
**Senate Committee:
Criminal and Civil Justice Appropriations**

CS/SB 1718 — State Judicial System

by Criminal and Civil Justice Appropriations Committee and Senator Crist

This bill:

- Amends s. 26.57, F.S., to allow the courts to pay a county judge at the circuit judge salary for that time the county judge presides over circuit court. This provision is subject to the availability of funds.
- Amends s. 27.511, F.S., to remove the expiration of the authorization for part-time assistant regional conflict counsel to have a private criminal law practice. Such assistant regional conflict counsel may not take cases where there is a legal or ethical conflict. Assistant regional conflict counsel continues to be prohibited from taking private court appointed counsel cases paid by the state under s. 27.5304, F.S.
- Amends s. 27.562, F.S., to direct all funds collected on behalf of the public defender for the cost of defense as well as the indigent application fee to be deposited in the Indigent Criminal Defense Trust Fund.
- Effective June 1, 2009, amends s. 28.2401, F.S., to rename certain probate service charges as filing fees and increases such fees by \$115. The additional amount of the fee is deposited in the State Courts Revenue Trust Fund for appropriations to the state court system.
- Effective June 1, 2009, amends s. 28.241 relating to circuit civil filing fees. Except for family law cases in chs. 39, 61, 741, 742, 747, 752, or 753, F.S., the circuit civil filing fee is increased from \$295 to \$395. The increase is to be deposited in the State Courts Revenue Trust Fund for appropriations to the state court system. In addition, the bill redirects \$80 of the circuit civil filing fee from the clerk of the courts to the State Courts Revenue Trust Fund.
- Effective June 1, 2009, creates a graduated filing fee for real property or mortgage foreclosure cases. The filing fee is \$395 where the amount in controversy is \$50,000 or less, \$900 where the amount in controversy is more than \$50,000 but less than \$250,000, and \$1,900 where the amount in controversy is \$250,000 or more. The value of the case with respect to a mortgage foreclosure action includes the principal due, interest owed, and any advances by the lender such as for property taxes or insurance. The increase in the filing fees over the current amount of \$295 is to be deposited in the State Courts Revenue Trust Fund for appropriations to the state court system. The party must estimate the amount in controversy in filing the action. If the amount is different in the final disposition, the clerk shall adjust the filing fee accordingly.
- Effective June 1, 2009, clarifies that counter petitions, along with cross-claims, counterclaims, and third party complaints, must pay increased filing fee of \$395, except in the case of family law cases where the fee remains \$295.

- Effective June 1, 2009, increases the filing fee for cross-claims, counter petitions, counterclaims, and third party complaints from \$295 to \$395. These filing fees are deposited in the General Revenue Fund.
- Effective June 1, 2009, requires that parties that file cross-claims, counter petitions, counterclaims, or third party complaints related to real property or mortgage foreclosure cases would pay the \$900 where the amount in controversy is more than \$50,000 but less than \$250,000 and \$1,900 where the amount in controversy is \$250,000 or more.
- Amends s. 28.33, F.S., to specify that interest earned on county funds invested by the clerk shall be deemed income of the county and may be appropriated by the Board of County Commissioners pursuant to ch. 129, F.S.
- Amends s. 34.041, F.S., to create a reduced filing fee of \$125 (rather than \$170) for county court claims not exceeding \$1,000 where there is also a simultaneous filing for replevin of property that is the subject of the claim.
- Further amends s. 34.041, F.S., to reduce the county court filing fee for a removal of tenant action from \$265 to \$180. Reduces the amount of such fees going to the Mediation and Arbitration Trust Fund from \$15 to \$10 from such fees. Eliminates language requiring 1/3rd of all filing fees to be deposited in the Department of Revenue Clerk of Court Trust Fund.
- Further amends s. 34.041, F.S., to clarify that counter petitions in county court are also subject to the cross-claim, counterclaim and third-party complaint filing fees.
- Amends s. 57.081, F.S., to relieve indigent persons from paying civil filing fees. The bill makes conforming changes to s. 57.082, F.S., requiring payment plans for amounts due from indigent persons.
- Makes conforming changes to s. 318.121, F.S., for the new \$12.50 administrative fee from the 2008 session and the \$10 Article V fee from 2009 special session A.
- Amends s. 318.15, F.S., to assess an \$18 processing fee when a person elects to take a driver improvement course but fails to complete the course. The fee would be retained by the clerk of court.
- Amends s. 318.18, F.S. to provide that the new \$12.50 administrative fee from the 2008 session and the \$10 Article V fee from 2009 special session A is to be paid for violations of chs. 320 and 322, F.S., relating to motor vehicle licenses and driver's licenses.
- Reenacts s. 318.21(18) and (19), F.S., relating to new \$12.50 administrative fee from the 2008 session and the \$10 Article V fee from 2009 special session A to incorporate amendments made by the bill.
- Amends s. 939.185, F.S., to provide that an order imposing a local cost upon conviction of certain criminal offenses or criminal traffic offenses constitutes a lien. The lien attaches to real property of the person in the county where the order is recorded and attaches to personal property owned by the person in the state upon filing a judgment lien certificate with the Department of State. This provision supersedes a similar provision passed in SB 412.

