

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Judicial Oversight offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Section 43.201, Florida Statutes, is
created to read:

43.201 Creation of Capital Case Staff Attorney
Program.--The Capital Case Staff Attorney Program is created
in the state's circuit courts to provide to circuit judges
presiding over capital cases in which the death penalty is
sought legal assistance and expertise to help ensure the
orderly, expeditious, and legally correct resolution of issues
presented in such cases in the interest of all parties and the
public.

Section 2. Section 43.202, Florida Statutes, Florida
Statutes, is created to read:

43.202 Capital case staff attorneys.--In the Capital
Case Staff Attorney Program, 25 attorneys are to be provided.
Each of the state's twenty judicial circuits shall be

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1 allocated at least one attorney. The Florida Supreme Court
2 shall develop and administer an allocation formula to assign
3 additional capital case staff attorneys to the circuits based
4 on the volume of capital case litigation in the circuits and
5 the availability of other court resources.

6 Section 3. Section 43.203, Florida Statutes, is
7 created to read:

8 43.203 Attorney hiring.--The attorneys in the Capital
9 Case Staff Attorney Program shall be selected by the chief
10 judge of the circuit to which such positions are allocated.

11 Section 4. Section 43.204, Florida Statutes, is
12 created to read:

13 43.204 Attorney qualifications.--Attorneys hired into
14 the Capital Case Staff Attorney Program must be members of The
15 Florida Bar and have at least 1 year of professional
16 experience as an attorney.

17 Section 5. Section 43.205, Florida Statutes, is
18 created to read:

19 43.205 Supervision.--Each capital case staff attorney
20 must be supervised by the chief judge of the circuit in which
21 he or she is employed or assigned or such other circuit judge
22 as the presiding judge designates. Supervision includes
23 determining which of the multiple pending cases, if such be
24 the case, to which the attorney will be assigned to provide
25 assistance considering applicable factors, including the
26 experience of the trial judge who is trying such cases, the
27 anticipated length of trial or other proceeding, and any other
28 factors the chief judge, in his or her discretion, finds
29 appropriate.

30 Section 6. Section 43.206, Florida Statutes, is
31 created to read:

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1 43.206 Duties of capital case staff
2 attorneys.--Specific duties to which capital case staff
3 attorneys may be assigned include:
4 (1) Assisting assigned judges on issue of fact, law,
5 and procedure in pre-trial proceedings, trial and sentencing
6 proceedings, post-conviction proceedings, and in any other
7 matter relating to a capital case.
8 (2) Providing research and drafting assistance when
9 requested.
10 (3) Attendance at pre-trial and post-conviction
11 proceedings.
12 (4) Advising assigned judges concerning matters of
13 case management and developing and maintaining a capital-case
14 bench book containing current and relevant capital-case
15 decisions from state and federal appellate courts.
16 (5) Any other request for assistance involving a case
17 when made by the assigned judge.
18 (6) Assisting in additional criminal matters of the
19 circuit court when not needed for capital litigation.
20 Section 7. Section 43.207, Florida Statutes, is
21 created to read:
22 43.207 Staff attorney salaries, benefits, and training
23 costs.--The Supreme Court or its designee shall provide
24 training for attorneys in the program and may do so in
25 conjunction with other training programs. All costs and
26 expenses shall be paid by the state through appropriations to
27 the State Courts System.
28 Section 8. Section 43.208, Florida Statutes, is
29 created to read:
30 43.208 Assignment of capital case staff attorneys.--A
31 chief judge of a circuit may temporarily assign a capital case

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1 staff attorney to another circuit upon the request of the
2 chief judge of that circuit.

3 Section 9. Section 43.209, Florida Statutes, is
4 created to read:

5 43.209 Accountability.--Pursuant to chapter 216, the
6 Supreme Court shall integrate performance reporting of the
7 Capital Case Staff Attorney Program into its performance
8 measurements and associated accountability reports for the
9 trial courts, and shall reflect the Capital Case Staff
10 Attorney Program in its Long Range Program Plan.

11 Section 10. The sum of \$1,600,000 is appropriated from
12 the General Revenue Fund to the State Courts System, Circuit
13 Courts Budget Entity for costs and expenses of the Capital
14 Case Staff Attorney Program.

15 Section 11. This act shall take effect July 1, 2001.

18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 remove from the title of the bill: the entire title

21
22 and insert in lieu thereof:

23 A bill to be entitled
24 An act relating to the judiciary; creating ss.
25 43.201, 43.202, 43.203, 43.204, 43.205, 43.206,
26 43.207, 43.208, 43.209, F.S.; creating the
27 Capital Case Staff Attorney Program; providing
28 for statewide distribution of capital case
29 staff attorneys; prescribing qualifications;
30 providing for selection, supervision, and
31 duties of such attorneys; providing for payment

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of costs and expenses; providing for training;
providing for assignment of such attorneys;
providing reporting; providing an
appropriation; providing an effective date.