655 counsel representing a person declared indigent for costs shall
656 comply with the procedures and requirements under this chapter
657 governing billings by and compensation of private court-
658 appointed counsel.

659 (h) The court may not appoint an attorney paid by the state
660 based on a finding that the defendant is indigent for costs if
661 the defendant has privately retained and paid counsel.

662 (i) A defendant who is found guilty of a criminal act by a
663 court or jury or enters a plea of guilty or nolo contendere and
664 who received due process services after being found indigent for
665 costs under this subsection is liable for payment of due process
666 costs expended by the state.

667 1. The attorney representing the defendant, or the

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668 defendant if he or she is proceeding pro se, shall provide an
669 accounting to the court delineating all costs paid or to be paid
670 by the state within 90 days after disposition of the case
671 notwithstanding any appeals.

672 2. The court shall issue an order determining the amount of
673 all costs paid by the state and any costs for which prepayment
674 was waived under this section or s. 57.081. The clerk shall
675 cause a certified copy of the order to be recorded in the
676 official records of the county, at no cost. The recording
677 constitutes a lien against the person in favor of the state in
678 the county in which the order is recorded. The lien may be
679 enforced in the same manner prescribed in s. 938.29.

680 3. If the attorney or the pro se defendant fails to provide
681 a complete accounting of costs expended by the state and
682 consequently costs are omitted from the lien, the attorney or
683 pro se defendant may not receive reimbursement or any other form
684 of direct or indirect payment for those costs if the state has
685 not paid the costs. The attorney or pro se defendant shall repay
686 the state for those costs if the state has already paid the
687 costs. The clerk of the court may establish a payment plan under
688 s. 28.246 and may charge the attorney or pro se defendant a one-
689 time administrative processing charge under s. 28.24(26)(c).

690 (6) DUTIES OF PARENT OR LEGAL GUARDIAN.—A nonindigent
691 parent or legal guardian of an applicant who is a minor or an
692 adult tax-dependent person shall furnish the minor or adult tax-
693 dependent person with the necessary legal services and costs
694 incident to a delinquency proceeding or, upon transfer of such
695 person for criminal prosecution as an adult pursuant to chapter
696 985, a criminal prosecution in which the person has a right to

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697 legal counsel under the Constitution of the United States or the
698 Constitution of the State of Florida. The failure of a parent or
699 legal guardian to furnish legal services and costs under this
700 section does not bar the appointment of legal counsel pursuant
701 to this section, s. 27.40, or s. 27.5303. When the public
702 defender, the office of criminal conflict and civil regional
703 counsel, a private court-appointed conflict counsel, or a
704 private attorney is appointed to represent a minor or an adult
705 tax-dependent person in any proceeding in circuit court or in a
706 criminal proceeding in any other court, the parents or the legal
707 guardian shall be liable for payment of the fees, charges, and
708 costs of the representation even if the person is a minor being
709 tried as an adult. Liability for the fees, charges, and costs of
710 the representation shall be imposed in the form of a lien
711 against the property of the nonindigent parents or legal
712 guardian of the minor or adult tax-dependent person. The lien is
713 enforceable as provided in s. 27.561 or s. 938.29.

714 (7) FINANCIAL DISCREPANCIES; FRAUD; FALSE INFORMATION.—

715 (a) If the court learns of discrepancies between the
716 application or motion and the actual financial status of the
717 person found to be indigent or indigent for costs, the court
718 shall determine whether the public defender, office of criminal
719 conflict and civil regional counsel, or private attorney shall
720 continue representation or whether the authorization for any
721 other due process services previously authorized shall be
722 revoked. The person may be heard regarding the information
723 learned by the court. If the court, based on the information,
724 determines that the person is not indigent or indigent for
725 costs, the court shall order the public defender, office of

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726 criminal conflict and civil regional counsel, or private
727 attorney to discontinue representation and revoke the provision
728 of any other authorized due process services.

729 (b) If the court has reason to believe that any applicant,
730 through fraud or misrepresentation, was improperly determined to
731 be indigent or indigent for costs, the matter shall be referred
732 to the state attorney. Twenty-five percent of any amount
733 recovered by the state attorney as reasonable value of the
734 services rendered, including fees, charges, and costs paid by
735 the state on the person's behalf, shall be remitted to the
736 Department of Revenue for deposit into the Grants and Donations
737 Trust Fund within the Justice Administrative Commission.
738 Seventy-five percent of any amount recovered shall be remitted
739 to the Department of Revenue for deposit into the General
740 Revenue Fund.

741 (c) A person who knowingly provides false information to
742 the clerk or the court in seeking a determination of indigent
743 status under this section commits a misdemeanor of the first
744 degree, punishable as provided in s. 775.082 or s. 775.083.

745 Section 8. Subsection (4) of section 27.5304, Florida
746 Statutes, is amended to read:

747 27.5304 Private court-appointed counsel; compensation.—

748 (4) (a) The attorney shall submit a bill for attorney's
749 fees, costs, and related expenses within 90 days after the
750 disposition of the case at the lower court level,
751 notwithstanding any appeals. The Justice Administrative
752 Commission shall provide by contract with the attorney for
753 imposition of a penalty of:

754 1. Fifteen ~~15~~ percent of the allowable attorney's fees,

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755 costs, and related expenses for a bill that is submitted more
756 than 90 days after the disposition of the case at the lower
757 court level, notwithstanding any appeals;~~;~~

758 2. For cases for which disposition occurs on or after July
759 1, 2010, 50 percent of the allowable attorney's fees, costs, and
760 related expenses for a bill that is submitted more than 1 year
761 after the disposition of the case at the lower court level,
762 notwithstanding any appeals; and

763 3. For cases for which disposition occurs on or after July
764 1, 2010, 75 percent of the allowable attorney's fees, costs, and
765 related expenses for a bill that is submitted more than 2 years
766 after the disposition of the case at the lower court level,
767 notwithstanding any appeals.

768 (b) For purposes of this subsection, the term "disposition"
769 means:

770 1. At the trial court level, that the court has entered a
771 final appealable judgment, unless rendition of judgment is
772 stayed by the filing of a timely motion for rehearing. The
773 filing of a notice of appeal does not stay the time for
774 submission of an intended billing; and

775 2. At the appellate court level, that the court has issued
776 its mandate.

777 Section 9. Section 27.5305, Florida Statutes, is created to
778 read:

779 27.5305 Attorney or provider compensation; conditions;
780 requirements.—The provisions of this section apply to the
781 payment by the state through the Justice Administrative
782 Commission of legal fees and due process costs in an eligible
783 criminal or civil matter when a person receives the services of

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784 a private court-appointed attorney or is declared indigent for
785 costs under s. 27.52 or s. 57.082.

786 (1) ELECTRONIC FUNDS TRANSFER.—A person, as defined in s.
787 1.01, requesting compensation from the state through the Justice
788 Administrative Commission for the provision of criminal or civil
789 legal representation or other due process services must, as a
790 condition for compensation, participate in a direct-deposit
791 program under which the person authorizes the transfer of funds
792 electronically to an account in the person's name at a federal-
793 or state-chartered financial institution.

794 (a) The Justice Administrative Commission may exempt a
795 person from compliance with this section if the commission finds
796 that participation in a direct-deposit program creates a
797 financial hardship for the person.

798 (b) This subsection applies to compensation for services
799 that are provided on or after January 1, 2011.

800 (2) TRANSCRIPTS.—

801 (a) The state may pay for the cost of preparing a
802 transcript of a deposition only if the private court-appointed
803 attorney secures an order from the court finding that
804 preparation of the transcript is necessary, in which case the
805 state may pay for one original and one copy only.

806 (b) The state may pay for the cost of one original
807 transcript of any deposition, hearing, or other proceeding. Any
808 other payment for a transcript of that same deposition, hearing,
809 or other proceeding, regardless of whether the transcript is an
810 additional original transcript or a copy, shall be at the rate
811 paid for a copy of a transcript. This paragraph applies
812 regardless of which state agency pays for the first original

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813 transcript.

814 (3) COURT REPORTERS; INVESTIGATORS.—Beginning with the
815 2010-2011 fiscal year, and applicable to services performed
816 starting in that year, uniform statewide rates shall be
817 prescribed annually in the General Appropriations Act for the
818 payment of:

819 (a) Court reporting services that are not provided through
820 the state courts system; and

821 (b) Private investigation services.

822 (4) EXPERT WITNESSES; MITIGATION SPECIALISTS.—A private
823 court-appointed attorney must obtain authorization from the
824 court to employ an out-of-state expert or mitigation specialist
825 upon a showing that an expert or mitigation specialist who has
826 appropriate skills or expertise is not available from within the
827 county in which the case was filed or from elsewhere in the
828 state. An order authorizing the employment must be in writing
829 and contain specific findings regarding the unavailability of a
830 qualified in-state expert or mitigation specialist. The attorney
831 shall submit a copy of the order to the Justice Administrative
832 Commission.

833 (5) RIGHT TO DISCOVERY.—The Justice Administrative
834 Commission has a right to engage in discovery in accordance with
835 the Florida Rules of Civil Procedure on a motion to the court
836 seeking payment of attorney's fees, costs, or other expenses.
837 This right includes a reasonable opportunity to obtain discovery
838 prior to a hearing on the motion.

839 Section 10. Subsection (12) of section 28.24, Florida
840 Statutes, is amended to read:

841 28.24 Service charges by clerk of the circuit court.—The

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842 clerk of the circuit court shall charge for services rendered by
843 the clerk's office in recording documents and instruments and in
844 performing the duties enumerated in amounts not to exceed those
845 specified in this section. Notwithstanding any other provision
846 of this section, the clerk of the circuit court shall provide
847 without charge to the state attorney, public defender, guardian
848 ad litem, public guardian, attorney ad litem, criminal conflict
849 and civil regional counsel, and private court-appointed counsel
850 paid by the state, and to the authorized staff acting on behalf
851 of each, access to and a copy of any public record, if the
852 requesting party is entitled by law to view the exempt or
853 confidential record, as maintained by and in the custody of the
854 clerk of the circuit court as provided in general law and the
855 Florida Rules of Judicial Administration. The clerk of the
856 circuit court may provide the requested public record in an
857 electronic format in lieu of a paper format when capable of
858 being accessed by the requesting entity.

