

By Representatives Bush, Cantens, Rubio and Barreiro

1 A bill to be entitled
2 An act relating to a court watchers' 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 pt. I of ch. 110, F.S.,
18 relating to state employment; providing for
19 applicability to the president and court
20 watchers of pt. 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
24 funding; requiring the alliance board to submit
25 an annual report to the Governor, the
26 Legislature, the Attorney General, and the
27 Supreme Court; providing certain immunity from
28 liability; providing for office space;
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 to:

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

11 (2) 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 (3) Effectuate a partnership between the public and
16 the state court system for improving access to the courts.

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

23 Section 4. Court watchers.--

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

1 gender, religious or sexual preference, or other forms of
2 illegal discrimination or prejudice. A court watcher also
3 monitors the professional and ethical conduct of all officers
4 of the court and of court personnel.

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

6 (a) Not be an attorney;

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

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

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

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

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

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

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

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

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1 (4) A person designated by the Chief Justice of the
2 Florida Supreme Court;

3 (5) A person designated by the Governor;

4 (6) A person from a state attorney's office,
5 designated by the president of the alliance and approved by
6 the other members of the board of directors;

7 (7) A person from a public defender's office,
8 designated by the president of the alliance and approved by
9 the other members of the board of directors; and

10 (8) At least 8, but not more than 15, citizens who are
11 not affiliated with any law firm or with the judicial system
12 and who are nominated by the chairperson of the board and
13 approved by the other members of the board. The citizen
14 members shall be appointed to staggered terms of 2 years and
15 should include members from the public and private sectors.

16 (9) Three attorneys or judges nominated by the
17 chairperson of the board and approved by the other members of
18 the board. The attorneys or judges shall be appointed to
19 staggered terms of 2 years.

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

21 (1) The chairperson of the board of directors shall
22 serve as the president of the alliance.

23 (2) A quorum of the board shall consist of one-half
24 plus one of the members of the board. A majority of those
25 voting is required to organize and conduct the business of the
26 alliance, except that a quorum is required to designate or
27 remove the president or to adopt or amend the operational
28 plan.

29 (3) Except as delegated or authorized by the board,
30 individual board members have no authority to control or
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1 direct the operations of the alliance or the actions of its
2 officers and employees, including the president.

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

7 (5) Members of the board and its subcommittees shall
8 serve without compensation, but members and the president and
9 all employees of the alliance may be reimbursed for per diem
10 and travel expenses in accordance with section 112.061,
11 Florida Statutes. The president and all employees of the
12 alliance are exempt from part II of chapter 110, Florida
13 Statutes, but the president and court watchers are subject to
14 part IV of chapter 110, Florida Statutes.

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

17 Section 7. Alliance; responsibilities; immunity from
18 liability.--

19 (1) The board of directors of the alliance shall have
20 all the powers and authority not explicitly prohibited by
21 statute which are necessary or convenient to carry out the
22 purposes of this act and the functions, duties, and
23 responsibilities of the alliance, including, but not limited
24 to:

25 (a) Adopting an official seal.

26 (b) Developing goals, policies, and procedures
27 designed to:

28 1. Guide volunteer court watchers in their role as
29 observers of court procedures and coordinate volunteers'
30 participation in court watching;

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

5 3. Provide improved public access to the courts and
6 assist members of the public who wish to represent themselves
7 as pro se litigants by providing information on how to locate
8 the Supreme Court "Self-Help" Programs, other legal-aid
9 assistance programs, the proper court clerk's offices, and any
10 other offices in the judicial system which may be useful or
11 important for a pro se litigant; and

12 4. Provide goals, policies, and procedures for review
13 committees responsible for reviewing complaints and
14 determining where merit exists, and provide for forwarding
15 information to the appropriate governing authority.

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

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

20 (e) Developing information systems to determine the
21 effectiveness of the program and any cost benefit to the
22 state.

23 (f) Securing and retaining tax-exempt status under s.
24 501(c)(3) of the Internal Revenue Code.

25 (g) Approving an annual budget.

26 (h) Seeking public and private funding through grants,
27 donations, fundraising activities, and legislative
28 appropriations.

29 (i) Providing an annual report to the Executive Office
30 of the Governor, the Attorney General, the President of the
31 Senate, the Speaker of the House of Representatives, and the

1 Florida Supreme Court which includes, but is not limited to,
2 the number and source of complaints by court watchers, the
3 number of complaints resolved, and any recommendations
4 regarding legislation necessary to improve the program or the
5 state court system generally.

6 (2) The alliance and its volunteers and employees are
7 granted sovereign immunity in the same manner and to the same
8 extent as the state under the laws and Constitution of the
9 State of Florida. Section 768.28, Florida Statutes, applies to
10 the alliance, and to its volunteers and employees, which is
11 deemed to be a corporation primarily acting as an
12 instrumentality of the state but is not to be considered an
13 agency within the meaning of section 20.03(11), Florida
14 Statutes.

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

19 Section 9. There is appropriated from the General
20 Revenue Fund to the Office of the Attorney General an amount
21 sufficient to carry out the purposes of this act during the
22 2000-2001 fiscal year.

23 Section 10. This act shall take effect July 1, 2000.
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HOUSE SUMMARY

Directs the Supreme Court, through the Office of the Attorney General, to assist a court watchers' organization. Defines the term "court watcher." Provides for the creation and incorporation of a nonprofit court watchers' organization entitled the "Alliance for Constitutional and Ethical Court Watch Program." Provides for organization and responsibilities of the alliance. Provides for a board of directors. Prescribes qualifications of board members. Provides for a president of the alliance. Provides for hiring of alliance employees. Provides for reimbursement for per diem and travel expenses of the board and the president and employees of the alliance. Provides certain immunity from liability. Provides for funding. Requires the alliance to submit an annual report to the Governor, the Legislature, the Attorney General, and the Supreme Court. Provides an appropriation.