

# FULL COURT PRESS

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## *One Hour, Once a Week*

*-Make a difference  
in the life of a child*

by Steve Uhlfelder  
Co-chairman, Governor's  
Mentoring Initiative  
Partner, Holland & Knight  
Member,  
Florida Board of Regents

*A hundred years from now it will not matter what my bank account was, the sort of house I lived in, or the kind of car I drove. But the world may be different because I was important in the life of a child. - Anonymous*

As Co-Chairman of the Governor's Mentoring Initiative, I am truly excited to see that the Florida Supreme Court, under the direction of Chief Justice Major B. Harding, is leading the way to effective change in our communities by encouraging court employees to make a difference in the lives of children. Chief Justice Harding recently announced that the Florida judicial branch will take part in the Governor's Mentoring Initiative. This initiative, which began in August of 1999 under the leadership of Governor Jeb Bush, is an effort to recruit 200,000 volunteers in Florida to become mentors. The Governor, Lt. Governor and most of his staff and agency heads all mentor young people in public schools. Building off the volunteer efforts begun by General Colin Powell with *America's Promise*, the program is designed to help students excel in school and in life.

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*Florida  
Supreme  
Court Justice  
Barbara  
Pariente  
shares a smile  
with Doris  
Davis, whom  
she has  
mentored for  
more than  
four years.*

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**Mentoring** *from page 1*

*Chief Justice Harding has approved an administrative policy granting employees of the judicial branch one hour of leave per week, not to exceed five hours per calendar month, to participate in an established mentoring program serving a school district, or to participate in community service programs that meet the needs of children or the elderly, such as Big Brother/Big Sister, Adult Literacy, or Senior Corps. Employees need to have the approval of their supervisor for the leave to be granted.*

As Chief Justice Harding said at the April meeting of court staff to unveil the branch's mentoring program, "The future of our country rests in the children. I can think of no greater way to make a real difference in our communities." He and his wife Jane have been mentoring a Tallahassee elementary school student for some time and find the experience very rewarding.

Justice Barbara Pariente began mentoring Doris Davis when she was in the ninth grade. Doris will be entering FAMU this fall and is just one of many mentoring success stories. Justice Pariente continues to support mentoring and encourages others to give a little of their time to make a difference in the life of a child.

What difference will one hour, once a week, spent with one child make? Statistics show that a young person who has a mentor is:

- 47% less likely to begin using illegal drugs
- 27% less likely to begin drinking alcohol
- 52% less likely to skip school
- 33% less likely to engage in a fight
- Mentoring does make a difference!**

The combination of educated and caring adults with charitable resources is a formula for success. We discovered this more than five years ago, when my law firm, Holland & Knight began a program that promotes volunteerism for the benefit of children in each Holland & Knight community. The program, entitled *Opening Doors for Children*, gives hundreds of Holland & Knight employees the opportunity and incentive to touch the lives of children through school-based programs, community centers, and Scouting units. For the past twelve years, I have been fortunate enough to mentor four young men in Tallahassee. One of them still works with us at the law firm and is now a mentor himself.



**Steve Uhlfelder**  
*Co-chairman, Governor's Mentoring Initiative*  
*Partner, Holland & Knight*  
*Member, Florida Board of Regents*

Our volunteerism in the community is directly related to our productivity as professionals. Holland & Knight believes that its ultimate success will depend upon the quality of the people within its own doors. By attracting lawyers and staff members that understand why *Opening Doors for Children* is important, we continue to build upon the foundation that brought this firm to greatness. Our acts define us.

I encourage all court employees to support this initiative by volunteering to be a mentor like Justices Harding, Pariente, and Governor Bush. ♪

*For more information on taking part in the judicial branch's mentoring program, contact Margie Howard, (850) 922-7033/SunCom 292-7033.*

## 2000 Legislative Session a Mixed Bag for Judicial Branch

by The OSCA Legislative Team

**Editor's Note:** While the following bills have passed the Legislature, they are awaiting final action by the Governor – to be signed into law, vetoed, or passed into law by a certain date. For the status of legislation, please see the Legislature's on-line site at [www.leg.state.fl.us](http://www.leg.state.fl.us) or call OSCA Communication & Legislative Relations at (850) 922-5081, Suncom. 292-5081. The Legislature also has an information service providing up-to-date status of bills: (850) 488-4371, Suncom 278-4371.

