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LEGISLATIVE ACTION

Senate

House

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04/06/2010 10:15 AM

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Senator Crist moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(5) The Clerk of the Supreme Court is hereby required to  
prepare a statement of all fees collected each month and remit  
such statement, together with all fees collected by him or her,  
to the Chief Financial Officer. The Chief Financial Officer  
shall deposit \$250 of each \$300 filing fee and all other fees



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14 collected into the General Revenue Fund. The Chief Financial  
15 Officer shall deposit \$50 of each filing fee collected into the  
16 State Courts Revenue ~~state court's Operating~~ Trust Fund to fund  
17 court operations ~~improvement projects~~ as authorized in the  
18 General Appropriations Act.

19 Section 2. Section 25.3844, Florida Statutes, is amended to  
20 read:

21 25.3844 Administrative ~~Operating~~ Trust Fund.—

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

24 (2) The fund is established ~~for use as a depository of fees~~  
25 ~~and related revenue~~ for the purpose of supporting the ~~program~~  
26 operations of the judicial branch and for such other purposes as  
27 may be appropriate, and shall be expended only pursuant to  
28 legislative appropriation or an approved amendment to the  
29 agency's operating budget pursuant to the provisions of chapter  
30 216.

31 Section 3. Section 25.386, Florida Statutes, is amended to  
32 read:

33 25.386 Foreign language court interpreters.—The Supreme  
34 Court shall establish minimum standards and procedures for  
35 qualifications, certification, professional conduct, discipline,  
36 and training of foreign language court interpreters who are  
37 appointed by a court of competent jurisdiction. The Supreme  
38 Court shall set fees to be charged to applicants for  
39 certification and renewal of certification as a foreign language  
40 court interpreter. The revenues generated from such fees shall  
41 be used to offset the costs of administration of the  
42 certification program and shall be deposited into the



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43 Administrative ~~Operating~~ Trust Fund within the state courts  
44 system. The Supreme Court may appoint or employ such personnel  
45 as are necessary to assist the court in administering this  
46 section.

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

49 27.40 Court-appointed counsel; circuit registries; minimum  
50 requirements; appointment by court.—

51 (7) (a) A private attorney appointed by the court from the  
52 registry to represent a client is entitled to payment as  
53 provided in s. 27.5304. An attorney appointed by the court who  
54 is not on the registry list may be compensated under s. 27.5304  
55 if the court finds in the order of appointment that there were  
56 no registry attorneys available for representation for that  
57 case.

58 (b) 1. The attorney shall maintain appropriate  
59 documentation, including contemporaneous and detailed hourly  
60 accounting of time spent representing the client. If the  
61 attorney fails to maintain such contemporaneous and detailed  
62 hourly records, the attorney waives the right to seek  
63 compensation in excess of the flat fee established in s. 27.5304  
64 and the General Appropriations Act. These records and documents  
65 are subject to review by the Justice Administrative Commission,  
66 subject to the attorney-client privilege and work-product  
67 privilege. The attorney shall maintain the records and documents  
68 in a manner that enables the attorney to redact information  
69 subject to a privilege in order to facilitate and not impede the  
70 commission's review of the records and documents. The attorney  
71 may redact information from the records and documents only to



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72 the extent necessary to comply with the privilege.

73 2. If an attorney fails, refuses, or declines to permit the  
74 commission to review documentation for a case as provided in  
75 this paragraph, the attorney waives the right to seek, and the  
76 commission may not pay, compensation in excess of the flat fee  
77 established in s. 27.5304 and the General Appropriations Act for  
78 that case.

79 3. A finding by the commission that an attorney waives the  
80 right to seek compensation in excess of the flat fee established  
81 in s. 27.5304 and the General Appropriations Act, as provided in  
82 this paragraph, is presumed to be valid, unless a court  
83 concludes that the commission's finding is not supported by  
84 competent and substantial evidence.

85 Section 5. Section 27.425, Florida Statutes, is amended to  
86 read:

87 27.425 Due process service rates; responsibilities of chief  
88 judge.—

89 (1) ~~The maximum chief judge of each circuit shall recommend~~  
90 compensation rates for state-funded due process service  
91 providers in cases in which the court has appointed private  
92 counsel or declared a person indigent for costs shall be  
93 specified annually in the General Appropriations Act. For  
94 purposes of this section, due process compensation rates do not  
95 include attorney's fees for legal representation of the client.

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

100 ~~(3) The maximum rates shall be specified annually in the~~



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101 ~~General Appropriations Act. For the 2007-2008 fiscal year, the~~  
102 ~~maximum rates shall be the rates in effect on June 30, 2007.~~

103 (2)~~(4)~~ The total amount expended for providers of due  
104 process services in eligible cases may not exceed the amount  
105 budgeted in the General Appropriations Act for the particular  
106 due process service.

107 (3) The Justice Administrative Commission shall approve  
108 uniform contract forms for use in procuring due process services  
109 and uniform procedures for use by a due process provider, or a  
110 private attorney on behalf of a due process provider, in support  
111 of billing for due process services to demonstrate completion of  
112 the specified services.

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

115 27.511 Offices of criminal conflict and civil regional  
116 counsel; legislative intent; qualifications; appointment;  
117 duties.—

118 (5) ~~Effective October 1, 2007,~~ When the Office of the  
119 Public Defender, at any time during the representation of two or  
120 more defendants, determines that the interests of those accused  
121 are so adverse or hostile that they cannot all be counseled by  
122 the public defender or his or her staff without a conflict of  
123 interest, or that none can be counseled by the public defender  
124 or his or her staff because of a conflict of interest, and the  
125 court grants the public defender's motion to withdraw, the  
126 office of criminal conflict and civil regional counsel shall be  
127 appointed and shall provide legal services, without additional  
128 compensation, to any person determined to be indigent under s.  
129 27.52, who is:



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- 130 (a) Under arrest for, or charged with, a felony;
- 131 (b) Under arrest for, or charged with:
- 132 1. A misdemeanor authorized for prosecution by the state
- 133 attorney;
- 134 2. A violation of chapter 316 punishable by imprisonment;
- 135 3. Criminal contempt; or
- 136 4. A violation of a special law or county or municipal
- 137 ordinance ancillary to a state charge or, if not ancillary to a
- 138 state charge, only if the office of criminal conflict and civil
- 139 regional counsel contracts with the county or municipality to
- 140 provide representation pursuant to ss. 27.54 and 125.69.
- 141
- 142 The office of criminal conflict and civil regional counsel may
- 143 not provide representation pursuant to this paragraph if the
- 144 court, prior to trial, files in the cause an order of no
- 145 imprisonment as provided in s. 27.512;
- 146 (c) Alleged to be a delinquent child pursuant to a petition
- 147 filed before a circuit court;
- 148 (d) Sought by petition filed in such court to be
- 149 involuntarily placed as a mentally ill person under part I of
- 150 chapter 394, involuntarily committed as a sexually violent
- 151 predator under part V of chapter 394, or involuntarily admitted
- 152 to residential services as a person with developmental
- 153 disabilities under chapter 393;
- 154 (e) Convicted and sentenced to death, for purposes of
- 155 handling an appeal to the Supreme Court; ~~or~~
- 156 (f) ~~Is~~ Appealing a matter in a case arising under
- 157 paragraphs (a)-(d); or
- 158 (g) Seeking correction, reduction, or modification of a



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159 sentence under Rule 3.800 or seeking postconviction relief under  
160 Rule 3.850 of the Florida Rules of Criminal Procedure if, in  
161 either case, the court determines that appointment of counsel is  
162 necessary to protect a person's due process rights.

163 (6) (a) ~~Effective October 1, 2007,~~ The office of criminal  
164 conflict and civil regional counsel has primary responsibility  
165 for representing persons entitled to court-appointed counsel  
166 under the Federal or State Constitution or as authorized by  
167 general law in civil proceedings, including, but not limited to,  
168 proceedings under s. 393.12 and chapters 39, ~~390,~~ 392, 397, 415,  
169 743, 744, and 984 and proceedings to terminate parental rights  
170 under chapter 63. Private court-appointed counsel eligible under  
171 s. 27.40 have primary responsibility for representing minors who  
172 request counsel under s. 390.01114, the Parental Notice of  
173 Abortion Act. The office of criminal conflict and civil regional  
174 counsel may represent a minor under that section if the court  
175 finds that no private court-appointed attorney is available.

176 (b) If constitutional principles or general law provide for  
177 court-appointed counsel in civil proceedings, the court shall  
178 first appoint the regional counsel unless general law  
179 specifically provides for appointment of the public defender, in  
180 which case the court shall appoint the regional counsel if the  
181 public defender has a conflict of interest.

182 (c) Notwithstanding paragraph (b) or any provision of  
183 chapter 744 to the contrary, when chapter 744 provides for  
184 appointment of counsel, the court, in consultation with the  
185 clerk of court and prior to appointing counsel, shall determine,  
186 if possible, whether the person entitled to representation is  
187 indigent, using the best available evidence.



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188           1. If the person is indigent, the court shall appoint the  
189 regional counsel. If at any time after appointment the regional  
190 counsel determines that the person is not indigent and that  
191 there are sufficient assets available for the payment of legal  
192 representation under s. 744.108, the regional counsel shall move  
193 the court to reassign the case to a private attorney.

194           2. If the person is not indigent or if the court and the  
195 clerk are not able to determine whether the person is indigent  
196 at the time of appointment, the court shall appoint a private  
197 attorney. If at any time after appointment the private attorney  
198 determines that the person is indigent and that there are not  
199 sufficient assets available for the payment of legal  
200 representation under s. 744.108, the private attorney shall move  
201 the court to reassign the case to the regional counsel. When a  
202 case is reassigned, the private attorney may seek compensation  
203 from the Justice Administrative Commission for representation  
204 not recoverable from any assets of the person in an amount  
205 approved by the court as a pro rata portion of the compensation  
206 limits prescribed in the General Appropriations Act.

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

212           Section 7. Section 27.52, Florida Statutes, is amended to  
213 read:

214           27.52 Determination of indigent status.—

215           (1) APPLICATION TO THE CLERK.—A person seeking appointment  
216 of a public defender under s. 27.51 based upon an inability to





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217 pay must apply to the clerk of the court for a determination of  
218 indigent status using an application form developed by the  
219 Florida Clerks of Court Operations Corporation with final  
220 approval by the Supreme Court.

221 (a) The application must include, at a minimum, the  
222 following financial information:

223 1. Net income, consisting of total salary and wages, minus  
224 deductions required by law, including court-ordered support  
225 payments.

226 2. Other income, including, but not limited to, social  
227 security benefits, union funds, veterans' benefits, workers'  
228 compensation, other regular support from absent family members,  
229 public or private employee pensions, unemployment compensation,  
230 dividends, interest, rent, trusts, and gifts.

231 3. Assets, including, but not limited to, cash, savings  
232 accounts, bank accounts, stocks, bonds, certificates of deposit,  
233 equity in real estate, and equity in a boat or a motor vehicle  
234 or in other tangible property.

235 4. All liabilities and debts.

236 5. If applicable, the amount of any bail paid for the  
237 applicant's release from incarceration and the source of the  
238 funds.

239  
240 The application must include a signature by the applicant which  
241 attests to the truthfulness of the information provided. The  
242 application form developed by the corporation must include  
243 notice that the applicant may seek court review of a clerk's  
244 determination that the applicant is not indigent, as provided in  
245 this section.



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246 (b) An applicant shall pay a \$50 application fee to the  
247 clerk for each application for court-appointed counsel filed.  
248 The applicant shall pay the fee within 7 days after submitting  
249 the application. If the applicant does not pay the fee prior to  
250 the disposition of the case, the clerk shall notify the court,  
251 and the court shall:

252 1. Assess the application fee as part of the sentence or as  
253 a condition of probation; or

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

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

261 (d) All application fees collected by the clerk under this  
262 section shall be transferred monthly by the clerk to the  
263 Department of Revenue for deposit in the Indigent Criminal  
264 Defense Trust Fund administered by the Justice Administrative  
265 Commission, to be used to as appropriated by the Legislature.  
266 The clerk may retain 2 percent of application fees collected  
267 monthly for administrative costs prior to remitting the  
268 remainder to the Department of Revenue.

269 (e)1. The clerk shall assist a person who appears before  
270 the clerk and requests assistance in completing the application,  
271 and the clerk shall notify the court if a person is unable to  
272 complete the application after the clerk has provided  
273 assistance.

274 2. If the person seeking appointment of a public defender



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275 is incarcerated, the public defender is responsible for  
276 providing the application to the person and assisting him or her  
277 in its completion and is responsible for submitting the  
278 application to the clerk on the person's behalf. The public  
279 defender may enter into an agreement for jail employees,  
280 pretrial services employees, or employees of other criminal  
281 justice agencies to assist the public defender in performing  
282 functions assigned to the public defender under this  
283 subparagraph.

284 (2) DETERMINATION BY THE CLERK.—The clerk of the court  
285 shall determine whether an applicant seeking appointment of a  
286 public defender is indigent based upon the information provided  
287 in the application and the criteria prescribed in this  
288 subsection.

289 (a)1. An applicant, including an applicant who is a minor  
290 or an adult tax-dependent person, is indigent if the applicant's  
291 income is equal to or below 200 percent of the then-current  
292 federal poverty guidelines prescribed for the size of the  
293 household of the applicant by the United States Department of  
294 Health and Human Services or if the person is receiving  
295 Temporary Assistance for Needy Families-Cash Assistance,  
296 poverty-related veterans' benefits, or Supplemental Security  
297 Income (SSI).

298 2.a. There is a presumption that the applicant is not  
299 indigent if the applicant owns, or has equity in, any intangible  
300 or tangible personal property or real property or the expectancy  
301 of an interest in any such property having a net equity value of  
302 \$2,500 or more, excluding the value of the person's homestead  
303 and one vehicle having a net value not exceeding \$5,000.



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304           b. Notwithstanding the information that the applicant  
305 provides, the clerk shall conduct a review of the property  
306 records for the county in which the applicant resides and the  
307 motor vehicle title records of the state to identify any  
308 property interests of the applicant under this subparagraph. The  
309 clerk shall evaluate and consider the results of the review in  
310 making its determination under this subsection. The clerk shall  
311 maintain the results of the review in a file with the  
312 application and provide the file to the court if the applicant  
313 seeks review under subsection (4) of the clerk's determination  
314 of indigent status.

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

- 317           1. The applicant is not indigent.  
318           2. The applicant is indigent.

319           (c)1. If the clerk determines that the applicant is  
320 indigent, the clerk shall submit the determination to the office  
321 of the public defender and immediately file the determination in  
322 the case file.

