

By the Committee on Appropriations; and Senator Negron

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1                                   A bill to be entitled  
2           An act relating to the death penalty; providing a  
3           short title; amending s. 27.40, F.S.; requiring the  
4           court to appoint the capital collateral regional  
5           counsel to represent persons convicted and sentenced  
6           to death in clemency proceedings; amending s. 27.51,  
7           F.S.; removing the court's authority to appoint a  
8           public defender to represent a person convicted and  
9           sentenced to death in clemency proceedings; amending  
10          s. 27.511, F.S., removing the court's authority to  
11          appoint the office of criminal conflict and civil  
12          regional counsel to represent a person convicted and  
13          sentenced to death in clemency proceedings; amending  
14          s. 27.5303, F.S., removing the court's authority to  
15          appoint a public defender to represent an indigent  
16          person convicted and sentenced to death in clemency  
17          proceedings; amending s. 27.5304, F.S.; requiring  
18          funds used to compensate court-appointed attorneys who  
19          represent a person convicted and sentenced to death in  
20          clemency proceedings to be paid by the Justice  
21          Administrative Commission rather than the Department  
22          of Corrections; amending s. 27.7001, F.S.; removing  
23          legislative intent language indicating that collateral  
24          representation of persons convicted and sentenced to  
25          death should not include representation during  
26          clemency proceedings; repealing s. 27.701(2), F.S.,  
27          relating to a pilot project using registry attorneys  
28          to provide capital collateral counsel services in the  
29          northern region of the Capital Collateral Regional

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30 Counsel; amending s. 27.702, F.S., authorizing the  
31 capital collateral regional counsel to represent  
32 persons convicted and sentenced to death in clemency  
33 proceedings; removing language requiring the capital  
34 collateral regional counsel to only file  
35 postconviction actions authorized by statute; amending  
36 s. 27.703, F.S.; prohibiting the capital collateral  
37 regional counsel and replacement regional counsel from  
38 accepting an appointment or taking an action that  
39 creates an actual conflict of interest; describing  
40 actual conflict of interest; amending s. 27.7045,  
41 F.S.; prohibiting an attorney from representing a  
42 person charged with a capital offense in specified  
43 proceedings for five years if in two separate  
44 instances a court, in a capital postconviction  
45 proceeding, determined that the attorney provided  
46 constitutionally deficient representation and relief  
47 was granted; amending s. 27.7081, F.S.; providing  
48 definitions; establishing procedures for public  
49 records production in postconviction capital cases  
50 proceedings; amending s. 27.710, F.S.; requiring  
51 private registry attorneys appointed by the court to  
52 represent persons in postconviction capital  
53 proceedings to meet certain criteria; requiring  
54 private registry attorneys appointed by the court to  
55 represent persons in postconviction capital  
56 proceedings to contract with the Justice  
57 Administrative Commission rather than the Chief  
58 Financial Officer; specifying that the Justice

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59 Administrative Commission is the contract manager and  
60 requiring the Justice Administrative Commission to  
61 approve uniform contract forms and procedures;  
62 amending s. 27.711, F.S.; replacing references to the  
63 "Chief Financial Officer" with "Justice Administrative  
64 Commission" for purposes of paying private registry  
65 attorneys appointed by the court to represent persons  
66 in postconviction capital proceedings; permitting  
67 private registry attorneys appointed by the court to  
68 represent persons in postconviction capital  
69 proceedings to represent no more than ten, rather than  
70 five, defendants in capital postconviction litigation  
71 at any one time; amending s. 922.052, F.S.; requiring  
72 the sheriff to send a copy of the conviction and  
73 sentence to the Governor and the clerk of the Florida  
74 Supreme Court; directing the clerk to inform the  
75 Governor in writing certifying that a person convicted  
76 and sentenced to death has completed the applicable  
77 proceedings or has allowed the time permitted for  
78 filing a habeas corpus petition in federal court to  
79 expire; requiring the Governor to issue a warrant of  
80 execution within a specified period of time; amending  
81 s. 924.055, F.S.; removing obsolete language requiring  
82 capital postconviction motions to be filed in  
83 accordance with statute; requiring capital  
84 postconviction motions to be filed in accordance with  
85 the Florida Rules of Criminal Procedure; amending s.  
86 924.056, F.S.; requiring the Florida Supreme Court to  
87 annually report certain information regarding capital

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88 postconviction cases to the Legislature; requiring  
89 courts to report specified findings of ineffective  
90 assistance of counsel to The Florida Bar; amending s.  
91 924.057, F.S.; creating legislative intent regarding  
92 postconviction proceedings in capital cases; creating  
93 s. 940.031, F.S.; requiring the Governor and Cabinet,  
94 sitting as the Board of Executive Clemency, to appoint  
95 counsel to represent a person sentenced to death for  
96 relief by executive clemency; providing for a  
97 limitation on attorney fees and costs; requiring the  
98 Board to maintain a list of counsel available for  
99 appointment;; repealing sections 924.058, 924.059, and  
100 924.395, F.S.; relating to postconviction capital case  
101 proceedings; providing for severability; providing an  
102 effective date.

103  
104  
105 Be It Enacted by the Legislature of the State of Florida:

106  
107 Section 1. This act may be cited as the "Timely Justice Act  
108 of 2013."

109 Section 2. Subsection (1) of section 27.40, Florida  
110 Statutes, is amended to read:

111 27.40 Court-appointed counsel; circuit registries; minimum  
112 requirements; appointment by court.—

113 (1) Counsel shall be appointed to represent any individual  
114 in a criminal or civil proceeding entitled to court-appointed  
115 counsel under the Federal or State Constitution or as authorized  
116 by general law. The court shall appoint a public defender to

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117 represent indigent persons as authorized in s. 27.51. The office  
118 of criminal conflict and civil regional counsel shall be  
119 appointed to represent persons in those cases in which provision  
120 is made for court-appointed counsel but the public defender is  
121 unable to provide representation due to a conflict of interest  
122 or is not authorized to provide representation. Capital  
123 collateral regional counsel shall be appointed to represent  
124 persons as provided in s. 27.702.