One of the roles of the Office of the State Courts Administrator's (OSCA) Communication and Legislative Relations unit is to track all legislation which may impact the judicial branch. During the 2000 Session, the Legislature passed 497 bills. However, some of the biggest stories were the bills that did not pass but resulted in much controversy. In the end, the first session of the millennium was both good and bad for the State Courts System (SCS). In contrast to the passage of passed Article V Legislation and a suitable budget appropriation for the judicial branch, the Legislature failed to pass a judicial certification bill despite weeks of effort, persuasion, and negotiation between the judicial branch and members of both houses. Following is a synopsis of significant court-related legislation.

### Revision 7 to Article V

#### SB 1212 - Court Funding

The passage of **Senate Bill 1212** marks the beginning of the implementation of Revision 7 to the Florida Constitution. Revision 7, approved by voters in November 1998, amended Florida's Constitution to require change in the funding of the trial courts. Specifically, the revision compels the state to adopt more of the funding responsibility than the counties for the trial courts. This bill established the groundwork for the transition, which according to the constitutional amendment, is not required to be fully accomplished until July 1, 2004.

#### SB 1212 does the following:

- Provides intent language that defines the state courts system as those essential elements of the Supreme Court, district courts of appeal, circuit courts, and county courts. Further, counties under this act will be required to continue to fund existing elements of the state courts system, state attorneys' offices, public defenders' offices, court appointed counsel, and the offices of the clerks of the circuit courts until such time the Legislature expressly assumes the responsibility for funding those elements.

- Provides that a basis of funding by the state will be incumbent upon having reliable and auditable data substantiating the revenues and expenditures associated with each essential element, that court costs, fines, and other dispositional assessments shall be imposed by the courts and collected by the clerks, and that the Legislature would be providing procedures through general law on determining how waivers of fees and costs for indigents in criminal cases or civil actions should be handled.
- Provides that the Legislature will phase in the funding shift. During fiscal years 2000-2001 and 2001-2002 the Legislature will "review the state court systems to determine those elements appropriate to receive state funding". Furthermore, the Legislature during those same fiscal years will review current law with regard to authorizations for court costs, fines, and other dispositional assessments and redirect appropriate revenues to the state. During later years, the legislature will be reviewing the state attorneys' offices, public defenders' offices, clerk of the courts' offices, and the use of civil indigency counsel and conflict counsel.

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**Legislature** *from page 3*

- Provides definitions of what are the essential elements of the state courts system, state attorneys' offices and prosecution expenses, public defenders' offices and indigent defense, and court appointed counsel. The essential elements of the state courts system are defined as judges and essential staff and expenses as determined by general law; juror compensation and reasonable accommodations; reasonable court reporting; services for the disabled when necessary to ensure access to the courts; facilities, maintenance, utilities, and security for the District Courts of Appeal and the Supreme Court; foreign language interpreters and translators; and staff of the Judicial Qualifications Commission.
- Provides those areas of the trial courts that the counties are required to fund. This includes facilities, reasonable and necessary costs of the acquisition of facilities, equipment and furnishings, utilities and maintenance of offices, and security. Additionally, at the trial court level, counties are required to pay for all "communication systems," which includes telephone services and equipment, facsimile, wireless communications, video teleconferencing, pagers, computer lines, computer systems and equipment, and staff for supporting and maintaining such equipment. Further, counties would be responsible for funding existing radio systems and multi-agency criminal justice information systems and local requirements as determined by general law.
- Creates an Article V Financial Accountability and Efficiency Workgroup to develop recommendations concerning financial accountability systems and standards for use during and after the transition from local to state funding. This workgroup will make recommendations to the Legislature regarding alternative structures for budgeting and fiscal management for the state courts system.
- Creates a contingency fund of \$2.5 million dollars for counties with a population of less than 85,000. Such counties may apply to the Office of the State Court Administrator for additional funding to cover extraordinary criminal case costs.
- Provides some funding for pilot programs in 3 counties, (Polk, Dade, and Hillsborough according to appropriation bill proviso language) to reimburse these counties for reasonable and necessary conflict counsel fees, expenses, and costs. The counties, however, must "institute cost containment and accountability processes and provide detailed quarterly reports."