Charges

861 (12) For recording, indexing, and filing any instrument not
862 more than 14 inches by 8 1/2 inches, including required notice
863 to property appraiser where applicable:

864 (a) First page or fraction thereof.....5.00

865 (b) Each additional page or fraction thereof.....4.00

866 (c) For indexing instruments recorded in the official
867 records which contain more than four names, per additional
868 name.....1.00

869 (d) An additional service charge shall be paid to the clerk
870 of the circuit court to be deposited in the Public Records

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871 Modernization Trust Fund for each instrument listed in s.
872 28.222, except judgments received from the courts and notices of
873 lis pendens, recorded in the official records:

- 874 1. First page.....1.00
- 875 2. Each additional page.....0.50

876

877 Said fund shall be held in trust by the clerk and used
878 exclusively for equipment and maintenance of equipment,
879 personnel training, and technical assistance in modernizing the
880 public records system of the office. In a county where the duty
881 of maintaining official records exists in an office other than
882 the office of the clerk of the circuit court, the clerk of the
883 circuit court is entitled to 25 percent of the moneys deposited
884 into the trust fund for equipment, maintenance of equipment,
885 training, and technical assistance in modernizing the system for
886 storing records in the office of the clerk of the circuit court.
887 The fund may not be used for the payment of travel expenses,
888 membership dues, bank charges, staff-recruitment costs, salaries
889 or benefits of employees, construction costs, general operating
890 expenses, or other costs not directly related to obtaining and
891 maintaining equipment for public records systems or for the
892 purchase of furniture or office supplies and equipment not
893 related to the storage of records. On or before December 1,
894 1995, and on or before December 1 of each year immediately
895 preceding each year during which the trust fund is scheduled for
896 legislative review under s. 19(f)(2), Art. III of the State
897 Constitution, each clerk of the circuit court shall file a
898 report on the Public Records Modernization Trust Fund with the
899 President of the Senate and the Speaker of the House of

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900 Representatives. The report must itemize each expenditure made
901 from the trust fund since the last report was filed; each
902 obligation payable from the trust fund on that date; and the
903 percentage of funds expended for each of the following:
904 equipment, maintenance of equipment, personnel training, and
905 technical assistance. The report must indicate the nature of the
906 system each clerk uses to store, maintain, and retrieve public
907 records and the degree to which the system has been upgraded
908 since the creation of the trust fund.

909 (e) An additional service charge of \$4 per page shall be
910 paid to the clerk of the circuit court for each instrument
911 listed in s. 28.222, except judgments received from the courts
912 and notices of lis pendens, recorded in the official records.
913 From the additional \$4 service charge collected:

914 1. If the counties maintain legal responsibility for the
915 costs of the court-related technology needs as defined in s.
916 29.008(1)(f)2. and (h), 10 cents shall be distributed to the
917 Florida Association of Court Clerks and Comptroller, Inc., for
918 the cost of development, implementation, operation, and
919 maintenance of the clerks' Comprehensive Case Information
920 System, in which system all clerks shall participate on or
921 before January 1, 2006; \$1.90 shall be retained by the clerk to
922 be deposited in the Public Records Modernization Trust Fund and
923 used exclusively for funding court-related technology needs of
924 the clerk as defined in s. 29.008(1)(f)2. and (h); and \$2 shall
925 be distributed to the board of county commissioners to be used
926 exclusively to fund court-related technology, and court
927 technology needs as defined in s. 29.008(1)(f)2. and (h) for the
928 state trial courts, state attorney, public defender, and, at the

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929 board's discretion, criminal conflict and civil regional counsel
930 in that county. If the counties maintain legal responsibility
931 for the costs of the court-related technology needs as defined
932 in s. 29.008(1)(f)2. and (h), notwithstanding any other
933 provision of law, the county is not required to provide
934 additional funding beyond that provided herein for the court-
935 related technology needs of the clerk as defined in s.
936 29.008(1)(f)2. and (h). All court records and official records
937 are the property of the State of Florida, including any records
938 generated as part of the Comprehensive Case Information System
939 funded pursuant to this paragraph and the clerk of court is
940 designated as the custodian of such records, except in a county
941 where the duty of maintaining official records exists in a
942 county office other than the clerk of court or comptroller, such
943 county office is designated the custodian of all official
944 records, and the clerk of court is designated the custodian of
945 all court records. The clerk of court or any entity acting on
946 behalf of the clerk of court, including an association, shall
947 not charge a fee to any agency as defined in s. 119.011, the
948 Legislature, or the State Court System for copies of records
949 generated by the Comprehensive Case Information System or held
950 by the clerk of court or any entity acting on behalf of the
951 clerk of court, including an association.

952 2. If the state becomes legally responsible for the costs
953 of court-related technology needs as defined in s.
954 29.008(1)(f)2. and (h), whether by operation of general law or
955 by court order, \$4 shall be remitted to the Department of
956 Revenue for deposit into the General Revenue Fund.

957 Section 11. Paragraph (a) of subsection (1) of section

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958 28.241, Florida Statutes, is amended, and subsection (7) is
959 added to that section, to read:

960 28.241 Filing fees for trial and appellate proceedings.—
961 (1)(a)1.a. Except as provided in sub-subparagraph b. and
962 subparagraph 2., the party instituting any civil action, suit,
963 or proceeding in the circuit court shall pay to the clerk of
964 that court a filing fee of up to \$395 in all cases in which
965 there are not more than five defendants and an additional filing
966 fee of up to \$2.50 for each defendant in excess of five. Of the
967 first \$265 in filing fees, \$118 ~~\$80~~ must be remitted by the
968 clerk to the Department of Revenue for deposit into the General
969 Revenue Fund, \$180 must be remitted to the Department of Revenue
970 for deposit into the State Courts Revenue Trust Fund, \$3.50 must
971 be remitted to the Department of Revenue for deposit into the
972 Clerks of the Court Trust Fund within the Justice Administrative
973 Commission and used to fund the Florida Clerks of Court
974 Operations Corporation created in s. 28.35, and \$1.50 shall be
975 remitted to the Department of Revenue for deposit into the
976 Administrative Trust Fund within the Department of Financial
977 Services to fund clerk budget reviews conducted by the
978 Department of Financial Services. The next \$15 of the filing fee
979 collected shall be deposited in the state courts' Mediation and
980 Arbitration Trust Fund. One third of any filing fees collected
981 by the clerk of the circuit court in excess of \$100 shall be
982 remitted to the Department of Revenue for deposit into the
983 Clerks of the Court Trust Fund within the Justice Administrative
984 Commission.

985 b. Except where the assessment of a filing fee is otherwise
986 prohibited by law, the party instituting any civil action, suit,

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987 or proceeding in the circuit court under chapter 39, chapter 61,
988 chapter 741, chapter 742, chapter 747, chapter 752, or chapter
989 753 shall pay to the clerk of that court a filing fee of up to
990 \$295 in all cases in which there are not more than five
991 defendants and an additional filing fee of up to \$2.50 for each
992 defendant in excess of five. Of the first \$203 ~~\$165~~ in filing
993 fees, \$118 ~~\$80~~ must be remitted by the clerk to the Department
994 of Revenue for deposit into the General Revenue Fund, \$80 must
995 be remitted to the Department of Revenue for deposit into the
996 State Courts Revenue Trust Fund, \$3.50 must be remitted to the
997 Department of Revenue for deposit into the Clerks of the Court
998 Trust Fund within the Justice Administrative Commission and used
999 to fund the Florida Clerks of Court Operations Corporation
1000 created in s. 28.35, and \$1.50 shall be remitted to the
1001 Department of Revenue for deposit into the Administrative Trust
1002 Fund within the Department of Financial Services to fund clerk
1003 budget reviews conducted by the Department of Financial
1004 Services. The next \$15 of the filing fee collected shall be
1005 deposited in the state courts' Mediation and Arbitration Trust
1006 Fund.

1007 c. An additional filing fee of \$4 shall be paid to the
1008 clerk. The clerk shall remit \$3.50 to the Department of Revenue
1009 for deposit into the Court Education Trust Fund and shall remit
1010 50 cents to the Department of Revenue for deposit into the
1011 Clerks of the Court Trust Fund within the Justice Administrative
1012 Commission to fund clerk education. An additional filing fee of
1013 up to \$18 shall be paid by the party seeking each severance that
1014 is granted. The clerk may impose an additional filing fee of up
1015 to \$85 for all proceedings of garnishment, attachment, replevin,

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1016 and distress. Postal charges incurred by the clerk of the
1017 circuit court in making service by certified or registered mail
1018 on defendants or other parties shall be paid by the party at
1019 whose instance service is made. No additional fees, charges, or
1020 costs shall be added to the filing fees imposed under this
1021 section, except as authorized in this section or by general law.

1022 2.a. Notwithstanding the fees prescribed in subparagraph
1023 1., a party instituting a civil action in circuit court relating
1024 to real property or mortgage foreclosure shall pay a graduated
1025 filing fee based on the value of the claim.

1026 b. A party shall estimate in writing the amount in
1027 controversy of the claim upon filing the action. For purposes of
1028 this subparagraph, the value of a mortgage foreclosure action is
1029 based upon the principal due on the note secured by the
1030 mortgage, plus interest owed on the note and any moneys advanced
1031 by the lender for property taxes, insurance, and other advances
1032 secured by the mortgage, at the time of filing the foreclosure.
1033 The value shall also include the value of any tax certificates
1034 related to the property. In stating the value of a mortgage
1035 foreclosure claim, a party shall declare in writing the total
1036 value of the claim, as well as the individual elements of the
1037 value as prescribed in this sub-subparagraph.

1038 c. In its order providing for the final disposition of the
1039 matter, the court shall identify the actual value of the claim.
1040 The clerk shall adjust the filing fee if there is a difference
1041 between the estimated amount in controversy and the actual value
1042 of the claim and collect any additional filing fee owed or
1043 provide a refund of excess filing fee paid.