125 Section 3. Paragraph (a) of subsection (5) of section  
126 27.51, Florida Statutes, is amended to read:

127 27.51 Duties of public defender.—

128 (5) (a) When direct appellate proceedings prosecuted by a  
129 public defender on behalf of an accused and challenging a  
130 judgment of conviction and sentence of death terminate in an  
131 affirmance of such conviction and sentence, whether by the  
132 Florida Supreme Court or by the United States Supreme Court or  
133 by expiration of any deadline for filing such appeal in a state  
134 or federal court, the public defender shall notify the accused  
135 of his or her rights pursuant to Rule 3.850, Florida Rules of  
136 Criminal Procedure, including any time limits pertinent thereto,  
137 and shall advise such person that representation in any  
138 collateral proceedings is the responsibility of the capital  
139 collateral regional counsel. The public defender shall then  
140 forward all original files on the matter to the capital  
141 collateral regional counsel, retaining such copies for his or  
142 her files as may be desired. ~~However, the trial court shall~~  
143 ~~retain the power to appoint the public defender or other~~  
144 ~~attorney not employed by the capital collateral regional counsel~~  
145 ~~to represent such person in proceedings for relief by executive~~

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146 ~~elemency pursuant to ss. 27.40 and 27.5303.~~

147 Section 4. Subsection (9) of section 27.511, Florida  
148 Statutes, is amended to read:

149 27.511 Offices of criminal conflict and civil regional  
150 counsel; legislative intent; qualifications; appointment;  
151 duties.—

152 (9) When direct appellate proceedings prosecuted by the  
153 office of criminal conflict and civil regional counsel on behalf  
154 of an accused and challenging a judgment of conviction and  
155 sentence of death terminate in an affirmance of such conviction  
156 and sentence, whether by the Supreme Court or by the United  
157 States Supreme Court or by expiration of any deadline for filing  
158 such appeal in a state or federal court, the office of criminal  
159 conflict and civil regional counsel shall notify the accused of  
160 his or her rights pursuant to Rule 3.850, Florida Rules of  
161 Criminal Procedure, including any time limits pertinent thereto,  
162 and shall advise such person that representation in any  
163 collateral proceedings is the responsibility of the capital  
164 collateral regional counsel. The office of criminal conflict and  
165 civil regional counsel shall forward all original files on the  
166 matter to the capital collateral regional counsel, retaining  
167 such copies for his or her files as may be desired or required  
168 by law. ~~However, the trial court shall retain the power to~~  
169 ~~appoint the office of criminal conflict and civil regional~~  
170 ~~counsel or other attorney not employed by the capital collateral~~  
171 ~~regional counsel to represent such person in proceedings for~~  
172 ~~relief by executive clemency pursuant to ss. 27.40 and 27.5303.~~

173 Section 5. Subsection (4) of section 27.5303, Florida  
174 Statutes, is amended to read:

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175 27.5303 Public defenders; criminal conflict and civil  
176 regional counsel; conflict of interest.—

177 (4) (a) If a defendant is convicted and the death sentence  
178 is imposed, the appointed attorney shall continue representation  
179 through appeal to the Supreme Court. The attorney shall be  
180 compensated as provided in s. 27.5304. If the attorney first  
181 appointed is unable to handle the appeal, the court shall  
182 appoint another attorney and that attorney shall be compensated  
183 as provided in s. 27.5304.

184 ~~(b) The public defender or an attorney appointed pursuant~~  
185 ~~to this section may be appointed by the court rendering the~~  
186 ~~judgment imposing the death penalty to represent an indigent~~  
187 ~~defendant who has applied for executive clemency as relief from~~  
188 ~~the execution of the judgment imposing the death penalty.~~

189 (b) (e) When the appointed attorney in a capital case has  
190 completed the duties imposed by this section, the attorney shall  
191 file a written report in the trial court stating the duties  
192 performed by the attorney and apply for discharge.

193 Section 6. Paragraph (b) of subsection (5) of section  
194 27.5304, Florida Statutes, is amended to read:

195 27.5304 Private court-appointed counsel; compensation;  
196 notice.—

197 (5) The compensation for representation in a criminal  
198 proceeding shall not exceed the following:

199 (b) If a death sentence is imposed and affirmed on appeal  
200 to the Supreme Court, the appointed attorney shall be allowed  
201 compensation, not to exceed \$1,000, for attorney fees and costs  
202 incurred in representing the defendant as to an application for  
203 executive clemency, with compensation to be paid out of general

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204 revenue from funds budgeted to the Justice Administrative  
205 Commission ~~Department of Corrections~~.

206 Section 7. Section 27.7001, Florida Statutes, is amended to  
207 read:

208 27.7001 Legislative intent and findings.—It is the intent  
209 of the Legislature to create part IV of this chapter, consisting  
210 of ss. 27.7001-27.711, inclusive, to provide for the collateral  
211 representation of any person convicted and sentenced to death in  
212 this state, so that collateral legal proceedings to challenge  
213 any Florida capital conviction and sentence may be commenced in  
214 a timely manner and so as to assure the people of this state  
215 that the judgments of its courts may be regarded with the  
216 finality to which they are entitled in the interests of justice.  
217 It is the further intent of the Legislature that collateral  
218 representation shall not include representation during retrials,  
219 resentencings, ~~proceedings commenced under chapter 940,~~ or civil  
220 litigation.

221 Section 8. Section 27.701, Florida Statutes, is amended to  
222 read:

223 27.701 Capital collateral regional counsel.—

224 ~~(1)~~ There are created three regional offices of capital  
225 collateral counsel, which shall be located in a northern,  
226 middle, and southern region of the state. The northern region  
227 shall consist of the First, Second, Third, Fourth, Eighth, and  
228 Fourteenth Judicial Circuits; the middle region shall consist of  
229 the Fifth, Sixth, Seventh, Ninth, Tenth, Twelfth, Thirteenth,  
230 and Eighteenth Judicial Circuits; and the southern region shall  
231 consist of the Eleventh, Fifteenth, Sixteenth, Seventeenth,  
232 Nineteenth, and Twentieth Judicial Circuits. Each regional



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233 office shall be administered by a regional counsel. A regional  
234 counsel must be, and must have been for the preceding 5 years, a  
235 member in good standing of The Florida Bar or a similar  
236 organization in another state. Each capital collateral regional  
237 counsel shall be appointed by the Governor, and is subject to  
238 confirmation by the Senate. The Supreme Court Judicial  
239 Nominating Commission shall recommend to the Governor three  
240 qualified candidates for each appointment as regional counsel.  
241 The Governor shall appoint a regional counsel for each region  
242 from among the recommendations, or, if it is in the best  
243 interest of the fair administration of justice in capital cases,  
244 the Governor may reject the nominations and request submission  
245 of three new nominees by the Supreme Court Judicial Nominating  
246 Commission. Each capital collateral regional counsel shall be  
247 appointed to a term of 3 years. Vacancies in the office of  
248 capital collateral regional counsel shall be filled in the same  
249 manner as appointments. A person appointed as a regional counsel  
250 may not run for or accept appointment to any state office for 2  
251 years following vacation of office.

