

By Senators Gutman and Meek

34-587A-99

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 assist a court watchers'
6 organization; defining the term "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 ch. 110, F.S.,
18 relating to state employment; providing for
19 applicability to the president and court
20 watchers of part IV of ch. 110, F.S., relating
21 to volunteers; providing for reimbursement for
22 per diem and travel expenses of the board and
23 employees of the alliance; providing for office
24 space; providing certain immunity from
25 liability; providing for funding; requiring the
26 alliance board to submit an annual report to
27 the Legislature, the Attorney General, and the
28 Florida Supreme Court; providing an
29 appropriation; providing an effective date.

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31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Short title.--This act may be cited as the
2 "Alliance for Constitutional and Ethical Court Watch Act."

3 Section 2. Legislative goals.--The goals of this act
4 are to:

5 (1) Effectuate a partnership between the public and
6 the state court system for the improvement of the judicial
7 system by eliminating bias and prejudice, thereby improving
8 the quality of justice.

9 (2) Create a program to assist and provide information
10 for pro se litigants.

11 (3) Increase awareness and sensitivity of members of
12 the state court system by monitoring the professional and
13 ethical conduct of all officers of the court and court
14 personnel and identifying discrimination or prejudice.

15 Section 3. Court watchers' alliance; creation.--The
16 Office of the Attorney General shall provide assistance to a
17 not-for-profit court watching organization, entitled the
18 "Alliance for Constitutional and Ethical Court Watch Program."
19 The program shall be a separate budget entity for purposes of
20 chapter 216, Florida Statutes.

21 Section 4. Court watchers.--

22 (1) DEFINITION.--A "court watcher" is a trained
23 volunteer who is responsible for monitoring court proceedings,
24 recording observations in the courtroom, and collecting
25 court-related data for purposes of observing whether there
26 have been federal or state constitutional violations, ethical
27 violations, or procedural or other violations of any Florida
28 Rules of Court and observing whether there exist patterns of
29 prejudice, discrimination, or bias of any kind, based on, but
30 not limited to, race, ethnicity, disability, gender, religious

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1 or sexual preference, or other forms of illegal discrimination
2 or prejudice.

3 (2) MINIMUM QUALIFICATIONS.--A court watcher must:

4 (a) Not be an attorney;

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

6 (c) Agree to respect legal confidentiality as
7 required; and

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

10 (3) TRAINING.--Court watchers must attend training
11 sessions by teams of judges and attorneys who shall conduct
12 training sessions for the volunteer court watchers and review
13 any complaints observed by court watchers. Additional training
14 will be provided for volunteer court watchers in the mechanics
15 of docketing, reviewing case files, using computerized
16 records, courtroom protocol, and recordkeeping techniques, and
17 introductions to court personnel shall be provided by a
18 volunteer coordinator.

19 Section 5. Organization of alliance.--The Alliance for
20 Constitutional and Ethical Court Watch Program shall be a
21 not-for-profit corporation formed under chapter 617, Florida
22 Statutes, to be governed by a board of directors. The board of
23 directors shall consist of the following members:

24 (1) A person designated by the Attorney General;

25 (2) A person designated by the President of the
26 Senate;

27 (3) A person designated by the Speaker of the House of
28 Representatives;

29 (4) A person designated by the Chief Justice of the
30 Florida Supreme Court;

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1 (5) A local representative from the private sector of
2 each county of the circuit in which the pilot program is
3 established, to be designated by the chairperson of the
4 respective county commission; and

5 (6) Eight local consumers selected from the community
6 where court watch is implemented, designated by the
7 chairperson of the board.

8 Section 6. Alliance; board of directors.--

9 (1) The chairperson of the board of directors shall
10 serve as the president of the alliance.

11 (2) A majority of those voting is required to organize
12 and conduct the business of the alliance, except that a
13 majority of the entire board is required to designate or
14 remove the president or to adopt or amend the operational
15 plan.

16 (3) Except as delegated or authorized by the board,
17 individual board members have no authority to control or
18 direct the operations of the alliance or the actions of its
19 officers and employees, including the president.

20 (4) The board of directors may appoint subcommittees
21 to fulfill its responsibilities or to assist it with technical
22 advice policy consultation and information about court-related
23 procedures.

