



516458

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
06/26/2023	.	
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The Committee on Judiciary (Baxley) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 110 - 505

and insert:

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

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

(2) Each office of criminal conflict and civil regional



516458

12 counsel shall be assigned to the Justice Administrative  
13 Commission for administrative purposes. The commission shall  
14 provide administrative support and service to the offices to the  
15 extent requested by each regional counsel within the available  
16 resources of the commission. The regional counsel and the  
17 offices are not subject to control, supervision, or direction by  
18 the commission in the performance of their duties, ~~but the~~  
19 ~~employees of the offices shall be governed by the classification~~  
20 ~~plan and the salary and benefits plan for the commission.~~

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



516458

41 retroactively to the term beginning on October 1, 2019.

42 Vacancies shall be filled in the manner provided in paragraph  
43 (b).

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

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

65 (10) Each court shall allow for the ingress and egress to  
66 its facilities for regional counsels and assistant regional  
67 counsels in the same manner as is provided to public defenders  
68 and assistant public defenders, subject to the security  
69 requirements of each courthouse.



516458

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

72 27.53 Appointment of assistants and other staff; method of  
73 payment.-

74 (4) The five criminal conflict and civil regional counsels  
75 ~~counsel~~ may employ and establish, in the numbers authorized by  
76 the General Appropriations Act, assistant regional counsels  
77 ~~counsel~~ and other staff and personnel in each judicial district  
78 pursuant to s. 29.006, who shall be paid from funds appropriated  
79 for that purpose. Notwithstanding s. 790.01, s. 790.02, or s.  
80 790.25(2)(a), an investigator employed by an office of criminal  
81 conflict and civil regional counsel, while actually carrying out  
82 official duties, is authorized to carry concealed weapons if the  
83 investigator complies with s. 790.25(3)(o). However, such  
84 investigators are not eligible for membership in the Special  
85 Risk Class of the Florida Retirement System. The five regional  
86 counsels ~~counsel~~ shall jointly develop a coordinated recommended  
87 ~~modifications to the classification and pay plan for submission~~  
88 to and the salary and benefits plan for the Justice  
89 Administrative Commission, the President of the Senate, and the  
90 Speaker of the House of Representatives by January 1 of each  
91 year. The plan must recommendations shall be submitted to the  
92 ~~commission, the office of the President of the Senate, and the~~  
93 ~~office of the Speaker of the House of Representatives before~~  
94 ~~January 1 of each year. Such recommendations shall be developed~~  
95 in accordance with policies and procedures of the Executive  
96 Office of the Governor established in s. 216.181. Each assistant  
97 regional counsel appointed by the regional counsel under this  
98 section shall serve at the pleasure of the regional counsel.



516458

99 Each investigator employed by the regional counsel shall have  
100 full authority to serve any witness subpoena or court order  
101 issued by any court or judge in a criminal case in which the  
102 regional counsel has been appointed to represent the accused.

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

105 39.0132 Oaths, records, and confidential information.—

106 (3) The clerk shall keep all court records required by this  
107 chapter separate from other records of the circuit court. All  
108 court records required by this chapter shall not be open to  
109 inspection by the public. All records shall be inspected only  
110 upon order of the court by persons deemed by the court to have a  
111 proper interest therein, except that, subject to the provisions  
112 of s. 63.162, a child and the parents of the child and their  
113 attorneys, the guardian ad litem, criminal conflict and civil  
114 regional counsels, law enforcement agencies, and the department  
115 and its designees shall always have the right to inspect and  
116 copy any official record pertaining to the child. The Justice  
117 Administrative Commission may inspect court dockets required by  
118 this chapter as necessary to audit compensation of court-  
119 appointed attorneys. If the docket is insufficient for purposes  
120 of the audit, the commission may petition the court for  
121 additional documentation as necessary and appropriate. The court  
122 may permit authorized representatives of recognized  
123 organizations compiling statistics for proper purposes to  
124 inspect and make abstracts from official records, under whatever  
125 conditions upon their use and disposition the court may deem  
126 proper, and may punish by contempt proceedings any violation of  
127 those conditions.



516458

128           (4) (a)1. All information obtained pursuant to this part in  
129 the discharge of official duty by any judge, employee of the  
130 court, authorized agent of the department, correctional  
131 probation officer, or law enforcement agent is confidential and  
132 exempt from s. 119.07(1) and may not be disclosed to anyone  
133 other than the authorized personnel of the court, the department  
134 and its designees, correctional probation officers, law  
135 enforcement agents, the guardian ad litem, criminal conflict and  
136 civil regional counsels, and others entitled under this chapter  
137 to receive that information, except upon order of the court.

