SPECIAL REPORT

REPORT ON EXPENDITURES FROM $2 COURT TECHNOLOGY FUND

June 2007

Audit Services Division

SHARON R. BOCK
Clerk & Comptroller
Palm Beach County

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INTRODUCTION

Chief Judge Kathleen J. Kroll, 15th Judicial Circuit, asked the Clerk & Comptroller's office to review the $2 Court Technology Fund, which supports the court technology needs of the State Trial Court, Public Defender and State Attorney ("Stakeholders"). In an April 17, 2007, letter to County Commissioner Jeff Koons, Audit Committee Chair, the Chief Judge specifically requested that the Clerk & Comptroller conduct "a financial audit of the $2 Court Technology Fund…in order to accurately forecast and plan for our local justice system's future technological needs."

This review was limited to the tracking of actual revenues and actual expenditures for the court technology needs of the Stakeholders. Per the direction of Commissioner Koons on April 23, 2007, the Clerk & Comptroller began the financial review with the cooperation of the County's internal auditor.

SCOPE AND METHODOLOGY

The scope of the Clerk & Comptroller's financial review of the Court Technology Fund covers FY2005 and FY2006. It does not include the three-month period from the July 1, 2004, effective date to September 30, 2004, because it was not a full fiscal year.

The objective of the review was to evaluate the financial transactions within the Court Technology Fund and Court-Related Technology Capital Improvement Fund to verify if the court technology fee revenues were used exclusively for court technology needs of the Stakeholders, pursuant to Florida Statutes. A detailed description of these funds and supporting statutes are included in the Background section of this report.

Most information related to the expenditures in the Court Technology Fund was obtained from the Clerk & Comptroller's Finance Department. The remainder of the information was requested through the County's Information Systems Services (ISS) department.

Expenditures in the Court Technology Fund are categorized as follows:

- Direct Agency Costs
- ISS Professional Services Costs
- ISS Enterprise Costs
- Inter-Fund Transfers from the Court Technology Fund to the Court-Related Technology Capital Improvement Fund

We were unable to obtain complete information on the Inter-fund transfers. According to the County's Office of Financial Management and Budget (OFMB), a cost analysis supporting the basis of the inter-fund transfers exists. Although the Clerk & Comptroller requested the analysis, the office was unable to obtain a copy.

The scope of our work was limited to identifying what costs were included in each of these four categories. An evaluation of the methodology or cost allocation process used to calculate the accuracy or reasonableness of Enterprise Costs is beyond the scope of this review.

BACKGROUND

Effective July 1, 2004, voter-approved changes to the Florida constitution resulted in new legislation related to court technology funding. Florida Statute (F.S.) 28.24(12)(e)1 imposed an additional fee of $4 on the recording of certain documents (all Statutes referenced are in Appendix A). It requires that $2 of the fee ("court technology fee") collected be distributed to the Board of County Commissioners (BCC) to be used exclusively for court technology needs of the Stakeholders. Court technology fee revenues received by the BCC in FY2005 and FY2006 were $6,486,387 and $6,255,056 respectively, totaling $12,741,443 (see Revenue and Expenditure Summary in Appendix B).

F.S. 29.008(1)(f)2 and (h) mandate that the County fund the court technology requirements of the Stakeholders. The revenue from the court technology fee is designed to offset the County's statutory obligation. The County budget process allows Stakeholders to define and plan technology needs and requirements.

To separately identify and account for court technology fee revenues and related expenditures, the County established a special revenue fund in FY2005. This fund is called the Court Technology Fund and is the subject of this review.

The expenditures in the Court Technology Fund are categorized as follows:

A. Direct Agency Costs: Information Technology (IT) expenditures authorized and approved by the Stakeholders, including personnel (State Trial Court only), computer equipment, software licenses, consulting services, supplies and travel.*

B. ISS Professional Services Costs: ISS expenditures authorized and approved by the Stakeholders for programming services for application development and software maintenance, charged at the rate of $65 per hour. *

C. ISS Enterprise Costs: Enterprise costs are determined by and charged to the Stakeholders by the County to cover infrastructure-related components of ISS. This includes the network, servers, telephones and software licenses. Costs also include related software, hardware and staffing. These costs are calculated in total and then allocated to all agencies based on an allocation statistic (e.g., head count, Central Processing Unit (CPU) utilization, number of devices connected to the network), with one-twelfth of the pro rata share billed to each agency on a monthly basis.*

D. Inter-fund Transfers: OFMB defines Inter-fund Transfers as the residual revenues in the Court Technology Fund after the expenditure budget has been approved. These funds are transferred from the Court Technology Fund to the Court-Related Technology Capital Improvement Fund.