252 ~~(2) Notwithstanding the provisions of subsection (1), the~~  
253 ~~responsibilities of the regional office of capital collateral~~  
254 ~~counsel for the northern region of the state shall be met~~  
255 ~~through a pilot program using only attorneys from the registry~~  
256 ~~of attorneys maintained pursuant to s. 27.710. Each attorney~~  
257 ~~participating in the pilot must be qualified to provide~~  
258 ~~representation in federal court. The Auditor General shall~~  
259 ~~schedule a performance review of the pilot program to determine~~  
260 ~~the effectiveness and efficiency of using attorneys from the~~  
261 ~~registry compared to the capital collateral regional counsel.~~

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262 ~~The review, at a minimum, shall include comparisons of the~~  
263 ~~timeliness and costs of the pilot and the counsel and shall be~~  
264 ~~submitted to the President of the Senate and the Speaker of the~~  
265 ~~House of Representatives by January 30, 2007. The Legislature~~  
266 ~~may determine whether to convert the pilot program to a~~  
267 ~~permanent program after receipt of the Auditor General's review.~~

268 Section 9. Subsections (1) and (2) and paragraph (b) of  
269 subsection (4) of section 27.702, Florida Statutes, are amended  
270 to read:

271 27.702 Duties of the capital collateral regional counsel;  
272 reports.-

273 (1) The capital collateral regional counsel shall represent  
274 each person convicted and sentenced to death in this state for  
275 the sole purpose of instituting and prosecuting collateral  
276 actions challenging the legality of the judgment and sentence  
277 imposed against such person in the state courts, federal courts  
278 in this state, the United States Court of Appeals for the  
279 Eleventh Circuit, and the United States Supreme Court; and in  
280 proceedings commenced under chapter 940. ~~The capital collateral~~  
281 ~~regional counsel and the attorneys appointed pursuant to s.~~  
282 ~~27.710 shall file only those postconviction or collateral~~  
283 ~~actions authorized by statute.~~ The three capital collateral  
284 regional counsel's offices shall function independently and be  
285 separate budget entities, and the regional counsel shall be the  
286 office heads for all purposes. The Justice Administrative  
287 Commission shall provide administrative support and service to  
288 the three offices to the extent requested by the regional  
289 counsel. The three regional offices shall not be subject to  
290 control, supervision, or direction by the Justice Administrative

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291 Commission in any manner, including, but not limited to,  
292 personnel, purchasing, transactions involving real or personal  
293 property, and budgetary matters.

294 (2) The capital collateral regional counsel shall represent  
295 persons convicted and sentenced to death within the region in  
296 collateral postconviction proceedings and proceedings under  
297 chapter 940, unless a court appoints or permits other counsel to  
298 appear as counsel of record.

299 (4)

300 (b) Each capital collateral regional counsel ~~and each~~  
301 ~~attorney participating in the pilot program in the northern~~  
302 ~~region pursuant to s. 27.701(2)~~ shall provide a quarterly report  
303 to the President of the Senate and the Speaker of the House of  
304 Representatives which details the number of hours worked by  
305 investigators and legal counsel per case and the amounts per  
306 case expended during the preceding quarter in investigating and  
307 litigating capital collateral cases.

308 Section 10. Section 27.703, Florida Statutes, is amended to  
309 read:

310 27.703 Conflict of interest and substitute counsel.—

311 (1) The capital collateral regional counsel shall not  
312 accept an appointment or take any other action that will create  
313 an actual conflict of interest. If, at any time during the  
314 representation of a person, the capital collateral regional  
315 counsel alleges ~~determines~~ that the continued representation of  
316 that person creates an actual conflict of interest, the  
317 sentencing court shall, upon determining that an actual conflict  
318 exists ~~upon application by the regional counsel~~, designate  
319 another regional counsel. If the replacement regional counsel

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320 alleges that an actual conflict of interest exists, the  
321 sentencing court shall, upon determining that an actual conflict  
322 exists and, only if a conflict exists with the other two  
323 counsel, appoint one or more members of The Florida Bar who  
324 meets the requirements of s. 27.710 and who is not disqualified  
325 pursuant to s. 27.7045 to represent the person one or more of  
326 such persons. An actual conflict of interest exists when an  
327 attorney actively represents conflicting interests. A possible,  
328 speculative, or merely hypothetical conflict is insufficient to  
329 support an allegation that a conflict of interest exists.

330 (2) Appointed counsel shall be paid from funds appropriated  
331 to the Chief Financial Officer. The hourly rate may not exceed  
332 \$100. However, all appointments of private counsel under this  
333 section shall be in accordance with ss. 27.710 and 27.711.

334 (3) Capital collateral regional ~~Prior to employment,~~  
335 counsel appointed pursuant to this section must have  
336 participated in at least five felony jury trials, five felony  
337 appeals, or five capital postconviction evidentiary hearings, or  
338 any combination of at least five of such proceedings, and must  
339 not be disqualified pursuant to s. 27.7045.

340 Section 11. Section 27.7045, Florida Statutes, is created  
341 to read:

342 27.7045 Capital case proceedings; constitutionally  
343 deficient representation.— Notwithstanding any other provision  
344 of law, an attorney employed by the state of Florida or  
345 appointed pursuant to s. 27.711 may not represent a person  
346 charged with a capital offense at trial or on direct appeal, or  
347 a person sentenced to death in a postconviction proceeding if,  
348 in two separate instances, a court, in a capital postconviction

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349 proceeding, determined that such attorney provided  
350 constitutionally deficient representation and relief was granted  
351 as a result. This prohibition on representation shall be for a  
352 period of five years, which commences at the time relief is  
353 granted after the highest court having jurisdiction to review  
354 the deficient representation determination has issued its final  
355 order affirming the second such determination.

356 Section 12. Section 27.7081, Florida Statutes, is amended  
357 to read:

358 (Substantial rewording of section. See  
359 s. 27.7081, F.S., for present text.)

360 27.7081 Capital postconviction public records production.-

361 (1) DEFINITIONS.—As used in this section, the term:

362 (a) "Agency" has the same meaning as provided in s.  
363 119.011.

364 (b) "Collateral counsel" means a capital collateral  
365 regional counsel from one of the three regions in Florida, a  
366 private attorney who has been appointed to represent a capital  
367 defendant for postconviction litigation, or a private attorney  
368 who has been hired by the capital defendant or who has agreed to  
369 work pro bono for a capital defendant for postconviction  
370 litigation.

371 (c) "Public records" has the same meaning as provided in s.  
372 119.011.

373 (d) "Trial court" means:

374 1. The judge who entered the judgment and imposed the  
375 sentence of death; or

376 2. If a motion for postconviction relief in a capital case  
377 has been filed and a different judge has already been assigned

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378 to that motion, the judge who is assigned to rule on that  
379 motion.

