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THE JAC EXPRESS

State of Florida

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A Word From JAC's Executive Director



Rip Colvin
JAC Executive Director

As you would imagine, it's that time of year when the Justice Administrative Commission (JAC) has been vigorously engaged in Fiscal Year-End activities.

The customary *2010-2011 Year-End Preparation Meetings*, for all of the circuits and agencies served by JAC, were conducted June 1-2. This was followed by a workshop on *Understanding Financial Statements* on June 15th, that was presented by Michael Mauterer. Appropriate financial packets were distributed to agencies on June 17th. With the exception of the *Consideration of Fraud Form*, that must be signed and returned to JAC by July 8th, we are asking that other applicable Financial Statement forms be submitted to JAC no later than July 13, 2011. Some additional topics of interest are noted below:

Operational Audit

To update you, the Auditor General (AG) is continuing to perform an Operational Audit of Department 21 — Justice Administration — including Offices of State Attorney, Public Defender, Capital Collateral Regional Counsels, Criminal Conflict and Civil Regional Counsels, the Statewide Guardian ad Litem Program, and the Justice Administrative Commission. For purposes of this specific audit, the Clerks of Court

Operations Corporation is exempt, as they are audited annually pursuant to Florida Statute. The audit period for expenditures and salary rate monitoring is from July 1, 2009—November 30, 2010. Trust Funds and their funding sources are being audited from July 1, 2005—June 30, 2010.

Over the last several months samplings of various transaction types have occurred. AG staff have communicated inquiries and received responses and/or additional documentation from your offices as requested. While we hoped for receipt of preliminary and tentative findings prior to the end of the fiscal year, this did not occur.

Records Retention

Many of your offices' administrative staff responsible for records management have contacted JAC regarding disposal of

records after the audit has been completed. The Department of State's [Records Management website](#) is a great tool. The primary resource for records managers is the General Records Schedule, [GSI-SL for State and Local Government Agencies](#). It should be noted that special records schedules exist for [State Attorneys](#) and [Public Defenders](#) regarding retention of case files.

Florida Statutes and Administrative Code rules relating to archives and records management can be found [here](#). The handbook entitled [The Basics of Records Management](#) provides comprehensive information and guidance to records custodians, including rules regarding the appropriate methods of disposal and the necessary retention of disposition documentation. The Department of State, Division of Library & Information Services, provides Public Records Management Seminars in various locations statewide throughout the year. For more information click [here](#).

Finally, in pursuit of significant record storage savings, over the last several weeks all JAC staff have participated in a sustained and aggressive record scanning preparation project. In the spirit of teamwork, we have almost met our goal.

Developing Issues

- JAC is in the final stages of preparing a web-interfaced program for use by attorneys and vendors. Rather than manually inputting data, this approach will accommodate

the electronic submission of contracts and automated posting of data directly into JAC's database. Substantial savings in time and postage are anticipated.

- JAC will hold its annual Budget Workshops in late July and early August. Development or updating Long-Range Program Plans and Legislative Budget Requests will be the focus.



*The 2011 Florida
Legislature
implemented sweeping
retirement policy
changes for the Florida
Retirement System.
Click [here](#) to calculate
your take-home pay as
of July 1, 2011.*

Chapter 2011-131, Laws of Florida Related to Commission on Capital Cases

House Bill [5011](#) repeals s. 27.709, F.S., which established the Commission on Capital Cases, a legislative commission which is housed within the Office of Legislative Services. This is an update.

As described by a House staff analysis, “The measure requires that the Justice Administrative Commission (JAC), rather than the Commission on Capital Cases,

maintain the registry of private attorneys who are eligible to be appointed to represent indigent capital defendants.” Additionally, the bill, “conforms to the House proposed General Appropriations Act for the 2011-2012 fiscal year which reduced the Legislature’s budget by \$405,704 in General Revenue. Remaining statutorily required responsibilities will be absorbed by the JAC with existing

resources.” Specifically, JAC will be required to request additional attorneys to add to the registry when fewer than 50 attorneys are listed statewide.

Differences between the House and the Senate were resolved in conference and the bill was signed by the Governor on June 2, 2011.

The bill became effective on July 1, 2011.