**Source: OFMB and ISS Presentation to the JIS Policy Board, "Analysis of Court-Related Technology Funding," March 14, 2007*

The Court-Related Technology Capital Improvement Fund was established by the County to separately identify and account for court-related capital projects. To identify the nature of these projects, the Clerk & Comptroller reviewed an analysis recently prepared by the County entitled, "Analysis of Court-Related Technology Funding". This analysis identified all expenditures in the Court-Related Technology Capital Improvement Fund as Criminal Justice Information System (CJIS) development funds. The analysis defines CJIS development as those "costs associated with the implementation of the Banner Courts System, including payments to the software vendor (ACS) and personnel costs of the JIS/ISS project team."

The Stakeholders budget for the Direct Agency and ISS Professional Services costs. ISS Enterprise Costs and Inter-fund transfers are budgeted by the County.

COMMENTS

1. *Inter-fund transfers totaling $2.53 million were made at the direction of the County without supporting documentation provided to and acknowledgement by the Stakeholders.*

For FY2005 and FY2006, $2.53 million (25% of the total expenditures) was transferred from the Court Technology Fund to the Court-Related Technology Capital Improvement Fund. Florida Statutes require the technology fee to be used exclusively for the court technology needs of the Stakeholders. There exists no documentation that the inter-fund transfers were approved by the Stakeholders, nor identified by the Stakeholders, as funds needed for court technology needs.

A request for documentation to support the purpose of the inter-fund transfers was made. OFMB defined the transfer criteria as follows:

- The transfer amount is equal to the residual revenues in the Court Technology Fund.
- The transfer is made to cover the Stakeholders' pro rata share of CJIS costs and costs associated with other court-related capital projects.
- Cost analysis provided to OFMB by ISS indicates that the total amount of the transfer has not exceeded the amount of the pro rata project share for the Stakeholders.

A request for documentation to support the amount of the inter-fund transfer was made. Information requested included a copy of the ISS cost analysis and a list of those non-CJIS capital projects referenced by OFMB. The requested supporting documentation was not provided by the County. Thus, the reviewer can not provide assurance that the inter-fund transfers were used exclusively to support the court-related technology needs of the Stakeholders.

2. Funds were used for a project that did not appear to support the court-related technology needs of the Stakeholders.

Expenditures of $437,000 were recorded in the FY2005 Court-Related Technology Capital Improvement Fund for the Visual Planning Technologies (VPT) pilot project. As detailed above, the County identified the expenditures in this fund as CJIS development-related. However, a review of these expenditures did not validate that the VPT pilot project was a component of the Banner Courts System. The VPT project page, contained on Palm Beach County's website (www.co.palm-beach.fl.us/vpt/), indicates the following:

- The VPT project is a Criminal Justice Commission initiative.
- The purpose of the project is to develop a data sharing application to facilitate the sharing of law enforcement information across agencies in Palm Beach County.
- None of the Stakeholders were participants at the time of project funding (the State Attorney is now 1 of 30 named participants).

3. Enterprise costs included charges for communication services.

Enterprise costs are developed by the County's ISS department. These costs, which include communication services, are allocated to users based on an allocation statistic (e.g., head count, etc.). However, certain communication services (e.g., video conferencing, wireless access, etc.) are required by statute to be funded by the County, not the court technology fee.

A request for information as to which, if any, communication services costs were included in the Enterprise Costs was submitted to the County. According to the County's ISS department, non-public wireless communications are being included in Enterprise Costs as a network operation cost that is funded by the court technology fee.

The total dollar amount involved could not be quantified as there is no cost breakdown available. These costs are not eligible for funding by the court technology fee pursuant to F.S. 29.008(1)(f)2.

4. Funds were used to purchase IT equipment that could not be substantiated as used solely to support CJIS.

An expenditure recorded in the FY2006 Court-Related Technology Capital Improvement Fund for $155,931 was made to Dell Marketing for five (5) servers approximately 1½ months prior to "go live" with CJIS on October 1, 2006. ISS stated these servers are exclusively for CJIS; however, this could not be verified.

