

CF OPERATING PROCEDURE
NO. 30-4

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, April 30, 1998

Legal

PROVISION OF LEGAL SERVICES TO PROGRAMS LOCATED WITHIN
THE DEPARTMENT FOR ADMINISTRATIVE PURPOSES ONLY

1. Purpose. This operating procedure describes the provision of legal services to those entities that are located within the department for administrative purposes only, and the conditions under which the department will provide those services.
2. Scope. This operating procedure applies to all independent program entities that are located within the department for which the department has a statutory obligation to provide administrative support and services, and those entities that are located within the department for administrative purposes only.
3. Authority. Section 20.19(2)(e), Florida Statutes (F.S.) requires the secretary to be responsible for the provision of legal services to the department. The office of the general counsel has been created to provide those services in conjunction with district legal counsels, who are appointed in each district by the district administrator.
4. Definition. As used in this operating procedure, the term "for administrative purposes only" refers to those programs that operate to a significant degree independently from, and without close supervision by, the department. The Statewide and District Human Rights Advocacy Committees created pursuant to ss.402.165 and 402.166, F.S., and the "One Church, One Child" program created pursuant to s.409.1755, F.S. are examples of such programs.
5. Provision of Services.
 - a. Upon request, the department will provide necessary legal services to those programs that are located within the department for administrative purposes only, and to those programs for which the department has a statutory obligation to provide such services, where:
 - (1) No conflict of interest exists between the program position in the legal matter for which services are sought and established department policy; and,
 - (2) The legal services required can be provided within existing resources.
 - b. Whether a conflict of interest exists is a legal decision that must be made with the full participation of the attorney who is to provide the requested services, and the general counsel. Any decision not to provide requested services as unnecessary or as exceeding existing resources must be approved by the general counsel in consultation with the secretary.

6. Cost of Litigation. The cost of litigation including transcripts, filing fees, and other direct or out-of-pocket costs shall initially be borne by the entity requesting the services.

(Signed original copy on file)

EDWARD A. FEAVER
Secretary