

Committee Substitute for House Bill No. 1319

An act relating to court funding; creating s. 25.402, F.S.; providing for compensation to counties for certain costs through a trust fund administered by the Supreme Court; requiring adoption by the Supreme Court of an allocation and disbursement plan; providing for appointment of a committee to develop the plan; providing guidelines for deposit in the trust fund of moneys generated from certain civil penalties; providing that the funds paid to counties shall be grants-in-aid for specified purposes; providing for future repeal; amending s. 318.21, F.S., relating to the disposition of civil penalties by county courts; providing for distribution of civil penalties to the County Article V Trust Fund beginning July 1, 1998; providing for future repeal of specified provisions; providing for future disposition of the funds to the General Revenue Fund upon repeal of specified provisions; providing a directive to the Statutory Revision Division; creating s. 939.18, F.S.; providing for an additional assessment on persons pleading guilty or nolo contendere to, or found guilty of, a crime, to be used to provide and maintain court facilities; requiring clerks of court to submit specified financial reports; amending s. 27.34, F.S.; revising a provision relating to the services and office space provided by the counties to the state attorneys; providing effective dates.

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

Section 1. Section 25.402, Florida Statutes, is created 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, must 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) The Supreme Court 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 less than 75,000.

b. Two persons residing in counties with populations greater than 74,999, but less 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 less than 75,000.

b. Two persons residing in counties with populations greater than 74,999, but less 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 less than 75,000.

b. One person residing in a county with a population greater than 74,999, but less 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 75,000 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, 1998, moneys generated from civil penalties distributed under s. 318.21(2)(h) shall be deposited in the trust fund for the following purposes:

1. Funds paid to counties with populations less than 75,000 shall be grants-in-aid to be used, in priority order, for: 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 74,999 shall be grants-in-aid for 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.

(2) This section is repealed June 30, 2002.

Section 2. (1) Effective July 1, 1998, subsection (1) and paragraph (a) of subsection (2) of section 318.21, Florida Statutes, 1996 Supplement, are amended, and paragraph (h) is added to subsection (2) of said section, to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(1) One dollar from every civil penalty shall be paid to the Department of ~~Children Health and Family Rehabilitative Services~~ for deposit into the Child Welfare Training Trust Fund for child welfare training purposes pursuant to ~~s. 402.40 s. 404.40~~. One dollar from every civil penalty shall be paid to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund for juvenile justice purposes pursuant to s. 39.024.

(2) Of the remainder:

(a) ~~Fifteen Twenty~~ and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first \$300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of ~~Children Health and Family Rehabilitative Services~~ for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. 39.4531.

(h) Five percent must be deposited into the County Article V Trust Fund.

(2) The amendments to section 318.21, Florida Statutes, 1996 Supplement, by this section shall expire on June 30, 1999, and the text of section 318.21, Florida Statutes, 1996 Supplement, shall revert to that in existence on June 30, 1997, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of said text which expire pursuant to the provisions of this subsection. The Statutory Revision Division of the Joint Legislative Management Committee shall include in an appropriate reviser's bill any amendments to said section which are necessary to give effect to the legislative intent expressed in this subsection.

Section 3. (1) Effective July 1, 1999, subsection (1) and paragraph (a) of subsection (2) of section 318.21, Florida Statutes, 1996 Supplement, are amended, and paragraph (h) is added to subsection (2) of said section, to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(1) One dollar from every civil penalty shall be paid to the Department of ~~Children Health and Family Rehabilitative Services~~ for deposit into the Child Welfare Training Trust Fund for child welfare training purposes pursuant to ~~s. 402.40 s. 404.40~~. One dollar from every civil penalty shall be paid to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund for juvenile justice purposes pursuant to s. 39.024.

(2) Of the remainder:

(a) ~~Ten Twenty~~ and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first \$300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children Health and Family Rehabilitative Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. 39.4531.

(h) Ten percent must be deposited into the County Article V Trust Fund.

(2) The amendments to section 318.21, Florida Statutes, 1996 Supplement, by this section shall expire on June 30, 2000, and the text of section 318.21, Florida Statutes, 1996 Supplement, shall revert to that in existence on June 30, 1997, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of said text which expire pursuant to the provisions of this subsection. The Statutory Revision Division of the Joint Legislative Management Committee shall include in an appropriate reviser's bill any amendments to said section which are necessary to give effect to the legislative intent expressed in this subsection.

Section 4. (1) Effective July 1, 2000, subsection (1) and paragraph (a) of subsection (2) of section 318.21, Florida Statutes, 1996 Supplement, are amended, and paragraph (h) is added to subsection (2) of said section, to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(1) One dollar from every civil penalty shall be paid to the Department of Children Health and Family Rehabilitative Services for deposit into the Child Welfare Training Trust Fund for child welfare training purposes pursuant to ~~s. 402.40 s. 404.40~~. One dollar from every civil penalty shall be paid to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund for juvenile justice purposes pursuant to s. 39.024.

(2) Of the remainder:

(a) ~~Five Twenty~~ and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first \$300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children Health and Family Rehabilitative Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. 39.4531.

(h) Fifteen percent must be deposited into the County Article V Trust Fund.

(2) The amendments to section 318.21, Florida Statutes, 1996 Supplement, by this section shall expire on June 30, 2001, and the text of section 318.21, Florida Statutes, 1996 Supplement, shall revert to that in existence

on June 30, 1997, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of said text which expire pursuant to the provisions of this subsection. The Statutory Revision Division of the Joint Legislative Management Committee shall include in an appropriate reviser's bill any amendments to said section which are necessary to give effect to the legislative intent expressed in this subsection.