Chapter 2011-68, Laws of Florida Related to Retirement Benefits

The 2011 Florida Legislature passed Senate Bill [2100](#) and it was approved by the Governor on May 26. This [act](#) implements sweeping retirement policy changes for members of the Florida Retirement System (FRS) and other public retirement plans. It changes the name of the FRS Defined Benefit Program to the FRS Pension Plan, and changes the name of the FRS Public Employee Optional Retirement Program to the FRS Investment Plan.

Effective July 1, 2011, the legislation requires employees to start contributing [3 percent](#) of their earnings to the retirement system; excludes service credit earned after July 1, 2011 from the calculation of a member’s cost-of-living increase at the time of retirement; reduces

the DROP interest rate to 1.3 percent for new participants effective July 1, 2011; and changes the normal retirement requirements, vesting requirements, and calculation of average final compensation for members of the *FRS initially enrolled on or after July 1, 2011*. Some additional elements in the bill are highlighted below:

- DROP participants are not required to pay employee contributions.
- For employees enrolling on or after July 1, 2011, the vesting period for the Pension Plan is eight years of credible service. For employees enrolled prior to July 1, 2011, vesting will remain at six years of credible service.

- For employees initially enrolled on or after July 1, 2011, “average final compensation” means the average of the eight highest fiscal years of compensation for creditable service prior to retirement, for purposes of calculation of retirement benefits. For employees initially enrolled prior to July 1, 2011, “average final compensation” continues to be the average of the five highest fiscal years of compensation.

- As of July 1, 2011, the normal retirement age and years of service requirements for newly hired employees will increase for Non-Special Risk Classes from 62 to 65 years of age; and from 30 to 33 years of creditable service.

Chapter 2011-208, Laws of Florida Electronic Filing of Court Documents

As previously reported, Senate Bill [170](#) was filed by Senator Mike Bennett, R-21, on December 1. This is an update.

The bill, which involves the electronic filing of court documents and provides legislative intent, imposes requirements that each State Attorney and Public Defender implement a system by which the State Attorney and Public Defender can electronically file court documents with the Clerk of the Court.

Specifically, the bill requires that the Florida Prosecuting Attorneys Association and the Florida Public Defender Association report to the President of the Senate and the Speaker of the House of Represent-

tatives by March 1, 2012 on the progress made in implementing the electronic filing system.

On February 8, the Judiciary Committee recommended a substitute [bill](#) that was summarily passed out of committee. The substitute language makes clear that, “It is the expectation of the Legislature that the electronic filing and receipt of court documents will reduce costs for the Office of the Public Defender, the Clerk of the Court, and the judiciary; will increase timeliness in the processing of cases; and will provide the judiciary and the Clerk of the Court with case-related information to allow for improved judicial case management.” Col-

laboration between the State Attorney, Public Defender, and Clerk of the Court within each circuit is also addressed.

Additionally, the bill clarifies that, “The term *court documents* includes, but is not limited to, pleadings, motions, briefs, and their respective attachments, orders, judgments, opinions, decrees, and transcripts.

The bill, [as amended](#), was approved by the Governor on June 21, 2011 and became effective on July 1, 2011.

Florida's Court System Update

Joint Resolution, [7111](#), was passed by the House on April 15. It amends ss. 2, 3, 4, 7, 11, 12, and 14, Art. V, s. 17, Art. III, and ss. 3 & 10, Art. IV, and creates s. 21, Art. V, of the State Constitution to divide the Supreme Court into two divisions, one hearing civil cases and the other hearing criminal cases. It also provides for

administration of divisions and the transition from the present Supreme Court; defines jurisdiction of divisions; revises provisions relating to repeal of court rules; limits re-adoption of repealed court rules; provides for Senate confirmation of Supreme Court justices; and expands the jurisdiction of the Supreme Court.

Additionally, it establishes that the judicial branch will not include the Justice Administrative Commission, or any of the agencies it serves, for the purposes of general appropriations. This measure was signed by Officers and filed with the Secretary of State on June 21, 2011.



