

1 A bill to be entitled
 2 An act relating to the state judicial system; amending s.
 3 25.241, F.S.; requiring that \$50 from the Supreme Court
 4 filing fee be deposited into the State Courts Revenue
 5 Trust Fund to fund court operations; amending s. 25.383,
 6 F.S.; conforming provisions to the renaming of the
 7 Operating Trust Fund in the state courts system; amending
 8 s. 25.3844, F.S.; renaming the Operating Trust Fund in the
 9 state courts system as the Administrative Trust Fund;
 10 amending s. 25.386, F.S.; conforming provisions to the
 11 renaming of the Operating Trust Fund in the state courts
 12 system; amending s. 27.40, F.S.; requiring private court-
 13 appointed counsel compensated by the state to maintain
 14 records and documents in a prescribed manner; providing
 15 for waiver of the right to seek fees in excess of
 16 prescribed limits if the attorney refuses to allow the
 17 Justice Administrative Commission to review the
 18 documentation; providing that the commission's finding of
 19 a valid waiver of fees may be overcome by competent and
 20 substantial evidence; amending s. 27.425, F.S.;
 21 eliminating a requirement for the chief judge of the
 22 judicial circuit to recommend and submit compensation
 23 rates for state-funded due process service providers;
 24 requiring the Justice Administrative Commission to approve
 25 forms and procedures governing billings for the provision
 26 of due process services; amending s. 27.511, F.S.;
 27 providing for the appointment of criminal conflict and
 28 civil regional counsel in certain proceedings under the

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

57 | 27.5305, F.S.; prescribing conditions and requirements
58 | related to payment by the state of legal fees and the
59 | costs of due process services in certain criminal and
60 | civil cases; prescribing conditions and requirements
61 | governing electronic funds transfer, transcripts, court
62 | reporters and investigators, expert witnesses and
63 | mitigation specialists, and discovery; amending s. 28.241,
64 | F.S.; providing that the section does not require
65 | assessment of a filing fee if the assessment is otherwise
66 | prohibited by law; amending s. 28.245, F.S.; decreasing
67 | the period allowed clerks of the court for transmission of
68 | deposits electronically to the Department of Revenue;
69 | amending s. 28.246, F.S.; requiring the clerk to give a
70 | copy of an application for appointment of court-appointed
71 | counsel to a private attorney or collection agent employed
72 | by the clerk to collect moneys from the person; amending
73 | s. 28.36, F.S.; revising the core services for the budget
74 | requests for the clerks of the court; revising the
75 | procedures for the Florida Clerks of Court Operations
76 | Corporation to release appropriations each quarter;
77 | providing a procedure for the corporation to follow if the
78 | projected expenditures will exceed the amount appropriated
79 | by law; repealing s. 29.0095, F.S., relating to a
80 | requirement for chief judges, state attorneys, and public
81 | defenders to submit budget expenditure reports; amending
82 | s. 29.0195, F.S.; conforming provisions to the renaming of
83 | the Operating Trust Fund in the state courts system;
84 | amending s. 34.041, F.S.; specifying that the prescribed

85 filing fee for an action involving claims of not more than
86 \$1,000 filed along with an action for replevin is the
87 total filing fee; amending s. 35.22, F.S.; requiring that
88 \$50 from the district court of appeals filing fee be
89 deposited into the State Courts Revenue Trust Fund;
90 amending s. 39.0134, F.S.; providing that certain parents
91 in proceedings related to children are liable for fees and
92 costs after receiving legal representation or due process
93 services funded by the state; authorizing the court to
94 make payment of attorney's fees and costs part of a case
95 plan in dependency proceedings; authorizing and providing
96 for enforcement of a lien upon court-ordered payment of
97 fees and costs; providing for deposit of fees and costs
98 into the Indigent Civil Defense Trust Fund; amending s.
99 39.821, F.S.; requiring certain background screenings for
100 persons certified as a guardian ad litem; amending s.
101 57.082, F.S.; prescribing circumstances for payment of an
102 application fee when a person seeks to be determined
103 indigent and eligible for appointment of counsel in
104 proceedings relating to children; providing for the court
105 to order payment of the fee and the clerk of the court to
106 pursue collection of the fee; amending s. 68.085, F.S.;
107 providing that Medicaid fraud recoveries by the Attorney
108 General are to be deposited into the Operating Trust Fund
109 rather than in the Legal Affairs Revolving Trust Fund;
110 amending s. 119.0714, F.S.; delaying from January 1, 2011,
111 to January 1, 2012, the obligation of a clerk of court to
112 redact certain confidential information from court files;

113 | amending s. 318.18, F.S.; providing that a county may
114 | elect among various surcharges on traffic offenses;
115 | limiting counties to only one surcharge at a time;
116 | amending s. 320.061, F.S.; creating a noncriminal
117 | infraction for altering or obscuring a license plate or
118 | mobile home sticker; deleting the second-degree
119 | misdemeanor penalty imposed for the offense; amending s.
120 | 320.131, F.S.; creating a noncriminal traffic infraction
121 | for the unlawful use of a temporary tag; deleting the
122 | second-degree misdemeanor penalty imposed for the offense;
123 | amending s. 322.03, F.S.; creating a noncriminal traffic
124 | infraction for a commercial motor vehicle driver who fails
125 | to surrender driver's licenses from other jurisdictions
126 | before issuance of a license by the Department of Highway
127 | Safety and Motor Vehicles; extending the period allowed
128 | for operating a motor vehicle after expiration of a
129 | driver's license; amending s. 322.16, F.S.; creating a
130 | noncriminal traffic infraction for persons who fail to
131 | abide by driver's license restrictions other than
132 | restrictions recommended by a court or by corrections
133 | officials; deleting the second-degree misdemeanor penalty
134 | recommended for offenses other than violation of
135 | restrictions recommended by a court or by corrections
136 | officials; amending s. 775.083, F.S.; redirecting revenues
137 | from certain criminal fines from the State Courts Revenue
138 | Trust Fund into the General Revenue Fund; amending s.
139 | 832.08, F.S.; providing for deposit of bad check diversion
140 | program fees into the State Attorneys Revenue Trust Fund;

141 amending s. 938.06, F.S.; requiring the assessment of a
142 court cost after conviction of a criminal offense;
143 defining the term "convicted" for purposes of the assessed
144 cost; amending s. 938.27, F.S.; providing for deposit of
145 certain court costs after criminal convictions into the
146 State Attorneys Revenue Trust Fund rather than the state
147 attorney's grants and donations trust fund; amending s.
148 938.29, F.S.; specifying that a lien for the cost of
149 court-appointed counsel against a parent for services
150 provided to a child does not expire upon the emancipation
151 of the child or upon the child reaching the age of
152 majority; amending s. 939.08, F.S.; authorizing a designee
153 of the trial court administrator to review, approve, and
154 certify certain bills related to costs, fees, or expenses
155 of the state courts system; amending s. 939.185, F.S.;
156 authorizing the chief judge of the circuit to determine
157 innovations eligible for funding from a county-assessed
158 court cost; amending s. 943.03, F.S.; requiring the
159 Department of Law Enforcement to modify the statewide
160 uniform statute table in its criminal history system;
161 providing an implementation deadline; amending s. 943.053,
162 F.S.; providing for a discounted fee for criminal history
163 record checks for the guardian ad litem program;
164 transferring certain funds from the state court's
165 Operating Trust Fund to the State Courts Revenue Trust
166 Fund and the Administrative Trust Fund within the state
167 courts system; transferring certain unexpended balances in
168 the state attorney's grants and donations trust fund to

169 the State Attorneys Revenue Trust Fund; making a specific
 170 appropriation; providing for a transfer of funds to pay
 171 the general revenue service charge; providing effective
 172 dates.

173
 174 Be It Enacted by the Legislature of the State of Florida:

175
 176 Section 1. Subsection (5) of section 25.241, Florida
 177 Statutes, is amended to read:

178 25.241 Clerk of Supreme Court; compensation; assistants;
 179 filing fees, etc.—

180 (5) The Clerk of the Supreme Court is hereby required to
 181 prepare a statement of all fees collected each month and remit
 182 such statement, together with all fees collected by him or her,
 183 to the Chief Financial Officer. The Chief Financial Officer
 184 shall deposit \$250 of each \$300 filing fee and all other fees
 185 collected into the General Revenue Fund. The Chief Financial
 186 Officer shall deposit \$50 of each filing fee collected into the
 187 State Courts Revenue ~~state court's Operating~~ Trust Fund to fund
 188 court operations ~~improvement projects~~ as authorized in the
 189 General Appropriations Act.

190 Section 2. Section 25.383, Florida Statutes, is amended to
 191 read:

192 25.383 Standards for court reporters; procedures; rules of
 193 professional conduct, discipline, and training.—The Supreme
 194 Court shall establish minimum standards and procedures for
 195 qualifications, certification, discipline, and training for
 196 court reporters. The Supreme Court shall determine the amount of

197 fees to charge applicants for certification and renewal of
 198 certification. Fees shall be set in an amount necessary to
 199 recover the full cost of administering the certification
 200 process. All proceeds from fees collected pursuant to this
 201 section shall be deposited into the Administrative ~~Operating~~
 202 Trust Fund within the state courts. The Supreme Court may
 203 appoint or employ such personnel as are necessary to assist the
 204 court in exercising its powers and performing its duties under
 205 this section.