323           2. If the public defender is unable to provide  
324 representation due to a conflict pursuant to s. 27.5303, the  
325 public defender shall move the court for withdrawal from  
326 representation and appointment of the office of criminal  
327 conflict and civil regional counsel.

328           (d) The duty of the clerk in determining whether an  
329 applicant is indigent shall be limited to receiving the  
330 application and comparing the information provided in the  
331 application to the criteria prescribed in this subsection. The  
332 determination of indigent status is a ministerial act of the



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333 clerk and not a decision based on further investigation or the  
334 exercise of independent judgment by the clerk. The clerk may  
335 contract with third parties to perform functions assigned to the  
336 clerk under this section.

337 (e) The applicant may seek review of the clerk's  
338 determination that the applicant is not indigent in the court  
339 having jurisdiction over the matter at the next scheduled  
340 hearing. If the applicant seeks review of the clerk's  
341 determination of indigent status, the court shall make a final  
342 determination as provided in subsection (4).

343 (3) APPOINTMENT OF COUNSEL ON INTERIM BASIS.—If the clerk  
344 of the court has not made a determination of indigent status at  
345 the time a person requests appointment of a public defender, the  
346 court shall make a preliminary determination of indigent status,  
347 pending further review by the clerk, and may, by court order,  
348 appoint a public defender, the office of criminal conflict and  
349 civil regional counsel, or private counsel on an interim basis.

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

351 (a) If the clerk of the court determines that the applicant  
352 is not indigent, and the applicant seeks review of the clerk's  
353 determination, the court shall make a final determination of  
354 indigent status by reviewing the information provided in the  
355 application against the criteria prescribed in subsection (2)  
356 and by considering the following additional factors:

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

359 2. Whether a bond has been posted, the type of bond, and  
360 who paid the bond.

361 3. Whether paying for private counsel in an amount that



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362 exceeds the limitations in s. 27.5304, or other due process  
363 services creates a substantial hardship for the applicant or the  
364 applicant's family.

365 4. Any other relevant financial circumstances of the  
366 applicant or the applicant's family.

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

371 1. The applicant is not indigent.

372 2. The applicant is indigent.

373 (5) INDIGENT FOR COSTS.—A person who is ~~eligible to be~~  
374 ~~represented by a public defender under s. 27.51 but who is~~  
375 represented by private counsel not appointed by the court for a  
376 reasonable fee as approved by the court, or on a pro bono basis,  
377 or who is proceeding pro se, may move the court for a  
378 determination that he or she is indigent for costs and eligible  
379 for the provision of due process services, as prescribed by ss.  
380 29.006 and 29.007, funded by the state.

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

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

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

387 (b) The person shall arrange for service of a copy of the  
388 motion and attachments on the Justice Administrative Commission.  
389 The commission has standing to appear before the court to  
390 contest any motion to declare a person indigent for costs and



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391 may participate in a hearing on the motion by use of telephonic  
392 or other communication equipment.

393 (c) If the person did not apply for a determination of  
394 indigent status under subsection (1) in the same case and is not  
395 already liable for the application fee required under that  
396 subsection, he or she becomes liable for payment of the fee upon  
397 filing the motion with the court.

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

399 1. Whether the applicant applied for a determination of  
400 indigent status under subsection (1) and the outcome of such  
401 application.

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

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

405 4. Whether the applicant is proceeding pro se.

406 5. When the applicant retained private counsel.

407 6. The amount of any attorney's fees and who is paying the  
408 fees. There is a presumption that the applicant is not indigent  
409 for costs if the amount of attorney's fees exceeds \$5,000 for a  
410 noncapital case or \$25,000 for a capital case in which the state  
411 is seeking the death penalty. To overcome this presumption, the  
412 applicant has the burden to show through clear and convincing  
413 evidence that the fees are reasonable based on the nature and  
414 complexity of the case. In determining the reasonableness of the  
415 fees, the court shall consider the amount that a private court-  
416 appointed attorney paid by the state would receive for providing  
417 representation for the type of case.

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



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420 1. The applicant is not indigent for costs.

421 2. The applicant is indigent for costs.

422 (f)~~(d)~~ The provision of due process services based upon a  
423 determination that a person is indigent for costs under this  
424 subsection must be effectuated pursuant to a court order, a copy  
425 of which the clerk shall provide to counsel representing the  
426 person, or to the person directly if he or she is proceeding pro  
427 se, for use in requesting payment of due process expenses  
428 through the Justice Administrative Commission. Private counsel  
429 representing a person declared indigent for costs shall execute  
430 the Justice Administrative Commission's contract for counsel  
431 representing persons determined to be indigent for costs.  
432 Private counsel representing a person declared indigent for  
433 costs may not receive state funds, either directly or on behalf  
434 of due process providers, unless the attorney has executed the  
435 contract required under this paragraph.

436 (g) Costs shall be reimbursed at the rates established  
437 under ss. 27.425 and 27.5305. To receive reimbursement of costs,  
438 either directly or on behalf of due process providers, private  
439 counsel representing a person declared indigent for costs shall  
440 comply with the procedures and requirements under this chapter  
441 governing billings by and compensation of private court-  
442 appointed counsel.

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

446 (i) A defendant who is found guilty of a criminal act by a  
447 court or jury or enters a plea of guilty or nolo contendere and  
448 who received due process services after being found indigent for





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449 costs under this subsection is liable for payment of due process  
450 costs expended by the state.

451 1. The attorney representing the defendant, or the  
452 defendant if he or she is proceeding pro se, shall provide an  
453 accounting to the court delineating all costs paid or to be paid  
454 by the state within 90 days after disposition of the case  
455 notwithstanding any appeals.

456 2. The court shall issue an order determining the amount of  
457 all costs paid by the state and any costs for which prepayment  
458 was waived under this section or s. 57.081. The clerk shall  
459 cause a certified copy of the order to be recorded in the  
460 official records of the county, at no cost. The recording  
461 constitutes a lien against the person in favor of the state in  
462 the county in which the order is recorded. The lien may be  
463 enforced in the same manner prescribed in s. 938.29.

464 3. If the attorney or the pro se defendant fails to provide  
465 a complete accounting of costs expended by the state and  
466 consequently costs are omitted from the lien, the attorney or  
467 pro se defendant may not receive reimbursement or any other form  
468 of direct or indirect payment for those costs if the state has  
469 not paid the costs. The attorney or pro se defendant shall repay  
470 the state for those costs if the state has already paid the  
471 costs. The clerk of the court may establish a payment plan under  
472 s. 28.246 and may charge the attorney or pro se defendant a one-  
473 time administrative processing charge under s. 28.24(26)(c).

474 (6) DUTIES OF PARENT OR LEGAL GUARDIAN.—A nonindigent  
475 parent or legal guardian of an applicant who is a minor or an  
476 adult tax-dependent person shall furnish the minor or adult tax-  
477 dependent person with the necessary legal services and costs



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478 incident to a delinquency proceeding or, upon transfer of such  
479 person for criminal prosecution as an adult pursuant to chapter  
480 985, a criminal prosecution in which the person has a right to  
481 legal counsel under the Constitution of the United States or the  
482 Constitution of the State of Florida. The failure of a parent or  
483 legal guardian to furnish legal services and costs under this  
484 section does not bar the appointment of legal counsel pursuant  
485 to this section, s. 27.40, or s. 27.5303. When the public  
486 defender, the office of criminal conflict and civil regional  
487 counsel, a private court-appointed conflict counsel, or a  
488 private attorney is appointed to represent a minor or an adult  
489 tax-dependent person in any proceeding in circuit court or in a  
490 criminal proceeding in any other court, the parents or the legal  
491 guardian shall be liable for payment of the fees, charges, and  
492 costs of the representation even if the person is a minor being  
493 tried as an adult. Liability for the fees, charges, and costs of  
494 the representation shall be imposed in the form of a lien  
495 against the property of the nonindigent parents or legal  
496 guardian of the minor or adult tax-dependent person. The lien is  
497 enforceable as provided in s. 27.561 or s. 938.29.

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

499 (a) If the court learns of discrepancies between the  
500 application or motion and the actual financial status of the  
501 person found to be indigent or indigent for costs, the court  
502 shall determine whether the public defender, office of criminal  
503 conflict and civil regional counsel, or private attorney shall  
504 continue representation or whether the authorization for any  
505 other due process services previously authorized shall be  
506 revoked. The person may be heard regarding the information



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507 learned by the court. If the court, based on the information,  
508 determines that the person is not indigent or indigent for  
509 costs, the court shall order the public defender, office of  
510 criminal conflict and civil regional counsel, or private  
511 attorney to discontinue representation and revoke the provision  
512 of any other authorized due process services.

513 (b) If the court has reason to believe that any applicant,  
514 through fraud or misrepresentation, was improperly determined to  
515 be indigent or indigent for costs, the matter shall be referred  
516 to the state attorney. Twenty-five percent of any amount  
517 recovered by the state attorney as reasonable value of the  
518 services rendered, including fees, charges, and costs paid by  
519 the state on the person's behalf, shall be remitted to the  
520 Department of Revenue for deposit into the Grants and Donations  
521 Trust Fund within the Justice Administrative Commission.  
522 Seventy-five percent of any amount recovered shall be remitted  
523 to the Department of Revenue for deposit into the General  
524 Revenue Fund.

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

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

531 27.5304 Private court-appointed counsel; compensation.—

532 (4) (a) The attorney shall submit a bill for attorney's  
533 fees, costs, and related expenses within 90 days after the  
534 disposition of the case at the lower court level,  
535 notwithstanding any appeals. The Justice Administrative



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536 Commission shall provide by contract with the attorney for  
537 imposition of a penalty of:

538 1. Fifteen ~~15~~ percent of the allowable attorney's fees,  
539 costs, and related expenses for a bill that is submitted more  
540 than 90 days after the disposition of the case at the lower  
541 court level, notwithstanding any appeals;

542 2. For cases for which disposition occurs on or after July  
543 1, 2010, 50 percent of the allowable attorney's fees, costs, and  
544 related expenses for a bill that is submitted more than 1 year  
545 after the disposition of the case at the lower court level,  
546 notwithstanding any appeals; and

547 3. For cases for which disposition occurs on or after July  
548 1, 2010, 75 percent of the allowable attorney's fees, costs, and  
549 related expenses for a bill that is submitted more than 2 years  
550 after the disposition of the case at the lower court level,  
551 notwithstanding any appeals.

552 (b) For purposes of this subsection, the term "disposition"  
553 means:

554 1. At the trial court level, that the court has entered a  
555 final appealable judgment, unless rendition of judgment is  
556 stayed by the filing of a timely motion for rehearing. The  
557 filing of a notice of appeal does not stay the time for  
558 submission of an intended billing; and

559 2. At the appellate court level, that the court has issued  
560 its mandate.

561 Section 9. Section 27.5305, Florida Statutes, is created to  
562 read:

563 27.5305 Attorney or provider compensation; conditions;  
564 requirements.-The provisions of this section apply to the



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565 payment by the state through the Justice Administrative  
566 Commission of legal fees and due process costs in an eligible  
567 criminal or civil matter when a person receives the services of  
568 a private court-appointed attorney or is declared indigent for  
569 costs under s. 27.52 or s. 57.082.

570 (1) ELECTRONIC FUNDS TRANSFER.—A person, as defined in s.  
571 1.01, requesting compensation from the state through the Justice  
572 Administrative Commission for the provision of criminal or civil  
573 legal representation or other due process services must, as a  
574 condition for compensation, participate in a direct-deposit  
575 program under which the person authorizes the transfer of funds  
576 electronically to an account in the person's name at a federal-  
577 or state-chartered financial institution.

578 (a) The Justice Administrative Commission may exempt a  
579 person from compliance with this section if the commission finds  
580 that participation in a direct-deposit program creates a  
581 financial hardship for the person.

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

584 (2) TRANSCRIPTS.—

585 (a) The state may pay for the cost of preparing a  
586 transcript of a deposition only if the private court-appointed  
587 attorney secures an order from the court finding that  
588 preparation of the transcript is necessary, in which case the  
589 state may pay for one original and one copy only.

590 (b) The state may pay for the cost of one original  
591 transcript of any deposition, hearing, or other proceeding. Any  
592 other payment for a transcript of that same deposition, hearing,  
593 or other proceeding, regardless of whether the transcript is an



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594 additional original transcript or a copy, shall be at the rate  
595 paid for a copy of a transcript. This paragraph applies  
596 regardless of which state agency pays for the first original  
597 transcript.

598 (3) COURT REPORTERS; INVESTIGATORS.—Beginning with the  
599 2010-2011 fiscal year, and applicable to services performed  
600 starting in that year, uniform statewide rates shall be  
601 prescribed annually in the General Appropriations Act for the  
602 payment of:

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

605 (b) Private investigation services.

606 (4) EXPERT WITNESSES; MITIGATION SPECIALISTS.—A private  
607 court-appointed attorney must obtain authorization from the  
608 court to employ an out-of-state expert or mitigation specialist  
609 upon a showing that an expert or mitigation specialist who has  
610 appropriate skills or expertise is not available from within the  
611 county in which the case was filed or from elsewhere in the  
612 state. An order authorizing the employment must be in writing  
613 and contain specific findings regarding the unavailability of a  
614 qualified in-state expert or mitigation specialist. The attorney  
615 shall submit a copy of the order to the Justice Administrative  
616 Commission.

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



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

625 28.24 Service charges by clerk of the circuit court.—The  
626 clerk of the circuit court shall charge for services rendered by  
627 the clerk's office in recording documents and instruments and in  
628 performing the duties enumerated in amounts not to exceed those  
629 specified in this section. Notwithstanding any other provision  
630 of this section, the clerk of the circuit court shall provide  
631 without charge to the state attorney, public defender, guardian  
632 ad litem, public guardian, attorney ad litem, criminal conflict  
633 and civil regional counsel, and private court-appointed counsel  
634 paid by the state, and to the authorized staff acting on behalf  
635 of each, access to and a copy of any public record, if the  
636 requesting party is entitled by law to view the exempt or  
637 confidential record, as maintained by and in the custody of the  
638 clerk of the circuit court as provided in general law and the  
639 Florida Rules of Judicial Administration. The clerk of the  
640 circuit court may provide the requested public record in an  
641 electronic format in lieu of a paper format when capable of  
642 being accessed by the requesting entity.