380 (2) APPLICABILITY AND SCOPE.—This section only applies to  
381 the production of public records for capital postconviction  
382 defendants and does not change or alter the time periods  
383 specified in Rule 3.851, Florida Rules of Criminal Procedure.  
384 Furthermore, this section does not affect, expand, or limit the  
385 production of public records for any purpose other than use in a  
386 proceeding held pursuant to Rule 3.850 or Rule 3.851, Florida  
387 Rules of Criminal Procedure. This section shall not be a basis  
388 for renewing public records requests that have been initiated  
389 previously or for relitigating issues pertaining to production  
390 of public records upon which a court has ruled before July 1,  
391 2013. Public records requests made in postconviction proceedings  
392 in capital cases in which the conviction and sentence of death  
393 have been affirmed on direct appeal before July 1, 2013, shall  
394 be governed by the rules and laws in effect immediately before  
395 July 1, 2013.

396 (3) RECORDS REPOSITORY.—The Secretary of State shall  
397 establish and maintain a records repository to archive capital  
398 postconviction public records as provided for in this section.

399 (4) FILING AND SERVICE.—

400 (a) The original of all notices, requests, or objections  
401 filed under this section must be filed with the clerk of the  
402 trial court. Copies must be served on the trial court, the  
403 attorney general, the state attorney, collateral counsel, and  
404 any affected person or agency, unless otherwise required by this  
405 section.

406 (b) Service shall be made pursuant to Rule 3.030, Florida

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407 Rules of Criminal Procedure.

408 (c) In all instances requiring written notification or  
409 request, the party who has the obligation of providing a  
410 notification or request shall provide proof of receipt.

411 (d) Persons and agencies receiving postconviction public  
412 records notifications or requests pursuant to this section are  
413 not required to furnish records filed in a trial court before  
414 the receipt of the notice.

415 (5) ACTION UPON ISSUANCE OF THE MANDATE ON DIRECT APPEAL.-

416 (a) Within 15 days after receiving written notification of  
417 the Florida Supreme Court's mandate affirming the sentence of  
418 death, the attorney general shall file with the trial court a  
419 written notice of the mandate and serve a copy of the notice  
420 upon the state attorney who prosecuted the case, the Department  
421 of Corrections, and the defendant's trial counsel. The notice to  
422 the state attorney shall direct the state attorney to submit  
423 public records to the records repository within 90 days after  
424 receipt of written notification and to notify each law  
425 enforcement agency involved in the investigation of the capital  
426 offense to submit public records to the records repository  
427 within 90 days after receipt of written notification. The notice  
428 to the Department of Corrections shall direct the department to  
429 submit public records to the records repository within 90 days  
430 after receipt of written notification.

431 (b) Within 90 days after receiving written notification of  
432 issuance of the Florida Supreme Court's mandate affirming a  
433 death sentence, the state attorney shall provide written  
434 notification to the attorney general of the name and address of  
435 an additional person or agency that has public records pertinent

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436 to the case.

437 (c) Within 90 days after receiving written notification of  
438 issuance of the Florida Supreme Court's mandate affirming a  
439 death sentence, the defendant's trial counsel shall provide  
440 written notification to the attorney general of the name and  
441 address of a person or agency with information pertinent to the  
442 case which has not previously been provided to collateral  
443 counsel.

444 (d) Within 15 days after receiving written notification of  
445 any additional person or agency pursuant to paragraph (b) or  
446 paragraph (c), the attorney general shall notify all persons or  
447 agencies identified pursuant to paragraph (b) or paragraph (c)  
448 that these persons or agencies are required by law to copy,  
449 index, and deliver to the records repository all public records  
450 pertaining to the case that are in their possession. The person  
451 or agency shall bear the costs related to copying, indexing, and  
452 delivering the records.

453 (6) ACTION UPON RECEIPT OF NOTICE OF MANDATE.—

454 (a) Within 15 days after receipt of a written notice of the  
455 mandate from the attorney general, the state attorney shall  
456 provide written notification to each law enforcement agency  
457 involved in the specific case to submit public records to the  
458 records repository within 90 days after receipt of written  
459 notification. A copy of the notice shall be served upon the  
460 defendant's trial counsel.

461 (b) Within 90 days after receipt of a written notice of the  
462 mandate from the attorney general, the state attorney shall  
463 copy, index, and deliver to the records repository all public  
464 records that were produced in the state attorney's investigation



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465 or prosecution of the case. The state attorney shall bear the  
466 costs. The state attorney shall also provide written  
467 notification to the attorney general of compliance with this  
468 section, including certifying that, to the best of the state  
469 attorney's knowledge or belief, all public records in the state  
470 attorney's possession have been copied, indexed, and delivered  
471 to the records repository as required by this section.

472 (c) Within 90 days after receipt of written notification of  
473 the mandate from the attorney general, the Department of  
474 Corrections shall, at its own expense, copy, index, and deliver  
475 to the records repository all public records determined by the  
476 department to be relevant to the subject matter of a proceeding  
477 under Rule 3.851, Florida Rules of Criminal Procedure, unless  
478 such copying, indexing, and delivering would be unduly  
479 burdensome. The secretary of the department shall provide  
480 written notification to the attorney general of compliance with  
481 this paragraph certifying that, to the best of the secretary of  
482 the department's knowledge or belief, all such public records in  
483 the possession of the secretary of the department have been  
484 copied, indexed, and delivered to the records repository.

485 (d) Within 90 days after receipt of written notification of  
486 the mandate from the state attorney, a law enforcement agency  
487 shall, at its own expense, copy, index, and deliver to the  
488 records repository all public records that were produced in the  
489 investigation or prosecution of the case. The chief law  
490 enforcement officer of each law enforcement agency shall provide  
491 written notification to the attorney general of compliance with  
492 this paragraph including certifying that, to the best of the  
493 chief law enforcement officer's knowledge or belief, all such

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494 public records in possession of the agency or in possession of  
495 an employee of the agency, have been copied, indexed, and  
496 delivered to the records repository.

497 (e) Within 90 days after receipt of written notification of  
498 the mandate from the attorney general, each additional person or  
499 agency identified pursuant to paragraph (5)(b) or paragraph  
500 (5)(c) shall copy, index, and deliver to the records repository  
501 all public records which were produced during the prosecution of  
502 the case. The person or agency shall bear the costs. The person  
503 or agency shall provide written notification to the attorney  
504 general of compliance with this subdivision and shall certify,  
505 to the best of the person or agency's knowledge and belief, all  
506 such public records in the possession of the person or agency  
507 have been copied, indexed, and delivered to the records  
508 repository.