APPENDIX A

F.S. 28.24(12)(e)1

F.S. 29.008(1)(f)2 and (h)

Select Year: 2006 Go

The 2006 Florida Statutes

Title V	Chapter 28	View Entire Chapter
JUDICIAL BRANCH	CLERKS OF THE CIRCUIT COURTS	

28.24 Service charges by clerk of the circuit court.--The clerk of the circuit court shall charge for services rendered by the clerk's office in recording documents and instruments and in performing the duties enumerated in amounts not to exceed those specified in this section. Notwithstanding any other provision of this section, the clerk of the circuit court shall provide without charge to the state attorney, public defender, guardian ad litem, public guardian, attorney ad litem, and court-appointed counsel paid by the state, and to the authorized staff acting on behalf of each, access to and a copy of any public record, if the requesting party is entitled by law to view the exempt or confidential record, as maintained by and in the custody of the clerk of the circuit court as provided in general law and the Florida Rules of Judicial Administration. The clerk of the circuit court may provide the requested public record in an electronic format in lieu of a paper format when capable of being accessed by the requesting entity.

Charges

(1) For examining, comparing, correcting, verifying, and certifying transcripts of record in appellate proceedings, prepared by attorney for appellant or someone else other than clerk per page 4.50

(2) For preparing, numbering, and indexing an original record of appellate proceedings, per instrument 3.00

(3) For certifying copies of any instrument in the public records 1.50

(4) For verifying any instrument presented for certification prepared by someone other than clerk, per page 3.00

(5)(a) For making copies by photographic process of any instrument in the public records consisting of pages of not more than 14 inches by $8^1/_2$ inches, per page 1.00

(b) For making copies by photographic process of any instrument in the public records of more than 14 inches by $8^1/_2$ inches, per page 5.00

(6) For making microfilm copies of any public records:

(a) 16 mm 100' microfilm roll 37.50

(b) 35 mm 100' microfilm roll 52.50

(c) Microfiche, per fiche 3.00

(7) For copying any instrument in the public records by other than photographic process, per page 6.00

(8) For writing any paper other than herein specifically mentioned, same as for copying, including signing and sealing 6.00

(9) For indexing each entry not recorded 1.00

(10) For receiving money into the registry of court:

(a)1. First $500, percent 3

2. Each subsequent $100, percent 1.5

(b) Eminent domain actions, per deposit $150.00

(11) For examining, certifying, and recording plats and for recording condominium exhibits larger than 14 inches by $8^1/_2$ inches:

(a) First page 30.00

(b) Each additional page 15.00

(12) For recording, indexing, and filing any instrument not more than 14 inches by $8^1/_2$ inches, including required notice to property appraiser where applicable:

(a) First page or fraction thereof 5.00

(b) Each additional page or fraction thereof 4.00

(c) For indexing instruments recorded in the official records which contain more than four names, per additional name 1.00

(d) An additional service charge shall be paid to the clerk of the circuit court to be deposited in the Public Records Modernization Trust Fund for each instrument listed in s. 28.222, except judgments received from the courts and notices of lis pendens, recorded in the official records:

1. First page 1.00

2. Each additional page 0.50

Said fund shall be held in trust by the clerk and used exclusively for equipment and maintenance of equipment, personnel training, and technical assistance in modernizing the public records system of the office. In a county where the duty of maintaining official records exists in an office other than the office of the clerk of the circuit court, the clerk of the circuit court is entitled to 25 percent of the moneys deposited into the trust fund for equipment, maintenance of equipment, training, and technical assistance in modernizing the system for storing records in the office of the clerk of the circuit court. The fund may not be used for the payment of travel expenses, membership dues, bank charges, staff-recruitment costs, salaries or benefits of employees, construction costs, general operating expenses, or other costs not directly related to obtaining and maintaining equipment for public records systems or for the purchase of furniture or office supplies and equipment not related to the storage of records. On or before December 1, 1995, and on or before December 1 of each year immediately preceding each year during which the trust fund is scheduled for legislative review under s. 19(f)(2), Art. III of the State Constitution, each clerk of the circuit court shall file a report on the Public Records Modernization Trust Fund with the President of the Senate and the Speaker of the House of Representatives. The report must itemize each expenditure made from the trust fund since the last report was filed; each obligation payable from the trust fund on that date; and the percentage of funds expended for each of the following: equipment, maintenance of equipment, personnel training, and technical assistance. The report must indicate the nature of the system each clerk uses to store, maintain, and retrieve public records and the degree to which the system has been upgraded since the creation of the trust fund.