1044 d. The party shall pay a filing fee of:

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1045 (I) Three hundred and ninety-five dollars in all cases in
1046 which the value of the claim is \$50,000 or less and in which
1047 there are not more than five defendants. The party shall pay an
1048 additional filing fee of up to \$2.50 for each defendant in
1049 excess of five. Of the first \$303 ~~\$265~~ in filing fees, \$118 ~~\$80~~
1050 must be remitted by the clerk to the Department of Revenue for
1051 deposit into the General Revenue Fund, \$180 must be remitted to
1052 the Department of Revenue for deposit into the State Courts
1053 Revenue Trust Fund, \$3.50 must be remitted to the Department of
1054 Revenue for deposit into the Clerks of the Court Trust Fund
1055 within the Justice Administrative Commission and used to fund
1056 the Florida Clerks of Court Operations Corporation created in s.
1057 28.35, and \$1.50 shall be remitted to the Department of Revenue
1058 for deposit into the Administrative Trust Fund within the
1059 Department of Financial Services to fund clerk budget reviews
1060 conducted by the Department of Financial Services. The next \$15
1061 of the filing fee collected shall be deposited in the state
1062 courts' Mediation and Arbitration Trust Fund;

1063 (II) Nine hundred dollars in all cases in which the value
1064 of the claim is more than \$50,000 but less than \$250,000 and in
1065 which there are not more than five defendants. The party shall
1066 pay an additional filing fee of up to \$2.50 for each defendant
1067 in excess of five. Of the first \$808 ~~\$770~~ in filing fees, \$118
1068 ~~\$80~~ must be remitted by the clerk to the Department of Revenue
1069 for deposit into the General Revenue Fund, \$685 must be remitted
1070 to the Department of Revenue for deposit into the State Courts
1071 Revenue Trust Fund, \$3.50 must be remitted to the Department of
1072 Revenue for deposit into the Clerks of the Court Trust Fund
1073 within the Justice Administrative Commission and used to fund

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1074 the Florida Clerks of Court Operations Corporation described in
1075 s. 28.35, and \$1.50 shall be remitted to the Department of
1076 Revenue for deposit into the Administrative Trust Fund within
1077 the Department of Financial Services to fund clerk budget
1078 reviews conducted by the Department of Financial Services. The
1079 next \$15 of the filing fee collected shall be deposited in the
1080 state courts' Mediation and Arbitration Trust Fund; or

1081 (III) One thousand nine hundred dollars in all cases in
1082 which the value of the claim is \$250,000 or more and in which
1083 there are not more than five defendants. The party shall pay an
1084 additional filing fee of up to \$2.50 for each defendant in
1085 excess of five. Of the first \$1,808 ~~\$1,770~~ in filing fees, \$118
1086 ~~\$80~~ must be remitted by the clerk to the Department of Revenue
1087 for deposit into the General Revenue Fund, \$1,685 must be
1088 remitted to the Department of Revenue for deposit into the State
1089 Courts Revenue Trust Fund, \$3.50 must be remitted to the
1090 Department of Revenue for deposit into the Clerks of the Court
1091 Trust Fund within the Justice Administrative Commission to fund
1092 the Florida Clerks of Court Operations Corporation created in s.
1093 28.35, and \$1.50 shall be remitted to the Department of Revenue
1094 for deposit into the Administrative Trust Fund within the
1095 Department of Financial Services to fund clerk budget reviews
1096 conducted by the Department of Financial Services. The next \$15
1097 of the filing fee collected shall be deposited in the state
1098 courts' Mediation and Arbitration Trust Fund.

1099 e. An additional filing fee of \$4 shall be paid to the
1100 clerk. The clerk shall remit \$3.50 to the Department of Revenue
1101 for deposit into the Court Education Trust Fund and shall remit
1102 50 cents to the Department of Revenue for deposit into the

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1103 Clerks of the Court Trust Fund within the Justice Administrative
1104 Commission to fund clerk education. An additional filing fee of
1105 up to \$18 shall be paid by the party seeking each severance that
1106 is granted. The clerk may impose an additional filing fee of up
1107 to \$85 for all proceedings of garnishment, attachment, replevin,
1108 and distress. Postal charges incurred by the clerk of the
1109 circuit court in making service by certified or registered mail
1110 on defendants or other parties shall be paid by the party at
1111 whose instance service is made. No additional fees, charges, or
1112 costs shall be added to the filing fees imposed under this
1113 section, except as authorized in this section or by general law.

1114 (7) Nothing in this section or in the revisions made to it
1115 by chapters 2009-61 and 2009-204, Laws of Florida, authorizes
1116 the assessment of a filing fee if the assessment is otherwise
1117 prohibited by law.

1118 Section 12. Section 28.245, Florida Statutes, is amended to
1119 read:

1120 28.245 Transmittal of funds to Department of Revenue;
1121 uniform remittance form required.—Notwithstanding any other
1122 provision of law, all moneys collected by the clerks of the
1123 court as part of the clerk's court-related functions for
1124 subsequent distribution to any state entity, including deposits
1125 into the Clerk of Court Trust Fund within the Justice
1126 Administrative Commission, shall be transmitted electronically
1127 to the Department of Revenue within 7 working days after the end
1128 of the week in which the moneys were collected ~~must be~~
1129 ~~transmitted electronically, by the 20th day of the month~~
1130 ~~immediately following the month in which the moneys are~~
1131 ~~collected, to the Department of Revenue for appropriate~~

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1132 ~~distribution~~. A uniform remittance form provided by the
1133 Department of Revenue detailing the specific amounts due each
1134 fund must accompany such submittal. All moneys collected by the
1135 clerks of court for remittance to any entity must be distributed
1136 pursuant to the law in effect at the time of collection.

1137 Section 13. Subsections (3) and (10) of section 28.36,
1138 Florida Statutes, are amended to read

1139 28.36 Budget procedure.—There is established a budget
1140 procedure for preparing budget requests for funding for the
1141 court-related functions of the clerks of the court.

1142 (3) Each clerk shall include in his or her budget request
1143 the number of personnel and the proposed budget for each of the
1144 following core services:

- 1145 (a) Circuit criminal Case processing.~~Case processing.~~
- 1146 (b) County criminal Financial processing.~~Financial processing.~~
- 1147 (c) Juvenile delinquency Jury management.~~Jury management.~~
- 1148 (d) Criminal traffic Information and reporting.~~Information and reporting.~~
- 1149 (e) Circuit civil.
- 1150 (f) County civil.
- 1151 (g) Civil traffic.
- 1152 (h) Probate.
- 1153 (i) Family.
- 1154 (j) Juvenile dependency.

1155
1156 Central administrative costs shall be allocated among the core-
1157 services categories.

1158 (10) ~~For the 2009-2010 fiscal year, the corporation shall~~
1159 ~~release appropriations in an amount equal to one-twelfth of each~~
1160 ~~clerk's approved budget each month. The statewide total~~

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1161 ~~appropriation for the 2009-2010 fiscal year shall be set in the~~
1162 ~~General Appropriations Act. The corporation shall determine the~~
1163 ~~amount of each clerk of court budget, but the statewide total of~~
1164 ~~such amounts may not exceed the amount listed in the General~~
1165 ~~Appropriations Act. Beginning in the 2010-2011 fiscal year, the~~
1166 ~~corporation shall release appropriations to each clerk monthly,~~
1167 ~~except for the first month of the fiscal year, which shall be~~
1168 ~~based on estimate of 1 month's service units ~~quarterly.~~ The~~
1169 ~~amount of the release after the first month of the fiscal year~~
1170 ~~shall be based on the prior month's ~~quarter's~~ performance of~~
1171 ~~service units identified in the ~~four~~ core services and the~~
1172 ~~established unit costs for each clerk. If, during the year the~~
1173 ~~corporation determines that the projected reimbursement for~~
1174 ~~service units will result in statewide expenditures greater than~~
1175 ~~the amount appropriated by law, the corporation shall reduce all~~
1176 ~~service unit costs of all clerks by the amount necessary to~~
1177 ~~ensure that projected units of service are funded within the~~
1178 ~~total amount appropriated to the clerks of court. If such action~~
1179 ~~is necessary, the corporation shall notify the Legislative~~
1180 ~~Budget Commission prior to taking action. If the Legislative~~
1181 ~~Budget Commission does not approve the adjustments, the~~
1182 ~~commission shall adjust all service unit costs in an amount~~
1183 ~~necessary to ensure that projected units of service are funded~~
1184 ~~within the total amount appropriated to the clerks of court at~~
1185 ~~the next scheduled meeting of the commission.~~

1186 Section 14. Subsection (1) of section 29.001, Florida
1187 Statutes, is amended to read:

1188 29.001 State courts system elements and definitions.—

1189 (1) For the purpose of implementing s. 14, Art. V of the

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1190 State Constitution, the state courts system is defined to
1191 include the enumerated elements of the Supreme Court, district
1192 courts of appeal, circuit courts, county courts, and certain
1193 supports thereto. The offices of public defenders and state
1194 attorneys are defined to include the enumerated elements of the
1195 20 state attorneys' offices and the enumerated elements of the
1196 20 public defenders' offices ~~and five offices of criminal~~
1197 ~~conflict and civil regional counsel~~. Court-appointed counsel are
1198 defined to include the enumerated elements for counsel appointed
1199 to ensure due process in criminal and civil proceedings in
1200 accordance with state and federal constitutional guarantees.
1201 Funding for the state courts system, the state attorneys'
1202 offices, the public defenders' offices, the offices of criminal
1203 conflict and civil regional counsel, and other court-appointed
1204 counsel shall be provided from state revenues appropriated by
1205 general law.

1206 Section 15. Section 29.008, Florida Statutes, is amended to
1207 read:

1208 29.008 County funding of court-related functions.—

1209 (1) Counties are required by s. 14, Art. V of the State
1210 Constitution to fund the cost of communications services,
1211 existing radio systems, existing multiagency criminal justice
1212 information systems, and the cost of construction or lease,
1213 maintenance, utilities, and security of facilities for the
1214 circuit and county courts, public defenders' offices, state
1215 attorneys' offices, guardian ad litem offices, and the offices
1216 of the clerks of the circuit and county courts performing court-
1217 related functions. For purposes of this section, the term
1218 "circuit and county courts" includes the offices and staffing of

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1219 the guardian ad litem programs, ~~and the term "public defenders'~~
1220 ~~offices" includes the offices of criminal conflict and civil~~
1221 ~~regional counsel~~. The county designated under s. 35.05(1) as the
1222 headquarters for each appellate district shall fund these costs
1223 for the appellate division of the public defender's office in
1224 that county. For purposes of implementing these requirements,
1225 the term:

1226 (a) "Facility" means reasonable and necessary buildings and
1227 office space and appurtenant equipment and furnishings,
1228 structures, real estate, easements, and related interests in
1229 real estate, including, but not limited to, those for the
1230 purpose of housing legal materials for use by the general public
1231 and personnel, equipment, or functions of the circuit or county
1232 courts, public defenders' offices, state attorneys' offices, and
1233 court-related functions of the office of the clerks of the
1234 circuit and county courts and all storage. The term "facility"
1235 includes all wiring necessary for court reporting services. The
1236 term also includes access to parking for such facilities in
1237 connection with such court-related functions that may be
1238 available free or from a private provider or a local government
1239 for a fee. The office space provided by a county may not be less
1240 than the standards for space allotment adopted by the Department
1241 of Management Services, except this requirement applies only to
1242 facilities that are leased, or on which construction commences,
1243 after June 30, 2003. County funding must include physical
1244 modifications and improvements to all facilities as are required
1245 for compliance with the Americans with Disabilities Act. Upon
1246 mutual agreement of a county and the affected entity in this
1247 paragraph, the office space provided by the county may vary from

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1248 the standards for space allotment adopted by the Department of
1249 Management Services.

1250 1. As of July 1, 2005, equipment and furnishings shall be
1251 limited to that appropriate and customary for courtrooms,
1252 hearing rooms, jury facilities, and other public areas in
1253 courthouses and any other facility occupied by the courts, state
1254 attorneys, public defenders, and guardians ad litem, ~~and~~
1255 ~~criminal conflict and civil regional counsel~~. Court reporting
1256 equipment in these areas or facilities is not a responsibility
1257 of the county.

