



COMMISSIONERS

State of Florida

Volume VIII, Issue 1

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Public Defender
 19th Judicial Circuit

Kathleen Smith
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Brian Haas
State Attorney
 10th Judicial Circuit

Alton L. "Rip" Colvin, Jr.
 Executive Director

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A Word From JAC's Executive Director



Rip Colvin
JAC Executive Director

The most recent Justice Administrative Commission (JAC) Meeting was held via teleconference on January 30, 2017. The focal point of the agenda was an update on the House Budget Reduction Exercise (Schedule VIIB-2).

2017 JAC Training Conference

Planning efforts for "Connect and Collaborate II," the 2017 JAC training conference at the Embassy Suites in Altamonte Springs are well underway and include the recent release of the conference agenda. A copy of the conference agenda is available on the JAC website and may be viewed by clicking [here](#).

In addition to presentations from JAC staff on budget, accounting, financial services, operations, human resources, and emergency management, featured speakers will present to conference attendees on public records, records management, workers compensation, interview techniques, public management, and due process procurement practices. JAC staff are especially thankful to the many staff with both the Public Defender and the State Attorney Offices who have agreed to assist as conference presenters and facilitators.

Space at the conference and rooms at the hotel are filling up fast. If you or your staff are planning to attend the conference and have not yet registered or made your hotel arrangements, we encourage you to make them as soon as possible. Information for registering for the conference and securing a hotel room at the

Embassy Suites is available on the conference agenda accessible via the link [here](#). If you have any questions regarding the conference, JAC staff contact information is also available on the agenda. ([See page 6.](#))

Presentation materials from JAC's 2016 "Connect and Collaborate Training Conference" are posted to JAC's website, and may be accessed by clicking [here](#).

Online Legal Research

Currently, there is no state contract for reduced rates for online legal research services available to the offices administratively served by JAC. As a result, the online legal research services and rates among the offices vary greatly. During 2015-16, select representatives of the Florida Prosecuting Attorneys Association (FPAA) and the Florida Public Defender Association (FPDA) met with JAC to discuss the possibility of pursuing a consolidated online legal research service contract for the offices served by JAC.

In November 2016, the Boards of the FPAA and FPDA voted to pursue the ITN process for a consolidated online legal research service contract. In December 2016, the JAC authorized staff to pursue this effort. JAC contracted with the Attorney General's office to guide the interested offices during this process.

After much discussion, consultation, and research, an invitation to negotiate (ITN) document was released on February 24, 2017 and responses must be received by March 17, 2017 at 2:30 p.m.

The ITN requests that online legal research service providers make service and rate proposals on research packages of interest to the offices of the FPAA and FPDA.

This approach will allow the offices of Justice Administration to pursue economies of scale based on the number of licenses, without requiring offices to contract with the ultimate contract winner. Please stay tuned.

State Travel

During the 2016 Legislative Session, certain travel restrictions were imposed by the Legislature regarding a \$150 room rate limitation, in certain circumstances, and documentation requirements for "mission critical" travel. The 2016 Legislature also provided the sum of \$1.8 million in non-recurring funds and \$2.8 million in recurring funds "for the executive and judicial branches of state government to implement a *Statewide Travel Management System*." After months of negotiations, the Department of Management Services (DMS), has notified agencies that the vendor-*Veri* has been selected. DMS will be visiting agencies in the near future to discuss these developments. JAC will keep you informed.

Room Rate Limitation

The \$150 room rate limitation is being enforced by the Department of Financial Services (DFS). Employees may be asked to pay rates in excess of \$150 per night if the booking of the room does not fall under one of the exemptions. ([See page 3 CS HB 479.](#))

Mission Critical Memos

JAC appreciates the efforts of several offices we serve in providing updated "mission critical" memos, as DFS is scrutinizing travel more closely and may question travel that is not apparent to be "mission critical".

Update on Sentencing for Capital Felonies



“On February 20, 2017, the Florida Supreme Court ruled that ongoing capital cases may proceed.”

On January 12, 2016, the United States Supreme Court held Florida’s capital sentencing system to be unconstitutional. During the 2016 Legislative Session, House Bill [7101](#), relating to Sentencing for Capital Felonies, amended 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 Florida House of Representatives on February 18, 2016 by a vote of 93 to 20, passed by the Florida Senate on March 3, 2016 by a vote of 35 to 5, and signed into law by Governor Scott on March 7, 2016. *See Ch. [2016-13](#), L.O.F.* Highlights within the law include the following:

- 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.

In subsequent developments, on October 14, 2016, the Florida Supreme Court found the state’s new death penalty law to be unconstitutional and held that, *“Based upon Florida’s state constitutional right to trial by jury, and our Florida jurisprudence, the penalty phase jury must be unanimous in making the critical findings and recommendation that are necessary before a sentence of death may be considered by the judge or imposed.”* That ruling prompted questions regarding the treatment of cases currently being prosecuted. In a decision that provides greater clarity, on February 20, 2017, the Florida Supreme Court ruled that ongoing capital cases may proceed. More clear jury instruction is now in place.

