
**Senate Committee on
Criminal and Civil Justice Appropriations**

**FISCAL YEAR 2007-2008 GENERAL APPROPRIATIONS CONFORMING
LEGISLATION**

CS/SB 1088 — Due Process

by Criminal and Civil Justice Appropriations Committee and Senator Crist

The bill revises the process whereby indigent persons and certain other eligible persons are provided criminal and civil representation at state expense. The current system uses private attorneys for criminal cases when a public defender has a conflict of interest, in dependency and termination of parental rights proceedings, as well as certain other civil proceedings as authorized by law.

- The bill creates five regional offices to handle criminal conflict and dependency cases.
- The Supreme Court Judicial Nominating Commission is to provide to the Governor three candidates for each of the five regional counsels for appointment.
- The regional offices are administratively housed in the Justice Administrative Commission.
- When the regional counsel has a conflict of interest, the court will appoint private counsel.
- The bill defines the regional counsel offices as an element of the state court system and requires the counties to provide facilities and technology to the regional offices.
- The local indigent services committees are eliminated. Caps for attorney fees for cases handled by private counsel are continued in statute. The cap for capital cases is raised from \$3,500 to \$15,000. All rates will be set each year in the General Appropriations Act.
- When private attorneys believe the state fee is insufficient, the chief judge or designee must hold a hearing to determine if excess fees are needed. The court is to report to the Legislature by circuit the number and amount of excess fees.
- The bill has various effective dates. Some provisions, such as those relating to rates paid to private counsel become effective upon becoming law; the regional counsel is appointed July 1, 2007 and assumes the duties October 1, 2007.

If approved by the Governor, these provisions take effect upon becoming law except as otherwise provided.

Vote: Senate 39-0; House 119-0

TRUST FUND BILLS

SB 1312 — Operating Trust Fund/Department of Legal Affairs

by Senator Crist

This bill (Chapter 2007-10, L.O.F.) creates the Operating Trust Fund within the Department of Legal Affairs. The fund is established as a depository for funds to be used for supporting the program operations of the department including, but not limited to, the Medicaid Fraud Control Unit and the Office of Statewide Prosecution. Funds that will be credited to the Operating Trust Fund include fines, forfeitures and judgments obtained by the Medicaid Fraud Control Unit and the Office of Statewide Prosecution.

These provisions were approved by the Governor and take effect July 1, 2008.

Vote: Senate 40-0; House 114-0

SB 1314 — Federal Grants Trust Fund/Department of Legal Affairs

by Senator Crist

This bill (Chapter 2007-11, L.O.F.) creates the Federal Grants Trust Fund within the Department of Legal Affairs. The fund is established as a depository for funds to be used for allowable grant activities. Funds that will be credited to the Federal Grants Trust Fund will consist of grants and funding from the federal government.

These provisions were approved by the Governor and take effect July 1, 2008.

Vote: Senate 40-0; House 114-0

SB 1316 — Federal Grants Trust Fund/Department of Juvenile Justice

by Senator Crist

This bill (Chapter 2007-12, L.O.F.) creates the Federal Grants Trust Fund within the Department of Juvenile Justice. The fund is established as a depository for funds to be used for allowable grant activities. Funds that will be credited to the Federal Grants Trust Fund will consist of grants and funding from the federal government.

These provisions were approved by the Governor and take effect July 1, 2008.

Vote: Senate 39-0; House 114-0