

Bill No. CS for SB 1328

Amendment No.

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senators Burt, Silver, and Gutman moved the following
 12 amendment:

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 14 **Senate Amendment (with title amendment)**

15 On page 7, line 19, through
 16 page 10, line 21, delete those lines

17
 18 and insert:

19 (3) An attorney appointed to represent a capital
 20 defendant is entitled to payment of the fees set forth in this
 21 section only upon full performance by the attorney of the
 22 duties specified in this section and approval of payment by
 23 the trial court. The attorney shall maintain appropriate
 24 documentation, including a current and detailed hourly
 25 accounting of time spent representing the capital defendant.
 26 The fee and payment schedule in this section is the exclusive
 27 means of compensating a court-appointed attorney who
 28 represents a capital defendant. When appropriate, a
 29 court-appointed attorney may seek further compensation from
 30 the Federal Government, as provided in 18 U.S.C. s. 3006A or
 31 other federal law, in habeas corpus litigation in the federal

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1 courts.

2 (4) Upon approval by the trial court, an attorney
3 appointed to represent a capital defendant under s. 27.710 is
4 entitled to payment of the following fees by the Comptroller:

5 (a) Regardless of the stage of postconviction capital
6 collateral proceedings, the attorney is entitled to \$100 per
7 hour, up to a maximum of \$2,500, upon accepting appointment
8 and filing a notice of appearance. This fee is in the nature
9 of a fee for a retainer agreement.

10 (b) The attorney is entitled to \$100 per hour, up to a
11 maximum of \$20,000, after timely filing in the trial court the
12 capital defendant's complete original motion for
13 postconviction relief under the Florida Rules of Criminal
14 Procedure. The motion must raise all issues to be addressed by
15 the trial court.

16 (c) The attorney is entitled to \$100 per hour, up to a
17 maximum of \$10,000, after the trial court issues a final order
18 granting or denying the capital defendant's motion for
19 postconviction relief.

20 (d) The attorney is entitled to \$100 per hour, up to a
21 maximum of \$4,000, after timely filing in the Supreme Court
22 the capital defendant's brief or briefs that address the trial
23 court's final order granting or denying the capital
24 defendant's motion for postconviction relief and the state
25 petition for writ of habeas corpus.

26 (e) The attorney is entitled to \$100 per hour, up to a
27 maximum of \$20,000, after the appeal of the trial court's
28 denial of the capital defendant's motion for postconviction
29 relief and the capital defendant's state petition for writ of
30 habeas corpus become final in the Supreme Court.

31 (f) At the conclusion of the capital defendant's

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1 postconviction capital collateral proceedings in state court,
2 the attorney is entitled to \$100 per hour, up to a maximum of
3 \$2,500, after filing a petition for writ of certiorari in the
4 Supreme Court of the United States.

5 (g) If, at any time, the Supreme Court of the United
6 States accepts for review the capital defendant's collateral
7 challenge of the conviction and sentence of death, the
8 attorney is entitled to \$100 per hour, up to a maximum of
9 \$5,000. This payment shall be full compensation for
10 representing the capital defendant throughout the certiorari
11 proceedings before the United States Supreme Court.

12 (5) An attorney who represents a capital defendant may
13 use the services of one or more investigators to assist in
14 representing a capital defendant. Upon approval by the trial
15 court, the attorney is entitled to payment from the
16 Comptroller of \$40 per hour, up to a maximum of \$15,000, for
17 the purpose of paying for investigative services.

18 (6) An attorney who represents a capital defendant is
19 entitled to a maximum of \$5,000 for miscellaneous expenses,
20 such as the costs of preparing transcripts, compensating
21 expert witnesses, and copying documents. Upon approval by the
22 trial court, the attorney is entitled to payment by the
23 Comptroller for miscellaneous expenses.

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25
26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 On page 1, line 30, after the semicolon,

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30 insert:

31 requiring that the trial court approve the

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1 payment of costs and fees;
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