

By Senator Jones

40-758-00

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 watcher's
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 Governor, the Legislature, the Attorney
28 General, and the 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) Increase awareness and sensitivity of members of
10 the state court system by monitoring the professional and
11 ethical conduct of all officers of the court and court
12 personnel and identifying discrimination or prejudice.

13 (3) Effectuate a partnership between the public and
14 the state court system for improving access to the courts.

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

22 Section 4. Court watchers.--

23 (1) DEFINITION.--As used in this act, the term "court
24 watcher" means a trained volunteer who monitors court
25 proceedings, records observations in the courtroom, and
26 collects court-related data for purposes of observing whether
27 there have been any violations of the constitutional right of
28 access to the courts and observing whether there exist
29 patterns of prejudice, discrimination, or bias of any kind,
30 based on, but not limited to, race, ethnicity, disability,
31 gender, religious or sexual preference, or other forms of

1 illegal discrimination or prejudice. A court watcher also
2 monitors the professional and ethical conduct of all officers
3 of the court and of court personnel.

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

5 (a) Not be an attorney;

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

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

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

11 (3) TRAINING.--Court watchers must attend training
12 sessions by teams of judges and attorneys who shall conduct
13 training sessions for the volunteer court watchers and assist
14 in reviewing any complaints observed by court watchers.

15 Additional training must be provided for volunteer court
16 watchers in ethics, the mechanics of docketing, the review of
17 case files, the use of computerized records, courtroom
18 protocol, and recordkeeping techniques. A coordinator shall
19 provide introductions to court personnel.

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

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

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

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

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

- 1 (5) A person designated by the Governor;
2 (6) One person from a state attorney's office,
3 designated by the president of the alliance and approved by
4 the other members of the board of directors;
5 (7) One person from a public defender's office,
6 designated by the president of the alliance and approved by
7 the other members of the board of directors; and
8 (8) At least 8, but not more than 15, citizens who are
9 not affiliated with any law firm or with the judicial system
10 and who are nominated by the chairperson of the board and
11 approved by the other members of the board. The citizen
12 members shall be appointed to staggered terms of 2 years and
13 should include members from the public and private sectors.
14 Section 6. Alliance; board of directors.--
15 (1) The chairperson of the board of directors shall
16 serve as the president of the alliance.
17 (2) A quorum of the board shall consist of one-half
18 plus one of the members of the board. A majority of those
19 voting is required to organize and conduct the business of the
20 alliance, except that a quorum is required to designate or
21 remove the president or to adopt or amend the operational
22 plan.
23 (3) Except as delegated or authorized by the board,
24 individual board members have no authority to control or
25 direct the operations of the alliance or the actions of its
26 officers and employees, including the president.
27 (4) The board of directors may appoint subcommittees
28 to fulfill its responsibilities or to assist it with technical
29 advice or policy consultation and information about
30 court-related procedures.

1 (5) 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 section 112.061,
5 Florida Statutes. The president and all employees of the
6 alliance are exempt from part II of chapter 110, Florida
7 Statutes, but the president and court watchers are subject to
8 part IV of chapter 110, Florida Statutes.

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

11 Section 7. Alliance; responsibilities; immunity from
12 liability.--

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

19 (a) Adopting an official seal.

20 (b) 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 volunteers'
24 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 by providing information on how to locate

1 the Supreme Court "Self-Help" Programs, other legal-aid
2 assistance programs, the proper court clerk's offices, and any
3 other offices in the judicial system which may be useful or
4 important for a pro se litigant; and

5 4. Provide goals, policies, and procedures for review
6 committees responsible for reviewing complaints and
7 determining where merit exists, and provide for forwarding
8 information to the appropriate governing authority.

9 (c) Soliciting, borrowing, accepting, receiving,
10 investing, and expending funds from any legal source.

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

13 (e) Developing information systems to determine the
14 effectiveness of the program and any cost benefit to the
15 state.

16 (f) Securing and retaining tax-exempt status under s.
17 501(c)(3) of the Internal Revenue Code.

18 (g) Approving an annual budget.

19 (h) Seeking public and private funding through grants,
20 donations, fundraising activities, and legislative
21 appropriations.

22 (i) Providing an annual report to the Executive Office
23 of the Governor, the Attorney General, the President of the
24 Senate, the Speaker of the House of Representatives, and the
25 Florida Supreme Court which includes, but is not limited to,
26 the number and source of complaints by court watchers, the
27 number of complaints resolved, and any recommendations
28 regarding legislation necessary to improve the program or the
29 state court system generally.

30 (2) The alliance and its volunteers and employees are
31 granted sovereign immunity in the same manner and to the same

1 extent as the state under the laws and Constitution of the
2 State of Florida. Section 768.28, Florida Statutes, applies to
3 the alliance, and to its volunteers and employees, which is
4 deemed to be a corporation primarily acting as an
5 instrumentality of the state but is not to be considered an
6 agency within the meaning of section 20.03(11), Florida
7 Statutes.

8 Section 8. Facilities.--The judicial circuit shall
9 provide, at no charge to the alliance, adequate office space
10 within a court facility, including room for conferences and
11 meetings.

12 Section 9. There is appropriated from the General
13 Revenue Fund to the Office of the Attorney General an amount
14 sufficient to carry out the purposes of this act during the
15 2000-2001 fiscal year.

16 Section 10. This act shall take effect July 1, 2000.

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19 SENATE SUMMARY

20 Directs the Supreme Court, through the Office of the
21 Attorney General, to assist a court watcher's
22 organization. Defines the term "court watcher." Provides
23 for the creation and incorporation of a nonprofit court
24 watchers' organization entitled the "Alliance for
25 Constitutional and Ethical Court Watch Program." Provides
26 for organization and responsibilities of the alliance.
27 Provides for a board of directors. Prescribes
28 qualifications of board members. Provides for a president
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30 employees. Provides for reimbursement for per diem and
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