

By Representatives Crist, Ball, Trovillion, Futch, Bainter, Lynn, Crow, Thrasher, Starks, Livingston, Putnam, Wallace, Melvin, Casey, Wise, Posey, Constantine, King, Littlefield, Brooks, Jones, Albright, Tamargo, Carlton, (Additional Sponsors on Last Printed Page)

1 A bill to be entitled
2 An act relating to state postconviction
3 proceedings; creating the "Death Penalty
4 Appeals Reform Act of 1998"; amending s.
5 27.7001, F.S.; revising legislative intent with
6 respect to collateral representation to exclude
7 postconviction proceedings in state court;
8 amending s. 27.701, F.S.; making the regions of
9 the capital collateral regional counsel offices
10 coincident with the jurisdictional areas of
11 certain federal court districts; amending s.
12 27.702, F.S., relating to duties of capital
13 collateral regional counsel; eliminating
14 certain duties for representation in state
15 court proceedings; revising time limitation for
16 application for relief in federal court;
17 prohibiting use of state funds by the capital
18 collateral regional counsel offices for
19 purposes of state court litigation; amending s.
20 27.704, F.S.; providing for contracts with
21 private counsel for representation in federal
22 postconviction proceedings; amending s. 27.707,
23 F.S.; providing for service of process of
24 certain subpoenas or court orders issued by
25 federal courts or federal judges; amending s.
26 12, ch. 97-313, Laws of Florida, to eliminate
27 legislative recommendation that the Florida
28 Supreme Court adopt by rule specified
29 provisions limiting the time for postconviction
30 proceedings in capital cases; amending s.
31 27.708, F.S., relating to access to prisoners

1 and compliance with Florida Rules of Criminal
2 Procedure; removing certain provisions with
3 respect to compliance with Florida Rules of
4 Criminal Procedure; amending s. 79.01, F.S.,
5 relating to application and writ for habeas
6 corpus; providing that a judgment of conviction
7 or sentence which has been affirmed on direct
8 appeal constitutes "lawful authority" to detain
9 a person for purposes of construing specified
10 provisions; amending s. 924.051, F.S.; revising
11 provisions relating to terms and conditions of
12 appeals and collateral review in criminal
13 cases, to provide for elimination of certain
14 postconviction proceedings in state courts;
15 providing that a state court may not review or
16 examine the legality of judgment or sentence
17 imposed in a criminal case by a court of
18 competent jurisdiction, except pursuant to
19 direct appeal; amending s. 924.055, F.S.;
20 prohibiting certain postconviction proceedings
21 in state courts; repealing s. 924.066, F.S.,
22 relating to collateral relief; creating s.
23 925.0365, F.S.; providing that the admission of
24 ineffective assistance of counsel by attorney
25 in a criminal proceeding makes the attorney
26 ineligible for certain public employment or
27 state compensation in criminal matters;
28 providing for mandatory notification by the
29 Attorney General to The Florida Bar and
30 specified other entities of such admission;
31 repealing Rules 3.850, 3.851, and 3.852,

1 Florida Rules of Criminal Procedure, relating
2 to motion to vacate, set aside, or correct
3 sentence, collateral relief after death
4 sentence has been imposed, and capital
5 postconviction public records production,
6 respectively; providing an effective date.
7

8 WHEREAS, convicted murderers sentenced to death are
9 allowed to file multiple appeals of their convictions and
10 sentences and to reargue factual and legal rulings, causing
11 years of delay in death penalty cases in state courts, and

12 WHEREAS, the federal courts also review the conviction
13 and sentence of every convicted murderer sentenced to death in
14 this state, wherein the convicted murderer again challenges
15 factual and legal rulings of the state courts of this state,
16 and

17 WHEREAS, in cases such as Thompson v. Keohane, 64
18 U.S.L.W. 4027 (Nov. 29, 1995), the United States Supreme Court
19 has allowed state prisoners to relitigate state courts'
20 factual and legal rulings in the federal courts, and

