

Committee Substitute for Senate Bill No. 1212

An act relating to the judiciary; providing intent; providing a basis for funding the court system, the public defender's offices, the state attorneys' offices, and the court-related functions of the clerks of the court; providing a phase-in schedule; defining the essential elements of the court system; defining the essential elements of the state attorneys' offices; defining the essential elements of the public defenders' offices; defining the essential elements of court-appointed counsel; providing definitions for county funding responsibilities; creating the Article V Financial Accountability and Efficiency Workgroup; providing for membership; providing responsibilities; creating a process for certain counties to cover extraordinary criminal case-related costs; providing for the establishment of pilot projects in three counties to fund costs of conflict counsel; requiring clerks to provide specified information to the Legislature; creating the Joint Legislative Committee on Article V; providing for membership and duties; providing appropriations; providing a limitation on funding; amending ss. 216.001, 216.011, F.S.; redefining the term "state agency"; amending s. 216.0172, F.S.; requiring the judicial branch to submit a performance-based program budget; amending s. 216.023, F.S.; excepting the judicial branch from submitting final legislative budget requests to the Governor; amending s. 216.0235, F.S.; excepting the judicial branch from submitting final legislative program budget requests; creating the Supreme Court Workload Study Commission; providing members; providing duties; providing staffing; requiring a report; amending s. 216.0166, F.S.; providing requirements for performance-based program budgeting for the judicial branch; amending s. 35.05, F.S.; authorizing branch district courts of appeal; providing an effective date.

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

Section 1. Intent.—

(1) It is the intent of the Legislature that, for the purpose of implementing Article V, Section 14 of the State Constitution, the state courts system be defined to include the essential elements of the Supreme Court, district courts of appeal, circuit courts, county courts, and essential supports thereto. Similarly, the offices of public defenders and state attorneys shall include those essential elements as determined by general law. Further, the state attorneys' offices are defined to include the essential elements of the 20 state attorneys' offices and the public defenders' offices are defined to include the essential elements of the 20 public defenders' offices. Court appointed counsel are defined as counsel appointed to ensure due process in criminal and civil proceedings in accordance with state and federal constitutional guarantees.

(2) All funding for the court-related functions of the offices of the clerks of the circuit and county courts shall be provided by adequate and appropri-

ate filing fees for judicial proceedings and service charges and costs for performing court-related functions.

(3) Pursuant to general law, counties shall be required to fund the cost of communications services, existing radio systems, existing multi-agency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the circuit courts and county courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts, as defined by general law. In addition, the counties will continue to fund existing elements of the state courts system, state attorneys' offices, public defenders' offices, court appointed counsel, and the offices of the clerks of the circuit and county courts performing court-related functions, consistent with current law and practice, until such time as the Legislature expressly assumes the responsibility for funding those elements. Counties will fund the cost of criminal cases filed by the office of statewide prosecution. Additionally, the Legislature will define by general law those local requirements of the state courts system for which the counties must pay reasonable and necessary salaries, costs, and expenses.

(4) Although a program or function currently may be funded by the state or prescribed or established in general law, this does not designate the program or function as an essential element of the state courts system, state attorneys' offices, public defenders' offices, or the offices of the circuit and county court clerks performing court-related functions as described in Article V, Section 14, of the State Constitution.

Section 2. Basis for funding.—

(1) The Legislature's appropriation of funding in the General Appropriations Act for appropriate salaries, costs, and expenses pursuant to Article V, Section 14 of the State Constitution shall be based upon reliable and auditable data substantiating the revenues and expenditures associated with each essential element.

(2) Court costs, fines, and other dispositional assessments shall be imposed and enforced by the courts, collected by the clerks of the circuit and county courts, and may be directed to the state in accordance with authorizations and procedures as determined by general law.

(3) Waiver of fees and costs for indigents in criminal or civil actions and requests for reductions in fees and costs and for a court-appointed attorney shall be determined through procedures established pursuant to general law. Similarly, requests for reductions in fees and costs and for a court-appointed attorney shall occur after examination, pursuant to general law.

Section 3. Phase-in schedule.—

(1) During fiscal years 2000-2001 and 2001-2002 the Legislature shall:

(a) Review the state courts system to determine those elements appropriate to receive state funding and, based on the availability of accurate data, determine the most appropriate means for funding such elements and provide direction regarding budgeting for the state courts system.

