

By Senator Crist

12-1064-07

1 A bill to be entitled
2 An act relating to public defenders and other
3 court-appointed counsel; amending s. 27.42,
4 F.S.; requiring a designee from the office of
5 the public defender to serve as chair of the
6 indigent services committee in each judicial
7 circuit; requiring the public defender to
8 appoint one private criminal defense attorney
9 and one civil trial attorney to serve specified
10 terms of office on the committee; authorizing
11 the committee to include agreements for
12 cross-circuit conflict representation as part
13 of any alternate models for the provision of
14 criminal and civil due process services and
15 representation of indigents; requiring the
16 Justice Administrative Commission to review
17 such agreements and to transfer funds for the
18 purpose of tracking and reporting expenditures;
19 providing an effective date.

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

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23 Section 1. Subsections (1) and (3) of section 27.42,
24 Florida Statutes, are amended to read:

25 27.42 Circuit Article V indigent services committees;
26 composition; staff; responsibilities; funding.--

27 (1) In each judicial circuit a circuit Article V
28 indigent services committee shall be established. The
29 committee shall consist of the following:

30 ~~(a) The chief judge of the judicial circuit or the~~
31 ~~chief judge's designee, who shall serve as the chair.~~

1 ~~(a)(b)~~ The public defender of the judicial circuit, or
2 designee from within the office of the public defender, who
3 shall serve as chair.

4 ~~(b)(c)~~ One experienced private criminal defense
5 attorney appointed by the public defender, ~~chief judge~~ to
6 serve a 2-year term with the first such appointment occurring
7 at the end of the 2-year term of any attorney appointed by the
8 chief judge or if a vacancy occurs before the end of that
9 2-year term. During the 2-year term, the attorney is
10 prohibited from serving as court-appointed counsel.

11 ~~(c)(d)~~ One experienced civil trial attorney appointed
12 by the public defender ~~chief judge~~, to serve a 2-year term
13 with the first such appointment occurring at the end of the
14 2-year term of any attorney appointed by the chief judge or if
15 a vacancy occurs before the end of that 2-year term. During
16 the 2-year term, the attorney is prohibited from serving as
17 court-appointed counsel.

18 (3) Notwithstanding any other provision of this
19 section, a circuit Article V indigent services committee may
20 approve, and the Justice Administrative Commission shall
21 investigate and evaluate the use of funds for, alternate
22 models for the provision of criminal and civil due process
23 services and representation other than a model based on a
24 per-case fee if a more cost-effective and efficient system can
25 be provided. An alternate model may include court reporting
26 services, ~~and~~ the provision of court-appointed counsel, and
27 agreements between two or more circuit public defenders for
28 cross-circuit conflict representation. The Justice
29 Administrative Commission shall review these agreements and
30 transfer funds allocated for indigent services as required by
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1 these agreements to appropriately track and report
2 expenditures.

3 Section 2. This act shall take effect July 1, 2007.

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6 SENATE SUMMARY

7 Requires a designee from the office of the public
8 defender to serve as chair of the indigent services
9 committee in each judicial circuit. Requires the public
10 defender to appoint one experienced private criminal
11 defense attorney and one experienced civil trial attorney
12 to serve specified terms of office on the committee.
13 Authorizes the committee to include agreements for
14 cross-circuit conflict representation as part of any
15 alternate models for the provision of representation to
16 indigents. Requires the Justice Administrative Commission
17 to review such agreements and to transfer funds for the
18 purpose of tracking and reporting expenditures.
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