643  
644 Charges

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

- 648 (a) First page or fraction thereof.....5.00  
649 (b) Each additional page or fraction thereof.....4.00  
650 (c) For indexing instruments recorded in the official  
651 records which contain more than four names, per additional



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652 name.....1.00

653 (d) An additional service charge shall be paid to the clerk  
654 of the circuit court to be deposited in the Public Records  
655 Modernization Trust Fund for each instrument listed in s.  
656 28.222, except judgments received from the courts and notices of  
657 lis pendens, recorded in the official records:

658 1. First page.....1.00

659 2. Each additional page.....0.50

660

661 Said fund shall be held in trust by the clerk and used  
662 exclusively for equipment and maintenance of equipment,  
663 personnel training, and technical assistance in modernizing the  
664 public records system of the office. In a county where the duty  
665 of maintaining official records exists in an office other than  
666 the office of the clerk of the circuit court, the clerk of the  
667 circuit court is entitled to 25 percent of the moneys deposited  
668 into the trust fund for equipment, maintenance of equipment,  
669 training, and technical assistance in modernizing the system for  
670 storing records in the office of the clerk of the circuit court.  
671 The fund may not be used for the payment of travel expenses,  
672 membership dues, bank charges, staff-recruitment costs, salaries  
673 or benefits of employees, construction costs, general operating  
674 expenses, or other costs not directly related to obtaining and  
675 maintaining equipment for public records systems or for the  
676 purchase of furniture or office supplies and equipment not  
677 related to the storage of records. On or before December 1,  
678 1995, and on or before December 1 of each year immediately  
679 preceding each year during which the trust fund is scheduled for  
680 legislative review under s. 19(f)(2), Art. III of the State





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681 Constitution, each clerk of the circuit court shall file a  
682 report on the Public Records Modernization Trust Fund with the  
683 President of the Senate and the Speaker of the House of  
684 Representatives. The report must itemize each expenditure made  
685 from the trust fund since the last report was filed; each  
686 obligation payable from the trust fund on that date; and the  
687 percentage of funds expended for each of the following:  
688 equipment, maintenance of equipment, personnel training, and  
689 technical assistance. The report must indicate the nature of the  
690 system each clerk uses to store, maintain, and retrieve public  
691 records and the degree to which the system has been upgraded  
692 since the creation of the trust fund.

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

698 1. If the counties maintain legal responsibility for the  
699 costs of the court-related technology needs as defined in s.  
700 29.008(1)(f)2. and (h), 10 cents shall be distributed to the  
701 Florida Association of Court Clerks and Comptroller, Inc., for  
702 the cost of development, implementation, operation, and  
703 maintenance of the clerks' Comprehensive Case Information  
704 System, in which system all clerks shall participate on or  
705 before January 1, 2006; \$1.90 shall be retained by the clerk to  
706 be deposited in the Public Records Modernization Trust Fund and  
707 used exclusively for funding court-related technology needs of  
708 the clerk as defined in s. 29.008(1)(f)2. and (h); and \$2 shall  
709 be distributed to the board of county commissioners to be used



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710 exclusively to fund court-related technology, and court  
711 technology needs as defined in s. 29.008(1)(f)2. and (h) for the  
712 state trial courts, state attorney, public defender, and, at the  
713 board's discretion, criminal conflict and civil regional counsel  
714 in that county. If the counties maintain legal responsibility  
715 for the costs of the court-related technology needs as defined  
716 in s. 29.008(1)(f)2. and (h), notwithstanding any other  
717 provision of law, the county is not required to provide  
718 additional funding beyond that provided herein for the court-  
719 related technology needs of the clerk as defined in s.  
720 29.008(1)(f)2. and (h). All court records and official records  
721 are the property of the State of Florida, including any records  
722 generated as part of the Comprehensive Case Information System  
723 funded pursuant to this paragraph and the clerk of court is  
724 designated as the custodian of such records, except in a county  
725 where the duty of maintaining official records exists in a  
726 county office other than the clerk of court or comptroller, such  
727 county office is designated the custodian of all official  
728 records, and the clerk of court is designated the custodian of  
729 all court records. The clerk of court or any entity acting on  
730 behalf of the clerk of court, including an association, shall  
731 not charge a fee to any agency as defined in s. 119.011, the  
732 Legislature, or the State Court System for copies of records  
733 generated by the Comprehensive Case Information System or held  
734 by the clerk of court or any entity acting on behalf of the  
735 clerk of court, including an association.

736 2. If the state becomes legally responsible for the costs  
737 of court-related technology needs as defined in s.  
738 29.008(1)(f)2. and (h), whether by operation of general law or



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739 by court order, \$4 shall be remitted to the Department of  
740 Revenue for deposit into the General Revenue Fund.

741 Section 11. Paragraph (a) of subsection (1) of section  
742 28.241, Florida Statutes, is amended, and subsection (7) is  
743 added to that section, to read:

744 28.241 Filing fees for trial and appellate proceedings.—

745 (1) (a) 1.a. Except as provided in sub-subparagraph b. and  
746 subparagraph 2., the party instituting any civil action, suit,  
747 or proceeding in the circuit court shall pay to the clerk of  
748 that court a filing fee of up to \$395 in all cases in which  
749 there are not more than five defendants and an additional filing  
750 fee of up to \$2.50 for each defendant in excess of five. Of the  
751 first \$265 in filing fees, \$118 ~~\$80~~ must be remitted by the  
752 clerk to the Department of Revenue for deposit into the General  
753 Revenue Fund, \$180 must be remitted to the Department of Revenue  
754 for deposit into the State Courts Revenue Trust Fund, \$3.50 must  
755 be remitted to the Department of Revenue for deposit into the  
756 Clerks of the Court Trust Fund within the Justice Administrative  
757 Commission and used to fund the Florida Clerks of Court  
758 Operations Corporation created in s. 28.35, and \$1.50 shall be  
759 remitted to the Department of Revenue for deposit into the  
760 Administrative Trust Fund within the Department of Financial  
761 Services to fund clerk budget reviews conducted by the  
762 Department of Financial Services. The next \$15 of the filing fee  
763 collected shall be deposited in the state courts' Mediation and  
764 Arbitration Trust Fund. One third of any filing fees collected  
765 by the clerk of the circuit court in excess of \$100 shall be  
766 remitted to the Department of Revenue for deposit into the  
767 Clerks of the Court Trust Fund within the Justice Administrative



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768 Commission.

769       b. Except where the assessment of a filing fee is otherwise  
770 prohibited by law, the party instituting any civil action, suit,  
771 or proceeding in the circuit court under chapter 39, chapter 61,  
772 chapter 741, chapter 742, chapter 747, chapter 752, or chapter  
773 753 shall pay to the clerk of that court a filing fee of up to  
774 \$295 in all cases in which there are not more than five  
775 defendants and an additional filing fee of up to \$2.50 for each  
776 defendant in excess of five. Of the first \$203 ~~\$165~~ in filing  
777 fees, \$118 ~~\$80~~ must be remitted by the clerk to the Department  
778 of Revenue for deposit into the General Revenue Fund, \$80 must  
779 be remitted to the Department of Revenue for deposit into the  
780 State Courts Revenue Trust Fund, \$3.50 must be remitted to the  
781 Department of Revenue for deposit into the Clerks of the Court  
782 Trust Fund within the Justice Administrative Commission and used  
783 to fund the Florida Clerks of Court Operations Corporation  
784 created in s. 28.35, and \$1.50 shall be remitted to the  
785 Department of Revenue for deposit into the Administrative Trust  
786 Fund within the Department of Financial Services to fund clerk  
787 budget reviews conducted by the Department of Financial  
788 Services. The next \$15 of the filing fee collected shall be  
789 deposited in the state courts' Mediation and Arbitration Trust  
790 Fund.

791       c. An additional filing fee of \$4 shall be paid to the  
792 clerk. The clerk shall remit \$3.50 to the Department of Revenue  
793 for deposit into the Court Education Trust Fund and shall remit  
794 50 cents to the Department of Revenue for deposit into the  
795 Clerks of the Court Trust Fund within the Justice Administrative  
796 Commission to fund clerk education. An additional filing fee of



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797 up to \$18 shall be paid by the party seeking each severance that  
798 is granted. The clerk may impose an additional filing fee of up  
799 to \$85 for all proceedings of garnishment, attachment, replevin,  
800 and distress. Postal charges incurred by the clerk of the  
801 circuit court in making service by certified or registered mail  
802 on defendants or other parties shall be paid by the party at  
803 whose instance service is made. No additional fees, charges, or  
804 costs shall be added to the filing fees imposed under this  
805 section, except as authorized in this section or by general law.

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

810 b. A party shall estimate in writing the amount in  
811 controversy of the claim upon filing the action. For purposes of  
812 this subparagraph, the value of a mortgage foreclosure action is  
813 based upon the principal due on the note secured by the  
814 mortgage, plus interest owed on the note and any moneys advanced  
815 by the lender for property taxes, insurance, and other advances  
816 secured by the mortgage, at the time of filing the foreclosure.  
817 The value shall also include the value of any tax certificates  
818 related to the property. In stating the value of a mortgage  
819 foreclosure claim, a party shall declare in writing the total  
820 value of the claim, as well as the individual elements of the  
821 value as prescribed in this sub-subparagraph.

822 c. In its order providing for the final disposition of the  
823 matter, the court shall identify the actual value of the claim.  
824 The clerk shall adjust the filing fee if there is a difference  
825 between the estimated amount in controversy and the actual value



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826 of the claim and collect any additional filing fee owed or  
827 provide a refund of excess filing fee paid.

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

829 (I) Three hundred and ninety-five dollars in all cases in  
830 which the value of the claim is \$50,000 or less and in which  
831 there are not more than five defendants. The party shall pay an  
832 additional filing fee of up to \$2.50 for each defendant in  
833 excess of five. Of the first \$303 ~~\$265~~ in filing fees, \$118 ~~\$80~~  
834 must be remitted by the clerk to the Department of Revenue for  
835 deposit into the General Revenue Fund, \$180 must be remitted to  
836 the Department of Revenue for deposit into the State Courts  
837 Revenue Trust Fund, \$3.50 must be remitted to the Department of  
838 Revenue for deposit into the Clerks of the Court Trust Fund  
839 within the Justice Administrative Commission and used to fund  
840 the Florida Clerks of Court Operations Corporation created in s.  
841 28.35, and \$1.50 shall be remitted to the Department of Revenue  
842 for deposit into the Administrative Trust Fund within the  
843 Department of Financial Services to fund clerk budget reviews  
844 conducted by the Department of Financial Services. The next \$15  
845 of the filing fee collected shall be deposited in the state  
846 courts' Mediation and Arbitration Trust Fund;

847 (II) Nine hundred dollars in all cases in which the value  
848 of the claim is more than \$50,000 but less than \$250,000 and in  
849 which there are not more than five defendants. The party shall  
850 pay an additional filing fee of up to \$2.50 for each defendant  
851 in excess of five. Of the first \$808 ~~\$770~~ in filing fees, \$118  
852 ~~\$80~~ must be remitted by the clerk to the Department of Revenue  
853 for deposit into the General Revenue Fund, \$685 must be remitted  
854 to the Department of Revenue for deposit into the State Courts



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855 Revenue Trust Fund, \$3.50 must be remitted to the Department of  
856 Revenue for deposit into the Clerks of the Court Trust Fund  
857 within the Justice Administrative Commission and used to fund  
858 the Florida Clerks of Court Operations Corporation described in  
859 s. 28.35, and \$1.50 shall be remitted to the Department of  
860 Revenue for deposit into the Administrative Trust Fund within  
861 the Department of Financial Services to fund clerk budget  
862 reviews conducted by the Department of Financial Services. The  
863 next \$15 of the filing fee collected shall be deposited in the  
864 state courts' Mediation and Arbitration Trust Fund; or

865 (III) One thousand nine hundred dollars in all cases in  
866 which the value of the claim is \$250,000 or more and in which  
867 there are not more than five defendants. The party shall pay an  
868 additional filing fee of up to \$2.50 for each defendant in  
869 excess of five. Of the first \$1,808 ~~\$1,770~~ in filing fees, \$118  
870 ~~\$80~~ must be remitted by the clerk to the Department of Revenue  
871 for deposit into the General Revenue Fund, \$1,685 must be  
872 remitted to the Department of Revenue for deposit into the State  
873 Courts Revenue Trust Fund, \$3.50 must be remitted to the  
874 Department of Revenue for deposit into the Clerks of the Court  
875 Trust Fund within the Justice Administrative Commission to fund  
876 the Florida Clerks of Court Operations Corporation created in s.  
877 28.35, and \$1.50 shall be remitted to the Department of Revenue  
878 for deposit into the Administrative Trust Fund within the  
879 Department of Financial Services to fund clerk budget reviews  
880 conducted by the Department of Financial Services. The next \$15  
881 of the filing fee collected shall be deposited in the state  
882 courts' Mediation and Arbitration Trust Fund.

883 e. An additional filing fee of \$4 shall be paid to the



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884 clerk. The clerk shall remit \$3.50 to the Department of Revenue  
885 for deposit into the Court Education Trust Fund and shall remit  
886 50 cents to the Department of Revenue for deposit into the  
887 Clerks of the Court Trust Fund within the Justice Administrative  
888 Commission to fund clerk education. An additional filing fee of  
889 up to \$18 shall be paid by the party seeking each severance that  
890 is granted. The clerk may impose an additional filing fee of up  
891 to \$85 for all proceedings of garnishment, attachment, replevin,  
892 and distress. Postal charges incurred by the clerk of the  
893 circuit court in making service by certified or registered mail  
894 on defendants or other parties shall be paid by the party at  
895 whose instance service is made. No additional fees, charges, or  
896 costs shall be added to the filing fees imposed under this  
897 section, except as authorized in this section or by general law.

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

902 Section 12. Section 28.245, Florida Statutes, is amended to  
903 read:

904 28.245 Transmittal of funds to Department of Revenue;  
905 uniform remittance form required.—Notwithstanding any other  
906 provision of law, all moneys collected by the clerks of the  
907 court as part of the clerk's court-related functions for  
908 subsequent distribution to any state entity, including deposits  
909 into the Clerk of Court Trust Fund within the Justice  
910 Administrative Commission, shall be transmitted electronically  
911 to the Department of Revenue within 7 working days after the end  
912 of the week in which the moneys were collected ~~must be~~





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913 ~~transmitted electronically, by the 20th day of the month~~  
914 ~~immediately following the month in which the moneys are~~  
915 ~~collected, to the Department of Revenue for appropriate~~  
916 ~~distribution.~~ A uniform remittance form provided by the  
917 Department of Revenue detailing the specific amounts due each  
918 fund must accompany such submittal. All moneys collected by the  
919 clerks of court for remittance to any entity must be distributed  
920 pursuant to the law in effect at the time of collection.

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

923 28.36 Budget procedure.—There is established a budget  
924 procedure for preparing budget requests for funding for the  
925 court-related functions of the clerks of the court.

