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LEGISLATIVE ACTION

Senate	.	House
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The Conference Committee on SB 1960 recommended the following:

1 **Senate Conference Committee Amendment (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Subsections (3) and (4) of section 27.40,
7 Florida Statutes, are amended to read:

8 27.40 Court-appointed counsel; circuit registries; minimum
9 requirements; appointment by court.-

10 (3) In utilizing a registry:

11 (a) The chief judge of the circuit shall compile a list of
12 attorneys in private practice, by county and by category of
13 cases, and provide the list to the clerk of court in each



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14 county. The chief judge of the circuit may restrict the number
15 of attorneys on the general registry list. ~~From October 1, 2005,~~
16 through September 30, 2007, the list of attorneys compiled by
17 the Eleventh Judicial Circuit shall provide the race, gender,
18 and national origin of assigned attorneys. To be included on a
19 registry, attorneys shall certify:

20 1. That they meet any minimum requirements established by
21 the chief judge and by ~~established in~~ general law for court
22 appointment;

23 2. That they are available to represent indigent defendants
24 in cases requiring court appointment of private counsel; ~~and~~

25 3. That they are willing to abide by the terms of the
26 contract for services; and

27 4. Whether they are willing to accept as full payment the
28 flat fees prescribed in s. 27.5304, notwithstanding the
29 provisions of s. 27.5304(12), except for cases brought under the
30 Racketeer Influenced and Corrupt Organizations Act and capital
31 cases as defined in s. 27.5304(5) (a)4.

32
33 To be included on a registry, an attorney also must enter into a
34 contract for services with the Justice Administrative
35 Commission. Failure to comply with the terms of the contract for
36 services may result in termination of the contract and removal
37 from the registry. Each attorney on the registry shall be
38 responsible for notifying the clerk of the court and the Justice
39 Administrative Commission of any change in his or her status.
40 Failure to comply with this requirement shall be cause for
41 termination of the contract for services and removal from the
42 registry until the requirement is fulfilled. In addition to



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43 general registries, the chief judge may establish limited
44 registries that include only those attorneys willing to waive
45 compensation in excess of the flat fee prescribed in s. 27.5304,
46 notwithstanding the provisions of s. 27.5304(12).

47 (b) The court shall appoint attorneys in rotating order in
48 the order in which names appear on the applicable registry,
49 unless the court makes a finding of good cause on the record for
50 appointing an attorney out of order. If a chief judge
51 establishes a limited registry of attorneys willing to waive
52 compensation in excess of the flat fee, the court shall appoint
53 attorneys from that limited registry unless there are no
54 attorneys available to accept the appointment on the limited
55 registry. The clerk of court shall maintain the registry and
56 provide to the court the name of the attorney for appointment.
57 An attorney not appointed in the order in which his or her name
58 appears on the list shall remain next in order.

59 (c) If the number of attorneys on the registry in a county
60 or circuit for a particular category of cases is inadequate, the
61 chief judge of the particular circuit shall provide to the clerk
62 of court the names of at least three private attorneys who have
63 relevant experience. The clerk of court shall send an
64 application to each of these attorneys to register for
65 appointment.

66 (d) Quarterly, each chief judge shall provide a current
67 copy of each registry to the Chief Justice of the Supreme Court,
68 the state attorney and public defender in each judicial circuit,
69 the office of criminal conflict and civil regional counsel, the
70 clerk of court in each county, and the Justice Administrative
71 Commission. ~~From October 1, 2005, through September 30, 2007,~~



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72 Circuits utilizing a limited registry list as allowed by
73 paragraph (a) the report submitted by the Eleventh Judicial
74 Circuit shall include the race, gender, and national origin of
75 all attorneys listed in and appointed under the limited
76 registry.

77 (4) To be eligible for court appointment, an attorney must
78 be a member in good standing of The Florida Bar in addition to
79 any other qualifications specified by general law and any
80 requirements set by the chief judge of the circuit.

