

Kim A. Skevaski
Chairman, Judicial Administration Section
Florida Conference of Circuit Court Judges
190 Governmental Center
Pensacola, Florida, 32502-5795

Dear Chairman Skevaski,

The Governor received your letter dated November 29, 2006, regarding the exhaustion of second quarter funding for the payment of court-appointed counsel and related due process expenses, and has asked me to respond on his behalf.

The Governor has grown increasingly concerned over the rapid escalation of due process expenditures during the past two fiscal years, particularly as the statutory control for these costs, found in F.S. 27.42 (2)(a), has apparently gone unnoticed or unheeded. This section of law tasks the *circuit* Article V indigent services committees not only to manage the appointment and compensation of court-appointed counsel, but also to "set the compensation rates . . . not to exceed any rates specified in the General Appropriations Act such that the total amount expended does not exceed the amount budgeted in the General Appropriations Act for the particular due process service."

That said, the Governor acknowledges that a careful review should be made to determine whether current due process appropriations are sufficient and has asked his Office of Policy and Budget to meet with appropriate staff of the Florida House and Senate and with Victoria Montanaro, Executive Director of the Justice Administrative Commission, to determine the sources of the current cost increases and whether additional cost controls or funding is needed.

With that in mind, and although proposals to address this issue have not yet been submitted by either the Florida Conference of Circuit Court Judges or the Justice Administrative Commission, the Governor is willing to support the immediate release of third quarter funding, and has asked House and Senate leadership to approve the necessary budget amendment. However, the Governor will not approve the early release of fourth quarter funds unless the circuit indigent services committees, in collaboration with the Justice Administrative Commission, develop a plan to re-adjust compensation rates in a manner that will assure remaining due process funds are not exhausted prior to the end of the fiscal year.

In making these rate adjustments, the stakeholders may take into consideration the \$9.2 million dollars available in the Due Process Contingency Fund. Upon completion, the finalized plan should be submitted to Mike Hansen, Director of the Office of Policy and Budget.

Governor Bush welcomes the input of the Conference in resolving this urgent matter, and looks forward to receiving the January report of your Trial Court Performance and

Accountability Commission and any recommendations it may have for ensuring that funding for the delivery of these vital justice services is both sufficient and defensible.

Thank you for writing the Governor.