21 WHEREAS, convicted murderers sentenced to death often
22 return to the state courts to file further appeals after
23 previously receiving extensive judicial review in state and
24 federal courts, and

25 WHEREAS, this duplicative system of judicial review of
26 state court judgments and sentences in criminal cases causes
27 unjustifiable delays in death penalty cases, causing further
28 suffering to victims and fostering disrespect of the courts
29 and the rule of law in this state, and

30 WHEREAS, the state courts have granted criminal
31 defendants in this state more rights than ever before in

1 history, including extensive pretrial discovery in which
2 defendants are entitled to examine all evidence long before
3 trial, and

4 WHEREAS, Florida provides free legal representation to
5 criminal defendants, including free postconviction legal
6 representation, to exercise these legal rights before trial,
7 during trial, on direct appeal in state courts, on appeal to
8 the United States Supreme Court, and on postconviction review
9 in lower federal courts, and

10 WHEREAS, the Board of Executive Clemency has the power
11 to pardon or commute any criminal sentence should the board
12 find sufficient grounds to justify granting such relief, and

13 WHEREAS, the Federal Constitution does not require this
14 state to allow repetitive appeals of criminal judgments and
15 sentences, and

16 WHEREAS, the elimination of state court postconviction
17 review of criminal judgments and sentences that have
18 previously been upheld on direct appeal will further justice,
19 finality, and the rule of law, NOW, THEREFORE,

20

21 Be It Enacted by the Legislature of the State of Florida:

22

23 Section 1. This act shall be known and may be cited as
24 the "Death Penalty Appeals Reform Act of 1998."

25 Section 2. Section 27.7001, Florida Statutes, 1996
26 Supplement, is amended to read:

27 27.7001 Legislative intent.--It is the intent of the
28 Legislature to create part IV of this chapter, consisting of
29 ss. 27.7001-27.708, inclusive, to provide for the collateral
30 representation of any person convicted and sentenced to death
31 in this state, so that collateral legal proceedings to

1 challenge any Florida capital conviction and sentence may be
2 commenced in a timely manner and so as to assure the people of
3 this state that the judgments of its courts may be regarded
4 with the finality to which they are entitled in the interests
5 of justice. It is the further intent of the Legislature that
6 collateral representation shall not include representation
7 during retrials, resentencings, proceedings commenced under
8 chapter 940, ~~or civil litigation, or any postconviction~~
9 proceedings in state court.

10 Section 3. Section 27.701, Florida Statutes, as
11 amended by chapter 97-313, Laws of Florida, is amended to
12 read:

13 27.701 Capital collateral regional counsels.--There
14 are created three regional offices of capital collateral
15 counsel, which shall be located in a northern, middle, and
16 southern region of the state. The northern region shall
17 consist of the area under the jurisdiction of the United
18 States District Court, Northern District of Florida ~~First,~~
19 ~~Second, Third, Fourth, Eighth, and Fourteenth Judicial~~
20 ~~Circuits~~; the middle region shall consist of the area under
21 the jurisdiction of the United States District Court, Middle
22 District of Florida ~~Fifth, Sixth, Seventh, Ninth, Tenth,~~
23 ~~Twelfth, Thirteenth, and Eighteenth Judicial Circuits~~; and the
24 southern region shall consist of the area under the
25 jurisdiction of the United States District Court, Southern
26 District of Florida ~~Eleventh, Fifteenth, Sixteenth,~~
27 ~~Seventeenth, Nineteenth, and Twentieth Judicial Circuits~~. Each
28 regional office shall be administered by a regional counsel. A
29 regional counsel must be, and must have been for the preceding
30 5 years, a member in good standing of The Florida Bar or a
31 similar organization in another state. Each capital collateral

1 regional counsel shall be appointed by the Governor, and is
2 subject to confirmation by the Senate. The Supreme Court
3 Judicial Nominating Commission shall recommend to the Governor
4 three qualified candidates for each appointment as regional
5 counsel. The Governor shall appoint a regional counsel for
6 each region from among the recommendations, or, if it is in
7 the best interest of the fair administration of justice in
8 capital cases, the Governor may reject the nominations and
9 request submission of three new nominees by the Supreme Court
10 Judicial Nominating Commission. Each capital collateral
11 regional counsel shall be appointed to a term of 3 years.
12 Vacancies in the office of capital collateral regional counsel
13 shall be filled in the same manner as appointments. A person
14 appointed as a regional counsel may not run for or accept
15 appointment to any state office for 2 years following vacation
16 of office.