81 Section 2. Subsection (3) of section 27.511, Florida
82 Statutes, is amended to read:

83 27.511 Offices of criminal conflict and civil regional
84 counsel; legislative intent; qualifications; appointment;
85 duties.—

86 (3) (a) Each regional counsel must be, and must have been
87 for the preceding 5 years, a member in good standing of The
88 Florida Bar ~~or a similar organization in another state.~~ Each
89 regional counsel shall be appointed by the Governor and is
90 subject to confirmation by the Senate. The Supreme Court
91 Judicial Nominating Commission, in addition to the current
92 regional counsel, shall recommend to the Governor not fewer than
93 two or more than five additional ~~three~~ qualified candidates for
94 appointment to each of the five regional counsel positions. The
95 Governor shall appoint the regional counsel for the five regions
96 from among the recommendations, or, if it is in the best
97 interest of the fair administration of justice, the Governor may
98 reject the nominations and request that the Supreme Court
99 Judicial Nominating Commission submit three new nominees. The
100 regional counsel shall be appointed to a term of 4 years, the



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101 ~~first~~ term beginning on October 1, 2015 ~~July 1, 2007~~. Vacancies
102 shall be filled in the ~~same~~ manner provided in paragraph (b) as
103 appointments.

104 (b) If for any reason a regional counsel is unable to
105 complete a full term in office, the Governor may immediately
106 appoint an interim regional counsel who meets the qualifications
107 to be a regional counsel to serve as regional counsel for that
108 district until a new regional counsel is appointed in the manner
109 provided in paragraph (a). The Florida Supreme Court Judicial
110 Nominating Commission shall provide the Governor with a list of
111 nominees for appointment within 6 months after the date of the
112 vacancy. A temporary vacancy in office does not affect the
113 validity of any matters or activities of the office of regional
114 counsel.

115 Section 3. Paragraph (a) of subsection (2) of section
116 27.52, Florida Statutes, is amended to read:

117 27.52 Determination of indigent status.—

118 (2) DETERMINATION BY THE CLERK.—The clerk of the court
119 shall determine whether an applicant seeking appointment of a
120 public defender is indigent based upon the information provided
121 in the application and the criteria prescribed in this
122 subsection.

123 (a)~~1~~. An applicant, including an applicant who is a minor
124 or an adult tax-dependent person, is indigent if the applicant's
125 income is equal to or below 200 percent of the then-current
126 federal poverty guidelines prescribed for the size of the
127 household of the applicant by the United States Department of
128 Health and Human Services or if the person is receiving
129 Temporary Assistance for Needy Families-Cash Assistance,



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130 poverty-related veterans' benefits, or Supplemental Security
131 Income (SSI).

132 ~~1.2.a.~~ There is a presumption that the applicant is not
133 indigent if the applicant owns, or has equity in, any intangible
134 or tangible personal property or real property or the expectancy
135 of an interest in any such property having a net equity value of
136 \$2,500 or more, excluding the value of the person's homestead
137 and one vehicle having a net value not exceeding \$5,000.

138 ~~2.b.~~ Notwithstanding the information that the applicant
139 provides, the clerk may ~~shall~~ conduct a review of the property
140 records for the county in which the applicant resides and the
141 motor vehicle title records of the state to identify any
142 property interests of the applicant under this paragraph
143 ~~subparagraph~~. The clerk may ~~shall~~ evaluate and consider the
144 results of the review in making a determination under this
145 subsection. If the review is conducted, the clerk shall maintain
146 the results of the review in a file with the application and
147 provide the file to the court if the applicant seeks review
148 under subsection (4) of the clerk's determination of indigent
149 status.

150 Section 4. Section 27.5304, Florida Statutes, is amended to
151 read:

152 27.5304 Private court-appointed counsel; compensation;
153 notice.—

154 (1) Private court-appointed counsel shall be compensated by
155 the Justice Administrative Commission as provided in this
156 section and the General Appropriations Act. The flat fees
157 prescribed in this section are limitations on compensation. The
158 specific flat fee amounts for compensation shall be established



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159 annually in the General Appropriations Act. The attorney also
160 shall be reimbursed for reasonable and necessary expenses in
161 accordance with s. 29.007. If the attorney is representing a
162 defendant charged with more than one offense in the same case,
163 the attorney shall be compensated at the rate provided for the
164 most serious offense for which he or she represented the
165 defendant. This section does not allow stacking of the fee
166 limits established by this section.