509 (7) EXEMPT OR CONFIDENTIAL PUBLIC RECORDS.—

510 (a) Public records delivered to the records repository  
511 pursuant to this section that are confidential or exempt from  
512 the requirements of s. 119.07(1) or article I, section 24(a), of  
513 the Constitution, must be separately contained, without being  
514 redacted, and sealed. The outside of the container must clearly  
515 identify that the public record is confidential or exempt and  
516 that the seal may not be broken without an order of the trial  
517 court. The outside of the container must identify the nature of  
518 the public records and the legal basis for the exemption.

519 (b) Upon the entry of an appropriate court order, sealed  
520 containers subject to an inspection by the trial court shall be  
521 shipped to the clerk of court. The containers may be opened only  
522 for inspection by the trial court. The moving party shall bear

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523 all costs associated with the transportation and inspection of  
524 such records by the trial court.

525 (8) DEMAND FOR ADDITIONAL PUBLIC RECORDS.-

526 (a) Within 240 days after collateral counsel is appointed,  
527 retained, or appears pro bono, such counsel shall send a written  
528 demand for additional public records to each person or agency  
529 submitting public records or identified as having information  
530 pertinent to the case under subsection (5).

531 (b) Within 90 days after receipt of the written demand,  
532 each person or agency notified under this subsection shall  
533 deliver to the records repository additional public records in  
534 the possession of the person or agency that pertain to the case  
535 and shall certify to the best of the person or agency's  
536 knowledge and belief that all additional public records have  
537 been delivered to the records repository or, if no additional  
538 public records are found, shall recertify that the public  
539 records previously delivered are complete.

540 (c) Within 60 days after receipt of the written demand, a  
541 person or agency may file with the trial court an objection to  
542 the written demand described in paragraph (a). The trial court  
543 may order a person or agency to produce additional public  
544 records if the court determines that:

545 1. Collateral counsel has made a timely and diligent search  
546 as provided in this section.

547 2. Collateral counsel's written demand identifies, with  
548 specificity, those additional public records that are not at the  
549 records repository.

550 3. The additional public records sought are relevant to the  
551 subject matter of a postconviction proceeding under Rule 3.851,

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552 Florida Rules of Criminal Procedure, or appear reasonably  
553 calculated to lead to the discovery of admissible evidence.

554 4. The additional public records request is not overly  
555 broad or unduly burdensome.

556 (9) LIMITATION ON POSTPRODUCTION REQUEST FOR ADDITIONAL  
557 RECORDS.—

558 (a) In order to obtain public records in addition to those  
559 provided under subsections (6), (7), and (8), collateral counsel  
560 must file an affidavit in the trial court which:

561 1. Attests that collateral counsel has made a timely and  
562 diligent search of the records repository.

563 2. Identifies with specificity those public records not at  
564 the records repository.

565 3. Establishes that the additional public records are  
566 either relevant to the subject matter of the postconviction  
567 proceeding or are reasonably calculated to lead to the discovery  
568 of admissible evidence.

569 4. Must be served in accordance with subsection (4).

570 (b) The trial court may order a person or agency to produce  
571 additional public records only upon finding that:

572 1. Collateral counsel has made a timely and diligent search  
573 of the records repository.

574 2. Collateral counsel's affidavit identifies with  
575 specificity those additional public records that are not at the  
576 records repository.

577 3. The additional public records sought are either relevant  
578 to the subject matter of a capital postconviction proceeding or  
579 appear reasonably calculated to lead to the discovery of  
580 admissible evidence.

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581 4. The additional records request is not overly broad or  
582 unduly burdensome.

583 (10) COPYING RECORDS.— The Secretary of State shall provide  
584 the personnel, supplies, and any necessary equipment to copy  
585 records held at the records repository.

586 (11) AUTHORITY OF THE COURT.—In proceedings under this  
587 section the trial court may:

588 (a) Compel or deny disclosure of records.

589 (b) Conduct an inspection in camera.

590 (c) Extend the time periods in this section upon a showing  
591 of good cause.

592 (d) Impose sanctions upon a party, person, or agency  
593 affected by this section, including initiating contempt  
594 proceedings, taxing expenses, extending time periods, ordering  
595 facts to be established, and granting other relief.

596 (e) Resolve a dispute arising under this section unless  
597 jurisdiction is in an appellate court.

598 (12) SCOPE OF PRODUCTION AND RESOLUTION OF PRODUCTION  
599 ISSUES.—

600 (a) Unless otherwise limited, the scope of production under  
601 any part of this section shall be that the public records sought  
602 are not privileged or immune from production and are either  
603 relevant to the subject matter of a postconviction proceeding  
604 under Rule 3.851, Florida Rules of Criminal Procedure, or are  
605 reasonably calculated to lead to the discovery of admissible  
606 evidence.

607 (b) Counsel for a party objecting or moving to compel  
608 production of public records pursuant to this section must file  
609 a copy of the objection or motion directly with the trial court.

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610       (c) The trial court may order mediation for a controversy  
611 as to public records production pursuant to this section in  
612 accord with Rules 1.700, 1.710, 1.720, and 1.730, Florida Rules  
613 of Civil Procedure, or the trial court may refer such  
614 controversy to a magistrate in accord with Rule 1.490, Florida  
615 Rules of Civil Procedure.

616       (13) DESTRUCTION OF RECORDS.—Sixty days after a capital  
617 sentence is carried out, after a defendant is released from  
618 incarceration after the granting of a pardon or reversal of the  
619 sentence, or after a defendant has been resentenced to a term of  
620 years, the attorney general shall provide written notification  
621 of this occurrence to the Secretary of State. After the  
622 expiration of the 60 days, the Secretary of State may destroy  
623 the copies of the records held by the records repository that  
624 pertain to that case, unless an objection to the destruction is  
625 filed in the trial court and served upon the Secretary of State.  
626 If no objection is served within the 60-day period, the records  
627 may then be destroyed. If an objection is served, the records  
628 shall not be destroyed until a final disposition of the  
629 objection.