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

141           (I) Medical, mental health, substance abuse, child care,  
142 education, law enforcement, court, social services, and  
143 financial records.

144           (II) Any other information maintained by a guardian ad  
145 litem which is identified as confidential information under this  
146 chapter.

147           b. Such confidential and exempt information may not be  
148 disclosed to anyone other than the authorized personnel of the  
149 court, the department and its designees, correctional probation  
150 officers, law enforcement agents, guardians ad litem, and others  
151 entitled under this chapter to receive that information, except  
152 upon order of the court.

153           Section 6. Paragraph (a) of subsection (2) of section  
154 92.153, Florida Statutes, is amended to read:

155           92.153 Production of documents by witnesses; reimbursement  
156 of costs.—



516458

157 (2) REIMBURSEMENT OF A DISINTERESTED WITNESS.—

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

166 Section 7. Paragraph (b) of subsection (1) of section  
167 112.19, Florida Statutes, is amended to read:

168 112.19 Law enforcement, correctional, and correctional  
169 probation officers; death benefits.—

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

171 (b) "Law enforcement, correctional, or correctional  
172 probation officer" means any officer as defined in s. 943.10(14)  
173 or employee of the state or any political subdivision of the  
174 state, including any law enforcement officer, correctional  
175 officer, correctional probation officer, state attorney  
176 investigator, ~~or~~ public defender investigator, or criminal  
177 conflict and civil regional counsel investigator, whose duties  
178 require such officer or employee to investigate, pursue,  
179 apprehend, arrest, transport, or maintain custody of persons who  
180 are charged with, suspected of committing, or convicted of a  
181 crime; and the term includes any member of a bomb disposal unit  
182 whose primary responsibility is the location, handling, and  
183 disposal of explosive devices. The term also includes any full-  
184 time officer or employee of the state or any political  
185 subdivision of the state, certified pursuant to chapter 943,



516458

186 whose duties require such officer to serve process or to attend  
187 a session of a circuit or county court as bailiff.

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

190 320.025 Registration certificate and license plate or decal  
191 issued under fictitious name; application.-

192 (1) A confidential registration certificate and  
193 registration license plate or decal shall be issued under a  
194 fictitious name only for a motor vehicle or vessel owned or  
195 operated by a law enforcement agency of state, county,  
196 municipal, or federal government;; the Attorney General's  
197 Medicaid Fraud Control Unit;;~~or~~ any state public defender's  
198 office; or any criminal conflict and civil regional counsel  
199 office. The requesting agency shall file a written application  
200 with the department, on forms furnished by the department,  
201 including ~~which includes~~ a statement that the license plate or  
202 decal will be used for certain activities by the Attorney  
203 General's Medicaid Fraud Control Unit; any ~~or~~ law enforcement or  
204 ~~any~~ state public defender's office; or a criminal conflict and  
205 civil regional counsel office which requires the activities  
206 ~~requiring~~ concealment of publicly leased or owned motor vehicles  
207 or vessels and a statement of the position classifications of  
208 the individuals who are authorized to use the license plate or  
209 decal. The department may modify its records to reflect the  
210 fictitious identity of the owner or lessee until such time as  
211 the license plate or decal and registration certificate are  
212 surrendered to it.

213 Section 9. Paragraph (a) of subsection (5) of section  
214 393.12, Florida Statutes, is amended to read:





516458

215 393.12 Capacity; appointment of guardian advocate.—

216 (5) COUNSEL.—Within 3 days after a petition has been filed,  
217 the court shall appoint an attorney to represent a person with a  
218 developmental disability who is the subject of a petition to  
219 appoint a guardian advocate. The person with a developmental  
220 disability may substitute his or her own attorney for the  
221 attorney appointed by the court.

222 (a) The court shall initially appoint a private attorney  
223 who shall be selected from the attorney registry compiled  
224 pursuant to s. 27.40. Such attorney must have completed a  
225 minimum of 8 hours of education in guardianship. The court may  
226 waive this requirement for an attorney who has served as a  
227 court-appointed attorney in guardian advocate proceedings or as  
228 an attorney of record for guardian advocates for at least 3  
229 years. This education requirement does not apply to a court-  
230 appointed attorney who is employed by an office of criminal  
231 conflict and civil regional counsel.