167 (2) The Justice Administrative Commission shall review an
168 intended billing by private court-appointed counsel for attorney
169 ~~attorney's~~ fees based on a flat fee per case for completeness
170 and compliance with contractual and statutory requirements. The
171 commission may approve the intended bill for a flat fee per case
172 for payment without approval by the court if the intended
173 billing is correct. An intended billing that seeks compensation
174 for any amount exceeding the flat fee established for a
175 particular type of representation, as prescribed in the General
176 Appropriations Act, shall comply with subsections (11) and (12).

177 (3) The court retains primary authority and responsibility
178 for determining the reasonableness of all billings for attorney
179 ~~attorney's~~ fees, costs, and related expenses, subject to
180 statutory limitations. Private court-appointed counsel is
181 entitled to compensation upon final disposition of a case.

182 (4) (a) The attorney shall submit a bill for attorney
183 ~~attorney's~~ fees, costs, and related expenses within 90 days
184 after the disposition of the case at the lower court level,
185 notwithstanding any appeals. The Justice Administrative
186 Commission shall provide by contract with the attorney for
187 imposition of a penalty of:



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188 1. Fifteen percent of the allowable attorney ~~attorney's~~
189 fees, costs, and related expenses for a bill that is submitted
190 more than 90 days after the disposition of the case at the lower
191 court level, notwithstanding any appeals;

192 2. For cases for which disposition occurs on or after July
193 1, 2010, 50 percent of the allowable attorney ~~attorney's~~ fees,
194 costs, and related expenses for a bill that is submitted more
195 than 1 year after the disposition of the case at the lower court
196 level, notwithstanding any appeals; or

197 3. For cases for which disposition occurs on or after July
198 1, 2010, 75 percent of the allowable attorney ~~attorney's~~ fees,
199 costs, and related expenses for a bill that is submitted more
200 than 2 years after the disposition of the case at the lower
201 court level, notwithstanding any appeals.

202 (b) For purposes of this subsection, the term "disposition"
203 means:

204 1. At the trial court level, that the court has entered a
205 final appealable judgment, unless rendition of judgment is
206 stayed by the filing of a timely motion for rehearing. The
207 filing of a notice of appeal does not stay the time for
208 submission of an intended billing; and

209 2. At the appellate court level, that the court has issued
210 its mandate.

211 (5) The compensation for representation in a criminal
212 proceeding shall not exceed the following:

213 (a)1. For misdemeanors and juveniles represented at the
214 trial level: \$1,000.

215 2. For noncapital, nonlife felonies represented at the
216 trial level: \$2,500.



217 3. For life felonies represented at the trial level:
218 \$3,000.

219 4. For capital cases represented at the trial level:
220 \$15,000. For purposes of this subparagraph, a "capital case" is
221 any offense for which the potential sentence is death and the
222 state has not waived seeking the death penalty.

223 5. For representation on appeal: \$2,000.

224 (b) If a death sentence is imposed and affirmed on appeal
225 to the Supreme Court, the appointed attorney shall be allowed
226 compensation, not to exceed \$1,000, for attorney ~~attorney's~~ fees
227 and costs incurred in representing the defendant as to an
228 application for executive clemency, with compensation to be paid
229 out of general revenue from funds budgeted to the Department of
230 Corrections.

231 (6) For compensation for representation pursuant to a court
232 appointment in a proceeding under chapter 39:

233 (a) At the trial level, compensation for representation for
234 dependency proceedings shall not exceed \$1,000 for the first
235 year following the date of appointment and shall not exceed \$200
236 each year thereafter. Compensation shall be paid based upon
237 representation of a parent irrespective of the number of case
238 numbers that may be assigned or the number of children involved,
239 including any children born during the pendency of the
240 proceeding. Any appeal, except for an appeal from an
241 adjudication of dependency, shall be completed by the trial
242 attorney and is considered compensated by the flat fee for
243 dependency proceedings.

244 1. Counsel may bill the flat fee not exceeding \$1,000
245 following disposition or upon dismissal of the petition.



