



LEGISLATIVE COMMITTEE MEETING

October 3, 2023



Stacy M. Butterfield, CPA
POLK COUNTY
EXECUTIVE COUNCIL CHAIR

Tiffany Moore Russell, ESQ.
ORANGE COUNTY
VICE-CHAIR

Laura E. Roth, ESQ.
VOLUSIA COUNTY
SECRETARY/TREASURER

CRYSTAL K. KINZEL
COLLIER COUNTY
SENATE APPOINTEE

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SAINT LUCIE COUNTY

ROB BRADLEY
BRADLEY, GARRISON & KOMANDO, P.A.
GENERAL COUNSEL

2560-102 BARRINGTON CIRCLE | TALLAHASSEE, FLORIDA 32308 | PHONE 850.386.2223 | WWW.FLCCOC.ORG

LEGISLATIVE COMMITTEE MEETING

October 3, 2023

Meeting: 11:00 AM-Noon, Eastern

WebEx Link: <https://flclerks.webex.com/flclerks/j.php?MTID=m2abbf5a94e4a9c83beca523381e578ac>

Meeting Code: 2300 223 8961, **Password:** CCOC

Conference Call: 1-866-469-3239, **Access Code:** 2300 223 8961

- 1) Call to Order and Approve Agenda.....Hon. Carolyn Timmann
- 2) Approve minutes from the 1/17/23 Meeting.....Jason L. Welty
- 3) CCOC Legislative Budget Request (LBR) IssueJason L. Welty
- 4) Justice Administrative Commission Legislative ProposalJason L. Welty
- 5) CCOC Legislative Agenda.....Jason L. Welty
- 6) Capturing Uniform Case Reporting Costs.....Hon. Carolyn Timmann
- 7) Other BusinessHon. Carolyn Timmann

Committee Members: Carolyn Timmann (Martin) Chair, Tara S. Green (Clay), Vice-Chair, Barry Baker (Suwannee), Jerald Bryant (Okeechobee), Doug Chorvat, Jr. (Hernando), Roger Eaton (Charlotte), Michelle R. Miller (Saint Lucie), Victoria L. Rogers (Hardee), Rachel Sadoff (Brevard), Cindy Stuart (Hillsborough)

Our Mission: As a governmental organization created by the Legislature, we evaluate Clerks' court-related budgetary needs, and recommend the fair and equitable allocation of resources needed to sustain court operations.



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Minutes of January 17, 2023, Legislative Committee Meeting

Committee Action: Review and approve with amendments as necessary.

The Legislative Committee of the Clerk of Courts Operation Corporation (CCOC) held a meeting at the AC Marriott on January 17, 2023. An agenda and materials were distributed before the meeting and posted on the CCOC website. Provided below is a summary of staff notes from the meeting. These staff notes are designed to document committee action, not to be a complete record of committee discussions. All motions adopted by the committee are in **bold** text. All action items based on committee direction are in **red** and bold **text**.

1. Agenda Item 1 – Call to Order and Approve Agenda

Clerk Stacy Butterfield, Legislative Committee Chair, called the meeting to order. Marleni Bruner, CCOC Performance, Policy, and Education Director, conducted the roll call.

Present for meeting: Honorable Stacy Butterfield, Chair; Honorable Barry Baker; Honorable Doug Chorvat; Honorable Angel Colonnese; Honorable Kevin Karnes; Honorable Crystal Kinzel; Honorable Michelle Miller; Honorable Gwendolyn Marshall Knight; Honorable Victoria Rogers; Honorable Clay Rooks; Honorable Laura Roth; Honorable Rachel Sadoff; Honorable Donald Spencer; Honorable Cindy Stuart; Honorable Carolyn Timmann; Honorable Angela Vick

Absent from the meeting: Honorable Joseph Abruzzo; Honorable Gary Cooney; Honorable Nadia Daughtrey; Honorable Tara Green; Honorable Kevin Madok;

Clerk Vick motioned to approve the agenda, seconded by Clerk Sadoff. The motion was adopted.

