

House Bill No. 65-C

An act relating to the County Article V Trust Fund; amending s. 25.402, F.S.; clarifying duties of the Supreme Court with respect to use of the fund; allowing the use of funds for the operation of trial courts; providing an effective date.

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

Section 1. Section 25.402, Florida Statutes, is amended to read:

25.402 County Article V Trust Fund.—

(1)(a) The trust fund moneys in the County Article V Trust Fund, administered by the Supreme Court, may be used to compensate counties for the costs they incur under Article V of the State Constitution in operating the state courts system, including the costs they incur in providing and maintaining court facilities.

(b) When the Legislature appropriates moneys from the trust fund to compensate counties, the Supreme Court ~~must~~ shall adopt an allocation and disbursement plan for the operation of the trust fund and the expenditure of moneys deposited in the trust fund. The Supreme Court shall include the plan in its legislative budget request. A committee of 15 people shall develop and recommend the allocation and disbursement plan to the Supreme Court. The committee shall be composed of:

1. Six persons appointed by the Florida Association of Counties, as follows:

- a. Two persons residing in counties with populations fewer than 90,000.
- b. Two persons residing in counties with populations greater than 89,999, but fewer than 700,000.
- c. Two persons residing in counties with populations greater than 699,999.

2. Six persons appointed by the Chief Justice of the Supreme Court, as follows:

- a. Two persons residing in counties with populations fewer than 90,000.
- b. Two persons residing in counties with populations greater than 89,999, but fewer than 700,000.
- c. Two persons residing in counties with populations greater than 699,999.

3. Three persons appointed by the Florida Association of Court Clerks and Comptrollers, as follows:

- a. One person residing in a county with a population fewer than 90,000.
- b. One person residing in a county with a population greater than 89,999, but fewer than 700,000.
- c. One person residing in a county with a population greater than 699,999.

The allocation and disbursement plan shall include provisions to compensate counties with fewer than 90,000 residents for court facility needs.

(c) Amendments to the approved operating budget for expenditures from the County Article V Trust Fund must be approved in accordance with the provisions of s. 216.181. The total amount disbursed from the County Article V Trust Fund may not exceed the amount authorized by the General Appropriations Act.

(d) Effective July 1, 2001, moneys generated from civil penalties distributed under s. 318.21(2)(h) shall be deposited in the trust fund and may be used for the following purposes:

1. Funds paid to counties with populations fewer than 90,000 shall be grants-in-aid to be used, in priority order, for: operating expenditures of the offices of the state attorneys and public defenders in accordance with Specific Appropriation 2978B; consulting or architectural studies related to the improvement of courthouse facilities; improving court facilities to ensure compliance with the Americans with Disabilities Act and other federal or state requirements; other renovations in court facilities; improvements in court security; and expert witness fees in criminal cases, court reporting and transcribing costs in criminal cases, and costs associated with the appointment of special public defenders.

2. Funds paid to counties with populations exceeding 89,999 shall be grants-in-aid to be used, in priority order, for operating expenditures of the offices of the state attorneys and public defenders in accordance with Specific Appropriation 2978B, costs paid by the county for expert witness fees in criminal cases, court reporting and transcribing costs in criminal cases, and costs associated with the appointment of special public defenders.

3. Funds may be appropriated for the operation of trial courts.

(2) This section expires June 30, 2002.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor December 17, 2001.

Filed in Office Secretary of State December 17, 2001.