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246 2. Counsel may bill the annual flat fee not exceeding \$200
247 following the first judicial review in the second year following
248 the date of appointment and each year thereafter as long as the
249 case remains under protective supervision.

250 3. If the court grants a motion to reactivate protective
251 supervision, the attorney shall receive the annual flat fee not
252 exceeding \$200 following the first judicial review and up to an
253 additional \$200 each year thereafter.

254 4. If, during the course of dependency proceedings, a
255 proceeding to terminate parental rights is initiated,
256 compensation shall be as set forth in paragraph (b). If counsel
257 handling the dependency proceeding is not authorized to handle
258 proceedings to terminate parental rights, the counsel must
259 withdraw and new counsel must be appointed.

260 (b) At the trial level, compensation for representation in
261 termination of parental rights proceedings shall not exceed
262 \$1,000 for the first year following the date of appointment and
263 shall not exceed \$200 each year thereafter. Compensation shall
264 be paid based upon representation of a parent irrespective of
265 the number of case numbers that may be assigned or the number of
266 children involved, including any children born during the
267 pendency of the proceeding. Any appeal, except for an appeal
268 from an order granting or denying termination of parental
269 rights, shall be completed by trial counsel and is considered
270 compensated by the flat fee for termination of parental rights
271 proceedings. If the individual has dependency proceedings
272 ongoing as to other children, those proceedings are considered
273 part of the termination of parental rights proceedings as long
274 as that termination of parental rights proceeding is ongoing.



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275 1. Counsel may bill the flat fee not exceeding \$1,000 30
276 days after rendition of the final order. Each request for
277 payment submitted to the Justice Administrative Commission must
278 include the trial counsel's certification that:

279 a. Counsel discussed grounds for appeal with the parent or
280 that counsel attempted and was unable to contact the parent; and

281 b. No appeal will be filed or that a notice of appeal and a
282 motion for appointment of appellate counsel, containing the
283 signature of the parent, have been filed.

284 2. Counsel may bill the annual flat fee not exceeding \$200
285 following the first judicial review in the second year after the
286 date of appointment and each year thereafter as long as the
287 termination of parental rights proceedings are still ongoing.

288 (c) For appeals from an adjudication of dependency,
289 compensation may not exceed \$1,000.

290 1. Counsel may bill a flat fee not exceeding \$750 upon
291 filing the initial brief or the granting of a motion to
292 withdraw.

293 2. If a brief is filed, counsel may bill an additional flat
294 fee not exceeding \$250 upon rendition of the mandate.

295 (d) For an appeal from an adjudication of termination of
296 parental rights, compensation may not exceed \$2,000.

297 1. Counsel may bill a flat fee not exceeding \$1,000 upon
298 filing the initial brief or the granting of a motion to
299 withdraw.

300 2. If a brief is filed, counsel may bill an additional flat
301 fee not exceeding \$1,000 upon rendition of the mandate.

302 (7) Counsel entitled to receive compensation from the state
303 for representation pursuant to court appointment in a proceeding



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304 under chapter 384, chapter 390, chapter 392, chapter 393,
305 chapter 394, chapter 397, chapter 415, chapter 743, chapter 744,
306 or chapter 984 shall receive compensation not to exceed the
307 limits prescribed in the General Appropriations Act.

308 (8) A private attorney appointed in lieu of the public
309 defender or the criminal conflict and civil regional counsel to
310 represent an indigent defendant may not reassign or subcontract
311 the case to another attorney or allow another attorney to appear
312 at a critical stage of a case who is not on the registry
313 developed under s. 27.40.

314 (9) Private court-appointed counsel representing an
315 individual in an appeal to a district court of appeal or the
316 Supreme Court may submit a request for payment to the Justice
317 Administrative Commission at the following intervals:

318 (a) Upon the filing of an appellate brief, including, but
319 not limited to, a reply brief.

320 (b) When the opinion of the appellate court is finalized.

321 (10) Private court-appointed counsel may not bill for
322 preparation of invoices.