- Requires clerks of the courts to provide detailed information to the Legislature on the cost of each service provided, the current source of funding for each service, a listing of all fees, costs, service charges, fines and forfeitures collected by the clerks, the amount collected, and how these were distributed.
- Creates the Joint Legislative Committee on Article V with the purpose of having that committee responsible for overseeing the implementation of Revision 7 to Article V of the State Constitution.

In addition, the following provisions were amended onto the bill, but do not directly relate to implementation of Revision 7.

- Defines for the purpose of the state budgeting process that the terms "state agency" or "agency" include the judicial branch. Requires that by September 15, 2001, the judicial branch shall submit to the Legislature a performance-based budget request for programs approved by the Legislature.
- Creates a commission to study the workload of the Florida Supreme Court. The commission is to develop recommendations for addressing workload issues, including, but not limited to, the need for additional justices on the Supreme Court.
- Clarifies that each District Courts of Appeal may designate other locations within its district as branch headquarters.

The bill was signed by the Governor on June 7, 2000.

## **Family Law**

### **HB 855 – Kayla McKean Act Revisions**

This bill includes many revisions to the Kayla McKean Act, including three recommendations from the Supreme Court's Ad Hoc Committee on Implementation of Kayla McKean, including:

- section 39.205(1), Florida Statutes, is amended to exempt judges from criminal penalties for failure to report to the Department of Children and Families when they have reasonable cause to suspect that a child is abused, abandoned or neglected;
- section 39.201(7), Florida Statutes, is amended to provide that judges and judicial branch employ-

ees are not required to make duplicate reports to the Department; and

- section 39.301(8), Florida Statutes, is amended to provide that cases involving domestic violence are not automatically considered high risk for purposes of filing a dependency petition.

Judges are NOT excluded from the duty to report in section 39.201, Florida Statutes. Also, the name of the Act was changed at the family's request to delete Kayla McKean's name. The bill was approved by the Governor on June 5, 2000.

### **SB 794 - Underage Witness Protection**

Amends section 90.612, Florida Statutes, and requires a judge to use special care to protect a witness under the age of 14 from questions that cannot be understood based on the age and understanding of the witness and repetitive questions. This bill has not yet been signed by the Governor.

### **HB 1901 - Abandoned Newborns**

Establishes a mechanism for a parent to anonymously leave a newborn baby at a hospital or fire station.

- Creates a presumption that a parent who leaves a newborn intended to consent to termination of parental rights.
- Creates section 63.0423 to provide for procedures for termination of parental rights for abandoned newborns.

A companion public records bill, **SB 2082**, also passed and was approved by the Governor on June 6, 2000.

### **HB 1039 - Fatality Review**

Provides for fatality review teams to examine fatal and near fatal incidents of domestic violence and recommend ways to prevent such incidents. The teams are to include a representative from court administration. A companion public records bill, **HB 1037**, also passed and was approved by the Governor on June 6, 2000.

### **SB 320 - Fleeing With Minor**

Requires persons who flee with a minor child to report to the sheriff or state attorney within 10 days after taking their child in order to be exempt from the crime of interference with custody. A companion pub-

lic records bill, **SB 318**, also passed and was approved by the Governor on June 7, 2000.

## **Civil Law**

Bills proposing an increase in the county court jurisdictional amount, deletion of outmoded statutory references to masters and magistrates, the creation of complex civil litigation divisions in the largest circuit courts, and creation of a workers' compensation division in the First District Court of Appeal failed to muster support in the final days of this year's session. The only significant civil law legislation to pass both houses was the "Florida Vexatious Litigant Law," which will require pro se litigants who frequently file meritless lawsuits to furnish security as a condition of maintaining a pending cause of action.

**SB 428** would have raised the county court jurisdictional amount to \$25,000, exclusive of interest, costs and attorney's fees, for causes of action accruing on or after July 1, 2000. Attorneys and judges throughout the state expressed concern about a potentially overwhelming influx of automobile insurance cases - primarily those involving \$25,000 caps on PIP coverage - into county courts as a result of the proposed increase. A House companion bill, **HB 2275**, in addition, would have shifted third-degree felony, fourth or subsequent violation, DUI cases from circuit to county courts, and appeals in those cases from district courts of appeal to the circuit courts. Both bills died on the calendar in the last week of the session.