(b) Review selected salaries, costs, and expenses of the state courts system which may be funded from appropriate filing fees for judicial proceedings and service charges and costs.

(2) Prior to or during fiscal years 2001-2002 and 2002-2003 the Legislature shall review the offices of the state attorneys and public defenders and the use of civil indigency counsel and conflict counsel to determine those elements appropriate to receive state funding and, based on the availability of accurate data, determine the most appropriate means for funding such elements and provide direction regarding budgeting for the state attorneys' offices, public defenders' offices, and court-appointed counsel.

(3) Prior to or during fiscal years 2002-2003 and 2003-2004 the Legislature shall review the offices of the clerks of the circuit and county courts to define court-related functions. If there is accurate data on court-related functions and costs, the Legislature may determine the appropriate levels of filing fees, service charges, and court costs to fund those functions.

(4) During fiscal years 2000-2001 and 2001-2002, the Legislature shall review current law with regard to authorizations for court costs, fines, and other dispositional assessments and redirect appropriate revenues to the state.

(5) On or before July 1, 2004, the Legislature will fully effectuate the requirements of Article XII, Section 25 of the State Constitution. Prior to July 1, 2004, the counties are financially obligated to continue to fund existing elements of the state courts system, state attorneys' offices, public defenders' offices, court appointed counsel, and the offices of the clerks of the circuit and county courts performing court-related functions, consistent with current law and practice, until such time as the Legislature expressly assumes the responsibility for funding such elements. Counties will fund the cost of criminal cases filed by the office of statewide prosecution. Additionally, the Legislature will define by general law those local requirements of the state courts system for which the counties must pay reasonable and necessary salaries, costs, and expenses.

(6) Pursuant to Article XII, Section 25 and Article V, Section 14 of the State Constitution, commencing in fiscal year 2000-2001, the Legislature will appropriate funds:

(a) To create a contingency fund to assist small counties with extraordinary case-related costs in criminal cases.

(b) For pilot projects in at least three counties to cover reasonable and necessary conflict attorneys.

Section 4. State courts system.—

(1) For purposes of implementing Article V, Section 14 of the State Constitution, the essential elements of the state courts system are as follows:

(a) Judges appointed or elected pursuant to chapters 25, 26, 34 and 35, Florida Statutes, and essential staff, expenses, and costs as determined by general law.

(b) Juror compensation and expenses and reasonable juror accommodations when necessary.

(c) Reasonable court reporting services necessary to meet constitutional requirements.

(d) Auxiliary aids and services for qualified individuals with a disability which are necessary to ensure access to the courts. Such auxiliary aids and services include, but are not limited to, sign-language interpreters, translators, real-time transcription services for individuals who are hearing impaired, and assistive listening devices. This section does not include physical modifications to court facilities; noncourtroom communication services; or other accommodations, auxiliary aids, or services for which the counties are responsible pursuant to Section 14 of Article V of the State Constitution.

(e) Construction or lease of facilities, maintenance, utilities and security for the district courts of appeal and the Supreme Court.

(f) Foreign language interpreters and translators essential to comply with constitutional requirements.

(g) Staff and expenses of the Judicial Qualifications Commission.

Section 5. State attorneys' offices and prosecution expenses.—For purposes of implementing Article V, Section 14 of the State Constitution, the essential elements of the state attorneys' offices are as follows:

(1) The state attorney of each judicial circuit and assistant state attorneys and essential staff as determined by general law.

(2) Reasonable court reporting services necessary to meet constitutional requirements.

(3) Witnesses summoned to appear for an investigation, preliminary hearing, or trial in a criminal case when the witnesses are summoned by a state attorney; mental health professionals who are appointed pursuant to section 394.473, Florida Statutes, and required in a court hearing involving an indigent; and expert witnesses who are appointed pursuant to section 916.115(2), Florida Statutes, and required in a court hearing involving an indigent.

Section 6. Public defenders and indigent defense costs.—For purposes of implementing Article V, Section 14 of the State Constitution, the essential elements of the public defenders' offices are as follows:

(1) The public defender of each judicial circuit and assistant public defenders and essential staff as determined by general law.

(2) Reasonable court reporting services necessary to meet constitutional requirements.