1258 2. Equipment and furnishings under this paragraph in
1259 existence and owned by counties on July 1, 2005, except for that
1260 in the possession of the clerks, for areas other than
1261 courtrooms, hearing rooms, jury facilities, and other public
1262 areas in courthouses and any other facility occupied by the
1263 courts, state attorneys, and public defenders, shall be
1264 transferred to the state at no charge. This provision does not
1265 apply to any communications services as defined in paragraph
1266 (f).

1267 (b) "Construction or lease" includes, but is not limited
1268 to, all reasonable and necessary costs of the acquisition or
1269 lease of facilities for all judicial officers, staff, jurors,
1270 volunteers of a tenant agency, and the public for the circuit
1271 and county courts, the public defenders' offices, state
1272 attorneys' offices, and for performing the court-related
1273 functions of the offices of the clerks of the circuit and county
1274 courts. This includes expenses related to financing such
1275 facilities and the existing and future cost and bonded
1276 indebtedness associated with placing the facilities in use.

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1277 (c) "Maintenance" includes, but is not limited to, all
1278 reasonable and necessary costs of custodial and groundskeeping
1279 services and renovation and reconstruction as needed to
1280 accommodate functions for the circuit and county courts, the
1281 public defenders' offices, and state attorneys' offices and for
1282 performing the court-related functions of the offices of the
1283 clerks of the circuit and county court and for maintaining the
1284 facilities in a condition appropriate and safe for the use
1285 intended.

1286 (d) "Utilities" means all electricity services for light,
1287 heat, and power; natural or manufactured gas services for light,
1288 heat, and power; water and wastewater services and systems,
1289 stormwater or runoff services and systems, sewer services and
1290 systems, all costs or fees associated with these services and
1291 systems, and any costs or fees associated with the mitigation of
1292 environmental impacts directly related to the facility.

1293 (e) "Security" includes but is not limited to, all
1294 reasonable and necessary costs of services of law enforcement
1295 officers or licensed security guards and all electronic,
1296 cellular, or digital monitoring and screening devices necessary
1297 to ensure the safety and security of all persons visiting or
1298 working in a facility; to provide for security of the facility,
1299 including protection of property owned by the county or the
1300 state; and for security of prisoners brought to any facility.
1301 This includes bailiffs while providing courtroom and other
1302 security for each judge and other quasi-judicial officers.

1303 (f) "Communications services" are defined as any reasonable
1304 and necessary transmission, emission, and reception of signs,
1305 signals, writings, images, and sounds of intelligence of any

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1306 nature by wire, radio, optical, audio equipment, or other
1307 electromagnetic systems and includes all facilities and
1308 equipment owned, leased, or used by judges, clerks, public
1309 defenders, state attorneys, guardians ad litem, ~~criminal~~
1310 ~~conflict and civil regional counsel~~, and all staff of the state
1311 courts system, state attorneys' offices, public defenders'
1312 offices, and clerks of the circuit and county courts performing
1313 court-related functions. Such system or services shall include,
1314 but not be limited to:

1315 1. Telephone system infrastructure, including computer
1316 lines, telephone switching equipment, and maintenance, and
1317 facsimile equipment, wireless communications, cellular
1318 telephones, pagers, and video teleconferencing equipment and
1319 line charges. Each county shall continue to provide access to a
1320 local carrier for local and long distance service and shall pay
1321 toll charges for local and long distance service.

1322 2. All computer networks, systems and equipment, including
1323 computer hardware and software, modems, printers, wiring,
1324 network connections, maintenance, support staff or services
1325 including any county-funded support staff located in the offices
1326 of the circuit court, county courts, state attorneys, public
1327 defenders, and guardians ad litem, ~~and criminal conflict and~~
1328 ~~civil regional counsel~~; training, supplies, and line charges
1329 necessary for an integrated computer system to support the
1330 operations and management of the state courts system, the
1331 offices of the public defenders, the offices of the state
1332 attorneys, the guardian ad litem offices, ~~the offices of~~
1333 ~~criminal conflict and civil regional counsel~~, and the offices of
1334 the clerks of the circuit and county courts; and the capability

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1335 to connect those entities and reporting data to the state as
1336 required for the transmission of revenue, performance
1337 accountability, case management, data collection, budgeting, and
1338 auditing purposes. The integrated computer system shall be
1339 operational by July 1, 2006, and, at a minimum, permit the
1340 exchange of financial, performance accountability, case
1341 management, case disposition, and other data across multiple
1342 state and county information systems involving multiple users at
1343 both the state level and within each judicial circuit and be
1344 able to electronically exchange judicial case background data,
1345 sentencing scoresheets, and video evidence information stored in
1346 integrated case management systems over secure networks. Once
1347 the integrated system becomes operational, counties may reject
1348 requests to purchase communications services included in this
1349 subparagraph not in compliance with standards, protocols, or
1350 processes adopted by the board established pursuant to former s.
1351 29.0086.

1352 3. Courier messenger and subpoena services.

1353 4. Auxiliary aids and services for qualified individuals
1354 with a disability which are necessary to ensure access to the
1355 courts. Such auxiliary aids and services include, but are not
1356 limited to, sign language interpretation services required under
1357 the federal Americans with Disabilities Act other than services
1358 required to satisfy due-process requirements and identified as a
1359 state funding responsibility pursuant to ss. 29.004, 29.005,
1360 29.006, and 29.007, real-time transcription services for
1361 individuals who are hearing impaired, and assistive listening
1362 devices and the equipment necessary to implement such
1363 accommodations.

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1364 (g) "Existing radio systems" includes, but is not limited
1365 to, law enforcement radio systems that are used by the circuit
1366 and county courts, the offices of the public defenders, the
1367 offices of the state attorneys, and for court-related functions
1368 of the offices of the clerks of the circuit and county courts.
1369 This includes radio systems that were operational or under
1370 contract at the time Revision No. 7, 1998, to Art. V of the
1371 State Constitution was adopted and any enhancements made
1372 thereafter, the maintenance of those systems, and the personnel
1373 and supplies necessary for operation.

1374 (h) "Existing multiagency criminal justice information
1375 systems" includes, but is not limited to, those components of
1376 the multiagency criminal justice information system as defined
1377 in s. 943.045, supporting the offices of the circuit or county
1378 courts, the public defenders' offices, the state attorneys'
1379 offices, or those portions of the offices of the clerks of the
1380 circuit and county courts performing court-related functions
1381 that are used to carry out the court-related activities of those
1382 entities. This includes upgrades and maintenance of the current
1383 equipment, maintenance and upgrades of supporting technology
1384 infrastructure and associated staff, and services and expenses
1385 to assure continued information sharing and reporting of
1386 information to the state. The counties shall also provide
1387 additional information technology services, hardware, and
1388 software as needed for new judges and staff of the state courts
1389 system, state attorneys' offices, public defenders' offices,
1390 guardian ad litem offices, and the offices of the clerks of the
1391 circuit and county courts performing court-related functions.

1392 (2) Counties shall pay reasonable and necessary salaries,

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1393 costs, and expenses of the state courts system, including
1394 associated staff and expenses, to meet local requirements.

1395 (a) Local requirements are those specialized programs,
1396 nonjudicial staff, and other expenses associated with
1397 specialized court programs, specialized prosecution needs,
1398 specialized defense needs, or resources required of a local
1399 jurisdiction as a result of special factors or circumstances.

1400 Local requirements exist:

1401 1. When imposed pursuant to an express statutory directive,
1402 based on such factors as provided in paragraph (b); or

1403 2. When:

1404 a. The county has enacted an ordinance, adopted a local
1405 program, or funded activities with a financial or operational
1406 impact on the circuit or a county within the circuit; or

1407 b. Circumstances in a given circuit or county result in or
1408 necessitate implementation of specialized programs, the
1409 provision of nonjudicial staff and expenses to specialized court
1410 programs, special prosecution needs, specialized defense needs,
1411 or the commitment of resources to the court's jurisdiction.

1412 (b) Factors and circumstances resulting in the
1413 establishment of a local requirement include, but are not
1414 limited to:

1415 1. Geographic factors;

1416 2. Demographic factors;

1417 3. Labor market forces;

1418 4. The number and location of court facilities; or

1419 5. The volume, severity, complexity, or mix of court cases.

1420 (c) Local requirements under subparagraph (a)2. must be
1421 determined by the following method:

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1422 1. The chief judge of the circuit, in conjunction with the
1423 state attorney and, the public defender, ~~and the criminal~~
1424 ~~conflict and civil regional counsel only~~ on matters that impact
1425 only their offices, shall identify all local requirements within
1426 the circuit or within each county in the circuit and shall
1427 identify the reasonable and necessary salaries, costs, and
1428 expenses to meet these local requirements.

1429 2. On or before June 1 of each year, the chief judge shall
1430 submit to the board of county commissioners a tentative budget
1431 request for local requirements for the ensuing fiscal year. The
1432 tentative budget must certify a listing of all local
1433 requirements and the reasonable and necessary salaries, costs,
1434 and expenses for each local requirement. The board of county
1435 commissioners may, by resolution, require the certification to
1436 be submitted earlier.

1437 3. The board of county commissioners shall thereafter treat
1438 the certification in accordance with the county's budgetary
1439 procedures. A board of county commissioners may:

1440 a. Determine whether to provide funding, and to what extent
1441 it will provide funding, for salaries, costs, and expenses under
1442 this section;

1443 b. Require a county finance officer to conduct a preaudit
1444 review of any county funds provided under this section prior to
1445 disbursement;

1446 c. Require review or audit of funds expended under this
1447 section by the appropriate county office; and

1448 d. Provide additional financial support for the courts
1449 system, state attorneys, public defenders, or criminal conflict
1450 and civil regional counsel.

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1451 (d) Counties may satisfy these requirements by entering
1452 into interlocal agreements for the collective funding of these
1453 reasonable and necessary salaries, costs, and expenses.

1454 (3) The following shall be considered a local requirement
1455 pursuant to subparagraph (2) (a)1.:

1456 (a) Legal aid programs, which shall be funded at a level
1457 equal to or greater than the amount provided from filing fees
1458 and surcharges to legal aid programs from October 1, 2002, to
1459 September 30, 2003.

1460 (b) Alternative sanctions coordinators pursuant to ss.
1461 984.09 and 985.037.