**SB 1624** would have replaced 53 statutory references to the term "master" with the new term, "magistrate," and would have replaced 47 statutory references to the historical "magistrate" term with the new term, "trial court judge." No House companion was filed, and the Senate bill died in the Senate Judiciary Committee in the last week of the session.

**SB 394** proposed creation of complex civil litigation divisions in circuits with a population exceeding 1,250,000. Only the Seventeenth and Eleventh circuits now meet that threshold. The bills excluded family law, probate and small claims cases from the scope of complex civil litigation, but included cases requiring in excess of three weeks for trial when those

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**Legislature** *from page 5*

cases involved antitrust, construction defect, shareholder derivative claims, or environmental, toxic or mass tort claims, class actions, or insurance coverage claims arising out of any of the foregoing claims. A similar House bill would have authorized chief judges to determine the amount of a service charge for maintenance of the special divisions.

**HB 1149** included, among sweeping changes to the Workers' Compensation Law, a directive to the First District Court of Appeal to establish a specialized division to hear workers' compensation appeals. The bill died on the calendar on the last day of the session.

Subject to the governor's veto, the Florida Vexatious Litigant Law will become effective October 1, 2000. **CS/SB 154** requires an unrepresented plaintiff in a pending action to furnish security in an amount sufficient to cover the defendants' reasonable litigation expenses when the plaintiff in the preceding five years filed five or more state court civil actions that were finally and adversely determined against him or her. The bill excludes pro se family law and small claims court actions, but includes all other civil cases governed by the Florida Rules of Civil Procedure, as well as probate actions. If a plaintiff fails to post security as required, the court may dismiss the pending action with prejudice. The bill also authorizes a judge to enter a prefiling order prohibiting a vexatious litigant from commencing any new pro se action in the circuit without first obtaining leave from the administrative judge. A predictable consequence of the law will be an increase in motion and evidentiary hearings to determine whether plaintiffs meet the vexatious litigant standard. The bill requires clerks of court to provide copies of all prefiling orders to the Clerk of the Florida Supreme Court, who is directed to maintain a registry of vexatious plaintiffs. The law is intended to supplement remedies already available against frivolous lawsuits, including the sanctions contained in section 57.105, Florida Statutes.

### **Criminal Justice**

The volume of criminal legislation during the 2000 Session was less than has been the case the past sev-

eral years. Although there is other criminal justice legislation that passed both houses, the following are the more significant bills.

- **Pretrial Release** - The following two bills are designed to make it more difficult, or impossible, for defendants to obtain pretrial release from detention.
- **CS/HB 205** Addresses DUI Manslaughter cases.
- **CS/HB 607** Relates to defendants charged with dangerous crimes or those who commit new crimes while on pretrial release, and prohibits their release on non-monetary conditions unless authorized by the court.

Both of these bills have been signed by the Governor.

#### **CS/CS/HB 69 - Habitual Juvenile Offender Accountability**

Requires mandatory direct files on certain 16 or 17 year old offenders. In certain circumstances, adult sanctions must be imposed. The Act took effect when signed by the Governor on April 18, 2000.

#### **CS/SB 840 - Sexual Abuse Confessions**

Removes the requirement, in certain sexual abuse cases, of establishing a corpus delicti before admitting a confession or admission. An additional hearing is required to establish the trustworthiness of the confession or admission and the fact that the State is unable to show the existence of each element of the crime. This bill was signed by the Governor on June 5, 2000.

#### **HB 677 - Sexual Predators**

Creates the "Sexual Predator Prosecution Act of 2000". The Act requires that any sentence for sexual battery must be imposed consecutively to any other sentence for sexual battery or murder as long as it arises out of a separate criminal episode or transaction. This law takes effect on October 1, 2000.

#### **SB 160 - Partial Birth Abortions**

Creates the "Partial-Birth Abortion Act" which makes it a second degree felony to perform a partial birth abortion as defined in the Act, unless necessary to save the life of the mother who is threatened by a physical disorder. A patient undergoing the procedure

is not to be prosecuted under the Act. Signed by the Governor on May 25, 2000.

