

By Representative Betancourt

1 A bill to be entitled
2 An act relating to a court watcher's program;
3 providing a short title; providing legislative
4 goals; directing the Office of the Attorney
5 General to establish a 2-year pilot program for
6 a court watchers' organization; defining "court
7 watcher"; providing for creation and
8 incorporation of a not-for-profit court
9 watchers' organization entitled the "Alliance
10 for Constitutional and Ethical Court Watch
11 Program;" providing organization and
12 responsibilities of the alliance; providing for
13 a board of directors; prescribing
14 qualifications of board members; providing for
15 a president of the alliance; providing for
16 hiring of alliance employees; providing certain
17 exemptions from part I of chapter 110, relating
18 to state employment; providing for
19 applicability to the president and court
20 watchers of part IV of chapter 110, relating to
21 volunteers; providing for reimbursement for per
22 diem and travel expenses of the board and the
23 president and employees of the alliance;
24 providing for office space; providing certain
25 immunity from liability; providing for funding;
26 requiring the alliance board to submit an
27 annual report to the Legislature, the Attorney
28 General, and the Florida Supreme Court;
29 providing an appropriation; providing an
30 effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. SHORT TITLE.--This act may be cited as the
4 "Alliance for Constitutional and Ethical Court Watch Act."

5 Section 2. LEGISLATIVE GOALS.--The goals of this act
6 are:

7 (1) To effectuate a partnership between public and
8 private citizens and the state court system, for the
9 improvement of the judicial system by eliminating bias and
10 prejudice, thereby improving the quality of justice.

11 (2) To improve access to the courts for the public by
12 creating a program of assistance and information for those who
13 wish to utilize the state court system as pro se litigants.

14 (3) To increase awareness and sensitivity of members
15 of the state court system by monitoring the professional and
16 ethical conduct of all officers of the court and court
17 personnel, and identifying discrimination or prejudice.

18 Section 3. COURT WATCHERS' ALLIANCE; CREATION.--The
19 Office of the Attorney General shall establish a 2-year pilot
20 program for a court watcher's organization. As part of the
21 pilot program, the Office of the Attorney General shall create
22 and provide assistance for incorporation of a not-for-profit
23 court watching organization, entitled the "Alliance for
24 Constitutional and Ethical Court Watch Program." The program
25 shall be a separate budget entity pursuant to chapter 216,
26 Florida Statutes.

27 Section 4. COURT WATCHERS.--

28 (1) Definition.--A "court watcher" is a trained
29 volunteer who is responsible for monitoring court proceedings,
30 recording observations in the courtroom, and collecting
31 court-related data for purposes of observing whether there

1 have been federal or state constitutional violations, ethical
2 violations, or procedural or other violations of any Florida
3 Rules of Court and observing whether there exist patterns of
4 prejudice, discrimination, or bias of any kind, based on, but
5 not limited to, race, ethnicity, disability, gender, religious
6 or sexual preference, or other forms of illegal discrimination
7 or prejudice.

8 (2) Minimum qualifications.--A court watcher shall:

9 (a) Be a member of the public or private sector, and
10 shall not be an attorney;

11 (b) Be at least 18 years of age;

12 (c) Agree to respect legal confidentiality as
13 required;

14 (d) Be able to attend and complete satisfactorily a
15 personal interview and scheduled training sessions.

16 (3) Training.--Court watchers shall be trained by
17 teams of judges and attorneys, who shall conduct training
18 sessions for the volunteer court watchers and review any
19 complaints observed by court watchers. Additional training for
20 volunteer court watchers in the mechanics of docketing,
21 reviewing case files, utilizing computerized records,
22 courtroom protocol, and recordkeeping techniques, and
23 introductions to court personnel, shall be provided by a
24 volunteer coordinator.

25 Section 5. ORGANIZATION OF ALLIANCE.--The Alliance for
26 Constitutional and Ethical Court Watch Program shall be a
27 not-for-profit corporation pursuant to chapter 617, Florida
28 Statutes, to be governed by a board of directors. The articles
29 of incorporation and bylaws establishing the alliance must be
30 submitted to the Attorney General for review and
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1 recommendations. The board of directors shall consist of the
2 following members:
3 (1) A person designated by the Attorney General;
4 (2) A person designated by the President of the
5 Senate;
6 (3) A person designated by the Speaker of the House of
7 Representatives;
8 (4) A person designated by the Chief Justice of the
9 Florida Supreme Court;
10 (5) A local representative from the private sector of
11 each county of the circuit in which the pilot program is
12 established, to be designated by the chairperson of the
13 respective county commission.