630       Section 13. Subsections (1), (2), (3), and (4) of section  
631 27.710, Florida Statutes, are amended to read:

632       27.710 Registry of attorneys applying to represent persons  
633 in postconviction capital collateral proceedings; certification  
634 of minimum requirements; appointment by trial court.—

635       (1) The executive director of the Justice Administrative  
636 Commission shall compile and maintain a statewide registry of  
637 attorneys in private practice who have certified that they meet  
638 the minimum requirements of s. 27.704(2), who have participated

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639 in at least two capital trials or two capital sentencing  
640 proceedings, who are available for appointment by the court  
641 under this section to represent persons convicted and sentenced  
642 to death in this state in postconviction collateral proceedings,  
643 and who have attended within the last year a continuing legal  
644 education program of at least 10 hours' duration devoted  
645 specifically to the defense of capital cases, if available.  
646 Continuing legal education programs meeting the requirements of  
647 this rule offered by The Florida Bar or another recognized  
648 provider and approved for continuing legal education credit by  
649 The Florida Bar shall satisfy this requirement. The failure to  
650 comply with this requirement may be cause for removal from the  
651 list until the requirement is fulfilled. To ensure that  
652 sufficient attorneys are available for appointment by the court,  
653 when the number of attorneys on the registry falls below 50, the  
654 executive director shall notify the chief judge of each circuit  
655 by letter and request the chief judge to promptly submit the  
656 names of at least three private attorneys who regularly practice  
657 criminal law in that circuit and who appear to meet the minimum  
658 requirements to represent persons in postconviction capital  
659 collateral proceedings. The executive director shall send an  
660 application to each attorney identified by the chief judge so  
661 that the attorney may register for appointment as counsel in  
662 postconviction capital collateral proceedings. As necessary, the  
663 executive director may also advertise in legal publications and  
664 other appropriate media for qualified attorneys interested in  
665 registering for appointment as counsel in postconviction capital  
666 collateral proceedings. Not later than September 1 of each year,  
667 and as necessary thereafter, the executive director shall

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668 provide to the Chief Justice of the Supreme Court, the chief  
669 judge and state attorney in each judicial circuit, and the  
670 Attorney General a current copy of its registry of attorneys who  
671 are available for appointment as counsel in postconviction  
672 capital collateral proceedings. The registry must be indexed by  
673 judicial circuit and must contain the requisite information  
674 submitted by the applicants in accordance with this section.

675 (2) To be eligible for court appointment as counsel in  
676 postconviction capital collateral proceedings, an attorney must  
677 certify on an application provided by the executive director  
678 that he or she satisfies the minimum requirements for private  
679 counsel set forth in s. 27.704(2) and that he or she has  
680 participated in at least two capital trials or two capital  
681 sentencing proceedings.

682 (3) An attorney who applies for registration and court  
683 appointment as counsel in postconviction capital collateral  
684 proceedings must certify that he or she is counsel of record in  
685 not more than nine ~~four~~ such proceedings and, if appointed to  
686 represent a person in postconviction capital collateral  
687 proceedings, shall continue such representation under the terms  
688 and conditions set forth in s. 27.711 until the sentence is  
689 reversed, reduced, or carried out or unless permitted to  
690 withdraw from representation by the trial court. The court may  
691 not permit an attorney to withdraw from representation without a  
692 finding of sufficient good cause. The court may impose  
693 appropriate sanctions if it finds that an attorney has shown bad  
694 faith with respect to continuing to represent a defendant in a  
695 postconviction capital collateral proceeding. This section does  
696 not preclude the court from reassigning a case to a capital



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697 collateral regional counsel following discontinuation of  
698 representation if a conflict of interest no longer exists with  
699 respect to the case.

700 (4) Each private attorney who is appointed by the court to  
701 represent a capital defendant must enter into a contract with  
702 the Justice Administrative Commission ~~Chief Financial Officer~~.  
703 If the appointed attorney fails to execute the contract within  
704 30 days after the date the contract is mailed to the attorney,  
705 the executive director shall notify the trial court. The Justice  
706 Administrative Commission ~~Chief Financial Officer~~ shall ~~develop~~  
707 ~~the form of the contract,~~ function as contract manager, and  
708 enforce performance of the terms and conditions of the contract.  
709 The Justice Administrative Commission shall approve uniform  
710 contract forms for use in procuring the services of private  
711 court-appointed counsel and uniform procedures and forms for use  
712 by a court-appointed attorney in support of billing for attorney  
713 fees, costs, and related expenses to demonstrate attorney  
714 completion of specified duties. By signing such contract, the  
715 attorney certifies that he or she intends to continue the  
716 representation under the terms and conditions set forth in the  
717 contract until the sentence is reversed, reduced, or carried out  
718 or until released by order of the trial court.

719 Section 14. Subsections (3), (4), (5), (6), (7), (9), (12),  
720 (13), and (14) of section 27.711, Florida Statutes, are amended  
721 to read:

722 27.711 Terms and conditions of appointment of attorneys as  
723 counsel in postconviction capital collateral proceedings.—

724 (3) An attorney appointed to represent a capital defendant  
725 is entitled to payment of the fees set forth in this section

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726 only upon full performance by the attorney of the duties  
727 specified in this section and approval of payment by the trial  
728 court, and the submission of a payment request by the attorney,  
729 subject to the availability of sufficient funding specifically  
730 appropriated for this purpose. ~~An attorney may not be~~  
731 ~~compensated under this section for work performed by the~~  
732 ~~attorney before July 1, 2003, while employed by the northern~~  
733 ~~regional office of the capital collateral counsel.~~ The Justice  
734 Administrative Commission ~~Chief Financial Officer~~ shall notify  
735 ~~the executive director~~ and the court if it appears that  
736 sufficient funding has not been specifically appropriated for  
737 this purpose to pay any fees which may be incurred. The attorney  
738 shall maintain appropriate documentation, including a current  
739 and detailed hourly accounting of time spent representing the  
740 capital defendant. The fee and payment schedule in this section  
741 is the exclusive means of compensating a court-appointed  
742 attorney who represents a capital defendant. When appropriate, a  
743 court-appointed attorney must seek further compensation from the  
744 Federal Government, as provided in 18 U.S.C. s. 3006A or other  
745 federal law, in habeas corpus litigation in the federal courts.

746 (4) Upon approval by the trial court, an attorney appointed  
747 to represent a capital defendant under s. 27.710 is entitled to  
748 payment of the following fees by the Justice Administrative  
749 Commission ~~Chief Financial Officer~~:

750 (a) Regardless of the stage of postconviction capital  
751 collateral proceedings, the attorney is entitled to \$100 per  
752 hour, up to a maximum of \$2,500, after accepting appointment and  
753 filing a notice of appearance.

754 (b) The attorney is entitled to \$100 per hour, up to a

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755 maximum of \$20,000, after timely filing in the trial court the  
756 capital defendant's complete original motion for postconviction  
757 relief under the Florida Rules of Criminal Procedure. The motion  
758 must raise all issues to be addressed by the trial court.  
759 However, an attorney is entitled to fees under this paragraph if  
760 the court schedules a hearing on a matter that makes the filing  
761 of the original motion for postconviction relief unnecessary or  
762 if the court otherwise disposes of the case.