#### **CS/CS/CS/SB 1258 - Money Laundering**

Creates criminal standards and sanctions for money transmitting and money laundering. If approved by the Governor, this bill will take effect on July 1, 2000.

#### **SB 838 - Convicted Burglars/DNA Analysis**

Requires persons convicted of burglary, who are still under some form of incarceration or supervision to submit blood samples for DNA analysis. If a court order fails to require the drawing of blood, an amended order or an order requiring the blood specimens may be sought. Effective July 1, 2000.

#### **SB 268 - Insanity Defense**

Establishes criteria for establishment of an insanity defense and places the burden on the defendant to establish such defense by clear and convincing evidence. This bill will take effect upon signature of the Governor.

### **Traffic**

#### **SB 2368 - Traffic Control**

Requires law enforcement officers to issue a copy of the Traffic School Reference Guide with all citations. The bill also mandates that more drivers involved in crashes must attend driver improvement courses and will remove the limitation of five lifetime elections to attend the course, while retaining the requirement that such elections be spaced at least a year apart. Effective October 1, 2000.

#### **HB 113 - Driver's License Suspension/DUI Test**

Requires the Department to invalidate a drivers license suspension for driving with an unlawful blood or breath alcohol level if the defendant in the underlying case is found not guilty on the DUI charge or if the case is dismissed or nolle prossed. Vetoed by the Governor.

#### **HB 205 - Trooper Robert Smith Act**

Tightens the criteria in relation to pretrial detention for DUI manslaughter, effective October 1, 2000.

#### **HB 1911 - Highway Safety & Motor Vehicles**

Deals with various areas of the traffic law. Makes interference with official traffic control devices a criminal offense, extending second or subsequent DUI offense vehicle impoundment to all vehicles owned by the defendant (with exceptions), expanding the scope of the open container law to cover alcohol consumption in a parked or stopped vehicle, removing the motorcycle helmet requirement in relation to persons over 21 who satisfy a specified insurance requirement, extending the jurisdiction of the Department over driver improvement courses to courses using technology as the delivery method, and removing the requirement that DUI programs be either governmental entities or not-for-profit corporations. This bill is effective October 1, 2000, if signed by the Governor.

### **Other Court Related Bills**

#### **HB135 - Citizen Participation in Government**

Creates the "Citizen Participation in Government Act", which prohibits any governmental entity from filing, or causing to be filed, any lawsuit against a person or entity without merit and solely because such person or entity has exercised the right to peacefully assemble or to petition for redress of grievances before a governmental entity. The bill also grants any person or entity sued by a governmental entity in violation of the act a right to an expeditious resolution of any claim that the suit violates the act.

#### **HB 17 - Thomas Barkdull District Courthouse**

Designates the courthouse of the Third District Court of Appeal in Miami as the "Thomas H. Barkdull, Jr., District Courthouse".

#### **SB 2104 - Election/Ballot Language**

Revises the 2000 ballot language concerning the method for the selection and retention of trial judges, replacing the phrase "selected through merit selection and retention" with the phrase "changed from election by a vote of the people to selection by the

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**Legislature** *from page 7*

judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people". The bill, which is effective October 1, 2000, will also require that the names of candidates for the office of circuit judge be listed on the first primary ballot in the order determined by lot after the close of the qualifying period. This bill also exempts constitutional amendments proposed by joint resolution of the Legislature from the 75-word ballot summary limitation.

**HB 181 - Financial Disclosure**

Adds a requirement that a person required to file either a full and public disclosure or a limited disclosure must file a final disclosure within 60 days of leaving the covered position. The bill also contains provisions requiring each agency to give notice of this new requirement within 30 days of the person leaving the covered position and redefining the term "gift". Effective January 1, 2001.

**Technology**

Although there were many technology issues being addressed during the 2000 Legislative Session, the bills that were closely tracked by OSCA's Information Systems Services staff were those related to providing government products and services on the Internet, issues related to electronic commerce, development of a program to allow for electronic procurement and procurement of information technology related resources by negotiation, and information technology management. Although the technology bills that were being tracked did not pass, several were incorporated into an amendment to **CS for CS for SB 1334 - Relating to Electronic Commerce**, which did pass.