17 Section 4. Section 27.702, Florida Statutes, as
18 amended by chapter 97-313, Laws of Florida, is amended to
19 read:

20 27.702 Duties of the capital collateral regional
21 counsel; reports.--

22 (1) The capital collateral regional counsel shall
23 represent each person ~~convicted and~~ sentenced to death by a
24 court of in this state for the sole purpose of instituting and
25 prosecuting collateral actions challenging the legality of the
26 judgment and sentence imposed against such person in the ~~state~~
27 ~~courts~~, federal courts in this state, the United States Court
28 of Appeals for the Eleventh Circuit, and the United States
29 Supreme Court. Representation by the regional counsel shall
30 commence automatically upon termination of direct appellate
31 proceedings in state or federal courts. Within 180 ~~91~~ days

1 after the date the Supreme Court issues a mandate on a direct
2 appeal or the United States Supreme Court denies a petition
3 for certiorari, whichever is later, the capital collateral
4 regional counsel ~~shall file a notice of appearance in the~~
5 ~~trial court in which the judgment and sentence were entered~~
6 ~~and~~ shall secure all direct-appeal files for collateral
7 representation and file a petition or motion for any
8 appropriate relief in federal court, unless the capital
9 collateral regional counsel determines there are no grounds
10 for federal relief. The capital collateral regional counsel
11 shall comply with all applicable federal laws and rules. Upon
12 receipt of files from the public defender or other counsel,
13 the capital collateral regional counsel shall assign each such
14 case to personnel in his or her office for investigation,
15 client contact, and any further action the circumstances
16 warrant. The three capital collateral regional counsels'
17 offices shall function independently and be separate budget
18 entities, and the regional counsels shall be the office heads
19 for all purposes. The Justice Administrative Commission shall
20 provide administrative support and service to the three
21 offices to the extent requested by the regional counsels. The
22 three regional offices shall not be subject to control,
23 supervision, or direction by the Justice Administrative
24 Commission in any manner, including, but not limited to,
25 personnel, purchasing, transactions involving real or personal
26 property, and budgetary matters.

27 (2) The capital collateral regional counsel shall
28 represent each person ~~convicted and~~ sentenced to death by a
29 court of this state within the counsel's region, who has
30 grounds to seek appropriate federal relief, in federal court
31 ~~collateral postconviction proceedings only, unless a court~~

1 ~~appoints or permits other counsel to appear as counsel of~~
2 ~~record.~~

3 (3)(a) The capital collateral regional counsel shall
4 file motions seeking compensation for representation and
5 reimbursement for expenses pursuant to 18 U.S.C. s. 3006A when
6 providing representation to indigent persons in the federal
7 courts, and shall deposit all such payments received into the
8 Capital Collateral Trust Fund established for such purpose.

9 (b) The court having jurisdiction over any nonindigent
10 or indigent-but-able-to-contribute defendant who has been
11 receiving the services of the capital collateral regional
12 counsel may assess attorney's fees and costs against the
13 defendant at any stage in the proceedings as the court may
14 deem appropriate. The determination of indigency or
15 nonindigency of any defendant shall be made by the court
16 pursuant to s. 27.52. Liability for the costs of such
17 representation may be imposed in the form of a lien against
18 the property of the nonindigent or
19 indigent-but-able-to-contribute defendant, which lien shall be
20 enforceable as provided in s. 27.56 or s. 27.561.

