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State of Florida

Volume VI, Issue I

A Word From JAC's Executive Director



Rip Colvin
JAC Executive Director

The latest Justice Administrative Commission (JAC) Executive Director's Report provides an update on the JAC Training Conference; JAC Court-Appointed Funds and Back-of-the-Bill Relief; Key Legislative Bills (see pages 2-9); Proposed FLSA Rules Regarding Overtime (see page 11); Review of BOMS/STAC Agreements; and Online Legal Research.

JAC Conference Plans

The Justice Administrative Commission (JAC) is planning a training conference May 2-5, 2016 at the Altamonte Springs Embassy Suites for administrative and support staff in the offices administratively served by JAC. The anticipated attendees include chief administrative officers, finance and accounting directors, human resources directors, budget directors, human resources professionals, payroll professionals, finance and accounting professionals, budget professionals, purchasing card administrators and approvers, and public records professionals. Interested agency heads are also welcome to attend.

JAC has secured a block of rooms for this training at \$99.00 per night under the group code: Justice Admin. Room reservations can be made by phone at (800) 445-8667 or (407) 571-3432 (ask for Jasmine Cunningham), or online at: <http://embassysuites.hilton.com/en/es/groups/personalized/M/MCOSPES-JDC-20160501/index.jhtml>.

Those agencies who have not yet made their reservations are encouraged to do so as over 87 percent of

the block has already been reserved.

JAC Court-Appointed Funds and Back-of-the-Bill Relief

At the Justice Administrative Commission meeting on September 1, 2015, JAC staff reported that one-third of the Court-Appointed Funds appropriated for FY 2015-16 had been expended. We provided an update to the Commission on December 17, 2015. The most recent Court-Appointed Funds balance projections are as of February 1, 2016. There are four appropriations categories that are currently projected to have a shortfall of approximately \$6.9 million – \$7.6 million, depending on the projection model.

The House's initial budget proposes a Back of the Bill issue to fund \$4.5 million of the shortfall in non-recurring General Revenue. JAC staff will be working with House and Senate staff to address the remaining shortfall of \$2.4 million in the Back of the Bill during Budget Conference, in part, by utilizing some of the available surpluses and the \$1 million Due Process Contingency Fund.

BOMS/STAC Agreements

JAC staff, working with staff from the Office of the Public Defender, 13th Judicial Circuit, and Offices of the State Attorney, 10th and 20th Judicial Circuits, as well as staff from the Attorney General's Office, concluded an extensive review of the Business Office Management System (BOMS) and STAC Licensing Agreements and annual Maintenance Contracts between Justice Administration entities and Computer Information and Planning, Inc. (CIP). Drafts of a Supple-

mental Licensing Agreement, Maintenance Contract, and a Confidentiality Addendum resulted from this review. Due to the timing of the negotiations, the parties agreed to modify the maintenance contracts (renewal documents), to include provisions related to public records; payment of invoices and audits; data (each office owns its data); and contract negotiations. Although a deadline of December 31, 2015, was not met regarding the execution of a contract amendment to address any remaining issues, progress is being made. We continue to anticipate having finalized documents within the next few months.

Online Legal Research

JAC, working with the Department of Management Services' Division of Purchasing, developed a procurement document designed to invite negotiations for a collective Online Legal Research contract that may be shared with interested State Attorneys, Public Defenders (and other Judicial Administration offices). There will be no requirement that any office use the contract resulting from this process. JAC staff awaits direction and interest on this issue before taking further action.

JAC Staff Developments

Finally, following an extensive recruitment and interviewing process, Vicki Nichols was selected as JAC's new Director of Accounting. Dina Kamen — formerly JAC's Acting-Director of Accounting — continues to serve JAC in the capacity of Deputy Director of Accounting. Additional highlights on JAC staff may be viewed on pages 28-30.

2016 Florida Legislative Bills of Interest

House Bill and 949 and Senate Bill 1212



*“House bill
949 and Senate
Bill 1212
directly impact
the Justice
Administrative
Commission.”*

Initially filed on December 14, 2015 by Representative W. Travis Cummings, CS for House Bill [949](#), Attorneys for Dependent Children, amends § 39.01305, F.S. Although § 39.01305, F.S., provides that the court’s appointment of counsel continues in effect until the attorney is allowed to withdraw or is discharged by the court or the case is dismissed, the bill clarifies that if an attorney withdraws or is discharged, substitute counsel shall be appointed by the court.

To ensure that children receive quality representation, the bill also creates § 27.406, F.S., which directs the Justice Administrative Commission (JAC) to establish a *Quality Counsel Program*. Attorneys appointed pursuant to § 39.01305, F.S., will be required to submit quarterly reports to the *Quality Counsel Program* pertaining to each dependent child. JAC is required to determine the format for this report. The *Quality Counsel Program* must be fully operational by June 30, 2018. However, the duties of the Quality Counsel Program will be limited to the review and analysis of reports submitted by appointed attorneys and the provision of related recommendations.

The effective date of the bill is July 1, 2016.