Sources: Florida Senate, [Florida Supreme Court](#), and Associated Press

Government Accountability

House Bill [479](#), an Act Relating to Government Accountability, was introduced on January 24, 2017 by Representative Larry Metz. The bill amends § 43.16, F.S., by requiring that 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. An identical measure, Senate Bill [880](#), was filed on February 10, 2017 by Senator Kelli Stargel.

Moving forward, a Committee Substitute for House Bill 479 was passed unanimously by the Oversight, Transparency, and Administration Subcommittee on February 23, 2017. All elements addressing internal controls for JAC and the offices it administratively serves were retained. However, section 5 was added to the bill, which codifies the \$150 hotel room rate limitation provided within the 2016-17 General Appropriations Act Implementing Bill (HB 5003) applicable to this fiscal year. The new provision within CS/HB 479 provides:

(c) “Actual expenses for lodging associated with the attendance of an employee of a state agency or the judicial branch at a meeting, conference, or convention organized or sponsored in whole or in part by a state agency or the judicial branch may not exceed \$150 per day. However, an employee may expend his or her own funds for any lodging expenses that exceed \$150 per day.”

The Department of Financial Services worked with the Legislature after the 2016 Session to determine Legislative intent, and obtained exclusions to this provision in the Implementing Bill, including law enforcement (SAs) and litigation (PDs, RCs, and CCRCs).

It is unclear whether the Legislative intent applicable to HB 5003 will apply to the new provision in CS/HB 479, if it becomes law. Without the prior exclusion, hotel rooms in excess of \$150 associated with case-related meetings, operational-type meetings, and recruiting meetings organized by your offices could potentially fall under this provision.

The bill will be taken up next by the House Appropriations Committee. The effective date of both the House and Senate bills is July 1, 2017.

JAC continues to support the provisions related to internal controls within the originally filed bills.



“The Committee Substitute for House Bill 479 also amends s. 112.061 (6), F.S., as it pertains to per diem and travel expenses of public officers, employees, and authorized persons.”



Justifiable Use of Force



The Florida Senate and House of Representatives are taking up “Stand Your Ground” bills again this year.

Senate Bill [1052](#), filed by Senator David Simmons on February 20, 2017, amends § 776.013, F.S., regarding the justifiable use of force. Under the provisions of this bill, “A person who is attacked or threatened with the use of force in a dwelling, residence, or vehicle in which the person has a right to be has no duty to retreat and has the right to stand his or her ground by using or threatening to use force, including deadly force.” Additional specified restrictions and conditions apply. As of February 24, 2017, there were no committee references assigned.

An identical measure, House Bill 677 was filed on February 7, 2017 by Representative Cord Byrd and has been referred to the Criminal Justice Subcommittee. If signed into law, the effective date will be July 1, 2017.

By way of background, during the 2016 Legislative Session, 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.

As amended under Senate Bill 344 in 2016, § 776.013, F.S., provided 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.” Ultimately, Senate Bill 344 was passed by the Senate and referred to the House Judiciary Committee, where it died on March 11, 2016.

Senate Bill 1052 and House Bill 677 are bills that will likely be of interest to many Floridians again this year.

Source: Florida Senate

Update on FLSA Rules Regarding Overtime

By Carolyn Horwich, Esq.

The U.S. Department of Labor (DOL) finalized its amendments to the *Fair Labor Standards Act (FLSA)* overtime rules on May 18, 2016. The amendments were to become effective December 1, 2016. However, on November 22, 2016, Judge Amos L. Mazzant of the U.S. District Court for the Eastern District of Texas granted a preliminary injunction temporarily halting implementation of the new regulations. The injunction was effective nationwide.

The U.S. Department of Labor filed an appeal with the U.S. Court of Appeals for the Fifth Circuit and was granted an expedited briefing schedule. However, since the preliminary injunction was entered, there has been a change in administration. Subsequently, the Department of Justice requested and was granted an extension to submit its brief on appeal. On February 21, 2017, the Department of Justice requested another extension to submit its brief on appeal, this time until May 1, 2017. This request was granted.



UNITED STATES
DEPARTMENT OF LABOR

Information on Wages and the Fair Labor Standards Act may be viewed by clicking [here](#).



*“The U.S.
Department
of Labor’s
final FLSA
rule has
been
challenged
in court*

Human
RESOURCES

JAC 's 2017 Connect and Collaborate Conference

By Greg Cowan, MPA



Conference Agenda

Connect and Collaborate II

Training Conference
May 15-18, 2017
Embassy Suites by Hilton - Orlando North
225 Shorecrest Drive, Altamonte Springs, FL 32701

Track 1	Human Resources and Operations
Track 2	Budget, Accounting, and Financial Services
Combined	All Attendees

As of February 28, 2017, JAC has received 130 registrations from the offices served (via SurveyMonkey) for this exciting conference. Click [here](#) to view the full agenda, list of presenters and contributors, and to access the links below:

Please note these important deadlines!

Hotel rooms are going quickly! If you are planning to attend, don't delay your reservation!