323 (11) It is the intent of the Legislature that the flat fees
324 prescribed under this section and the General Appropriations Act
325 comprise the full and complete compensation for private court-
326 appointed counsel. It is further the intent of the Legislature
327 that the fees in this section are prescribed for the purpose of
328 providing counsel with notice of the limit on the amount of
329 compensation for representation in particular proceedings.

330 (a) If court-appointed counsel moves to withdraw prior to
331 the full performance of his or her duties through the completion
332 of the case, the court shall presume that the attorney is not



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333 entitled to the payment of the full flat fee established under
334 this section and the General Appropriations Act.

335 (b) If court-appointed counsel is allowed to withdraw from
336 representation prior to the full performance of his or her
337 duties through the completion of the case and the court appoints
338 a subsequent attorney, the total compensation for the initial
339 and any and all subsequent attorneys may not exceed the flat fee
340 established under this section and the General Appropriations
341 Act, except as provided in subsection (12).

342
343 This subsection constitutes notice to any subsequently appointed
344 attorney that he or she will not be compensated the full flat
345 fee.

346 (12) The Legislature recognizes that on rare occasions an
347 attorney may receive a case that requires extraordinary and
348 unusual effort.

349 (a) If counsel seeks compensation that exceeds the limits
350 prescribed by law ~~under this section and the General~~
351 ~~Appropriations Act~~, he or she must file a motion with the chief
352 judge for an order approving payment of attorney ~~attorney's~~ fees
353 in excess of these limits.

354 1. Before ~~Prior to~~ filing the motion, the counsel shall
355 deliver a copy of the intended billing, together with supporting
356 affidavits and all other necessary documentation, to the Justice
357 Administrative Commission.

358 2. The Justice Administrative Commission shall review the
359 billings, affidavit, and documentation for completeness and
360 compliance with contractual and statutory requirements. If the
361 Justice Administrative Commission objects to any portion of the



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362 proposed billing, the objection and supporting reasons must
363 ~~therefor shall~~ be communicated in writing to the private court-
364 appointed counsel. The counsel may thereafter file his or her
365 motion, which must specify whether the commission objects to any
366 portion of the billing or the sufficiency of documentation, and
367 shall attach the commission's letter stating its objection.

368 (b) Following receipt of the motion to exceed the fee
369 limits, the chief judge or a single designee shall hold an
370 evidentiary hearing. The chief judge may select only one judge
371 per circuit to hear and determine motions pursuant to this
372 subsection, except multicounty circuits and the eleventh circuit
373 may have up to two designees.

374 1. At the hearing, the attorney seeking compensation must
375 prove by competent and substantial evidence that the case
376 required extraordinary and unusual efforts. The chief judge or
377 single designee shall consider criteria such as the number of
378 witnesses, the complexity of the factual and legal issues, and
379 the length of trial. The fact that a trial was conducted in a
380 case does not, by itself, constitute competent substantial
381 evidence of an extraordinary and unusual effort. In a criminal
382 case, relief under this section may not be granted if the number
383 of work hours does not exceed 75 or the number of the state's
384 witnesses deposed does not exceed 20.

385 2. The chief judge or single designee shall enter a written
386 order detailing his or her findings and identifying the
387 extraordinary nature of the time and efforts of the attorney in
388 the case which warrant exceeding the flat fee established by
389 this section and the General Appropriations Act.

390 (c) A copy of the motion and attachments shall be served on



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391 the Justice Administrative Commission at least 5 business days
392 before ~~prior to~~ the date of a hearing. The Justice
393 Administrative Commission has ~~shall have~~ standing to appear
394 before the court, including at the hearing under paragraph (b),
395 to contest any motion for an order approving payment of attorney
396 ~~attorney's~~ fees, costs, or related expenses and may participate
397 in a hearing on the motion by use of telephonic or other
398 communication equipment ~~unless ordered otherwise~~. The Justice
399 Administrative Commission may contract with other public or
400 private entities or individuals to appear before the court for
401 the purpose of contesting any motion for an order approving
402 payment of attorney ~~attorney's~~ fees, costs, or related expenses.
403 The fact that the Justice Administrative Commission has not
404 objected to any portion of the billing or to the sufficiency of
405 the documentation is not binding on the court.