Senate Bill [1212](#), filed by Senator Anitere Flores on December 21, 2015, amends § 39.01305, F.S. **The text now mirrors CS for House Bill [949](#).** The bill requires that a court appoint an attorney for certain dependent children and, and as used in this section, the term “dependent” means a child that is subject to any provisions under this chapter and does not require that a child be adjudicated dependent. Unless an appointed attorney has agreed to provide pro bono service, which the Legislature encourages, the attorney or organization must be compensated. However, all appointed attorneys and organizations must be provided funding for expert witnesses, depositions, and other costs of litigation. Payment to an attorney is subject to appropriations and review by the Justice Administrative Commission (JAC) for reasonableness. JAC is required to contract with attorneys appointed by the court whose fees may not exceed \$1000 per child.

Also under this bill, JAC is required to contract with a not-for-profit organization to establish a *Quality Counsel Program* under § 39.01305(5), F.S., which must be completed and fully operational by June 30, 2018. On a quarterly basis, appointed dependency attorneys must report to the *Quality Counsel Program* on the activities performed on behalf of each child pursuant to § 27.406, F.S., as created by this bill. JAC is required to develop the reporting format. The *Quality Counsel Program* will be responsible for examining attorney advocacy for each child, as well as other limited designated tasks.

(Continued on next page)

2016 Florida Legislative Bill of Interest

Senate Bill 1212 Continued

On February 16, a strike-all amendment was filed by Senator Flores that essentially broadens the ability of the court to appoint an attorney when a dependent child is in need of an attorney—requiring the court to appoint counsel to any child who has been “identified by the court as having need for legal representation;” makes provision for the appointment of substitute counsel upon an attorney’s withdrawal or discharge; gives deference to the statutory role of the Statewide Guardian ad Litem Program, where appropriate; establishes the range of services that may be provided to a dependent child by an appointed attorney; makes provision for an appointed attorney to arrange for supplemental or separate counsel to represent a child in appellate proceedings, with permission from the court; and continues to require the JAC to contract with court-appointed attorneys for dependent children and review related payments for reasonableness.

JAC is also still required to contract with a not-for-profit organization to establish the *Quality Counsel Program* and appointed dependency attorneys are still required to report to the *Quality Counsel Program* on a quarterly basis. Under the CS for Senate Bill 1212 that embraces these strike-all provisions, the *Quality Counsel Program* will also still be required to:

- deploy an improvement program that examines the attorney’s advocacy on behalf of each child pursuant to the stipulations under § 39.01305, F.S.;
- report annually to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Justice Administrative Commission, the Statewide Guardian ad Litem Program, and the Office of the State Courts Administrator on the information provided by appointed attorneys on the results obtained for each child, along with recommendations; and
- be fully operational by June 30, 2018.

Subsequently, on February 17, 2016, this committee substitute passed unanimously out of the Appropriations Subcommittee on Criminal and Civil Justice and is subject to appropriations.

The effective date of the bill is July 1, 2016.

Sources: *Florida House and Senate*



Additional bills we are tracking are featured on JAC’s website under “What’s New” — Legislative Updates and News. You may click [here](#) to access this list.

2016 Florida Legislative Bills of Interest

House Bill 755 and Senate Bill 582



“House Bill 755 resurfaced from last year, but does not appear to be moving.”

House Bill 755 was filed by Representative Randolph Bracy on November 19, 2015 and assigned to the Criminal Justice and Justice Appropriations Subcommittees, and the Judiciary Committee. Included among several major planks, the bill creates the Florida Corrections Commission with an emphasis on the safe and effective operations of major correctional institutions. The bill amends subsections (5) and (6) of § 43.16, F.S., to add the Florida Corrections Commission to the list of agencies administratively served by the Justice Administrative Commission (JAC).

The measure also clarifies the duties of the JAC in the operations of the Corrections Commission, making clear that, “The Florida Corrections Commission shall not be subject to the control, supervision, or direction by the Justice Administrative Commission, but the employees of the Florida Corrections Commission shall be governed by the classification plan and salary and benefits plan approved by the Justice Administrative Commission.” Although filed and referred to the Criminal Justice Subcommittee, the bill has not been scheduled for a hearing.

The bill is effective July 1, 2016.

Source: Florida House

Filed October 20, 2015 by Senator Don Gaetz, Senate Bill 582 imposes protections against improper conduct on the part of public officials and expands the misconduct provisions under § 838.022, F.S., to include public contractors. The bill also expands the application of bid tampering laws to public contractors who contract to assist government entities in competitive procurements. The measure defines “governmental entity” as an agency or entity of the state, a county, municipality, or special district or any other public entity created or authorized by law. It defines “public contractor,” for the purposes of ss. 838.022 and 838.22, F.S., as any person, pursuant to § 1.01(3) F.S., who has entered into a contract with a governmental entity; or any office or employee of a person, pursuant to § 1.01(3), F.S., who has entered into a contract with a governmental entity.. “Public servant” is defined as any officer or employee of a governmental entity including any executive, legislative, or judicial branch officer or employee. As indicated in a February 9, 2016 staff analysis prepared by the Committee on Rules, the Government Oversight and Accountability Committee passed the CS for Senate Bill 582 on January 19, 2016. The measure:

- “Deletes the provisions of the original bill regarding a nongovernmental entity acting on behalf of a governmental entity;
- Provides that public contractors are subject to the offenses of official misconduct and bid tampering in ss. 838.022 and 838.22, F.S.;
- Deletes the term “improper” in the offenses of official misconduct and bid tampering;
- Provides an exception, as authorized by law or contract, for concealing, covering up, destroying, mutilating, or altering any official record or document in the official misconduct offense; and
- Expands the offense of bid tampering to prohibit the disclosure of material information in the competitive solicitation process, including a vendor’s response and evaluation results, and provides an exception for disclosing such information when otherwise authorized by law.”