(3) Witnesses summoned to appear for an investigation, preliminary hearing, or trial in a criminal case when the witnesses are summoned on

behalf of an indigent defendant; mental health professionals who are appointed pursuant to s. 394.473, Florida Statutes, and required in a court hearing involving an indigent; and expert witnesses who are appointed pursuant to section 916.115(2), Florida Statutes, and required in a court hearing involving an indigent.

Section 7. Court appointed counsel.—For purposes of implementing Article V, Section 14 of the State Constitution, the essential elements of court appointed counsel are as follows:

(1) Private attorneys assigned by the court to handle cases where the defendant is indigent and cannot be represented by the public defender.

(2) Private attorneys appointed by the court to represent indigents or other classes of litigants in civil proceedings requiring court appointed counsel in accordance with state and federal constitutional guarantees.

(3) Reasonable court reporting services necessary to meet constitutional requirements.

(4) Witnesses summoned to appear for an investigation, preliminary hearing, or trial in a criminal case when the witnesses are summoned on behalf of an indigent defendant; mental health professionals who are appointed pursuant to section 394.473, Florida Statutes, and required in a court hearing involving an indigent; and expert witnesses who are appointed pursuant to section 916.115(2), Florida Statutes, and required in a court hearing involving an indigent.

(5) Investigating and assessing the indigency of any person who seeks a waiver of court costs and fees, or any portion thereof, or applies for representation by a public defender or private attorney.

Section 8. County funding of court-related functions.—

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

(a) "Facility" means reasonable and necessary buildings, structures, real estate, easements, and related interests in real estate, including, but not limited to, those for the purpose of housing personnel, equipment, or functions of the circuit or county courts, public defenders' offices, state attorneys' offices, and court-related functions of the office of the clerks of the circuit and county courts and all storage. The term also includes access to parking for such facilities in connection with such court-related functions that may be available free or from a private provider or a local government for a fee.

(b) "Construction or Lease" includes, but is not limited to, all reasonable and necessary costs of the acquisition of facilities, equipment and furnish-

ings for all judicial officers, staff, jurors, volunteers, and the public for the circuit and county courts, the public defenders' offices, state attorneys' offices, and for performing the court-related functions of the offices of the clerks of the circuit and county courts. This includes expenses related to financing such facilities and the existing and future cost and bonded indebtedness associated with placing the facilities in use.

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

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

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

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

1. Telephone services and equipment, including facsimile, wireless communications, video conferencing, pagers, computer lines, and telephone switching equipment and the maintenance, supplies, hardware, software, and line charges, including local and long distance toll charges, and support staff or services necessary for operation.

2. Computer systems and equipment, including computer hardware and software, modems, printers, wiring, network connections, maintenance, support staff or services, training, supplies, and line charges necessary for an integrated computer system to support the operations and management of the state courts system, the offices of the public defenders, the offices of the state attorneys, and the offices of the clerks of the circuit and county

courts and the capability to connect those entities and reporting data to the state as required for the transmission of revenue, performance accountability, case management, data collection, budgeting, and auditing purposes.

3. Postage, printed documents, radio, courier messenger and subpoena services, support services, all maintenance, supplies and line charges.

(g) "Existing radio systems" includes, but is not limited to, law enforcement radio systems that are used by the circuit and county courts, the offices of the public defenders, the offices of the state attorneys, and for court-related functions of the offices of the clerks of the circuit and county courts. This includes radio systems that were operational or under contract at the time Revision 7 to Article V of the State Constitution was adopted and any enhancements made thereafter, the maintenance of those systems, and the personnel and supplies necessary for operation.

(h) "Existing multi-agency criminal justice information systems" includes, but is not limited to, those components of the multi-agency criminal justice information system as defined in section 943.045, Florida Statutes, supporting the offices of the circuit or county courts, the public defenders' offices, the state attorneys' offices, or those portions of the offices of the clerks of the circuit and county courts performing court-related functions that are used to carry out the court-related activities of those entities. This includes upgrades and maintenance of the current equipment, maintenance and upgrades of supporting technology infrastructure and associated staff, and services and expenses to assure continued information sharing and reporting of information to the state. The counties shall also provide additional information technology services, hardware, and software as needed for new judges and staff of the state courts system, state attorneys' offices, public defenders' offices, and the offices of the clerks of the circuit and county court performing court-related functions.