406 (d) If the chief judge or a single designee finds that
407 counsel has proved by competent and substantial evidence that
408 the case required extraordinary and unusual efforts, the chief
409 judge or single designee shall order the compensation to be paid
410 to the attorney at a percentage above the flat fee rate,
411 depending on the extent of the unusual and extraordinary effort
412 required. The percentage must ~~shall~~ be only the rate necessary
413 to ensure that the fees paid are not confiscatory under common
414 law. The percentage may not exceed 200 percent of the
415 established flat fee, absent a specific finding that 200 percent
416 of the flat fee in the case would be confiscatory. If the chief
417 judge or single designee determines that 200 percent of the flat
418 fee would be confiscatory, he or she shall order the amount of
419 compensation using an hourly rate not to exceed \$75 per hour for



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420 a noncapital case and \$100 per hour for a capital case. However,
421 the compensation calculated by using the hourly rate shall be
422 only that amount necessary to ensure that the total fees paid
423 are not confiscatory.

424 (e) Any order granting relief under this subsection must be
425 attached to the final request for a payment submitted to the
426 Justice Administrative Commission.

427 (f) For criminal cases only, if the court orders payment in
428 excess of the flat fee established by law, fees shall be paid as
429 follows:

430 1. The flat fee shall be paid from funds appropriated to
431 the Justice Administrative Commission in the General
432 Appropriations Act.

433 2. The amount ordered by the court in excess of the flat
434 fee shall be paid by the Justice Administrative Commission in a
435 special category designated for that purpose in the General
436 Appropriations Act.

437 3. If, during the fiscal year, all funds designated for
438 payment of the amount ordered by the court in excess of the flat
439 fee are spent, the amount of payments in excess of the flat fee
440 shall be made from the due process funds, or other funds as
441 necessary, appropriated to the state courts system in the
442 General Appropriations Act. Funds from the state courts system
443 must be used in a manner approved by the Chief Justice and
444 administered by the Trial Court Budget Commission.

445 (g) The Justice Administrative Commission shall provide to
446 the Office of the State Courts Administrator monthly data by
447 statewide uniform case number, attorney, and defendant name
448 concerning:



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449 1. Private court-appointed cases opened;

450 2. Cases paid and the amount of payment, including any
451 amount in excess of the flat fee; and

452 3. Cases for which compensation was waived.

453 (h) (f) The Justice Administrative Commission shall provide
454 monthly to the Office of the State Courts Administrator data
455 concerning the number of cases approved for compensation in
456 excess of the flat fee limitation and the amount of these awards
457 by circuit and by judge. The Justice Administrative Commission
458 ~~Office of the State Courts Administrator~~ shall report the data
459 quarterly in an electronic format to the chairs of the
460 legislative appropriations committees and the Office of the
461 State Courts Administrator ~~President of the Senate, the Speaker~~
462 ~~of the House of Representatives, the Chief Justice of the~~
463 ~~Supreme Court, and the chief judge of each circuit.~~

464 Section 5. Paragraph (b) of subsection (2) of section
465 39.8296, Florida Statutes, is amended to read:

466 39.8296 Statewide Guardian Ad Litem Office; legislative
467 findings and intent; creation; appointment of executive
468 director; duties of office.—

469 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a
470 Statewide Guardian Ad Litem Office within the Justice
471 Administrative Commission. The Justice Administrative Commission
472 shall provide administrative support and service to the office
473 to the extent requested by the executive director within the
474 available resources of the commission. The Statewide Guardian Ad
475 Litem Office shall not be subject to control, supervision, or
476 direction by the Justice Administrative Commission in the
477 performance of its duties, but the employees of the office shall



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478 be governed by the classification plan and salary and benefits
479 plan approved by the Justice Administrative Commission.

480 (b) The Statewide Guardian Ad Litem Office shall, within
481 available resources, have oversight responsibilities for and
482 provide technical assistance to all guardian ad litem and
483 attorney ad litem programs located within the judicial circuits.

484 1. The office shall identify the resources required to
485 implement methods of collecting, reporting, and tracking
486 reliable and consistent case data.

487 2. The office shall review the current guardian ad litem
488 programs in Florida and other states.