Following passage by the Criminal Justice and Rules Committees, as of February 24, the bill is on the Calendar on 2nd reading. The bill is effective October 1, 2016. *Source: Florida House*

2016 Florida Legislative Bill of Interest

“For the Greater Good Attorney Student Loan Repayment Program”

A Strike all amendment to Senate Bill [142](#) was filed on December 3, 2015. This action by the Judiciary Committee creates § 1009.675, F.S., entitled “*For the Greater Good Attorney Student Loan Repayment Program.*” Removing all references to the [Justice Administrative Commission](#) (JAC) and the Office of the Attorney General, the bill establishes the Florida Department of Education as the administrator of this program and removed the cap on the dollar amount of payments that can be made for each attorney. Initially filed by Senator Jeremy Ring on August 19, 2015, the original bill would have created § 43.45, F.S., requiring the JAC and the Office of the Attorney General to develop and launch a student loan assistance program on behalf of career Assistant State Attorneys, Assistant Public Defenders, Assistant Attorney Generals, or Assistant Statewide Prosecutors in their repayment of specified student loans.

The amended measure revised the administrative requirements of the program, stipulating that the Florida Department of Education, as the administering party, will be responsible for making payments to eligible attorneys based on their length of service and the availability of funds. The bill has been with the Appropriations Committee since January 21, 2016. An effective date of July 1, 2016 is provided.

Section 1. In addition to creating § 1009.675, F.S., this section clarifies the manner in which the program will be administered by the Florida Department of Education and the criteria by which an attorney may be found eligible to participate. As stipulated in the bill, an attorney must:

- Be a member of the Florida Bar;
- Be employed full time by a local, state, or federal agency;
- Be employed in this state;
- Must have completed not more than ten years of government service, regardless of whether the attorney had a break in employment of less than two weeks while transferring to another governmental entity;
- Be earning less than \$65,000 in salary as reported to the Internal Revenue Service;
- Not have received any disciplinary action from the The Florida Bar;
- Have an unsatisfied student loan that was issued or guaranteed by a state or the Federal Government; and
- Be ineligible for any other state, local, or federal grant or private fund that assists in student loan repayment.

The Florida Department of Education will make payments in the following manner:

- Three thousand dollars if the eligible attorney has at least four years, but not more than seven years, of continuous government service; or
- Five thousand dollars if the eligible attorney has more than seven years, but not more than 10 years, of continuous government service.

Payments will not be treated as taxable income and will be made directly to the servicer of the loan. Should an eligible attorney have more than one eligible loan, payments will be applied to the loan having the highest interest rate. “Only loans that are not in default and that were issued pursuant to the *Higher Education Act of 1965*, 20 U.S.C. ss. 1001 et seq., as amended, to fund an eligible attorney’s law school education shall be covered.” A similar measure, House Bill [291](#), was filed by Representative Hazelle Rogers on October 2, 2015 and has been with the Civil Justice Subcommittee since October 7, 2015. JAC is still referenced in House Bill [291](#).



Additional bills we are tracking are featured on JAC’s website under “What’s New” — Legislative Updates and News. You may click [here](#) to access this list.

2016 Florida Legislative Bill of Interest

“An Act Relating to Justifiable Use or Threatened Use of Defensive Force”



“All references to JAC have been removed from Senate Bill 344.”

Senate Bill [344](#), regarding the justifiable use or threatened use of defensive force, was filed on September 23, 2015 by Senator Rob Bradley and referred to the Criminal Justice, Appropriations Subcommittee on Criminal and Civil Justice, and Rules Committees. In its initial language, Senate Bill 344 sought to create § 939.061, F.S., to address costs that are associated with the dismissal of criminal charges, by allowing criminal defendants, who prevail under immunity provisions as stipulated in § 776.032, F.S., to be awarded indicated costs and attorney fees. This measure would have created a direct policy impact to the Justice Administrative Commission (JAC), by requiring JAC to both audit and approve reimbursement requests that are associated with the dismissal of criminal charges through successful immunity claims, pursuant to § 776.032, F.S. However, the bill, which takes effect upon becoming law, was subsequently amended twice and all references to JAC were removed.

In addition to amending § 776.032, F.S., which “revises the requirements for the court to award certain fees and costs; requiring the burden of proof by clear and convincing evidence in a criminal prosecution to be on the party seeking to overcome the immunity claim under certain circumstances,” the CS/CS for Senate Bill [344](#) amends § 776.013, F.S. As amended, § 776.013, F.S., provides that, “A person who is in his or her dwelling, residence, or vehicle has no duty to retreat and has the right to use or threaten to use force if he or she reasonably believes that using or threatening to use such force is necessary to prevent imminent death or great bodily harm or the commission of a forcible felony.”

On January 28, 2016 Senate Bill 344 was passed by the Senate and referred to the House Judiciary Committee on February 12. A related bill, House Bill [169](#), was laid on the table on November 17, 2015 by the Criminal Justice Subcommittee.

