

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: CS/CS/SB 758

INTRODUCER: Criminal Justice Committee; Judiciary Committee; and Senator Bradley

SUBJECT: Justice Administrative Commission

DATE: February 12, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 758 changes the membership of the Justice Administrative Commission to add a private criminal defense attorney who has contracted with the commission under s. 27.40, F.S., within the past five years and is appointed by the Florida Bar, a circuit judge or senior judge appointed by the Chief Justice of the Supreme Court, and an additional seat for a state attorney.

The Justice Administrative Commission is an administrative support organization that provides financial and administrative assistance to the offices of the state attorneys, public defenders, capital collateral attorneys, criminal conflict and civil regional counsel, Statewide Guardian ad Litem, and private contractors that provide due process services to indigent persons. There are currently four voting members of the commission – two state attorneys and two public defenders.

The bill does not appear to have a fiscal impact on local governments and minimal to no fiscal impact on state government.

The bill is effective July 1, 2026.

II. Present Situation:

Justice Administrative Commission

The office of the Justice Administrative Commission (JAC) is a budgeting and administrative office supporting various court-related entities and programs. The primary function of the commission is to maintain a central state office for administrative services and assistance for the state attorneys and public defenders of Florida, the capital collateral regional counsel of Florida, the criminal conflict and civil regional counsel, and the Statewide Guardian ad Litem Office.¹ Services provided to these state entities are primarily in the areas of accounting, budget, financial services, and human resources. These state entities concentrate on their core missions and rely on the administrative services that are best provided by the JAC. The JAC also provides compliance and financial review of related billings for services provided by private court-appointed attorneys representing indigent persons and associated due process vendors (such as court reporters, investigators, psychologists, psychiatrists, and other vendors).² Most reimbursement rates are set within the state budget, and thus, are not controlled by the JAC. The JAC also has ministerial duties related to the budgets of the clerks of court. In the current budget year, the JAC has 93 authorized positions.

Top level executive leadership of the JAC, from 1985 to present, is in the form of a commission of four voting members: two are state attorneys appointed by the president of the Florida Prosecuting Attorneys Association, and the other two are public defenders appointed by the president of the Florida Public Defender Association.³ This composition was created in 1985. The initial commission consisted of 6 voting members: the Chief Justice (or his appointee), one judge from the district courts of appeal, one circuit judge, one county judge, one state attorney, and one public defender.⁴ Prior to the 1985 change removing the justices and judges from the commission, the commission was also responsible for the accounting and human resources duties of the entire judicial branch (justices, judges, and staff).⁵

The four current commissioners serve staggered 2-year terms.

Circuit Judges, State Attorneys, and Public Defenders

The state is divided into twenty judicial circuits.⁶ A judicial circuit consists of one or more counties. The electorate in each circuit elects circuit judges to 6-year staggered terms. The circuit judges of each circuit elect one of their own as chief judge of the circuit. A state attorney and a public defender are elected in each circuit to a 4-year term of office corresponding with the Governor's term.⁷

² Justice Administrative Commission, <https://www.justiceadmin.org/> (last visited February 9, 2026).

³ Section 43.16(2), F.S.

⁴ Chapter 85-46, Laws of Fla.

⁵ Those administrative functions were transferred to the Office of the State Courts Administrator.

⁶ Section 26.021, F.S.

⁷ FLA. CONST. art. V ss. 17-18, Fla. Const.; See Florida Department of State, Division of Elections, Offices Up for Election and Retention in 2026, <https://dos.fl.gov/elections/candidates-committees/offices-up-for-election/> (last visited February 9, 2026).

The Conference of Circuit Judges of Florida was recognized in 1959.⁸ The conference consists of the active and retired circuit judges of the several judicial circuits of the state, excluding retired judges practicing law. The 20 state attorneys collectively are the governing board of the Florida Prosecuting Attorneys Association, Inc.⁹ The 20 public defenders collectively are the governing board of the informal Florida Public Defender Association.¹⁰

Capital Collateral Attorneys

Florida has three offices of Capital Collateral Regional Counsel which represent persons convicted and sentenced to death in collateral postconviction proceedings in their geographical jurisdictions. Their three offices are in Florida's Northern, Middle, and Southern federal judicial circuits.

Criminal and Civil Regional Counsel

Federal constitutional law requires that the state furnish certain indigent persons with legal representation at state expense. Most of this requirement is fulfilled by the offices of the public defenders representing criminal defendants. If a public defender has a conflict of interest or if the individual needs representation in a qualifying civil matter,¹¹ the individual is referred to the Office of Criminal Conflict and Civil Regional Counsel for representation. If the regional counsel has a conflict or cannot otherwise assist, private attorneys are appointed. The JAC provides administrative services to the regional counsels and manages the contracts and payment of private due process services required if the regional counsel cannot represent the individual.

Statewide Guardian ad Litem

The office of the Statewide Guardian ad Litem was created to provide representation to children who are a part of a civil case alleging abuse or neglect. The office was originally formed within the Office of the State Courts Administrator, but when made independent of the court system their administrative functions were assumed by the JAC.¹²

Private contractors that provide due process services to indigent persons

If a Capital Collateral Regional Counsel has a conflict of interest prohibiting representation of a person, a court may appoint private counsel from the Capital Collateral Attorney Registry. Similarly, if neither the public defender and the regional counsel cannot provide representation, the trial court will appoint a private attorney. Appointed private attorneys must be paid, and they

⁸ Chapter 59-273, Laws of Fla.

⁹ Florida Prosecuting Attorneys Association, About Florida Prosecuting Attorneys Association, <https://yourfpaa.org/about-us/> (last visited February 9, 2026).

¹⁰ Florida Public Defender Association, Inc., FPDA Board of Directors, <https://www.conflictflpda.org/board-of-directors> (last visited February 9, 2026). The association is not formed by statute, nor does it appear to be currently registered with the state as a nonprofit corporation.

¹¹ Only civil matters where a fundamental right is at stake entitle a person to representation. For instance, a person who may be involuntarily confined to an institution may have an attorney appointed if indigent. On the other hand, one does not have a fundamental right to stop paying bills, so defendants in a foreclosure or bill collection case do not have a constitutional right to appointment of counsel at state expense.

¹² Section 39.8296, F.S.

require the services of various due process vendors, including court reporters, investigators, psychologists, psychiatrists, and other professionals that provide services to indigent persons which are required by the constitutional requirements of due process. The JAC pays appointed attorneys and administers contract services for due process providers provided at state expense, most of whom already have a contract with the JAC to provide those same services to the state attorneys and public defenders.¹³

The Florida Bar

The Supreme Court of Florida has exclusive and ultimate authority to regulate the admission of persons to the practice of law and the discipline of those persons who are admitted to practice.¹⁴ The regulation and discipline of attorneys is delegated by the Court to The Florida Bar.

The Florida Bar was originally a voluntary association of lawyers. Effective in 1950, the Supreme Court required all lawyers to become a member of The Florida Bar. Members of the Bar annually elect a president. In addition to the regulatory function of the Bar, it has numerous committees that, among other duties and functions, provide education and certification of lawyers as a specialist in one area of law practice. There are currently 391 attorneys certified in Criminal Trial Law.¹⁵ Both prosecuting attorneys and defense attorneys may obtain certification. It is unknown how many of the attorneys currently holding the certification are acting as a criminal defense attorney.

III. Effect of Proposed Changes:

CS/CS/SB 758 changes the membership of the Justice Administrative Commission to add a private criminal defense attorney who has contracted with the commission under s. 27.40, F.S., within the past five years and is appointed by the Florida Bar, a circuit judge or senior judge appointed by the Chief Justice of the Supreme Court, and an additional seat for a state attorney.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹³ Section 27.40, F.S.

¹⁴ FLA. CONST. art. V, s. 15.

¹⁵ See The Florida Bar, Criminal Trial Law Certified Lawyers, <https://www.floridabar.org/about/cert/cert-cr-mbrs/> (last visited February 9, 2026).

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Increasing the voting membership of the commission from four members to seven could increase administrative and travel expenses. However, the commission meetings in 2025 were short and all commissioners appeared using Internet conferencing.

VI. Technical Deficiencies:

The terms of the commissioners resulting from this bill are not ideal. In its current form the bill appears to have 5 members whose terms end during even numbered years and 2 members whose terms end in odd numbered years.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 43.16 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Judiciary on January 20, 2026

The amendment adds a state attorney seat to the revised Justice Administration Commission. If adopted, the effect of the bill is to change the commission from four members (two state attorneys and two public defenders) to a commission of seven members (three state attorneys, two public defenders, one private attorney who practices criminal defense, and one circuit judge).

CS by Criminal Justice Committee on February 11, 2026

The amendment modifies the membership requirements for the Justice Administrative Commission by replacing the board-certified criminal defense attorney position with a private criminal defense attorney who has contracted with the commission under s. 27.40 , F.S., within the past five years, and changing the judicial representative from a chief circuit judge appointed by the Conference of Circuit Judges to a circuit judge or senior judge appointed by the Chief Justice of the Supreme Court.

B. Amendments:

None.