206 Section 3. Section 25.3844, Florida Statutes, is amended
 207 to read:

208 25.3844 Administrative ~~Operating~~ Trust Fund.—

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

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

218 Section 4. Section 25.386, Florida Statutes, is amended to
 219 read:

220 25.386 Foreign language court interpreters.—The Supreme
 221 Court shall establish minimum standards and procedures for
 222 qualifications, certification, professional conduct, discipline,
 223 and training of foreign language court interpreters who are
 224 appointed by a court of competent jurisdiction. The Supreme

225 Court shall set fees to be charged to applicants for
226 certification and renewal of certification as a foreign language
227 court interpreter. The revenues generated from such fees shall
228 be used to offset the costs of administration of the
229 certification program and shall be deposited into the
230 Administrative ~~Operating~~ Trust Fund within the state courts
231 system. The Supreme Court may appoint or employ such personnel
232 as are necessary to assist the court in administering this
233 section.

234 Section 5. Subsection (7) of section 27.40, Florida
235 Statutes, is amended to read:

236 27.40 Court-appointed counsel; circuit registries; minimum
237 requirements; appointment by court.—

238 (7) (a) A private attorney appointed by the court from the
239 registry to represent a client is entitled to payment as
240 provided in s. 27.5304. An attorney appointed by the court who
241 is not on the registry list may be compensated under s. 27.5304
242 if the court finds in the order of appointment that there were
243 no registry attorneys available for representation for that
244 case.

245 (b) 1. The attorney shall maintain appropriate
246 documentation, including contemporaneous and detailed hourly
247 accounting of time spent representing the client. If the
248 attorney fails to maintain such contemporaneous and detailed
249 hourly records, the attorney waives the right to seek
250 compensation in excess of the flat fee established in s. 27.5304
251 and the General Appropriations Act. These records and documents
252 are subject to review by the Justice Administrative Commission,

253 subject to the attorney-client privilege and work-product
 254 privilege. The attorney shall maintain the records and documents
 255 in a manner that enables the attorney to redact any information
 256 subject to a privilege in order to facilitate the commission's
 257 review of the records and documents and not to impede such
 258 review. The attorney may redact information from the records and
 259 documents only to the extent necessary to comply with the
 260 privilege.

261 2. If an attorney fails, refuses, or declines to permit
 262 the commission to review documentation for a case as provided in
 263 this paragraph, the attorney waives the right to seek, and the
 264 commission may not pay, compensation in excess of the flat fee
 265 established in s. 27.5304 and the General Appropriations Act for
 266 that case.

267 3. A finding by the commission that an attorney has waived
 268 the right to seek compensation in excess of the flat fee
 269 established in s. 27.5304 and the General Appropriations Act, as
 270 provided in this paragraph, is presumed to be valid, unless, as
 271 determined by a court, the commission's finding is not supported
 272 by competent and substantial evidence.

273 Section 6. Section 27.425, Florida Statutes, is amended to
 274 read:

275 27.425 Due process service rates; responsibilities of
 276 chief judge.—

277 (1) The maximum ~~chief judge of each circuit shall~~
 278 ~~recommend~~ compensation rates for state-funded due process
 279 service providers in cases in which the court has appointed
 280 private counsel or declared a person indigent for costs shall be

281 specified annually in the General Appropriations Act. For
 282 purposes of this section, due process compensation rates do not
 283 include attorney's fees for legal representation of the client.

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

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

291 (2) ~~(4)~~ The total amount expended for providers of due
 292 process services in eligible cases may not exceed the amount
 293 budgeted in the General Appropriations Act for the particular
 294 due process service.

295 (3) The Justice Administrative Commission shall approve
 296 uniform contract forms for use in procuring due process services
 297 and uniform procedures for use by a due process provider, or a
 298 private attorney on behalf of a due process provider, in support
 299 of billing for due process services to demonstrate completion of
 300 the specified services.

301 Section 7. Subsections (5) and paragraph (a) of subsection
 302 (6) of section 27.511, Florida Statutes, are amended to read:

303 27.511 Offices of criminal conflict and civil regional
 304 counsel; legislative intent; qualifications; appointment;
 305 duties.—

306 ~~(5) Effective October 1, 2007,~~ When the Office of the
 307 Public Defender, at any time during the representation of two or
 308 more defendants, determines that the interests of those accused

309 are so adverse or hostile that they cannot all be counseled by
 310 the public defender or his or her staff without a conflict of
 311 interest, or that none can be counseled by the public defender
 312 or his or her staff because of a conflict of interest, and the
 313 court grants the public defender's motion to withdraw, the
 314 office of criminal conflict and civil regional counsel shall be
 315 appointed and shall provide legal services, without additional
 316 compensation, to any person determined to be indigent under s.
 317 27.52, who is:

- 318 (a) Under arrest for, or charged with, a felony;
- 319 (b) Under arrest for, or charged with:
 - 320 1. A misdemeanor authorized for prosecution by the state
 - 321 attorney;
 - 322 2. A violation of chapter 316 punishable by imprisonment;
 - 323 3. Criminal contempt; or
 - 324 4. A violation of a special law or county or municipal
 - 325 ordinance ancillary to a state charge or, if not ancillary to a
 - 326 state charge, only if the office of criminal conflict and civil
 - 327 regional counsel contracts with the county or municipality to
 - 328 provide representation pursuant to ss. 27.54 and 125.69.

329
 330 The office of criminal conflict and civil regional counsel may
 331 not provide representation pursuant to this paragraph if the
 332 court, prior to trial, files in the cause an order of no
 333 imprisonment as provided in s. 27.512;

- 334 (c) Alleged to be a delinquent child pursuant to a
- 335 petition filed before a circuit court;

336 (d) Sought by petition filed in such court to be
 337 involuntarily placed as a mentally ill person under part I of
 338 chapter 394, involuntarily committed as a sexually violent
 339 predator under part V of chapter 394, or involuntarily admitted
 340 to residential services as a person with developmental
 341 disabilities under chapter 393;

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

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

346 (g) Seeking correction, reduction, or modification of a
 347 sentence under Rule 3.800, Florida Rules of Criminal Procedure,
 348 or seeking postconviction relief under Rule 3.850, Florida Rules
 349 of Criminal Procedure, if, in either case, the court determines
 350 that appointment of counsel is necessary to protect a person's
 351 due process rights.

352 (6) (a) ~~Effective October 1, 2007,~~ The office of criminal
 353 conflict and civil regional counsel has primary responsibility
 354 for representing persons entitled to court-appointed counsel
 355 under the Federal or State Constitution or as authorized by
 356 general law in civil proceedings, including, but not limited to,
 357 proceedings under s. 393.12 and chapters 39, ~~390,~~ 392, 397, 415,
 358 743, 744, and 984 and proceedings to terminate parental rights
 359 under chapter 63. Private court-appointed counsel eligible under
 360 s. 27.40 have primary responsibility for representing minors who
 361 request counsel under s. 390.01114, the Parental Notice of
 362 Abortion Act; however, the office of criminal conflict and civil
 363 regional counsel may represent a minor under that section if the

364 court finds that no private court-appointed attorney is
365 available.

366 Section 8. Section 27.52, Florida Statutes, is amended to
367 read:

368 27.52 Determination of indigent status.—

369 (1) APPLICATION TO THE CLERK.—A person seeking appointment
370 of a public defender under s. 27.51 based upon an inability to
371 pay must apply to the clerk of the court for a determination of
372 indigent status using an application form developed by the
373 Florida Clerks of Court Operations Corporation with final
374 approval by the Supreme Court.

375 (a) The application must include, at a minimum, the
376 following financial information:

377 1. Net income, consisting of total salary and wages, minus
378 deductions required by law, including court-ordered support
379 payments.

380 2. Other income, including, but not limited to, social
381 security benefits, union funds, veterans' benefits, workers'
382 compensation, other regular support from absent family members,
383 public or private employee pensions, unemployment compensation,
384 dividends, interest, rent, trusts, and gifts.

385 3. Assets, including, but not limited to, cash, savings
386 accounts, bank accounts, stocks, bonds, certificates of deposit,
387 equity in real estate, and equity in a boat or a motor vehicle
388 or in other tangible property.

389 4. All liabilities and debts.

390 5. If applicable, the amount of any bail paid for the
391 applicant's release from incarceration and the source of the
392 funds.

393

394 The application must include a signature by the applicant which
395 attests to the truthfulness of the information provided. The
396 application form developed by the corporation must include
397 notice that the applicant may seek court review of a clerk's
398 determination that the applicant is not indigent, as provided in
399 this section.