(e) An additional service charge of $4 per page shall be paid to the clerk of the circuit court for each instrument listed in s. 28.222, except judgments received from the courts and notices of lis pendens, recorded in the official records. From the additional $4 service charge collected:

1. If the counties maintain legal responsibility for the costs of the court-related technology needs as defined in s. 29.008(1)(f)2. and (h), 10 cents shall be distributed to the Florida Association of Court Clerks and Comptroller, Inc., for the cost of development, implementation, operation, and maintenance of the clerks' Comprehensive Case Information System, in which system all clerks shall participate on or before January 1, 2006; $1.90 shall be retained by the clerk to be deposited in the Public Records Modernization Trust Fund and used exclusively for funding court-related technology needs of the clerk as defined in s. 29.008(1)(f)2. and (h); and $2 shall be distributed to the board of county commissioners to be used exclusively to fund court-related technology, and court technology needs as defined in s. 29.008 (1)(f)2. and (h) for the state trial courts, state attorney, and public defender in that county. If the counties maintain legal responsibility for the costs of the court-related technology needs as defined in s. 29.008(1)(f)2. and (h), notwithstanding any other provision of law, the county is not required to provide additional funding beyond that provided herein for the court-related technology needs of the clerk as defined in s. 29.008(1)(f)2. and (h). All court records and official records are the property of the State of Florida, including any records generated as part of the Comprehensive Case Information System funded pursuant to this paragraph and the clerk of court is designated as the custodian of such records, except in a county where the duty of maintaining official records exists in a county office other than the clerk of court or comptroller, such county office is designated the custodian of all official records, and the clerk of court is designated the custodian of all court records. The clerk of court or any entity acting

on behalf of the clerk of court, including an association, shall not charge a fee to any agency as defined in s. 119.011, the Legislature, or the State Court System for copies of records generated by the Comprehensive Case Information System or held by the clerk of court or any entity acting on behalf of the clerk of court, including an association.

2. If the state becomes legally responsible for the costs of court-related technology needs as defined in s. 29.008(1)(f)2. and (h), whether by operation of general law or by court order, $4 shall be remitted to the Department of Revenue for deposit into the General Revenue Fund.

(13) Oath, administering, attesting, and sealing, not otherwise provided for herein 3.00

(14) For validating certificates, any authorized bonds, each 3.00

(15) For preparing affidavit of domicile 5.00

(16) For exemplified certificates, including signing and sealing 6.00

(17) For authenticated certificates, including signing and sealing 6.00

(18)(a) For issuing and filing a subpoena for a witness, not otherwise provided for herein (includes writing, preparing, signing, and sealing) 6.00

(b) For signing and sealing only 1.50

(19) For approving bond 7.50

(20) For searching of records, for each year's search 1.50

(21) For processing an application for a tax deed sale (includes application, sale, issuance, and preparation of tax deed, and disbursement of proceeds of sale), other than excess proceeds 60.00

(22) For disbursement of excess proceeds of tax deed sale, first $100 or fraction thereof 10.00

(23) Upon receipt of an application for a marriage license, for preparing and administering of oath; issuing, sealing, and recording of the marriage license; and providing a certified copy 30.00

(24) For solemnizing matrimony 30.00

(25) For sealing any court file or expungement of any record 37.50

(26)(a) For receiving and disbursing all restitution payments, per payment 3.00

(b) For receiving and disbursing all partial payments, other than restitution payments, for which an

administrative processing service charge is not imposed pursuant to s. 28.246, per month 5.00

(c) For setting up a payment plan, a one-time administrative processing charge in lieu of a per month charge under paragraph (b) 25.00

(27) Postal charges incurred by the clerk of the circuit court in any mailing by certified or registered mail shall be paid by the party at whose instance the mailing is made.

(28) For furnishing an electronic copy of information contained in a computer database: a fee as provided for in chapter 119.