489 3. The office, in consultation with local guardian ad litem
490 offices, shall develop statewide performance measures and
491 standards.

492 4. The office shall develop a guardian ad litem training
493 program. The office shall establish a curriculum committee to
494 develop the training program specified in this subparagraph. The
495 curriculum committee shall include, but not be limited to,
496 dependency judges, directors of circuit guardian ad litem
497 programs, active certified guardians ad litem, a mental health
498 professional who specializes in the treatment of children, a
499 member of a child advocacy group, a representative of the
500 Florida Coalition Against Domestic Violence, and a social worker
501 experienced in working with victims and perpetrators of child
502 abuse.

503 5. The office shall review the various methods of funding
504 guardian ad litem programs, shall maximize the use of those
505 funding sources to the extent possible, and shall review the
506 kinds of services being provided by circuit guardian ad litem



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507 programs.

508 6. The office shall determine the feasibility or
509 desirability of new concepts of organization, administration,
510 financing, or service delivery designed to preserve the civil
511 and constitutional rights and fulfill other needs of dependent
512 children.

513 7. In an effort to promote normalcy and establish trust
514 between a court-appointed volunteer guardian ad litem and a
515 child alleged to be abused, abandoned, or neglected under this
516 chapter, a guardian ad litem may transport a child. However, a
517 guardian ad litem volunteer may not be required or directed by
518 the program or a court to transport a child.

519 ~~8.7. No later than October 1, 2004,~~ The office shall submit
520 to the Governor, the President of the Senate, the Speaker of the
521 House of Representatives, and the Chief Justice of the Supreme
522 Court an interim report describing the progress of the office in
523 meeting the goals as described in this section. ~~No later than~~
524 ~~October 1, 2004,~~ The office shall submit to the Governor, the
525 President of the Senate, the Speaker of the House of
526 Representatives, and the Chief Justice of the Supreme Court a
527 proposed plan including alternatives for meeting the state's
528 guardian ad litem and attorney ad litem needs. This plan may
529 include recommendations for less than the entire state, may
530 include a phase-in system, and shall include estimates of the
531 cost of each of the alternatives. Each year ~~thereafter,~~ the
532 office shall provide a status report and provide further
533 recommendations to address the need for guardian ad litem
534 services and related issues.

535 Section 6. Section 39.8297, Florida Statutes, is created to



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536 read:

537 39.8297 County funding for guardian ad litem employees.-

538 (1) A county and the executive director of the Statewide
539 Guardian Ad Litem Office may enter into an agreement by which
540 the county agrees to provide funds to the local guardian ad
541 litem office in order to employ persons who will assist in the
542 operation of the guardian ad litem program in the county.

543 (2) The agreement, at a minimum, must provide that:

544 (a) Funding for the persons who are employed will be
545 provided on at least a fiscal-year basis.

546 (b) The persons who are employed will be hired, supervised,
547 managed, and terminated by the executive director of the
548 Statewide Guardian Ad Litem Office. The statewide office is
549 responsible for compliance with all requirements of federal and
550 state employment laws, and shall fully indemnify the county from
551 any liability under such laws, as authorized by s. 768.28(19),
552 to the extent such liability is the result of the acts or
553 omissions of the Statewide Guardian Ad Litem Office or its
554 agents or employees.

555 (c) The county is the employer for purposes of s. 440.10
556 and chapter 443.

557 (d) Employees funded by the county under this section and
558 other county employees may be aggregated for purposes of a
559 flexible benefits plan pursuant to s. 125 of the Internal
560 Revenue Code of 1986.

561 (e) Persons employed under this section may be terminated
562 after a substantial breach of the agreement or because funding
563 to the program has expired.

564 (3) Persons employed under this section may not be counted



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565 in a formula or similar process used by the Statewide Guardian
566 Ad Litem Office to measure personnel needs of a judicial
567 circuit's guardian ad litem program.

568 (4) Agreements created pursuant to this section do not
569 obligate the state to allocate funds to a county to employ
570 persons in the guardian ad litem program.