400 (b) An applicant shall pay a \$50 application fee to the
401 clerk for each application for court-appointed counsel filed.
402 The applicant shall pay the fee within 7 days after submitting
403 the application. If the applicant does not pay the fee prior to
404 the disposition of the case, the clerk shall notify the court,
405 and the court shall:

406 1. Assess the application fee as part of the sentence or
407 as a condition of probation; or

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

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

415 (d) All application fees collected by the clerk under this
416 section shall be transferred monthly by the clerk to the
417 Department of Revenue for deposit in the Indigent Criminal

418 Defense Trust Fund administered by the Justice Administrative
419 Commission, to be used to as appropriated by the Legislature.
420 The clerk may retain 2 percent of application fees collected
421 monthly for administrative costs prior to remitting the
422 remainder to the Department of Revenue.

423 (e)1. The clerk shall assist a person who appears before
424 the clerk and requests assistance in completing the application,
425 and the clerk shall notify the court if a person is unable to
426 complete the application after the clerk has provided
427 assistance.

428 2. If the person seeking appointment of a public defender
429 is incarcerated, the public defender is responsible for
430 providing the application to the person and assisting him or her
431 in its completion and is responsible for submitting the
432 application to the clerk on the person's behalf. The public
433 defender may enter into an agreement for jail employees,
434 pretrial services employees, or employees of other criminal
435 justice agencies to assist the public defender in performing
436 functions assigned to the public defender under this
437 subparagraph.

438 (2) DETERMINATION BY THE CLERK.—The clerk of the court
439 shall determine whether an applicant seeking appointment of a
440 public defender is indigent based upon the information provided
441 in the application and the criteria prescribed in this
442 subsection.

443 (a)1. An applicant, including an applicant who is a minor
444 or an adult tax-dependent person, is indigent if the applicant's
445 income is equal to or below 200 percent of the then-current

446 federal poverty guidelines prescribed for the size of the
447 household of the applicant by the United States Department of
448 Health and Human Services or if the person is receiving
449 Temporary Assistance for Needy Families-Cash Assistance,
450 poverty-related veterans' benefits, or Supplemental Security
451 Income (SSI).

452 2.a. There is a presumption that the applicant is not
453 indigent if the applicant owns, or has equity in, any intangible
454 or tangible personal property or real property or the expectancy
455 of an interest in any such property having a net equity value of
456 \$2,500 or more, excluding the value of the person's homestead
457 and one vehicle having a net value not exceeding \$5,000.

458 b. Notwithstanding the information that the applicant
459 provides, the clerk shall conduct a review of the property
460 records for the county in which the applicant resides and the
461 motor vehicle title records of the state to identify any
462 property interests of the applicant under this subparagraph. The
463 clerk shall evaluate and consider the results of the review in
464 making a determination under this subsection. The clerk shall
465 maintain the results of the review in a file with the
466 application and provide the file to the court if the applicant
467 seeks review under subsection (4) of the clerk's determination
468 of indigent status.

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

- 471 1. The applicant is not indigent.
- 472 2. The applicant is indigent.

473 (c)1. If the clerk determines that the applicant is
474 indigent, the clerk shall submit the determination to the office
475 of the public defender and immediately file the determination in
476 the case file.

477 2. If the public defender is unable to provide
478 representation due to a conflict pursuant to s. 27.5303, the
479 public defender shall move the court for withdrawal from
480 representation and appointment of the office of criminal
481 conflict and civil regional counsel.

482 (d) The duty of the clerk in determining whether an
483 applicant is indigent shall be limited to receiving the
484 application and comparing the information provided in the
485 application to the criteria prescribed in this subsection. The
486 determination of indigent status is a ministerial act of the
487 clerk and not a decision based on further investigation or the
488 exercise of independent judgment by the clerk. The clerk may
489 contract with third parties to perform functions assigned to the
490 clerk under this section.

491 (e) The applicant may seek review of the clerk's
492 determination that the applicant is not indigent in the court
493 having jurisdiction over the matter at the next scheduled
494 hearing. If the applicant seeks review of the clerk's
495 determination of indigent status, the court shall make a final
496 determination as provided in subsection (4).

497 (3) APPOINTMENT OF COUNSEL ON INTERIM BASIS.—If the clerk
498 of the court has not made a determination of indigent status at
499 the time a person requests appointment of a public defender, the
500 court shall make a preliminary determination of indigent status,

501 pending further review by the clerk, and may, by court order,
 502 appoint a public defender, the office of criminal conflict and
 503 civil regional counsel, or private counsel on an interim basis.

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

505 (a) If the clerk of the court determines that the
 506 applicant is not indigent, and the applicant seeks review of the
 507 clerk's determination, the court shall make a final
 508 determination of indigent status by reviewing the information
 509 provided in the application against the criteria prescribed in
 510 subsection (2) and by considering the following additional
 511 factors:

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

514 2. Whether a bond has been posted, the type of bond, and
 515 who paid the bond.

516 3. Whether paying for private counsel in an amount that
 517 exceeds the limitations in s. 27.5304, or other due process
 518 services creates a substantial hardship for the applicant or the
 519 applicant's family.

520 4. Any other relevant financial circumstances of the
 521 applicant or the applicant's family.

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

526 1. The applicant is not indigent.

527 2. The applicant is indigent.

528 (5) INDIGENT FOR COSTS.—A person who is eligible to be
 529 represented by a public defender under s. 27.51 but who is
 530 represented by private counsel not appointed by the court for a
 531 reasonable fee as approved by the court or on a pro bono basis,
 532 or who is proceeding pro se, may move the court for a
 533 determination that he or she is indigent for costs and eligible
 534 for the provision of due process services, as prescribed by ss.
 535 29.006 and 29.007, funded by the state.

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

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

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

542 (b) The person shall arrange for service of a copy of the
 543 motion and attachments on the Justice Administrative Commission.
 544 The commission has standing to appear before the court to
 545 contest any motion to declare a person indigent for costs and
 546 may participate in a hearing on the motion by use of telephonic
 547 or other communication equipment.

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

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

554 1. Whether the applicant applied for a determination of
 555 indigent status under subsection (1) and the outcome of such
 556 application.

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

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

560 4. Whether the applicant is proceeding pro se.

561 5. When the applicant retained private counsel.

562 6. The amount of any attorney's fees and who is paying the
 563 fees. There is a presumption that the applicant is not indigent
 564 for costs if the amount of attorney's fees exceeds \$5,000 for a
 565 noncapital case or \$25,000 for a capital case in which the state
 566 is seeking the death penalty. To overcome this presumption, the
 567 applicant has the burden to show through clear and convincing
 568 evidence that the fees are reasonable based on the nature and
 569 complexity of the case. In determining the reasonableness of the
 570 fees, the court shall consider the amount that a private court-
 571 appointed attorney paid by the state would receive for providing
 572 representation for that type of case.

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

575 1. The applicant is not indigent for costs.

576 2. The applicant is indigent for costs.

577 ~~(f)~~ The provision of due process services based upon a
 578 determination that a person is indigent for costs under this
 579 subsection must be effectuated pursuant to a court order, a copy
 580 of which the clerk shall provide to counsel representing the
 581 person, or to the person directly if he or she is proceeding pro

582 se, for use in requesting payment of due process expenses
583 through the Justice Administrative Commission. Private counsel
584 representing a person declared indigent for costs shall execute
585 the Justice Administrative Commission's contract for counsel
586 representing persons determined to be indigent for costs.
587 Private counsel representing a person declared indigent for
588 costs may not receive state funds, either directly or on behalf
589 of due process providers, unless the attorney has executed the
590 contract required under this paragraph.

591 (g) Costs shall be reimbursed at the rates established
592 under ss. 27.425 and 27.5305. To receive reimbursement of costs,
593 either directly or on behalf of due process providers, private
594 counsel representing a person declared indigent for costs shall
595 comply with the procedures and requirements under this chapter
596 governing billings by and compensation of private court-
597 appointed counsel.

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

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

606 1. The attorney representing the defendant, or the
607 defendant if he or she is proceeding pro se, shall provide an
608 accounting to the court delineating all costs paid or to be paid

609 by the state within 90 days after disposition of the case
610 notwithstanding any appeals.

611 2. The court shall issue an order determining the amount
612 of all costs paid by the state and any costs for which
613 prepayment was waived under this section or s. 57.081. The clerk
614 shall cause a certified copy of the order to be recorded in the
615 official records of the county, at no cost. The recording
616 constitutes a lien against the person in favor of the state in
617 the county in which the order is recorded. The lien may be
618 enforced in the same manner prescribed in s. 938.29.

619 3. If the attorney or the pro se defendant fails to
620 provide a complete accounting of costs expended by the state and
621 consequently costs are omitted from the lien, the attorney or
622 pro se defendant may not receive reimbursement or any other form
623 of direct or indirect payment for those costs if the state has
624 not paid the costs. The attorney or pro se defendant shall repay
625 the state for those costs if the state has already paid the
626 costs. The clerk of the court may establish a payment plan under
627 s. 28.246 and may charge the attorney or pro se defendant a one-
628 time administrative processing charge under s. 28.24(26)(c).