Questions regarding the conference may be sent to:
greg.cowan@justiceadmin.org.

****To assist in preparing for the conference, JAC requests that names of attendees be registered by clicking here:**

<https://www.surveymonkey.com/r/XC3FCRH>

Rate: \$102.00 per night, use Group Code: **JAC** or Group Name: **JAC Event**. Cutoff date for hotel reservations is April 21, 2017. Reserve your room by phone: 1-800-445-8667 or 1-407-571-3432 (ask for Dorie Bonaventura). You may also reserve rooms online:

http://embassysuites.hilton.com/en/es/groups/personalized/M/MCOSPES-JAC-20170511/index.html?WT.mc_id=POG

Risk Management

By Terrence Joyce

Among my many duties as a Operations and Management Consultant at the Justice Administrative Commission, I serve as the Risk Management and Workers' Compensation Coordinator. This role provides an opportunity for me to assist the agencies we administratively serve in their efforts to mitigate important risk factors.

Recently, a question was posed as to whether an employee can use an exercise ball as a chair. Below is the answer from the Government Operations Consultant, who serves within the Loss Prevention section at the Department of Financial Services:

Until an injury occurs, we are not able to instruct agencies on their policies concerning seating. However, it is a best practice that the agency should do everything possible to mitigate incidents from occurring. Therefore, it is the position of the Division that we do not allow alternative seating in the workplace in order to avoid possible injures. However, if an employee has a medical condition requiring the use of an alternative to traditional seating, and provides a doctor's note indicating the necessity, this would be permitted with the understanding that we would not be liable if an accident occurred related to the use of the seating.

Look to see periodic articles featured in JAC's newsletters relating to various Risk Management issues. I hope you will find these articles to be very informative.

Please Note:

The Bureau Chief from the Division of Risk Management, Todd Stupski, will be speaking at the "Connect and Collaborate" JAC Training Conference in May. If you are attending, bring all your Risk Management and Workers Compensation questions. He is well versed on these subjects.

Submitted by Terrence Joyce, JAC Operations

"The Bureau Chief from the Division of Risk Management, Todd Stupski, will be speaking at the "Connect and Collaborate" JAC Training Conference in May."



Paper Usage Reductions

By Kevin Garland, JAC Human Resources

Can you imagine printing out 426 pages of information from FLAIR (one page at a time) on a monthly basis? Well, out of necessity, this has been my routine for years — in order to provide the offices administratively served by the Justice Administrative Commission, and assigned to me, with requested information.

With JAC's emphasis on efficiency and cost savings, I began looking at ways to provide the offices with the same information — but, with less printing and more focused details. While this is still a work in progress, it caused me to think about other ways I may be able to reduce my paper usage.

As always, the next morning I checked our printer for the FLAIR reports that are set up to print automatically overnight. We only need a portion of each report, which can be obtained directly from FLAIR and converted to PDF. So, I asked myself, why are these reports still set up to print automatically? I emailed Nona McCall in Financial Services, gave her the list of reports, and she stopped the automatic printing of unnecessary hard copies immediately.

Through this simple adjustment, it is estimated that JAC will save around 700 pages per month (8,400 per year).



Many thanks to Kevin Garland and Nona McCall for their contributions to this impactful effort.

JAC Welcomes Shelby Faul



JAC's newest Human Resources (HR) employee is Shelby Faul.

Shelby is starting at Tallahassee Community College (TCC) in the summer to hopefully become a theatre technician (a person who provides behind the scenes support in a theatre production).

Shelby graduated high school a year and a half early. She is no stranger to many longtime JAC staff, as her nana, Mary Graves, was one of HR's treasured employees.

Best wishes to you Shelby at JAC and TCC!



**State of Florida
Justice Administrative
Commission**

Post Office Box 1654 (32302)
227 North Bronough Street,
Suite 2100
Tallahassee, Florida 32301
PHONE (850) 488-2415
TOLL FREE (866) 355-7902
FAX (850) 488-8944
TOLL FREE FAX (866) 355-7906

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WWW.JUSTICEADMIN.ORG

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

Lydia R. Mount, Editor
Executive Office
Justice Administrative
Commission

Phone: (850) 488-2415
Ext. 223

Lydia.Mount@justiceadmin.org

(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.



We are still working on a way for batchsheets to be submitted directly from BOMS to JAC without the circuits having to email them. This will require additional internal testing. However, once we have completed our part, CIP will need to configure BOMS.

The EDMS development for the Human Resources Section is progressing. They are still working on getting the active personnel files into Laserfiche. As of February 2017, they are on the letter "P". Remember, they started from the letter "Z"; so, they have finished scanning ten letters.

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

*"Great minds discuss ideas; average minds discuss events; small minds discuss people."
~Eleanor Roosevelt~*

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.).

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

JAC's Mission: *To support the entities we serve and Florida's judicial system with fiscal controls, best practices, and exemplary service.*

JAC's Values: *We take great pride in exemplary service, adaptability, honesty, integrity, and diversity, as well as respectful and ethical conduct.*