571 Section 7. Paragraph (b) of subsection (13) of section
572 318.18, Florida Statutes, is amended to read:

573 318.18 Amount of penalties.—The penalties required for a
574 noncriminal disposition pursuant to s. 318.14 or a criminal
575 offense listed in s. 318.17 are as follows:

576 (13)

577 (b) A county may impose a surcharge under subparagraph
578 (a)1., subparagraph(a)2., or subparagraph(a)3., but may not
579 impose more than one surcharge under this subsection. A county
580 may elect to impose a different authorized surcharge but may not
581 impose more than one surcharge at a time. The clerk of court
582 shall report, no later than 30 days after the end of the
583 quarter, the amount of funds collected under this subsection
584 during each quarter of the fiscal year. The clerk shall submit
585 the report, in an electronic ~~a~~ format developed by the Florida
586 Clerks of Court Operations Corporation ~~Office of State Courts~~
587 ~~Administrator~~, to the chief judge of the circuit and to, the
588 Florida Clerks of Court Operations Corporation. The corporation
589 shall submit the report in an electronic format to the Governor,
590 the President of the Senate, the Speaker of the House of
591 Representatives, and the board of county commissioners.

592 Section 8. This act shall take effect July 1, 2012.

593



594 ===== T I T L E A M E N D M E N T =====

595 And the title is amended as follows:

596

597 Delete everything before the enacting clause
598 and insert:

599

A bill to be entitled

600

An act relating to the state judicial system; amending

601

s. 27.40, F.S.; authorizing the chief judge of the

602

circuit to limit the number of attorneys on the

603

circuit registry list; providing criteria in order to

604

qualify for inclusion on a registry; authorizing the

605

chief judge to establish a limited registry that

606

includes only those attorneys willing to waive

607

compensation in excess of a flat fee; requiring the

608

court to appoint attorneys from the flat-fee limited

609

registry unless there are no attorneys available to

610

accept the appointment on the limited registry;

611

amending s. 27.511, F.S.; revising the procedures by

612

which a regional conflict counsel is appointed by the

613

Governor; providing that, if a regional counsel is

614

unable to complete a full term in office, the Governor

615

may immediately appoint an interim regional counsel to

616

serve as regional counsel for that district until a

617

new regional counsel is appointed; requiring the

618

Florida Supreme Court Judicial Nominating Commission

619

to provide the Governor with a list of nominees for

620

appointment within 6 months after the date of a

621

vacancy; amending s. 27.52, F.S.; authorizing the

622

clerk to conduct a review of the county's property



300386

623 records to confirm that an applicant seeking
624 appointment of a public defender is indigent; amending
625 s. 27.5304, F.S.; revising procedures for court-
626 appointed counsel who apply for compensation for
627 casework when the attorney fees exceed the limits of
628 compensation prescribed by law; providing procedures
629 to be applied in criminal cases if the court orders
630 payment in excess of the flat fee established by law;
631 providing procedures for payment of fees when payments
632 due exceed the available funding designated by the
633 court; amending s. 39.8296, F.S.; authorizing court-
634 appointed volunteers to transport children who are
635 abused, abandoned, or neglected; prohibiting a
636 guardian ad litem program or the court from requiring
637 that volunteers transport children; creating s.
638 39.8297, F.S.; authorizing a county and the Statewide
639 Guardian Ad Litem Office to enter into an agreement
640 whereby the county provides funding to the office in
641 order to employ additional guardian ad litem personnel
642 to serve in the county; requiring an agreement between
643 the county and the Statewide Guardian Ad Litem Office;
644 specifying the duties and responsibilities of the
645 county and the participating guardian ad litem office;
646 requiring the statewide office to indemnify the county
647 from liability resulting from the acts or omissions of
648 the guardian ad litem office; prohibiting the
649 Statewide Guardian Ad Litem Office from using county-
650 paid positions in a formula to measure the county's
651 need for additional guardian ad litem personnel;



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652 providing that an agreement between the county and the
653 office does not obligate the state to provide
654 additional funds to the county; amending s. 318.18,
655 F.S.; requiring the clerk of court and the Florida
656 Clerks of Court Operations Corporation to submit
657 reports on local traffic assessments in an electronic
658 format; providing an effective date.