629 (6) DUTIES OF PARENT OR LEGAL GUARDIAN.—A nonindigent
630 parent or legal guardian of an applicant who is a minor or an
631 adult tax-dependent person shall furnish the minor or adult tax-
632 dependent person with the necessary legal services and costs
633 incident to a delinquency proceeding or, upon transfer of such
634 person for criminal prosecution as an adult pursuant to chapter
635 985, a criminal prosecution in which the person has a right to
636 legal counsel under the Constitution of the United States or the

637 Constitution of the State of Florida. The failure of a parent or
638 legal guardian to furnish legal services and costs under this
639 section does not bar the appointment of legal counsel pursuant
640 to this section, s. 27.40, or s. 27.5303. When the public
641 defender, the office of criminal conflict and civil regional
642 counsel, a private court-appointed conflict counsel, or a
643 private attorney is appointed to represent a minor or an adult
644 tax-dependent person in any proceeding in circuit court or in a
645 criminal proceeding in any other court, the parents or the legal
646 guardian shall be liable for payment of the fees, charges, and
647 costs of the representation even if the person is a minor being
648 tried as an adult. Liability for the fees, charges, and costs of
649 the representation shall be imposed in the form of a lien
650 against the property of the nonindigent parents or legal
651 guardian of the minor or adult tax-dependent person. The lien is
652 enforceable as provided in s. 27.561 or s. 938.29.

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

654 (a) If the court learns of discrepancies between the
655 application or motion and the actual financial status of the
656 person found to be indigent or indigent for costs, the court
657 shall determine whether the public defender, office of criminal
658 conflict and civil regional counsel, or private attorney shall
659 continue representation or whether the authorization for any
660 other due process services previously authorized shall be
661 revoked. The person may be heard regarding the information
662 learned by the court. If the court, based on the information,
663 determines that the person is not indigent or indigent for
664 costs, the court shall order the public defender, office of

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

668 (b) If the court has reason to believe that any applicant,
 669 through fraud or misrepresentation, was improperly determined to
 670 be indigent or indigent for costs, the matter shall be referred
 671 to the state attorney. Twenty-five percent of any amount
 672 recovered by the state attorney as reasonable value of the
 673 services rendered, including fees, charges, and costs paid by
 674 the state on the person's behalf, shall be remitted to the
 675 Department of Revenue for deposit into the Grants and Donations
 676 Trust Fund within the Justice Administrative Commission.
 677 Seventy-five percent of any amount recovered shall be remitted
 678 to the Department of Revenue for deposit into the General
 679 Revenue Fund.

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

684 Section 9. Subsection (4) of section 27.5304, Florida
 685 Statutes, is amended to read:

686 27.5304 Private court-appointed counsel; compensation.—

687 (4) (a) The attorney shall submit a bill for attorney's
 688 fees, costs, and related expenses within 90 days after the
 689 disposition of the case at the lower court level,
 690 notwithstanding any appeals. The Justice Administrative
 691 Commission shall provide by contract with the attorney for
 692 imposition of a penalty of:

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

697 2. For cases for which disposition occurs on or after July
698 1, 2010, 50 percent of the allowable attorney's fees, costs, and
699 related expenses for a bill that is submitted more than 1 year
700 after the disposition of the case at the lower court level,
701 notwithstanding any appeals; or

702 3. For cases for which disposition occurs on or after July
703 1, 2010, 75 percent of the allowable attorney's fees, costs, and
704 related expenses for a bill that is submitted more than 2 years
705 after the disposition of the case at the lower court level,
706 notwithstanding any appeals.

707 (b) For purposes of this subsection, the term
708 "disposition" means:

709 1. At the trial court level, that the court has entered a
710 final appealable judgment, unless rendition of judgment is
711 stayed by the filing of a timely motion for rehearing. The
712 filing of a notice of appeal does not stay the time for
713 submission of an intended billing; and

714 2. At the appellate court level, that the court has issued
715 its mandate.

716 Section 10. Section 27.5305, Florida Statutes, is created
717 to read:

718 27.5305 Attorney or provider compensation; conditions;
719 requirements.—This section applies to the payment by the state
720 through the Justice Administrative Commission of legal fees and

721 due process costs in an eligible criminal or civil matter when a
722 person receives the services of a private court-appointed
723 attorney or is declared indigent for costs.

724 (1) ELECTRONIC FUNDS TRANSFER.—

725 (a) A person requesting compensation from the state
726 through the Justice Administrative Commission for the provision
727 of criminal or civil legal representation or other due process
728 services must, as a condition for compensation, participate in a
729 direct-deposit program under which the person authorizes the
730 transfer of funds electronically to an account in the person's
731 name at a federally chartered or state-chartered financial
732 institution.

733 (b) The Justice Administrative Commission may exempt a
734 person from compliance with this section if the commission finds
735 that participation in a direct-deposit program creates a
736 financial hardship for the person.

737 (c) This subsection applies to compensation for services
738 that are provided on or after January 1, 2011.

739 (2) TRANSCRIPTS.—

740 (a) The state may pay for the cost of preparing a
741 transcript of a deposition only if the private court-appointed
742 attorney secures an order from the court finding that
743 preparation of the transcript is necessary, in which case the
744 state may pay for one original and one copy only.

745 (b) The state may pay for the cost of one original
746 transcript of any deposition, hearing, or other proceeding. Any
747 other payment for a transcript of that same deposition, hearing,
748 or other proceeding, regardless of whether the transcript is an

749 additional original transcript or a copy, shall be at the rate
750 paid for a copy of a transcript. This paragraph applies
751 regardless of which state agency pays for the first original
752 transcript.

753 (3) COURT REPORTERS; INVESTIGATORS.—Beginning with the
754 2010-2011 fiscal year, and applicable to services performed
755 starting in that year, uniform statewide rates shall be
756 prescribed annually in the General Appropriations Act for the
757 payment of:

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

760 (b) Private investigation services.

761 (4) EXPERT WITNESSES; MITIGATION SPECIALISTS.—A private
762 court-appointed attorney must obtain authorization from the
763 court to employ an out-of-state expert or mitigation specialist
764 upon a showing that an expert or mitigation specialist who has
765 appropriate skills or expertise is not available from within the
766 county in which the case was filed or from elsewhere in the
767 state. An order authorizing the employment must be in writing
768 and contain specific findings regarding the unavailability of a
769 qualified in-state expert or mitigation specialist. The attorney
770 shall submit a copy of the order to the Justice Administrative
771 Commission.

772 (5) RIGHT TO DISCOVERY.—The Justice Administrative
773 Commission has a right to engage in discovery in accordance with
774 the Florida Rules of Civil Procedure on a motion to the court
775 seeking payment of attorney's fees, costs, or other expenses.

776 This right includes a reasonable opportunity to obtain discovery
 777 before a hearing on the motion.

778 Section 11. Subsection (7) is added to section 28.241,
 779 Florida Statutes, to read:

780 28.241 Filing fees for trial and appellate proceedings.—

781 (7) Nothing in this section authorizes the assessment of a
 782 filing fee if the assessment is otherwise prohibited by law.

783 Section 12. Section 28.245, Florida Statutes, is amended
 784 to read:

785 28.245 Transmittal of funds to Department of Revenue;
 786 uniform remittance form required.—Notwithstanding any other
 787 provision of law, all moneys collected by the clerks of the
 788 court as part of the clerk's court-related functions for
 789 subsequent distribution to any state entity must be transmitted
 790 electronically, by the 10th ~~20th~~ day of the month immediately
 791 after ~~following~~ the month in which the moneys are collected, to
 792 the Department of Revenue for appropriate distribution. A
 793 uniform remittance form provided by the Department of Revenue
 794 detailing the specific amounts due each fund must accompany such
 795 submittal. All moneys collected by the clerks of court for
 796 remittance to any entity must be distributed pursuant to the law
 797 in effect at the time of collection.

798 Section 13. Subsection (6) of section 28.246, Florida
 799 Statutes, is amended to read:

800 28.246 Payment of court-related fees, charges, and costs;
 801 partial payments; distribution of funds.—

802 (6) A clerk of court shall pursue the collection of any
 803 fees, service charges, fines, court costs, and liens for the

804 payment of attorney's fees and costs pursuant to s. 938.29 which
 805 remain unpaid after 90 days by referring the account to a
 806 private attorney who is a member in good standing of The Florida
 807 Bar or collection agent who is registered and in good standing
 808 pursuant to chapter 559. In pursuing the collection of such
 809 unpaid financial obligations through a private attorney or
 810 collection agent, the clerk of the court must have attempted to
 811 collect the unpaid amount through a collection court,
 812 collections docket, or other collections process, if any,
 813 established by the court, find this to be cost-effective and
 814 follow any applicable procurement practices. The collection fee,
 815 including any reasonable attorney's fee, paid to any attorney or
 816 collection agent retained by the clerk may be added to the
 817 balance owed in an amount not to exceed 40 percent of the amount
 818 owed at the time the account is referred to the attorney or
 819 agent for collection. The clerk shall give the private attorney
 820 or collection agent the application for the appointment of
 821 court-appointed counsel regardless of whether the court file is
 822 otherwise confidential from disclosure.

823 Section 14. Subsections (3) and (10) of section 28.36,
 824 Florida Statutes, are amended to read:

825 28.36 Budget procedure.—There is established a budget
 826 procedure for preparing budget requests for funding for the
 827 court-related functions of the clerks of the court.

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

831 (a) Circuit criminal ~~Case processing~~.