FLAIR Facts and Fiction — By Vicki Nichols

Fact: Recently the Department of Financial Services (DFS) communicated a new directive to all agencies concerning verification of Social Security Numbers (SSN) and/or Federal Employer Identification Numbers (FEIN) for individuals or companies receiving payments from the State of Florida. State employees WILL NOT be subject to the verification process, only individuals or companies engaged in a vendor relationship with the State of Florida must comply.

DFS is requiring all current and future vendors to register an elec-

tronic "Substitute W-9" via a website established by DFS: <https://flvendor.myfloridacfo.com>. After completing the online, electronic Substitute W-9, vendors will have their SSN or FEIN verified with the Internal Revenue Service. This process will ensure that vendors receiving payments from the State Treasury will be paid with an accurate, verified SSN or FEIN.

This Substitute W-9 requirement has been communicated to all offices served by JAC, as well as court-appointed attorneys and due process providers. Any questions concerning this requirement should

be directed to Vicki Nichols, nicholsv@justiceadmin.org.

The FLAIR Statewide Vendor File (VS) will automatically update when a vendor has successfully completed the Substitute W-9. The W-9 indicator in FLAIR will display the letter "Y" and a name will appear in the W-9 name field. All previous W-9 indicators have been purged from VS, only the Substitute W-9 will update FLAIR. An example of a FLAIR vendor record with a successfully completed Substitute W-9 is shown below.

SEQ VENDOR NAME		SHORT NAME		PIN	
PURCHASING ADDRESS		REMITTANCE ADDRESS			
004	YELLOW CAB COMPANY OF TAMPA INC 502 N OREGON AVE TAMPA FL 33606-0000	YELLOW CAB COMPA PO BOX 1998 TAMPA FL 33601-0000		6229	
PHONE:	(813) 253-8871	LAST UPDATED:	05/16/2011		
REQ OLO:	000000	LAST USED:	06/20/2011		
VEI:	F	CONFIDENTIAL:	N		
FOREIGN:	N	PAYEE:	N		
LEVY:		STATUS:	A		
MC:	A	INACT CODE:			
EFT:	N				
SEL	VENDOR ID:	ZIP:	PAYEE:	TYPE	SEL
	NAME:		PAYEES ONLY:	VENDORS ONLY:	

Fiction: The IRS Form W-9 is acceptable by DFS as verification of SSN or FEIN. No, DFS will not accept the IRS W-9 for the purpose of verifying the correct SSN or FEIN. Vendors must sub-

mit a Substitute W-9 to have their FEIN or SSN verified with the IRS.

Note: The IRS W-9 is useful for determining the FEIN or SSN of a business or individual; we can

accept it as a method for adding a new vendor. However, eventually the individual or company must submit the Substitute W-9 with DFS.

*The Department of
Financial Services
has issued a new
directive to all state
agencies concerning
verification of Social
Security and/or
Employer
Identification
Numbers.*



During the 2011 Legislative Session, Senate Bill 2116, regarding the protocol for handling extraordinary fee hearings on or after July 1, 2011, passed and was sent to the Governor. The bill proposed changes to s. 27.5304, F.S. However, on May 27, 2011, Governor Scott vetoed this bill. Therefore, s. 27.5304, F.S., remains unchanged since last fiscal year.

Chapter 2011—235, Laws of Florida

House Bill 7005 passed the House on May 6, 2011, and subsequently passed the Senate on May 6, 2011. As reported in a Florida House [analysis](#), “The bill addresses aspects of the state’s unemployment compensation (UC) system related to a claimant’s state and federal benefits, qualifications to receive state benefits, appeal of a benefit determination, and employer UC taxes.”

Reforms

Misconduct – Under the new law, misconduct is defined as any action that demonstrates conscious disregard of an employer’s interests and is found to be a deliberate disregard or violation of reasonable standards of behavior, and may include activities that did not occur at the workplace or during working hours.

Effective July 1, 2011

Benefit Payments – Claimants receiving benefits by paper check as of July 1, 2011 may continue to do so until the end of their claims. Claimants whose claims were filed

after July 1, 2011 must select payments via Florida Unemployment Compensation Debit Card or direct deposit to their bank account.

Effective August 1, 2011

Online Filing and Certification of Weeks – Initial and continued claims must be filed electronically. The change will improve government efficiency and provide a projected \$4.7 million savings annually in administrative costs.

