

By Commissioner Zack

1 A proposal to revise
2 ARTICLE V, ss. 14, 16, 17, and 18, Fla. Const.,
3 and create ARTICLE V, s. 21, Fla. Const.;
4 providing for justices, judges, and persons
5 employed by the courts to be compensated from
6 funds appropriated by the Legislature;
7 providing for counties to pay the costs of
8 construction, maintenance, utilities, and
9 security for the courts; providing for an
10 annual legislative appropriation to each clerk
11 of the circuit court to pay the costs of
12 judicial functions which are not covered by
13 fees and costs retained by the clerk; providing
14 for the costs of construction, maintenance,
15 utilities, and security for the offices of
16 state attorneys and public defenders, including
17 the salaries, costs, and other expenses of
18 operating the offices of state attorneys and
19 public defenders, to be paid by funds
20 appropriated by the Legislature; providing that
21 the funding of the courts and the offices of
22 state attorneys and public defenders be
23 phased-in according to a schedule established
24 by general law.

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26 It is proposed by the Florida Constitution Revision Commission
27 that:

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29 Section 1. Sections 14, 16, 17, and 18 of Article V of
30 the Florida Constitution are revised by amending those
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1 sections, and section 21 is added to Article V of the Florida
2 Constitution, to read:

3 ARTICLE V

4 JUDICIARY

5 SECTION 14. Judicial salaries.--

6 (a) All justices, and judges, and persons employed by
7 the state courts established under this article, either as
8 employees or through contract, shall be compensated only by
9 state funds appropriated salaries fixed by general law. All
10 costs and expenses of operating the courts shall be paid by
11 state funds appropriated by general law. The judiciary shall
12 have no power to fix appropriations.

13 (b) Counties shall be responsible for the costs of
14 construction, maintenance, utilities, and security of the
15 facilities for the trial court judiciary, the clerk of the
16 court, and their respective staffs. No county or municipality
17 shall be obligated to pay any salaries, costs, or expenses of
18 the courts.

19 SECTION 16. Clerks of the circuit courts.--There shall
20 be in each county a clerk of the circuit court who shall be
21 selected pursuant to the provisions of Article VIII section 1.
22 Notwithstanding any other provision of the constitution, the
23 duties of the clerk of the circuit court may be divided by
24 special or general law between two officers, one serving as
25 clerk of court and one serving as ex officio clerk of the
26 board of county commissioners, auditor, recorder, and
27 custodian of all county funds. There may be a clerk of the
28 county court if authorized by general or special law. Except
29 for the costs of construction, maintenance, utilities, and
30 security of facilities, the legislature shall annually
31 appropriate funds to each county for all expenses incurred by

1 the clerks of the circuit court in excess of those paid by
2 fees and costs as authorized and retained by the clerks of the
3 circuit court for judicial functions of the office as required
4 by general law.

5 SECTION 17. State attorneys.--In each judicial circuit
6 a state attorney shall be elected for a term of four years.
7 Except as otherwise provided in this constitution, he shall be
8 the prosecuting officer of all trial courts in that circuit
9 and shall perform other duties prescribed by general law;
10 provided, however, when authorized by general law, the
11 violations of all municipal ordinances may be prosecuted by
12 municipal prosecutors. A state attorney shall be an elector
13 of the state and reside in the territorial jurisdiction of the
14 circuit. He shall be and have been a member of the bar of
15 Florida for the preceding five years. He shall devote full
16 time to his duties, and he shall not engage in the private
17 practice of law. State attorneys shall appoint such assistant
18 state attorneys as may be authorized by law. The state shall
19 be responsible for the costs of construction, maintenance,
20 utilities, and security of facilities for state attorneys and
21 their respective staff. All salaries, costs, and expenses of
22 operating the offices of state attorneys shall be paid by
23 state funds appropriated by general law. No county or
24 municipality shall be obligated to pay salaries, costs, or
25 expenses of operating the offices of state attorneys.

26 SECTION 18. Public defenders.--In each judicial
27 circuit a public defender shall be elected for a term of four
28 years. He shall perform duties prescribed by general law. A
29 public defender shall be an elector of the state and reside in
30 the territorial jurisdiction of the circuit. He shall be and
31 have been a member of the Bar of Florida for the preceding

1 five years. Public defenders shall appoint such assistant
2 public defenders as may be authorized by law. The state shall
3 be responsible for the costs of construction, maintenance,
4 utilities, and security of facilities for public defenders and
5 their respective staff. All salaries, costs, and expenses of
6 operating the offices of public defenders, including the
7 salaries, costs, and expenses of any court-appointed counsel,
8 shall be paid by state funds appropriated by general law. No
9 county or municipality shall be obligated to pay salaries,
10 costs, or expenses of operating the offices of public
11 defenders.

12 SECTION 21. Schedule to Article V Amendments.--

13 (a) Commencing with fiscal year 2000-2001, the
14 legislature shall appropriate funds to pay for the expenses
15 set forth in the amendments to Sections 14, 16, 17, and 18 of
16 Article V pursuant to a phase-in schedule established by
17 general law.

18 (b) Unless otherwise provided herein, the amendments
19 to Sections 14, 16, 17, and 18 shall take effect July 1, 2004.

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