Section 5. (1) Effective July 1, 2001, subsection (1) and paragraph (a) of subsection (2) of section 318.21, Florida Statutes, 1996 Supplement, are amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(1) One dollar from every civil penalty shall be paid to the Department of ~~Children Health and Family Rehabilitative Services~~ for deposit into the Child Welfare Training Trust Fund for child welfare training purposes pursuant to ~~s. 402.40 s. 404.40~~. One dollar from every civil penalty shall be paid to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund for juvenile justice purposes pursuant to s. 39.024.

(2) Of the remainder:

(a) Twenty and six-tenths percent shall be paid to the ~~County Article V Trust Fund General Revenue Fund of the state~~, except that the first \$300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of ~~Children Health and Family Rehabilitative Services~~ for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. 39.4531.

(2) The amendments to section 318.21, Florida Statutes, 1996 Supplement, by this section shall expire on June 30, 2002, and the text of section 318.21, Florida Statutes, 1996 Supplement, shall revert to that in existence on June 30, 1997, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of said text which expire pursuant to the provisions of this subsection. The Statutory Revision Division of the Joint Legislative Management Committee shall include in an appropriate reviser's bill any amendments to said section which are necessary to give effect to the legislative intent expressed in this subsection.

Section 6. Effective July 1, 2002, subsection (1) and paragraph (a) of subsection (2) of section 318.21, Florida Statutes, 1996 Supplement, are amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(1) One dollar from every civil penalty shall be paid to the Department of ~~Children Health and Family Rehabilitative Services~~ for deposit into the

Child Welfare Training Trust Fund for child welfare training purposes pursuant to ~~s. 402.40 s. 404.40~~. One dollar from every civil penalty shall be paid to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund for juvenile justice purposes pursuant to s. 39.024.

(2) Of the remainder:

(a) Twenty and six-tenths percent shall be paid to the General Revenue Fund of the state, except that the first \$300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Children Health and Family Rehabilitative Services for administrative costs, training costs, and costs associated with the implementation and maintenance of Florida foster care citizen review panels as provided for in s. 39.4531.

Section 7. Section 939.18, Florida Statutes, is created to read:

939.18 Assessment of additional court costs for court facilities.—

(1)(a) When a person pleads guilty or nolo contendere to, or is found guilty of, any felony, misdemeanor, or criminal traffic offense under the laws of this state, the court may assess an additional court cost, not to exceed \$150. Such additional assessment shall be accounted for separately by the county in which the offense occurred, to be used for providing and maintaining court facilities under rules adopted by the Administration Commission. The Administration Commission shall adopt rules to implement this subsection which prescribe the methods of expenditure, the permissible purposes of expenditure, the investment requirements, and the accounting and reporting requirements to be enforced by each county as to the funds collected.

(b) The court may order a person to pay the additional court cost if it finds that the person has the ability to pay the additional assessment and will not be prevented thereby from making restitution or other compensation to victims which is authorized by law or from paying child support.

(2) The clerk of court shall annually prepare a financial report detailing the amount of court costs assessed and received and the expenditures and earnings from the investment of such funds. This report must be submitted to the board of county commissioners, the chief judge of the judicial circuit in which the county is situated, and the Administration Commission.

Section 8. Subsection (2) of section 27.34, Florida Statutes, 1996 Supplement, is amended to read:

27.34 Salaries and other related costs of state attorneys' offices; limitations.—

(2) The state attorneys shall be provided by the counties within their judicial circuits with such office space, utilities, telephone service, custodial services, library services, transportation services, and communication services as may be necessary for the proper and efficient functioning of these offices, except as otherwise provided in the General Appropriations Act. The state attorney's office shall also be provided with pretrial consultation fees for expert or other potential witnesses consulted before trial by the state

attorney; travel expenses incurred in criminal cases by a state attorney in connection with out-of-jurisdiction depositions; out-of-state travel expenses incurred by assistant state attorneys or by investigators of state attorneys while attempting to locate and interrogate witnesses for the state attorney in the prosecution of a criminal case; court reporter costs incurred by the state attorney during the course of an investigation and criminal prosecution which costs are certified by the state attorney as being useful and necessary in the prosecution, provided that nothing herein shall be construed to prohibit the county from contesting the reasonableness of the expenditure in the court wherein the criminal case is brought; postindictment and postinformation deposition costs incurred by the state attorney during the course of a criminal prosecution of an insolvent defendant when such costs are certified by the state attorney as being useful and necessary in the prosecution, provided that nothing herein shall be construed to prohibit the county from contesting the reasonableness of the expenditure in the court wherein the criminal case is brought; and the cost of copying depositions of state witnesses taken by the public defender, court-appointed counsel, or private retained counsel, when such costs are certified by the state attorney as being useful and necessary in the prosecution, provided that nothing herein shall be construed to prohibit the county from contesting the reasonableness of the expenditure in the court wherein the criminal case is brought. The office space to be provided by the counties shall not be less than the standards for space allotment adopted by the Department of Management Services, nor shall these services and office space be less than were provided in the prior fiscal year ~~1984-1985~~.

Section 9. Except as otherwise provided herein, this act shall take effect July 1, 1997.

Became a law without the Governor's approval May 30, 1997.

Filed in Office Secretary of State May 29, 1997.