1462 (4) (a) The Department of Financial Services shall review
1463 county expenditure reports required under s. 29.0085 for the
1464 purpose of ensuring that counties fulfill the responsibilities
1465 of this section. The department shall compare county fiscal
1466 reports to determine if expenditures for the items specified in
1467 paragraphs (1) (a)-(h) and subsection (3) have increased by 1.5
1468 percent over the prior county fiscal year. The initial review
1469 must compare county fiscal year 2005-2006 to county fiscal year
1470 2004-2005. If the department finds that expenditures for the
1471 items specified in paragraphs (1) (a)-(h) and subsection (3) have
1472 not increased by 1.5 percent over the prior county fiscal year,
1473 the department shall notify the President of the Senate and the
1474 Speaker of the House of Representatives and the respective
1475 county. The Legislature may determine that a county has met its
1476 obligations for items specified in this section if the prior
1477 county fiscal year included nonrecurring expenditures for
1478 facilities or information technology that is not needed in the
1479 next county fiscal year or expenditures or actions that enable a

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1480 county to attain efficiencies in providing services to the court
1481 system. The Legislature may direct the Department of Revenue to
1482 withhold revenue-sharing receipts distributed pursuant to part
1483 II of chapter 218, except for revenues used for paying the
1484 principal or interest on bonds, tax anticipation certificates,
1485 or any other form of indebtedness allowed under s. 218.25(1),
1486 (2), or (4), from any county that is not in compliance with the
1487 funding obligations in this section by an amount equal to the
1488 difference between the amount spent and the amount that would
1489 have been spent had the county increased expenditures by 1.5
1490 percent per year.

1491 (b) The department shall transfer the withheld payments to
1492 the General Revenue Fund by March 31 of each year for the
1493 previous county fiscal year. These payments are appropriated to
1494 the Department of Revenue to pay for these responsibilities on
1495 behalf of the county.

1496 Section 16. Section 29.0095, Florida Statutes, is repealed.

1497 Section 17. Section 29.0195, Florida Statutes, is amended
1498 to read:

1499 29.0195 Recovery of expenditures for state-funded
1500 services.—The trial court administrator of each circuit shall
1501 recover expenditures for state-funded services when those
1502 services have been furnished to a user of the state court system
1503 who possesses the present ability to pay. The rate of
1504 compensation for such services shall be the actual cost of the
1505 services, including the cost of recovery. The trial court
1506 administrator shall deposit moneys recovered under this section
1507 in the Administrative ~~Operating~~ Trust Fund within the state
1508 courts ~~court~~ system. The trial court administrator shall recover

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1509 the costs of court reporter services and transcription; court
1510 interpreter services, including translation; and any other
1511 service for which state funds were used to provide a product or
1512 service within the circuit. This section does not authorize cost
1513 recovery from entities described in ss. 29.005, 29.006, and
1514 29.007.

1515 Section 18. Paragraph (a) of subsection (1) of section
1516 34.041, Florida Statutes, is amended to read:

1517 34.041 Filing fees.—

1518 (1) (a) Upon the institution of any civil action, suit, or
1519 proceeding in county court, the party shall pay the following
1520 filing fee, not to exceed:

- 1521 1. For all claims less than \$100.....\$50.
- 1522 2. For all claims of \$100 or more but not more than \$500\$75.
- 1523 3. For all claims of more than \$500 but not more than
- 1524 \$2,500.....\$170.
- 1525 4. For all claims of more than \$2,500.....\$295.
- 1526 5. In addition, for all proceedings of garnishment,
- 1527 attachment, replevin, and distress.....\$85.
- 1528 6. Notwithstanding subparagraphs 3. and 5., for all claims
- 1529 of not more than \$1,000 filed simultaneously with an action for
- 1530 replevin of property that is the subject of the claim.....\$125.
- 1531 7. For removal of tenant action.....\$180.

1532
1533 The filing fee prescribed in subparagraph 6. is the total fee
1534 due under this paragraph for that type of filing. No other
1535 filing fee under this paragraph shall be assessed against such a
1536 filing.

1537 Section 19. Subsection (6) of section 35.22, Florida

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1538 Statutes, is amended to read:

1539 35.22 Clerk of district court; appointment; compensation;
1540 assistants; filing fees; teleconferencing.-

1541 (6) The clerk of each district court of appeal is required
1542 to deposit all fees collected in the State Treasury to the
1543 credit of the General Revenue Fund, except that \$50 of each \$300
1544 filing fee collected shall be deposited into the State Courts
1545 Revenue ~~state court's Operating~~ Trust Fund to fund court
1546 operations ~~improvement projects~~ as authorized in the General
1547 Appropriations Act. The clerk shall retain an accounting of each
1548 such remittance.

1549 Section 20. Section 39.0134, Florida Statutes, is amended
1550 to read:

1551 39.0134 Appointed counsel; compensation.-

1552 (1) If counsel is entitled to receive compensation for
1553 representation pursuant to a court appointment in a dependency
1554 proceeding or a termination of parental rights proceeding
1555 pursuant to this chapter, compensation shall be paid in
1556 accordance with s. 27.5304. The state may acquire and enforce a
1557 lien upon court-ordered payment of attorney's fees and costs in
1558 the same manner prescribed in s. 938.29 ~~accordance with s.~~
1559 ~~984.08.~~

1560 (2) (a) A parent whose child is dependent, whether or not
1561 adjudication was withheld, or whose parental rights are
1562 terminated and who has received the assistance of the office of
1563 criminal conflict and civil regional counsel, or any other
1564 court-appointed attorney, or who has received due process
1565 services after being found indigent for costs under s. 57.082,
1566 shall be liable for payment of the assessed application fee

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1567 under s. 57.082, together with reasonable attorney's fees and
1568 costs as determined by the court.

1569 (b) If reasonable attorney's fees or costs are assessed,
1570 the court, at its discretion, may make payment of the fees or
1571 costs part of any case plan in dependency proceedings. However,
1572 a case plan may not remain open for the sole issue of payment of
1573 attorney's fees or costs. At the court's discretion, a lien upon
1574 court-ordered payment of attorney's fees and costs may be
1575 ordered by the court and enforced in the same manner prescribed
1576 in s. 938.29.

1577 (c) The clerk of the court shall transfer monthly all
1578 attorney's fees and costs collected under this subsection to the
1579 Department of Revenue for deposit into the Indigent Civil
1580 Defense Trust Fund, to be used as appropriated by the
1581 Legislature and consistent with s. 27.5111.

1582 Section 21. Subsection (1) of section 39.821, Florida
1583 Statutes, is amended to read:

1584 39.821 Qualifications of guardians ad litem.—

1585 (1) Because of the special trust or responsibility placed
1586 in a guardian ad litem, the Guardian Ad Litem Program may use
1587 any private funds collected by the program, or any state funds
1588 so designated, to conduct a security background investigation
1589 before certifying a volunteer to serve. A security background
1590 investigation must include, but need not be limited to,
1591 employment history checks, checks of references, local criminal
1592 records checks through local law enforcement agencies, and
1593 statewide criminal records checks through the Department of Law
1594 Enforcement. Upon request, an employer shall furnish a copy of
1595 the personnel record for the employee or former employee who is

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1596 the subject of a security background investigation conducted
1597 under this section. The information contained in the personnel
1598 record may include, but need not be limited to, disciplinary
1599 matters and the reason why the employee was terminated from
1600 employment. An employer who releases a personnel record for
1601 purposes of a security background investigation is presumed to
1602 have acted in good faith and is not liable for information
1603 contained in the record without a showing that the employer
1604 maliciously falsified the record. A security background
1605 investigation conducted under this section must ensure that a
1606 person is not certified as a guardian ad litem if the person has
1607 been convicted of, regardless of adjudication, or entered a plea
1608 of nolo contendere or guilty to, any offense prohibited under
1609 the provisions listed in s. 435.04 ~~of the Florida Statutes~~
1610 ~~specified in s. 435.04(2) or under any similar law in another~~
1611 ~~jurisdiction.~~ Effective July 1, 2010, all applicants must
1612 undergo a level 2 background screening pursuant to chapter 435
1613 before being certified ~~Before certifying an applicant to serve~~
1614 as a guardian ad litem, and the Guardian Ad Litem Program may
1615 request a federal criminal records check of the applicant
1616 through the Federal Bureau of Investigation. In analyzing and
1617 evaluating the information obtained in the security background
1618 investigation, the program must give particular emphasis to past
1619 activities involving children, including, but not limited to,
1620 child-related criminal offenses or child abuse. The program has
1621 the sole discretion in determining whether to certify a person
1622 based on his or her security background investigation. The
1623 information collected pursuant to the security background
1624 investigation is confidential and exempt from s. 119.07(1).

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1625 Section 22. Subsections (1) and (5) of section 57.082,
1626 Florida Statutes, are amended to read:

1627 57.082 Determination of civil indigent status.—

1628 (1) APPLICATION TO THE CLERK.—A person seeking appointment
1629 of an attorney in a civil case eligible for court-appointed
1630 counsel, or seeking relief from payment of filing fees and
1631 prepayment of costs under s. 57.081, based upon an inability to
1632 pay must apply to the clerk of the court for a determination of
1633 civil indigent status using an application form developed by the
1634 Florida Clerks of Court Operations Corporation with final
1635 approval by the Supreme Court.

1636 (a) The application must include, at a minimum, the
1637 following financial information:

1638 1. Net income, consisting of total salary and wages, minus
1639 deductions required by law, including court-ordered support
1640 payments.

1641 2. Other income, including, but not limited to, social
1642 security benefits, union funds, veterans' benefits, workers'
1643 compensation, other regular support from absent family members,
1644 public or private employee pensions, unemployment compensation,
1645 dividends, interest, rent, trusts, and gifts.

1646 3. Assets, including, but not limited to, cash, savings
1647 accounts, bank accounts, stocks, bonds, certificates of deposit,
1648 equity in real estate, and equity in a boat or a motor vehicle
1649 or in other tangible property.

1650 4. All liabilities and debts.

1651
1652 The application must include a signature by the applicant which
1653 attests to the truthfulness of the information provided. The

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1654 application form developed by the corporation must include
1655 notice that the applicant may seek court review of a clerk's
1656 determination that the applicant is not indigent, as provided in
1657 this section.

1658 (b) The clerk shall assist a person who appears before the
1659 clerk and requests assistance in completing the application, and
1660 the clerk shall notify the court if a person is unable to
1661 complete the application after the clerk has provided
1662 assistance.

1663 (c) The clerk shall accept an application that is signed by
1664 the applicant and submitted on his or her behalf by a private
1665 attorney who is representing the applicant in the applicable
1666 matter.

1667 (d) A person who seeks appointment of an attorney in a
1668 proceeding ~~case~~ under chapter 39, at shelter hearings or during
1669 the adjudicatory process, during the judicial review process,
1670 upon the filing of a petition to terminate parental rights, or
1671 upon the filing of any appeal, or if the person seeks
1672 appointment of an attorney in a reopened proceeding ~~the trial or~~
1673 ~~appellate level~~, for which an indigent person is eligible for
1674 court-appointed representation must, shall pay a \$50 application
1675 fee to the clerk for each application filed. A person is not
1676 required to pay more than one application fee per case. However,
1677 an appeal or the reopening of a proceeding shall be deemed to be
1678 a distinct case. The applicant must ~~shall~~ pay the fee within 7
1679 days after submitting the application. If the applicant has not
1680 paid the fee within 7 days, the court shall enter an order
1681 requiring payment, and the clerk shall pursue collection under
1682 s. 28.246. The clerk shall transfer monthly all application fees

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1683 collected under this paragraph to the Department of Revenue for
1684 deposit into the Indigent Civil Defense Trust Fund, to be used
1685 as appropriated by the Legislature. The clerk may retain 10
1686 percent of application fees collected monthly for administrative
1687 costs prior to remitting the remainder to the Department of
1688 Revenue. ~~A person found to be indigent may not be refused~~
1689 ~~counsel.~~ If the person cannot pay the application fee, the clerk
1690 shall enroll the person in a payment plan pursuant to s. 28.246.