(2) Counties shall pay reasonable and necessary salaries, costs, and expenses of the state courts system to meet local requirements as determined by general law.

Section 9. Article V Financial Accountability and Efficiency Workgroup.—

(1) The Article V Financial Accountability and Efficiency Workgroup is created to serve through January 15, 2001. The workgroup shall consist of 11 voting members and 4 ex officio members as follows:

(a) The Comptroller or his or her designee.

(b) The Auditor General or his or her designee.

(c) The Secretary of the Department of Management Services or his or her designee.

(d) A representative from the state courts system designated by the Chief Justice.

(e) The Executive Director of the Fiscal Responsibility Council from the House of Representatives or other person designated by the Speaker of the House of Representatives.

(f) The Staff Director of the Senate Budget Committee or other person designated by the President of the Senate.

(g) The Staff Director of the Legislative Committee on Intergovernmental Relations or his or her designee.

(h) The director of the Governor's Office of Policy and Budget or his or her designee.

(i) The director of the Office of Program Policy Analysis and Government Accountability or his or her designee.

(j) A representative of the Florida Association of Counties as an ex-officio member.

(k) A representative of the Florida Association of Court Clerks and Comptroller as an ex-officio member.

(l) A representative of the Florida Public Defender's Association as an ex-officio member.

(m) A representative of the Florida Prosecuting Attorneys Association as an ex-officio member.

The chair and vice chair of the Joint Legislative Committee on Article V shall respectively act as chair and vice chair of the workgroup. The Joint Legislative Committee on Article V shall provide staff support for the workgroup.

(2) The workgroup shall develop recommendations concerning financial accountability systems and standards for use during and after the transition from local to state funding as required by the 1998 revisions to Article V, Section 14 of the State Constitution.

(3) The workgroup shall consider the use of the current Uniform Chart of Accounts, Florida Accounting Information System, or any other existing state accounting systems and advise the Legislature on whether any of the systems are appropriate for the long-term accounting requirements for expenditures and revenues. The workgroup shall advise the Legislature on any modifications or enhancements that may be necessary to existing systems and recommend a plan to implement the necessary modifications or enhancements.

(4) If the workgroup determines that no existing state system is appropriate for long-term use, it shall provide the Legislature with a full explanation of the reasons and develop at least two options for Legislative consideration.

(5) The workgroup shall examine incentives pursuant to current law for compliance with state reporting requirements and make recommendations to further encourage local compliance.

(6) The workgroup shall consider and make recommendations regarding alternative structures for budgeting and fiscal management for the state courts system, public defenders' offices, state attorneys' offices, constitutionally required court-appointed attorneys and the clerks of the circuit and county courts. In developing the alternatives, the workgroup shall consider using existing management entities such as the Justice Administrative Commission, the Office of the State Courts Administrator, or any other appropriate entity.

(7) The workgroup will obtain data on all fees, costs, service charges, fines, forfeitures, or other court-related charges, evaluate the data, make selected audits of such data as necessary, and report to the Joint Legislative Committee on Article V regarding the accuracy of such data. The data shall be compiled by each county. The information obtained must address the authority for collection, the authorized amount, the total amount collected, identification of where the funds are collected and distributed, the amount distributed to each identified entity, and the required and actual use of the funds by the receiving entity.

(8) In addition to the review and assessment of financial accountability systems and standards, the workgroup may also assess the efficiency and effectiveness of the state court system, public defenders' offices, state attorneys' offices, clerks of the circuit and county courts, and constitutionally required court-appointed attorneys' operating policies and procedures related to financial management and reporting. The assessment may include a review of current organizational duties and responsibilities for supporting entities. The workgroup may include in its final report recommendations for improving operating policies and procedures relating to the financial management activities of the state court system, public defenders' offices, clerks of the circuit and county courts, state attorneys' offices, and constitutionally required court-appointed attorneys.

(9) Subject to the availability of specific appropriations and the approval of the President of the Senate and the Speaker of the House of Representatives, the workgroup may contract for consultants or technical assistance in carrying out its responsibilities.

(10) The workgroup shall be terminated upon the issuance of a report and final recommendations to the Joint Legislative Committee on Article V, the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, and the Governor not later than January 15, 2001.

Section 10. Contingency fund.—

(1) Any county with a population of less than 85,000, according to the most recent decennial census, may apply to the Office of the State Courts Administrator for additional funding to cover extraordinary criminal case related costs.