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

- 929 (a) Circuit criminal Case processing.
- 930 (b) County criminal Financial processing.
- 931 (c) Juvenile delinquency Jury management.
- 932 (d) Criminal traffic Information and reporting.
- 933 (e) Circuit civil.
- 934 (f) County civil.
- 935 (g) Civil traffic.
- 936 (h) Probate.
- 937 (i) Family.
- 938 (j) Juvenile dependency.

939  
940 Central administrative costs shall be allocated among the core-  
941 services categories.



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942           (10) ~~For the 2009-2010 fiscal year, the corporation shall~~  
943 ~~release appropriations in an amount equal to one-twelfth of each~~  
944 ~~clerk's approved budget each month. The statewide total~~  
945 ~~appropriation for the 2009-2010 fiscal year shall be set in the~~  
946 ~~General Appropriations Act. The corporation shall determine the~~  
947 ~~amount of each clerk of court budget, but the statewide total of~~  
948 ~~such amounts may not exceed the amount listed in the General~~  
949 ~~Appropriations Act. Beginning in the 2010-2011 fiscal year, the~~  
950 corporation shall release appropriations to each clerk monthly,  
951 except for the first month of the fiscal year, which shall be  
952 based on estimate of 1 month's service units ~~quarterly.~~ The  
953 amount of the release after the first month of the fiscal year  
954 shall be based on the prior month's ~~quarter's~~ performance of  
955 service units identified in the ~~four~~ core services and the  
956 established unit costs for each clerk. If, during the year the  
957 corporation determines that the projected reimbursement for  
958 service units will result in statewide expenditures greater than  
959 the amount appropriated by law, the corporation shall reduce all  
960 service unit costs of all clerks by the amount necessary to  
961 ensure that projected units of service are funded within the  
962 total amount appropriated to the clerks of court. If such action  
963 is necessary, the corporation shall notify the Legislative  
964 Budget Commission prior to taking action. If the Legislative  
965 Budget Commission does not approve the adjustments, the  
966 commission shall adjust all service unit costs in an amount  
967 necessary to ensure that projected units of service are funded  
968 within the total amount appropriated to the clerks of court at  
969 the next scheduled meeting of the commission.

970           Section 14. Subsection (1) of section 29.001, Florida



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971 Statutes, is amended to read:

972 29.001 State courts system elements and definitions.—

973 (1) For the purpose of implementing s. 14, Art. V of the  
974 State Constitution, the state courts system is defined to  
975 include the enumerated elements of the Supreme Court, district  
976 courts of appeal, circuit courts, county courts, and certain  
977 supports thereto. The offices of public defenders and state  
978 attorneys are defined to include the enumerated elements of the  
979 20 state attorneys' offices and the enumerated elements of the  
980 20 public defenders' offices ~~and five offices of criminal~~  
981 ~~conflict and civil regional counsel~~. Court-appointed counsel are  
982 defined to include the enumerated elements for counsel appointed  
983 to ensure due process in criminal and civil proceedings in  
984 accordance with state and federal constitutional guarantees.  
985 Funding for the state courts system, the state attorneys'  
986 offices, the public defenders' offices, the offices of criminal  
987 conflict and civil regional counsel, and other court-appointed  
988 counsel shall be provided from state revenues appropriated by  
989 general law.

990 Section 15. Section 29.008, Florida Statutes, is amended to  
991 read:

992 29.008 County funding of court-related functions.—

993 (1) Counties are required by s. 14, Art. V of the State  
994 Constitution to fund the cost of communications services,  
995 existing radio systems, existing multiagency criminal justice  
996 information systems, and the cost of construction or lease,  
997 maintenance, utilities, and security of facilities for the  
998 circuit and county courts, public defenders' offices, state  
999 attorneys' offices, guardian ad litem offices, and the offices



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1000 of the clerks of the circuit and county courts performing court-  
1001 related functions. For purposes of this section, the term  
1002 "circuit and county courts" includes the offices and staffing of  
1003 the guardian ad litem programs, ~~and the term "public defenders'~~  
1004 ~~offices" includes the offices of criminal conflict and civil~~  
1005 ~~regional counsel.~~ The county designated under s. 35.05(1) as the  
1006 headquarters for each appellate district shall fund these costs  
1007 for the appellate division of the public defender's office in  
1008 that county. For purposes of implementing these requirements,  
1009 the term:

1010 (a) "Facility" means reasonable and necessary buildings and  
1011 office space and appurtenant equipment and furnishings,  
1012 structures, real estate, easements, and related interests in  
1013 real estate, including, but not limited to, those for the  
1014 purpose of housing legal materials for use by the general public  
1015 and personnel, equipment, or functions of the circuit or county  
1016 courts, public defenders' offices, state attorneys' offices, and  
1017 court-related functions of the office of the clerks of the  
1018 circuit and county courts and all storage. The term "facility"  
1019 includes all wiring necessary for court reporting services. The  
1020 term also includes access to parking for such facilities in  
1021 connection with such court-related functions that may be  
1022 available free or from a private provider or a local government  
1023 for a fee. The office space provided by a county may not be less  
1024 than the standards for space allotment adopted by the Department  
1025 of Management Services, except this requirement applies only to  
1026 facilities that are leased, or on which construction commences,  
1027 after June 30, 2003. County funding must include physical  
1028 modifications and improvements to all facilities as are required



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1029 for compliance with the Americans with Disabilities Act. Upon  
1030 mutual agreement of a county and the affected entity in this  
1031 paragraph, the office space provided by the county may vary from  
1032 the standards for space allotment adopted by the Department of  
1033 Management Services.

1034 1. As of July 1, 2005, equipment and furnishings shall be  
1035 limited to that appropriate and customary for courtrooms,  
1036 hearing rooms, jury facilities, and other public areas in  
1037 courthouses and any other facility occupied by the courts, state  
1038 attorneys, public defenders, and guardians ad litem, ~~and~~  
1039 ~~criminal conflict and civil regional counsel~~. Court reporting  
1040 equipment in these areas or facilities is not a responsibility  
1041 of the county.

1042 2. Equipment and furnishings under this paragraph in  
1043 existence and owned by counties on July 1, 2005, except for that  
1044 in the possession of the clerks, for areas other than  
1045 courtrooms, hearing rooms, jury facilities, and other public  
1046 areas in courthouses and any other facility occupied by the  
1047 courts, state attorneys, and public defenders, shall be  
1048 transferred to the state at no charge. This provision does not  
1049 apply to any communications services as defined in paragraph  
1050 (f).

1051 (b) "Construction or lease" includes, but is not limited  
1052 to, all reasonable and necessary costs of the acquisition or  
1053 lease of facilities for all judicial officers, staff, jurors,  
1054 volunteers of a tenant agency, and the public for the circuit  
1055 and county courts, the public defenders' offices, state  
1056 attorneys' offices, and for performing the court-related  
1057 functions of the offices of the clerks of the circuit and county



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1058 courts. This includes expenses related to financing such  
1059 facilities and the existing and future cost and bonded  
1060 indebtedness associated with placing the facilities in use.

1061 (c) "Maintenance" includes, but is not limited to, all  
1062 reasonable and necessary costs of custodial and groundskeeping  
1063 services and renovation and reconstruction as needed to  
1064 accommodate functions for the circuit and county courts, the  
1065 public defenders' offices, and state attorneys' offices and for  
1066 performing the court-related functions of the offices of the  
1067 clerks of the circuit and county court and for maintaining the  
1068 facilities in a condition appropriate and safe for the use  
1069 intended.

1070 (d) "Utilities" means all electricity services for light,  
1071 heat, and power; natural or manufactured gas services for light,  
1072 heat, and power; water and wastewater services and systems,  
1073 stormwater or runoff services and systems, sewer services and  
1074 systems, all costs or fees associated with these services and  
1075 systems, and any costs or fees associated with the mitigation of  
1076 environmental impacts directly related to the facility.

1077 (e) "Security" includes but is not limited to, all  
1078 reasonable and necessary costs of services of law enforcement  
1079 officers or licensed security guards and all electronic,  
1080 cellular, or digital monitoring and screening devices necessary  
1081 to ensure the safety and security of all persons visiting or  
1082 working in a facility; to provide for security of the facility,  
1083 including protection of property owned by the county or the  
1084 state; and for security of prisoners brought to any facility.  
1085 This includes bailiffs while providing courtroom and other  
1086 security for each judge and other quasi-judicial officers.



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1087 (f) "Communications services" are defined as any reasonable  
1088 and necessary transmission, emission, and reception of signs,  
1089 signals, writings, images, and sounds of intelligence of any  
1090 nature by wire, radio, optical, audio equipment, or other  
1091 electromagnetic systems and includes all facilities and  
1092 equipment owned, leased, or used by judges, clerks, public  
1093 defenders, state attorneys, guardians ad litem, ~~criminal~~  
1094 ~~conflict and civil regional counsel~~, and all staff of the state  
1095 courts system, state attorneys' offices, public defenders'  
1096 offices, and clerks of the circuit and county courts performing  
1097 court-related functions. Such system or services shall include,  
1098 but not be limited to:

1099 1. Telephone system infrastructure, including computer  
1100 lines, telephone switching equipment, and maintenance, and  
1101 facsimile equipment, wireless communications, cellular  
1102 telephones, pagers, and video teleconferencing equipment and  
1103 line charges. Each county shall continue to provide access to a  
1104 local carrier for local and long distance service and shall pay  
1105 toll charges for local and long distance service.

1106 2. All computer networks, systems and equipment, including  
1107 computer hardware and software, modems, printers, wiring,  
1108 network connections, maintenance, support staff or services  
1109 including any county-funded support staff located in the offices  
1110 of the circuit court, county courts, state attorneys, public  
1111 defenders, and guardians ad litem, ~~and criminal conflict and~~  
1112 ~~civil regional counsel~~; training, supplies, and line charges  
1113 necessary for an integrated computer system to support the  
1114 operations and management of the state courts system, the  
1115 offices of the public defenders, the offices of the state



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1116 attorneys, the guardian ad litem offices, ~~the offices of~~  
1117 ~~criminal conflict and civil regional counsel,~~ and the offices of  
1118 the clerks of the circuit and county courts; and the capability  
1119 to connect those entities and reporting data to the state as  
1120 required for the transmission of revenue, performance  
1121 accountability, case management, data collection, budgeting, and  
1122 auditing purposes. The integrated computer system shall be  
1123 operational by July 1, 2006, and, at a minimum, permit the  
1124 exchange of financial, performance accountability, case  
1125 management, case disposition, and other data across multiple  
1126 state and county information systems involving multiple users at  
1127 both the state level and within each judicial circuit and be  
1128 able to electronically exchange judicial case background data,  
1129 sentencing scoresheets, and video evidence information stored in  
1130 integrated case management systems over secure networks. Once  
1131 the integrated system becomes operational, counties may reject  
1132 requests to purchase communications services included in this  
1133 subparagraph not in compliance with standards, protocols, or  
1134 processes adopted by the board established pursuant to former s.  
1135 29.0086.

1136 3. Courier messenger and subpoena services.

1137 4. Auxiliary aids and services for qualified individuals  
1138 with a disability which are necessary to ensure access to the  
1139 courts. Such auxiliary aids and services include, but are not  
1140 limited to, sign language interpretation services required under  
1141 the federal Americans with Disabilities Act other than services  
1142 required to satisfy due-process requirements and identified as a  
1143 state funding responsibility pursuant to ss. 29.004, 29.005,  
1144 29.006, and 29.007, real-time transcription services for





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1145 individuals who are hearing impaired, and assistive listening  
1146 devices and the equipment necessary to implement such  
1147 accommodations.

1148 (g) "Existing radio systems" includes, but is not limited  
1149 to, law enforcement radio systems that are used by the circuit  
1150 and county courts, the offices of the public defenders, the  
1151 offices of the state attorneys, and for court-related functions  
1152 of the offices of the clerks of the circuit and county courts.  
1153 This includes radio systems that were operational or under  
1154 contract at the time Revision No. 7, 1998, to Art. V of the  
1155 State Constitution was adopted and any enhancements made  
1156 thereafter, the maintenance of those systems, and the personnel  
1157 and supplies necessary for operation.

1158 (h) "Existing multiagency criminal justice information  
1159 systems" includes, but is not limited to, those components of  
1160 the multiagency criminal justice information system as defined  
1161 in s. 943.045, supporting the offices of the circuit or county  
1162 courts, the public defenders' offices, the state attorneys'  
1163 offices, or those portions of the offices of the clerks of the  
1164 circuit and county courts performing court-related functions  
1165 that are used to carry out the court-related activities of those  
1166 entities. This includes upgrades and maintenance of the current  
1167 equipment, maintenance and upgrades of supporting technology  
1168 infrastructure and associated staff, and services and expenses  
1169 to assure continued information sharing and reporting of  
1170 information to the state. The counties shall also provide  
1171 additional information technology services, hardware, and  
1172 software as needed for new judges and staff of the state courts  
1173 system, state attorneys' offices, public defenders' offices,



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1174 guardian ad litem offices, and the offices of the clerks of the  
1175 circuit and county courts performing court-related functions.

1176 (2) Counties shall pay reasonable and necessary salaries,  
1177 costs, and expenses of the state courts system, including  
1178 associated staff and expenses, to meet local requirements.

1179 (a) Local requirements are those specialized programs,  
1180 nonjudicial staff, and other expenses associated with  
1181 specialized court programs, specialized prosecution needs,  
1182 specialized defense needs, or resources required of a local  
1183 jurisdiction as a result of special factors or circumstances.

1184 Local requirements exist:

1185 1. When imposed pursuant to an express statutory directive,  
1186 based on such factors as provided in paragraph (b); or

1187 2. When:

1188 a. The county has enacted an ordinance, adopted a local  
1189 program, or funded activities with a financial or operational  
1190 impact on the circuit or a county within the circuit; or

1191 b. Circumstances in a given circuit or county result in or  
1192 necessitate implementation of specialized programs, the  
1193 provision of nonjudicial staff and expenses to specialized court  
1194 programs, special prosecution needs, specialized defense needs,  
1195 or the commitment of resources to the court's jurisdiction.

1196 (b) Factors and circumstances resulting in the  
1197 establishment of a local requirement include, but are not  
1198 limited to:

1199 1. Geographic factors;

1200 2. Demographic factors;

1201 3. Labor market forces;

1202 4. The number and location of court facilities; or



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1203 5. The volume, severity, complexity, or mix of court cases.

1204 (c) Local requirements under subparagraph (a)2. must be  
1205 determined by the following method:

1206 1. The chief judge of the circuit, in conjunction with the  
1207 state attorney ~~and~~ the public defender, ~~and the criminal~~  
1208 ~~conflict and civil regional counsel only~~ on matters that impact  
1209 only their offices, shall identify all local requirements within  
1210 the circuit or within each county in the circuit and shall  
1211 identify the reasonable and necessary salaries, costs, and  
1212 expenses to meet these local requirements.