- 832 (b) County criminal ~~Financial processing.~~
- 833 (c) Juvenile delinquency ~~Jury management.~~
- 834 (d) Criminal traffic ~~Information and reporting.~~
- 835 (e) Circuit civil.
- 836 (f) County civil.
- 837 (g) Civil traffic.
- 838 (h) Probate.
- 839 (i) Family.
- 840 (j) Juvenile dependency.

841

842 Central administrative costs shall be allocated among the core-
 843 services categories.

844 (10) (a) Beginning in the 2010-2011 fiscal year, the
 845 corporation shall release appropriations to each clerk
 846 quarterly. If funds in the Clerks of Court Trust Fund are
 847 insufficient to provide a release in a quarter in a single
 848 release, the corporation may release partial amounts for that
 849 quarter so long as the total of those partial amounts does not
 850 exceed that quarter's release. If funds in the Clerks of Court
 851 Trust Fund are insufficient for the first quarter release, the
 852 corporation may make a request to the Governor for a trust fund
 853 loan pursuant to chapter 215. The amount of the first three
 854 releases shall be based on one quarter of the estimated budget
 855 for each clerk as identified in the General Appropriations Act.

856 (b) The corporation shall estimate the fourth quarter's
 857 number of units to be performed by each clerk. The amount of the
 858 fourth-quarter release shall be based on the approved unit cost
 859 times the estimated number of units of the fourth quarter with

860 the following adjustment: the fourth-quarter release shall be
861 adjusted based on the first three quarter's actual number of
862 service units provided as reported to the corporation by each
863 clerk. If the clerk has performed fewer service units in the
864 first three quarters of the year compared to three quarters of
865 the estimated number of service units in the General
866 Appropriations Act, the corporation shall decrease the fourth-
867 quarter release. The amount of the decrease shall equal the
868 amount of the difference between estimated number of service
869 units for the first three quarters and the actual number of
870 service units provided in the first three quarters times the
871 approved unit cost.

872 (c) No adjustment for the fourth-quarter release shall be
873 made if the clerk has performed more units than the estimate for
874 the first three quarters.

875 (d) If the clerk performs fewer units in the fourth
876 quarter than estimated by the corporation, the corporation shall
877 decrease the first-quarter release for the clerk in the next
878 fiscal year by the amount of the difference between the
879 estimated number of service units for the fourth quarter and the
880 actual number of service units performed in that quarter times
881 the approved unit cost.

882 (e) The total of all releases to the clerks of court may
883 not exceed the amount appropriated in the General Appropriations
884 Act. If, during the year, the corporation determines that the
885 projected releases of appropriations for service units will
886 exceed the estimate used in the General Appropriations Act and
887 result in statewide expenditures greater than the amount

888 appropriated by law, the corporation shall reduce all service
 889 unit costs of all clerks by the amount necessary to ensure that
 890 service units are funded within the total amount appropriated to
 891 the clerks of court. If such action is necessary, the
 892 corporation shall notify the Legislative Budget Commission. If
 893 the Legislative Budget Commission objects to the adjustments,
 894 the Legislative Budget Commission shall adjust all service unit
 895 costs by the amount necessary to ensure that projected units of
 896 service are funded within the total amount appropriated to the
 897 clerks of court at its next scheduled meeting. For the 2009-2010
 898 ~~fiscal year, the corporation shall release appropriations in an~~
 899 ~~amount equal to one-twelfth of each clerk's approved budget each~~
 900 ~~month. The statewide total appropriation for the 2009-2010~~
 901 ~~fiscal year shall be set in the General Appropriations Act. The~~
 902 ~~corporation shall determine the amount of each clerk of court~~
 903 ~~budget, but the statewide total of such amounts may not exceed~~
 904 ~~the amount listed in the General Appropriations Act. Beginning~~
 905 ~~in the 2010-2011 fiscal year, the corporation shall release~~
 906 ~~appropriations to each clerk quarterly. The amount of the~~
 907 ~~release shall be based on the prior quarter's performance of~~
 908 ~~service units identified in the four core services and the~~
 909 ~~established unit costs for each clerk.~~

910 Section 15. Section 29.0095, Florida Statutes, is
 911 repealed.

912 Section 16. Section 29.0195, Florida Statutes, is amended
 913 to read:

914 29.0195 Recovery of expenditures for state-funded
 915 services.—The trial court administrator of each circuit shall

916 recover expenditures for state-funded services when those
 917 services have been furnished to a user of the state court system
 918 who possesses the present ability to pay. The rate of
 919 compensation for such services shall be the actual cost of the
 920 services, including the cost of recovery. The trial court
 921 administrator shall deposit moneys recovered under this section
 922 in the Administrative ~~Operating~~ Trust Fund within the state
 923 courts ~~court~~ system. The trial court administrator shall recover
 924 the costs of court reporter services and transcription; court
 925 interpreter services, including translation; and any other
 926 service for which state funds were used to provide a product or
 927 service within the circuit. This section does not authorize cost
 928 recovery from entities described in ss. 29.005, 29.006, and
 929 29.007.

930 Section 17. Paragraph (a) of subsection (1) of section
 931 34.041, Florida Statutes, is amended to read:

932 34.041 Filing fees.—

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

- 936 1. For all claims less than \$100.....\$50.
- 937 2. For all claims of \$100 or more but not more than \$500
 938 \$75.
- 939 3. For all claims of more than \$500 but not more than
 940 \$2,500.....\$170.
- 941 4. For all claims of more than \$2,500.....\$295.
- 942 5. In addition, for all proceedings of garnishment,
 943 attachment, replevin, and distress.....\$85.

944 6. Notwithstanding subparagraphs 3. and 5., for all claims
 945 of not more than \$1,000 filed simultaneously with an action for
 946 replevin of property that is the subject of the claim\$125.

947 7. For removal of tenant action.....\$180.

948
 949 The filing fee in subparagraph 6. is the total fee due under
 950 this paragraph for that type of filing, and no other filing fee
 951 under this paragraph may be assessed against such a filing.

952 Section 18. Subsection (6) of section 35.22, Florida
 953 Statutes, is amended to read:

954 35.22 Clerk of district court; appointment; compensation;
 955 assistants; filing fees; teleconferencing.—

956 (6) The clerk of each district court of appeal is required
 957 to deposit all fees collected in the State Treasury to the
 958 credit of the General Revenue Fund, except that \$50 of each \$300
 959 filing fee collected shall be deposited into the State Courts
 960 Revenue ~~state court's Operating~~ Trust Fund to fund court
 961 operations ~~improvement projects~~ as authorized in the General
 962 Appropriations Act. The clerk shall retain an accounting of each
 963 such remittance.

964 Section 19. Section 39.0134, Florida Statutes, is amended
 965 to read:

966 39.0134 Appointed counsel; compensation.—

967 (1) If counsel is entitled to receive compensation for
 968 representation pursuant to a court appointment in a dependency
 969 proceeding or a termination of parental rights proceeding
 970 pursuant to this chapter, compensation shall be paid in
 971 accordance with s. 27.5304. The state may acquire and enforce a

972 | lien upon court-ordered payment of attorney's fees and costs in
973 | the same manner prescribed in s. 938.29 ~~accordance with s.~~
974 | ~~984.08.~~

975 | (2) (a) A parent whose child is dependent, regardless of
976 | whether adjudication was withheld, or whose parental rights are
977 | terminated and who has received the assistance of the office of
978 | criminal conflict and civil regional counsel, or any other
979 | court-appointed attorney, or who has received due process
980 | services after being found indigent for costs, shall be liable
981 | for payment of the assessed application fee under s. 57.082,
982 | together with reasonable attorney's fees and costs as determined
983 | by the court.

984 | (b) If reasonable attorney's fees or costs are assessed,
985 | the court, at its discretion, may make payment of the fees or
986 | costs part of any case plan in dependency proceedings. However,
987 | a case plan may not remain open for the sole issue of payment of
988 | attorney's fees or costs. At the court's discretion, a lien upon
989 | court-ordered payment of attorney's fees and costs may be
990 | ordered by the court and enforced in the same manner prescribed
991 | in s. 938.29.

992 | (c) The clerk of the court shall transfer monthly all
993 | attorney's fees and costs collected under this subsection to the
994 | Department of Revenue for deposit into the Indigent Civil
995 | Defense Trust Fund, to be used as appropriated by the
996 | Legislature and consistent with s. 27.511.