2. Agenda Item 2 – Approve Minutes from January 17, 2023, Meeting

Clerk Miller motioned to approve the minutes, seconded by Clerk Baker. The motion was adopted.

3. Agenda Item 3 – Statutorily Required Funding Recommendations

Jason L. Welty, CCOC Deputy Executive Director, presented the Statutorily Required Funding Recommendations draft report to the committee. As part of its 2022 legislative agenda, the clerks requested the Legislature to amend s. 28.35, F.S., to allow CCOC to recommend changes to the distribution of the various court-related fines, fees, service charges, and costs established by law. The prior law only allowed recommendations relating to the amounts of the various court-related fines, fees, service charges, and costs established by law.

This report provides two sections: recommendations for the distribution of the fines and fees as well as the amounts of the fines and fees. Mr. Welty covered the various sections of the report, and clerks made recommendations for modification of the draft report. The committee agreed to several modifications of the report, with additional revisions necessary to finalize it before presenting it to the Executive Council.

Clerk Marshall Knight motioned to modify the report as discussed, send the modified report to the committee for comments for one week, delegate authority to the Chair to finalize the report, and send it to the Executive Council for approval at the February meeting. Clerk Sadoff seconded the motion. The committee adopted the motion.

4. Agenda Item 4 – Jury Funding

Mr. Welty went over the potential deficit in juror management funds from the recurring and nonrecurring General Revenue the Legislature provides to the clerks. Given the increasing demand each quarter for jury reimbursement requests, the committee discussed asking the Legislature for an increase in juror management funding for the upcoming legislative session.

Clerk Vick motioned to bring forward a Legislative Budget Request for additional juror management funding, seconded by Clerk Miller. The motion was adopted.

5. Agenda Item 6 – Other Business

No other business

Without further comments, the Legislative Committee adjourned the meeting at 3:30PM.



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AGENDA ITEM 3

DATE: October 3, 2023
SUBJECT: CCOC Legislative Budget Request Issue
COMMITTEE ACTION: Information

OVERVIEW:

Section 28.35(2)(i), Florida Statutes requires the Clerks of Court Operations Corporation (CCOC) to annually prepare a budget request that provides the amount necessary for reimbursement of Baker Act, Marchman Act, and Sexually Violent Predators petitions and orders.

CCOC collects these subcase types on the monthly Output Report. To minimize the workload on clerks, CCOC provided the Justice Administrative Commission (JAC) with each county's number of cases for the most recently completed fiscal year (CFY 2021-22). If the Legislature funds this issue during the 2024 Legislative Session, each county will receive the reimbursement in a quarterly distribution.

CCOC submitted the LBR as directed by s. 28.35, F.S., and JAC submitted it on September 15, 2023, as provided in the Legislative Budget Request Instructions for Fiscal Year 2024-25.

COMMITTEE ACTION: Information

LEAD STAFF: Jason L. Welty, CCOC Deputy Executive Director

ATTACHMENTS: LBR – Clerk Reimbursement

		COL A03	COL A04	COL A05	
		AGY REQUEST	AGY REQ N/R	AG REQ ANZ	
		FY 2024-25	FY 2024-25	FY 2024-25	
	POS	AMOUNT	POS	AMOUNT	POS
					AMOUNT
JUSTICE ADMINISTRATION					21000000
PGM: JUSTICE ADMIN COMM					21300000
EXECUTIVE DIR/SUPPORT SVCS					21300800
STATE COURTS					15
STATE COURT SYSTEM					1501.00.00.00
ESTIMATED EXPENDITURES					1000000
ESTIMATED EXPENDITURES - OPERATIONS					1001000
SPECIAL CATEGORIES					100000
JURY EXPENDITURES					101889
GENERAL REVENUE FUND	-STATE	11,700,000			1000 1
		=====	=====	=====	
OTHER PROGRAMS					4200000
REIMBURSEMENT FOR STATUTORILY					
REQUIRED DUTIES					4207010
SPECIAL CATEGORIES					100000
JURY EXPENDITURES					101889
GENERAL REVENUE FUND	-STATE	2,654,000			1000 1
		=====	=====	=====	

AGENCY ISSUE NARRATIVE:

2024-2025 BUDGET YEAR NARRATIVE:

IT COMPONENT? NO

The Baker Act is a Florida law that enables families and loved ones to provide emergency mental health services and temporary detention for people who are impaired because of their mental illness, and who are unable to determine their needs for treatment. The Marchman Act provides for emergency assistance and temporary detention for individuals requiring substance abuse evaluation and treatment. According to the Sexually Violent Predators Act, involuntary civil commitment can be pursued for individuals who have a prior conviction for a sexually violent offense, and who "suffer from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment."