Work Search – Claimants are required on a weekly basis to contact five potential employers and provide this information via the Internet during their bi-weekly certification for benefits. A quick, efficient way to contact employers is by using the Employ Florida Marketplace at employflorida.com, the state’s online job matching system where you can search thousands of job postings and apply for jobs.

If a claimant is not able to make at least five employer contacts in a week, meeting with a representative at a local One-Stop Career

Unemployment Compensation

Center for reemployment services may satisfy this requirement for that week.

Skills Assessment – In order to receive benefits, claimants filing new claims must complete an initial online skills assessment. The results of the assessment will be used by your local One-Stop Career Center to assist in your job search efforts.

Effective January 1, 2012

Duration of Benefits – The maximum duration of benefits adjusts from the current 26 weeks to a range of 12 to 23 weeks. The bill indexes maximum weeks of benefits to the state’s unemployment rate, which will be determined once a year.

The bill was approved by the Governor on June 27, 2011 and takes effect as stipulated in the law. If you have any question, please direct them to Andy Snuggs at SnuggsA@justiceadmin.org.

Courtesy of CapitalSoup.com

Chapter 2011—85, Laws of Florida

Public Records Exemption

House Bill [597](#) was approved by the Governor on May 31, 2011 and takes effect July 1, 2011. The bill creates a public record exemption for any information furnished by a person to an agency, for the purpose of being provided with emergency notifications by an agency.

The exemption includes the person’s name, address, telephone number, e-mail address, or other electronic communication address. Such information held by an agency before, on, or after the effective date of the exemption is made exempt from public records requirements.

Additionally, the legislation provides for retroactive application of the public record exemption. It also provides for repeal of the exemption on October 2,

2016, barring action by the Legislature. As required by the State Constitution, the measure provides a public necessity statement.

Public Records Law

Article I, s. 24(a) of the State Constitution sets forth the state’s public policy regarding access to government records. The section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Legislature, however, may provide by general law for the exemption of records from the requirements of Article I, s. 24(a) of the State Constitution. The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose.

Public policy regarding access to government records is addressed further in the Florida Statutes. Section 119.07(1), F.S., guarantees every person a right to inspect and copy any state, county, or municipal record. Furthermore, the Open Government Sunset Review Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose.

Emergency Notifications

State agencies are required to have emergency plans in place in case of a natural disaster. The emergency plans are not required to have any sort of associated notification system.

Courtesy of the Florida House

End of Session Judicial Summary

The following information on passed legislation is contained in the 2011 *Legislative Summary* provided by the Florida House. While this end-of-session summary is comprehensive in scope, the focus below recaps budget details for the judicial sector and incorporates highlights provided by the Justice Administrative Commission (JAC):

State Attorneys

The 2011-12 fiscal year budget for the State Attorneys is \$406.9 million. This represents an increase of \$10.9 million or 2.8 percent from the 2010-11 fiscal year appropriation. The budget provides \$3.2 million in additional funding to address inequity issues.

Public Defenders

The 2011-12 fiscal year budget for the Public Defenders is \$198.2 million which is an increase of \$4 million or 2.1 percent over the 2010-11 fiscal year appropriation. The budget provides for a General Revenue reduction of \$650,000 from last year's budget and also

provides \$1.6 million in additional funding to address inequity issues.

Public Defenders Appellate

The 2011-12 fiscal year budget for the Public Defenders Appellate Division is \$13.9 million. There were no reductions compared to the 2010-11 fiscal year appropriation.

JAC

The 2011-12 fiscal year budget for the Justice Administrative Commission totals \$86.6 million. This is a decrease of \$396,000 from the 2010-11 fiscal year appropriation. The budget for JAC includes:

- State Attorney Due Process—\$10.7 million;
- Public Defender Due Process—\$18.6 million;
- Court-Appointed Funding—\$42.9 million;
- Civil Commitment Funding —\$3.4 million; and
- Capital Registry Attorney Funding —\$1.8 million.

Guardian Ad Litem

The 2011-12 fiscal year appropriation for the Guardian Ad Litem program totals \$31.7 million which is a \$1 million increase over the 2010-11 fiscal year appropriation.

