

By Senator Kirkpatrick

5-361-99

1 A bill to be entitled
2 An act relating to the judiciary; amending s.
3 925.037, F.S.; establishing a circuit court
4 conflict-case management office in each
5 judicial circuit; providing for an
6 appropriation; providing responsibilities of
7 the office; providing appropriations for fees
8 paid to court-appointed attorneys must not be
9 less than specified amounts; providing an
10 effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 925.037, Florida Statutes, is
15 amended to read:

16 925.037 Reimbursement of counties for fees paid to
17 appointed counsel; circuit conflict committees; establishment
18 of circuit conflict-case management office.--

19 (1)(a) Funds shall be appropriated each fiscal year to
20 staff a conflict-case management office in each circuit.

21 (b) The office shall:

22 1. Assign and manage the conflict cases for which an
23 attorney will be appointed under s. 27.53(3), s. 925.035, or
24 s. 39.013(1);

25 2. Develop and implement the case-management system
26 for providing conflict-case attorneys using the hourly rate,
27 contract, or employment model or any combination thereof;

28 3. Review all conflict-case fees and cost and reports
29 to the appropriate constitutional office or agency;

30 4. Manage and report funds paid to reimburse counties
31 under s. 925.037(1); and

1 5. Submit annually a statewide uniform report to the
2 Legislature detailing the number of cases assigned, the type
3 of cases assigned, and the total expenditure for conflict-case
4 attorney's fees.

5 ~~(2)(1)~~ Funds shall be appropriated each fiscal year to
6 reimburse counties for fees paid to certain court-appointed
7 attorneys. These reimbursement funds may not be less than
8 \$500,000 to all small circuits, \$850,000 to all medium
9 circuits, and \$1.2 million to all large circuits.In order for
10 a fee paid by a county to be reimbursable from such funds, the
11 attorney must have been appointed pursuant to s. 27.53(3) or
12 s. 925.035, must have been approved for such appointment by
13 the circuit conflict committee prior to appointment, and must
14 have been compensated within the maximum fee limits provided
15 by s. 925.036, except that a fee is also reimbursable from
16 such funds if paid by a county pursuant to a finding by a
17 circuit court that the criminal case involved extraordinary
18 circumstances such that the fee limits were inapplicable as a
19 matter of law.

20 ~~(3)(2)~~ Beginning with the fiscal year commencing July
21 1, 1991, such funds shall be allocated among the respective
22 counties by the Justice Administrative Commission on the basis
23 of each county's proportionate share of the total number of
24 cases assigned to the public defender statewide in the
25 preceding calendar year, as reported by the public defenders
26 to the legislative appropriations committees.

27 ~~(4)(3)~~ In each judicial circuit a circuit conflict
28 committee shall be established. The committee shall consist of
29 the following:

30 (a) The chief judge of the judicial circuit or the
31 chief judge's designated representative.

1 (b) One representative of each board of county
2 commissioners within the judicial circuit, each such
3 representative to be designated by board resolution.

4 (c) The public defender of the judicial circuit.

5 (5)~~(4)~~ The responsibility of the circuit conflict
6 committee is to select and approve attorneys for all
7 appointments pursuant to ss. 27.53(3) and 925.035, commonly
8 known as conflict case appointments. The circuit conflict
9 committee shall meet at least once each year.

10 (6)~~(5)~~(a) The clerk of the circuit court in each
11 county shall submit to the Justice Administrative Commission a
12 statement of conflict counsel fees at least annually. Such
13 statement shall identify total expenditures incurred by the
14 county on fees of counsel appointed by the court pursuant to
15 this section where such fees are taxed against the county by
16 judgment of the court. On the basis of such statement of
17 expenditures, the Justice Administrative Commission shall pay
18 state conflict case appropriations to the county. The
19 statement of conflict counsel fees shall be on a form
20 prescribed by the Justice Administrative Commission in
21 consultation with the Legislative Committee on
22 Intergovernmental Relations and the Comptroller. Such form
23 also shall provide for the separate reporting of total
24 expenditures made by the county on attorney fees in cases in
25 which other counsel were appointed by the court where the
26 public defender was unable to accept the case as a result of a
27 stated lack of resources. To facilitate such expenditure
28 identification and reporting, the public defender, within 7
29 days of the appointment of such counsel by the court, shall
30 report to the clerk of circuit court case-related information
31 sufficient to permit the clerk to identify separately county

1 expenditures on fees of such counsel. No county shall be
2 required to submit any additional information to the
3 commission on an annual or other basis in order to document or
4 otherwise verify the expenditure information provided on the
5 statement of conflict counsel fees form, except as provided in
6 paragraph (c).