1691 (5) APPOINTMENT OF COUNSEL.—In appointing counsel after a
1692 determination that a person is indigent under this section, the
1693 court shall first appoint the office of criminal conflict and
1694 civil regional counsel, as provided in s. 27.511, unless
1695 specific provision is made in law for the appointment of the
1696 public defender in the particular civil proceeding. The court
1697 shall also order the person to pay the application fee under
1698 subsection (1), or enroll in a payment plan if he or she is
1699 unable to pay the fee, if the fee remains unpaid or if the
1700 person has not enrolled in a payment plan at the time the court
1701 appoints counsel. However, a person who is found to be indigent
1702 may not be refused counsel.

1703 Section 23. Subsection (2) of section 316.192, Florida
1704 Statutes, is amended to read:

1705 316.192 Reckless driving.—

1706 (2) Except as provided in subsection (3), any person
1707 convicted of reckless driving shall be punished:

1708 (a) Upon a first conviction, by imprisonment for a period
1709 of not more than 90 days or by fine of not less than \$100 ~~\$25~~
1710 nor more than \$500, or by both such fine and imprisonment.

1711 (b) On a second or subsequent conviction, by imprisonment

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1712 for not more than 6 months or by a fine of not less than \$200
1713 ~~\$50~~ nor more than \$1,000, or by both such fine and imprisonment.

1714 Section 24. Effective October 1, 2010, subsection (4) of
1715 section 320.02, Florida Statutes, is amended to read:

1716 320.02 Registration required; application for registration;
1717 forms.—

1718 (4) The owner of any motor vehicle registered in the state
1719 shall notify the department in writing of any change of address
1720 within 60 ~~20~~ days after ~~of~~ such change. The notification shall
1721 include the registration license plate number, the vehicle
1722 identification number (VIN) or title certificate number, year of
1723 vehicle make, and the owner's full name.

1724 Section 25. Effective October 1, 2010, section 320.061,
1725 Florida Statutes, is amended to read:

1726 320.061 Unlawful to alter motor vehicle registration
1727 certificates, license plates, mobile home stickers, or
1728 validation stickers or to obscure license plates; penalty.—No
1729 person shall alter the original appearance of any registration
1730 license plate, mobile home sticker, validation sticker, or
1731 vehicle registration certificate issued for and assigned to any
1732 motor vehicle or mobile home, whether by mutilation, alteration,
1733 defacement, or change of color or in any other manner. No person
1734 shall apply or attach any substance, reflective matter,
1735 illuminated device, spray, coating, covering, or other material
1736 onto or around any license plate that interferes with the
1737 legibility, angular visibility, or detectability of any feature
1738 or detail on the license plate or interferes with the ability to
1739 record any feature or detail on the license plate. Any person
1740 who violates this section commits a noncriminal traffic

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1741 infraction, punishable as a moving violation as provided in
1742 chapter 318 ~~misdemeanor of the second degree, punishable as~~
1743 ~~provided in s. 775.082 or s. 775.083.~~

1744 Section 26. Effective October 1, 2010, subsection (3) of
1745 section 320.131, Florida Statutes, is amended to read:

1746 320.131 Temporary tags.—

1747 (3) Any person or corporation who unlawfully issues or uses
1748 a temporary tag or violates this section or any rule adopted by
1749 the department to implement this section is guilty of a
1750 noncriminal infraction, punishable as a moving violation as
1751 provided in chapter 318 ~~misdemeanor of the second degree~~
1752 ~~punishable as provided in s. 775.082 or s. 775.083~~ in addition
1753 to other administrative action by the department., ~~except that~~
1754 Using a temporary tag that has been expired for a period of 7
1755 days or less is a noncriminal infraction, and is a nonmoving
1756 violation punishable as provided for in chapter 318.

1757 Section 27. Effective October 1, 2010, section 320.38,
1758 Florida Statutes, is amended to read:

1759 320.38 When nonresident exemption not allowed.—The
1760 provisions of s. 320.37 authorizing the operation of motor
1761 vehicles over the roads of this state by nonresidents of this
1762 state when such vehicles are duly registered or licensed under
1763 the laws of some other state or foreign country do not apply to
1764 any nonresident who accepts employment or engages in any trade,
1765 profession, or occupation in this state, except a nonresident
1766 migrant or seasonal farm worker as defined in s. 316.003(61). In
1767 every case in which a nonresident, except a nonresident migrant
1768 or seasonal farm worker as defined in s. 316.003(61), accepts
1769 employment or engages in any trade, profession, or occupation in

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1770 this state or enters his or her children to be educated in the
1771 public schools of this state, such nonresident shall, within 60
1772 ~~10~~ days after the commencement of such employment or education,
1773 register his or her motor vehicles in this state if such motor
1774 vehicles are proposed to be operated on the roads of this state.
1775 Any person who is enrolled as a student in a college or
1776 university and who is a nonresident but who is in this state for
1777 a period of up to 6 months engaged in a work-study program for
1778 which academic credits are earned from a college whose credits
1779 or degrees are accepted for credit by at least three accredited
1780 institutions of higher learning, as defined in s. 1005.02, is
1781 not required to have a Florida registration for the duration of
1782 the work-study program if the person's vehicle is properly
1783 registered in another jurisdiction. Any nonresident who is
1784 enrolled as a full-time student in such institution of higher
1785 learning is also exempt for the duration of such enrollment.

1786 Section 28. Effective October 1, 2010, subsections (1) and
1787 (5) of section 322.03, Florida Statutes, are amended to read:

1788 322.03 Drivers must be licensed; penalties.—

1789 (1) Except as otherwise authorized in this chapter, a
1790 person may not drive any motor vehicle upon a highway in this
1791 state unless such person has a valid driver's license issued
1792 under this chapter.

1793 (a) A person who drives a commercial motor vehicle may not
1794 receive a driver's license unless and until he or she surrenders
1795 to the department all driver's licenses in his or her possession
1796 issued to him or her by any other jurisdiction or makes an
1797 affidavit that he or she does not possess a driver's license.
1798 Any such person who fails to surrender such licenses commits a

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1799 noncriminal infraction punishable as a moving violation as set
1800 forth in chapter 318. Any such person ~~or~~ who makes a false
1801 affidavit concerning such licenses commits a misdemeanor of the
1802 first degree, punishable as provided in s. 775.082 or s.
1803 775.083.

1804 (b) All surrendered licenses may be returned by the
1805 department to the issuing jurisdiction together with information
1806 that the licensee is now licensed in a new jurisdiction or may
1807 be destroyed by the department, which shall notify the issuing
1808 jurisdiction of such destruction. A person may not have more
1809 than one valid driver's license at any time.

1810 (c) Part-time residents of this state issued a license that
1811 is valid within this state only under paragraph (b) as that
1812 paragraph existed before November 1, 2009, may continue to hold
1813 such license until the next issuance of a Florida driver's
1814 license or identification card. Licenses that are identified as
1815 "Valid in Florida Only" may not be issued or renewed effective
1816 November 1, 2009. This paragraph expires June 30, 2017.

1817 (5) It is a violation of this section for any person whose
1818 driver's license has been expired for more than 6 4 months to
1819 operate a motor vehicle on the highways of this state.

1820 Section 29. Effective October 1, 2010, subsections (5) and
1821 (6) of section 322.16, Florida Statutes, are amended to read:

1822 322.16 License restrictions.—

1823 ~~(5) It is a misdemeanor of the second degree, punishable as~~
1824 ~~provided in s. 775.082 or s. 775.083, for any person to operate~~
1825 ~~a motor vehicle in any manner in violation of the restrictions~~
1826 ~~imposed in a license issued to him or her except for a violation~~
1827 ~~of paragraph (1) (d), subsection (2), or subsection (3).~~

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1828 (5)~~(6)~~ Any person who operates a motor vehicle in violation
1829 of the restrictions imposed in this section ~~subsection (2) or~~
1830 ~~subsection (3)~~ will be charged with a moving violation and fined
1831 in accordance with chapter 318.

1832 Section 30. Paragraph (a) of subsection (2) of section
1833 394.4599, Florida Statutes, is amended to read:

1834 394.4599 Notice.—

1835 (2) INVOLUNTARY PATIENTS.—

1836 (a) Whenever notice is required to be given under this
1837 part, such notice shall be given to the patient and the
1838 patient's guardian, guardian advocate, attorney, and
1839 representative.

1840 1. When notice is required to be given to a patient, it
1841 shall be given both orally and in writing, in the language and
1842 terminology that the patient can understand, and, if needed, the
1843 facility shall provide an interpreter for the patient.

1844 2. Notice to a patient's guardian, guardian advocate,
1845 attorney, and representative shall be given by United States
1846 mail and by registered or certified mail with the receipts
1847 attached to the patient's clinical record. Hand delivery by a
1848 facility employee may be used as an alternative, with delivery
1849 documented in the clinical record. If notice is given by ~~a state~~
1850 ~~attorney or~~ an attorney for the department, a certificate of
1851 service shall be sufficient to document service.

1852 Section 31. Subsection (3) of section 394.4615, Florida
1853 Statutes, is amended to read:

1854 394.4615 Clinical records; confidentiality.—

1855 (3) Information from the clinical record may be released in
1856 the following circumstances:

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1857 (a) When a patient has declared an intention to harm other
1858 persons. When such declaration has been made, the administrator
1859 may authorize the release of sufficient information to provide
1860 adequate warning to the person threatened with harm by the
1861 patient.

1862 (b) When the administrator of the facility or secretary of
1863 the department deems release to a qualified researcher as
1864 defined in administrative rule, an aftercare treatment provider,
1865 or an employee or agent of the department is necessary for
1866 treatment of the patient, maintenance of adequate records,
1867 compilation of treatment data, aftercare planning, or evaluation
1868 of programs.

1869
1870 For the purpose of determining whether a person meets the
1871 criteria for involuntary outpatient placement or for preparing
1872 the proposed treatment plan pursuant to s. 394.4655, the
1873 clinical record may be released to ~~the state attorney,~~ the
1874 public defender or the patient's private legal counsel, the
1875 court, and to the appropriate mental health professionals,
1876 including the service provider identified in s.

1877 394.4655(6)(b)2., in accordance with state and federal law.