The Baker Act, Marchman Act, and Sexually Violent Predators Acts are designed to protect the public and individuals that are displaying behavior that will cause serious bodily harm to oneself or others and individuals that have lost self-control with respect to mental health, substance abuse, and sexual violence. It is important to provide timely service to petitioners so that individuals subject to the Baker Act, Marchman Act, or Sexually Violent Predators Act do not cause harm to themselves or others.

Currently, clerks perform these services at no cost to the petitioners. Clerks must efficiently process involuntary commitment admissions to uphold public safety.

In County Fiscal Year 2021-22, there were:

Baker Act - 56,546 cases

Substance Abuse Acts - 9,757 cases

Involuntary Civil Commitment of Sexually Violent Predators (SRS) - 47 cases

Total cases - 66,350

COL A03		COL A04		COL A05		CODES
AGY REQUEST		AGY REQ N/R		AG REQ ANZ		
FY 2024-25		FY 2024-25		FY 2024-25		
POS	AMOUNT	POS	AMOUNT	POS	AMOUNT	

JUSTICE ADMINISTRATION						21000000
PGM: JUSTICE ADMIN COMM						21300000
<u>EXECUTIVE DIR/SUPPORT SVCS</u>						21300800
STATE COURTS						15
<u>STATE COURT SYSTEM</u>						<u>1501.00.00.00</u>
OTHER PROGRAMS						4200000
REIMBURSEMENT FOR STATUTORILY						
REQUIRED DUTIES						4207010

Statutory reimbursement fee - \$40
 Total Request - \$2,654,000

Section. 14(b), Art. V of the State Constitution, states that where the requirements of either the United States Constitution or the Constitution of the State of Florida preclude the imposition of filing fees for judicial proceedings and service charges and costs for performing court-related functions sufficient to fund the court-related functions of the offices of the clerks of the circuit and county courts, the state shall provide, as determined by the legislature, adequate and appropriate supplemental funding from state revenues. Furthermore, the Legislature affirmed this process in s. 28.37, F.S., by adopting a provision that states, clerks' court-related functions shall be funded from adequate and appropriate supplemental funding from state revenues as appropriated by the Legislature. The services provided in Baker Act, Marchman Act, and Sexually Violent Predators Act cases are actions that do not have a filing fee for judicial proceedings, and the clerks request \$2,654,000 of supplemental appropriation from the Legislature to support these services for the public.

TOTAL: STATE COURT SYSTEM						<u>1501.00.00.00</u>
BY FUND TYPE						
GENERAL REVENUE FUND.....						1000
14,354,000						
=====						



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AGENDA ITEM 4

DATE: October 3, 2023
SUBJECT: Justice Administrative Commission Legislative Proposal
COMMITTEE ACTION: Information

OVERVIEW:

The Justice Administrative Commission (JAC) is a state agency created in 1965 that provides administrative services on behalf of 49 judicial-related offices (JROs). The JAC administratively serves 20 Offices of State Attorney, 20 Offices of Public Defender, 5 Offices of Criminal Conflict and Civil Regional Counsel, 3 Offices of Capital Collateral Regional Counsel, and the Statewide Guardian ad Litem Program. Additionally, the Clerks of Court Operations Corporation (CCOC) and JAC are inextricably linked in the clerk budget process.

The JAC plays a pivotal role in facilitating the disbursement of Juror Management funding to the clerks. Furthermore, the Legislature has entrusted them with the responsibility of receiving funding for the Guardianship Transparency Database and entering into a contractual agreement with CCOC for the system's development. In addition, should the Legislature allocate funds for the reimbursement of the Baker Act, Marchman Act, and Sexually Violent Predators Act budget issue, the JAC will function as the recipient of these funds and subsequently distribute them to each county.