7 (b) Before September 30 of each year, the clerk of the
8 circuit court in each county shall submit to the Justice
9 Administrative Commission a report of conflict counsel
10 expenses and costs for the previous local government fiscal
11 year. Such report shall identify expenditures incurred by the
12 county on expenses and costs of counsel appointed by the court
13 pursuant to this section where such expenses and costs are
14 taxed against the county by judgment of the court. Such report
15 of expenditures shall be on a form prescribed by the
16 commission in consultation with the Legislative Committee on
17 Intergovernmental Relations and the Comptroller, provided that
18 such form shall at a minimum separately identify total county
19 expenditures for witness fees and expenses, court reporter
20 fees and costs, and defense counsel travel and per diem. Such
21 form also shall provide for the separate reporting of total
22 county expenditures on attorney expenses and costs in cases in
23 which other counsel were appointed by the court where the
24 public defender was unable to accept the case as a result of a
25 stated lack of resources. To facilitate such expenditure
26 identification and reporting, the public defender, within 7
27 days of the appointment of such counsel by the court, shall
28 report to the clerk of the circuit court case-related
29 information sufficient to permit the clerk to identify
30 separately county expenditures on expenses and costs of such
31 counsel. No county shall be required to submit any additional

1 information to the Justice Administrative Commission on an
2 annual or other basis in order to document or otherwise verify
3 the expenditure information provided on the report of conflict
4 counsel expenses and costs form, except as provided in
5 paragraph (c).

6 (c) Before September 30 of each year, each county
7 shall submit to the Justice Administrative Commission a
8 statement of compliance from its independent certified public
9 accountant, engaged pursuant to chapter 11, that each of the
10 forms submitted to the Justice Administrative Commission, as
11 provided for in paragraphs (a) and (b), accurately represent
12 county expenditures incurred in public defender
13 conflict-of-interest cases during each reporting period
14 covered by the statements. The statement of compliance also
15 shall state that the expenditures made and reported were in
16 compliance with relevant portions of Florida law. Such
17 statement may be reflected as part of the annual audit. In the
18 event that the statements are found to be accurate and the
19 expenditures noted thereon to have been made in compliance
20 with relevant portions of Florida law, no additional
21 information or documentation shall be required to accompany
22 the standardized statement of compliance submitted to the
23 commission. If the statement of compliance submitted by the
24 independent certified public accountant indicates that one or
25 more of the forms contained inaccurate expenditure information
26 or if expenditures incurred were not in compliance with
27 relevant portions of Florida law, the commission may require
28 the submission of additional information as may be necessary
29 to identify the nature of the problem.

30 (d) Upon the failure of a clerk of the circuit court
31 or county to submit any report or information required by this

1 section, the Justice Administrative Commission may refuse to
2 honor any claim until such clerk or county is determined by
3 the commission to be in compliance with such requirements. In
4 the event that the statement of compliance submitted by a
5 county pursuant to paragraph (c) indicates that the clerk of
6 the circuit court claimed more than was actually expended by
7 the county, the Justice Administrative Commission may require
8 the clerk to submit complete supporting documentation of the
9 county's expenditures on conflict-of-interest cases for the
10 ensuing 3-year period.

11 (7)~~(6)~~ No funds may be transferred to increase the
12 amount available for reimbursement; however, these funds may
13 be reallocated among the counties with the approval of the
14 Justice Administrative Commission in consultation with the
15 chairs of the legislative appropriations committees.

16 (8)~~(7)~~ Nothing contained in this chapter shall be
17 construed to be an appropriation. Once the allocation to the
18 county has been expended, any further obligation under s.
19 27.53(3) shall continue to be the responsibility of the county
20 pursuant to this chapter.

21 Section 2. This act shall take effect July 1, 1999.

22

23 *****

24 SENATE SUMMARY

25 Establishes in each circuit a conflict-case management
26 office. Provides for an annual appropriation. Prescribes
27 responsibilities of the office. Provides that funds
28 appropriated annually to pay fees of court-appointed
29 attorneys must not be less than the amounts specified for
30 small, medium, and large counties.
31