History.--s. 1, ch. 3106, 1879; RS 1394; GS 1839; RGS 3084; ss. 1, 2, ch. 11893, 1927; CGL 4867; s. 2, ch. 29749, 1955; s. 1, ch. 63-45; s. 5, ch. 70-134; s. 1, ch. 77-284; s. 1, ch. 78-367; s. 1, ch. 79-266; s. 12, ch. 79-400; s. 1, ch. 82-205; s. 35, ch. 85-180; s. 2, ch. 85-249; s. 22, ch. 87-95; s. 2, ch. 87-145; s. 1, ch. 88-176; s. 1, ch. 92-200; ss. 5, 13, ch. 94-348; s. 5, ch. 95-214; s. 2, ch. 2000-144; s. 90, ch. 2003-261; s. 28, ch. 2003-402; s. 16, ch. 2004-265; s. 6, ch. 2005-236.

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The 2006 Florida Statutes

Title V	Chapter 29	View Entire Chapter
JUDICIAL BRANCH	COURT SYSTEM FUNDING	

29.008 County funding of court-related functions.--

(1) Counties are required by s. 14, Art. V of the State Constitution to fund the cost of communications services, existing radio systems, existing multiagency 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, guardian ad litem offices, and the offices of the clerks of the circuit and county courts performing court-related functions. For purposes of this section, the term "circuit and county courts" shall include the offices and staffing of the guardian ad litem programs. The county designated under s. 35.05(1) as the headquarters for each appellate district shall fund these costs for the appellate division of the public defender's office in that county. For purposes of implementing these requirements, the term:

(a) "Facility" means reasonable and necessary buildings and office space and appurtenant equipment and furnishings, structures, real estate, easements, and related interests in real estate, including, but not limited to, those for the purpose of housing legal materials for use by the general public and 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 "facility" includes all wiring necessary for court reporting services. 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. The office space provided by a county may not be less than the standards for space allotment adopted by the Department of Management Services, except this requirement applies only to facilities that are leased, or on which construction commences, after June 30, 2003. County funding must include physical modifications and improvements to all facilities as are required for compliance with the Americans with Disabilities Act. Upon mutual agreement of a county and the affected entity in this paragraph, the office space provided by the county may vary from the standards for space allotment adopted by the Department of Management Services.

1. As of July 1, 2005, equipment and furnishings shall be limited to that appropriate and customary for courtrooms, hearing rooms, jury facilities, and other public areas in courthouses and any other facility occupied by the courts, state attorneys, and public defenders. Court reporting equipment in these areas or facilities is not a responsibility of the county.

2. Equipment and furnishings under this paragraph in existence and owned by counties on July 1, 2005, except for that in the possession of the clerks, for areas other than courtrooms, hearing rooms, jury

facilities, and other public areas in courthouses and any other facility occupied by the courts, state attorneys, and public defenders, shall be transferred to the state at no charge. This provision does not apply to any communication services as defined in paragraph (f).

(b) "Construction or lease" includes, but is not limited to, all reasonable and necessary costs of the acquisition or lease of facilities for all judicial officers, staff, jurors, volunteers of a tenant agency, 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 groundskeeping 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 all electricity services for light, heat, and power; natural or manufactured gas services for light, heat, and 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 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, audio equipment, 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 system infrastructure, including computer lines, telephone switching equipment, and maintenance, and facsimile equipment, wireless communications, cellular telephones, pagers, and video teleconferencing equipment and line charges. Each county shall continue to provide access to a local carrier for local and long distance service and shall pay toll charges for local and long distance service.

2. All computer networks, systems and equipment, including computer hardware and software, modems, printers, wiring, network connections, maintenance, support staff or services including any

county-funded support staff located in the offices of the circuit court, county courts, state attorneys, and public defenders, 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. The integrated computer system shall be operational by July 1, 2006, and, at a minimum, permit the exchange of financial, performance accountability, case management, case disposition, and other data across multiple state and county information systems involving multiple users at both the state level and within each judicial circuit and be able to electronically exchange judicial case background data, sentencing scoresheets, and video evidence information stored in integrated case management systems over secure networks. Once the integrated system becomes operational, counties may reject requests to purchase communication services included in this subparagraph not in compliance with standards, protocols, or processes adopted by the board established pursuant to s. 29.0086.