1213 2. On or before June 1 of each year, the chief judge shall  
1214 submit to the board of county commissioners a tentative budget  
1215 request for local requirements for the ensuing fiscal year. The  
1216 tentative budget must certify a listing of all local  
1217 requirements and the reasonable and necessary salaries, costs,  
1218 and expenses for each local requirement. The board of county  
1219 commissioners may, by resolution, require the certification to  
1220 be submitted earlier.

1221 3. The board of county commissioners shall thereafter treat  
1222 the certification in accordance with the county's budgetary  
1223 procedures. A board of county commissioners may:

1224 a. Determine whether to provide funding, and to what extent  
1225 it will provide funding, for salaries, costs, and expenses under  
1226 this section;

1227 b. Require a county finance officer to conduct a preaudit  
1228 review of any county funds provided under this section prior to  
1229 disbursement;

1230 c. Require review or audit of funds expended under this  
1231 section by the appropriate county office; and



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1232           d. Provide additional financial support for the courts  
1233 system, state attorneys, public defenders, or criminal conflict  
1234 and civil regional counsel.

1235           (d) Counties may satisfy these requirements by entering  
1236 into interlocal agreements for the collective funding of these  
1237 reasonable and necessary salaries, costs, and expenses.

1238           (3) The following shall be considered a local requirement  
1239 pursuant to subparagraph (2)(a)1.:

1240           (a) Legal aid programs, which shall be funded at a level  
1241 equal to or greater than the amount provided from filing fees  
1242 and surcharges to legal aid programs from October 1, 2002, to  
1243 September 30, 2003.

1244           (b) Alternative sanctions coordinators pursuant to ss.  
1245 984.09 and 985.037.

1246           (4)(a) The Department of Financial Services shall review  
1247 county expenditure reports required under s. 29.0085 for the  
1248 purpose of ensuring that counties fulfill the responsibilities  
1249 of this section. The department shall compare county fiscal  
1250 reports to determine if expenditures for the items specified in  
1251 paragraphs (1)(a)-(h) and subsection (3) have increased by 1.5  
1252 percent over the prior county fiscal year. The initial review  
1253 must compare county fiscal year 2005-2006 to county fiscal year  
1254 2004-2005. If the department finds that expenditures for the  
1255 items specified in paragraphs (1)(a)-(h) and subsection (3) have  
1256 not increased by 1.5 percent over the prior county fiscal year,  
1257 the department shall notify the President of the Senate and the  
1258 Speaker of the House of Representatives and the respective  
1259 county. The Legislature may determine that a county has met its  
1260 obligations for items specified in this section if the prior



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1261 county fiscal year included nonrecurring expenditures for  
1262 facilities or information technology that is not needed in the  
1263 next county fiscal year or expenditures or actions that enable a  
1264 county to attain efficiencies in providing services to the court  
1265 system. The Legislature may direct the Department of Revenue to  
1266 withhold revenue-sharing receipts distributed pursuant to part  
1267 II of chapter 218, except for revenues used for paying the  
1268 principal or interest on bonds, tax anticipation certificates,  
1269 or any other form of indebtedness allowed under s. 218.25(1),  
1270 (2), or (4), from any county that is not in compliance with the  
1271 funding obligations in this section by an amount equal to the  
1272 difference between the amount spent and the amount that would  
1273 have been spent had the county increased expenditures by 1.5  
1274 percent per year.

1275 (b) The department shall transfer the withheld payments to  
1276 the General Revenue Fund by March 31 of each year for the  
1277 previous county fiscal year. These payments are appropriated to  
1278 the Department of Revenue to pay for these responsibilities on  
1279 behalf of the county.

1280 Section 16. Section 29.0095, Florida Statutes, is repealed.

1281 Section 17. Section 29.0195, Florida Statutes, is amended  
1282 to read:

1283 29.0195 Recovery of expenditures for state-funded  
1284 services.—The trial court administrator of each circuit shall  
1285 recover expenditures for state-funded services when those  
1286 services have been furnished to a user of the state court system  
1287 who possesses the present ability to pay. The rate of  
1288 compensation for such services shall be the actual cost of the  
1289 services, including the cost of recovery. The trial court



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1290 administrator shall deposit moneys recovered under this section  
1291 in the Administrative ~~Operating~~ Trust Fund within the state  
1292 courts ~~court~~ system. The trial court administrator shall recover  
1293 the costs of court reporter services and transcription; court  
1294 interpreter services, including translation; and any other  
1295 service for which state funds were used to provide a product or  
1296 service within the circuit. This section does not authorize cost  
1297 recovery from entities described in ss. 29.005, 29.006, and  
1298 29.007.

1299 Section 18. Paragraph (a) of subsection (1) of section  
1300 34.041, Florida Statutes, is amended to read:

1301 34.041 Filing fees.—

1302 (1) (a) Upon the institution of any civil action, suit, or  
1303 proceeding in county court, the party shall pay the following  
1304 filing fee, not to exceed:

- 1305 1. For all claims less than \$100.....\$50.
- 1306 2. For all claims of \$100 or more but not more than \$500\$75.
- 1307 3. For all claims of more than \$500 but not more than  
1308 \$2,500.....\$170.
- 1309 4. For all claims of more than \$2,500.....\$295.
- 1310 5. In addition, for all proceedings of garnishment,  
1311 attachment, replevin, and distress.....\$85.
- 1312 6. Notwithstanding subparagraphs 3. and 5., for all claims  
1313 of not more than \$1,000 filed simultaneously with an action for  
1314 replevin of property that is the subject of the claim.....\$125.
- 1315 7. For removal of tenant action.....\$180.

1316

1317 The filing fee prescribed in subparagraph 6. is the total fee  
1318 due under this paragraph for that type of filing. No other



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1319 filing fee under this paragraph shall be assessed against such a  
1320 filing.

1321 Section 19. Subsection (6) of section 35.22, Florida  
1322 Statutes, is amended to read:

1323 35.22 Clerk of district court; appointment; compensation;  
1324 assistants; filing fees; teleconferencing.-

1325 (6) The clerk of each district court of appeal is required  
1326 to deposit all fees collected in the State Treasury to the  
1327 credit of the General Revenue Fund, except that \$50 of each \$300  
1328 filing fee collected shall be deposited into the State Courts  
1329 Revenue ~~state court's Operating~~ Trust Fund to fund court  
1330 operations ~~improvement projects~~ as authorized in the General  
1331 Appropriations Act. The clerk shall retain an accounting of each  
1332 such remittance.

1333 Section 20. Section 39.0134, Florida Statutes, is amended  
1334 to read:

1335 39.0134 Appointed counsel; compensation.-

1336 (1) If counsel is entitled to receive compensation for  
1337 representation pursuant to a court appointment in a dependency  
1338 proceeding or a termination of parental rights proceeding  
1339 pursuant to this chapter, compensation shall be paid in  
1340 accordance with s. 27.5304. The state may acquire and enforce a  
1341 lien upon court-ordered payment of attorney's fees and costs in  
1342 the same manner prescribed in s. 938.29 ~~accordance with s.~~  
1343 ~~984.08.~~

1344 (2) (a) A parent whose child is dependent, whether or not  
1345 adjudication was withheld, or whose parental rights are  
1346 terminated and who has received the assistance of the office of  
1347 criminal conflict and civil regional counsel, or any other



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1348 court-appointed attorney, or who has received due process  
1349 services after being found indigent for costs under s. 57.082,  
1350 shall be liable for payment of the assessed application fee  
1351 under s. 57.082, together with reasonable attorney's fees and  
1352 costs as determined by the court.

1353 (b) If reasonable attorney's fees or costs are assessed,  
1354 the court, at its discretion, may make payment of the fees or  
1355 costs part of any case plan in dependency proceedings. However,  
1356 a case plan may not remain open for the sole issue of payment of  
1357 attorney's fees or costs. At the court's discretion, a lien upon  
1358 court-ordered payment of attorney's fees and costs may be  
1359 ordered by the court and enforced in the same manner prescribed  
1360 in s. 938.29.

1361 (c) The clerk of the court shall transfer monthly all  
1362 attorney's fees and costs collected under this subsection to the  
1363 Department of Revenue for deposit into the Indigent Civil  
1364 Defense Trust Fund, to be used as appropriated by the  
1365 Legislature and consistent with s. 27.5111.

1366 Section 21. Subsection (1) of section 39.821, Florida  
1367 Statutes, is amended to read:

1368 39.821 Qualifications of guardians ad litem.—

1369 (1) Because of the special trust or responsibility placed  
1370 in a guardian ad litem, the Guardian Ad Litem Program may use  
1371 any private funds collected by the program, or any state funds  
1372 so designated, to conduct a security background investigation  
1373 before certifying a volunteer to serve. A security background  
1374 investigation must include, but need not be limited to,  
1375 employment history checks, checks of references, local criminal  
1376 records checks through local law enforcement agencies, and





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1377 statewide criminal records checks through the Department of Law  
1378 Enforcement. Upon request, an employer shall furnish a copy of  
1379 the personnel record for the employee or former employee who is  
1380 the subject of a security background investigation conducted  
1381 under this section. The information contained in the personnel  
1382 record may include, but need not be limited to, disciplinary  
1383 matters and the reason why the employee was terminated from  
1384 employment. An employer who releases a personnel record for  
1385 purposes of a security background investigation is presumed to  
1386 have acted in good faith and is not liable for information  
1387 contained in the record without a showing that the employer  
1388 maliciously falsified the record. A security background  
1389 investigation conducted under this section must ensure that a  
1390 person is not certified as a guardian ad litem if the person has  
1391 been convicted of, regardless of adjudication, or entered a plea  
1392 of nolo contendere or guilty to, any offense prohibited under  
1393 the provisions listed in s. 435.04 ~~of the Florida Statutes~~  
1394 ~~specified in s. 435.04(2) or under any similar law in another~~  
1395 ~~jurisdiction.~~ Effective July 1, 2010, all applicants must  
1396 undergo a level 2 background screening pursuant to chapter 435  
1397 before being certified ~~Before certifying an applicant to serve~~  
1398 as a guardian ad litem, and the Guardian Ad Litem Program may  
1399 request a federal criminal records check of the applicant  
1400 through the Federal Bureau of Investigation. In analyzing and  
1401 evaluating the information obtained in the security background  
1402 investigation, the program must give particular emphasis to past  
1403 activities involving children, including, but not limited to,  
1404 child-related criminal offenses or child abuse. The program has  
1405 the sole discretion in determining whether to certify a person



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1406 based on his or her security background investigation. The  
1407 information collected pursuant to the security background  
1408 investigation is confidential and exempt from s. 119.07(1).

1409 Section 22. Subsections (1) and (5) of section 57.082,  
1410 Florida Statutes, are amended to read:

1411 57.082 Determination of civil indigent status.—

1412 (1) APPLICATION TO THE CLERK.—A person seeking appointment  
1413 of an attorney in a civil case eligible for court-appointed  
1414 counsel, or seeking relief from payment of filing fees and  
1415 prepayment of costs under s. 57.081, based upon an inability to  
1416 pay must apply to the clerk of the court for a determination of  
1417 civil indigent status using an application form developed by the  
1418 Florida Clerks of Court Operations Corporation with final  
1419 approval by the Supreme Court.

1420 (a) The application must include, at a minimum, the  
1421 following financial information:

1422 1. Net income, consisting of total salary and wages, minus  
1423 deductions required by law, including court-ordered support  
1424 payments.

1425 2. Other income, including, but not limited to, social  
1426 security benefits, union funds, veterans' benefits, workers'  
1427 compensation, other regular support from absent family members,  
1428 public or private employee pensions, unemployment compensation,  
1429 dividends, interest, rent, trusts, and gifts.

1430 3. Assets, including, but not limited to, cash, savings  
1431 accounts, bank accounts, stocks, bonds, certificates of deposit,  
1432 equity in real estate, and equity in a boat or a motor vehicle  
1433 or in other tangible property.

1434 4. All liabilities and debts.



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1435  
1436 The application must include a signature by the applicant which  
1437 attests to the truthfulness of the information provided. The  
1438 application form developed by the corporation must include  
1439 notice that the applicant may seek court review of a clerk's  
1440 determination that the applicant is not indigent, as provided in  
1441 this section.

1442 (b) The clerk shall assist a person who appears before the  
1443 clerk and requests assistance in completing the application, and  
1444 the clerk shall notify the court if a person is unable to  
1445 complete the application after the clerk has provided  
1446 assistance.

1447 (c) The clerk shall accept an application that is signed by  
1448 the applicant and submitted on his or her behalf by a private  
1449 attorney who is representing the applicant in the applicable  
1450 matter.

1451 (d) A person who seeks appointment of an attorney in a  
1452 proceeding case under chapter 39, at shelter hearings or during  
1453 the adjudicatory process, during the judicial review process,  
1454 upon the filing of a petition to terminate parental rights, or  
1455 upon the filing of any appeal, or if the person seeks  
1456 appointment of an attorney in a reopened proceeding ~~the trial or~~  
1457 appellate level, for which an indigent person is eligible for  
1458 court-appointed representation must, shall pay a \$50 application  
1459 fee to the clerk for each application filed. A person is not  
1460 required to pay more than one application fee per case. However,  
1461 an appeal or the reopening of a proceeding shall be deemed to be  
1462 a distinct case. The applicant must shall pay the fee within 7  
1463 days after submitting the application. If the applicant has not



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1464 paid the fee within 7 days, the court shall enter an order  
1465 requiring payment, and the clerk shall pursue collection under  
1466 s. 28.246. The clerk shall transfer monthly all application fees  
1467 collected under this paragraph to the Department of Revenue for  
1468 deposit into the Indigent Civil Defense Trust Fund, to be used  
1469 as appropriated by the Legislature. The clerk may retain 10  
1470 percent of application fees collected monthly for administrative  
1471 costs prior to remitting the remainder to the Department of  
1472 Revenue. ~~A person found to be indigent may not be refused~~  
1473 ~~counsel.~~ If the person cannot pay the application fee, the clerk  
1474 shall enroll the person in a payment plan pursuant to s. 28.246.

1475 (5) APPOINTMENT OF COUNSEL.—In appointing counsel after a  
1476 determination that a person is indigent under this section, the  
1477 court shall first appoint the office of criminal conflict and  
1478 civil regional counsel, as provided in s. 27.511, unless  
1479 specific provision is made in law for the appointment of the  
1480 public defender in the particular civil proceeding. The court  
1481 shall also order the person to pay the application fee under  
1482 subsection (1), or enroll in a payment plan if he or she is  
1483 unable to pay the fee, if the fee remains unpaid or if the  
1484 person has not enrolled in a payment plan at the time the court  
1485 appoints counsel. However, a person who is found to be indigent  
1486 may not be refused counsel.