14 Section 6. ALLIANCE; BOARD OF DIRECTORS.--
15 (1) The chair of the board of directors shall serve as
16 the president of the alliance. The president shall be a member
17 of the public or private sector.
18 (2) A majority of those voting is required to organize
19 and conduct the business of the alliance, except that a
20 majority of the entire board is required to hire or fire the
21 president or to adopt or amend the operational plan.
22 (3) Except as delegated or authorized by the board,
23 individual board members have no authority to control or
24 direct the operations of the alliance or the actions of its
25 officers and employees, including the president.
26 (4) The board of directors may appoint subcommittees
27 to fulfill its responsibilities, or to assist it with
28 technical advice policy consultation and information about
29 court-related procedures.
30 (5) A majority of the total current membership of the
31 board of the alliance comprises a quorum of the board.

1 (6) Members of the board and its subcommittees shall
2 serve without compensation, but members and the president and
3 all employees of the alliance may be reimbursed for per diem
4 and travel expenses in accordance with s. 112.061, Florida
5 Statutes. The president and all employees of the alliance are
6 exempt from the provisions of part II of chapter 110, Florida
7 Statutes, but the president and court watchers are subject to
8 the provisions of part IV of chapter 110, Florida Statutes.

9 (7) The board of directors shall meet at least
10 quarterly, and at other times upon call of its chair.

11 Section 7. ALLIANCE; RESPONSIBILITIES.--

12 (1) The board of directors of the alliance shall have
13 all the powers and authority not explicitly prohibited by
14 statute which are necessary or convenient to carry out and
15 effectuate the purposes of this act and the functions, duties,
16 and responsibilities of the alliance, including, but not
17 limited to, the following:

18 (a) Adopting an official seal.

19 (b) Hiring employees of the alliance.

20 (c) Developing goals, policies, and procedures
21 designed to:

22 1. Guide volunteer court watchers in their role as
23 observers of court procedures, and coordinate volunteer
24 citizens' participation in court watching;

25 2. Coordinate volunteer teachers, including, but not
26 limited to, persons familiar with court administration and
27 retired or inactive attorneys and judges to train court
28 watchers in court procedures and other court-watching matters;

29 3. Provide improved public access to the courts and
30 assist members of the public who wish to represent themselves
31 as pro se litigants; and

1 4. Provide goals, policies, and procedures of review
2 committees responsible for reviewing complaints and
3 determining where merit exists, and provide for forwarding
4 information to the appropriate governing authority.

5 (d) Soliciting, borrowing, accepting, receiving,
6 investing, and expending funds from any public or private
7 source.

8 (e) Contracting with public and private entities as
9 necessary to further the directives of this act.

10 (f) Developing information systems to determine the
11 effectiveness of the program and any cost benefit to the
12 state.

13 (g) Approving an annual budget.

14 (h) Carrying forward any unexpended state
15 appropriation moneys into the succeeding fiscal year, and
16 seeking public and private funding through grants, donations,
17 and fundraising activities.

18 (i) Providing an annual report to the Attorney
19 General, the President of the Senate, the Speaker of the House
20 of Representatives, and the Florida Supreme Court, including,
21 but not limited to, the number and source of complaints by
22 court watchers, the number of complaints resolved, and any
23 recommendations regarding legislation necessary to improve the
24 pilot program or the state court system generally.

25 Section 8. IMMUNITY FROM LIABILITY.--The alliance, and
26 its volunteers and employees, shall be granted sovereign
27 immunity in the same manner as the state under the laws and
28 Constitution of the State of Florida. The state, by this
29 section, hereby waives the sovereign immunity granted to the
30 same extent as waived by the state under state law. The
31 provisions of s. 768.28, Florida Statutes, apply to the

1 alliance, and its volunteers and employees, which is deemed to
2 be a corporation primarily acting as an instrumentality of the
3 state, but which is not an agency within the meaning of s.
4 20.03(11), Florida Statutes.

5 Section 9. FACILITIES.--The judicial circuit in which
6 the pilot program is established shall provide adequate office
7 space at no charge to the alliance within a court facility,
8 including room for conferences and meetings.

9 Section 10. APPROPRIATION.--There is hereby
10 appropriated from the General Revenue Fund to the Office of
11 Attorney General an amount sufficient to carry out the
12 purposes of this act.

13 Section 11. This act shall take effect July 1 of the
14 year in which enacted.

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17 HOUSE SUMMARY

18 Directs the Office of the Attorney General to establish a
19 2-year pilot program for a court watchers' organization.
20 Defines "court watcher." Provides for creation and
21 incorporation of a nonprofit court watchers' organization
entitled the "Alliance for Constitutional and Ethical
22 Court Watch Program." Provides for organization and
responsibilities of the alliance. Provides for a board of
23 directors. Prescribes qualifications of board members.
Provides for a president of the alliance. Provides for
24 hiring of alliance employees. Provides for reimbursement
for per diem and travel expenses of the board and the
25 president and employees of the alliance. Provides certain
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26 the alliance to submit an annual report to the
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