997 | Section 20. Subsection (1) of section 39.821, Florida
998 | Statutes, is amended to read:

999 | 39.821 Qualifications of guardians ad litem.—

1000 (1) Because of the special trust or responsibility placed
 1001 in a guardian ad litem, the Guardian Ad Litem Program may use
 1002 any private funds collected by the program, or any state funds
 1003 so designated, to conduct a security background investigation
 1004 before certifying a volunteer to serve. A security background
 1005 investigation must include, but need not be limited to,
 1006 employment history checks, checks of references, local criminal
 1007 history records checks through local law enforcement agencies,
 1008 and statewide criminal history records checks through the
 1009 Department of Law Enforcement. Upon request, an employer shall
 1010 furnish a copy of the personnel record for the employee or
 1011 former employee who is the subject of a security background
 1012 investigation conducted under this section. The information
 1013 contained in the personnel record may include, but need not be
 1014 limited to, disciplinary matters and the reason why the employee
 1015 was terminated from employment. An employer who releases a
 1016 personnel record for purposes of a security background
 1017 investigation is presumed to have acted in good faith and is not
 1018 liable for information contained in the record without a showing
 1019 that the employer maliciously falsified the record. A security
 1020 background investigation conducted under this section must
 1021 ensure that a person is not certified as a guardian ad litem if
 1022 the person has an arrest awaiting final disposition for, been
 1023 convicted of, regardless of adjudication, ~~or~~ entered a plea of
 1024 nolo contendere or guilty to, or has been adjudicated delinquent
 1025 and the record has not been sealed or expunged for, any offense
 1026 prohibited under the provisions listed in s. 435.04. All
 1027 applicants certified on or after July 1, 2010, must undergo a

1028 level 2 background screening pursuant to chapter 435 before
 1029 being certified ~~the provisions of the Florida Statutes specified~~
 1030 ~~in s. 435.04(2) or under any similar law in another~~
 1031 ~~jurisdiction. Before certifying an applicant to serve as a~~
 1032 ~~guardian ad litem, the Guardian Ad Litem Program may request a~~
 1033 ~~federal criminal records check of the applicant through the~~
 1034 ~~Federal Bureau of Investigation.~~ In analyzing and evaluating the
 1035 information obtained in the security background investigation,
 1036 the program must give particular emphasis to past activities
 1037 involving children, including, but not limited to, child-related
 1038 criminal offenses or child abuse. The program has the sole
 1039 discretion in determining whether to certify a person based on
 1040 his or her security background investigation. The information
 1041 collected pursuant to the security background investigation is
 1042 confidential and exempt from s. 119.07(1).

1043 Section 21. Subsections (1) and (5) of section 57.082,
 1044 Florida Statutes, are amended to read:

1045 57.082 Determination of civil indigent status.—

1046 (1) APPLICATION TO THE CLERK.—A person seeking appointment
 1047 of an attorney in a civil case eligible for court-appointed
 1048 counsel, or seeking relief from payment of filing fees and
 1049 prepayment of costs under s. 57.081, based upon an inability to
 1050 pay must apply to the clerk of the court for a determination of
 1051 civil indigent status using an application form developed by the
 1052 Florida Clerks of Court Operations Corporation with final
 1053 approval by the Supreme Court.

1054 (a) The application must include, at a minimum, the
 1055 following financial information:

1056 1. Net income, consisting of total salary and wages, minus
 1057 deductions required by law, including court-ordered support
 1058 payments.

1059 2. Other income, including, but not limited to, social
 1060 security benefits, union funds, veterans' benefits, workers'
 1061 compensation, other regular support from absent family members,
 1062 public or private employee pensions, unemployment compensation,
 1063 dividends, interest, rent, trusts, and gifts.

1064 3. Assets, including, but not limited to, cash, savings
 1065 accounts, bank accounts, stocks, bonds, certificates of deposit,
 1066 equity in real estate, and equity in a boat or a motor vehicle
 1067 or in other tangible property.

1068 4. All liabilities and debts.

1069
 1070 The application must include a signature by the applicant which
 1071 attests to the truthfulness of the information provided. The
 1072 application form developed by the corporation must include
 1073 notice that the applicant may seek court review of a clerk's
 1074 determination that the applicant is not indigent, as provided in
 1075 this section.

1076 (b) The clerk shall assist a person who appears before the
 1077 clerk and requests assistance in completing the application, and
 1078 the clerk shall notify the court if a person is unable to
 1079 complete the application after the clerk has provided
 1080 assistance.

1081 (c) The clerk shall accept an application that is signed
 1082 by the applicant and submitted on his or her behalf by a private

1083 attorney who is representing the applicant in the applicable
 1084 matter.

1085 (d) A person who seeks appointment of an attorney in a
 1086 proceeding ~~ease~~ under chapter 39, at shelter hearings or during
 1087 the adjudicatory process, during the judicial review process,
 1088 upon the filing of a petition to terminate parental rights, or
 1089 upon the filing of any appeal, or if the person seeks
 1090 appointment of an attorney in a reopened proceeding ~~the trial or~~
 1091 ~~appellate level~~, for which an indigent person is eligible for
 1092 court-appointed representation, must ~~shall~~ pay a \$50 application
 1093 fee to the clerk for each application filed. A person is not
 1094 required to pay more than one application fee per case. However,
 1095 an appeal or the reopening of a proceeding shall be deemed to be
 1096 a distinct case. The applicant must ~~shall~~ pay the fee within 7
 1097 days after submitting the application. If the applicant has not
 1098 paid the fee within 7 days, the court shall enter an order
 1099 requiring payment, and the clerk shall pursue collection under
 1100 s. 28.246. The clerk shall transfer monthly all application fees
 1101 collected under this paragraph to the Department of Revenue for
 1102 deposit into the Indigent Civil Defense Trust Fund, to be used
 1103 as appropriated by the Legislature. The clerk may retain 10
 1104 percent of application fees collected monthly for administrative
 1105 costs prior to remitting the remainder to the Department of
 1106 Revenue. ~~A person found to be indigent may not be refused~~
 1107 ~~counsel.~~ If the person cannot pay the application fee, the clerk
 1108 shall enroll the person in a payment plan pursuant to s. 28.246.

1109 (5) APPOINTMENT OF COUNSEL.—In appointing counsel after a
 1110 determination that a person is indigent under this section, the

1111 court shall first appoint the office of criminal conflict and
 1112 civil regional counsel, as provided in s. 27.511, unless
 1113 specific provision is made in law for the appointment of the
 1114 public defender in the particular civil proceeding. The court
 1115 shall also order the person to pay the application fee under
 1116 subsection (1), or enroll in a payment plan if he or she is
 1117 unable to pay the fee, if the fee remains unpaid or if the
 1118 person has not enrolled in a payment plan at the time the court
 1119 appoints counsel. However, a person who is found to be indigent
 1120 may not be refused counsel.

1121 Section 22. Subsection (4) of section 68.085, Florida
 1122 Statutes, is amended to read:

1123 68.085 Awards to plaintiffs bringing action.—

1124 (4) Following any distributions under subsection (1),
 1125 subsection (2), or subsection (3), the agency injured by the
 1126 submission of a false or fraudulent claim shall be awarded an
 1127 amount not to exceed its compensatory damages. If the action was
 1128 based on a claim of funds from the state Medicaid program, 10
 1129 percent of any remaining proceeds shall be deposited into the
 1130 Operating Legal Affairs Revolving Trust Fund to fund rewards for
 1131 persons who report and provide information relating to Medicaid
 1132 fraud pursuant to s. 409.9203. Any remaining proceeds, including
 1133 civil penalties awarded under s. 68.082, shall be deposited in
 1134 the General Revenue Fund.

1135 Section 23. Subsection (2) of section 119.0714, Florida
 1136 Statutes, is amended to read:

1137 119.0714 Court files; court records; official records.—

1138 (2) COURT RECORDS.—

1139 (a) Until January 1, 2012 ~~2011~~, if a social security
1140 number or a bank account, debit, charge, or credit card number
1141 is included in a court file, such number may be included as part
1142 of the court record available for public inspection and copying
1143 unless redaction is requested by the holder of such number or by
1144 the holder's attorney or legal guardian.

1145 (b) A request for redaction must be a signed, legibly
1146 written request specifying the case name, case number, document
1147 heading, and page number. The request must be delivered by mail,
1148 facsimile, electronic transmission, or in person to the clerk of
1149 the court. The clerk of the court does not have a duty to
1150 inquire beyond the written request to verify the identity of a
1151 person requesting redaction.

1152 (c) A fee may not be charged for the redaction of a social
1153 security number or a bank account, debit, charge, or credit card
1154 number pursuant to such request.

1155 (d) The clerk of the court has no liability for the
1156 inadvertent release of social security numbers, or bank account,
1157 debit, charge, or credit card numbers, unknown to the clerk of
1158 the court in court records filed on or before January 1, 2012
1159 ~~2011~~.

1160 (e)1. On January 1, 2012 ~~2011~~, and thereafter, the clerk
1161 of the court must keep social security numbers confidential and
1162 exempt as provided for in s. 119.071(5)(a), and bank account,
1163 debit, charge, and credit card numbers exempt as provided for in
1164 s. 119.071(5)(b), without any person having to request
1165 redaction.

1166 2. Section 119.071(5)(a)7. and 8. does not apply to the
 1167 clerks of the court with respect to court records.

1168 Section 24. Paragraph (b) of subsection (13) of section
 1169 318.18, Florida Statutes, is amended to read:

1170 318.18 Amount of penalties.—The penalties required for a
 1171 noncriminal disposition pursuant to s. 318.14 or a criminal
 1172 offense listed in s. 318.17 are as follows:

1173 (13)

1174 (b) A county may ~~not~~ impose a surcharge ~~the surcharges~~
 1175 ~~authorized under subparagraph~~ subparagraphs (a)1.,
 1176 subparagraph(a)2., or ~~and~~ subparagraph(a)3., but may not impose
 1177 more than one surcharge under this subsection concurrently. A
 1178 county may elect to impose a different authorized surcharge but
 1179 may not impose more than one surcharge at a time. The clerk of
 1180 court shall report, no later than 30 days after the end of the
 1181 quarter, the amount of funds collected under this subsection
 1182 during each quarter of the fiscal year. The clerk shall submit
 1183 the report, in a format developed by the Office of State Courts
 1184 Administrator, to the chief judge of the circuit, the Governor,
 1185 the President of the Senate, the Speaker of the House of
 1186 Representatives, and the board of county commissioners.