1487 Section 23. Subsection (2) of section 316.192, Florida  
1488 Statutes, is amended to read:

1489 316.192 Reckless driving.—

1490 (2) Except as provided in subsection (3), any person  
1491 convicted of reckless driving shall be punished:

1492 (a) Upon a first conviction, by imprisonment for a period



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1493 of not more than 90 days or by fine of not less than \$100 ~~\$25~~  
1494 nor more than \$500, or by both such fine and imprisonment.

1495 (b) On a second or subsequent conviction, by imprisonment  
1496 for not more than 6 months or by a fine of not less than \$200  
1497 ~~\$50~~ nor more than \$1,000, or by both such fine and imprisonment.

1498 Section 24. Effective October 1, 2010, subsection (4) of  
1499 section 320.02, Florida Statutes, is amended to read:

1500 320.02 Registration required; application for registration;  
1501 forms.—

1502 (4) The owner of any motor vehicle registered in the state  
1503 shall notify the department in writing of any change of address  
1504 within 60 ~~20~~ days after ~~of~~ such change. The notification shall  
1505 include the registration license plate number, the vehicle  
1506 identification number (VIN) or title certificate number, year of  
1507 vehicle make, and the owner's full name.

1508 Section 25. Effective October 1, 2010, section 320.061,  
1509 Florida Statutes, is amended to read:

1510 320.061 Unlawful to alter motor vehicle registration  
1511 certificates, license plates, mobile home stickers, or  
1512 validation stickers or to obscure license plates; penalty.—No  
1513 person shall alter the original appearance of any registration  
1514 license plate, mobile home sticker, validation sticker, or  
1515 vehicle registration certificate issued for and assigned to any  
1516 motor vehicle or mobile home, whether by mutilation, alteration,  
1517 defacement, or change of color or in any other manner. No person  
1518 shall apply or attach any substance, reflective matter,  
1519 illuminated device, spray, coating, covering, or other material  
1520 onto or around any license plate that interferes with the  
1521 legibility, angular visibility, or detectability of any feature



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1522 or detail on the license plate or interferes with the ability to  
1523 record any feature or detail on the license plate. Any person  
1524 who violates this section commits a noncriminal traffic  
1525 infraction, punishable as a moving violation as provided in  
1526 chapter 318 ~~misdemeanor of the second degree, punishable as~~  
1527 ~~provided in s. 775.082 or s. 775.083.~~

1528 Section 26. Effective October 1, 2010, subsection (3) of  
1529 section 320.131, Florida Statutes, is amended to read:

1530 320.131 Temporary tags.—

1531 (3) Any person or corporation who unlawfully issues or uses  
1532 a temporary tag or violates this section or any rule adopted by  
1533 the department to implement this section is guilty of a  
1534 noncriminal infraction, punishable as a moving violation as  
1535 provided in chapter 318 ~~misdemeanor of the second degree~~  
1536 ~~punishable as provided in s. 775.082 or s. 775.083~~ in addition  
1537 to other administrative action by the department., ~~except that~~  
1538 Using a temporary tag that has been expired for a period of 7  
1539 days or less is a noncriminal infraction, and is a nonmoving  
1540 violation punishable as provided for in chapter 318.

1541 Section 27. Effective October 1, 2010, section 320.38,  
1542 Florida Statutes, is amended to read:

1543 320.38 When nonresident exemption not allowed.—The  
1544 provisions of s. 320.37 authorizing the operation of motor  
1545 vehicles over the roads of this state by nonresidents of this  
1546 state when such vehicles are duly registered or licensed under  
1547 the laws of some other state or foreign country do not apply to  
1548 any nonresident who accepts employment or engages in any trade,  
1549 profession, or occupation in this state, except a nonresident  
1550 migrant or seasonal farm worker as defined in s. 316.003(61). In



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1551 every case in which a nonresident, except a nonresident migrant  
1552 or seasonal farm worker as defined in s. 316.003(61), accepts  
1553 employment or engages in any trade, profession, or occupation in  
1554 this state or enters his or her children to be educated in the  
1555 public schools of this state, such nonresident shall, within 60  
1556 ~~10~~ days after the commencement of such employment or education,  
1557 register his or her motor vehicles in this state if such motor  
1558 vehicles are proposed to be operated on the roads of this state.  
1559 Any person who is enrolled as a student in a college or  
1560 university and who is a nonresident but who is in this state for  
1561 a period of up to 6 months engaged in a work-study program for  
1562 which academic credits are earned from a college whose credits  
1563 or degrees are accepted for credit by at least three accredited  
1564 institutions of higher learning, as defined in s. 1005.02, is  
1565 not required to have a Florida registration for the duration of  
1566 the work-study program if the person's vehicle is properly  
1567 registered in another jurisdiction. Any nonresident who is  
1568 enrolled as a full-time student in such institution of higher  
1569 learning is also exempt for the duration of such enrollment.

1570 Section 28. Effective October 1, 2010, subsections (1) and  
1571 (5) of section 322.03, Florida Statutes, are amended to read:

1572 322.03 Drivers must be licensed; penalties.—

1573 (1) Except as otherwise authorized in this chapter, a  
1574 person may not drive any motor vehicle upon a highway in this  
1575 state unless such person has a valid driver's license issued  
1576 under this chapter.

1577 (a) A person who drives a commercial motor vehicle may not  
1578 receive a driver's license unless and until he or she surrenders  
1579 to the department all driver's licenses in his or her possession



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1580 issued to him or her by any other jurisdiction or makes an  
1581 affidavit that he or she does not possess a driver's license.  
1582 Any such person who fails to surrender such licenses commits a  
1583 noncriminal infraction punishable as a moving violation as set  
1584 forth in chapter 318. Any such person ~~or~~ who makes a false  
1585 affidavit concerning such licenses commits a misdemeanor of the  
1586 first degree, punishable as provided in s. 775.082 or s.  
1587 775.083.

1588 (b) All surrendered licenses may be returned by the  
1589 department to the issuing jurisdiction together with information  
1590 that the licensee is now licensed in a new jurisdiction or may  
1591 be destroyed by the department, which shall notify the issuing  
1592 jurisdiction of such destruction. A person may not have more  
1593 than one valid driver's license at any time.

1594 (c) Part-time residents of this state issued a license that  
1595 is valid within this state only under paragraph (b) as that  
1596 paragraph existed before November 1, 2009, may continue to hold  
1597 such license until the next issuance of a Florida driver's  
1598 license or identification card. Licenses that are identified as  
1599 "Valid in Florida Only" may not be issued or renewed effective  
1600 November 1, 2009. This paragraph expires June 30, 2017.

1601 (5) It is a violation of this section for any person whose  
1602 driver's license has been expired for more than 6 4 months to  
1603 operate a motor vehicle on the highways of this state.

1604 Section 29. Effective October 1, 2010, subsections (5) and  
1605 (6) of section 322.16, Florida Statutes, are amended to read:

1606 322.16 License restrictions.—

1607 ~~(5) It is a misdemeanor of the second degree, punishable as~~  
1608 ~~provided in s. 775.082 or s. 775.083, for any person to operate~~





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1609 ~~a motor vehicle in any manner in violation of the restrictions~~  
1610 ~~imposed in a license issued to him or her except for a violation~~  
1611 ~~of paragraph (1)(d), subsection (2), or subsection (3).~~

1612 (5)~~(6)~~ Any person who operates a motor vehicle in violation  
1613 of the restrictions imposed in this section ~~subsection (2) or~~  
1614 ~~subsection (3)~~ will be charged with a moving violation and fined  
1615 in accordance with chapter 318.

1616 Section 30. Paragraph (a) of subsection (2) of section  
1617 394.4599, Florida Statutes, is amended to read:

1618 394.4599 Notice.—

1619 (2) INVOLUNTARY PATIENTS.—

1620 (a) Whenever notice is required to be given under this  
1621 part, such notice shall be given to the patient and the  
1622 patient's guardian, guardian advocate, attorney, and  
1623 representative.

1624 1. When notice is required to be given to a patient, it  
1625 shall be given both orally and in writing, in the language and  
1626 terminology that the patient can understand, and, if needed, the  
1627 facility shall provide an interpreter for the patient.

1628 2. Notice to a patient's guardian, guardian advocate,  
1629 attorney, and representative shall be given by United States  
1630 mail and by registered or certified mail with the receipts  
1631 attached to the patient's clinical record. Hand delivery by a  
1632 facility employee may be used as an alternative, with delivery  
1633 documented in the clinical record. If notice is given by ~~a state~~  
1634 ~~attorney or~~ an attorney for the department, a certificate of  
1635 service shall be sufficient to document service.

1636 Section 31. Subsection (3) of section 394.4615, Florida  
1637 Statutes, is amended to read:



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1638           394.4615 Clinical records; confidentiality.-  
1639           (3) Information from the clinical record may be released in  
1640 the following circumstances:  
1641           (a) When a patient has declared an intention to harm other  
1642 persons. When such declaration has been made, the administrator  
1643 may authorize the release of sufficient information to provide  
1644 adequate warning to the person threatened with harm by the  
1645 patient.  
1646           (b) When the administrator of the facility or secretary of  
1647 the department deems release to a qualified researcher as  
1648 defined in administrative rule, an aftercare treatment provider,  
1649 or an employee or agent of the department is necessary for  
1650 treatment of the patient, maintenance of adequate records,  
1651 compilation of treatment data, aftercare planning, or evaluation  
1652 of programs.  
1653  
1654 For the purpose of determining whether a person meets the  
1655 criteria for involuntary outpatient placement or for preparing  
1656 the proposed treatment plan pursuant to s. 394.4655, the  
1657 clinical record may be released to ~~the state attorney,~~ the  
1658 public defender or the patient's private legal counsel, the  
1659 court, and to the appropriate mental health professionals,  
1660 including the service provider identified in s.  
1661 394.4655(6)(b)2., in accordance with state and federal law.  
1662           Section 32. Paragraph (c) of subsection (3), paragraph (a)  
1663 of subsection (6), and paragraph (a) of subsection (7) of  
1664 section 394.4655, Florida Statutes, are amended to read:  
1665           394.4655 Involuntary outpatient placement.-  
1666           (3) PETITION FOR INVOLUNTARY OUTPATIENT PLACEMENT.-



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1667 (c) The petition for involuntary outpatient placement must  
1668 be filed in the county where the patient is located, unless the  
1669 patient is being placed from a state treatment facility, in  
1670 which case the petition must be filed in the county where the  
1671 patient will reside. When the petition has been filed, the clerk  
1672 of the court shall provide copies of the petition and the  
1673 proposed treatment plan to the department, the patient, the  
1674 patient's guardian or representative, ~~the state attorney,~~ and  
1675 the public defender or the patient's private counsel. A fee may  
1676 not be charged for filing a petition under this subsection.

1677 (6) HEARING ON INVOLUNTARY OUTPATIENT PLACEMENT.—

1678 (a)1. The court shall hold the hearing on involuntary  
1679 outpatient placement within 5 working days after the filing of  
1680 the petition, unless a continuance is granted. The hearing shall  
1681 be held in the county where the petition is filed, shall be as  
1682 convenient to the patient as is consistent with orderly  
1683 procedure, and shall be conducted in physical settings not  
1684 likely to be injurious to the patient's condition. If the court  
1685 finds that the patient's attendance at the hearing is not  
1686 consistent with the best interests of the patient and if the  
1687 patient's counsel does not object, the court may waive the  
1688 presence of the patient from all or any portion of the hearing.  
1689 ~~The state attorney for the circuit in which the patient is~~  
1690 ~~located shall represent the state, rather than the petitioner,~~  
1691 ~~as the real party in interest in the proceeding.~~

1692 2. The court may appoint a master to preside at the  
1693 hearing. One of the professionals who executed the involuntary  
1694 outpatient placement certificate shall be a witness. The patient  
1695 and the patient's guardian or representative shall be informed



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1696 by the court of the right to an independent expert examination.  
1697 If the patient cannot afford such an examination, the court  
1698 shall provide for one. The independent expert's report shall be  
1699 confidential and not discoverable, unless the expert is to be  
1700 called as a witness for the patient at the hearing. The court  
1701 shall allow testimony from individuals, including family  
1702 members, deemed by the court to be relevant under state law,  
1703 regarding the person's prior history and how that prior history  
1704 relates to the person's current condition. The testimony in the  
1705 hearing must be given under oath, and the proceedings must be  
1706 recorded. The patient may refuse to testify at the hearing.

1707 (7) PROCEDURE FOR CONTINUED INVOLUNTARY OUTPATIENT  
1708 PLACEMENT.—

1709 (a)1. If the person continues to meet the criteria for  
1710 involuntary outpatient placement, the service provider shall,  
1711 before the expiration of the period during which the treatment  
1712 is ordered for the person, file in the circuit court a petition  
1713 for continued involuntary outpatient placement.

1714 2. The existing involuntary outpatient placement order  
1715 remains in effect until disposition on the petition for  
1716 continued involuntary outpatient placement.

1717 3. A certificate shall be attached to the petition which  
1718 includes a statement from the person's physician or clinical  
1719 psychologist justifying the request, a brief description of the  
1720 patient's treatment during the time he or she was involuntarily  
1721 placed, and an individualized plan of continued treatment.

1722 4. The service provider shall develop the individualized  
1723 plan of continued treatment in consultation with the patient or  
1724 the patient's guardian advocate, if appointed. When the petition



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1725 has been filed, the clerk of the court shall provide copies of  
1726 the certificate and the individualized plan of continued  
1727 treatment to the department, the patient, the patient's guardian  
1728 advocate, ~~the state attorney~~, and the patient's private counsel  
1729 or the public defender.

1730 Section 33. Subsection (3) and paragraph (a) of subsection  
1731 (6) of section 394.467, Florida Statutes, are amended to read:

1732 394.467 Involuntary inpatient placement.—

1733 (3) PETITION FOR INVOLUNTARY INPATIENT PLACEMENT.—The  
1734 administrator of the facility shall file a petition for  
1735 involuntary inpatient placement in the court in the county where  
1736 the patient is located. Upon filing, the clerk of the court  
1737 shall provide copies to the department, the patient, the  
1738 patient's guardian or representative, ~~and the state attorney~~ and  
1739 public defender of the judicial circuit in which the patient is  
1740 located. No fee shall be charged for the filing of a petition  
1741 under this subsection.