JAC is a valuable strategic partner for the clerks. As such, they are requesting CCOC to consider including several technical legislative changes to their statutes as part of the clerk legislative agenda.

COMMITTEE ACTION: Information

LEAD STAFF: Jason L. Welty, CCOC Deputy Executive Director

ATTACHMENTS: JAC Legislative Proposal Memo

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Justice Administrative Commission



JAC Statutory Changes 2024 Legislative Session

2024 JAC Statutory Changes Summary

1. Public Record Exception For Records Relating to the Legal Representation of Indigent Persons – s. 27.40(7)(b)1., F.S.
2. Revising Trust Fund References – ss. 27.52, 27.54, 57.082, and 501.2101, F.S., proposing language that ties these funds to the Trust Fund of a particular type of entity served by JAC (SA, PD, or RC) rather than JAC trust fund category.
3. Eliminating Reference to Chief Financial Officer related to payment of Court Appointed Capital Collateral Counsel – s. 27.703(2), F.S., proposed elimination of reference to Chief Financial Officer and insertion of JAC, the entity that processes these bills for payment.
4. Revising Responsibilities Associated with Maintaining the Capital Collateral Registry – s. 27.710, F.S., proposed amendment to move these responsibilities from the JAC to the Clerk of the Florida Supreme Court.
5. Eliminating a Reporting Requirement for State Attorneys and Public Defenders – s. 110.112, F.S.
6. Eliminating Improper Reference to Entities of Justice Administration in State Comprehensive Planning Chapter – s. 186.003, F.S.

2024 JAC STATUTORY CHANGES

An act related to the Justice Administrative Commission; amending s. 27.40, F.S., identifying a public record exception for certain records related to the legal representation of indigent persons; amending ss. 27.52, 27.54, 57.082, 501.2101, F.S.; revising references to the deposit of collections into certain trust funds; amending s. 27.703, F.S.; revising reference to the entity that pays court appointed capital collateral counsel; amending s. 27.710, F.S., revising responsibilities associated with the capital collateral registry; amending s. 110.112, F.S.; eliminating a reporting requirement for the State Attorneys and Public Defenders; and amending s. 186.003, F.S.; revising the definition of an agency or state agency.

**1. Public Record Exception for Records Relating to
the Legal Representation of Indigent Persons**

Section 1. Paragraph (b) of subsection (7) of section 27.40, Florida Statutes, is amended to read:

27.40 Court-appointed counsel; circuit registries; minimum requirements; appointment by court.—

(7)

(a) A private attorney appointed by the court from the registry to represent a client is entitled to payment as provided in s. 27.5304 so long as the requirements of subsection (1) and paragraph (2)(a) are met. An attorney appointed by the court who is not on the registry list may be compensated under s. 27.5304 only if the court finds in the order of appointment that there were no registry attorneys available for representation for that case and only if the requirements of subsection (1) and paragraph (2)(a) are met.

(b)

1. The flat fee established in s. 27.5304 and the General Appropriations Act shall be presumed by the court to be sufficient compensation. The attorney shall maintain appropriate documentation, including contemporaneous and detailed hourly accounting of time spent representing the client. If the attorney fails to maintain such contemporaneous and detailed hourly records, the attorney waives the right to seek compensation in excess of the flat fee established in s. 27.5304 and the General Appropriations Act. These records and documents are subject to review by the Justice Administrative Commission and audit by the Auditor General, subject to the attorney-client privilege and work-product privilege. The attorney shall maintain the records and documents in a manner that enables the attorney to redact any information subject to a privilege in order to facilitate the commission's review of the records and documents and not to impede such review. The attorney may redact information from the records and documents only to the extent necessary to comply with the privilege. The Justice Administrative Commission shall review such records and shall contemporaneously document such review before authorizing payment to an attorney. Objections by or on behalf of the Justice Administrative Commission to records or documents or to claims for payment by the attorney shall be presumed correct by the court unless the court determines, in writing, that competent and substantial evidence exists to justify overcoming the presumption. Records and documents submitted pursuant to a commission notice to inspect contemporaneous records and documents are not a public record and the commission shall only retain them until no longer useful for the purpose they were requested, after which time they may be destroyed.