Source: Florida Senate

2016 Florida Legislative Bill of Interest

The Florida Anti-Corruption Act of 2016

Senate Bill [686](#), the “*Florida Anti-Corruption Act of 2016*” relating to government accountability, was introduced on October 30, 2015 by Senator Don Gaetz and as of February 26, 2016 is with the Appropriations Committee. The bill amends § 43.16, F.S., by requiring that the Justice Administrative Commission (JAC) and all of the agencies it administratively serves (Offices of State Attorney, Public Defender, Criminal Conflict and Civil Regional Counsel, Capital Collateral Regional Counsel, and the Statewide Guardian ad Litem Program) establish and maintain robust internal controls as stipulated. A similar measure, House Bill [593](#), was filed on November 6, 2016 by Representative Larry Metz and was placed on the House Calendar on second reading on February 19. Both bills require control measures that will:

- Prevent and detect fraud, waste, and abuse;
- Promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices;
- Support economic and efficient operations;
- Ensure reliability of records and reports; and
- Safeguard assets.

The CS/CS for Senate Bill [686](#) (passed unanimously by the Community Affairs Committee on February 16, 2016) and CS/CS for House Bill [593](#) (passed unanimously by the Appropriations Committee on February 16) retained the requirement that cited agencies maintain robust internal controls as a means of enhancing accountability. Both bills still require the JAC, the 20 Offices of State Attorney, 20 Offices of Public Defender, five Offices of Criminal Conflict and Civil Regional Counsel, three Offices of Capital Collateral Regional Counsel, and the Guardian ad Litem Program to establish and maintain stipulated internal controls.

The effective date of both bills is October 1, 2016.

Source: *Florida Senate*



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2016 Bills of Interest

House Bills 7101 and 7095



“House Bill 7101, relating to Sentencing for Capital Felonies, amends Florida’s capital sentencing scheme to comply with the United States Supreme Court’s ruling.”

On January 12, 2016, the United States Supreme Court held Florida’s capital sentencing system to be unconstitutional. House Bill [7101](#), relating to Sentencing for Capital Felonies, amends Florida’s capital sentencing parameters to comply with the United States Supreme Court’s ruling, pursuant to the Sixth Amendment of the United States Constitution. The jury will continue to determine whether an aggravating factor exists, but the decision will have to be unanimous.

The bill, as amended, was passed by the House of Representatives on February 18, 2016 by a vote of 93 to 20 and will become effective upon becoming law. Highlights within the amended bill include:

- Notification of intent to seek the death penalty must be made by the prosecutor to the defendant within 45 days after arraignment. The notice must contain a list of the aggravating factors the state intends to prove and has reason to believe it can prove beyond a reasonable doubt. The court may allow the prosecutor to amend the notice upon a showing of good cause;
- The jury shall return findings identifying each aggravating factor found to exist;
- The jury must find each aggravating factor unanimously;
- Defendant is ineligible for a sentence of death if the jury does not unanimously find at least one aggravating factor;
- If at least 10 jurors determine that the defendant should be sentenced to death, the jury's recommendation to the court shall be a sentence of death; and
- If fewer than 10 jurors determine that the defendant should be sentenced to death, the jury's recommendation to the court shall be a sentence of life imprisonment without the possibility of parole.

Related bills are: CS for Senate Bill [7068](#) (Relating to Sentencing for Capital Felonies), which was passed by the Appropriations Committee on February 25, 2016 and requires that if at least 10 jurors determine that a defendant should be sentenced to death, the jury’s recommendation to the court shall be a sentence of death. Also under CS for Senate Bill 7068, the defendant is ineligible for a sentence of death if the jury does not unanimously find at least one aggravating factor. House Bill [157](#) (Relating to Sentencing in Capital Felonies), and Senate Bill [330](#) (Relating to Sentencing in Capital Felonies) have not moved as of February 26, 2016.

House Bill [7095](#), addressing juror costs, was filed on January 29, 2016, by the Judiciary Committee and Representative Larry Metz. The bill, as amended, passed out of the Appropriations Committee on February 9, 2016. House Bill 7095 would transfer the responsibility for the costs of juror payments, and juror meals and lodging back to the state from the Clerks of Court Operations Corporation.

The bill amends § 28.35, F.S., by removing the authorization of the clerks to pay for juror payments and meals and lodging from filing fees, service charges, costs, and fines. The measure also amends § 40.29, F.S., directing each clerk of court to prepare quarterly estimates of the needed funds for the Justice Administrative Commission and, based on these estimates, state funding will be distributed to each clerk of court.

Further, according to the House Staff Analysis, the bill “amends § 40.31, F.S., to provide that if the amount of the appropriation is not sufficient to fund such jury costs during the fiscal year, the Justice Administrative Commission may apportion the funds to the clerks and any deficit would be paid by warrant. Likewise, in a deficit situation the clerks would pay jurors by certificate of the amount of compensation still due. This procedure mirrors current law in respect to witness payments. Sections 40.24, 40.32, 40.33, and 40.34, F.S., are amended to conform to the provisions of this bill.” An amendment to House Bill 7095 adds processing the clerks’ jury management personnel costs to JAC’s role. The committee substitute was passed unanimously by the Appropriations Committee on February 10, 2016. As of February 26, 2016, the bill, which also amends § 40.29, F.S., to require the clerk and the Florida Clerks of Court Operations Corporation to forward quarterly estimates on specified jury-related costs to JAC, is on the calendar on second reading. The estimated costs of jury management related personnel costs, juror payments, and juror meals and lodging for Fiscal Year 2016-2017 is \$11.7 million, which is to be included in the House General Appropriation Act. This estimated cost figure was provided to the Legislature by the Florida Court Clerks and Comptrollers and has not been verified. There was no adjustment made to accommodate JAC’s added responsibilities in processing the clerks’ jury management personnel costs. The effective date of this bill is July 1, 2016.