24 (5) A majority of the current membership of the board
25 of the alliance comprises a quorum of the board.

26 (6) Members of the board and its subcommittees shall
27 serve without compensation, but members and the president and
28 all employees of the alliance may be reimbursed for per diem
29 and travel expenses in accordance with section 112.061,
30 Florida Statutes. The president and all employees of the
31 alliance are exempt from the provisions of part II of chapter

1 110, Florida Statutes, but the president and court watchers
2 are subject to the provisions of part IV of chapter 110,
3 Florida Statutes.

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

6 Section 7. Alliance; responsibilities.--

7 (1) The board of directors of the alliance shall have
8 all the powers and authority not explicitly prohibited by
9 statute which are necessary or convenient to carry out and
10 effectuate the purposes of this act and the functions, duties,
11 and responsibilities of the alliance, including, but not
12 limited to:

13 (a) Adopting an official seal.

14 (b) Developing goals, policies, and procedures
15 designed to:

16 1. Guide volunteer court watchers in their role as
17 observers of court procedures and coordinate volunteers'
18 participation in court watching;

19 2. Coordinate volunteer teachers, including, but not
20 limited to, persons familiar with court administration and
21 retired or inactive attorneys and judges to train court
22 watchers in court procedures and other court-watching matters;

23 3. Provide improved public access to the courts and
24 assist members of the public who wish to represent themselves
25 as pro se litigants; and

26 4. Provide goals, policies, and procedures for review
27 committees responsible for reviewing complaints and
28 determining where merit exists, and provide for forwarding
29 information to the appropriate governing authority.

30 (c) Soliciting, borrowing, accepting, receiving,
31 investing, and expending funds from any source.

1 (d) Contracting with public and private entities as
2 necessary to further the directives of this act.

3 (e) Developing information systems to determine the
4 effectiveness of the program and any cost benefit to the
5 state.

6 (f) Securing and retaining tax-exempt status under s.
7 501(c)(3) of the Internal Revenue Code.

8 (g) Approving an annual budget.

9 (h) Carrying forward any unexpended state
10 appropriation moneys into the succeeding fiscal year and
11 seeking public and private funding through grants, donations,
12 and fundraising activities.

13 (i) Providing an annual report to the Attorney
14 General, the President of the Senate, the Speaker of the House
15 of Representatives, and the Florida Supreme Court which
16 includes, but is not limited to, the number and source of
17 complaints by court watchers, the number of complaints
18 resolved, and any recommendations regarding legislation
19 necessary to improve the pilot program or the state court
20 system generally.

21 Section 8. Immunity from liability.--The alliance, and
22 its volunteers and employees, are granted sovereign immunity
23 in the same manner and to the same extent as the state under
24 the laws and Constitution of the State of Florida. The
25 provisions of section 768.28, Florida Statutes, apply to the
26 alliance, and to its volunteers and employees, which is deemed
27 to be a corporation primarily acting as an instrumentality of
28 the state but which is not an agency within the meaning of
29 section 20.03(11), Florida Statutes.

30 Section 9. Facilities.--The judicial circuit shall
31 provide adequate office space at no charge to the alliance

1 within a court facility, including room for conferences and
2 meetings.

3 Section 10. Appropriation.--There is appropriated from
4 the General Revenue Fund to the Office of Attorney General an
5 amount sufficient to carry out the purposes of this act.

6 Section 11. This act shall take effect July 1, 1999.

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9 LEGISLATIVE SUMMARY

10 Directs the Office of the Attorney General to assist a
11 court watchers' organization. Defines the term "court
12 watcher." Provides for the creation and incorporation of
13 a nonprofit court watchers' organization entitled the
14 "Alliance for Constitutional and Ethical Court Watch
15 Program." Provides for organization and responsibilities
16 of the alliance. Provides for a board of directors.
17 Prescribes qualifications of board members. Provides for
18 a president of the alliance. Provides for hiring of
19 alliance employees. Provides for reimbursement for per
20 diem and travel expenses of the board and the president
21 and employees of the alliance. Provides certain immunity
22 from liability. Provides for funding. Requires the
23 alliance to submit an annual report to the Legislature,
24 the Attorney General, and the Florida Supreme Court.
25 Provides an appropriation.
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