



THE STATE OF FLORIDA
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**NOTICE REGARDING FISCAL YEAR 2013-2014 STATUTORY
AND JAC AGREEMENT CHANGES**

During the 2013 Regular Legislative Session, the Legislature amended specific statutes related to the Justice Administrative Commission (JAC) and private court-appointed counsel. The following changes may be relevant to private court-appointed counsel.

- **Payment of Private Court-Appointed Clemency Counsel** - Pursuant to Ch. 2013-216, Laws of Fla. (CS/CS/HB 7083), the contracting and payment of private court-appointed attorneys in clemency matters involving a death sentence has been transferred from the Department of Corrections to JAC. These appointments fall within the scope of JAC's FY 2013/2014 Agreement for conflict registry appointments. As a result, JAC has requested that the Chief Judge of each circuit establish a registry for these types of appointments. Because these appointments fall under s. 27.40, F.S., the Order of Appointment should indicate that the Offices of the Public Defender and Criminal Conflict and Civil Regional Counsel have a conflict of interest precluding representation. Any billing for this type of appointment will be on an hourly basis. Furthermore, attorneys seeking compensation for this type of appointment must adhere to the procedures set forth in s. 27.5304(12), F.S.
- **Payment of Private Court-Appointed Capital Collateral Counsel** - Pursuant to Ch. 2013-216, Laws of Fla. (CS/CS/HB 7083), the contracting and payment of private court-appointed Capital Collateral Registry Attorneys has been transferred from the Department of Financial Services to JAC. These appointments fall outside JAC's Agreement for conflict registry appointments under s. 27.40, F.S. Consequently, JAC has adopted a case specific agreement for these types of appointments. Unlike the conflict registry agreement, this agreement will remain in effect until the case reaches final resolution or the attorney is discharged. Because these appointments are subject to s. 27.703, F.S., the Order of Appointment should indicate that two Offices of Capital Collateral Regional Counsel have a conflict of interest precluding representation. Furthermore, such appointments are to be made from the Capital Collateral Registry maintained by JAC at <http://www.justiceadmin.org/coccregistry/mregistry.aspx?regview=1>.

Attorneys with pending capital collateral appointments will need to execute the JAC Agreement as soon as possible in order to receive any fees or costs through JAC. The Department of Financial Services will no longer be responsible for such payments effective July 1, 2013.

- **Reinstatement of Capital Collateral Regional Counsel for the Northern Region** - Pursuant to Ch. 2013-216, Laws of Fla. (CS/CS/HB 7083), the pilot project using registry attorneys to provide capital collateral counsel services in the northern region of Florida was repealed and the Capital Collateral Regional Counsel – North was reinstated. Once the Governor appoints the Capital Collateral Counsel for the Northern Region, JAC will administratively serve that office. Until then, appointment for capital collateral counsel should be made from the Southern and Middle Offices of Capital Collateral Regional Counsel, and if there is a conflict precluding representation, from the Capital Collateral Registry, noted above.

JAC Agreements for Court-Appointed Counsel and Due Process Vendors

JAC's Fiscal Year 2013/2014 Agreements for court-appointed counsel and related due process vendors have been revised. The significant changes to the Agreements are as follows:

- Tightens definition of capital (death) appointments to ensure that capital compensation rates only apply to death qualified attorneys. In cases involving an off registry appointment or appointment of an attorney who is not on the capital death registry, the Order of Appointment must indicate that the appointed attorney is death qualified in order for the attorney to obtain payment at the capital (death) flat or hourly rates.
- Limits attorneys from obtaining judicial preapproval of transcripts absent exigent circumstances.
- Clarifies that JAC does not pay original rates for transcripts when an original transcript has been previously created, regardless of the source of payment for the original.
- Requires attorneys and vendors to be familiar with contractual and statutory requirements for submission of billings to JAC. This provision allows for termination of the agreement for an attorney or vendor who repeatedly fails to meet minimum standards when submitting their billings.
- Mandates e-mail submission of legal pleadings and other documents to designated JAC e-mail addresses. The provision also bars the use of facsimile transmission without JAC's prior consent.
- Requires due process vendors executing a Type 1 Due Process Agreement (for court reporters, interpreters, videographers, private investigators, mitigation specialists, and private process servers) or a Type 2 Due Process Agreement (for psychologists, psychiatrists, medical doctors and experts) to have access to a computer, a printer, and a scanner, as well as internet access and e-mail. These requirements will be necessary as JAC transitions to electronic submission of documents.

- Requires due process vendors to certify that they have all applicable professional or occupational licenses.

JAC will be posting review copies of the attorney and due process provider agreements for Fiscal Year 2013/2014. These copies are for review only. JAC intends to post executable agreements in mid-June. Similar to last year, executable versions of the Agreement for Attorney Services (Registry), Type 1 and 2 Due Process Agreements, and the Indigent for Costs Agreement will be primarily available through JAC's secure website. Additional information regarding how to access the agreements can be found on JAC's website at:

http://www.justiceadmin.org/court_app_counsel/agreementscontracts.aspx

Attorneys seeking inclusion (or continued inclusion) on a court-appointed registry, please be advised that a JAC Attorney Agreement cannot be executed until JAC receives confirmation from the circuit that the attorney has been approved for inclusion in one or more court-appointed registries. **Please know that the JAC Help Desk and Contracts section do not know when a particular circuit will finalize its registry.**

If you have any questions or concerns, please contact the JAC Help Desk at (866) 355-7902.