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# POINTS OF INTEREST

JAC'S NEWSLETTER FOR COURT-APPOINTED  
AND INDIGENT FOR COSTS ATTORNEYS AND  
DUE PROCESS VENDORS

## A Word From JAC's Executive Director

Greetings from JAC! I hope you find this latest edition of Points of Interest (JAC's Newsletter for Court-Appointed and Indigent for Costs Attorneys and Due Process Vendors) helpful and informative. I am happy to introduce Phase 2 of JAC's new Online Billing Submission system. In addition to other system refinements, Phase 2 will allow court-appointed attorneys to electronically sign their invoice/voucher covers and submit them to JAC electronically without printing or signing them in "blue ink". In the works is a similar online billing submission system for due process vendors. As JAC continues to introduce more convenient ways to submit and process your billings, it is most important to keep you and your staff up to date without overwhelming you with memos addressing specific changes throughout the year. Thank you for taking the time to read the newsletter. It is my hope that it will help us work better together to get your bills paid. As always, please let us know how we can serve you better.



**Rip Colvin**  
**JAC Executive**  
**Director**

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## Update on Online Billing Submission

Based upon the survey results from earlier this year, JAC implemented a new online billing submission system. This system currently allows attorneys to submit their bills online via JAC's secure access website. It allows the attorneys to receive payment faster than when submitting their bills via postal mail. It also reduces the risk of billing packets getting lost in the mail.

JAC deployed Phase I of the Online Billing Submission system in August 2014. Since the initial rollout of the new system about 5,000 invoices have been received along with the related case

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## Information Regarding the New Case Opening System

The New Case Opening system was deployed September 2012. Since its inception, about 11,000 cases have been submitted online. The New Case Opening system helps to ensure that JAC has all of the case documents necessary to process a bill. Before the New Case Opening system was deployed, JAC received thousands of cases via postal mail and processing took several days before entry into our tracking system. When submitting cases online, entry into the system is instantaneous after review. In most instances, entry into the system occurs on the same or next business day. It also reduces the risk of losing documents via postal mail.

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## Update on Online Billing Submission (Continued)

documentation. In Phase I, the user needed to download the invoice/voucher cover, complete the form, print and scan it, then upload it into the JAC secure website.

Phase 2, which will be deployed in early January 2015, is an improvement over Phase I where users will be able to electronically generate the invoice/voucher covers online. In Phase 2, users do not need to download the invoice/voucher cover. Instead, they will complete the information online, preview it, and submit it to JAC. During the billing process, the attorney (or representative acting on behalf of the attorney), will electronically sign the voucher cover. Phase 2 encompasses attorney flat fee, hourly, and capital collateral billings. However, the system currently is not set up to accept submission of billings in indigent for costs cases or for due process service providers.

Common mistakes users have made using Phase I of the online system include the following:

- ◆ Users are submitting multiple unrelated vouchers under the same case number. Please verify the case number listed on the screen is correct before submitting a billing. In Phase 2, improvements have been made to help eliminate this issue.
- ◆ Users should submit their bills under the correct case number and order of appointment. If an attorney is appointed to multiple cases for a defendant, each billing needs to be submitted under the appropriate case number. Similarly, if an attorney is re-appointed to a defendant for a case (such as violation of probation or remand following a successful appeal), then the billing needs to be submitted under the new appointment.
- ◆ For Chapter 39 cases (dependency and TPR), the billing needs to be submitted under the correct case type. For example, if a dependency case moves to a TPR case, a new case needs to be opened for the TPR case and the billing needs to be submitted under the TPR case. Similarly, if a dependency case is closed and subsequently reopened, a new case needs to be opened for the re-appointment and a billing submitted under the reopened case.
- ◆ Users should submit documents under the appropriately titled upload box. This will prevent, for example, a disposition being submitted as a charging document. Please do not submit previously submitted documents using the “miscellaneous” box unless an amended document has been created. For example, if the system lists the order of appointment as being previously submitted, you do not need to submit another copy of the same order of appointment as a miscellaneous document.
- ◆ If there are multiple miscellaneous documents, please combine them into a single PDF or TIFF file for submission to JAC. Please be advised that miscellaneous documents should only be those documents necessary for JAC to process a billing for payment. Checklists and information regarding the necessary documents are posted on JAC’s website.
- ◆ Please review scanned documents to ensure they are legible before submission. In particular, scans of colored paper can sometimes result in poor quality submissions. If a submitted document is illegible, then payment may be delayed until JAC receives a legible copy.

By avoiding these mistakes, you can expedite the payment of your invoices. Additionally, you should retain the Tracking Number received via e-mail in the event that there are issues with a billing. If you receive an audit deficiency or other request for information, you can submit that information through the online billing submission system using that Tracking Number. Additionally, please use that Tracking Number in any inquiries to the JAC Help Desk.

Once JAC finalizes Phase 2 of the Online Billing Submission system, JAC will begin work on Phase 3. In Phase 3, JAC intends to allow online billing for due process service providers and for indigent for costs cases. Any comments or suggestions related to the Online Billing Submission system are greatly appreciated by JAC and can be submitted to the JAC Help Desk. JAC’s goal remains to increase productivity and efficiency, while providing a reliable and easy-to-use online billing submission system that attorneys and vendors (in Phase 3) will be happy to use.

## Service of Motions

The JAC Pleadings e-mail service account ([pleadings@justiceadmin.org](mailto:pleadings@justiceadmin.org)) has been in operation for several years now. This e-mail address is the primary address for serving motions on JAC. Even if a pleading is sent to a secondary e-mail address, it must be sent to the pleading e-mail address to be considered served on JAC. Over the years, JAC legal staff has noticed several issues that regularly slow up responses to motions or cause delays in payment (and sometimes both). To assist you in properly submitting motions, JAC has compiled a list of the most frequently occurring issues and their solutions below:

- ♦ **You have not previously entered your order of appointment:** Before filing any motions, you must first enter your order of appointment so that a case can be created in our system. This process is straightforward and starts by clicking on the **My Access** button on our website at [www.justiceadmin.org](http://www.justiceadmin.org) and then click on the **New Case Opening** link. Please note that the case will not appear instantaneously in our system as it must be reviewed by our staff to ensure it is accurately entered. It is best to enter your order of appointment at least the day before you plan to serve JAC with any motion. If you choose to e-mail your order of appointment to any of the JAC service accounts, please know that it may take several days for your case to be opened.
- ♦ **For experts, investigators, mitigation specialists, and interpreters, the motion and proposed order for services do not contain a maximum amount authorized and an hourly rate (when seeking a rate in excess of the rates established by law or the circuit does not have a rate for that service):** In most instances this will not delay a response to a motion. However, it can create a delay in payment for any subsequent billing for due process services. All orders authorizing due process services should have a maximum amount authorized (cap) and an hourly rate when appropriate to avoid this problem. Additionally, if the amount ultimately billed exceeds the cap, please file a supplemental motion to authorize the additional amount prior to submitting a billing.
- ♦ **You submit a motion to declare a defendant indigent for costs without attaching the required affidavit of attorney's fees and clerk's application of indigence:** Pursuant to s. 27.52(5), F.S., a motion is required to have an attached affidavit of attorney's fees and clerk's application of indigence. You may find more information regarding indigency for costs on our website, in the indigent for costs section: <http://www.justiceadmin.org/IFC/index.aspx>.
- ♦ **The motion does not request any specific services:** Please remember that in almost every instance, a motion requesting in-state deposition attendance fees is unnecessary. If the deposition complies with the Florida court rules of procedure, JAC will process a billing for in-state court reporter attendance fees without the need for an order for costs. JAC generally does not issue responses to motions that seek in-state deposition attendance costs, blanket orders for transcription (requesting transcripts without specific names and dates), or any other general, non-specific, requests.
- ♦ **You file a motion for attorney's fees, but have not yet submitted a billing (in the proper form) or received a letter of objection:** Please be advised that filing a motion prior to submission of a billing and receipt of JAC's objection letter is contrary to s. 27.5304, F.S., and is a violation of your contract with JAC. Before you file a motion for attorney's fees, you must have received a letter of objection (or no objection) from JAC.
- ♦ **You submit scans of documents without reviewing them first:** The documents submitted must be legible and right side up. The documents should conform to the requirements for filing through the Florida Courts E-Filing Portal.

If service is provided through the Florida Courts E-Filing Portal, you do not need to send an additional copy via e-mail or mail. Similarly, when a document is served on JAC through [pleadings@justiceadmin.org](mailto:pleadings@justiceadmin.org), you do not need to mail a follow-up to JAC. JAC no longer accepts service via mail. Any motion for attorney fees or relating to due process services must be served on JAC prior to a court considering a motion. If there is a proposed order, a copy of the proposed order should be included with the motion served on JAC. JAC is entitled to reasonable notice and an opportunity to be heard prior to a court ruling on a motion.

## Information Regarding New Case Opening System (Continued)

The New Case Opening system is an integral part of the Online Billing Submission system and is the first step toward submitting cases and bills online. Through proper and timely use of the New Case Opening system, you should be able to submit your billings immediately after the case reaches disposition or a billable point. Also, timely use of the New Case Opening system will avoid the potential imposition of an administrative fee if JAC has to open the case. Common mistakes users have made using the New Case Opening system include the following:

- ◆ Users should submit documents under the appropriately titled upload box. This will prevent, for example, an order of appointment being submitted under a charging document.
- ◆ Please review your scanned documents to ensure they are legible before submission.
- ◆ Make sure you do not submit your case more than once. To prevent this from occurring, please do a search before entering a new case. At the same time, if you are reappointed to a defendant (such as a violation of probation), then a new case will need to be entered for the defendant. Similarly, in Chapter 39 cases, if you are appointed to a TPR case following a dependency case, you will need to open the TPR case.

By avoiding these mistakes, you can expedite the opening of your cases (as well as payment on those cases).

## Technical Issues for Online New Case Opening and Billing Submission Systems

In order to use the online New Case Opening and Online Billing Submission systems, you must create an account with JAC. If you have submitted a contract online, you should already have an account. If you do not already have an account, please go to <https://www.justiceadmin.org/login/Login.aspx> to create your account. Instructions on how to create an account are found on this page.

To learn more about the New Case Opening and Online Billing Submission systems with step-by-step instructions, please go to <https://www.justiceadmin.org/login/login/lawyer/default.aspx>. Instructions and video tutorials are provided on this page to help you understand and navigate the systems.

When using the New Case Opening and Online Billing Submission systems, JAC has identified some technical issues and requests that users do the following to prevent these problems:

- ◆ MAC users: instead of submitting PDF documents, they should be submitted as TIFF documents.
- ◆ If you have been contacted by JAC regarding an inability to read the PDF documents, you always have the option to submit them as TIFF documents. Some scanning programs result in PDF documents that do not process properly into JAC's electronic document management system.
- ◆ Javascript should be enabled in your web browser.
- ◆ You should disable any pop-up blockers in your web browser.
- ◆ Total file size for submission must be less than 20 MB (megabytes) for all documents.
- ◆ When submitting documents, they need to be submitted as separate files. For example, the order of appointment and the charging document need to be submitted separately. Do not create separate files for each page of a document.
- ◆ All documents submitted should be legible and scanned right side up. Each page should consist of a full-sized single page (8 ½ x 11) of the original document. Documents should be scanned in black and white, with a resolution no greater than 300 DPI. Please keep in mind that 300 DPI is the optimal standard for electronic document submission.
- ◆ Once documents are submitted, please do not mail, fax, or e-mail additional copies to JAC unless requested to do so. This should ensure a faster submission process and avoid duplication of effort.

## Having a Client Declared Indigent for Costs (IFC)

Under s. 27.52(5), F.S., a person who is eligible to be represented by the public defender, but who is represented by privately retained or pro bono counsel, may be found by the court to be indigent for costs for purposes of due process services (IFC). Due process services can include court reporter, investigator, expert, and other fees associated with the defense of the case. For cases involving privately retained or pro bono counsel, the attorney must serve a copy of the written motion on JAC **prior** to the court declaring the client indigent for costs. Attached to the motion must be a completed clerk's application for indigency and an affidavit attesting to the estimated amount of attorney's fees and the source of those fees. Although the client must sign the application of indigency, the attorney may sign the affidavit attesting to the estimated amount of attorney's fees and the source of those fees (who paid or will pay the attorney fees).

Additionally, pursuant to ss. 29.007 and 27.52(5), F.S., the attorney must execute the JAC Agreement for IFC cases. JAC cannot process any billings for payment until the attorney executes the agreement. Information regarding the JAC Agreement is available on JAC's website. This Agreement coincides with the State's fiscal year and concludes on June 30th of each year. The Agreement covers any client found indigent for costs pursuant to s. 27.52(5), F.S., through June 30th. An attorney with indigent for costs clients should execute this agreement each fiscal year.

JAC is entitled to notice and an opportunity to be heard before a court declares a client indigent for costs. The motion and the attachments should be served on JAC via e-mail at [pleadings@justiceadmin.org](mailto:pleadings@justiceadmin.org). Additionally, a copy of the charging document should also be provided. JAC may seek to vacate any order declaring a client indigent for costs if JAC is not afforded an opportunity to participate in the proceeding to declare the client indigent for costs. JAC should receive a minimum of 5 business days notice of any hearing on a motion to declare a client indigent for costs.

IFC documents *cannot* be submitted through the New Case Opening system because the motion must be served on JAC prior to the client being declared indigent for costs. Once JAC receives such a motion, JAC staff open the case.

Once the court declares the client indigent for costs, privately retained counsel must submit the written order declaring the client indigent for costs to [pleadings@justiceadmin.org](mailto:pleadings@justiceadmin.org). The order should clearly state that the client has been found indigent for costs. An order authorizing due process costs or services (such as investigator services) is insufficient unless it also finds the client indigent for costs. The order should also contain specific authorizations for any costs sought in the motion. For example, if an attorney requested the appointment of an investigator, the order should indicate that the defense is authorized to retain an investigator as well as the amount authorized for that investigator.

The following documents are required for JAC to process any IFC billing for payment:

- ◆ Motion to Declare Client Indigent for Costs
- ◆ Clerk's Application for Indigence
- ◆ Indigent for Costs Affidavit of Attorney's Fee indicating the estimated amount of attorney's fees and the source of those fees.
- ◆ Charging Document in Criminal Cases (copy of the information filed by the state attorney's office, affidavit of violation of probation, or petition for delinquency)
- ◆ Order Declaring the Client Indigent for Costs

**A finding of indigent for costs is generally attorney specific.** In the event a client retains a new attorney, that attorney will need to file a separate motion to declare the client indigent for costs as to that attorney's representation. Additionally, any finding of indigency for costs is prospective only. The defense is not entitled to seek payment or reimbursement for costs incurred prior to the date the court found the client indigent for costs. In extraordinary circumstances, the date of indigency for costs may relate back to the date the attorney filed the written motion to find the client indigent for costs. In such instances, the order should indicate the effective date of the indigency finding.

## Travel Tips

Section 112.061, F.S., requires that any travel expenses falling under that section be submitted through the travel voucher approved by the Department of Financial Services. JAC has no authority to pay travel expenses under s. 112.061, F.S., in the absence of a properly completed travel voucher. One of the most common reasons a travel voucher is returned is because of an incomplete travel voucher. Of special importance is the inclusion of the signature of the traveler AND their supervisor on the bottom of the travel voucher. When the attorney is traveling, the attorney should sign as both the traveler and the supervisor. When a witness or due process service provider is traveling, the attorney should sign as supervisor. Signatures on a JAC Invoice/Voucher Cover do not substitute for signatures on the travel voucher.

The travel voucher must also be completely filled out, including totals entered in each column, and a grand total at the bottom. A common reason for a delay in processing is the lack of proof of payment. **BE SURE TO RETAIN ALL ORIGINAL RECEIPTS AND ATTACH THEM TO YOUR TRAVEL VOUCHER.**

Below are more tips:

- ◆ Please use the internet or other means of comparison shopping to obtain the best rate available for your trip. We ask that you contact three vendors when possible.
- ◆ The State of Florida rental car contract with Avis is only available for state employees.
- ◆ Please obtain the least expensive and most reasonable rate when renting a car for state travel. For your information and determination of reasonableness, state travel requires rental of compact cars. Again, we ask that you contact three vendors when possible.
- ◆ The State of Florida will reimburse for tolls, parking, portage (\$1/bag up to \$5 per occasion), taxi, business calls, or other miscellaneous travel related expenses. Please list each one separately and provide receipts for each.
- ◆ Hotel rooms can only be reimbursed for the single occupancy rate and taxes. The maximum allowable rate is \$150 per night. If the rate is greater than \$150 per night, justification must be provided on the travel voucher. A receipt showing a zero balance from the hotel should always be included with the travel voucher. ***In determining whether a hotel rate is excessive, consideration should be given to geographic area and seasonal rate fluctuations.***
- ◆ Travel by personal vehicle will be reimbursed at the state rate of \$.445 per mile for map mileage, plus reasonable vicinity mileage. ***Mileage may only be billed when the destination is in excess of 50 miles one-way from the attorney's or due process provider's office.*** Mileage reimbursement must include a printout from the FDOT Official Highway Mileage Viewer: <http://fdotewp1.dot.state.fl.us/CityToCityMileage/viewer.aspx>

In the event that the cities involved are not included in the FDOT list, then another source such as MapQuest may be used.

- ◆ Travel must be for a period of 24 hours or longer in order to claim meal reimbursement.
- ◆ Meals are reimbursed per the following schedule:

\$6 for Breakfast: When travel begins before 6 a.m. and beyond 8 a.m.;

\$11 for Lunch: When travel begins before 12 p.m. and beyond 2 p.m.; and

\$19 for Dinner: When travel begins before 6 p.m. and beyond 8 p.m.

Since the per diem is fixed, no receipts are required relating to meal reimbursement.

For further information, please refer to JAC Policies and Procedures and the Department of Financial Services' Travel Manual which includes a glossary of commonly used terms and complete requirements:

[http://www.myfloridacfo.com/Division/SFM/DOMSEC/documents/State\\_Travel\\_Manual\\_2011-01-15.pdf](http://www.myfloridacfo.com/Division/SFM/DOMSEC/documents/State_Travel_Manual_2011-01-15.pdf)

## JAC Word Search

D T B I Y Z I E P J I D E P C B S T P J T E A R W  
 R G N I L L I B E N I L N O Y T H N U A R C G E F  
 D E B E I M N N D N M K U N S A R E B C A I Q K I  
 Y G G A M D P E D D O R M O K O C M L C N T L G R  
 N E I I S T F E M I T I C G T T X U I Y S S G E W  
 H P N B O E N U A R C R T A C O N C C S C U G B E  
 I Z V R N N Z I E Y O T G I T J F O D E R J O I G  
 C Y G D O P A P O F L I M R T L M D E E I B F B D  
 K A A G X T O L T P T P E E N E X G F F P S C M U  
 T N A X E R T N C S P P E I N G P N E Y T L N F J  
 T K F T T B E A E O X A M T B T M I N E I Y I L S  
 K G Y E N G I V E E U X F G C K N G D N X U I U F  
 Y C R G I T N S V T C N J O Q V Z R E R I C U J P  
 D J X D P I P W C B A I S K R I D A R O A Z B V R  
 D F N S E E F T A L F T O E A E S H Z T C E Q S R  
 A I N F O R M A T I O N S O L V D C A T I O E T L  
 V D U E P R O C E S S C O S T S F R X A C U U G S  
 K W Z P Q W J Q B A N H X F C M C M O T I O N R W  
 V R P J L P V X S T A T E C O U R T S D Q Q R N T  
 T S I L A I C E P S N O I T A G I T I M I F F I R

## Word Guide

ATTORNEY FEES	ORDER OF APPOINTMENT
CHARGING DOCUMENT	PETITION
COURT REPORTER	PUBLIC DEFENDER
DEFENDANT	REGIONAL COUNSEL
DUE PROCESS COSTS	STATE ATTORNEY
EXPERT	STATE COURTS
FLAT FEES	TRANSCRIPT
INDICTMENT	
INDIGENT FOR COSTS	
INFORMATION	
INVESTIGATOR	
JAC	
JUDGE	
JUSTICE	
MITIGATION SPECIALIST	
MOTION	
ONLINE BILLING	

## Registration with My Florida Marketplace

JAC is exempt from MyFloridaMarketPlace ("MFMP") and our vendors (if they are not doing business with other state entities) are not required to register with MFMP. Consequently, JAC does not require attorney or due process vendor registration in the MFMP purchasing system. JAC will enter into contracts with attorneys and due process vendors without an MFMP registration. However, if you or your company chooses to register with MFMP, you will be required to maintain and make necessary changes to your information (name, address, phone number) in the MFMP system so that JAC will be able to process your payments with the correct information. **JAC is not authorized to make changes to any vendor information in MFMP.**

If you are registered with MFMP, please access the MFMP portal at <https://vendor.MyFloridaMarketPlace.com> or contact the MFMP Customer Service Desk at (866) 352-3776 should you need to make changes.

Please note that the MFMP registration is a separate registration from the Substitute Form W-9 registration. Although MFMP registration is optional, submission of a Substitute Form W-9 through the Department of Financial Services is required.

## IRS Form 1099 Issues

The Department of Financial Services (DFS) will issue IRS Form 1099 (Miscellaneous Income) by January 31, 2015. The form will be mailed to the address you provided on your Substitute Form W-9. If you would like to verify and/or change your mailing address, please login to your DFS Substitute Form W-9 account at <https://flvendor.myfloridacfo.com>. If you have forgotten your login information, please contact DFS at (850) 413-5519. If you do not receive an IRS Form 1099 by early February or if you have questions regarding the information provided on the form, please contact DFS at (850) 413-5532 or by e-mail at [FLW9@myfloridacfo.com](mailto:FLW9@myfloridacfo.com).



Post Office Box 1654 (32302)  
 227 North Bronough Street,  
 Suite 2100  
 Tallahassee, Florida 32301  
 PHONE (850) 488-2415  
 TOLL FREE (866) 355-7902

**WE'RE ON THE WEB**

**[WWW.JUSTICEADMIN.ORG](http://WWW.JUSTICEADMIN.ORG)**

For comments, suggestions, and/or submissions for the next bi-annual newsletter, please contact:

Ana "Cris" Martinez

General Counsel

or

Christian Lake

Assistant General Counsel

Justice Administrative  
 Commission

Phone:  
 (850) 488-2415

E-mail:  
[christian.lake@justiceadmin.org](mailto:christian.lake@justiceadmin.org)

## Billing Issues

Over the last year, JAC learned of several instances where there appear to have been billing improprieties. After JAC's initial review, two of these matters were referred to the Office of Fiscal Integrity for further investigation. As a reminder, signing a JAC Invoice/Voucher Cover prepared by a due process service provider is much more than a ministerial task. The attorney signing the voucher cover is certifying that the services were satisfactorily performed and necessary for the representation. For transcripts, the attorney is further certifying the number of pages billed. If an attorney has any concerns regarding the accuracy of a billing, the attorney should resolve those concerns prior to signing the voucher cover.

Additionally, JAC has implemented (and will continue to implement) changes to the billing process in order to reduce the risk of billing improprieties as follows:

**Deposition Transcripts:** JAC will be implementing a random sampling of billings to verify the accuracy of page numbers billed. If a billing is sampled, the attorney and court reporter will receive a notice indicating those transcripts that will be inspected. Upon receipt of this notice, the attorney will need to provide either: (1) an electronic copy of the transcripts requested; or (2) a scan of the first, contents, and last pages of the transcripts requested.

**Investigator/Expert Billings:** JAC has increased the scrutiny of these hourly billings to require that the due process service vendors provide a level of detail comparable to attorney fee hourly billings. The billing should be sufficiently detailed for JAC to objectively assess the reasonableness of the services rendered. For example, billing for review of documents should include the number of pages reviewed. Vague descriptions may result in an invoice being placed on deficient status for the vendor to provide additional detail.

## JAC in Brief

The Justice Administrative Commission administratively serves 20 Offices of State Attorney, 20 Offices of Public Defender, 3 Offices of Capital Collateral Regional Counsel, 5 Offices of Criminal Conflict and Civil Regional Counsel, and the Statewide Guardian ad Litem Program; and, provides compliance and financial review of court-appointed attorney fees and due process costs.

The membership of the Justice Administrative Commission consists of two State Attorneys, appointed by the President of the Florida Prosecuting Attorneys Association and two Public Defenders, appointed by the President of the Florida Public Defender Association. Although members may be reappointed, each term spans a period of two years (s. 43.16, F.S.).

**Vision:** *To be a model of exemplary state government and provide unparalleled services.*

**Mission:** *To be responsible stewards of taxpayer dollars, while providing the highest quality service to the 49 judicial related entities, private court appointed counsel, and associated vendors we serve, by ensuring compliance with laws, rules, regulations, and best business practices.*

**Values:** *We take great pride in excellence in service, innovation, adaptability, collaboration, honesty, integrity, accountability, and diversity, as well as respectful and ethical conduct, and fiscal responsibility.*