

**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.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: SB 758

INTRODUCER: Senator Bradley

SUBJECT: Justice Administrative Commission

DATE: January 16, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bond	Cibula	JU	<b>Pre-meeting</b>
2.			CJ	
3.			RC	

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**I. Summary:**

SB 758 changes the membership of the Justice Administrative Commission to substitute a private criminal defense attorney appointed by the president of The Florida Bar for one of the two seats currently held by a representative of the elected public defenders, and to add a seat for a chief judge of a local circuit appointed by the Florida Conference of Circuit Judges.

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 state or local governments.

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.<sup>1</sup> Services provided to these state entities are primarily in the areas of accounting, budget, financial

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<sup>1</sup> Section 43.16(5), F.S.

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 (the court reporters and investigators).<sup>2</sup> The JAC does not determine reimbursement rates as rates are set within the state budget. In the current budget year, the JAC has 93 authorized positions.

The JAC also has ministerial duties related to the budgets of the clerks of court.<sup>3</sup>

Top level executive leadership of the Justice Administrative Commission, 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.<sup>4</sup> 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.<sup>5</sup> 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).<sup>6</sup>

### **Circuit Judges, State Attorneys, and Public Defenders**

The state is divided into twenty judicial districts.<sup>7</sup> A judicial district consists of one or more counties. The electorate in each district 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.<sup>8</sup>

The Conference of Circuit Judges of Florida was recognized in 1959.<sup>9</sup> 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.<sup>10</sup> The 20 public defenders collectively are the governing board of the informal Florida Public Defender Association.<sup>11</sup>

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<sup>2</sup> Justice Administrative Commission, <https://www.justiceadmin.org/> (last visited Jan. 14, 2026).

<sup>3</sup> Sections 28.35(2)(i), 40.29, 40.31, and 40.33, and 40.34, F.S.

<sup>4</sup> Section 43.16(2), F.S.

<sup>5</sup> Chapter 85-46, Laws of Fla.

<sup>6</sup> Those administrative functions were transferred to the Office of the State Courts Administrator.

<sup>7</sup> Section 26.021, F.S.

<sup>8</sup> 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/> (updated Apr. 14, 2025).

<sup>9</sup> Chapter 59-273, Laws of Fla.

<sup>10</sup> Florida Prosecuting Attorneys Association, About Florida Prosecuting Attorneys Association, <https://yourfpaa.org/about-us/> (last visited Jan. 14, 2026).

<sup>11</sup> Florida Public Defender Association, Inc., FPDA Board of Directors, <https://www.flpda.org/board-of-directors> (last visited Jan. 14, 2026). The association is not formed by statute, nor does it appear to be currently registered with the state as a nonprofit corporation.

## **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,<sup>12</sup> 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.

## **Private contractors that provide due process services to indigent persons**

If a Capital Collateral Regional Counsel has a conflict of interest prohibiting representation, a court may appoint private counsel from the Capital Collateral Attorney Registry. Similarly, if both the public defender and the regional counsel cannot provide due process services, the trial court will appoint a private attorney. Appointed private attorneys require the services of court reporters and investigators. The JAC administers contract and payroll services for those court reporters and investigators, most of whom already have a contract with the JAC to provide those same services to the state attorneys and public defenders.

## **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.<sup>13</sup> The regulation and discipline of attorneys is delegated by the Court to The Florida Bar.

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<sup>12</sup> Only civil matters where a fundamental right is at stake entitle a person to representation. So, 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.

<sup>13</sup> FLA. CONST. art. V, s. 15.

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 392 attorneys certified in Criminal Trial Law.<sup>14</sup> 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:**

SB 758 changes the composition of the governing committee for the Justice Administrative Commission by removing one seat of the two currently held by an appointee of the Florida Public Defender Association, adding one seat for a board-certified criminal defense attorney appointed by the president of The Florida Bar Board of Governors, and adding one seat for a chief judge of a judicial circuit appointed by the chair of the Florida Conference of Circuit Judges.

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.

#### **D. State Tax or Fee Increases:**

None.

#### **E. Other Constitutional Issues:**

None.

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<sup>14</sup> See The Florida Bar, Criminal Trial Law Certified Lawyers, <https://www.floridabar.org/about/cert/cert-cr-mbrs/> (last visited Jan. 14, 2026).

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

The bill references the “Florida Conference of Circuit Judges.” There is no entity formally known by that specific name. The bill is likely referencing the “Conference of Circuit Judges of Florida” created in s. 26.55, F.S., which conference sometimes informally adopts that name.<sup>15</sup>

The duty of the Conference of Circuit Judges of Florida to appoint a member of the JAC perhaps should be added to its duties listed in s. 26.55, F.S.

The bill adds that a person holding the “Criminal Law Trial Certification” is to be appointed to the JAC. The Florida Bar uses the term “Criminal Trial Law” to refer to the attorneys holding that certification.

The bill effectively ends the term of one of the two present appointees of the Florida Public Defender Association but does not provide a means for determining which seat is affected.

The terms of the new members, and their respective start and end dates, are not clear.

**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 Changes:**

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

None.

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<sup>15</sup> Conference of Circuit Court Judges, Bylaws of the Conference of Circuit Judges of Florida, Inc., Art. I, <https://fcircuitconference.com/bylaws/> (as amended Aug. 7, 2023).

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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