

1989

Session Law 89-118

Florida Senate & House of Representatives

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S 641 GENERAL BILL by Thurman (Similar H 879)

Counties/Public Defender; requires counties within each judicial circuit to provide for communication services for public defender. Amends 27.54. Effective Date: 10/01/89.

03/24/89 SENATE Prefiled
04/07/89 SENATE Introduced, referred to Judiciary-Civil; Community Affairs; Appropriations -SJ 99
04/14/89 SENATE Extension of time granted Committee Judiciary-Civil
04/21/89 SENATE On Committee agenda—Judiciary-Civil, 04/25/89, 4:00 pm, Room-1C-(309)
04/25/89 SENATE Comm. Report: Favorable by Judiciary-Civil -SJ 211
04/26/89 SENATE Now in Community Affairs -SJ 211
04/27/89 SENATE On Committee agenda—Community Affairs, 05/01/89, 3:00 pm, Room-C-(LL-32)
04/28/89 SENATE Extension of time granted Committee Community Affairs
05/01/89 SENATE Comm. Report: Favorable by Community Affairs -SJ 256
05/02/89 SENATE Now in Appropriations -SJ 256
05/03/89 SENATE Extension of time granted Committee Appropriations
05/18/89 SENATE Withdrawn from Appropriations -SJ 386; Placed on Calendar
05/25/89 SENATE Placed on Special Order Calendar -SJ 449; Passed; YEAS 38 NAYS 0 -SJ 462
05/26/89 HOUSE In Messages
06/01/89 HOUSE Received, placed on Calendar; Read second time; Read third time; Passed; YEAS 106 NAYS 2 -HJ 1067
06/01/89 Ordered enrolled -SJ 691
06/12/89 Signed by Officers and presented to Governor
06/26/89 Approved by Governor; Chapter No. 89-118

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

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BILL NO. SB 641

DATE: April 27, 1989

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Lang</u>	<u>Smawley</u>	1. <u>JCI</u>	<u>Favorable</u>
2. <u>Buck DB</u>	<u>Buck DB</u>	2. <u>CA</u>	_____
3. _____	_____	3. <u>AP</u>	_____
4. _____	_____	4. _____	_____

SUBJECT:

Public Defenders

BILL NO. AND SPONSOR:

SB 641 by
Senator Thurman

I. SUMMARY:

A. Present Situation:

The counties within a state attorney's judicial circuit are to provide him with, among other things, "telephone service" and "communication services", except as otherwise provided in the General Appropriations Act. s. 27.34, F.S. (1988 Supp.).

The counties within a public defender's judicial circuit are to provide him with, among other things, "telephone services". s. 27.54, F.S. (1988 Supp.). No specific reference is made to the provision of "communication services" by the counties.

B. Effect of Proposed Changes:

The bill specifically would provide that counties are to furnish communication services to the public defender.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

Counties would be required to provide communication services to public defenders. The costs are indeterminable.

Depending upon the level of imposition and collection of additional court costs pursuant to s. 27.3455(1), F.S. (1988 Supp.), counties could be reimbursed for communication services expenditures. s. 27.3455(6)(a), F.S. (1988 Supp.).

III. COMMENTS:

The public defenders state they have experienced some problems in getting counties to pay for data processing lines for office automation, fax lines, beepers, etc., because the county has taken the position that such expenses are not within the meaning of the term "telephone services" under s. 27.54, F.S. (1988 Supp.).

Chapter 27, F.S., does not define "communication services." The Attorney General has stated that

Expenses are properly classified as "communication services" pursuant to s. 27.34(2), F.S., where such expenses are for services and systems to facilitate the giving of information and sharing of knowledge among employees of the offices of the state attorney and between any particular state attorney's office and other offices and would further include expenses for means and systems for facilitating such communication but would

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not include office equipment as distinguished from services and systems to permit the efficient use of such equipment.

Op. Att'y. Gen. Fla. 87-3 at 7-8(1987). The Attorney General was of the opinion that computer terminals would not fall within the meaning of the term "communications services." Id. at 7.

IV. AMENDMENTS:

None.

AS PASSED BY THE 1989 LEGISLATURE

STORAGE NAME: s0641.cj
 DATE: June 30, 1989

HOUSE OF REPRESENTATIVES
 COMMITTEE ON CRIMINAL JUSTICE
 FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: SB 641

RELATING TO: Public Defender/Communication Services

SPONSOR(S): Senator Thurman

EFFECTIVE DATE: October 1, 1989

DATE BECAME LAW: June 26, 1989

CHAPTER #: 89-118, Laws of Florida

COMPANION BILL(S): HB 879

OTHER COMMITTEES OF REFERENCE: (1) Judiciary-Civil
 (2) Community Affairs
 (3) Appropriations

I. SUMMARY:

A. PRESENT SITUATION:

Section 27.54, F. S., provides that counties are required to provide the public defenders with office space, utilities, telephone services and custodial services as necessary for the proper and efficient function of the office, except as provided in the General Appropriations Act.

The counties are reimbursed for public defender and state attorney expenditures made by counties, except for office space, utilities, or custodial services, out of the Local Government Criminal Justice Trust Fund, which is funded by court costs imposed pursuant to s. 27.3455, F. S.

B. EFFECT OF PROPOSED CHANGES:

This bill would require the counties to provide communication services to the public defenders within their judicial circuits.

C. SECTION-BY-SECTION ANALYSIS:

Section 1 would require counties to pay for communication services for public defenders, which expenditures are reimbursed by the Local Government Criminal Justice Trust Fund.

Section 2 provides an effective date of upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

See Fiscal Comments

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

Communication services costs are reimbursable to each county from s. 27.3455 fees.

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise, and Employment Markets:

None

D. FISCAL COMMENTS:

Each county can reimburse itself through the collection of s. 27.3455 fees that last year amounted to almost \$12 million statewide. With anticipated growth of these fees, any additional costs should be easily absorbed and each county reimburse itself

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for these expenses, according to the Public Defenders Association.

III. LONG RANGE CONSEQUENCES:

IV. COMMENTS:

This bill is consistent with the Committee Mission Statement in that it allows the criminal justice system to operate effectively and responsibly.

According to the Public Defenders Association, during FY 88-89, various public defender offices experienced problems with some of their respective counties paying for data processing lines for office automation, fax lines, beepers, etc., because of their counties' interpretation that communication expenses are not allowed telephone costs. This bill will clarify that these expenses are to be paid by the counties given the expanded usage of the telephone and its lines, coupled with today's new office communication tools. Under s. 27.34, F. S., each county is required to provide communication services to the offices of the State Attorney statewide.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:



Susan G. Bisbee

Staff Director:



Robin S. Hassler

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:
