

26 F.S.; providing a limitation on costs for documents
27 produced in response to a subpoena or records request
28 by a regional counsel; amending s. 112.19, F.S.;
29 revising the definition of the term "law enforcement,
30 correctional, or correctional probation officer" to
31 include regional counsel investigators for purposes of
32 eligibility for certain death benefits; amending s.
33 320.025, F.S.; authorizing criminal conflict and civil
34 regional counsel offices to obtain fictitious names
35 for motor vehicle and vessel plates or decals;
36 amending s. 393.12, F.S.; waiving an education
37 requirement for the appointment of attorneys from
38 regional counsel offices to represent a person with a
39 developmental disability; amending s. 394.916, F.S.;
40 requiring a court to appoint a regional counsel or
41 other counsel to represent an allegedly sexually
42 violent predator in the event of a conflict; amending
43 s. 744.331, F.S.; waiving a certain training
44 requirement for the appointment of attorneys from
45 regional counsel offices to represent an alleged
46 incapacitated person; amending s. 943.053, F.S.;
47 specifying that a regional counsel may not be charged
48 a fee for accessing certain criminal justice
49 information; requiring the Department of Law
50 Enforcement to provide regional counsels online access

51 to certain information; amending s. 945.10, F.S.;
52 authorizing the release of certain records and
53 information to regional counsels; amending s. 945.48,
54 F.S.; authorizing the appointment of a regional
55 counsel to represent an inmate subject to involuntary
56 mental health treatment if certain conditions exist;
57 amending s. 985.045, F.S.; requiring that regional
58 counsels have access to official records of juveniles
59 whom they represent; reenacting s. 110.123(4)(e),
60 F.S.; relating to the payment of health insurance
61 premiums by state agencies for certain employees and
62 surviving spouses, to incorporate the amendment made
63 to s. 112.19, F.S., in a reference thereto; reenacting
64 s. 112.1912(1), F.S., relating to death benefits for
65 educational expenses for survivors of first
66 responders, to incorporate the amendment made to s.
67 112.19, F.S., in a reference thereto; providing an
68 effective date.

69
70 Be It Enacted by the Legislature of the State of Florida:

71
72 Section 1. Section 27.0065, Florida Statutes, is amended
73 to read:

74 27.0065 Witness coordination.—Each state attorney, and
75 public defender, and criminal conflict and civil regional

76 | counsel is ~~shall be~~ responsible for:

77 | (1) Coordinating court appearances, including pretrial
78 | conferences and depositions, for all witnesses who are
79 | subpoenaed in criminal cases, including law enforcement
80 | personnel.

81 | (2) Contacting witnesses and securing information
82 | necessary to place a witness on an on-call status with regard to
83 | his or her court appearance.

84 | (3) Contacting witnesses to advise them not to report to
85 | court in the event the case for which they have been subpoenaed
86 | has been continued or has had a plea entered, or in the event
87 | there is any other reason why their attendance is not required
88 | on the dates they have been ordered to report.

89 | (4) Contacting the employer of a witness, when necessary,
90 | to confirm that the employee has been subpoenaed to appear in
91 | court as a witness.

92 |
93 | In addition, the state attorney, ~~or~~ public defender, or criminal
94 | conflict and civil regional counsel may provide additional
95 | services to reduce time and wage losses to a minimum for all
96 | witnesses.

97 | Section 2. Subsection (2) of section 27.341, Florida
98 | Statutes, is amended to read:

99 | 27.341 Electronic filing and receipt of court documents.—

100 | (2) It is further the expectation of the Legislature that

101 each office of the state attorney consult with the office of the
102 public defender for the same circuit served by the office of the
103 state attorney, the office of criminal conflict and civil
104 regional counsel assigned to that circuit, the clerks of court
105 for the circuit, the Florida Court Technology Commission, and
106 any authority that governs the operation of a statewide portal
107 for the electronic filing and receipt of court documents.

108 Section 3. Subsections (2), (3), and (7) of section
109 27.511, Florida Statutes, are amended, and subsection (10) is
110 added to that section, to read:

111 27.511 Offices of criminal conflict and civil regional
112 counsel; legislative intent; qualifications; appointment;
113 duties.—

114 (2) Each office of criminal conflict and civil regional
115 counsel shall be assigned to the Justice Administrative
116 Commission for administrative purposes. The commission shall
117 provide administrative support and service to the offices to the
118 extent requested by each regional counsel within the available
119 resources of the commission. The regional counsel and the
120 offices are not subject to control, supervision, or direction by
121 the commission in the performance of their duties, ~~but the~~
122 ~~employees of the offices shall be governed by the classification~~
123 ~~plan and the salary and benefits plan for the commission.~~

124 (3) (a) Each regional counsel must be, and must have been
125 for the preceding 5 years, a member in good standing of The

126 Florida Bar. Each regional counsel shall be appointed by the
127 Governor and is subject to confirmation by the Senate. The
128 Supreme Court Judicial Nominating Commission, ~~in addition to the~~
129 ~~current regional counsel,~~ shall nominate ~~recommend~~ to the
130 Governor the currently serving regional counsel, if he or she
131 seeks reappointment, and may also nominate up to three not fewer
132 ~~than two or more than five~~ additional qualified candidates for
133 appointment to each of the five regional counsel positions for
134 consideration by the Governor. The Governor shall appoint the
135 regional counsel for the five regions from among the
136 commission's nominations ~~recommendations,~~ or, if it is in the
137 best interest of the fair administration of justice, the
138 Governor may reject the nominations and request that the Supreme
139 Court Judicial Nominating Commission submit three new nominees.
140 The regional counsel shall be appointed to a term of 4 years,
141 the term beginning on October 1, 2015, with each successive term
142 beginning on October 1 every 4 years thereafter. The nomination
143 and appointment process under this paragraph shall apply
144 retroactively to the term beginning on October 1, 2019.
145 Vacancies shall be filled in the manner provided in paragraph
146 (b).

147 (b) If for any reason a regional counsel is unable to
148 complete a full term in office, the Governor may immediately
149 appoint an interim regional counsel who meets the qualifications
150 to be a regional counsel to serve as regional counsel for that

151 region ~~district~~ until a new regional counsel is appointed in the
 152 manner provided in paragraph (a). The ~~Florida~~ Supreme Court
 153 Judicial Nominating Commission shall provide the Governor with a
 154 list of nominees for appointment within 6 months after the date
 155 of the vacancy. A temporary vacancy in office does not affect
 156 the validity of any matters or activities of the office of
 157 regional counsel.

158 (7) The court may not appoint the office of criminal
 159 conflict and civil regional counsel to represent, even on a
 160 temporary basis, any person who is not indigent, except to the
 161 extent that appointment of counsel is specifically provided for
 162 in chapters 390, 394, 415, 743, and 744 without regard to the
 163 indigent status of the person entitled to representation. If a
 164 defendant has retained private counsel, the court may not
 165 appoint the office of criminal conflict and civil regional
 166 counsel to represent that defendant simultaneously on the same
 167 case.

168 (10) Each court shall allow for the ingress and egress to
 169 its facilities for regional counsels and assistant regional
 170 counsels in the same manner as is provided to public defenders
 171 and assistant public defenders, subject to the security
 172 requirements of each courthouse.

173 Section 4. Subsection (4) of section 27.53, Florida
 174 Statutes, is amended to read:

175 27.53 Appointment of assistants and other staff; method of

176 payment.—

177 (4) The five criminal conflict and civil regional counsels

178 ~~counsel~~ may employ and establish, in the numbers authorized by

179 the General Appropriations Act, assistant regional counsels

180 ~~counsel~~ and other staff and personnel in each judicial district

181 pursuant to s. 29.006, who shall be paid from funds appropriated

182 for that purpose. Notwithstanding s. 790.01, s. 790.02, or s.

183 790.25(2) (a), an investigator employed by an office of criminal

184 conflict and civil regional counsel, while actually carrying out

185 official duties, is authorized to carry concealed weapons if the

186 investigator complies with s. 790.25(3) (o). However, such

187 investigators are not eligible for membership in the Special

188 Risk Class of the Florida Retirement System. The five regional

189 counsels ~~counsel~~ shall jointly develop a coordinated recommended

190 ~~modifications to the classification and pay plan for submission~~

191 to and the salary and benefits plan for the Justice

192 Administrative Commission, the President of the Senate, and the

193 Speaker of the House of Representatives by January 1 of each

194 year. The plan must ~~recommendations shall be submitted to the~~

195 ~~commission, the office of the President of the Senate, and the~~

196 ~~office of the Speaker of the House of Representatives before~~

197 ~~January 1 of each year.~~ Such recommendations shall be developed

198 in accordance with policies and procedures of the Executive

199 Office of the Governor established in s. 216.181. Each assistant

200 regional counsel appointed by the regional counsel under this

201 section shall serve at the pleasure of the regional counsel.
 202 Each investigator employed by the regional counsel shall have
 203 full authority to serve any witness subpoena or court order
 204 issued by any court or judge in a criminal case in which the
 205 regional counsel has been appointed to represent the accused.

206 Section 5. Subsection (3) and paragraph (a) of subsection
 207 (4) of section 39.0132, Florida Statutes, are amended to read:

208 39.0132 Oaths, records, and confidential information.—

209 (3) The clerk shall keep all court records required by
 210 this chapter separate from other records of the circuit court.
 211 All court records required by this chapter shall not be open to
 212 inspection by the public. All records shall be inspected only
 213 upon order of the court by persons deemed by the court to have a
 214 proper interest therein, except that, subject to the provisions
 215 of s. 63.162, a child and the parents of the child and their
 216 attorneys, the guardian ad litem, criminal conflict and civil
 217 regional counsels, law enforcement agencies, and the department
 218 and its designees shall always have the right to inspect and
 219 copy any official record pertaining to the child. The Justice
 220 Administrative Commission may inspect court dockets required by
 221 this chapter as necessary to audit compensation of court-
 222 appointed attorneys. If the docket is insufficient for purposes
 223 of the audit, the commission may petition the court for
 224 additional documentation as necessary and appropriate. The court
 225 may permit authorized representatives of recognized

226 organizations compiling statistics for proper purposes to
 227 inspect and make abstracts from official records, under whatever
 228 conditions upon their use and disposition the court may deem
 229 proper, and may punish by contempt proceedings any violation of
 230 those conditions.

231 (4)(a)1. All information obtained pursuant to this part in
 232 the discharge of official duty by any judge, employee of the
 233 court, authorized agent of the department, correctional
 234 probation officer, or law enforcement agent is confidential and
 235 exempt from s. 119.07(1) and may not be disclosed to anyone
 236 other than the authorized personnel of the court, the department
 237 and its designees, correctional probation officers, law
 238 enforcement agents, the guardian ad litem, criminal conflict and
 239 civil regional counsels, and others entitled under this chapter
 240 to receive that information, except upon order of the court.

241 2.a. The following information held by a guardian ad litem
 242 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
 243 I of the State Constitution:

244 (I) Medical, mental health, substance abuse, child care,
 245 education, law enforcement, court, social services, and
 246 financial records.

247 (II) Any other information maintained by a guardian ad
 248 litem which is identified as confidential information under this
 249 chapter.

250 b. Such confidential and exempt information may not be

251 disclosed to anyone other than the authorized personnel of the
 252 court, the department and its designees, correctional probation
 253 officers, law enforcement agents, guardians ad litem, and others
 254 entitled under this chapter to receive that information, except
 255 upon order of the court.

256 Section 6. Paragraph (a) of subsection (2) of section
 257 92.153, Florida Statutes, is amended to read:

258 92.153 Production of documents by witnesses; reimbursement
 259 of costs.—

260 (2) REIMBURSEMENT OF A DISINTERESTED WITNESS.—

261 (a) In any proceeding, a disinterested witness shall be
 262 paid for any costs the witness reasonably incurs either directly
 263 or indirectly in producing, searching for, reproducing, or
 264 transporting documents pursuant to a summons; however, the cost
 265 of documents produced pursuant to a subpoena or records request
 266 by a state attorney, a ~~or~~ public defender, or a criminal
 267 conflict and civil regional counsel may not exceed 15 cents per
 268 page and \$10 per hour for research or retrieval.

269 Section 7. Paragraph (b) of subsection (1) of section
 270 112.19, Florida Statutes, is amended to read:

271 112.19 Law enforcement, correctional, and correctional
 272 probation officers; death benefits.—

273 (1) As used in this section, the term:

274 (b) "Law enforcement, correctional, or correctional
 275 probation officer" means any officer as defined in s. 943.10(14)

276 or employee of the state or any political subdivision of the
 277 state, including any law enforcement officer, correctional
 278 officer, correctional probation officer, state attorney
 279 investigator, ~~or~~ public defender investigator, or criminal
 280 conflict and civil regional counsel investigator, whose duties
 281 require such officer or employee to investigate, pursue,
 282 apprehend, arrest, transport, or maintain custody of persons who
 283 are charged with, suspected of committing, or convicted of a
 284 crime; and the term includes any member of a bomb disposal unit
 285 whose primary responsibility is the location, handling, and
 286 disposal of explosive devices. The term also includes any full-
 287 time officer or employee of the state or any political
 288 subdivision of the state, certified pursuant to chapter 943,
 289 whose duties require such officer to serve process or to attend
 290 a session of a circuit or county court as bailiff.

291 Section 8. Subsection (1) of section 320.025, Florida
 292 Statutes, is amended to read:

293 320.025 Registration certificate and license plate or
 294 decal issued under fictitious name; application.—

295 (1) A confidential registration certificate and
 296 registration license plate or decal shall be issued under a
 297 fictitious name only for a motor vehicle or vessel owned or
 298 operated by a law enforcement agency of state, county,
 299 municipal, or federal government; ; the Attorney General's
 300 Medicaid Fraud Control Unit; ~~;~~ ~~or~~ any state public defender's

301 office; or any criminal conflict and civil regional counsel
302 office. The requesting agency shall file a written application
303 with the department, on forms furnished by the department, which
304 includes a statement that the license plate or decal will be
305 used for certain activities by the Attorney General's Medicaid
306 Fraud Control Unit; any ~~or~~ law enforcement or ~~any~~ state public
307 defender's office; or a regional counsel which require the
308 ~~activities requiring~~ concealment of publicly leased or owned
309 motor vehicles or vessels and a statement of the position
310 classifications of the individuals who are authorized to use the
311 license plate or decal. The department may modify its records to
312 reflect the fictitious identity of the owner or lessee until
313 such time as the license plate or decal and registration
314 certificate are surrendered to it.

315 Section 9. Paragraph (a) of subsection (5) of section
316 393.12, Florida Statutes, is amended to read:

317 393.12 Capacity; appointment of guardian advocate.—

318 (5) COUNSEL.—Within 3 days after a petition has been
319 filed, the court shall appoint an attorney to represent a person
320 with a developmental disability who is the subject of a petition
321 to appoint a guardian advocate. The person with a developmental
322 disability may substitute his or her own attorney for the
323 attorney appointed by the court.

324 (a) The court shall initially appoint a private attorney
325 who shall be selected from the attorney registry compiled

326 pursuant to s. 27.40. Such attorney must have completed a
327 minimum of 8 hours of education in guardianship. The court may
328 waive this requirement for an attorney who has served as a
329 court-appointed attorney in guardian advocate proceedings or as
330 an attorney of record for guardian advocates for at least 3
331 years. This education requirement does not apply to a court-
332 appointed attorney who is employed by an office of criminal
333 conflict and civil regional counsel.

334 Section 10. Subsection (3) of section 394.916, Florida
335 Statutes, is amended to read:

336 394.916 Trial; counsel and experts; indigent persons;
337 jury.—

338 (3) At all adversarial proceedings under this act, the
339 person subject to this act is entitled to the assistance of
340 counsel, and, if the person is indigent, the court shall appoint
341 the public defender or, if a conflict exists, the court shall
342 appoint a criminal conflict and civil regional counsel or other
343 counsel to assist the person.

344 Section 11. Paragraph (d) of subsection (2) of section
345 744.331, Florida Statutes, is amended to read:

346 744.331 Procedures to determine incapacity.—

347 (2) ATTORNEY FOR THE ALLEGED INCAPACITATED PERSON.—

348 (d) An attorney seeking to be appointed by a court for
349 incapacity and guardianship proceedings must have completed a
350 minimum of 8 hours of education in guardianship. A court may

351 waive the initial training requirement for an attorney who has
352 served as a court-appointed attorney in incapacity proceedings
353 or as an attorney of record for guardians for not less than 3
354 years. This training requirement does not apply to a court-
355 appointed attorney who is employed by an office of criminal
356 conflict and civil regional counsel.

357 Section 12. Paragraph (e) of subsection (3) and subsection
358 (7) of section 943.053, Florida Statutes, are amended to read:

359 943.053 Dissemination of criminal justice information;
360 fees.—

361 (3)

362 (e) The fee per record for criminal history information
363 provided pursuant to this subsection and s. 943.0542 is \$24 per
364 name submitted, except that the fee for the guardian ad litem
365 program and vendors of the Department of Children and Families,
366 the Department of Juvenile Justice, the Agency for Persons with
367 Disabilities, and the Department of Elderly Affairs is ~~shall be~~
368 \$8 for each name submitted; the fee for a state criminal history
369 provided for application processing as required by law to be
370 performed by the Department of Agriculture and Consumer Services
371 is ~~shall be~~ \$15 for each name submitted; and the fee for
372 requests under s. 943.0542, which implements the National Child
373 Protection Act, is ~~shall be~~ \$18 for each volunteer name
374 submitted. Neither an office ~~The state offices~~ of the public
375 defender nor an office of criminal conflict and civil regional

376 counsel may ~~shall not~~ be assessed a fee for Florida criminal
 377 history information or wanted person information.

378 (7) Notwithstanding any other provision of law, the
 379 department shall provide to each office of the public defender
 380 and each criminal conflict and civil regional counsel online
 381 access to criminal records of this state which are not exempt
 382 from disclosure under chapter 119 or confidential under law.
 383 Such access shall be used solely in support of the duties of a
 384 public defender as provided in s. 27.51, a criminal conflict and
 385 civil regional counsel as provided in s. 27.511, or ~~of~~ any
 386 attorney specially assigned as authorized in s. 27.53 in the
 387 representation of any person who is determined indigent as
 388 provided in s. 27.52. The costs of establishing and maintaining
 389 such online access must ~~shall~~ be borne by the office to which
 390 the access has been provided.

391 Section 13. Paragraph (d) of subsection (2) of section
 392 945.10, Florida Statutes, is amended to read:

393 945.10 Confidential information.—

394 (2) The records and information specified in paragraphs
 395 (1)(a)-(i) may be released as follows unless expressly
 396 prohibited by federal law:

397 (d) Information specified in paragraph (1)(b) to a public
 398 defender or a criminal conflict and civil regional counsel
 399 representing a defendant, except those portions of the records
 400 containing a victim's statement or address, or the statement or

401 address of a relative of the victim. A request for records or
 402 information pursuant to this paragraph need not be in writing.

403
 404 Records and information released under this subsection remain
 405 confidential and exempt from the provisions of s. 119.07(1) and
 406 s. 24(a), Art. I of the State Constitution when held by the
 407 receiving person or entity.

408 Section 14. Subsection (3) of section 945.48, Florida
 409 Statutes, is amended to read:

410 945.48 Rights of inmates provided mental health treatment;
 411 procedure for involuntary treatment.-

412 (3) PROCEDURE FOR INVOLUNTARY TREATMENT OF INMATES.-
 413 Involuntary mental health treatment of an inmate who refuses
 414 treatment that is deemed to be necessary for the appropriate
 415 care of the inmate and the safety of the inmate or others may be
 416 provided at a mental health treatment facility. The warden of
 417 the institution containing the mental health treatment facility
 418 shall petition the circuit court serving the county in which the
 419 mental health treatment facility is located for an order
 420 authorizing the treatment of the inmate. The inmate shall be
 421 provided with a copy of the petition along with the proposed
 422 treatment; the basis for the proposed treatment; the names of
 423 the examining experts; and the date, time, and location of the
 424 hearing. The inmate may have an attorney represent him or her at
 425 the hearing, and, if the inmate is indigent, the court shall

426 | appoint the office of the public defender to represent the
 427 | inmate at the hearing. If the office of the public defender must
 428 | withdraw from the appointment due to a conflict, the court must
 429 | appoint the criminal conflict and civil regional counsel or
 430 | private counsel pursuant to s. 27.40(1) to represent the inmate
 431 | ~~at the hearing.~~ An attorney representing the inmate shall have
 432 | access to the inmate and any records, including medical or
 433 | mental health records, which are relevant to the representation
 434 | of the inmate.

