

hbd-06

Bill No. CS/HB 1-A

Amendment No. \_\_\_\_ (for drafter's use only)

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Ball offered the following:

**Amendment (with title amendment)**

On page 34, line 3, through page 35, line 20  
remove from the bill: all of said lines

and insert in lieu thereof:

Section 17. Section 924.395, Florida Statutes, is  
created to read:

924.395 Sanctions.--

(1) The Legislature strongly encourages the courts, through their inherent powers and pursuant to this section, to impose sanctions against any person within the court's jurisdiction who is found by a court, in a capital postconviction proceeding or appeal therefrom, to have:

(a) Abused a petition for extraordinary relief, postconviction motion, or appeal therefrom;

(b) Raised a claim that a court has found to be frivolous or procedurally barred or that should have been raised on the direct appeal;

(c) Improperly withheld evidence or testimony; or

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1           (d) Adversely affected the orderly administration of  
2 justice.

3           (2) Sanctions the court may and should consider, when  
4 applicable and appropriate in a case, include, but are not  
5 limited to:

6           (a) Dismissal of a pleading;

7           (b) Disciplinary sanctions;

8           (c) A fine; and

9           (d) Any other sanction that is available to the court  
10 under its inherent powers.

11           Section 18. Section 922.108, Florida Statutes, is  
12 created to read:

13           922.108 Sentencing orders in capital cases.--The  
14 sentence of death must not specify any particular method of  
15 execution. The wording or form of the sentencing order shall  
16 not be grounds for reversal of any sentence.

17           Section 19. Paragraph (b) of subsection (6) of section  
18 924.051, Florida Statutes, is repealed.

19           Section 20. The Legislature finds that centralized  
20 case management of capital postconviction actions has the  
21 potential to reduce delays and should be considered. The  
22 Legislature requests that the Florida Supreme Court study the  
23 feasibility of a requirement that all capital postconviction  
24 actions be filed in the Florida Supreme Court as proposed by a  
25 member of the Supreme Court Committee on Postconviction Relief  
26 in Capital Cases (Morris Committee). The Legislature  
27 recognizes that such a reform may substantially enhance  
28 judicial efficiency and may initially necessitate additional  
29 workload funding. If the Supreme Court finds that centralized  
30 case management is a more efficient model, the Court shall  
31 estimate the implementation costs. The Legislature requests

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1 that the Court submit any recommendation to the Governor, the  
 2 Senate, and the House of Representatives before January 1,  
 3 2001.

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6 ===== T I T L E    A M E N D M E N T =====  
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7 And the title is amended as follows:

8           On page 2, lines 22-27,  
 9 remove from the title of the bill: all of said lines

10  
11 and insert in lieu thereof:

12           billings of assigned counsel; creating s.  
 13           924.395, F.S.; providing for sanctions;  
 14           creating s. 922.108, F.S.; providing for  
 15           sentencing orders in capital cases; repealing  
 16           s. 924.051(6)(b), F.S., relating to the  
 17           imposition of limitations on the filing of  
 18           motions for collateral or other postconviction  
 19           relief and the calling of expert witnesses;  
 20           requesting the Supreme Court to study the  
 21           feasibility of requiring all capital  
 22           postconviction actions to be filed in the  
 23           Supreme Court and requesting the court to  
 24           submit its recommendations by a certain date;

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