**CS/ CS/ SB 1334 - Electronic Commerce**

Included various technology related provisions which include the use of electronic records, signatures, transactions, and notarization; a requirement for county recorders to provide a statewide index of official records available on the Internet on a publicly available website no later than 2002; procedures related to on-line procurement of commodities and contractual services; acceptance of bids and proposals by electronic means; the creation of a Task Force on Privacy and Technology; the creation of the State Tech-

nology Office within the Department of Management Services and associated responsibilities in relation to state agencies information technology;

The primary issue in this bill which had a direct impact on the judicial branch was various revisions to sections of Florida Statutes Chapter 282 - Communications and Data Processing. During session an amendment was submitted by the Court to specify that the definition of agency for the purposes of ss. 282.303 - 282.322 would not include the judicial branch; therefore maintaining the branch's independence with regard to our information technology annual report, planning, budgeting, etc. This amendment was passed and the bill was approved by the Governor on May 26, 2000.

**Retirement****HB 2393 - Public Employee Optional Retirement Program**

Directs the State Board of Administration to establish an optional defined contribution retirement program for members of the Florida Retirement System (FRS). Participation in the optional defined contribution program would be in lieu of participation in the defined benefit program of the FRS. Initial and ongoing educational information shall be provided to assist employees in their choice of participating in the defined benefit or defined contribution retirement programs. Financial planning guidance may also be offered on such matters as investment diversification, investment risks, investment costs, and asset allocation. Benefits under the optional retirement program shall be provided through employee directed investments in accordance with IRS Code S. 401 (a) and related regulations. Employers shall contribute toward funding of benefits as set forth in s. 121.571.FS.

Participants will retain retirement service credit earned under the defined benefit program of the FRS and may opt to transfer the present value of their defined benefit to their defined contribution account. Participants will vest after 1 year of service with an eligible employer, to include any service earned as a member of the defined benefit program or the Senior Management Service Optional Retirement Program. Current state employees must elect in writing to participate in the optional defined contribution program within 90 days after its inception on June 1, 2002. State employees hired after June 1, 2002 must elect in writing to participate in the optional defined contribution program within 180 days of their employment.

After the initial eligible enrollment period, employees will have one more opportunity to choose to move from the defined benefit program to the Public Employee Optional Retirement Program or from the Public Employee Optional Retirement Program to the defined benefit program. The time frame of this last election period is not defined.

In addition, this bill establishes eligibility for retirement benefits after attainment of 6 years of creditable service in all classes of the FRS if age requirement is met, effective July 1, 2001. It amends eligibility requirements for disability retirement of justices and judges by order of the Supreme Court to attainment of 6 years of service as a constitutional judicial officer.

## Salary Issues

The State Courts System was successful in obtaining full funding for most of the pay plan issues submitted to the 2000 Florida Legislature. The funding of these issues was of vital importance because it enables courts to competitively recruit and retain qualified employees. Issues funded were as follows:

- **Trial Court Administrators**

A study of positions comparable to the Trial Court Administrator last fall indicated that average salaries of comparable state senior managers were significantly higher than the average salaries of Trial Court Administrators. Effective October 1, 2000, \$102,578 was approved to fund competitive pay adjustments for trial court administrators in accordance with the plan approved by the Conference of Circuit Court Judges.

- **Trial Court Staff Attorneys**

When compared with the salaries of district court law clerks with two or more years of experience, or law firm associates with similar experience, the average salaries of Trial Court Staff Attorneys were significantly lower. Effective October 1, 2000, \$305,250 was approved to implement an incentive compensation plan for trial court staff attorneys.

- **Clerks and Marshals**

The average salaries of these constitutional officers was less than comparable senior managers in state and federal courts. Effective October 1, 2000, \$72,275 was approved to fund com-

petitive pay adjustments for clerks and marshals in accordance with a plan approved by the chief judges of the district courts of appeal.

- **Appellate Court Law Clerks**

The traditional philosophy of time limited appointments for law clerks is changing as judges are moving toward retaining experienced staff. While entry level salaries of appellate court law clerks are competitive, the discrepancy between salaries paid experienced law clerks and those attorneys in private practice is vastly different. Effective October 1, 2000, \$305,453 was approved to fund a revised appellate law clerk compensation plan.