435 | Section 15. Subsection (2) of section 985.045, Florida
 436 | Statutes, is amended to read:

437 | 985.045 Court records.—

438 | (2) The clerk shall keep all official records required by
 439 | this section separate from other records of the circuit court,
 440 | except those records pertaining to motor vehicle violations,
 441 | which shall be forwarded to the Department of Highway Safety and
 442 | Motor Vehicles. Except as provided in ss. 943.053 and
 443 | 985.04(6)(b) and (7), official records required by this chapter
 444 | are not open to inspection by the public, but may be inspected
 445 | only upon order of the court by persons deemed by the court to
 446 | have a proper interest therein, except that a child and the
 447 | parents, guardians, or legal custodians of the child and their
 448 | attorneys, law enforcement agencies, the Department of Juvenile
 449 | Justice and its designees, the Florida Commission on Offender
 450 | Review, the Department of Corrections, and the Justice

451 Administrative Commission shall always have the right to inspect
 452 and copy any official record pertaining to the child. Offices of
 453 the public defender and criminal conflict and civil regional
 454 counsel ~~offices~~ shall have access to official records of
 455 juveniles on whose behalf they are expected to appear in
 456 detention or other hearings before an appointment of
 457 representation. The court may permit authorized representatives
 458 of recognized organizations compiling statistics for proper
 459 purposes to inspect, and make abstracts from, official records
 460 under whatever conditions upon the use and disposition of such
 461 records the court may deem proper and may punish by contempt
 462 proceedings any violation of those conditions.

463 Section 16. For the purpose of incorporating the amendment
 464 made by this act to section 112.19, Florida Statutes, in a
 465 reference thereto, paragraph (e) of subsection (4) of section
 466 110.123, Florida Statutes, is reenacted to read:

467 110.123 State group insurance program.—

468 (4) PAYMENT OF PREMIUMS; CONTRIBUTION BY STATE; LIMITATION
 469 ON ACTIONS TO PAY AND COLLECT PREMIUMS.—

470 (e) No state contribution for the cost of any part of the
 471 premium shall be made for retirees or surviving spouses for any
 472 type of coverage under the state group insurance program.

473 However, any state agency that employs a full-time law
 474 enforcement officer, correctional officer, or correctional
 475 probation officer who is killed or suffers catastrophic injury

476 in the line of duty as provided in s. 112.19, or a full-time
477 firefighter who is killed or suffers catastrophic injury in the
478 line of duty as provided in s. 112.191, shall pay the entire
479 premium of the state group health insurance plan selected for
480 the employee's surviving spouse until remarried, and for each
481 dependent child of the employee, subject to the conditions and
482 limitations set forth in s. 112.19 or s. 112.191, as applicable.

483 Section 17. For the purpose of incorporating the amendment
484 made by this act to section 112.19, Florida Statutes, in a
485 reference thereto, subsection (1) of section 112.1912, Florida
486 Statutes, is reenacted to read:

487 112.1912 First responders; death benefits for educational
488 expenses.—

489 (1) As used in this section, the term "first responder"
490 means:

491 (a) A law enforcement, correctional, or correctional
492 probation officer as defined in s. 112.19(1) who is killed as
493 provided in s. 112.19(2) on or after July 1, 2019;

494 (b) A firefighter as defined in s. 112.191(1) who is
495 killed as provided in s. 112.191(2) on or after July 1, 2019; or

496 (c) An emergency medical technician or a paramedic, as
497 defined in s. 112.1911(1), who is killed as provided in s.
498 112.1911(2) on or after July 1, 2019.

499 Section 18. This act shall take effect July 1, 2022.