2. If an attorney fails, refuses, or declines to permit the commission or the Auditor General to review documentation for a case as provided in this paragraph, the attorney waives the right to seek, and the commission may not pay, compensation in excess of the flat fee established in s. 27.5304 and the General Appropriations Act for that case.

3. A finding by the commission that an attorney has waived the right to seek compensation in excess of the flat fee established in s. 27.5304 and the General Appropriations Act, as provided in this paragraph, shall be presumed to be correct,

unless the court determines, in writing, that competent and substantial evidence exists to justify overcoming the presumption.

Maintains the non-public nature of records generated by private court-appointed counsel and due process vendors in furtherance of their representation of indigent clients and received by JAC in response to a formal request to support invoices for payment. *JAC Staff requests the above amendment to facilitate vendor confidence and compliance with JAC's required payment review process.*

2. Revising Trust Fund References

Section 2. Paragraph (b) of subsection (7) of section 27.52, Florida Statutes is amended to read:

27.52 Determination of indigent status.—

(7) FINANCIAL DISCREPANCIES; FRAUD; FALSE INFORMATION.—

(b) If the court has reason to believe that any applicant, through fraud or misrepresentation, was improperly determined to be indigent or indigent for costs, the matter shall be referred to the state attorney. Twenty-five percent of any amount recovered by the state attorney as reasonable value of the services rendered, including fees, charges, and costs paid by the state on the person's behalf, shall be remitted to the Department of Revenue for deposit into the Grants and Donations Trust Fund of the applicable state attorney ~~within the Justice Administrative Commission~~. Seventy-five percent of any amount recovered shall be remitted to the Department of Revenue for deposit into the General Revenue Fund.

The above language cites the grants and donations trust fund of the JAC, when it should reference the applicable state attorney. JAC staff requests that the language be modified to tie these funds to the Grants and Donations Trust Fund of a state attorney.

Section 3. Paragraph (c) of subsection (2) of section 27.54, Florida Statutes, is amended to read:

27.54 Limitation on payment of expenditures other than by the state.—

(2) A county or municipality may contract with, or appropriate or contribute funds to, the operation of the offices of the various public defenders and regional counsels as provided in this subsection. A public defender or regional counsel defending violations of special laws or county or municipal ordinances punishable by incarceration and not ancillary to a state charge shall contract with counties and municipalities to recover the full cost of services rendered on an hourly basis or reimburse the state for the full cost of assigning one or more full-time equivalent attorney positions to work on behalf of the county or municipality. Notwithstanding any other provision of law, in the case of a county with a population of less than 75,000, the public defender or regional counsel shall contract for full reimbursement, or for reimbursement as the parties otherwise agree. In local ordinance violation cases, the county or municipality shall pay for due process services that are approved by the court, including deposition costs, deposition transcript costs, investigative costs, witness fees, expert witness costs, and interpreter costs. The person charged with the violation shall be assessed a fee for the services of a public defender or regional counsel and other costs and fees paid by the county or municipality, which assessed fee may be reduced to a lien, in all instances in which the person enters a plea of guilty or no contest or is found to be in violation or guilty of any count or lesser included offense of the charge or companion case charges, regardless of adjudication. The court shall determine the amount of the obligation. The county or municipality may recover assessed fees through collections court or as otherwise permitted by law, and any fees recovered pursuant to this section shall be forwarded to the applicable county or municipality as reimbursement.

(a) A contract for reimbursement on an hourly basis shall require a county or municipality to reimburse the public defender or regional counsel for services rendered at a rate of \$50 per hour. If an hourly rate is specified in the General Appropriations Act, that rate shall control.