Instructions for implementation of pay plan increases are being prepared and will be disseminated to all chief judges in the near future. Unfortunately, funding was not received for pay plan issues for Deputy Court Administrators and Guardian ad Litem Program Coordinators.

Additionally, the Legislature funded an across-the-board pay increase of 2.5% for all State Courts System employees, effective October 1, 2000. Increases will be calculated on the employee's September 30, 2000 base salary, excluding any salary additives (competitive area differentials, lead workers, or shift differentials). A guaranteed minimum salary increase was not funded.

The FY 2000-2001 General Appropriations Act also provides for the following judicial salaries effective October 1, 2000:

Supreme Court Justice	\$150,000
Judges - District Court of Appeal	\$138,500
Judges - Circuit Courts	\$130,000
Judges - County Courts	\$117,000

Finally, funds were also appropriated for agency heads to have the discretion of authorizing non-recurring salary incentives to recruit, reward, and retain quality personnel. The non-recurring salary incentives cannot exceed 0.25% of the agency's initial approved rate for the 2000-2001 fiscal year. The chief justice has sought clarification from the chairs of the Senate and House Appropriations Committees that it is the intent of the Legislature for this provision to apply also to judicial employees. If so, criteria for non-recurring salary incentives will be developed and disseminated to chief judges this summer. ☪

## Thomas D. Hall Named Clerk of the Florida Supreme Court

The Florida Supreme Court has named Tallahassee attorney Thomas D. Hall, formerly a staff attorney at the First District Court of Appeal, to become its 20th Clerk of Court. Hall assumed office May 1 succeeding longtime Clerk Sid White who retired a year ago after more than 35 years in the office. Deputy Clerk



Debbie Causseaux has been Acting Clerk since White's departure.

"I am very honored the court has selected me as Clerk," said Hall. "Although the job that Sid White did as Clerk for more than 35 years and that Debbie Causseaux has done for the last year will be difficult to improve upon, I look forward to the challenge. I am hopeful the Supreme Court clerk's office can serve as an example in Florida, and nationwide, for how a clerk's office should function."

Chief Justice Major B. Harding said Hall brings wide-ranging experience to the job. "Tom not only knows the Florida Courts System well," said Harding, "but also has eight years' experience practicing law in complex matters in Miami and more than ten years' experience as a staff attorney, administrator, and supervisor with a state appellate court. He has been involved with many of the organizations that are helping steer the judicial branch's long-range planning."

Hall, a native of Middletown, Ohio, received his undergraduate degree in communications from the University of West Florida in 1976 and his law degree from the University of Miami in 1980. Before receiving these degrees, Hall was in the Navy for four years including two stationed at NAS Pensacola, one in Washington D.C. at the Naval Photographic Center, and a one-year tour on the aircraft carrier U.S.S. Constellation in the Vietnam theater of operations.

In his career as a lawyer and administrator, Hall has served as an independent consultant on appellate court operations to the National Center for State Courts, has taught at the law schools of the University of Miami and St. Thomas University, and has served as staff to committees working on long-range planning for the Florida State

Courts System. He attributes much of his success from experiences in working with two dynamic south Florida law firms, Kenny Nachwalter Seymour Arnold Critchlow & Spector, P.A., and Seigfreid Rivera & Lerner, P.A.

In his position as Clerk for just over a month, Hall feels that the increasing number of cases filed by pro-se litigants to be one of the greatest challenges facing Florida's court system, including appellate courts. "Most people don't realize the impact pro-se litigation have on the appellate courts. We are seeing more self-represented cases coming before the Supreme Court than ever before." His immediate goals for the Clerk's office include helping to reduce the number of pending cases currently before the Court and helping to develop a system for electronic filing.

Hall is editor of the 1999 and 2000 editions of The Florida Bar's Reporter's Legal Handbook, is active in many Bar-related committees, including prior service as Chair of the Bar's Government Lawyer Section.