Source: Florida House

2016 Florida Technology Bills of Interest

House Bill 1195 and Senate Bill 1430

Introduced by Representative James Grant on January 7, 2016, the CS/CS for House Bill [1195](#), an act relating to technology, amends s. 20.61, F.S., establishing a chief data officer within the Agency for State Technology and creates s. 282.319, F.S. This new section will require the chief data officer to develop an enterprise data inventory and provide recommendations for developing and maintaining an open data catalog. As of February 26, the bill was placed on the Calendar on second reading.

The enterprise data inventory will be developed in consultation with state agencies, including the Justice Administrative Commission, and will include the following:

- ◆ A description of data created or collected by the agency, including data used in an agency's information systems; and
- ◆ Recommended options and associated costs for developing and maintaining an open catalog that is machine readable, easily accessible, and usable by the public.

As used in § 282.319, F.S., relating to the Data Catalog, terms have the following meaning:

- ◆ **Application Programming Interface** — a set of programming instructions and standards for accessing a web-based software application;
- ◆ **Data** — a subset of structured information in a format that allows such information to be electronically retrieved and transmitted;
- ◆ **Data Catalog** — a collection of descriptions of datasets;
- ◆ **Dataset** — an organized collection of related data held in an electronic format;
- ◆ **Machine Readable** — data that is in a form that can be easily processed by a computer without human intervention;
- ◆ **Open Data** — data collected or created by a state agency and structured in a way that to be fully discoverable and usable by the public. The term does not data that is restricted from public distribution based on federal or state privacy, confidentiality, and security laws and regulations, and data for which an agency is statutorily authorized to assess a fee for its distribution;
- ◆ **State Agency** — as defined in § 282.318, F.S.

This act is effective July 1, 2016.

A similar bill, CS for Senate Bill [1430](#), entitled an act relating to state technology, also amends § 20.61, F.S., establishing a chief data officer within the Agency for State Technology (AST). Introduced by Senator Jeff Brandes on January 6, as of February 26, the bill is in the Appropriations Committee. The measure requires the AST to develop standards for the digitalization of licenses and identification cards and the development of a central digital platform to store or access data for each type of digital proof of identification card. Under this bill, AST will have full access to certain data and information within the possession of any state agency, commission, or department under certain circumstances. The bill also requires state agencies to evaluate and consider cloud computing services before making certain investments and provide information to AST on related security benefits of transitioning to cloud computing and any factors delaying or inhibiting the expansion of cloud computer usage. The act is effective October 1, 2016.

Additional technology related bills to watch are Senate Bill [7050](#); and CS/CS/CS/ for House Bill [1033](#) and CS for House Bill [1037](#).

Source: Florida House



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we are tracking
are featured on
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under "What's
New" —
Legislative
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News. You may
click [here](#) to access
this list.*

2016 Bills of Interest

House Bill 7107

Filed by Representative Matt Caldwell on February 10, 2016, House Bill [7107](#), regarding public employees, authorizes renewed membership in the Florida Retirement System (FRS) for designated retirees.

The Appropriations Committee passed CS for House Bill [7107](#) on February 16, adjusting the 2016-17 fiscal year recurring trust fund appropriation in the bill to \$900,000, as well as a recurring sum of \$4.2 million from the General Revenue Fund, in order to fund the increased employer contribution rates to be paid by state agencies, state universities, state colleges, and school districts. The measure was passed by the Florida House of Representatives on February 24, 2016 by a vote of 72 to 38.

The bill provides for renewed membership for select “former” participants in the Investment Plan, the Senior Management Service Optional Annuity Program, the State University System Optional Retirement Program (SUSORP), or the State Community College System Optional Retirement Program (SCCSORP). Under the provisions of this bill, a retiree may become a renewed member of the appropriate membership class in the **Investment Plan**, unless he or she is eligible to become a renewed member of the SUSORP or the SCCSORP. To be eligible for this renewed membership, a member must have retired from one of the four plans.

Overall, this bill changes the default election from the Pension Plan to the **Investment Plan** for new members who fail to make a retirement plan election during their initial five month election period. The election period for new employees has also been extended from five months from the date of hire to the last business day of the eighth month of hire. Also under this bill, Special Risk members (Investigators with the State Attorney Offices) will now be eligible for In-the-Line-of-Duty benefits under the Investment Plan. This bill provides the same survivor benefits as those currently provided under the Pension Plan for In-the-Line-of-Duty, equal to one-half of the member’s salary at the time of death.

A renewed member is not eligible for disability retirement benefits and must meet the vesting requirements of the appropriate plan.