1878 Section 32. Paragraph (c) of subsection (3), paragraph (a)
1879 of subsection (6), and paragraph (a) of subsection (7) of
1880 section 394.4655, Florida Statutes, are amended to read:

1881 394.4655 Involuntary outpatient placement.—

1882 (3) PETITION FOR INVOLUNTARY OUTPATIENT PLACEMENT.—

1883 (c) The petition for involuntary outpatient placement must
1884 be filed in the county where the patient is located, unless the
1885 patient is being placed from a state treatment facility, in

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1886 which case the petition must be filed in the county where the
1887 patient will reside. When the petition has been filed, the clerk
1888 of the court shall provide copies of the petition and the
1889 proposed treatment plan to the department, the patient, the
1890 patient's guardian or representative, ~~the state attorney,~~ and
1891 the public defender or the patient's private counsel. A fee may
1892 not be charged for filing a petition under this subsection.

1893 (6) HEARING ON INVOLUNTARY OUTPATIENT PLACEMENT.—

1894 (a)1. The court shall hold the hearing on involuntary
1895 outpatient placement within 5 working days after the filing of
1896 the petition, unless a continuance is granted. The hearing shall
1897 be held in the county where the petition is filed, shall be as
1898 convenient to the patient as is consistent with orderly
1899 procedure, and shall be conducted in physical settings not
1900 likely to be injurious to the patient's condition. If the court
1901 finds that the patient's attendance at the hearing is not
1902 consistent with the best interests of the patient and if the
1903 patient's counsel does not object, the court may waive the
1904 presence of the patient from all or any portion of the hearing.
1905 ~~The state attorney for the circuit in which the patient is~~
1906 ~~located shall represent the state, rather than the petitioner,~~
1907 ~~as the real party in interest in the proceeding.~~

1908 2. The court may appoint a master to preside at the
1909 hearing. One of the professionals who executed the involuntary
1910 outpatient placement certificate shall be a witness. The patient
1911 and the patient's guardian or representative shall be informed
1912 by the court of the right to an independent expert examination.
1913 If the patient cannot afford such an examination, the court
1914 shall provide for one. The independent expert's report shall be

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1915 confidential and not discoverable, unless the expert is to be
1916 called as a witness for the patient at the hearing. The court
1917 shall allow testimony from individuals, including family
1918 members, deemed by the court to be relevant under state law,
1919 regarding the person's prior history and how that prior history
1920 relates to the person's current condition. The testimony in the
1921 hearing must be given under oath, and the proceedings must be
1922 recorded. The patient may refuse to testify at the hearing.

1923 (7) PROCEDURE FOR CONTINUED INVOLUNTARY OUTPATIENT
1924 PLACEMENT.—

1925 (a)1. If the person continues to meet the criteria for
1926 involuntary outpatient placement, the service provider shall,
1927 before the expiration of the period during which the treatment
1928 is ordered for the person, file in the circuit court a petition
1929 for continued involuntary outpatient placement.

1930 2. The existing involuntary outpatient placement order
1931 remains in effect until disposition on the petition for
1932 continued involuntary outpatient placement.

1933 3. A certificate shall be attached to the petition which
1934 includes a statement from the person's physician or clinical
1935 psychologist justifying the request, a brief description of the
1936 patient's treatment during the time he or she was involuntarily
1937 placed, and an individualized plan of continued treatment.

1938 4. The service provider shall develop the individualized
1939 plan of continued treatment in consultation with the patient or
1940 the patient's guardian advocate, if appointed. When the petition
1941 has been filed, the clerk of the court shall provide copies of
1942 the certificate and the individualized plan of continued
1943 treatment to the department, the patient, the patient's guardian

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1944 advocate, ~~the state attorney,~~ and the patient's private counsel
1945 or the public defender.

1946 Section 33. Subsection (3) and paragraph (a) of subsection
1947 (6) of section 394.467, Florida Statutes, are amended to read:
1948 394.467 Involuntary inpatient placement.—

1949 (3) PETITION FOR INVOLUNTARY INPATIENT PLACEMENT.—The
1950 administrator of the facility shall file a petition for
1951 involuntary inpatient placement in the court in the county where
1952 the patient is located. Upon filing, the clerk of the court
1953 shall provide copies to the department, the patient, the
1954 patient's guardian or representative, ~~and the state attorney~~ and
1955 public defender of the judicial circuit in which the patient is
1956 located. No fee shall be charged for the filing of a petition
1957 under this subsection.

1958 (6) HEARING ON INVOLUNTARY INPATIENT PLACEMENT.—

1959 (a)1. The court shall hold the hearing on involuntary
1960 inpatient placement within 5 days, unless a continuance is
1961 granted. The hearing shall be held in the county where the
1962 patient is located and shall be as convenient to the patient as
1963 may be consistent with orderly procedure and shall be conducted
1964 in physical settings not likely to be injurious to the patient's
1965 condition. If the court finds that the patient's attendance at
1966 the hearing is not consistent with the best interests of the
1967 patient, and the patient's counsel does not object, the court
1968 may waive the presence of the patient from all or any portion of
1969 the hearing. ~~The state attorney for the circuit in which the~~
1970 ~~patient is located shall represent the state, rather than the~~
1971 ~~petitioning facility administrator, as the real party in~~
1972 ~~interest in the proceeding.~~

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1973 2. The court may appoint a general or special magistrate to
1974 preside at the hearing. One of the professionals who executed
1975 the involuntary inpatient placement certificate shall be a
1976 witness. The patient and the patient's guardian or
1977 representative shall be informed by the court of the right to an
1978 independent expert examination. If the patient cannot afford
1979 such an examination, the court shall provide for one. The
1980 independent expert's report shall be confidential and not
1981 discoverable, unless the expert is to be called as a witness for
1982 the patient at the hearing. The testimony in the hearing must be
1983 given under oath, and the proceedings must be recorded. The
1984 patient may refuse to testify at the hearing.

1985 Section 34. Subsection (1) of section 775.083, Florida
1986 Statutes, is amended to read:

1987 775.083 Fines.—

1988 (1) A person who has been convicted of an offense other
1989 than a capital felony may be sentenced to pay a fine in addition
1990 to any punishment described in s. 775.082; when specifically
1991 authorized by statute, he or she may be sentenced to pay a fine
1992 in lieu of any punishment described in s. 775.082. A person who
1993 has been convicted of a noncriminal violation may be sentenced
1994 to pay a fine. Fines for designated crimes and for noncriminal
1995 violations shall not exceed:

1996 (a) \$15,000, when the conviction is of a life felony.

1997 (b) \$10,000, when the conviction is of a felony of the
1998 first or second degree.

1999 (c) \$5,000, when the conviction is of a felony of the third
2000 degree.

2001 (d) \$1,000, when the conviction is of a misdemeanor of the

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2002 first degree.

2003 (e) \$500, when the conviction is of a misdemeanor of the
2004 second degree or a noncriminal violation.

2005 (f) Any higher amount equal to double the pecuniary gain
2006 derived from the offense by the offender or double the pecuniary
2007 loss suffered by the victim.

2008 (g) Any higher amount specifically authorized by statute.
2009

2010 Fines imposed in this subsection shall be deposited by the clerk
2011 of the court in the fine and forfeiture fund established
2012 pursuant to s. 142.01, except that the clerk shall remit fines
2013 imposed when adjudication is withheld to the Department of
2014 Revenue for deposit shall be deposited in the General Revenue
2015 Fund State Courts Revenue Trust Fund, and such fines imposed
2016 when adjudication is withheld are not revenue for purposes of s.
2017 28.36 and may not be used in establishing the budget of the
2018 clerk of the court under that section or s. 28.35. If a
2019 defendant is unable to pay a fine, the court may defer payment
2020 of the fine to a date certain. As used in this subsection, the
2021 term "convicted" or "conviction" means a determination of guilt
2022 which is the result of a trial or the entry of a plea of guilty
2023 or nolo contendere, regardless of whether adjudication is
2024 withheld.

2025 Section 35. Section 775.08401, Florida Statutes, is
2026 repealed.

2027 Section 36. Subsection (5) of section 775.087, Florida
2028 Statutes, is repealed.

2029 Section 37. Subsection (5) of section 775.0843, Florida
2030 Statutes, is amended to read:

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2031 775.0843 Policies to be adopted for career criminal cases.-

2032 (5) Each career criminal apprehension program shall
2033 concentrate on the identification and arrest of career criminals
2034 and the support of subsequent prosecution. The determination of
2035 which suspected felony offenders shall be the subject of career
2036 criminal apprehension efforts shall be made in accordance with
2037 written target selection criteria selected by the individual law
2038 enforcement agency and state attorney consistent with the
2039 provisions of this section and s. ss. 775.08401 and 775.0842.

2040 Section 38. Section 938.06, Florida Statutes, is amended to
2041 read:

2042 938.06 ~~Additional~~ Cost for crime stoppers programs.-

2043 (1) In addition to any fine prescribed by law, when a
2044 person is convicted of ~~for~~ any criminal offense, the county or
2045 circuit court shall assess ~~there is hereby assessed as~~ a court
2046 ~~cost an additional surcharge of \$20 on such fine, which shall be~~
2047 ~~imposed by all county and circuit courts and collected by the~~
2048 ~~clerks of the courts together with such fine.~~

2049 (2) The clerk of the court shall collect and forward, on a
2050 monthly basis, all costs assessed under this section, less \$3
2051 per assessment as a service charge to be retained by the clerk,
2052 to the Department of Revenue for deposit in the Crime Stoppers
2053 Trust Fund, to be used as provided in s. 16.555.

2054 (3) As used in this section, the term "convicted" means a
2055 determination of guilt which is the result of a trial or the
2056 entry of a plea of guilty or nolo contendere, regardless of
2057 whether adjudication is withheld.

2058 Section 39. Section 939.08, Florida Statutes, is amended to
2059 read:

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2060 939.08 Costs to be certified before audit.—In all cases
2061 wherein is claimed the payment of applicable bills of costs,
2062 fees, or expenses of the state courts system as provided in s.
2063 29.004, other than juror and witness fees, in the adjudication
2064 of any case payable by the state, the trial court administrator
2065 or the administrator's designee shall review the itemized bill.
2066 The bill shall not be paid until the trial court administrator
2067 or the administrator's designee has approved it and certified
2068 that it is just, correct, and reasonable and contains no
2069 unnecessary or illegal item.

2070 Section 40. Paragraph (a) of subsection (1) of section
2071 939.185, Florida Statutes, is amended to read:

2072 939.185 Assessment of additional court costs and
2073 surcharges.—

2074 (1) (a) The board of county commissioners may adopt by
2075 ordinance an additional court cost, not to exceed \$65, to be
2076 imposed by the court when a person pleads guilty or nolo
2077 contendere to, or is found guilty of, or adjudicated delinquent
2078 for, any felony, misdemeanor, delinquent act, or criminal
2079 traffic offense under the laws of this state. Such additional
2080 assessment shall be accounted for separately by the county in
2081 which the offense occurred and be used only in the county
2082 imposing this cost, to be allocated as follows:

2083 1. Twenty-five percent of the amount collected shall be
2084 allocated to fund innovations, as determined by the chief judge
2085 of the circuit, to supplement state funding for the elements of
2086 the state courts system identified in s. 29.004 and county
2087 funding for local requirements under s. 29.008(2)(a)2.