(b) A contract for assigning one or more full-time equivalent attorney positions to perform work on behalf of the county or municipality shall assign one or more full-time equivalent positions based on estimates by the public defender or regional counsel of the number of hours required to handle the projected workload. The full cost of each full-time equivalent attorney position on an annual basis shall be \$50, or the amount specified in the General Appropriations Act, multiplied by the legislative budget request standard for available work hours for one full-time equivalent attorney position, or, in the absence of that standard, 1,854 hours. The contract may provide for funding full-time equivalent positions in one-quarter increments.

(c) Any payments received pursuant to this subsection shall be deposited into the Grants and Donations Trust Fund within of the applicable public defender or criminal conflict and civil regional counsel ~~Justice Administrative Commission~~ for appropriation by the Legislature.

The above language cites the grants and donations trust fund of the JAC, when it should reference the applicable public defender or regional counsel. *JAC staff requests that the language be modified to tie these funds to the Grants and Donations Trust Fund of the applicable public defender or regional counsel.*

Section 4. Paragraph (b) of subsection (7) of section 57.082, Florida Statutes, is amended to read:

57.082 Determination of civil indigent status.—

(7) FINANCIAL DISCREPANCIES; FRAUD; FALSE INFORMATION.—

(a) If the court learns of discrepancies between the application and the actual financial status of the person found to be indigent, the court shall determine whether the status and any relief provided as a result of that status shall be revoked. The person may be heard regarding the information learned by the court. If the court, based on the information, determines that the person is not indigent, the court shall revoke the provision of any relief under this section.

(b) If the court has reason to believe that any applicant, through fraud or misrepresentation, was improperly determined to be indigent, the matter shall be referred to the state attorney. Twenty-five percent of any amount recovered by the state attorney as reasonable value of the services rendered, including fees, charges, and costs paid by the state on the person's behalf, shall be remitted to the Department of Revenue for deposit into the Grants and Donations Trust Fund within of the applicable state attorney ~~Justice Administrative Commission~~. Seventy-five percent of any amount recovered shall be remitted to the Department of Revenue for deposit into the General Revenue Fund.

(c) A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

The above language cites the grants and donations trust fund of the JAC, when it should reference the applicable state attorney. *JAC staff requests that the language be modified to tie these funds to the Grants and Donations Trust Fund of a state attorney.*

Section 5. Subsection (1) of section 501.2101, Florida Statutes, is amended to read:

501.2101 Enforcing authorities; moneys received in certain proceedings.--

(1) Any moneys received by an enforcing authority for attorney's fees and costs of investigation or litigation in proceedings brought under the provisions of s. 501.207, s. 501.208, or s. 501.211 shall be deposited as received in the Legal Affairs Revolving Trust Fund if the action is brought by the Department of Legal Affairs, and in the ~~Consumer Frauds~~ Grants and Donations Trust Fund of a state attorney ~~the Justice Administrative Commission~~ if the action is brought by that a state attorney.

The above language cites an incorrect trust fund of the JAC. JAC staff requests that the language be modified to tie these funds to the Grants and Donations Trust Fund of a state attorney, rather than a trust fund of the JAC. *JAC staff requests the above amendments to reflect actual practice.*

3. Elimination of reference to Chief Financial Officer related to payment of Court Appointed Capital Collateral Counsel

Section 6. Subsection (2) of section 27.703, Florida Statutes, is amended to read:

27.703 Conflict of interest and substitute counsel.—

(2) Appointed counsel shall be paid from funds appropriated to the ~~Chief Financial Officer~~ Justice Administrative Commission. The hourly rate may not exceed \$100. However, all appointments of private counsel under this section shall be in accordance with ss. 27.710 and 27.711.

