

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice & Public
2 Safety Subcommittee

3 Representative Maney offered the following:

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5 **Amendment (with title amendment)**

6 Remove lines 101-161 and insert:

7 Section 3. Subsections (2), (3), and (7) of section
8 27.511, Florida Statutes, are amended, and subsection (10) is
9 added to that section, to read:

10 27.511 Offices of criminal conflict and civil regional
11 counsel; legislative intent; qualifications; appointment;
12 duties.-

13 (2) Each office of criminal conflict and civil regional
14 counsel shall be assigned to the Justice Administrative
15 Commission for administrative purposes. The commission shall
16 provide administrative support and service to the offices to the

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17 extent requested by each regional counsel within the available
18 resources of the commission. The regional counsel and the
19 offices are not subject to control, supervision, or direction by
20 the commission in the performance of their duties, ~~but the~~
21 ~~employees of the offices shall be governed by the classification~~
22 ~~plan and the salary and benefits plan for the commission.~~

23 (3)(a) Each regional counsel must be, and must have been
24 for the preceding 5 years, a member in good standing of The
25 Florida Bar. Each regional counsel shall be appointed by the
26 Governor and is subject to confirmation by the Senate. The
27 Supreme Court Judicial Nominating Commission, ~~in addition to the~~
28 ~~current regional counsel,~~ shall nominate ~~recommend~~ to the
29 Governor the currently serving regional counsel, if he or she
30 seeks reappointment, and may also nominate up to three not fewer
31 ~~than two or more than five~~ additional qualified candidates for
32 appointment to each of the five regional counsel positions for
33 consideration by the Governor. The Governor shall appoint the
34 regional counsel for the five regions from among the
35 commission's nominations ~~recommendations~~, or, if it is in the
36 best interest of the fair administration of justice, the
37 Governor may reject the nominations and request that the Supreme
38 Court Judicial Nominating Commission submit three new nominees.
39 The regional counsel shall be appointed to a term of 4 years,
40 the term beginning on October 1, 2015, with each successive term
41 beginning on October 1 every 4 years thereafter. The nomination

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42 and appointment process under this paragraph shall apply
43 retroactively to the term beginning on October 1, 2019.
44 Vacancies shall be filled in the manner provided in paragraph
45 (b).

46 (b) If for any reason a regional counsel is unable to
47 complete a full term in office, the Governor may immediately
48 appoint an interim regional counsel who meets the qualifications
49 to be a regional counsel to serve as regional counsel for that
50 region ~~district~~ until a new regional counsel is appointed in the
51 manner provided in paragraph (a). The ~~Florida~~ Supreme Court
52 Judicial Nominating Commission shall provide the Governor with a
53 list of nominees for appointment within 6 months after the date
54 of the vacancy. A temporary vacancy in office does not affect
55 the validity of any matters or activities of the office of
56 regional counsel.

57 (7) The court may not appoint the office of criminal
58 conflict and civil regional counsel to represent, even on a
59 temporary basis, any person who is not indigent, except to the
60 extent that appointment of counsel is specifically provided for
61 in chapters 390, 394, 415, 743, and 744 without regard to the
62 indigent status of the person entitled to representation. If a
63 defendant has retained private counsel, the court may not
64 appoint the office of criminal conflict and civil regional
65 counsel to represent that defendant simultaneously on the same
66 case.

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T I T L E A M E N D M E N T

Remove lines 7-19 and insert:
filing and receipt of court documents; amending s.
27.511, F.S.; removing the requirement that regional
counsel employees be governed by Justice
Administrative Commission classification and salary
and benefits plans; modifying procedures for the
Supreme Court Judicial Nominating Commission to
nominate candidates to the Governor for regional
counsel positions; specifying that the nomination and
appointment process applies retroactively; prohibiting
the court from appointing a regional counsel to
represent a defendant who has retained private
counsel; specifying