Lastly, this bill provides survivor benefits to any member of the **Investment Plan** killed in-the-line-of-duty on or after July 1, 2002, but before July 1, 2016.

Contributors:

Florida House, Lydia Mount, Carolyn Horwich, and Jennifer Henderson



“Under the provisions of this bill, a retiree may become a renewed member of the appropriate membership class in the Investment Plan.”

An Update on Proposed FLSA Rules
by Carolyn Horwich, Esq.

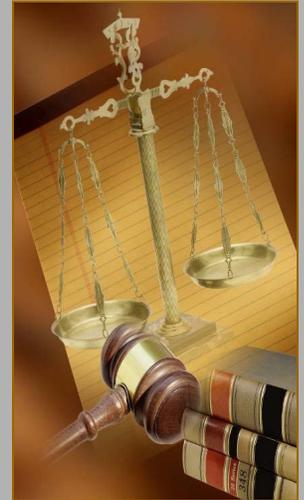
Proposed FLSA Rules Regarding Overtime

The U.S. Department of Labor issued a Notice of Proposed Rulemaking regarding Overtime on July 6, 2015. The comment period closed September 4, 2015. (For additional information, please go to this link: <http://www.dol.gov/whd/overtime/NPRM2015/>.)

Currently, certain “white collar” employees do not have to be paid for working overtime if they meet certain criteria, including a threshold salary of \$23,660 annually. The proposed rules increase the threshold salary to \$50,440 annually. The proposed rules require employers to either raise certain employees’ salaries to meet the threshold level, or alternatively, to pay them for overtime worked.



At the time the comment period closed, it was anticipated that the proposed rules would be finalized and implementation would occur late winter 2015 or early 2016. However, according to news reports and other sources, uncertainty surrounds the U.S. Department of Labor’s release date of final, revised regulations and no implementation schedule has been issued. A recent media account suggested that final rules will be released sometime between mid-May and July. JAC staff will continue to monitor the situation closely.



“Uncertainty surrounds the U.S. Department of Labor’s release date of final, revised FLSA regulations and no implementation schedule has been issued.”

Records Management at the JAC — A Team Approach



The Justice Administrative Commission (JAC) is required by statute to, “Establish and maintain an active and continuing program for the economical and efficient management of records.” As part of this records management program, the JAC must first appoint a Records Management Liaison Officer (RMLO). Veronica Vasquez and Greg Cowan have been appointed to serve in this capacity and will actively engage in the functions of the JAC’s RMLO.

As RMLO, Veronica and Greg will collaboratively serve as leads to help perform specific functions for the JAC. These specific functions include the following:

- Inventorying JAC records
- Working to establish records retention schedules and to ensure the appropriate disposition of records eligible for destruction
- Training and advising JAC staff in records management practices
- Participating in JAC decision-making for issues such as microfilming, digital imaging, storage, and disposal
- Working with JAC information technology staff to provide input on records management requirements when the JAC is designing or enhancing automated systems that will contain public records
- Responding to public questions regarding JAC records and records management practices
- Reporting annually regarding the JAC’s compliance with records management statutes and rules.

As easily seen in the list of functions above, the workload associated with the records management program at the JAC is extensive. Certainly, no one person can complete this work. In fact, because JAC is statutorily required to perform these functions to ensure a systematic approach of the retention and disposal of all records, the extensive workload associated with this effort will require the participation of all JAC employees.

With the recent addition of Greg Cowan to the JAC, Veronica has been provided some relief from the extensive workload described above. Working together, Veronica and Greg will be developing the specific operational structure and components of the JAC records management program. They will be reliant upon the expertise of all JAC staff to make this a successful and efficient process.

More information regarding the Records Management Program at JAC will be forthcoming from Veronica and Greg in the near future. In the meantime, questions regarding JAC’s Records Management Program may be directed to either of them at: veronica.vasquez@justiceadmin.org, Ext. 224 or Greg Cowan, at greg.cowan@justiceadmin.org, Ext. 229. They welcome the opportunity to work with you.

Submitted by: Greg Cowan and Veronica Vasquez

Sources: Section 257.36(5)(b), Florida Statutes.

The Basics of Records Management. Division of State Library and Archives of Florida. Florida Department of State. October 2009.

Public Records — By Veronica Vasquez



Committed to providing excellent service, the Justice Administrative Commission (JAC) constantly strives to enhance the quality of the assistance it provides to the 49 diverse entities it administratively serves. In order to better understand the assistance JAC can provide when complying with Florida's broad public records law, please note the assistance JAC can and cannot provide:

JAC CAN:

- assist their office with the requested records
- assist their office with any information (without directly responding to the requestor)
- provide documents(s) maintained by JAC for an agency's response to a public records request.

JAC CANNOT:

- respond to a public records request on their behalf
- correspond with a public records requestor on their behalf
- provide document(s) maintained by the agency that are not in JAC's custody in response to a public records request made of JAC.

Additionally, in order to ensure that JAC does not hinder the prosecution or defense of a case, it is the policy of the JAC to notify and copy the agency who is the subject of a public records request with JAC's proposed response. The proposed response will include standard redactions, such as social security numbers and bank account information. However, because each agency is in a better position to assess the confidential or exempt nature of the information contained in a document, agency review of a proposed response further ensures that no case is compromised, nor any confidential or exempt information is released. When reviewing proposed responses redactions to a proposed public records response, please keep in mind that JAC must cite the specific basis for the redaction of any information requested. Moreover, because court's construe public records exemptions narrowly, JAC cannot assume the basis for a redaction determined by the agency. Consequently, JAC must request that their agency provide the specific citation for each redaction each time.