21 (4) Each capital collateral regional counsel shall
22 provide a quarterly report to the President of the Senate, the
23 Speaker of the House of Representatives, and the Commission on
24 the Administration of Justice in Capital Cases which details
25 the number of hours worked by investigators and legal counsel
26 per case and the amounts per case expended during the
27 preceding quarter in investigating and litigating capital
28 collateral cases.

29 (5) Unless otherwise authorized by the Legislature,
30 the capital collateral regional counsel offices and their
31 personnel are prohibited from using, expending, or otherwise

1 committing any state funds for purposes of litigating cases in
2 the courts of this state, or from entering into any agreement
3 or contract which would result directly or indirectly in the
4 ultimate use, expenditure, or commitment of any state funds
5 for such purposes.

6 Section 5. Section 27.704, Florida Statutes, as
7 amended by chapter 97-313, Laws of Florida, is amended to
8 read:

9 27.704 Appointment of assistants and other staff;
10 method of payments.--Each capital collateral regional counsel
11 may:

12 (1) Appoint, employ, and establish, in such numbers as
13 he or she determines, full-time or part-time assistant
14 counsel, investigators, and other clerical and support
15 personnel who shall be paid from funds appropriated for that
16 purpose. A full-time assistant capital collateral counsel
17 must be a member in good standing of The Florida Bar, with not
18 less than 3 years' experience in the practice of criminal law,
19 and, prior to employment, must have participated in at least
20 five felony jury trials, five felony appeals, or five capital
21 postconviction evidentiary hearings or any combination of at
22 least five of such proceedings. Law school graduates who do
23 not have the qualifications of a full-time assistant capital
24 collateral counsel may be employed as members of the legal
25 staff but may not be designated as sole counsel for any
26 person.

27 (2) Contract with private counsel who are members in
28 good standing of The Florida Bar or with public defenders for
29 the purpose of providing prompt and cost-effective
30 representation for individuals who are sentenced to death in
31 this state in federal postconviction proceedings. A private

1 counsel or public defender under contract with the regional
2 counsel must have at least 3 years' experience in the practice
3 of criminal law, and, prior to the contract, must have
4 participated in at least five felony jury trials, five felony
5 appeals, or five capital postconviction evidentiary hearings
6 or any combination of at least five of such proceedings.

7 (3) Appoint pro bono assistant counsel, who must be
8 members in good standing of The Florida Bar, and who shall
9 serve without compensation at the discretion of the capital
10 collateral regional counsel.

11 Section 6. Section 27.707, Florida Statutes, as
12 amended by chapter 97-313, Laws of Florida, is amended to
13 read:

14 27.707 Investigators; service of process.--Each
15 investigator employed by the capital collateral regional
16 counsel has full authority to serve any subpoena or court
17 order issued by any federal court or federal judge in any case
18 for which the office has responsibility for providing
19 representation.

20 Section 7. Section 12 of chapter 97-313, Laws of
21 Florida, is amended to read:

22 Section 12. In the interest of promoting justice ~~and~~
23 ~~integrity with respect to capital collateral representation,~~
24 the Legislature recommends that the Supreme Court~~+~~

25 ~~(1) Adopt by rule the provisions of section 924.055,~~
26 ~~Florida Statutes, which limit the time for postconviction~~
27 ~~proceedings in capital cases.~~

28 ~~(2)~~ award pro bono service credit for time spent by an
29 attorney in providing legal representation to an individual
30 sentenced to death in this state, regardless of whether the
31 attorney receives compensation for such representation.

1 Section 8. Section 27.708, Florida Statutes, as
2 amended by chapter 97-313, Laws of Florida, is amended to
3 read:

4 27.708 Access to prisoners; ~~compliance with the~~
5 ~~Florida Rules of Criminal Procedure in capital collateral~~
6 ~~litigation; records requests; approval of records requests.--~~

7 ~~(1)~~ Each capital collateral regional counsel and his
8 or her assistants may inquire of all persons sentenced to
9 death who are incarcerated and tender them advice and counsel
10 at any reasonable time, but this section does not apply with
11 respect to persons who are represented by other counsel.