Hall's wife Lisa is managing editor of Florida's News Channel based in Tallahassee. He has two sons: Troy, 31, a computer systems manager for the Department of Defense in Germany; and Matthew, 5, a pre-school student. ♪

### **Kids Learn About the Court**



**T**wenty-one children age five through fifteen visited the Supreme Court on April 27 for the annual "Take Your Children to Work Day." The event allows children to experience firsthand the happenings in the Court, as well as discover the variety of career opportunities available in the judicial branch.

After a light breakfast and introductions, the children toured the Supreme Court Law Library and learned the history of the Court and its Justices. Attendees also participated in a mock oral argument where they effectively argued the pros and cons of instituting a uniform policy in their school. The highlight of the day was a demonstration of the security equipment utilized at the front door of the Court. Each child also spent some time alongside their parents, learning more about his or her job.

Each child was presented with a certificate, signed by Chief Justice Major B. Harding, recognizing them for participation in the event. ♪

### **Florida Courts Web Site Recognized**

The web site of the Florida judicial branch, [www.flcourts.org](http://www.flcourts.org), has made a list of top 10 court web sites for the first half of 2000. Selected by Justice Served, a judicial consulting and management firm, [flcourts.org](http://flcourts.org) was among over 300 court web sites considered for the honor. Sites were evaluated for court functionality, web functionality and extras. In naming [flcourts.org](http://flcourts.org) to the top ten list, evaluators said, "The Florida State Courts site is distinctive and worthy of praise." ♪

### **Supreme Court Employee Honored**

**O**n June 5, the Florida Supreme Court honored court security officer Sam Madison, and his son, Miami Dolphins player Sam Madison Jr., for trying to save the life of a Miami motorcycle police officer who was injured in a traffic accident after a football game at Pro Player Stadium in late 1998. Madison applied cardio-pulmonary resuscitation for Miami Metro-Dade Officer Rueben Jones, while his son rushed to call emergency personnel. Their efforts were credited with keeping Jones alive until he reached the hospital and helping to catch the drunken driver who caused the accident.

"It was an event that shows how his dedication to serving this state and his community does not stop with his job here at the Supreme Court," Chief Justice Major B. Harding said of Madison's actions. "It also shows that heroes are ordinary people who do extraordinary things."

During a brief ceremony at the Court, Chief Justice Harding read a commendation, then presented Madison with a plaque in recognition of his heroic actions. ♪

## **Benchmarks**

New Judicial Placements Since April 2000:

#### **Circuit Court**

<b>Sandra Edwards-Stephens</b>	5 <sup>th</sup> Circuit
<b>Jose M. Rodriguez</b>	11 <sup>th</sup> Circuit
<b>Jan Shackelford</b>	1 <sup>st</sup> Circuit

#### **County Court**

<b>Nancy Lynn Clark</b>	Orange County
<b>Frank Marriott, Jr.</b>	Volusia County
<b>Erick Renard Myers</b>	Hillsborough County
<b>Ronald V. Swanson</b>	Santa Rosa County
<b>Debra Moses Stephens</b>	Palm Beach County

*Any judge wishing to place his or her photograph on file with Full Court Press should send it to Kelly Sciba, Supreme Court of Florida, 500 S. Duval Street, Tallahassee, FL 32399-1900.*

**June**

- 23 Supreme Court Commission on Fairness, Boca Raton
- 25-28 Florida Conference of Circuit Judges, Annual Business Meeting, Clearwater
- 29 Passing of the Gavel Ceremony, Supreme Court

**July**

- 3-4 Fourth of July - Court Closed
- 6-12 American Bar Association Annual Meeting, New York, NY
- 12-15 Florida Conference of County Court Judges, Orlando
- 14 Guardian Ad Litem Subcommittee Meeting, Tampa
- 20 Family Court Coordinators Meeting
- 21-22 Supreme Court Committee on Standard Jury Instructions- Civil, Palm Beach
- 26-28 Council of Appellate Staff Attorneys, San Diego
- 30-8/3 Conference of State Court Administrators Annual Meeting, Rapid City, South Dakota
- 31-8/1 National Center for State Courts Board of Directors Meeting, Rapid City, South Dakota

Note: *The Supreme Court will be in Recess from 7/17 to 8/11.*

**Courtside  
Events**

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*Major B. Harding*  
**Chief Justice**

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