Capital Collateral

The 2011-12 fiscal year budget for the Capital Collateral Regional Councils is \$7 million. This reflects a reduction of \$224,000 from the 2010-11 fiscal year appropriation.

Regional Conflict Councils

The 2011-12 fiscal year budget for the Regional Conflict Councils totals \$34.7 million. This is a decrease of \$1.7 million or 4.8 percent from the 2010-11 fiscal year appropriation.

Clerks of Court

The 2011-12 fiscal year budget for the Clerks of Court totals \$447.1 million. This includes \$44.2 million to offset the decline in revenue in the Clerks of the Court Trust Fund.



Chapter 2011- 207, Laws of Florida Jim King Keep Florida Working Act

The *Jim King Keep Florida Working Act*, Senate Bill 146, became law on June 21, 2011. The *Act* makes changes to Florida's laws relating to the restoration of civil rights, restrictions on the employment of ex-offenders, negligent hiring, and the sealing and expunging of criminal records. The *Act*:

- Provides that restoration of civil rights cannot be required as a condition of eligibility for public employment or to obtain a license, permit, or certificate;
- Requires state agencies and regulatory boards to submit to the Governor, and certain legislative officers, a report that outlines current disqualifying policies on the employ-

ment, or licensure, of ex-offenders and possible alternatives that are compatible with protecting public safety;

- Requires an employer to review and consider the results of a criminal history background investigation and take certain steps consistent with the findings of the investigation in order to satisfy a statutory presumption against civil liability for negligent hiring;
- Provides that an ex-offender may lawfully deny, or fail to acknowledge, any arrests or subsequent dispositions covered by a sealed or expunged record; and that a person

cannot be liable for perjury for doing so on an employment application;

- Permits the subject of an expunged record to receive the contents of that record without a court order; and
- Allows for a second sealing of a criminal record.

Employers impacted by this law include the state, any of its agencies or political subdivisions, or any municipality. The *Act* substantially amends ss. 112.011, 768.096, 943.0585, and 943.059, F.S., and was approved by the Governor on June 21, 2011.

Source: Florida House and Florida Senate

Regional Counsel

Appointments

The current term of the five Regional Councils expired on June 30, 2011. All five holders of those positions have re-applied and some interviews have been conducted. No official appointments or announcements have been made at this time.



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Justice Administrative
Commission**

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WE'RE ON THE WEB
WWW.JUSTICEADMIN.ORG

BOARDING THE EDMS TRAIN

As previously reported, the Justice Administrative Commission (JAC) is in the process of a phased implementation of an Electronic Document Management System (EDMS).

The purpose of this project is to develop an EDMS that will provide the JAC with the ability to scan and index, or import and index, various documents, have quality control verification on the scanned images, have basic routing capabilities for workflow approval, as well as the ability to store the document images/ contents and the associated meta-data in a secure and easily searchable repository.

This is an update. The Laserfiche system (the software name for the EDMS) has been installed on JAC servers. Circuit Accounting and the Voucher Room (for Circuit Accounting batch sheets) went live on June 8.

All users went through a ½ day of user training and are currently working in Laserfiche. Although some glitches were anticipated, they have been identified and addressed. Wayne Meyer and Michelle Dolce have been training users on new workflow processes. So far, the implementation has been a success.

Courtesy of EDMS Team



The EDMS Mission

“Excellent service delivery enhanced by an efficient Electronic Document Management System, which meets the requirements of Florida law.”



Have a Happy and Safe 4th of July!

JAC in Brief

The Justice Administrative Commission administratively serves the Offices of State Attorneys, Public Defenders, Capital Collateral Regional Counsels, the Statewide Guardian ad Litem Program, Criminal Conflict and Civil Regional Counsels, and the Clerks of Court Operations Corporation; and, provides compliance and financial review of the court-appointed attorney 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., 2010).

Vision: *Our vision is to be a model of exemplary state government and provide unparalleled services.*

Mission: *The mission of the Justice Administrative Commission is to be responsible stewards of taxpayer dollars, while providing the highest quality service to the 49 judicial entities we serve, by ensuring compliance with Florida Statutes and Generally Accepted Accounting Principles.*

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

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