The above language cites funds appropriated to the Chief Financial Officer and payment of court appointed capital collateral counsel by same. Payment of court appointed capital collateral counsel was assigned to JAC in 2013 with no specific appropriation. *JAC staff requests the above amendments to reflect the current practice.*

4. Revising Entity Responsible for Maintaining Capital Collateral Registry

Section 7. Subsections (1) – (4), of section 27.710, Florida Statutes, are amended to read:

27.710 Registry of attorneys applying to represent persons in postconviction capital collateral proceedings; certification of minimum requirements; appointment by trial court.—

(1) The Clerk of the Florida Supreme Court ~~executive director of the Justice Administrative Commission~~ shall compile and maintain a statewide registry of attorneys in private practice who have certified that they meet the minimum requirements of s. 27.704(2), who are available for appointment by the court under this section to represent persons convicted and sentenced to death in this state in postconviction collateral proceedings, and who have attended within the last year a continuing legal education program of at least 10 hours' duration devoted specifically to the defense of capital cases, if available. Continuing legal education programs meeting the requirements of this rule offered by The Florida Bar or another recognized provider and approved for continuing legal education credit by The Florida Bar shall satisfy this requirement. The failure to comply with this requirement may be cause for removal from the list until the requirement is fulfilled. To ensure that sufficient attorneys are available for appointment by the court, when the number of attorneys on the registry falls below 50, the Clerk ~~executive director~~ shall notify the chief judge of each circuit by letter and request the chief judge to promptly submit the names of at least three private attorneys who regularly practice criminal law in that circuit and who appear to meet the minimum requirements to represent persons in postconviction capital collateral proceedings. The Clerk ~~executive director~~ shall send an application to each attorney identified by the chief judge so that the attorney may register for appointment as counsel in postconviction capital collateral proceedings. As necessary, the Clerk ~~executive director~~ may also advertise in legal publications and other appropriate media for qualified attorneys interested in registering for appointment as counsel in postconviction capital collateral proceedings. Not later than September 1 of each year, and as necessary thereafter, the Clerk ~~executive director~~ shall provide to the Chief Justice of the Supreme Court, the chief judge and state attorney in each judicial circuit, and the Attorney General a current copy of its registry of attorneys who are available for appointment as counsel in postconviction capital collateral proceedings. The registry must be indexed by judicial circuit and must contain the requisite information submitted by the applicants in accordance with this section.

(2) To be eligible for court appointment as counsel in postconviction capital collateral proceedings, an attorney must certify on an application provided by the Clerk ~~executive director~~ that he or she satisfies the minimum requirements for private counsel set forth in s. 27.704(2).

(3) An attorney who applies for registration and court appointment as counsel in postconviction capital collateral proceedings must certify that he or she is counsel of record in not more than nine such proceedings and, if appointed to represent a person in postconviction capital collateral proceedings, shall continue such representation under the terms and conditions set forth in s. 27.711 until the sentence is reversed, reduced, or carried out or unless permitted to withdraw from representation by the trial

court. The court may not permit an attorney to withdraw from representation without a finding of sufficient good cause. The court may impose appropriate sanctions if it finds that an attorney has shown bad faith with respect to continuing to represent a defendant in a postconviction capital collateral proceeding. This section does not preclude the court from reassigning a case to a capital collateral regional counsel following discontinuation of representation if a conflict of interest no longer exists with respect to the case.

(4) Each private attorney who is appointed by the court to represent a capital defendant must enter into a contract with the Justice Administrative Commission. If the appointed attorney fails to execute the contract within 30 days after the date the contract is mailed to the attorney, the executive director of the Justice Administrative Commission shall notify the trial court. The Justice Administrative Commission shall function as contract manager and enforce performance of the terms and conditions of the contract. The Justice Administrative Commission shall approve uniform contract forms for use in procuring the services of private court-appointed counsel and uniform procedures and forms for use by a court-appointed attorney in support of billing for attorney fees, costs, and related expenses to demonstrate attorney completion of specified duties. By signing such contract, the attorney certifies that he or she intends to continue the representation under the terms and conditions set forth in the contract until the sentence is reversed, reduced, or carried out or until released by order of the trial court.

Moving the maintenance of a statewide registry associated with capital collateral proceedings from the Justice Administrative Commission to the Clerk of the Florida Supreme Court. *JAC staff requests the above amendments to give the Supreme Court ownership of this registry.*

5. Eliminating a Reporting Requirement for State Attorneys and Public Defenders

Section 8. Paragraph (d) of subsection (4) of section 110.112, Florida Statutes, is repealed:

110.112 Affirmative action; equal employment opportunity.—

(4) Each state attorney and public defender shall:

(a) Develop and implement an affirmative action plan.