(2) The Office of the State Courts Administrator, in consultation with the chairs of the appropriations committees of the Legislature, shall develop a process whereby counties may request funds pursuant to this section. Such

process shall be consistent with legislative intent regarding this act. The Office of the State Courts Administrator shall review any request for funds by a county under this section and, if the Office of the State Courts Administrator determines that a request is valid, it may provide assistance upon finding a qualifying county's budget is inadequate to cover extraordinary criminal case related costs and that the deficiency will result in an impairment of the operations of the county.

(3) The State Courts Administrator shall submit a report on a quarterly basis, including a complete accounting of the contingency fund.

Section 11. Pilot projects; conflict attorneys.—Pursuant to Article XII, Section 25 and Article V, Section 14 of the State Constitution, and section 27.52, Florida Statutes, and notwithstanding section 925.037, Florida Statutes, the Legislature creates pilot projects to reimburse three counties for reasonable and necessary conflict counsel fees, expenses, and costs. The counties designated for the pilot projects must institute cost containment and accountability processes and to provide a detailed quarterly report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Joint Legislative Committee on Article V. The report shall include, but is not limited to:

- (1) The total number of conflict cases.
- (2) The steps that were taken to avoid the conflict, if any.
- (3) The number of each type of case identified with specificity.
- (4) The length of each case.
- (5) The total amount paid to each attorney.
- (6) The total year-to-date payments to conflict attorneys.
- (7) The method of payment, for example, hourly rate, flat fee, contract, or other.

All information must be broken down based on whether the case was given to outside counsel due to an ethical conflict or due to an overextended caseload.

Section 12. Clerks of the court reporting requirements.—

(1) The Clerks of Court shall, not later than September 30, 2000, provide the following information to the Joint Legislative Committee on Article V and the Article V Financial Accountability and Efficiency Workgroup:

(a) A detailed description of the services currently provided to the state courts system, state attorneys' offices, and public defenders' offices.

(b) Detailed information on the cost of each of the services provided.

(c) Detailed information on the current source of funding for each service.

(d) A complete listing of all fees, costs, service charges, fines, forfeitures, or other court-related charges collected by the office of the clerk of the circuit and county court and the statute, local ordinance, court rule, or judicial order that authorizes the collection. This list shall also address the event that authorizes the collection and the designated use of the amounts collected.

(e) A total amount collected by the clerk in each circuit for each fee, cost, service charge, fine, forfeiture, or other charge for fiscal year 1998-1999.

(f) The distribution of each fee, cost, service charge, fine, forfeiture, or other court-related charge collected by the clerk. This shall include where the money is distributed, the amount of each charge distributed, and the total amounts distributed for fiscal year 1998-1999.

(2) To the extent applicable, information provided under paragraphs (1)(a)-(f) shall be cross referenced to current accounting classifications required by the Uniform Chart of Accounts as developed pursuant to section 218.33, Florida Statutes.

(3) The clerks of court shall, not later than September 30, 2000, make recommendations on the following:

(a) Of those services currently provided by the clerks of the court, services that the clerks of the circuit and county courts should continue to provide in the future.

(b) Recommended levels of fees, costs, or service charges to be used to fully fund the proposed court-related functions.

(c) Alternative sources of funding, if it is the clerks of the court's position that the fees, costs, and service charges recommended in paragraph (b) would be violative of the state or federal constitution.

Section 13. Section 11.75, Florida Statutes, is created to read:

11.75 Joint Legislative Committee on Article V.—

(1) The Joint Legislative Committee on Article V of the State Constitution is created. The committee shall be composed of eight members appointed as follows: four members of the Senate appointed by the President of the Senate and four members of the House of Representatives appointed by the Speaker of the House of Representatives. The President of the Senate shall appoint the chair in even-numbered years and the vice chair in odd-numbered years and the Speaker of the House of Representatives shall appoint the chair in odd-numbered years and the vice chair in even-numbered years from among the committee membership. A vacancy shall be filled in the same manner as the original appointment.

(2) The joint committee shall coordinate and oversee the implementation of Revision 7 to Article V of the State Constitution. The joint committee shall make recommendations to the Legislature, including proposed legislation, in an annual report to be submitted by October 15 of each year.

(3) The Legislature shall review the joint committee in 2004 to determine the necessity of its continued existence.