- Requires the Clerks of Court Operations Corporation to identify funds in excess of what is needed in the Clerk of Courts Trust Fund to fund the approved clerk budgets to the General Appropriations Act by June 20th each year and requires the Justice Administrative Commission to make a transfer of this amount to the General Revenue Fund by June 25th of each year.
- Requires the clerks of court to implement an electronic filing process by March 1, 2010, to reduce judicial costs in the office of the clerk and the judiciary, improve the timeliness of case processing, and provide the judiciary with case-related information. The Supreme Court is requested to set statewide standards for electronic filing by July 1, 2009, and the clerks are to begin implementation by October 1, 2009. The Clerks of Court Operations Corporation must report to the legislature by March 1, 2010, the progress of electronic filing. Revenues authorized for court system information technology in s. 28.24, F.S., may be used to implement electronic filing.
- Specifies the Legislature's intent for the 1st District Court of Appeal to implement electronic filing for workers' compensation appeals. Requires the 1st District Court of Appeal to report to the Legislature nine months after implementation.
- Provides that, notwithstanding s. 28.36, F.S., relating to how budgets are approved for clerks of court, the statewide amount for all clerk budgets shall be set at \$451 million for the state FY 2009-2010. This section is contingent upon SB 2108 not becoming a law.
- Requires by January 15, 2010, a report by the Legislature's Office of Program Policy Analysis and Government Accountability on how to improve the efficiency of the operations of the clerks of court and the state court system. This section supersedes similar provisions in SB 2108.
- Requires the Legislature's Technology Review Workgroup to develop a plan for options to implement an integrated computer system for the state court system. This section supersedes similar provisions in SB 2108.
- Requires the Clerks of Court Operations Corporation to report all information technology purchases by clerks of more than \$25,000 to the Legislature. This section supersedes similar provisions in SB 2108.
- Directs the Legislature's Division of Statutory Revision to read SB 2108 and SB 1718 together if both become law and make amendments accordingly.
- Provides that the effective date for SB 2108, relating to budgeting for the clerks of court, shall be July 1, 2009, rather than upon becoming a law.

If approved by the Governor, these provisions take effect on June 1, 2009, for some sections and July 1, 2009, for others.

Vote: Senate 38-0; House 90-28

SB 1720 — Capital Collateral Regional Counsel Trust Fund

by Criminal and Civil Justice Appropriations Committee and Senator Crist

This bill:

- Creates the Capital Collateral Regional Counsel Trust Fund. The trust fund is created within the Justice Administrative Commission. Moneys in the trust fund are for the purpose of funding the activities of the capital collateral regional counsels.
- Amends s. 27.702, F.S., to require reimbursements from the federal government for legal representation provided to death row inmates in federal court by the capital collateral regional counsels to be deposited in the Capital Collateral Regional Counsel Trust Fund.

If approved by the Governor, these provisions take effect July 1, 2009.

Vote: Senate 40-0; House 118-0

CS/SB 1722 — Department of Corrections

by Criminal and Civil Justice Appropriations Committee and Senator Crist

This bill makes a number of changes relating to the Department of Corrections:

- Requires the court to sentence certain non-violent, low-scoring offenders to a non-state prison sanction unless the court finds that such a sentence could endanger the public.
- Creates a state-funded diversion program operated by the Department of Corrections to allow the court to divert certain non-violent offenders from prison.
- Authorizes the State Board of Administration, Division of Bond Finance to negotiate the sale of correctional facility bonds for FY 2009-2010.
- Authorizes the Department of Corrections to contract with county and municipal facilities in Florida and out-of-state public and private facilities. Exempts these contracts from applicability of ch. 957, F.S., relating to Department of Management Services' contracts with private prisons.
- Increases the inmate copayment for non-emergency health care from \$4 to \$5.
- Establishes timeframes for medical providers of inmate health services to submit requests for payment of medical claims. Establishes timeframes for the Department of Corrections to submit overpayment claims to medical service providers.
- Provides that if no contract for the provision of inmate medical services or emergency medical transportation services exists between the Department of Corrections or a private correctional facility and a health care provider, compensation for such services may not exceed 110 percent of the Medicare allowable rate. Provides exceptions for hospitals with negative operating margins.
- Requires all offenders who are subject to electronic monitoring to pay the department for the monitoring service. Provides that the department may exempt a person from paying all or a part of the costs of supervision in certain instances.

- Requires courts to use order of supervision forms provided by the department when placing an offender on community supervision.
- Permits the Department of Corrections to submit the required report of a youthful offender's performance in a basic training program to the court within 30 days prior to the scheduled completion of the program.
- Provides that a sentencing court must retain continuing jurisdiction over the convicted offender for the sole purpose of entering civil restitution lien orders until the later of the duration of the sentence, or up to 5 years after the offender is released from incarceration or supervision.
- Specifies that civil actions to recover costs of incarceration for the state, in a separate civil action or as counterclaim in any civil action, may be commenced any time during the offender's incarceration and up to five years after the date of the offender's release from incarceration or supervision, whichever occurs later.