12 ~~(2)~~ ~~The capital collateral regional counsel and~~
13 ~~contracted private counsel must timely comply with all~~
14 ~~provisions of the Florida Rules of Criminal Procedure~~
15 ~~governing collateral review of capital cases, including~~
16 ~~provisions pertaining to requests for records under Florida~~
17 ~~Rule of Criminal Procedure 3.852.~~

18 ~~(3)~~ ~~All requests for records in capital postconviction~~
19 ~~proceedings must be made in accordance with Florida Rule of~~
20 ~~Criminal Procedure 3.852, and, if the person sentenced to~~
21 ~~death is represented by an assistant capital collateral~~
22 ~~regional counsel or other attorney appointed to assist the~~
23 ~~regional counsel, the regional counsel must approve the~~
24 ~~request.~~

25 Section 9. Section 79.01, Florida Statutes, is amended
26 to read:

27 79.01 Application and writ.--

28 (1) When any person detained in custody, whether
29 charged with a criminal offense or not, applies to the Supreme
30 Court or any justice thereof, or to any district court of
31 appeal or any judge thereof or to any circuit judge for a writ

1 of habeas corpus and shows by affidavit or evidence probable
2 cause to believe that he or she is detained without lawful
3 authority, the court, justice, or judge to whom such
4 application is made shall grant the writ forthwith, against
5 the person in whose custody the applicant is detained and
6 returnable immediately before any of the courts, justices, or
7 judges as the writ directs.

8 (2) For purposes of construing this section, a
9 judgment of conviction or sentence which has been affirmed on
10 direct appeal constitutes "lawful authority."

11 Section 10. Subsection (6) of section 924.051, Florida
12 Statutes, as amended by chapters 97-102 and 97-313, Laws of
13 Florida, is repealed, and subsections (2), (5), (7), (8), and
14 (9) of said section are amended to read:

15 924.051 Terms and conditions of appeals and collateral
16 review in criminal cases.--

17 (1) As used in this section:

18 (a) "Prejudicial error" means an error in the trial
19 court that harmfully affected the judgment or sentence.

20 (b) "Preserved" means that an issue, legal argument,
21 or objection to evidence was timely raised before, and ruled
22 on by, the trial court, and that the issue, legal argument, or
23 objection to evidence was sufficiently precise that it fairly
24 apprised the trial court of the relief sought and the grounds
25 therefor.

26 (2) The right to direct appeal ~~and the provisions for~~
27 ~~collateral review~~ created in this chapter may only be
28 implemented in strict accordance with the terms and conditions
29 of this section.

30 (3) An appeal may not be taken from a judgment or
31 order of a trial court unless a prejudicial error is alleged

1 and is properly preserved or, if not properly preserved, would
2 constitute fundamental error. A judgment or sentence may be
3 reversed on appeal only when an appellate court determines
4 after a review of the complete record that prejudicial error
5 occurred and was properly preserved in the trial court or, if
6 not properly preserved, would constitute fundamental error.

7 (4) If a defendant pleads nolo contendere without
8 expressly reserving the right to appeal a legally dispositive
9 issue, or if a defendant pleads guilty without expressly
10 reserving the right to appeal a legally dispositive issue, the
11 defendant may not appeal the judgment or sentence.

12 (5) Collateral relief is not available in state courts
13 ~~on grounds that were or could have been raised at trial and,~~
14 ~~if properly preserved, on direct appeal of the conviction and~~
15 ~~sentence. A state court shall not review or examine the~~
16 legality of a judgment or sentence imposed in a criminal case
17 by a court of competent jurisdiction, except pursuant to a
18 direct appeal of the judgment or sentence to the court having
19 appellate jurisdiction over that criminal case.

