Proposal No. 55

By Commissioner Zack

A proposal to revise

ARTICLE V, ss. 14, 16, 17, and 18, Fla. Const.,
and create ARTICLE V, s. 21, Fla. Const.;
providing for justices, judges, and persons
employed by the courts to be compensated from
funds appropriated by the Legislature;
providing for counties to pay the costs of
construction, maintenance, utilities, and
security for the courts; providing for an
annual legislative appropriation to each clerk
of the circuit court to pay the costs of
judicial functions which are not covered by
fees and costs retained by the clerk; providing
for the costs of construction, maintenance,
utilities, and security for the offices of
state attorneys and public defenders, including
the salaries, costs, and other expenses of
operating the offices of state attorneys and
public defenders, to be paid by funds
appropriated by the Legislature; providing that
the funding of the courts and the offices of
state attorneys and public defenders be
phased-in according to a schedule established
by general law.

It is proposed by the Florida Constitution Revision Commission
that:

Section 1. Sections 14, 16, 17, and 18 of Article V of
the Florida Constitution are revised by amending those

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sections, and section 21 is added to Article V of the Florida Constitution, to read:

**ARTICLE V**

**JUDICIARY**

**SECTION 14.** Judicial salaries.--

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

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

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

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

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

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

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

SECTION 21. Schedule to Article V Amendments.--
(a) Commencing with fiscal year 2000-2001, the legislature shall appropriate funds to pay for the expenses set forth in the amendments to Sections 14, 16, 17, and 18 of Article V pursuant to a phase-in schedule established by general law.
(b) Unless otherwise provided herein, the amendments to Sections 14, 16, 17, and 18 shall take effect July 1, 2004.