Section 14. Nothing in this act shall require the Legislature to fund any court function or court-related activities of the court system, the state attorneys' offices, public defenders' offices, conflict counsel, the statewide prosecutor, or the clerks of the circuit and county courts.

Section 15. Section 216.001, Florida Statutes, is amended to read:

216.001 Definitions.—For purposes of chapter 94-249, Laws of Florida, except as otherwise provided herein, “state agency” or “agency” means any unit of organization of the executive branch, including any official, officer, department, board, commission, division, bureau, section, district, office, authority, committee, or council or any other unit of government, however designated, and the Public Service Commission. For purposes of chapter 94-249, “state agency” shall ~~not~~ include the judicial branch. For purposes of chapter 94-249, “judicial branch” shall mean all officers, employees, and offices of the Supreme Court, district courts of appeal, circuit courts, county courts, Justice Data Center, and the Judicial Qualifications Commission.

Section 16. Paragraph (mm) of subsection (1) of section 216.011, Florida Statutes, is amended to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(mm) “State agency” or “agency” means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government. For purposes of this chapter and chapter 215, “state agency” or “agency” includes state attorneys, public defenders, the Capital Collateral Representative, and the Justice Administrative Commission. Solely for the purpose of implementing Article III, Section 19(h) of the State Constitution, the terms “state agency” or “agency” include the judicial branch.

Section 17. Subsections (8), (9), and (10) of section 216.0172, Florida Statutes, are redesignated as subsections (9), (10), and (11), respectively, and a new subsection (8) is added to that section to read:

216.0172 Schedule for submission of performance-based program budgets.—In order to implement the provisions of chapter 94-249, Laws of Florida, state agencies shall submit performance-based program budget legislative budget requests for programs approved pursuant to s. 216.0166 to the Executive Office of the Governor and the Legislature based on the following schedule:

(8) By September 15, 2001, the judicial branch shall submit to the Legislature a performance-based program budget request for programs approved by the Legislature, and a copy of the request must be provided to the Governor.

Section 18. Subsections (1) and (2) of section 216.023, Florida Statutes, are amended to read:

216.023 Legislative budget requests to be furnished by agencies.—

(1) The head of each state agency, except as provided in subsection (2), shall submit a final legislative budget request to the Legislature and to the Governor, as chief budget officer of the state, in the form and manner prescribed in the budget instructions and at such time as specified by the Executive Office of the Governor, based on the agency's independent judgment of its needs. However, no state agency shall submit its final legislative budget request later than September 1 of each year.

(2) The judicial branch and the Division of Administrative Hearings shall submit their final legislative budget requests directly to the Legislature with a copy to the Governor, as chief budget officer of the state, in the form and manner as prescribed in the budget instructions. However, the final legislative budget requests shall be submitted no later than September 1 of each year.

Section 19. Subsections (1) and (2) of section 216.0235, Florida Statutes, are amended to read:

216.0235 Performance-based legislative program budget requests to be furnished by agencies.—

(1) The head of each state agency, except as provided in subsection (2), shall submit a final legislative program budget request to the Legislature and to the Governor, as chief budget officer of the state, in the form and manner prescribed in the program budget instructions and at such time as specified by the Executive Office of the Governor, based on the agency's independent judgment of its needs. However, a state agency may not submit its final legislative program budget request later than September 1 of each year. The provisions of s. 216.023 do not apply to programs within state agencies that have been approved to operate under a performance-based program budget.

(2) The judicial branch shall submit its final legislative program budget request directly to the Legislature with a copy to the Governor, as chief budget officer of the state, in the form and manner prescribed in the program budget instructions. However, the final legislative program budget requests shall be submitted no later than September 1 of each year.

Section 20. Supreme Court Workload Study Commission.—

(1) The Legislature finds that the number of justices has not increased since 1940 and that therefore it is necessary and beneficial to the furtherance of an efficient and effective judiciary to study the workload of the Florida Supreme Court.

(2) The Supreme Court Workload Study Commission is created and is assigned to the Office of the State Courts Administrator for administrative and fiscal purposes only. The Supreme Court Workload Study Commission

shall consist of nine members to be appointed on or before July 15, 2000, as follows:

(a) The Speaker of the House of Representatives shall appoint three members. Two of the members must be members in good standing of The Florida Bar. One of the members must be a layperson.