Questions regarding JAC's Public Records Request Policy may be directed to Veronica Vasquez, JAC Public Records Coordinator, at veronica.vasquez@justiceadmin.org or at (850) 488-2415, Extension 224.



*“Please note
the
assistance
JAC can
and cannot
provide.”*

*The new front entrance to the City Centre Building will have a totally different look.
February 24, 2016*



Photos are courtesy of Wayne Meyer

The back of the City Centre Building
February 24, 2016



Photo is courtesy of Wayne Meyer

Finishing touches were added to the south side of the City Centre Building by February 24, 2016.



Photo is courtesy of Wayne Meyer

The City Centre Building remained a “work-in-progress” as of December 17, 2015.

The south side of the City Centre Building had been virtually completed in December..



Work remained for the front and north sides of the building. But, progress had been made.



Photos are courtesy of Wayne Meyer

The transformation of the City Centre Building was still a work in progress from the front entrance on October 29, 2015.



Photo is courtesy of Lydia Mount

The transformation of the City Centre Building was still a work in progress from the “gated” parking lot on October 28, 2015.



Photo is courtesy of Lydia Mount

Epic changes were still underway at the City Centre Building in August 2015



Much work remained to be done on the front side of the building in August 2015.

Photo is courtesy of Wayne Meyer



As construction continued on the City Centre Building, this north side photo taken by Wayne Meyer on August 24, 2015, contrasts old and new features.



Photos are courtesy of Wayne Meyer and Lydia Mount

We Got the Job Done Rain, Shine, or Building Reconstruction!

Looking back to June 2015



Photos are courtesy of Lydia Mount

Gone but not forgotten...

“The Former Grand Oak in the Collins Library Parking Lot”



Farewell from Mary Graves

Hello all,

As you all know I am retiring March 31, 2016. So, this is my farewell letter.

I have seen many changes here at JAC in the past 11 years, some bad and a whole lot of good. The one thing that hasn't changed over that time has been the feeling of being here and considering you all as part of my family.

The new environment that was set at the beginning of Rip's tenure is a testimony to this place and his leadership — the feeling that you can express an idea, the can-do attitudes, the cooperation of all departments, regardless of what needs to be done, and, oh, the luncheons and parties that we have shared together!

It has been a pleasure to work here, but more than that — it has been a privilege to have met and mixed with such great people.

I have enjoyed my time here, but it is now time for me to make some changes in my life and do some traveling. I will miss all that this place represents. As with any special place it is the people who make it and that is what I will miss the most.

Even though I will be moving to new horizons, I will always have special and fond memories of this place and the many people that I have worked with.

I love you all and will miss you so much!

Mary Graves



Vicki Nichols

JAC's New Director of Accounting

Vicki Nichols is a native Floridian, born in St. Petersburg; she attended high school in Pinellas County. After high school, Vicki attended Florida State University.

For many years she worked for small businesses as a bookkeeper and office manager both in Jacksonville and Tallahassee. Vicki eventually earned her degree in English Education from Florida State in 1991. After a brief stint as an English teacher, she was given the opportunity to work for the State of Florida, Department of Education as an accountant and federal grants fiscal manager. In 1998 Vicki was able to combine her education background and knowledge of the state accounting system in accepting a position at the Department of Financial Services (DFS) in the FLAIR Education and Training Section.

Over several years, Vicki worked her way up to supervisor of the FLAIR Education Section. In the ten years Vicki worked at DFS, she wrote curriculum for 14 FLAIR classes and with her staff trained approximately 1,000 students per year in the various functions of FLAIR and FLAIR reporting systems. In 2008 Vicki brought her years of FLAIR experience to JAC.

During her time at JAC, Vicki has helped usher JAC through several changes such as: moving to the FLAIR statewide vendor file, substitute form W9 registrations, FLAIR reports distributed electronically via the FLAIR Report Distribution System (RDS), and the FLAIR object code standardization project. Vicki was appointed Director of Accounting on February 1, 2016.

Gregory J. Cowan
Senior Management Analyst



Originally from Panama City, Florida and a multi-generational Floridian, **Gregory J. Cowan** is the newest member of the executive staff for the Justice Administrative Commission. He currently serves as the Senior Management Analyst. Greg is married to Debbi Kaiser, who he credits as the most wonderful person he knows and his best friend. The couple has one “extremely spoiled but utterly adorable” cat name GrayC who turns 18 years old in May.

Greg has nearly 25 years’ experience in the Florida judicial system in clerk administration, court administration, and corrections. His experience includes budget management and analysis, policy development, strategic and emergency planning, jury management, case management, program auditing, business technology initiatives, process improvement, performance and accountability, and probation.

Among other duties, Greg has served as primary staff to numerous commissions, committees, and work groups, including the Trial Court Budget Commission, Commission on District Court of Appeal Performance and Accountability, Work Group on Emergency Preparedness, Work Group on Standards for Jury Panel Sizes, Task Force on Management of Cases Involving Complex Litigation, and CCOC Budget Committee.

