

By the Committees on Judiciary, Criminal Justice and Senators Williams, Kirkpatrick and Brown-Waite

308-2225-98

1 A bill to be entitled
2 An act relating to appellate review; creating a
3 task force to review the death penalty appeal
4 process; providing for the composition of the
5 task force; providing for the term of the task
6 force; providing for organization and
7 composition; providing for powers and duties;
8 requiring the task force to maintain the
9 confidentiality of certain documents and other
10 information; providing an effective date.

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12 WHEREAS, because the effectiveness of the death penalty
13 as a deterrent to violent crime is related to its swift and
14 fair application to criminals sentenced to die, it is
15 important to review the current laws and procedures applicable
16 to death penalty appeals to assure that the process best
17 serves society's interests within the boundaries established
18 by the State Constitution and the Constitution of the United
19 States, NOW, THEREFORE,

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

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23 Section 1. (1) There shall be created within the
24 Office of the Attorney General the Death Penalty Appeals Task
25 Force. The Task Force shall be composed of:

26 (a) Two persons appointed by the Chief Justice of the
27 Supreme Court;

28 (b) Two persons appointed by the Speaker of the House
29 of Representatives;

30 (c) Two persons appointed by the President of the
31 Senate;

- 1 (d) Two persons appointed by the Governor;
2 (e) The Attorney General or his or her designee;
3 (f) Two persons appointed by the Florida Public
4 Defender Association; and
5 (g) Two persons appointed by the Florida Prosecuting
6 Attorneys Association.
7 (2) The task force members shall serve from
8 appointment until the adjournment sine die of the regular
9 legislative session held in 1999.
10 (3) The task force shall elect one of its members as
11 chairperson.
12 (4) The members of the task force shall serve without
13 compensation, but shall be reimbursed for per diem and travel
14 expenses as provided in section 112.061, Florida Statutes.
15 (5) The task force shall examine and recommend methods
16 to avoid multiple appeals and to avoid unjustifiable delays in
17 death penalty cases.
18 (6) The actions, investigations, and proceedings of
19 the task force are exempt from the provisions of chapter 120,
20 Florida Statutes.
21 (7) The task force may procure information and
22 assistance from any officer or agency of the state or any
23 subdivision thereof, including all courts of this state. A
24 document or other information that is exempt from public
25 inspection under chapter 119, Florida Statutes, does not
26 become a public record when it is provided by any officer or
27 agency to the task force for review or consideration, and the
28 task force shall maintain the confidentiality of such document
29 or information.
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1 (8) The task force may appoint an executive director,
2 who shall serve at the pleasure of the task force, and may
3 hire additional staff as necessary.

4 (9) The task force shall submit a report with
5 recommended changes, if any, by December 1, 1998, to the
6 Governor, the President of the Senate, and the Speaker of the
7 House of Representatives and to the leader of the party in
8 each chamber which is not the party of the presiding officer.

9 Section 2. This act shall take effect upon becoming
10 law.

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12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 CS for SB 356

15 The Committee Substitute for Committee Substitute for Senate
16 Bill 356 deletes the entirety of the bill and creates a task
17 force to examine multiple appeals and recommend methods to
18 avoid these multiple appeals and to avoid unjust delays in
19 death penalty cases. The task force is to consist of 13
20 persons appointed by specified individuals and organizations.
21 The members are to serve without compensation but are to
22 receive per diem and travel expenses. The task force is to
23 submit a report with recommended changes, if any, by December
24 1, 1998, to the Governor, the President of the Senate, the
25 Speaker of the House, and the leader of the party in each
26 chamber which is not the party of the presiding officer.
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