763 (c) The attorney is entitled to \$100 per hour, up to a  
764 maximum of \$20,000, after the trial court issues a final order  
765 granting or denying the capital defendant's motion for  
766 postconviction relief.

767 (d) The attorney is entitled to \$100 per hour, up to a  
768 maximum of \$20,000, after timely filing in the Supreme Court the  
769 capital defendant's brief or briefs that address the trial  
770 court's final order granting or denying the capital defendant's  
771 motion for postconviction relief and the state petition for writ  
772 of habeas corpus.

773 (e) The attorney is entitled to \$100 per hour, up to a  
774 maximum of \$10,000, after the trial court issues an order,  
775 pursuant to a remand from the Supreme Court, which directs the  
776 trial court to hold further proceedings on the capital  
777 defendant's motion for postconviction relief.

778 (f) The attorney is entitled to \$100 per hour, up to a  
779 maximum of \$4,000, after the appeal of the trial court's denial  
780 of the capital defendant's motion for postconviction relief and  
781 the capital defendant's state petition for writ of habeas corpus  
782 become final in the Supreme Court.

783 (g) At the conclusion of the capital defendant's

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784 postconviction capital collateral proceedings in state court,  
785 the attorney is entitled to \$100 per hour, up to a maximum of  
786 \$2,500, after filing a petition for writ of certiorari in the  
787 Supreme Court of the United States.

788 (h) If, at any time, a death warrant is issued, the  
789 attorney is entitled to \$100 per hour, up to a maximum of  
790 \$5,000. This payment shall be full compensation for attorney's  
791 fees and costs for representing the capital defendant throughout  
792 the proceedings before the state courts of Florida.

793

794 The hours billed by a contracting attorney under this subsection  
795 may include time devoted to representation of the defendant by  
796 another attorney who is qualified under s. 27.710 and who has  
797 been designated by the contracting attorney to assist him or  
798 her.

799 (5) An attorney who represents a capital defendant may use  
800 the services of one or more investigators to assist in  
801 representing a capital defendant. Upon approval by the trial  
802 court, the attorney is entitled to payment from the Justice  
803 Administrative Commission ~~Chief Financial Officer~~ of \$40 per  
804 hour, up to a maximum of \$15,000, for the purpose of paying for  
805 investigative services.

806 (6) An attorney who represents a capital defendant is  
807 entitled to a maximum of \$15,000 for miscellaneous expenses,  
808 such as the costs of preparing transcripts, compensating expert  
809 witnesses, and copying documents. Upon approval by the trial  
810 court, the attorney is entitled to payment by the Justice  
811 Administrative Commission ~~Chief Financial Officer~~ of up to  
812 \$15,000 for miscellaneous expenses, except that, if the trial

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813 court finds that extraordinary circumstances exist, the attorney  
814 is entitled to payment in excess of \$15,000.

815 (7) An attorney who is actively representing a capital  
816 defendant is entitled to a maximum of \$500 per fiscal year for  
817 tuition and expenses for continuing legal education that  
818 pertains to the representation of capital defendants. Upon  
819 approval by the trial court, the attorney is entitled to payment  
820 by the Justice Administrative Commission ~~Chief Financial Officer~~  
821 for expenses for such tuition and continuing legal education.

822 (9) An attorney may not represent more than ten ~~five~~  
823 defendants in capital postconviction litigation at any one time.

824 (12) The court shall monitor the performance of assigned  
825 counsel to ensure that the capital defendant is receiving  
826 quality representation. The court shall also receive and  
827 evaluate allegations that are made regarding the performance of  
828 assigned counsel. The Justice Administrative Commission ~~Chief~~  
829 ~~Financial Officer~~, the Department of Legal Affairs, ~~the~~  
830 ~~executive director~~, or any interested person may advise the  
831 court of any circumstance that could affect the quality of  
832 representation, including, but not limited to, false or  
833 fraudulent billing, misconduct, failure to meet continuing legal  
834 education requirements, solicitation to receive compensation  
835 from the capital defendant, or failure to file appropriate  
836 motions in a timely manner.

837 (13) Prior to the filing of a motion for order approving  
838 payment of attorney's fees, costs, or related expenses, the  
839 assigned counsel shall deliver a copy of his intended billing,  
840 together with supporting affidavits and all other necessary  
841 documentation, to the Justice Administrative Commission ~~Chief~~

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842 ~~Financial Officer's named contract manager.~~ The Justice  
843 Administrative Commission shall review the intended billing  
844 ~~contract manager shall have 10 business days from receipt to~~  
845 ~~review the billings, affidavit, and documentation for~~  
846 completeness and compliance with contractual and statutory  
847 requirements. If the Justice Administrative Commission ~~contract~~  
848 ~~manager~~ objects to any portion of the proposed billing, the  
849 objection and reasons therefor shall be communicated to the  
850 assigned counsel. The assigned counsel may thereafter file his  
851 or her motion for order approving payment of attorney's fees,  
852 costs, or related expenses together with supporting affidavits  
853 and all other necessary documentation. The motion must specify  
854 whether the Justice Administrative Commission ~~Chief Financial~~  
855 ~~Officer's contract manager~~ objects to any portion of the billing  
856 or the sufficiency of documentation and, if so, the reason  
857 therefor. A copy of the motions and attachments shall be served  
858 on the Justice Administrative Commission at least 5 business  
859 days before the date of a hearing. The Justice Administrative  
860 Commission has standing to appear before the court to contest  
861 any motion for an order approving payment of attorney fees,  
862 costs, or related expenses and may participate in a hearing on  
863 the motion by use of telephonic or other communication  
864 ~~equipment. A copy of the motion and attachments shall be served~~  
865 ~~on the Chief Financial Officer's contract manager, who shall~~  
866 ~~have standing to file pleadings and appear before the court to~~  
867 ~~contest any motion for order approving payment.~~ The fact that  
868 the Justice Administrative Commission ~~Chief Financial Officer's~~  
869 ~~contract manager~~ has not objected to any portion of the billing  
870 or to the sufficiency of the documentation is not binding on the

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871 court, which retains primary authority and responsibility for  
872 determining the reasonableness of all billings for fees, costs,  
873 and related expenses, subject to statutory limitations.

874 ~~(14) Each attorney participating in the pilot program in~~  
875 ~~the northern region pursuant to s. 27.701(2), as a condition of~~  
876 ~~payment pursuant to this section, shall report on the~~  
877 ~~performance measures adopted by the Legislature for the capital~~  
878 ~~collateral regional counsel.~~

879 Section 15. Section 922.052, Florida Statutes, is amended  
880 to read:

881 922.052 Issuance of warrant of execution.—

882 (1) When a person is sentenced to death, the clerk of the  
883 court shall prepare a certified copy of the record of the  
884 conviction and sentence, and the sheriff shall send the record  
885 to the Governor and the clerk of the Florida Supreme Court.