3. Courier messenger and subpoena services.

4. 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 interpretation services required under the federal Americans with Disabilities Act other than services required to satisfy due-process requirements and identified as a state funding responsibility pursuant to ss. 29.004, 29.005, 29.006, and 29.007, real-time transcription services for individuals who are hearing impaired, and assistive listening devices and the equipment necessary to implement such accommodations.

(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 No. 7, 1998, to Art. 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 multiagency criminal justice information systems" includes, but is not limited to, those components of the multiagency criminal justice information system as defined in s. 943.045, 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 courts performing court-related functions.

(2) Counties shall pay reasonable and necessary salaries, costs, and expenses of the state courts system, including associated staff and expenses, to meet local requirements.

(a) Local requirements are those specialized programs, nonjudicial staff, and other expenses associated with specialized court programs, specialized prosecution needs, specialized defense needs, or resources required of a local jurisdiction as a result of special factors or circumstances. Local requirements exist:

1. When imposed pursuant to an express statutory directive, based on such factors as provided in paragraph (b); or

2. When:

a. The county has enacted an ordinance, adopted a local program, or funded activities with a financial or operational impact on the circuit or a county within the circuit; or

b. Circumstances in a given circuit or county result in or necessitate implementation of specialized programs, the provision of nonjudicial staff and expenses to specialized court programs, special prosecution needs, specialized defense needs, or the commitment of resources to the court's jurisdiction.

(b) Factors and circumstances resulting in the establishment of a local requirement include, but are not limited to:

1. Geographic factors;

2. Demographic factors;

3. Labor market forces;

4. The number and location of court facilities; or

5. The volume, severity, complexity, or mix of court cases.

(c) Local requirements under subparagraph (a)2. must be determined by the following method:

1. The chief judge of the circuit, in conjunction with the state attorney and the public defender only on matters that impact their offices, shall identify all local requirements within the circuit or within each county in the circuit and shall identify the reasonable and necessary salaries, costs, and expenses to meet these local requirements.

2. On or before June 1 of each year, the chief judge shall submit to the board of county commissioners a tentative budget request for local requirements for the ensuing fiscal year. The tentative budget must certify a listing of all local requirements and the reasonable and necessary salaries, costs, and expenses for each local requirement. The board of county commissioners may, by resolution, require the certification to be submitted earlier.

3. The board of county commissioners shall thereafter treat the certification in accordance with the county's budgetary procedures. A board of county commissioners may:

a. Determine whether to provide funding, and to what extent it will provide funding, for salaries, costs, and expenses under this section;

b. Require a county finance officer to conduct a preaudit review of any county funds provided under this section prior to disbursement;

c. Require review or audit of funds expended under this section by the appropriate county office; and

d. Provide additional financial support for the courts system, state attorneys, or public defenders.

(d) Counties may satisfy these requirements by entering into interlocal agreements for the collective funding of these reasonable and necessary salaries, costs, and expenses.

(3) The following shall be considered a local requirement pursuant to subparagraph (2)(a)1.:

(a) Legal aid programs, which shall be funded at a level equal to or greater than the amount provided from filing fees and surcharges to legal aid programs from October 1, 2002, to September 30, 2003.

(b) Alternative sanctions coordinators pursuant to ss. 984.09 and 985.037.

[1](4)(a) The Department of Financial Services shall review county expenditure reports required under s. 29.0085 for the purpose of ensuring that counties fulfill the responsibilities of this section. The department shall compare county fiscal reports to determine if expenditures for the items specified in paragraphs (1)(a)-(h) and subsection (3) have increased by 1.5 percent over the prior county fiscal year. The initial review must compare county fiscal year 2005-2006 to county fiscal year 2004-2005. If the department finds that expenditures for the items specified in paragraphs (1)(a)-(h) and subsection (3) have not increased by 1.5 percent over the prior county fiscal year, the department shall notify the President of the Senate and the Speaker of the House of Representatives and the respective county. The Legislature may determine that a county has met its obligations for items specified in this section if the prior county fiscal year included nonrecurring expenditures for facilities or information technology that is not needed in the next county fiscal year or expenditures or actions that enable a county to attain efficiencies in providing services to the court system. The Legislature may direct the Department of Revenue to withhold revenue-sharing receipts distributed pursuant to part II of chapter 218, except for revenues used for paying the principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness allowed under s. 218.25(1), (2), or (4), from any county that is not in compliance with the funding obligations in this section by an amount equal to the difference between the amount spent and the amount that would have been spent had the county increased expenditures by 1.5 percent per year.