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

234 394.916 Trial; counsel and experts; indigent persons;  
235 jury.—

236 (3) At all adversarial proceedings under this act, the  
237 person subject to this act is entitled to the assistance of  
238 counsel, and, if the person is indigent, the court must ~~shall~~  
239 appoint the public defender or, if a conflict exists, the court  
240 must appoint a criminal conflict and civil regional counsel or  
241 other counsel to assist the person.

242 Section 11. Paragraph (d) of subsection (2) of section  
243 744.331, Florida Statutes, is amended to read:



516458

244 744.331 Procedures to determine incapacity.—

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

246 (d) An attorney seeking to be appointed by a court for  
247 incapacity and guardianship proceedings must have completed a  
248 minimum of 8 hours of education in guardianship. A court may  
249 waive the initial training requirement for an attorney who has  
250 served as a court-appointed attorney in incapacity proceedings  
251 or as an attorney of record for guardians for not less than 3  
252 years. This training requirement does not apply to a court-  
253 appointed attorney employed by an office of criminal conflict  
254 and civil regional counsel.

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

257 943.053 Dissemination of criminal justice information;  
258 fees.—

259 (3)

260 (e) The fee per record for criminal history information  
261 provided pursuant to this subsection and s. 943.0542 is \$24 per  
262 name submitted, except that the fee for the guardian ad litem  
263 program and vendors of the Department of Children and Families,  
264 the Department of Juvenile Justice, the Agency for Persons with  
265 Disabilities, and the Department of Elderly Affairs is shall be  
266 \$8 for each name submitted; the fee for a state criminal history  
267 provided for application processing as required by law to be  
268 performed by the Department of Agriculture and Consumer Services  
269 is shall be \$15 for each name submitted; and the fee for  
270 requests under s. 943.0542, which implements the National Child  
271 Protection Act, is shall be \$18 for each volunteer name  
272 submitted. An office ~~The state offices~~ of the public defender or



516458

273 an office of criminal conflict and civil regional counsel may  
274 ~~shall~~ not be assessed a fee for Florida criminal history  
275 information or wanted person information.

276 (7) Notwithstanding any other provision of law, the  
277 department shall provide to each office of the public defender  
278 and each office of criminal conflict and civil regional counsel  
279 online access to criminal records of this state which are not  
280 exempt from disclosure under chapter 119 or confidential under  
281 law. Such access shall be used solely in support of the duties  
282 of a public defender as provided in s. 27.51, a criminal  
283 conflict and civil regional counsel as provided in s. 27.511, or  
284 ~~of~~ any attorney specially assigned as authorized in s. 27.53 in  
285 the representation of any person who is determined indigent as  
286 provided in s. 27.52. The costs of establishing and maintaining  
287 such online access must ~~shall~~ be borne by the office to which  
288 the access has been provided.

289 Section 13. Paragraph (d) of subsection (2) of section  
290 945.10, Florida Statutes, is amended to read:

291 945.10 Confidential information.-

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

295 (d) Information specified in paragraph (1)(b) to a public  
296 defender or a criminal conflict and civil regional counsel  
297 representing a defendant, except those portions of the records  
298 containing a victim's statement or address, or the statement or  
299 address of a relative of the victim. A request for records or  
300 information pursuant to this paragraph need not be in writing.  
301



516458

302 Records and information released under this subsection remain  
303 confidential and exempt from the provisions of s. 119.07(1) and  
304 s. 24(a), Art. I of the State Constitution when held by the  
305 receiving person or entity.

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

308 945.48 Rights of inmates provided mental health treatment;  
309 procedure for involuntary treatment.—

310 (3) PROCEDURE FOR INVOLUNTARY TREATMENT OF INMATES.—

311 Involuntary mental health treatment of an inmate who refuses  
312 treatment that is deemed to be necessary for the appropriate  
313 care of the inmate and the safety of the inmate or others may be  
314 provided at a mental health treatment facility. The warden of  
315 the institution containing the mental health treatment facility  
316 shall petition the circuit court serving the county in which the  
317 mental health treatment facility is located for an order  
318 authorizing the treatment of the inmate. The inmate shall be  
319 provided with a copy of the petition along with the proposed  
320 treatment; the basis for the proposed treatment; the names of  
321 the examining experts; and the date, time, and location of the  
322 hearing. The inmate may have an attorney represent him or her at  
323 the hearing, and, if the inmate is indigent, the court must  
324 ~~shall~~ appoint the office of the public defender to represent the  
325 inmate at the hearing. If the office of the public defender  
326 withdraws from the appointment due to a conflict, the court must  
327 appoint a criminal conflict and civil regional counsel or  
328 private counsel pursuant to s. 27.40(1) to represent the inmate  
329 ~~at the hearing.~~ An attorney representing the inmate shall have  
330 access to the inmate and any records, including medical or



516458

331 mental health records, which are relevant to the representation  
332 of the inmate.