886 (2) (a) The clerk of the Florida Supreme Court shall inform  
887 the Governor in writing certifying that a person convicted and  
888 sentenced to death has:

889 1. Completed such person's direct appeal and initial  
890 postconviction proceeding in state court, and habeas corpus  
891 proceeding and appeal therefrom in federal court; or

892 2. Allowed the time permitted for filing a habeas corpus  
893 petition in federal court to expire.

894 (b) Within 30 days after receiving the letter of  
895 certification from the clerk of the Florida Supreme Court, the  
896 Governor shall issue a warrant for execution in all cases where  
897 the executive clemency process has concluded, directing the  
898 warden to execute the sentence within 180 days, at a time  
899 designated in the warrant.

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900        (c) If, in the Governor's sole discretion, the clerk of the  
901 Florida Supreme Court has not complied with the provisions of  
902 paragraph (a) with respect to any person sentenced to death, the  
903 Governor may sign a warrant of execution for such person where  
904 the executive clemency process has concluded.

905        (3) The sentence shall not be executed until the Governor  
906 issues a warrant, attaches it to the copy of the record, and  
907 transmits it to the warden, directing the warden to execute the  
908 sentence at a time designated in the warrant.

909        (4)~~(2)~~ If, for any reason, the sentence is not executed  
910 during the week designated, the warrant shall remain in full  
911 force and effect and the sentence shall be carried out as  
912 provided in s. 922.06.

913        Section 16. Section 924.055, Florida Statutes, is amended  
914 to read:

915        924.055 Postconviction review in capital cases; legislative  
916 findings and intent.—

917        (1) It is the intent of the Legislature to reduce delays in  
918 capital cases and to ensure that all appeals and postconviction  
919 actions in capital cases are resolved as soon as possible ~~within~~  
920 ~~5 years~~ after the date a sentence of death is imposed in the  
921 circuit court. ~~All capital postconviction actions must be filed~~  
922 ~~as early as possible after the imposition of a sentence of death~~  
923 ~~which may be during a direct appeal of the conviction and~~  
924 ~~sentence.~~ A person sentenced to death or that person's capital  
925 postconviction counsel must file any postconviction legal action  
926 in compliance with the Florida Rules of Criminal Procedure  
927 ~~statutes of limitation established in s. 924.056 and elsewhere~~  
928 ~~in this chapter. Except as expressly allowed by s. 924.056(5), a~~



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929 ~~person sentenced to death or that person's capital~~  
930 ~~postconviction counsel may not file more than one postconviction~~  
931 ~~action in a sentencing court and one appeal therefrom to the~~  
932 ~~Florida Supreme Court, unless authorized by law.~~

933 ~~(2) It is the further intent of the Legislature that no~~  
934 ~~state resources be expended in violation of this act. In the~~  
935 ~~event that any state employee or party contracting with the~~  
936 ~~state violates the provisions of this act, the Attorney General~~  
937 ~~shall deliver to the Speaker of the House of Representatives and~~  
938 ~~the President of the Senate a copy of any court pleading or~~  
939 ~~order that describes or adjudicates a violation.~~

940 Section 17. Section 924.056, Florida Statutes, is amended  
941 to read:

942 (Substantial rewording of section. See  
943 s. 924.056, F.S., for present text.)

944 924.056 Capital postconviction proceedings; reporting  
945 requirements.-

946 (1) The Florida Supreme Court shall annually report to the  
947 Speaker of the House of Representatives and the President of the  
948 Senate the status of each capital case in which a postconviction  
949 action has been filed that has been continuously pending for  
950 more than 3 years. The report must include the name of the state  
951 court judge involved in the case.

952 (2) In a capital postconviction proceeding in which it has  
953 been determined that an attorney of record provided  
954 constitutionally deficient representation and relief has been  
955 granted as a result of such determination, after the highest  
956 court having jurisdiction to review such determination has  
957 issued its final order affirming the determination, the court

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958 making such determination shall furnish a copy of the findings  
959 to The Florida Bar for appropriate disciplinary action.

960 Section 18. Section 924.057, Florida Statutes, is amended  
961 to read:

962 (Substantial rewording of section. See  
963 s. 924.057, F.S., for present text.)

964 924.057 Capital postconviction proceedings; legislative  
965 intent.—The legislature acknowledges the past efforts made by  
966 the judicial branch in establishing rules of criminal procedure  
967 that make the capital postconviction process fair and more  
968 efficient. The legislature also recognizes and commends the  
969 judicial branch for continuing these efforts by issuing  
970 Administrative Order AOSC13-11, which creates a Capital  
971 Postconviction Proceedings Subcommittee of the Criminal Court  
972 Steering Committee, and directs the Subcommittee to undertake a  
973 comprehensive review of capital postconviction proceedings, and  
974 to make recommendations to the Florida Supreme Court whether  
975 court rules should be amended to improve the overall efficiency  
976 of the capital postconviction process. In support of these  
977 efforts, the legislature expresses its intent that capital  
978 postconviction proceedings be conducted in accordance with court  
979 rules, and that courts strictly adhere to the timeframes and  
980 postconviction motion content requirements established therein.

981 Section 19. Section 940.031, Florida Statutes, is created  
982 to read:

983 940.031 Clemency counsel when sentence of death has been  
984 imposed.—When a person has been sentenced to death, the Governor  
985 and Cabinet, acting as the Board of Executive Clemency, shall  
986 appoint counsel to represent the person for relief by executive

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987 clemency. The Board may not appoint a public defender, an office  
988 of criminal conflict and civil regional counsel, or any capital  
989 collateral regional counsel under this section. The appointed  
990 attorney shall be compensated, not to exceed \$10,000, for  
991 attorney fees and costs incurred in representing the person for  
992 relief by executive clemency, with compensation to be paid out  
993 of the General Revenue Fund from funds budgeted to the Parole  
994 Commission. The Board shall maintain a list of counsel available  
995 for appointment under this section.

996 Section 20. Sections 924.058, 924.059, and 924.395, Florida  
997 Statutes, are repealed.

998 Section 21. If any provision of this act or the application  
999 thereof to any person or circumstance is held invalid, the  
1000 invalidity does not affect other provisions or applications of  
1001 the act which can be given effect without the invalid provision  
1002 or application, and to this end the provisions of this act are  
1003 declared severable.

1004 Section 22. This act shall take effect July 1, 2013.