(b) The department shall transfer the withheld payments to the General Revenue Fund by March 31 of each year for the previous county fiscal year. These payments are appropriated to the Department of

Revenue to pay for these responsibilities on behalf of the county.

History.--s. 8, ch. 2000-237; s. 1, ch. 2001-265; ss. 44, 45, ch. 2003-402; s. 28, ch. 2004-265; s. 17, ch. 2005-236; s. 105, ch. 2006-120; s. 6, ch. 2006-122.

[1]**Note.**--Section 7, ch. 2006-122, provides that "[t]he amendments made by this act to s. 29.008(4), Florida Statutes, apply retroactively to July 1, 2004."

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APPENDIX B

$2 Court Technology Fund
Revenue and Expenditure Summary
FY2005 and FY2006 Actual

Revenues: (1)	FY 2005 (10/1/04-9/30/05) Actual	FY 2006 (10/1/05-9/30/06) Actual	2 Year Total	% of Total
Interest Income	$ 11,617.29	$ 107,258.71	$ 118,876.00	0.93%
Miscellaneous Other	$ 4,878.12	$ 2,150.56	$ 7,028.68	0.06%
Transfer from General Fund (2)	$ -	$ 362,215.00	$ 362,215.00	2.84%
$2 Court Technology Fee	$ 6,469,892.00	$ 5,783,432.00	$ 12,253,324.00	96.17%
Total Revenues	**$ 6,486,387.41**	**$ 6,255,056.27**	**$ 12,741,443.68**	**100.00%**
Beginning Fund Balance: (3)	**$ -**	**$ 2,717,695.10**	**n/a**	
Expenditures: (4)				
Agency Costs: (5)				
Public Defender	$ 215,826.46	$ 379,277.79	$ 595,104.25	5.88%
State Attorney	$ 464,498.72	$ 1,207,140.13	$ 1,671,638.85	16.52%
State Trial Court	$ 554,996.42	$ 1,143,061.49	$ 1,698,057.91	16.78%
Total Agency Costs	$ 1,235,321.60	$ 2,729,479.41	$ 3,964,801.01	**39.18%**
Professional Services Costs: (5)				
Public Defender	$ 650.00	$ -	$ 650.00	0.01%
State Attorney	$ -	$ -	$ -	0.00%
State Trial Court	$ 18,878.75	$ 8,495.00	$ 27,373.75	0.27%
Total Professional Service Costs	$ 19,528.75	$ 8,495.00	$ 28,023.75	**0.28%**
Enterprise Services Costs: (6)				
Public Defender	$ 242,022.00	$ 286,227.96	$ 528,249.96	5.22%
State Attorney	$ 300,642.00	$ 383,064.96	$ 683,706.96	6.76%
State Trial Court	$ 1,406,031.96	$ 973,377.00	$ 2,379,408.96	23.52%
Total Enterprise Services Costs	$ 1,948,695.96	$ 1,642,669.92	$ 3,591,365.88	**35.50%**
Inter-Fund Transfers: (6)				
From Court Technology Fund to Court Related Information Technology Capital Improvement Fund	$ 565,146.00	$ 1,968,418.00	$ 2,533,564.00	25.04%
Total Inter-Fund Transfers	$ 565,146.00	$ 1,968,418.00	$ 2,533,564.00	**25.04%**
Total Court Technology Expenditures	**$ 3,768,692.31**	**$ 6,349,062.33**	**$ 10,117,754.64**	**100.00%**
Ending Fund Balance (3)	**$ 2,717,695.10**	**$ 2,623,689.04**	**$ 2,623,689.04**	

NOTES:

(1) The Office of Financial Management & Budget (OFMB) creates the revenue budget for the Court Technology Fund.

(2) The transfer from the General Fund in FY 2006 represents the $2 Court Technology Fee revenue in excess of Court Technology expenditures for the period July 2004 - September 2004.

(3) A "fund balance" is created when actual fund revenues exceed fund expenditures for a fiscal period.

(4) The IT staff for the Public Defender and the State Attorney are State funded and are therefore, not reflected here. The IT staff for State Trial Court are funded by the court technology fee and are included in these figures.

(5) These costs are budgeted by the Public Defender, State Attorney, and State Trial Court.

(6) These costs are budgeted by the County.