20 ~~(6) A petition or motion for collateral or other~~
21 ~~postconviction relief may not be considered if it is filed~~
22 ~~more than 2 years after the judgment and sentence became final~~
23 ~~in a noncapital case or more than 1 year after the judgment~~
24 ~~and sentence became final in a capital case in which a death~~
25 ~~sentence was imposed unless it alleges that:~~

26 ~~(a) The facts upon which the claim is predicated were~~
27 ~~unknown to the petitioner or his attorney and could not have~~
28 ~~been ascertained by the exercise of due diligence;~~

29 ~~(b) The fundamental constitutional right asserted was~~
30 ~~not established within the period provided for in this~~
31 ~~subsection and has been held to apply retroactively; or~~

1 ~~(c) The sentence imposed was illegal because it either~~
2 ~~exceeded the maximum or fell below the minimum authorized by~~
3 ~~statute for the criminal offense at issue. Either the state~~
4 ~~or the defendant may petition the trial court to vacate an~~
5 ~~illegal sentence at any time.~~

6 (6)~~(7)~~ In a direct appeal ~~or a collateral proceeding,~~
7 the party challenging the judgment or order of the trial court
8 has the burden of demonstrating that a prejudicial error
9 occurred in the trial court. A conviction or sentence may not
10 be reversed absent an express finding that a prejudicial error
11 occurred in the trial court.

12 (7)~~(8)~~ It is the intent of the Legislature that all
13 terms and conditions of direct appeal and ~~collateral review be~~
14 ~~strictly enforced, including the application of procedural~~
15 ~~bars, to ensure that all claims of error are raised and~~
16 resolved at the first opportunity. It is also the
17 Legislature's intent that all procedural bars ~~to direct appeal~~
18 ~~and collateral review~~ be fully enforced by the courts of this
19 state.

20 (8)~~(9)~~ Funds, resources, or employees of this state or
21 its political subdivisions may not be used, directly or
22 indirectly, in ~~appellate or~~ collateral proceedings ~~unless the~~
23 ~~use is constitutionally or statutorily mandated.~~

24 Section 11. Section 924.055, Florida Statutes, 1996
25 Supplement, is amended to read:

26 924.055 ~~Time limitations for~~ Postconviction
27 proceedings in capital cases prohibited in state courts.--

28 (1) The Legislature recognizes that unjustified delay
29 in postconviction proceedings in capital cases frustrates
30 justice and diminishes public confidence in the criminal
31 justice system. A state court shall not review or examine the

1 legality of a judgment or sentence imposed in a criminal case
2 by a court of competent jurisdiction, except pursuant to a
3 direct appeal of the judgment or sentence to the court having
4 appellant jurisdiction over that criminal case. ~~It is the~~
5 ~~intent of the Legislature that postconviction proceedings in~~
6 ~~capital cases progress in a fair but timely fashion and that,~~
7 ~~absent extreme circumstances, the participants in such~~
8 ~~proceedings abide by the time limitations set forth in this~~
9 ~~section.~~

10 ~~(2) Within 1 year after the date the Supreme Court~~
11 ~~issues a mandate on a direct appeal or the United States~~
12 ~~Supreme Court denies a petition for certiorari, whichever is~~
13 ~~later, all postconviction motions and petitions that challenge~~
14 ~~the judgment, sentence, or appellate decision must be filed in~~
15 ~~the appropriate court.~~

16 ~~(3) Within 90 days after the date the state files a~~
17 ~~response to a postconviction motion that challenges the~~
18 ~~judgment or sentence, the circuit court shall conduct all~~
19 ~~necessary hearings and render a decision.~~

20 ~~(4) Within 200 days after the date a notice is filed~~
21 ~~appealing an order of the trial court or an extraordinary writ~~
22 ~~is filed in a postconviction proceeding, the Supreme Court~~
23 ~~shall render a decision.~~

24 ~~(5) A convicted person must file any petition for~~
25 ~~habeas corpus in the district court of the United States~~
26 ~~within 90 days after the date the Supreme Court issues a~~
27 ~~mandate in a postconviction proceeding.~~

