Conference Committee on

Criminal and Civil Justice/Justice Appropriations

FY 2023-2024 Implementing Bill

Side-by-Side & Senate Offer 1

Monday, April 24, 2023
10 AM
404 HOB

SIDE-BY-SIDE and SENATE OFFER #1

Line	HB 5003	SB 2502	Description	Original	Senate Offer #1	Line
1	23	44	**DOC / CJEC BUDGET AMENDMENT.** Amends s. 216.262, F.S. to allow the Executive Office of the Governor (EOG) to request additional positions and appropriations from unallocated general revenue during the fiscal year for the Department of Corrections (DOC) if the actual inmate population of the DOC exceeds certain Criminal Justice Estimating Conference forecasts. The additional positions and appropriations may be used for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population, and are subject to LBC review and approval.	Identical	Senate	1
2	24	45	**COURT TRUST FUND LOAN.** Amends s. 215.18, F.S. to provide chief justice the authority to request a trust fund loan.	Identical	Senate	2
3	25	46	**DEPARTMENT OF JUVENILE JUSTICE.** Requires the Department of Juvenile Justice to review county juvenile detention payments to ensure that counties are fulfilling their financial responsibilities. If the department determines that a county has not met its obligations, Department of Revenue must deduct the amount owed to the Department of Juvenile Justice from shared revenue funds provided to the county under s. 218.23, F.S.	Identical	Senate	3
4	26&27	47&48	**PRIVATE COURT-APPOINTED COUNSEL.** Amends s. 27.40, F.S., to require written certification of conflict by a public defender. If the office of criminal conflict and civil regional counsel cannot accept a case from the public defender due to conflict, the office of civil regional counsel is required to specifically identify and describe the conflict of interest and certify the conflict to the court before a court-appointed counsel may be assigned. Contracts with appointed counsel and forms for use in billing must be consistent with ss. 27.5304, and 216.311. The contract must specify that payment is contingent upon an appropriation by the Legislature. The flat fee established in s. 27.5304 is required to be presumed to be sufficient compensation. The Justice Administrative Commission (JAC) is required to review appointed counsel billings, and objections by the JAC are required to be presumed correct unless a court determines, in writing, that competent and substantial evidence exists to justify overcoming the presumption. If an attorney does not permit the JAC or the Auditor General to review billing documentation, the attorney waives the claim for attorney fees. A finding by the JAC that the appointed counsel waived the right to seek compensation above the flat fee is required to be presumed correct, unless a court determines, in written findings, that competent and substantial evidence exists to overcome the presumption.	Identical	Senate	4
5	28&29	49&50	**PRIVATE COURT-APPOINTED COUNSEL/COMPENSATION.** Amends s. 27.5304, F.S. to increase caps for compensation of court appointed counsel in criminal cases. Court-appointed counsel may be compensated only in compliance with s. 27.40(1), (2)(a), **(6),** (7), this section, and the GAA. The JAC is required to review all billings and must contemporaneously document its review before authorizing payment to an attorney. Objections by the JAC to billings by an attorney are required to be presumed correct by a court unless the court determines, in writing, that competent and substantial evidence supports overcoming the presumption. Motions to exceed the flat fee are required to be served on the JAC at least 20 business days before the hearing date, and the JAC may appear at the hearing in person or telephonically.	Similar	Senate	5