(b) The President of the Senate shall appoint three members. Two of the members must be members in good standing of The Florida Bar. One of the members must be a layperson.

(c) The Chief Justice of the Florida Supreme Court shall appoint three members. One of the members must have served on the Supreme Court but is not presently serving. That person shall serve as chair. One of the members must be a member in good standing of The Florida Bar. One of the members must be a layperson.

(3) Members of the commission shall serve without compensation, except for per diem and reimbursement of travel expenses as provided by section 112.061, Florida Statutes. A vacancy on the commission shall be filled in the same manner as the original appointment.

(4) In consultation with the Office of Program Policy Analysis and Government Accountability, the Office of the State Courts Administrator shall conduct a workload study of the Supreme Court. The results of the study shall be provided to the commission by November 1, 2000.

(5) Using the study and associated data delivered by the Office of the State Courts Administrator and any other relevant data, the commission shall develop recommendations for addressing workload issues, including, but not limited to, the need for additional justices on the Supreme Court. The commission shall report its recommendation to the Joint Legislative Committee on Article V, the Speaker of the House of Representatives, the President of the Senate, and the Chief Justice of the Supreme Court by February 15, 2001.

(6) It is the intent of the Legislature that the commission be staffed by the Joint Legislative Committee on Article V, and that the commission automatically terminate upon submission of its report to the Legislature.

Section 21. Subsection (1) is amended and a new subsection (6) is added to section 216.0166, Florida Statutes, to read:

216.0166 Submission by state agencies of performance-based budget requests, programs, and performance measures.—

(1) Except as provided in subsection (6) prior to September 1 of the fiscal year prior to which a state agency is required to submit a performance-based program budget request pursuant to s. 216.0172, such state agency shall identify and submit to the Executive Office of the Governor a list of proposed state agency programs and performance measures. The agency may also provide a list of statutes or rules affecting its performance which may be addressed as incentives or disincentives for the performance-based program

budget. The list should be accompanied by recommended legislation to implement the requested changes for potential incentives. Such identification shall be conducted after discussion with legislative appropriations and appropriate substantive committees and shall be approved by the Executive Office of the Governor. The Executive Office of the Governor, after discussion with legislative appropriations and appropriate substantive committees and the Office of Program Policy Analysis and Government Accountability, shall review the list of programs and performance measures, may make any changes or require the agency to resubmit the list, and shall make a final recommendation of programs and associated performance measures to the Legislature within 60 days after receipt, to be used in the preparation and submission of the state agency's final legislative budget request pursuant to s. 216.023(5). The Executive Office of the Governor may also recommend legislation to implement any or all of the proposed incentives. Agencies continuing under performance-based program budgeting may provide as part of their legislative budget request a list of statutes or rules affecting their program performance which may be addressed as incentives or disincentives for the performance-based program budget.

(6) Prior to September 15 of the fiscal year prior to which the judicial branch is required to submit a performance-based program budget request pursuant to s. 216.0172, the Chief Justice shall identify and, after consultation with the Office of Program Policy Analysis and Government Accountability and legislative staff of the appropriate substantive and appropriations committees in the Senate and the House of Representatives, shall submit to the Legislature a list of proposed programs and associated performance measures. The judicial branch shall provide documentation to accompany the list of proposed programs and performance measures as provided under subsection (2). The judicial branch shall submit a performance-based program legislative budget request pursuant to s. 216.0172, using the programs and performance measures adopted by the Legislature. The Chief Justice may propose revisions to approved programs or performance measures for the judicial branch. The Legislature shall have final approval of all programs and associated performance measures and standards for the judicial branch through the General Appropriations Act or legislation implementing the General Appropriations Act.

Section 22. Subsection (2) of section 35.05, Florida Statutes, is amended to read:

35.05 Headquarters.—

(2) ~~A The Second~~ District Court of Appeal may designate other locations within its district as branch headquarters for the conduct of the business of the court in special or regular term and as the official headquarters of its officers or employees pursuant to s. 112.061.

Section 23. Sections 10 and 11 of this act shall be funded consistent with the General Appropriations Act.

Section 24. This act shall take effect upon becoming a law, except for section 8 of this act, which shall take effect July 1, 2001.

Approved by the Governor June 7, 2000.

Filed in Office Secretary of State June 7, 2000.