

Committee on Judiciary

CS/CS/HB 7083 — Death Penalty

by Judiciary Committee; Justice Appropriations Subcommittee; Criminal Justice Subcommittee;
Rep. Gaetz and others (CS/SB 1750 by Appropriations Committee and Senator Negron)

This bill creates the Timely Justice Act of 2013 to increase efficiency in the postconviction or collateral review phase of capital cases.

The bill:

- Eliminates the pilot registry counsel program in the northern region of Florida.
- Provides an appropriation to reestablish the Capital Collateral Regional Counsel (CCRC) in the northern region of Florida.
- Prohibits counsel found by the court to have twice provided constitutionally deficient representation resulting in relief from taking on new cases for a 5-year period. The court must report each instance of constitutionally deficient representation to The Florida Bar for discipline.
- Limits instances in which the CCRC may withdraw as counsel based on a conflict of interest to actual conflicts, which are greater than a possible, speculative, or merely hypothetical conflict.
- Provides that the Justice Administration Commission.
 - o Replaces the Department of Corrections as the agency responsible for compensating attorneys who represent inmates in clemency proceedings.
 - o Assumes all responsibilities in the contracting process for legal representation in capital cases.
 - o Has standing to appear in court to contest motions on payment for attorney fees, costs, or related expenses.
- Specifies timelines, after appeals are exhausted, for the clerk and the Governor.

Lastly, the Supreme Court must annually report to the Legislature the status of each capital case in which a postconviction action remains pending for longer than 3 years.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 28-10; House 84-34