2088 2. Twenty-five percent of the amount collected shall be

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2089 allocated to assist counties in providing legal aid programs
2090 required under s. 29.008(3)(a).

2091 3. Twenty-five percent of the amount collected shall be
2092 allocated to fund personnel and legal materials for the public
2093 as part of a law library.

2094 4. Twenty-five percent of the amount collected shall be
2095 used as determined by the board of county commissioners to
2096 support teen court programs, except as provided in s. 938.19(7),
2097 juvenile assessment centers, and other juvenile alternative
2098 programs.

2099
2100 Each county receiving funds under this section shall report the
2101 amount of funds collected pursuant to this section and an
2102 itemized list of expenditures for all authorized programs and
2103 activities. The report shall be submitted in a format developed
2104 by the Supreme Court to the Governor, the Chief Financial
2105 Officer, the President of the Senate, and the Speaker of the
2106 House of Representatives on a quarterly basis beginning with the
2107 quarter ending September 30, 2004. Quarterly reports shall be
2108 submitted no later than 30 days after the end of the quarter.
2109 Any unspent funds at the close of the county fiscal year
2110 allocated under subparagraphs 2., 3., and 4., shall be
2111 transferred for use pursuant to subparagraph 1.

2112 Section 41. Subsection (15) is added to section 943.03,
2113 Florida Statutes, to read:

2114 943.03 Department of Law Enforcement.—

2115 (15) The Department of Law Enforcement, in consultation
2116 with the Criminal and Juvenile Justice Information Systems
2117 Council established in s. 943.06, shall modify the existing

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2118 statewide uniform statute table in its criminal history system
2119 to meet the business requirements of state and local criminal
2120 justice and law enforcement agencies. In order to accomplish
2121 this objective, the department shall:

2122 (a) Define the minimum business requirements necessary for
2123 successful implementation;

2124 (b) Consider the charging and booking requirements of
2125 sheriffs' offices and police departments and the business
2126 requirements of state attorneys, public defenders, criminal
2127 conflict and civil regional counsel, clerks of court, judges,
2128 and state law enforcement agencies; and

2129 (c) Adopt rules establishing the necessary technical and
2130 business process standards required to implement, operate, and
2131 ensure uniform system use and compliance.

2132

2133 The required system modifications and adopted rules shall be
2134 implemented by December 31, 2011.

2135 Section 42. Paragraph (b) of subsection (3) of section
2136 943.053, Florida Statutes, is amended to read:

2137 943.053 Dissemination of criminal justice information;
2138 fees.—

2139 (3)

2140 (b) The fee per record for criminal history information
2141 provided pursuant to this subsection and s. 943.0542 is \$24 per
2142 name submitted, except that the fee for the guardian ad litem
2143 program and vendors of the Department of Children and Family
2144 Services, the Department of Juvenile Justice, and the Department
2145 of Elderly Affairs shall be \$8 for each name submitted; the fee
2146 for a state criminal history provided for application processing

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2147 as required by law to be performed by the Department of
2148 Agriculture and Consumer Services shall be \$15 for each name
2149 submitted; and the fee for requests under s. 943.0542, which
2150 implements the National Child Protection Act, shall be \$18 for
2151 each volunteer name submitted. The state offices of the Public
2152 Defender shall not be assessed a fee for Florida criminal
2153 history information or wanted person information.

2154 Section 43. Subsection (2) of section 943.0585, Florida
2155 Statutes, is amended to read:

2156 943.0585 Court-ordered expunction of criminal history
2157 records.—The courts of this state have jurisdiction over their
2158 own procedures, including the maintenance, expunction, and
2159 correction of judicial records containing criminal history
2160 information to the extent such procedures are not inconsistent
2161 with the conditions, responsibilities, and duties established by
2162 this section. Any court of competent jurisdiction may order a
2163 criminal justice agency to expunge the criminal history record
2164 of a minor or an adult who complies with the requirements of
2165 this section. The court shall not order a criminal justice
2166 agency to expunge a criminal history record until the person
2167 seeking to expunge a criminal history record has applied for and
2168 received a certificate of eligibility for expunction pursuant to
2169 subsection (2). A criminal history record that relates to a
2170 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
2171 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
2172 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
2173 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
2174 any violation specified as a predicate offense for registration
2175 as a sexual predator pursuant to s. 775.21, without regard to

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2176 whether that offense alone is sufficient to require such
2177 registration, or for registration as a sexual offender pursuant
2178 to s. 943.0435, may not be expunged, without regard to whether
2179 adjudication was withheld, if the defendant was found guilty of
2180 or pled guilty or nolo contendere to the offense, or if the
2181 defendant, as a minor, was found to have committed, or pled
2182 guilty or nolo contendere to committing, the offense as a
2183 delinquent act. The court may only order expunction of a
2184 criminal history record pertaining to one arrest or one incident
2185 of alleged criminal activity, except as provided in this
2186 section. The court may, at its sole discretion, order the
2187 expunction of a criminal history record pertaining to more than
2188 one arrest if the additional arrests directly relate to the
2189 original arrest. If the court intends to order the expunction of
2190 records pertaining to such additional arrests, such intent must
2191 be specified in the order. A criminal justice agency may not
2192 expunge any record pertaining to such additional arrests if the
2193 order to expunge does not articulate the intention of the court
2194 to expunge a record pertaining to more than one arrest. This
2195 section does not prevent the court from ordering the expunction
2196 of only a portion of a criminal history record pertaining to one
2197 arrest or one incident of alleged criminal activity.
2198 Notwithstanding any law to the contrary, a criminal justice
2199 agency may comply with laws, court orders, and official requests
2200 of other jurisdictions relating to expunction, correction, or
2201 confidential handling of criminal history records or information
2202 derived therefrom. This section does not confer any right to the
2203 expunction of any criminal history record, and any request for
2204 expunction of a criminal history record may be denied at the

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2205 sole discretion of the court.

2206 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to
2207 petitioning the court to expunge a criminal history record, a
2208 person seeking to expunge a criminal history record shall apply
2209 to the department for a certificate of eligibility for
2210 expunction. The department shall, by rule adopted pursuant to
2211 chapter 120, establish procedures pertaining to the application
2212 for and issuance of certificates of eligibility for expunction.
2213 A certificate of eligibility for expunction is valid for 12
2214 months after the date stamped on the certificate when issued by
2215 the department. After that time, the petitioner must reapply to
2216 the department for a new certificate of eligibility. Eligibility
2217 for a renewed certification of eligibility must be based on the
2218 status of the applicant and the law in effect at the time of the
2219 renewal application. The department shall issue a certificate of
2220 eligibility for expunction to a person who is the subject of a
2221 criminal history record if that person:

2222 (a) Provides a written, certified documentation of the
2223 following ~~Has obtained, and submitted to the department, a~~
2224 ~~written, certified statement from the appropriate state attorney~~
2225 ~~or statewide prosecutor which indicates:~~

2226 1. That an indictment, information, or other charging
2227 document was not filed or issued in the case.

2228 2. That an indictment, information, or other charging
2229 document, if filed or issued in the case, was dismissed or nolle
2230 prosequi by the state attorney or statewide prosecutor, or was
2231 dismissed by a court of competent jurisdiction, and that none of
2232 the charges related to the arrest or alleged criminal activity
2233 to which the petition to expunge pertains resulted in a trial,

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2234 without regard to whether the outcome of the trial was other
2235 than an adjudication of guilt.

2236 3. That the criminal history record does not relate to a
2237 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
2238 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
2239 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
2240 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
2241 any violation specified as a predicate offense for registration
2242 as a sexual predator pursuant to s. 775.21, without regard to
2243 whether that offense alone is sufficient to require such
2244 registration, or for registration as a sexual offender pursuant
2245 to s. 943.0435, where the defendant was found guilty of, or pled
2246 guilty or nolo contendere to any such offense, or that the
2247 defendant, as a minor, was found to have committed, or pled
2248 guilty or nolo contendere to committing, such an offense as a
2249 delinquent act, without regard to whether adjudication was
2250 withheld.

2251 (b) Remits a \$75 processing fee to the department for
2252 placement in the Department of Law Enforcement Operating Trust
2253 Fund, unless such fee is waived by the executive director.

2254 (c) Has submitted to the department a certified copy of the
2255 disposition of the charge to which the petition to expunge
2256 pertains.

2257 (d) Has never, prior to the date on which the application
2258 for a certificate of eligibility is filed, been adjudicated
2259 guilty of a criminal offense or comparable ordinance violation,
2260 or been adjudicated delinquent for committing any felony or a
2261 misdemeanor specified in s. 943.051(3)(b).

2262 (e) Has not been adjudicated guilty of, or adjudicated

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2263 delinquent for committing, any of the acts stemming from the
2264 arrest or alleged criminal activity to which the petition to
2265 expunge pertains.

2266 (f) Has never secured a prior sealing or expunction of a
2267 criminal history record under this section, former s. 893.14,
2268 former s. 901.33, or former s. 943.058, unless expunction is
2269 sought of a criminal history record previously sealed for 10
2270 years pursuant to paragraph (h) and the record is otherwise
2271 eligible for expunction.

2272 (g) Is no longer under court supervision applicable to the
2273 disposition of the arrest or alleged criminal activity to which
2274 the petition to expunge pertains.

2275 (h) Has previously obtained a court order sealing the
2276 record under this section, former s. 893.14, former s. 901.33,
2277 or former s. 943.058 for a minimum of 10 years because
2278 adjudication was withheld or because all charges related to the
2279 arrest or alleged criminal activity to which the petition to
2280 expunge pertains were not dismissed prior to trial, without
2281 regard to whether the outcome of the trial was other than an
2282 adjudication of guilt. The requirement for the record to have
2283 previously been sealed for a minimum of 10 years does not apply
2284 when a plea was not entered or all charges related to the arrest
2285 or alleged criminal activity to which the petition to expunge
2286 pertains were dismissed prior to trial.

2287 Section 44. Subsection (4) of section 985.557, Florida
2288 Statutes, is repealed.

2289 Section 45. The unexpended funds in the Operating Trust
2290 Fund from revenues collected pursuant to ss. 25.241 and 35.22,
2291 Florida Statutes, are transferred to the State Courts Revenue

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2292 Trust Fund. All other unexpended funds in the Operating Trust
2293 Fund are transferred to the Administrative Trust Fund within the
2294 state courts system.

2295 Section 46. Except as otherwise expressly provided in this
2296 act, this act shall take effect July 1, 2010.