28 Section 12. Section 924.066, Florida Statutes, 1996
29 Supplement, is repealed.

30 Section 13. Section 925.0365, Florida Statutes, is
31 created to read:

1 925.0365 Admission of ineffective assistance of
2 counsel by attorney in criminal proceeding to preclude
3 attorney from public employment or compensation in criminal
4 matters; mandatory notification to The Florida Bar of
5 admission.--

6 (1) An attorney who admits to a court to have provided
7 ineffective assistance of counsel in a criminal matter shall
8 be ineligible for public employment under chapters 16 and 27
9 and shall be ineligible to be paid state funds as compensation
10 for representation in any future criminal proceedings
11 initiated after the date the attorney admitted to having
12 provided ineffective assistance of counsel.

13 (2) When an attorney admits to a court in a
14 postconviction proceeding that he or she provided ineffective
15 assistance of counsel in a criminal matter, then the Attorney
16 General shall immediately notify The Florida Bar of such
17 admission of ineffective assistance of counsel for
18 disciplinary proceedings in accordance with rules promulgated
19 by the Florida Supreme Court. The Attorney General shall also
20 provide notification of the attorney's admission of
21 ineffective assistance of counsel to the Comptroller, the
22 Commission on the Administration of Justice in Capital Cases,
23 the Florida Supreme Court, and the Justice Administrative
24 Commission.

25 Section 14. Rules 3.850, 3.851, and 3.852, Florida
26 Rules of Criminal Procedure, relating to motions to vacate,
27 set aside, or correct sentence, collateral relief after death
28 sentence has been imposed, and capital postconviction public
29 records production, respectively, are hereby repealed.

30 Section 15. This act shall take effect July 1 of the
31 year in which enacted, except that section 14 shall take

537-178E-98

1 effect only if this act is passed by the affirmative vote of
 2 two-thirds of the membership of each house of the Legislature.

3
 4 *****

5 HOUSE SUMMARY

6 Creates the "Death Penalty Appeals Reform Act of 1998."
 7 Provides that collateral representation shall not include
 8 representation during postconviction proceedings in state
 9 court. Makes the areas of the capital collateral regions
 10 coincident with the jurisdictional areas of certain
 11 federal court districts. Revises duties of capital
 12 collateral regional counsel to eliminate certain
 13 representation in state court proceedings. Prohibits use
 14 of state funds by the capital collateral regional counsel
 15 offices for purposes of any litigation in state court.
 16 Revises time limitation relating to application for
 17 relief in federal court. Removes certain provisions with
 18 respect to compliance with Florida Rules of Criminal
 19 Procedure. Provides that a judgment of conviction or
 20 sentence which has been affirmed on direct appeal
 21 constitutes "lawful authority" to detain a person for
 22 purposes of construing specified provisions. Prohibits
 23 postconviction proceedings in state court. Provides
 24 certain sanctions for attorneys who admit to providing
 25 ineffective assistance of counsel. Repeals Rules 3.850,
 26 3.851, and 3.852, Florida Rules of Criminal Procedure,
 27 relating to motion to vacate, set aside, or correct
 28 sentence, collateral relief after death sentence has been
 29 imposed, and capital postconviction public records
 30 production, respectively. See bill for details.
 31

ADDITIONAL SPONSORS

Edwards, Turnbull, Boyd, Bronson, Saunders, Maygarden, Valdes,
 Fasano, Smith, Minton, Morroni, Fischer, Bitner, Arnall,
 Safley, Feeney, K. Pruitt, Culp, Goode, Peaden, Spratt, Kelly,
 Byrd, Burroughs, Flanagan, Stabins, Sindler, Cosgrove, D.
 Prewitt, Heyman, Merchant, Fuller, Crady, Dockery, Argenziano,
 Mackey, Brown, Hafner, Stafford, Bloom, Wiles, Sembler,
 Mackenzie, Jacobs, Harrington, Villalobos and Westbrook