1742 (6) HEARING ON INVOLUNTARY INPATIENT PLACEMENT.—

1743 (a)1. The court shall hold the hearing on involuntary  
1744 inpatient placement within 5 days, unless a continuance is  
1745 granted. The hearing shall be held in the county where the  
1746 patient is located and shall be as convenient to the patient as  
1747 may be consistent with orderly procedure and shall be conducted  
1748 in physical settings not likely to be injurious to the patient's  
1749 condition. If the court finds that the patient's attendance at  
1750 the hearing is not consistent with the best interests of the  
1751 patient, and the patient's counsel does not object, the court  
1752 may waive the presence of the patient from all or any portion of  
1753 the hearing. ~~The state attorney for the circuit in which the~~



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1754 ~~patient is located shall represent the state, rather than the~~  
1755 ~~petitioning facility administrator, as the real party in~~  
1756 ~~interest in the proceeding.~~

1757         2. The court may appoint a general or special magistrate to  
1758 preside at the hearing. One of the professionals who executed  
1759 the involuntary inpatient placement certificate shall be a  
1760 witness. The patient and the patient's guardian or  
1761 representative shall be informed by the court of the right to an  
1762 independent expert examination. If the patient cannot afford  
1763 such an examination, the court shall provide for one. The  
1764 independent expert's report shall be confidential and not  
1765 discoverable, unless the expert is to be called as a witness for  
1766 the patient at the hearing. The testimony in the hearing must be  
1767 given under oath, and the proceedings must be recorded. The  
1768 patient may refuse to testify at the hearing.

1769         Section 34. Subsection (1) of section 775.083, Florida  
1770 Statutes, is amended to read:

1771         775.083 Fines.—

1772         (1) A person who has been convicted of an offense other  
1773 than a capital felony may be sentenced to pay a fine in addition  
1774 to any punishment described in s. 775.082; when specifically  
1775 authorized by statute, he or she may be sentenced to pay a fine  
1776 in lieu of any punishment described in s. 775.082. A person who  
1777 has been convicted of a noncriminal violation may be sentenced  
1778 to pay a fine. Fines for designated crimes and for noncriminal  
1779 violations shall not exceed:

1780             (a) \$15,000, when the conviction is of a life felony.

1781             (b) \$10,000, when the conviction is of a felony of the  
1782 first or second degree.



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1783 (c) \$5,000, when the conviction is of a felony of the third  
1784 degree.

1785 (d) \$1,000, when the conviction is of a misdemeanor of the  
1786 first degree.

1787 (e) \$500, when the conviction is of a misdemeanor of the  
1788 second degree or a noncriminal violation.

1789 (f) Any higher amount equal to double the pecuniary gain  
1790 derived from the offense by the offender or double the pecuniary  
1791 loss suffered by the victim.

1792 (g) Any higher amount specifically authorized by statute.

1793

1794 Fines imposed in this subsection shall be deposited by the clerk  
1795 of the court in the fine and forfeiture fund established  
1796 pursuant to s. 142.01, except that the clerk shall remit fines  
1797 imposed when adjudication is withheld to the Department of  
1798 Revenue for deposit shall be deposited in the General Revenue  
1799 Fund State Courts Revenue Trust Fund, and such fines imposed  
1800 when adjudication is withheld are not revenue for purposes of s.  
1801 28.36 and may not be used in establishing the budget of the  
1802 clerk of the court under that section or s. 28.35. If a  
1803 defendant is unable to pay a fine, the court may defer payment  
1804 of the fine to a date certain. As used in this subsection, the  
1805 term "convicted" or "conviction" means a determination of guilt  
1806 which is the result of a trial or the entry of a plea of guilty  
1807 or nolo contendere, regardless of whether adjudication is  
1808 withheld.

1809 Section 35. Section 775.08401, Florida Statutes, is  
1810 repealed.

1811 Section 36. Subsection (5) of section 775.087, Florida



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1812 Statutes, is repealed.

1813 Section 37. Subsection (5) of section 775.0843, Florida  
1814 Statutes, is amended to read:

1815 775.0843 Policies to be adopted for career criminal cases.-

1816 (5) Each career criminal apprehension program shall  
1817 concentrate on the identification and arrest of career criminals  
1818 and the support of subsequent prosecution. The determination of  
1819 which suspected felony offenders shall be the subject of career  
1820 criminal apprehension efforts shall be made in accordance with  
1821 written target selection criteria selected by the individual law  
1822 enforcement agency and state attorney consistent with the  
1823 provisions of this section and s. ss. ~~775.08401~~ and 775.0842.

1824 Section 38. Section 938.06, Florida Statutes, is amended to  
1825 read:

1826 938.06 ~~Additional~~ Cost for crime stoppers programs.-

1827 (1) In addition to any fine prescribed by law, when a  
1828 person is convicted of ~~for~~ any criminal offense, ~~the county or~~  
1829 circuit court shall assess ~~there is hereby assessed as~~ a court  
1830 cost ~~an additional surcharge~~ of \$20 ~~on such fine, which shall be~~  
1831 ~~imposed by all county and circuit courts and collected by the~~  
1832 ~~clerks of the courts together with such fine.~~

1833 (2) The clerk of the court shall collect and forward, on a  
1834 monthly basis, all costs assessed under this section, less \$3  
1835 per assessment as a service charge to be retained by the clerk,  
1836 to the Department of Revenue for deposit in the Crime Stoppers  
1837 Trust Fund, to be used as provided in s. 16.555.

1838 (3) As used in this section, the term "convicted" means a  
1839 determination of guilt which is the result of a trial or the  
1840 entry of a plea of guilty or nolo contendere, regardless of





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1841 whether adjudication is withheld.

1842 Section 39. Section 939.08, Florida Statutes, is amended to  
1843 read:

1844 939.08 Costs to be certified before audit.—In all cases  
1845 wherein is claimed the payment of applicable bills of costs,  
1846 fees, or expenses of the state courts system as provided in s.  
1847 29.004, other than juror and witness fees, in the adjudication  
1848 of any case payable by the state, the trial court administrator  
1849 or the administrator's designee shall review the itemized bill.  
1850 The bill shall not be paid until the trial court administrator  
1851 or the administrator's designee has approved it and certified  
1852 that it is just, correct, and reasonable and contains no  
1853 unnecessary or illegal item.

1854 Section 40. Paragraph (a) of subsection (1) of section  
1855 939.185, Florida Statutes, is amended to read:

1856 939.185 Assessment of additional court costs and  
1857 surcharges.—

1858 (1) (a) The board of county commissioners may adopt by  
1859 ordinance an additional court cost, not to exceed \$65, to be  
1860 imposed by the court when a person pleads guilty or nolo  
1861 contendere to, or is found guilty of, or adjudicated delinquent  
1862 for, any felony, misdemeanor, delinquent act, or criminal  
1863 traffic offense under the laws of this state. Such additional  
1864 assessment shall be accounted for separately by the county in  
1865 which the offense occurred and be used only in the county  
1866 imposing this cost, to be allocated as follows:

1867 1. Twenty-five percent of the amount collected shall be  
1868 allocated to fund innovations, as determined by the chief judge  
1869 of the circuit, to supplement state funding for the elements of



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1870 the state courts system identified in s. 29.004 and county  
1871 funding for local requirements under s. 29.008(2)(a)2.

1872 2. Twenty-five percent of the amount collected shall be  
1873 allocated to assist counties in providing legal aid programs  
1874 required under s. 29.008(3)(a).

1875 3. Twenty-five percent of the amount collected shall be  
1876 allocated to fund personnel and legal materials for the public  
1877 as part of a law library.

1878 4. Twenty-five percent of the amount collected shall be  
1879 used as determined by the board of county commissioners to  
1880 support teen court programs, except as provided in s. 938.19(7),  
1881 juvenile assessment centers, and other juvenile alternative  
1882 programs.

1883  
1884 Each county receiving funds under this section shall report the  
1885 amount of funds collected pursuant to this section and an  
1886 itemized list of expenditures for all authorized programs and  
1887 activities. The report shall be submitted in a format developed  
1888 by the Supreme Court to the Governor, the Chief Financial  
1889 Officer, the President of the Senate, and the Speaker of the  
1890 House of Representatives on a quarterly basis beginning with the  
1891 quarter ending September 30, 2004. Quarterly reports shall be  
1892 submitted no later than 30 days after the end of the quarter.  
1893 Any unspent funds at the close of the county fiscal year  
1894 allocated under subparagraphs 2., 3., and 4., shall be  
1895 transferred for use pursuant to subparagraph 1.

1896 Section 41. Subsection (15) is added to section 943.03,  
1897 Florida Statutes, to read:

1898 943.03 Department of Law Enforcement.—



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1899           (15) The Department of Law Enforcement, in consultation  
1900 with the Criminal and Juvenile Justice Information Systems  
1901 Council established in s. 943.06, shall modify the existing  
1902 statewide uniform statute table in its criminal history system  
1903 to meet the business requirements of state and local criminal  
1904 justice and law enforcement agencies. In order to accomplish  
1905 this objective, the department shall:

1906           (a) Define the minimum business requirements necessary for  
1907 successful implementation;

1908           (b) Consider the charging and booking requirements of  
1909 sheriffs' offices and police departments and the business  
1910 requirements of state attorneys, public defenders, criminal  
1911 conflict and civil regional counsel, clerks of court, judges,  
1912 and state law enforcement agencies; and

1913           (c) Adopt rules establishing the necessary technical and  
1914 business process standards required to implement, operate, and  
1915 ensure uniform system use and compliance.

1916  
1917 The required system modifications and adopted rules shall be  
1918 implemented by December 31, 2011.

1919           Section 42. Paragraph (b) of subsection (3) of section  
1920 943.053, Florida Statutes, is amended to read:

1921           943.053 Dissemination of criminal justice information;  
1922 fees.—

1923           (3)

1924           (b) The fee per record for criminal history information  
1925 provided pursuant to this subsection and s. 943.0542 is \$24 per  
1926 name submitted, except that the fee for the guardian ad litem  
1927 program and vendors of the Department of Children and Family



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1928 Services, the Department of Juvenile Justice, and the Department  
1929 of Elderly Affairs shall be \$8 for each name submitted; the fee  
1930 for a state criminal history provided for application processing  
1931 as required by law to be performed by the Department of  
1932 Agriculture and Consumer Services shall be \$15 for each name  
1933 submitted; and the fee for requests under s. 943.0542, which  
1934 implements the National Child Protection Act, shall be \$18 for  
1935 each volunteer name submitted. The state offices of the Public  
1936 Defender shall not be assessed a fee for Florida criminal  
1937 history information or wanted person information.

1938 Section 43. Subsection (2) of section 943.0585, Florida  
1939 Statutes, is amended to read:

1940 943.0585 Court-ordered expunction of criminal history  
1941 records.—The courts of this state have jurisdiction over their  
1942 own procedures, including the maintenance, expunction, and  
1943 correction of judicial records containing criminal history  
1944 information to the extent such procedures are not inconsistent  
1945 with the conditions, responsibilities, and duties established by  
1946 this section. Any court of competent jurisdiction may order a  
1947 criminal justice agency to expunge the criminal history record  
1948 of a minor or an adult who complies with the requirements of  
1949 this section. The court shall not order a criminal justice  
1950 agency to expunge a criminal history record until the person  
1951 seeking to expunge a criminal history record has applied for and  
1952 received a certificate of eligibility for expunction pursuant to  
1953 subsection (2). A criminal history record that relates to a  
1954 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
1955 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.  
1956 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.



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1957 893.135, s. 916.1075, a violation enumerated in s. 907.041, or  
1958 any violation specified as a predicate offense for registration  
1959 as a sexual predator pursuant to s. 775.21, without regard to  
1960 whether that offense alone is sufficient to require such  
1961 registration, or for registration as a sexual offender pursuant  
1962 to s. 943.0435, may not be expunged, without regard to whether  
1963 adjudication was withheld, if the defendant was found guilty of  
1964 or pled guilty or nolo contendere to the offense, or if the  
1965 defendant, as a minor, was found to have committed, or pled  
1966 guilty or nolo contendere to committing, the offense as a  
1967 delinquent act. The court may only order expunction of a  
1968 criminal history record pertaining to one arrest or one incident  
1969 of alleged criminal activity, except as provided in this  
1970 section. The court may, at its sole discretion, order the  
1971 expunction of a criminal history record pertaining to more than  
1972 one arrest if the additional arrests directly relate to the  
1973 original arrest. If the court intends to order the expunction of  
1974 records pertaining to such additional arrests, such intent must  
1975 be specified in the order. A criminal justice agency may not  
1976 expunge any record pertaining to such additional arrests if the  
1977 order to expunge does not articulate the intention of the court  
1978 to expunge a record pertaining to more than one arrest. This  
1979 section does not prevent the court from ordering the expunction  
1980 of only a portion of a criminal history record pertaining to one  
1981 arrest or one incident of alleged criminal activity.  
1982 Notwithstanding any law to the contrary, a criminal justice  
1983 agency may comply with laws, court orders, and official requests  
1984 of other jurisdictions relating to expunction, correction, or  
1985 confidential handling of criminal history records or information



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1986 derived therefrom. This section does not confer any right to the  
1987 expunction of any criminal history record, and any request for  
1988 expunction of a criminal history record may be denied at the  
1989 sole discretion of the court.

1990 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to  
1991 petitioning the court to expunge a criminal history record, a  
1992 person seeking to expunge a criminal history record shall apply  
1993 to the department for a certificate of eligibility for  
1994 expunction. The department shall, by rule adopted pursuant to  
1995 chapter 120, establish procedures pertaining to the application  
1996 for and issuance of certificates of eligibility for expunction.  
1997 A certificate of eligibility for expunction is valid for 12  
1998 months after the date stamped on the certificate when issued by  
1999 the department. After that time, the petitioner must reapply to  
2000 the department for a new certificate of eligibility. Eligibility  
2001 for a renewed certification of eligibility must be based on the  
2002 status of the applicant and the law in effect at the time of the  
2003 renewal application. The department shall issue a certificate of  
2004 eligibility for expunction to a person who is the subject of a  
2005 criminal history record if that person:

2006 (a) Provides a written, certified documentation of the  
2007 following ~~Has obtained, and submitted to the department, a~~  
2008 ~~written, certified statement from the appropriate state attorney~~  
2009 ~~or statewide prosecutor which indicates:~~

2010 1. That an indictment, information, or other charging  
2011 document was not filed or issued in the case.

2012 2. That an indictment, information, or other charging  
2013 document, if filed or issued in the case, was dismissed or nolle  
2014 prosequi by the state attorney or statewide prosecutor, or was



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2015 dismissed by a court of competent jurisdiction, and that none of  
2016 the charges related to the arrest or alleged criminal activity  
2017 to which the petition to expunge pertains resulted in a trial,  
2018 without regard to whether the outcome of the trial was other  
2019 than an adjudication of guilt.