He has extensive experience in court emergency management activities in the Florida courts having served as both a member of the Unified Court Emergency Management Group at the Florida Supreme Court and as the Branch-wide Alternate Emergency Coordinating Officer from May 2002 to June 2007.

Greg has written and presented extensively on the topic of court emergency management. He was instrumental in writing and implementing the *Florida State Courts Strategy for Pandemic Influenza* which in July 2007 was recognized by the White House in the *National Strategy for Pandemic Influenza Implementation Plan One Year Summary*. He served as a member of the National Coalition for Emergency Management in the Courts and as team leader and faculty member on the emergency management course development team with the Institute for Court Management at the National Center for State Courts.

He has twice been recognized by the Florida Supreme Court with the Chief Justice’s Commendation and was recognized with a Certificate of Appreciation from Chief Judge Joseph P. Farina with the Eleventh Judicial Circuit in Miami, Florida, for his assistance in the emergency response efforts following Hurricane Wilma.

He is a member of the Rotary Club of Tallahassee and serves as the club’s Youth Services Director. He also volunteers at the Tallahassee/Leon Community Animal Services Center and serves as a citizen representative with joint United Way of the Big Bend, City of Tallahassee, and Leon County grant review efforts.

He received a Master of Arts in Sociology from the University of South Carolina in 1991 and a Bachelor of Arts from the University of West Florida in 1989. His hobbies include traveling, reading, cooking, wine appreciation, volunteering, basketball, and exercising.

JAC Staff Developments & Kudos

January-February Staff Changes

JAC Departures

Andrew Kalel

JAC Additions

Cynthia Jean-Baptiste
Greg Cowan

OPS Document Control Specialist, Operations
Senior Management Analyst, Executive

JAC Transitions

Dina Kamen
Vicki Nichols

Former Position

Acting-Director of Accounting
Financial Services Administrator

New Status

Deputy Director of Accounting
Director of Accounting



Well Deserved Recognition

February 25, 2016 — Fantastic service, smooth, and fast. Thank you especially to the woman in contracts [*Jessie Eastman*] who took my call this morning. JKB

February 24, 2016 — *Cynthia Jean-Baptiste* joined JAC's staff on January 6, 2016. Although she has lived in Florida since the age of nine and is a graduate of Bayside High School in Palm Bay, she is originally from Haiti and is fluent in French and Creole. Cynthia is currently pursuing her undergraduate degree in Health Informatics and Management and enjoys reading and spending time with her son in her spare time. Welcome to JAC Cynthia!

February 23, 2016 — *Harper Moore*, daughter of JAC's *Amber Moore*, started Pre-K3 this month. Advises Amber, "This is a very big step for her as she has never been in a school type setting, and has always been at home with my grandmother. She is loving it and is making new friends. She has gained more and more speech and language every day. The road sometimes seems long and dark, but the path is always lit with the amazing accomplishment and milestones this sweet baby makes. I think I had a harder time with the adjustment and change than she did." *Amber Moore*

February 23, 2016 — Congratulations to *Kathy McCabe* on the occasion of her nephew's up and coming nuptials on June 18, 2016 in Minnesota. Wedding bells have definitely been ringing for the McCabe Family, as Kathy had a niece to get married in April 2015 (Tallahassee) and another niece got married in October 2015 in Minnesota. Kathy wants us to know that she only has ten more nieces and nephews to go!

February 5, 2016 — *Melissa Isaacs*, Division of Consumer Finance, Florida Office of Financial Regulation (daughter of JAC's *Therese Usherwood*) recently competed in two championship powerlifting events. Proudly, Therese reports that, "Melissa won a gold medal at the Florida Collegiate Powerlifting Championships and set state records in the squat, bench, and deadlift for her division. She also won a silver medal at the Southeastern USA Regional Championships."

February 3, 2016 — A very special thank you to *Mary Graves (and Ronald)* for donating a very nice GE microwave to JAC's north-end kitchen area. What a thoughtful thing to do and so much like Mary!

January 18, 2016 — "Wow, what a joy. It has been a long time since I logged in...needed help with my user name and password, and, after I got the appropriate response from you [instantly] I believe it has taken me less than 2 minutes to get this DONE with the opening of the new case... so easy to follow the prompts...your prompts...thank you!"

Your Attorney, *Gretchen-Elizabeth*



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

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Phone: (850) 488-2415
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(No names appear with photos.)

BOARDING THE EDMS TRAIN

The Justice Administrative Commission (JAC) continues the phased implementation of an Electronic Document Management System (EDMS). This is an update.



The EDMS development for the Human Resources (HR) Section is coming along. They are currently scanning their active employee files into our EDMS system called Laserfiche beginning with the letter Z and working their way to letter A. For the terminated files, we are almost finished with the letter J and starting with the letter K.

Human Resources, Circuit Accounting, and the Voucher Room are in discussions about using Laserfiche to process the Insurance Voucher Detail. Look for more to come on this topic when the process is solidified. However, you may expect the process to involve a new workflow, template, and folder structure in Laserfiche client that will be accessible by all three sections.

The EDMS Mission

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

Courtesy of Michelle Dolce

“If you want to achieve greatness, stop asking for permission.”

~Anonymous~

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.*