(b) Establish annual goals for ensuring full utilization of groups underrepresented in its workforce as compared to the relevant labor market in this state. The state attorneys' and public defenders' affirmative action plans must be designed to meet the established goals.

(c) Appoint an affirmative action-equal employment opportunity officer.

~~(d) Report annually to the Justice Administrative Commission on the implementation, continuance, updating, and results of his or her affirmative action program for the previous fiscal year.~~

The provision above requires each State Attorney and Public Defender to provide their affirmative action program to the JAC, without any further action taken by the JAC with this information. *JAC staff requests the elimination of this reporting requirement.*

6. Improper Reference to Entities of Justice Administration

Section 9. Subsection (6) of section 186.003, Florida Statutes, is amended to read:

186.003 Definitions; ss. 186.001-186.031, 186.801-186.901.—As used in ss. 186.001-186.031 and 186.801-186.901, the term: travelled traveled

(1) "Executive Office of the Governor" means the Office of Planning and Budgeting of the Executive Office of the Governor.

(2) "Goal" means the long-term end toward which programs and activities are ultimately directed.

(3) "Objective" means a specific, measurable, intermediate end that is achievable and marks progress toward a goal.

(4) "Policy" means the way in which programs and activities are conducted to achieve an identified goal.

(5) "Regional planning agency" means the regional planning council created pursuant to ss. 186.501-186.515 to exercise responsibilities under ss. 186.001-186.031 and 186.801-186.901 in a particular region of the state.

(6) "State agency" or "agency" means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government. For purposes of this chapter, "state agency" or "agency" includes ~~state attorneys, public defenders, the capital collateral regional counsel, the Justice Administrative Commission,~~ and the Public Service Commission.

(7) "State comprehensive plan" means the state planning document required in s. 19, Art. III of the State Constitution and published as ss. 187.101 and 187.201.

The inclusion of most of the entities of Justice Administration in ch. 186, F.S., related to State Comprehensive Planning. The only relevant reference was in s. 186.021, F.S., related to the Long Range Program Plans (or LRPPs) that appears redundant with the provisions within s. 216.013, F.S. *JAC staff requests that the definition be amended to remove the entities of Justice Administration from this definition of a state agency.*



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AGENDA ITEM 5

DATE: October 3, 2023
SUBJECT: CCOC Legislative Agenda
COMMITTEE ACTION: Discussion and Recommendation

OVERVIEW:

The CCOC Legislative Committee and the FCCC Legislative Committees serve different purposes. CCOC focuses on those duties outlined in the law. Specifically, the Legislative Committee should discuss:

- 1) Additional juror management funding.
- 2) Reimbursement for Baker Act, Marchman Act, and Sexual Violent Predators Act cases.

For State Fiscal Year (SFY) 2023-24, the Legislature appropriated \$11.7 million of State General Revenue to the clerks for juror management costs. Based on recent average quarterly costs, clerks' quarterly reimbursement costs will likely exceed the quarterly budget amount in SFY Quarter 3 (reimbursement request due by April 10) and SFY Quarter 4 (reimbursement request due by July 10). Any juror management costs not reimbursed by General Revenue must be paid for by the clerk's CCOC budget authority.

In addition to the juror management funding, the committee should formalize its support of the Legislative Budget Request (LBR) for the Baker Act, Marchman Act, and Sexual Violent Predators Act cases. In these case types, clerks are responsible for creating emergency orders, setting the case, and disseminating the orders to the proper authorities. These tasks are often time-sensitive and potentially impact public safety. The Legislature authorized the reimbursement of these case types in 2022.

At the direction of the committee, CCOC will work with the FCCC Legislative Team to help advocate and support the CCOC legislative agenda.

COMMITTEE ACTION: Discuss and provide a recommendation for the next steps.

LEAD STAFF: Jason L. Welty, CCOC Deputy Executive Director

ATTACHMENTS: None

Our Mission: As a governmental organization created by the Legislature, we evaluate Clerks' court-related budgetary needs, and recommend the fair and equitable allocation of resources needed to sustain court operations.