2020 3. That the criminal history record does not relate to a  
2021 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
2022 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.  
2023 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.  
2024 893.135, s. 916.1075, a violation enumerated in s. 907.041, or  
2025 any violation specified as a predicate offense for registration  
2026 as a sexual predator pursuant to s. 775.21, without regard to  
2027 whether that offense alone is sufficient to require such  
2028 registration, or for registration as a sexual offender pursuant  
2029 to s. 943.0435, where the defendant was found guilty of, or pled  
2030 guilty or nolo contendere to any such offense, or that the  
2031 defendant, as a minor, was found to have committed, or pled  
2032 guilty or nolo contendere to committing, such an offense as a  
2033 delinquent act, without regard to whether adjudication was  
2034 withheld.

2035 (b) Remits a \$75 processing fee to the department for  
2036 placement in the Department of Law Enforcement Operating Trust  
2037 Fund, unless such fee is waived by the executive director.

2038 (c) Has submitted to the department a certified copy of the  
2039 disposition of the charge to which the petition to expunge  
2040 pertains.

2041 (d) Has never, prior to the date on which the application  
2042 for a certificate of eligibility is filed, been adjudicated  
2043 guilty of a criminal offense or comparable ordinance violation,



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2044 or been adjudicated delinquent for committing any felony or a  
2045 misdemeanor specified in s. 943.051(3)(b).

2046 (e) Has not been adjudicated guilty of, or adjudicated  
2047 delinquent for committing, any of the acts stemming from the  
2048 arrest or alleged criminal activity to which the petition to  
2049 expunge pertains.

2050 (f) Has never secured a prior sealing or expunction of a  
2051 criminal history record under this section, former s. 893.14,  
2052 former s. 901.33, or former s. 943.058, unless expunction is  
2053 sought of a criminal history record previously sealed for 10  
2054 years pursuant to paragraph (h) and the record is otherwise  
2055 eligible for expunction.

2056 (g) Is no longer under court supervision applicable to the  
2057 disposition of the arrest or alleged criminal activity to which  
2058 the petition to expunge pertains.

2059 (h) Has previously obtained a court order sealing the  
2060 record under this section, former s. 893.14, former s. 901.33,  
2061 or former s. 943.058 for a minimum of 10 years because  
2062 adjudication was withheld or because all charges related to the  
2063 arrest or alleged criminal activity to which the petition to  
2064 expunge pertains were not dismissed prior to trial, without  
2065 regard to whether the outcome of the trial was other than an  
2066 adjudication of guilt. The requirement for the record to have  
2067 previously been sealed for a minimum of 10 years does not apply  
2068 when a plea was not entered or all charges related to the arrest  
2069 or alleged criminal activity to which the petition to expunge  
2070 pertains were dismissed prior to trial.

2071 Section 44. Subsection (4) of section 985.557, Florida  
2072 Statutes, is repealed.





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2073           Section 45. The unexpended funds in the Operating Trust  
2074 Fund from revenues collected pursuant to ss. 25.241 and 35.22,  
2075 Florida Statutes, are transferred to the State Courts Revenue  
2076 Trust Fund. All other unexpended funds in the Operating Trust  
2077 Fund are transferred to the Administrative Trust Fund within the  
2078 state courts system.

2079           Section 46. Except as otherwise expressly provided in this  
2080 act, this act shall take effect July 1, 2010.

2081  
2082 ===== T I T L E   A M E N D M E N T =====

2083 And the title is amended as follows:

2084           Delete everything before the enacting clause  
2085 and insert:

2086                           A bill to be entitled  
2087           An act relating to the state judicial system; amending  
2088           s. 25.241, F.S.; requiring that \$50 from the Supreme  
2089           Court filing fee be deposited into the State Courts  
2090           Revenue Trust Fund; amending s. 25.3844, F.S.;  
2091           renaming the Operating Trust Fund in the state courts  
2092           system as the "Administrative Trust Fund"; amending s.  
2093           25.386, F.S.; directing that fees from the foreign  
2094           language court interpreters program be deposited into  
2095           the Administrative Trust Fund within the state courts  
2096           system; amending s. 27.40, F.S.; requiring private  
2097           court-appointed counsel compensated by the state to  
2098           maintain records and documents in a prescribed manner;  
2099           providing for waiver of the right to seek fees in  
2100           excess of prescribed limits if the attorney refuses to  
2101           allow the Justice Administrative Commission to review



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2102 the documentation; providing that the commission's  
2103 finding of a valid waiver of fees may be overcome by  
2104 competent and substantial evidence; amending s.  
2105 27.425, F.S.; eliminating a requirement for the chief  
2106 judge of the judicial circuit to recommend and submit  
2107 compensation rates for state-funded due process  
2108 service providers; requiring the Justice  
2109 Administrative Commission to approve forms and  
2110 procedures governing billings for the provision of due  
2111 process services; amending s. 27.511, F.S.; providing  
2112 for the appointment of criminal conflict and civil  
2113 regional counsel in certain proceedings under the  
2114 Florida Rules of Criminal Procedure and in certain  
2115 adoption proceedings; providing for private court-  
2116 appointed counsel, rather than criminal conflict and  
2117 civil regional counsel, to have primary responsibility  
2118 for representing minors in proceedings under the  
2119 Parental Notice of Abortion Act; amending s. 27.52,  
2120 F.S.; requiring the clerk of the court to review  
2121 certain property records in evaluating an application  
2122 from a criminal defendant for a determination of  
2123 indigency; providing that the Justice Administrative  
2124 Commission has standing in a motion seeking to have a  
2125 person declared indigent for purposes of state payment  
2126 of due process costs; providing a presumption that a  
2127 person is not indigent for costs if the person's  
2128 attorney's fees are being paid from private funds at a  
2129 specified level; providing that the presumption may be  
2130 overcome through clear and convincing evidence;



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2131 providing requirements and rates for reimbursement of  
2132 due process costs; providing that a person who  
2133 receives state-funded due process services after being  
2134 deemed indigent for costs is liable for repayment to  
2135 the state; requiring the person to submit an  
2136 accounting to the court of state-paid costs; providing  
2137 for the court to issue an order determining the amount  
2138 of the costs; providing for creation and enforcement  
2139 of a repayment lien; amending s. 27.5304, F.S.;

2140 providing for a reduction in the amount paid for an  
2141 attorney's fees, costs, and related expenses as  
2142 increased penalties for submitting a bill to the state  
2143 after prescribed periods; creating s. 27.5305, F.S.;

2144 prescribing conditions and requirements related to  
2145 payment by the state of legal fees and the costs of  
2146 due process services in certain criminal and civil  
2147 cases; prescribing conditions and requirements  
2148 governing electronic funds transfer, transcripts,  
2149 court reporters and investigators, expert witnesses  
2150 and mitigation specialists, and discovery; amending s.  
2151 28.24, F.S.; clarifying that counties are not required  
2152 to spend certain funds on court-related technology for  
2153 the criminal conflict and civil regional counsel;

2154 amending s. 28.241, F.S.; increasing the portion of  
2155 certain filing fees to be deposited into the General  
2156 Revenue Fund; providing an exception to the imposition  
2157 of filing fees in certain family law cases; amending  
2158 s. 28.245, F.S.; requiring that the clerks of the  
2159 court transmit deposits electronically to the



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2160 Department of Revenue within a specified time;  
2161 amending s. 28.36, F.S.; revising the core services  
2162 for the budget requests for the clerks of the court;  
2163 revising the procedures for the Florida Clerks of  
2164 Court Operations Corporation to release appropriations  
2165 each month; providing a procedure for the corporation  
2166 to follow if the projected expenditures will exceed  
2167 the amount appropriated by law; amending s. 29.001,  
2168 F.S.; eliminating the offices of criminal conflict and  
2169 civil regional counsel from inclusion in the defined  
2170 elements of the "offices of public defenders" for  
2171 purposes of certain state courts system funding;  
2172 amending s. 29.008, F.S.; removing criminal conflict  
2173 and civil regional counsel from the definition of the  
2174 term "public defender offices" in the context of  
2175 county responsibility for funding court-related  
2176 functions; eliminating requirements for county funding  
2177 of criminal conflict and civil regional counsel;  
2178 repealing s. 29.0095, F.S., relating to a requirement  
2179 for chief judges, state attorneys, and public  
2180 defenders to submit budget expenditure reports;  
2181 amending s. 29.0195, F.S.; providing for moneys from  
2182 the recovery of expenditures for state-funded services  
2183 to be deposited into the Administrative Trust Fund  
2184 within the state courts system; amending s. 34.041,  
2185 F.S.; specifying that the prescribed filing fee for an  
2186 action involving claims of not more than \$1,000 filed  
2187 along with an action for replevin is the total filing  
2188 fee; amending s. 35.22, F.S.; requiring that \$50 from



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2189 the District Court of Appeals filing fee be deposited  
2190 into the State Courts Revenue Trust Fund; amending s.  
2191 39.0134, F.S.; providing that certain parents in  
2192 proceedings related to children are liable for fees  
2193 and costs after receiving legal representation or due  
2194 process services funded by the state; authorizing the  
2195 court to make payment of attorney's fees and costs  
2196 part of a case plan in dependency proceedings;  
2197 authorizing and providing for enforcement of a lien  
2198 upon court-ordered payment of fees and costs;  
2199 providing for deposit of fees and costs into the  
2200 Indigent Civil Defense Trust Fund; amending s. 39.821,  
2201 F.S.; requiring certain background screenings for  
2202 persons certified as a guardian ad litem; amending s.  
2203 57.082, F.S.; prescribing circumstances for payment of  
2204 an application fee when a person seeks to be  
2205 determined indigent and eligible for appointment of  
2206 counsel in proceedings relating to children; providing  
2207 for the court to order payment of the fee and the  
2208 clerk of the court to pursue collection of the fee;  
2209 amending s. 316.192, F.S.; increasing the minimum fine  
2210 for reckless driving; amending s. 320.02, F.S.;  
2211 extending the time within which the owner of a motor  
2212 vehicle registered within the state is required to  
2213 notify the Department of Highway Safety and Motor  
2214 Vehicles of a change of address; amending s. 320.061,  
2215 F.S.; creating a noncriminal infraction for altering  
2216 or obscuring a license plate or mobile home sticker;  
2217 deleting the second-degree misdemeanor penalty imposed



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2218 for the offense; amending s. 320.131, F.S.; creating a  
2219 noncriminal traffic infraction for the unlawful use of  
2220 a temporary tag; deleting the second-degree  
2221 misdemeanor penalty imposed for the offense; amending  
2222 s. 320.38, F.S.; extending the time within which a  
2223 nonresident of the state is required to register his  
2224 or her motor vehicle with the Department of Highway  
2225 Safety and Motor Vehicles after commencing employment  
2226 or education in the state; amending s. 322.03, F.S.;  
2227 creating a noncriminal traffic infraction for a  
2228 commercial motor vehicle driver who fails to surrender  
2229 driver's licenses from other jurisdictions prior to  
2230 issuance of a license by the Department of Highway  
2231 Safety and Motor Vehicles; extending the period  
2232 allowed for operating a motor vehicle following  
2233 expiration of a driver's license; amending s. 322.16,  
2234 F.S.; creating a noncriminal traffic infraction for  
2235 persons who fail to abide by driver's license  
2236 restrictions; deleting the second-degree misdemeanor  
2237 penalty imposed for the offense; amending s. 394.4599,  
2238 F.S., relating to the notice given to various parties  
2239 upon a person's involuntary admission to a mental  
2240 health facility; removing reference to the state  
2241 attorney providing notice; amending s. 394.4615, F.S.,  
2242 relating to clinical records in cases of involuntary  
2243 placement; removing the state attorney from the list  
2244 of parties who are entitled to receive clinical  
2245 records; amending s. 394.4655, F.S., relating to  
2246 involuntary outpatient placement; removing the



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2247 requirement for the clerk to provide a copy of the  
2248 petition for involuntary outpatient placement to the  
2249 state attorney; removing the requirement for the state  
2250 attorney for the circuit in which the patient is  
2251 located to represent the state in the proceeding;  
2252 removing the requirement for the clerk of the court to  
2253 provide copies of the certificate and treatment plan  
2254 to the state attorney; amending s. 394.467, F.S.,  
2255 relating to involuntary inpatient placement; removing  
2256 the requirement for the clerk of the court to provide  
2257 a copy of the petition for involuntary inpatient  
2258 placement to the state attorney; removing the  
2259 requirement for the state attorney for the circuit in  
2260 which the patient is located to represent the state at  
2261 the hearing; amending s. 775.083, F.S.; redirecting  
2262 revenues from certain criminal fines from the State  
2263 Courts Revenue Trust Fund into the General Revenue  
2264 Fund; repealing s. 775.08401, F.S., relating to  
2265 criteria to be used by state attorneys when pursuing  
2266 sanctions against habitual felony offenders and  
2267 habitual violent felony offenders; repealing s.  
2268 775.087(5), F.S., relating to a provision requiring  
2269 each state attorney to place in the court file a  
2270 report explaining why a defendant did not receive the  
2271 mandatory minimum prison sentence in cases involving  
2272 certain specified offenses; amending s. 775.0843,  
2273 F.S.; removing a cross-reference to conform to the  
2274 repeal of the referenced statute; amending s. 938.06,  
2275 F.S.; requiring the assessment of a court cost



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2276 following conviction of a criminal offense; defining  
2277 the term "convicted" for purposes of the assessed  
2278 cost; amending s. 939.08, F.S.; authorizing a designee  
2279 of the trial court administrator to review, approve,  
2280 and certify certain bills related to costs, fees, or  
2281 expenses of the state courts system; amending s.  
2282 939.185, F.S.; authorizing the chief judge of the  
2283 circuit to determine innovations eligible for funding  
2284 from a county-assessed court cost; amending s. 943.03,  
2285 F.S.; requiring the Department of Law Enforcement to  
2286 modify the statewide uniform statute table in its  
2287 criminal history system; amending s. 943.053, F.S.;  
2288 providing for a discounted fee for criminal history  
2289 record checks for the guardian ad litem program;  
2290 amending s. 943.0585, F.S., relating to court-ordered  
2291 expunction of criminal history records; removing the  
2292 requirement for the state attorney or statewide  
2293 prosecutor to provide written certified documentation  
2294 to a person seeking a certificate of eligibility to  
2295 expunge a criminal record; repealing s. 985.557(4),  
2296 F.S., relating to a requirement for state attorneys to  
2297 develop direct-file policies and guidelines for  
2298 juveniles and report to the Governor and Legislature;  
2299 transferring certain funds from the Operating Trust  
2300 Fund to the State Courts Revenue Trust Fund and the  
2301 Administrative Trust Fund within the state courts  
2302 system; providing effective dates.