333 Section 15. Subsection (2) of section 985.045, Florida  
334 Statutes, is amended to read:

335 985.045 Court records.—

336 (2) The clerk shall keep all official records required by  
337 this section separate from other records of the circuit court,  
338 except those records pertaining to motor vehicle violations,  
339 which shall be forwarded to the Department of Highway Safety and  
340 Motor Vehicles. Except as provided in ss. 943.053 and  
341 985.04(6)(b) and (7), official records required by this chapter  
342 are not open to inspection by the public, but may be inspected  
343 only upon order of the court by persons deemed by the court to  
344 have a proper interest therein, except that a child and the  
345 parents, guardians, or legal custodians of the child and their  
346 attorneys, law enforcement agencies, the Department of Juvenile  
347 Justice and its designees, the Florida Commission on Offender  
348 Review, the Department of Corrections, and the Justice  
349 Administrative Commission shall always have the right to inspect  
350 and copy any official record pertaining to the child. Offices of  
351 the public defender and criminal conflict and civil regional  
352 counsel ~~offices~~ shall have access to official records of  
353 juveniles on whose behalf they are expected to appear in  
354 detention or other hearings before an appointment of  
355 representation. The court may permit authorized representatives  
356 of recognized organizations compiling statistics for proper  
357 purposes to inspect, and make abstracts from, official records  
358 under whatever conditions upon the use and disposition of such  
359 records the court may deem proper and may punish by contempt



360 proceedings any violation of those conditions.

361 Section 16. This act shall take effect July 1, 2022.

362

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

364 And the title is amended as follows:

365 Delete lines 8 - 70

366 and insert:

367 27.511, F.S.; removing the requirement that regional  
368 counsel employees be governed by Justice  
369 Administrative Commission classification and salary  
370 and benefits plans; modifying procedures for the  
371 Supreme Court Judicial Nominating Commission to  
372 nominate candidates to the Governor for regional  
373 counsel positions; specifying that the nomination and  
374 appointment process applies retroactively; prohibiting  
375 the court from appointing a regional counsel to  
376 represent a defendant who has retained private  
377 counsel; specifying requirements for the manner of  
378 access to court facilities for regional counsels;  
379 amending s. 27.53, F.S.; revising requirements for the  
380 classification and pay plan jointly developed by the  
381 regional counsels; amending s. 39.0132, F.S.;

382 authorizing regional counsels to access certain  
383 confidential information relating to proceedings  
384 involving children under specified circumstances;  
385 authorizing the release to regional counsels of  
386 certain confidential information relating to  
387 proceedings involving children under specified  
388 circumstances; amending s. 92.153, F.S.; providing a



516458

389 limit on costs for documents produced in response to a  
390 subpoena or records request by a regional counsel;  
391 amending s. 112.19, F.S.; revising the definition of  
392 the term "law enforcement, correctional, or  
393 correctional probation officer" to include regional  
394 counsel investigators for purposes of eligibility for  
395 certain death benefits; amending s. 320.025, F.S.;  
396 authorizing regional counsel offices to obtain  
397 fictitious names for motor vehicle and vessel plates  
398 or decals; amending s. 393.12, F.S.; waiving an  
399 education requirement for the appointment of attorneys  
400 from regional counsel offices to represent a person  
401 with a developmental disability; amending s. 394.916,  
402 F.S.; requiring a court to appoint a regional counsel  
403 or other counsel to represent an alleged sexually  
404 violent predator in the event of a conflict; amending  
405 s. 744.331, F.S.; waiving a certain training  
406 requirement for the appointment of attorneys from  
407 regional counsel offices to represent an alleged  
408 incapacitated person; amending s. 943.053, F.S.;  
409 specifying that a regional counsel office may not be  
410 charged a fee for accessing certain criminal justice  
411 information; requiring the Department of Law  
412 Enforcement to provide regional counsel offices online  
413 access to certain information; amending s. 945.10,  
414 F.S.; authorizing the release of certain records and  
415 information to regional counsels; amending s. 945.48,  
416 F.S.; authorizing the appointment of a regional  
417 counsel to represent an inmate subject to involuntary



516458

418           mental health treatment if certain conditions exist;  
419           amending s. 985.045, F.S.; requiring that regional  
420           counsel offices have access to official records of  
421           juveniles whom they represent; providing an effective  
422           date.