If approved by the Governor, these provisions take effect July 1, 2009.

Vote: Senate 40-0; House 108-10

CS/SB 1726 — Postadjudicatory and Pretrial Drug Court Programs

by Criminal and Civil Justice Appropriations Committee and Senator Crist

This bill:

- Amends s. 397.334, F.S., to expand the use of post adjudication drug court as part of a sentence which includes community supervision for defendants with the recommendation of the state attorney and the victim, if any. Defendants must agree to enter the program and be otherwise qualified under this section and other sections of the Florida Statutes amended by the bill.
- Requires each judicial circuit to report client-level data to the Office of State Courts Administrator to allow for an evaluation of the program.
- Amends s. 921.0026, F.S., to set the maximum criminal history score sheet points at 52 for defendants to enter post adjudication drug court, but continues to exclude violent felons.
- Amends s. 948.01, F.S., to provide that postadjudicatory drug court may be part of a community supervision sentence under circumstances where the defendant meets the criteria set forth in the bill.
- Amends s. 948.06, F.S., to allow offenders who violate community control or probation due solely to failed substance abuse tests to participate in drug court under the limited circumstances where he or she qualifies for the program.
- Amends s. 948.08, F.S., relating to pre-trial intervention programs to modify pre-trial drug court to admit a larger pool of defendants who are charged with nonviolent felony offenses.

- Amends s. 948.16, F.S., relating to misdemeanor pretrial substance abuse intervention programs to make conforming changes.
- Amends s. 948.20, F.S., relating to drug offender probation to make conforming changes.
- Amends s. 985.345, F.S., relating to delinquency pretrial intervention programs to make conforming changes.
- Requires a study by the Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) to determine the effectiveness of the changes to drug court. A report is due by October 1, 2010.

If approved by the Governor, these provisions take effect July 1, 2009.

Vote: Senate 40-0; House 118-0

HB 7063 — Administrative Trust Fund/DOC

by Criminal and Civil Justice Appropriations Committee and Rep. Adams (SB 1108 by Senator Crist)

This bill (Chapter 2009-25, L.O.F.) re-creates the Administrative Trust Fund within the Department of Corrections without modification and repeals provisions relating to termination of the trust fund.

These provisions were approved by the Governor and take effect July 1, 2009.

Vote: Senate 40-0; House 119-0

HB 7065 — Administrative Trust Fund/FDLE

by Criminal and Civil Justice Appropriations Committee and Rep. Adams (SB 1110 by Senator Crist)

This bill (Chapter 2009-26, L.O.F.) re-creates Administrative Trust Fund within the Department of Law Enforcement without modification and repeals provisions relating to termination of trust fund.

These provisions were approved by the Governor and take effect July 1, 2009.

Vote: Senate 39-0; House 116-0

HB 7067 — Federal Grants Trust Fund/Parole Commission

by Criminal and Civil Justice Appropriations Committee and Rep. Adams (SB 1092 by Senator Crist)

This bill (Chapter 2009-27, L.O.F.) re-creates the Federal Grants Trust Fund within the Florida Parole Commission without modification and abrogates provisions relating to the termination of the trust fund.

These provisions were approved by the Governor and take effect July 1, 2009.

Vote: Senate 40-0; House 114-1

HB 7069 — Federal Grants Trust Fund/State Courts System

by Criminal and Civil Justice Appropriations Committee and Rep. Adams (SB 1086 by Senator Crist)

This bill (Chapter 2009-28, L.O.F.) re-creates the Federal Grants Trust Fund within the state courts system without modification and repeals provisions relating to termination of trust fund.

These provisions were approved by the Governor and take effect July 1, 2009.

Vote: Senate 39-0; House 116-0

HB 7071 — Federal Grants Trust Fund/DOC

by Criminal and Civil Justice Appropriations Committee and Rep. Adams (SB 1090 by Senator Crist)

This bill (Chapter 2009-29, L.O.F.) re-creates the Federal Grants Trust Fund within the Department of Corrections without modification and repeals provisions relating to termination of trust fund.

These provisions were approved by the Governor and take effect July 1, 2009.

Vote: Senate 38-0; House 117-0

HB 7073 — Federal Grants Trust Fund/FDLE

by Criminal and Civil Justice Appropriations Committee and Rep. Adams (SB 1084 by Senator Crist)

This bill (Chapter 2009-30, L.O.F.) re-creates the Federal Grants Trust Fund within the Department of Law Enforcement without modification and repeals provisions relating to termination of trust fund.

These provisions were approved by the Governor and take effect July 1, 2009.

Vote: Senate 40-0; House 118-0

HB 7075 — Operating Trust Fund/State Courts System

by Criminal and Civil Justice Appropriations Committee and Rep. Adams (SB 1106 by Senator Crist)

This bill (Chapter 2009-31, L.O.F.) re-creates the Operating Trust Fund within the state courts system without modification and repeals provisions relating to termination of trust fund.

These provisions were approved by the Governor and take effect July 1, 2009.
Vote: Senate 40-0; House 117-0