1187 Section 25. Effective October 1, 2010, section 320.061,
 1188 Florida Statutes, is amended to read:

1189 320.061 Unlawful to alter motor vehicle registration
 1190 certificates, license plates, mobile home stickers, or
 1191 validation stickers or to obscure license plates; penalty.—No
 1192 person shall alter the original appearance of any registration
 1193 license plate, mobile home sticker, validation sticker, or

1194 vehicle registration certificate issued for and assigned to any
 1195 motor vehicle or mobile home, whether by mutilation, alteration,
 1196 defacement, or change of color or in any other manner. No person
 1197 shall apply or attach any substance, reflective matter,
 1198 illuminated device, spray, coating, covering, or other material
 1199 onto or around any license plate that interferes with the
 1200 legibility, angular visibility, or detectability of any feature
 1201 or detail on the license plate or interferes with the ability to
 1202 record any feature or detail on the license plate. Any person
 1203 who violates this section commits a noncriminal traffic
 1204 infraction, punishable as a moving violation as provided in
 1205 chapter 318 ~~misdemeanor of the second degree, punishable as~~
 1206 ~~provided in s. 775.082 or s. 775.083.~~

1207 Section 26. Effective October 1, 2010, subsection (3) of
 1208 section 320.131, Florida Statutes, is amended to read:

1209 320.131 Temporary tags.—

1210 (3) Any person or corporation who unlawfully issues or
 1211 uses a temporary tag or violates this section or any rule
 1212 adopted by the department to implement this section commits ~~is~~
 1213 ~~guilty of~~ a noncriminal infraction, punishable as a moving
 1214 violation as provided in chapter 318 ~~misdemeanor of the second~~
 1215 ~~degree punishable as provided in s. 775.082 or s. 775.083~~ in
 1216 addition to other administrative action by the department. 7
 1217 ~~except that~~ Using a temporary tag that has been expired for a
 1218 period of 7 days or less is a noncriminal infraction, and is a
 1219 nonmoving violation punishable as provided for in chapter 318.

1220 Section 27. Effective October 1, 2010, subsections (1) and
 1221 (5) of section 322.03, Florida Statutes, are amended to read:

1222 322.03 Drivers must be licensed; penalties.—

1223 (1) Except as otherwise authorized in this chapter, a
 1224 person may not drive any motor vehicle upon a highway in this
 1225 state unless such person has a valid driver's license issued
 1226 under this chapter.

1227 (a) A person who drives a commercial motor vehicle may not
 1228 receive a driver's license unless and until he or she surrenders
 1229 to the department all driver's licenses in his or her possession
 1230 issued to him or her by any other jurisdiction or makes an
 1231 affidavit that he or she does not possess a driver's license.
 1232 Any such person who fails to surrender such licenses commits a
 1233 noncriminal infraction, punishable as a moving violation as set
 1234 forth in chapter 318. Any such person ~~or~~ who makes a false
 1235 affidavit concerning such licenses commits a misdemeanor of the
 1236 first degree, punishable as provided in s. 775.082 or s.
 1237 775.083.

1238 (b) All surrendered licenses may be returned by the
 1239 department to the issuing jurisdiction together with information
 1240 that the licensee is now licensed in a new jurisdiction or may
 1241 be destroyed by the department, which shall notify the issuing
 1242 jurisdiction of such destruction. A person may not have more
 1243 than one valid driver's license at any time.

1244 (c) Part-time residents of this state issued a license
 1245 that is valid within this state only under paragraph (b) as that
 1246 paragraph existed before November 1, 2009, may continue to hold
 1247 such license until the next issuance of a Florida driver's
 1248 license or identification card. Licenses that are identified as

1249 "Valid in Florida Only" may not be issued or renewed effective
 1250 November 1, 2009. This paragraph expires June 30, 2017.

1251 (5) It is a violation of this section for any person whose
 1252 driver's license has been expired for more than 6 4 months to
 1253 operate a motor vehicle on the highways of this state.

1254 Section 28. Effective October 1, 2010, subsections (5) and
 1255 (6) of section 322.16, Florida Statutes, are amended to read:

1256 322.16 License restrictions.—

1257 (5) It is a misdemeanor of the second degree, punishable
 1258 as provided in s. 775.082 or s. 775.083, for any person to
 1259 operate a motor vehicle in any manner in violation of the
 1260 restrictions imposed under paragraph (1)(c) ~~in a license issued~~
 1261 ~~to him or her except for a violation of paragraph (1)(d),~~
 1262 ~~subsection (2), or subsection (3).~~

1263 (6) Any person who operates a motor vehicle in violation
 1264 of the restrictions imposed under paragraph (1)(a), paragraph
 1265 (1)(b), ~~in~~ subsection (2), or subsection (3) will be charged
 1266 with a moving violation and fined in accordance with chapter
 1267 318.

1268 Section 29. Subsection (1) of section 775.083, Florida
 1269 Statutes, is amended to read:

1270 775.083 Fines.—

1271 (1) A person who has been convicted of an offense other
 1272 than a capital felony may be sentenced to pay a fine in addition
 1273 to any punishment described in s. 775.082; when specifically
 1274 authorized by statute, he or she may be sentenced to pay a fine
 1275 in lieu of any punishment described in s. 775.082. A person who
 1276 has been convicted of a noncriminal violation may be sentenced

1277 to pay a fine. Fines for designated crimes and for noncriminal
 1278 violations shall not exceed:

1279 (a) \$15,000, when the conviction is of a life felony.

1280 (b) \$10,000, when the conviction is of a felony of the
 1281 first or second degree.

1282 (c) \$5,000, when the conviction is of a felony of the
 1283 third degree.

1284 (d) \$1,000, when the conviction is of a misdemeanor of the
 1285 first degree.

1286 (e) \$500, when the conviction is of a misdemeanor of the
 1287 second degree or a noncriminal violation.

1288 (f) Any higher amount equal to double the pecuniary gain
 1289 derived from the offense by the offender or double the pecuniary
 1290 loss suffered by the victim.

1291 (g) Any higher amount specifically authorized by statute.
 1292

1293 Fines imposed in this subsection shall be deposited by the clerk
 1294 of the court in the fine and forfeiture fund established
 1295 pursuant to s. 142.01, except that the clerk shall remit fines
 1296 imposed when adjudication is withheld to the Department of
 1297 Revenue for deposit shall be deposited in the General Revenue
 1298 Fund State Courts Revenue Trust Fund, and such fines imposed
 1299 when adjudication is withheld are not revenue for purposes of s.
 1300 28.36 and may not be used in establishing the budget of the
 1301 clerk of the court under that section or s. 28.35. If a
 1302 defendant is unable to pay a fine, the court may defer payment
 1303 of the fine to a date certain. As used in this subsection, the
 1304 term "convicted" or "conviction" means a determination of guilt

1305 | which is the result of a trial or the entry of a plea of guilty
 1306 | or nolo contendere, regardless of whether adjudication is
 1307 | withheld.

1308 | Section 30. Subsection (5) of section 832.08, Florida
 1309 | Statutes, is amended to read:

1310 | 832.08 State attorney bad check diversion program; fees
 1311 | for collections.—

1312 | (5) To fund the diversion program, the state attorney may
 1313 | collect a fee on each check that is collected through the state
 1314 | attorney's office, whether it is collected through prosecution
 1315 | or through the diversion program. Funds collected under this
 1316 | subsection shall be deposited in the State Attorneys Revenue
 1317 | Trust Fund. However, the state attorney may not collect such a
 1318 | fee on any check collected through a diversion program which was
 1319 | in existence in another office prior to October 1, 1986. A fee
 1320 | may be collected by an office operating such a preexisting
 1321 | diversion program for the purpose of funding such program. The
 1322 | amount of the fee for each check shall not exceed:

1323 | (a) Twenty-five dollars, if the face value does not exceed
 1324 | \$50.

1325 | (b) Thirty dollars, if the face value is more than \$50 but
 1326 | does not exceed \$300.

1327 | (c) Forty dollars, if the face value is more than \$300.

1328 | Section 31. Section 938.06, Florida Statutes, is amended
 1329 | to read:

1330 | 938.06 ~~Additional~~ Cost for crime stoppers programs.—

1331 | (1) In addition to any fine prescribed by law, when a
 1332 | person is convicted of ~~for~~ any criminal offense, the county or

1333 circuit court shall assess ~~there is hereby assessed as~~ a court
 1334 ~~cost an additional surcharge of \$20 on such fine, which shall be~~
 1335 ~~imposed by all county and circuit courts and collected by the~~
 1336 ~~clerks of the courts together with such fine.~~

1337 (2) The clerk of the court shall collect and forward, on a
 1338 monthly basis, all costs assessed under this section, less \$3
 1339 per assessment as a service charge to be retained by the clerk,
 1340 to the Department of Revenue for deposit in the Crime Stoppers
 1341 Trust Fund, to be used as provided in s. 16.555.

1342 (3) As used in this section, the term "convicted" means a
 1343 determination of guilt that is the result of a trial or the
 1344 entry of a plea of guilty or nolo contendere, regardless of
 1345 whether adjudication is withheld.

1346 Section 32. Subsection (8) of section 938.27, Florida
 1347 Statutes, is amended to read:

1348 938.27 Judgment for costs on conviction.—

1349 (8) Costs for the state attorney shall be set in all cases
 1350 at no less than \$50 per case when a misdemeanor or criminal
 1351 traffic offense is charged and no less than \$100 per case when a
 1352 felony offense is charged, including a proceeding in which the
 1353 underlying offense is a violation of probation or community
 1354 control. The court may set a higher amount upon a showing of
 1355 sufficient proof of higher costs incurred. Costs recovered on
 1356 behalf of the state attorney under this section shall be
 1357 deposited into the State Attorneys Revenue ~~attorney's grants and~~
 1358 ~~donations~~ Trust Fund to be used during the fiscal year in which
 1359 the funds are collected, or in any subsequent fiscal year, for
 1360 actual expenses incurred in investigating and prosecuting

1361 criminal cases, which may include the salaries of permanent
 1362 employees, or for any other purpose authorized by the
 1363 Legislature.

1364 Section 33. Paragraph (b) of subsection (2) of section
 1365 938.29, Florida Statutes, is amended to read:

1366 938.29 Legal assistance; lien for payment of attorney's
 1367 fees or costs.—

1368 (2)

1369 (b) A judgment showing the name and residence of the
 1370 defendant-recipient or parent shall be recorded in the public
 1371 record, without cost, by the clerk of the circuit court in the
 1372 county where the defendant-recipient or parent resides and in
 1373 each county in which such defendant-recipient or parent then
 1374 owns or later acquires any property. Such judgments shall be
 1375 enforced on behalf of the state by the clerk of the circuit
 1376 court of the county in which assistance was rendered. The lien
 1377 against a parent shall remain in force notwithstanding the child
 1378 becoming emancipated or the child reaching the age of majority.

1379 Section 34. Section 939.08, Florida Statutes, is amended
 1380 to read:

1381 939.08 Costs to be certified before audit.—In all cases
 1382 wherein is claimed the payment of applicable bills of costs,
 1383 fees, or expenses of the state courts system as provided in s.
 1384 29.004, other than juror and witness fees, in the adjudication
 1385 of any case payable by the state, the trial court administrator
 1386 or the administrator's designee shall review the itemized bill.
 1387 The bill shall not be paid until the trial court administrator
 1388 or the administrator's designee has approved it and certified

1389 that it is just, correct, and reasonable and contains no
 1390 unnecessary or illegal item.

1391 Section 35. Paragraph (a) of subsection (1) of section
 1392 939.185, Florida Statutes, is amended to read:

1393 939.185 Assessment of additional court costs and
 1394 surcharges.—

1395 (1) (a) The board of county commissioners may adopt by
 1396 ordinance an additional court cost, not to exceed \$65, to be
 1397 imposed by the court when a person pleads guilty or nolo
 1398 contendere to, or is found guilty of, or adjudicated delinquent
 1399 for, any felony, misdemeanor, delinquent act, or criminal
 1400 traffic offense under the laws of this state. Such additional
 1401 assessment shall be accounted for separately by the county in
 1402 which the offense occurred and be used only in the county
 1403 imposing this cost, to be allocated as follows:

1404 1. Twenty-five percent of the amount collected shall be
 1405 allocated to fund innovations, as determined by the chief judge
 1406 of the circuit, to supplement state funding for the elements of
 1407 the state courts system identified in s. 29.004 and county
 1408 funding for local requirements under s. 29.008(2) (a)2.

1409 2. Twenty-five percent of the amount collected shall be
 1410 allocated to assist counties in providing legal aid programs
 1411 required under s. 29.008(3) (a).

1412 3. Twenty-five percent of the amount collected shall be
 1413 allocated to fund personnel and legal materials for the public
 1414 as part of a law library.

1415 4. Twenty-five percent of the amount collected shall be
 1416 used as determined by the board of county commissioners to

1417 support teen court programs, except as provided in s. 938.19(7),
 1418 juvenile assessment centers, and other juvenile alternative
 1419 programs.

1420
 1421 Each county receiving funds under this section shall report the
 1422 amount of funds collected pursuant to this section and an
 1423 itemized list of expenditures for all authorized programs and
 1424 activities. The report shall be submitted in a format developed
 1425 by the Supreme Court to the Governor, the Chief Financial
 1426 Officer, the President of the Senate, and the Speaker of the
 1427 House of Representatives on a quarterly basis beginning with the
 1428 quarter ending September 30, 2004. Quarterly reports shall be
 1429 submitted no later than 30 days after the end of the quarter.
 1430 Any unspent funds at the close of the county fiscal year
 1431 allocated under subparagraphs 2., 3., and 4., shall be
 1432 transferred for use pursuant to subparagraph 1.

1433 Section 36. Subsection (15) is added to section 943.03,
 1434 Florida Statutes, to read:

1435 943.03 Department of Law Enforcement.—

1436 (15) The Department of Law Enforcement, in consultation
 1437 with the Criminal and Juvenile Justice Information Systems
 1438 Council established in s. 943.06, shall modify the existing
 1439 statewide uniform statute table in its criminal history system
 1440 to meet the business requirements of state and local criminal
 1441 justice and law enforcement agencies. In order to accomplish
 1442 this objective, the department shall:

1443 (a) Define the minimum business requirements necessary for
 1444 successful implementation.

1445 (b) Consider the charging and booking requirements of
 1446 sheriffs' offices and police departments and the business
 1447 requirements of state attorneys, public defenders, criminal
 1448 conflict and civil regional counsel, clerks of court, judges,
 1449 and state law enforcement agencies.

1450 (c) Adopt rules establishing the necessary technical and
 1451 business process standards required to implement, operate, and
 1452 ensure uniform system use and compliance.

1453
 1454 The required system modifications and adopted rules shall be
 1455 implemented by December 31, 2012.

1456 Section 37. Paragraph (b) of subsection (3) of section
 1457 943.053, Florida Statutes, is amended to read:

1458 943.053 Dissemination of criminal justice information;
 1459 fees.—

1460 (3)

1461 (b) The fee per record for criminal history information
 1462 provided pursuant to this subsection and s. 943.0542 is \$24 per
 1463 name submitted, except that the fee for the guardian ad litem
 1464 program and vendors of the Department of Children and Family
 1465 Services, the Department of Juvenile Justice, and the Department
 1466 of Elderly Affairs shall be \$8 for each name submitted; the fee
 1467 for a state criminal history provided for application processing
 1468 as required by law to be performed by the Department of
 1469 Agriculture and Consumer Services shall be \$15 for each name
 1470 submitted; and the fee for requests under s. 943.0542, which
 1471 implements the National Child Protection Act, shall be \$18 for
 1472 each volunteer name submitted. The state offices of the Public

1473 Defender shall not be assessed a fee for Florida criminal
 1474 history information or wanted person information.

1475 Section 38. The amount of unexpended balances in the state
 1476 court's Operating Trust Fund attributable to collections made
 1477 pursuant to ss. 25.241 and 35.22, Florida Statutes, before
 1478 amendment by this act shall be transferred to the State Courts
 1479 Revenue Trust Fund, FLAIR number 22-2-057. All other unexpended
 1480 funds in the Operating Trust Fund are transferred to the
 1481 Administrative Trust Fund within the state courts system.

1482 Section 39. The amount of unexpended balances in the state
 1483 attorney's grants and donations trust fund attributable to
 1484 collections made pursuant to ss. 832.08 and 938.27, Florida
 1485 Statutes, before amendment by this act shall be transferred to
 1486 the State Attorneys Revenue Trust Fund, FLAIR number 21-2-058.

1487 Section 40. The sum of \$3,600,000 of nonrecurring funds
 1488 from the Clerks of Court Trust Fund is appropriated to the
 1489 Florida Clerks of Court Operations Corporation to be distributed
 1490 to the clerks of court where the state court system has
 1491 distributed the increased resources provided in the 2010-2011
 1492 General Appropriations Act for workload associated with
 1493 foreclosure and economic recovery. The corporation shall submit
 1494 a budget amendment pursuant to chapter 216, Florida Statutes, to
 1495 distribute the funding among the clerks of court.

1496 Section 41. The sum of \$18,600,000 from the State Courts
 1497 Revenue Trust Fund is transferred to the Clerks of the Court
 1498 Trust Fund in the Justice Administrative Commission for the
 1499 purpose of paying the general revenue service charge for the

1500 state fiscal year 2009-2010. This section shall take effect upon
1501 this act becoming a law.

1502 Section 42. Except as otherwise expressly provided in this
1503 act, and except for this section which shall take effect upon
1504 this act becoming a law, this act shall take effect July 1,
1505 2010.