

By Senator Campbell

33-275-01

1 A bill to be entitled
2 An act relating to the judiciary; creating ss.
3 43.201, 43.202, 43.203, 43.204, 43.205, 43.206,
4 43.207, 43.208, 43.209, F.S.; creating the
5 Capital Case Staff Attorney Program; providing
6 for statewide distribution of capital case
7 staff attorneys; providing for hiring,
8 supervision, and duties of such attorneys;
9 providing for salaries, benefits, and training;
10 providing for assignment of such attorneys
11 across circuit lines; providing an annual
12 report; providing an appropriation; providing
13 an effective date.

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

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

19 43.201 Creation of Capital Case Staff Attorney
20 Program.--The Capital Case Staff Attorney Program is created
21 in the state's circuit courts to provide to circuit judges
22 presiding over capital cases in which the death penalty is
23 sought legal assistance and expertise to help ensure the
24 orderly, expeditious, and fair resolution in such cases in the
25 interest of all parties and the public.

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

28 43.202 Capital case staff attorneys.--In the Capital
29 Case Staff Attorney Program, 25 attorneys are to be provided.
30 Each of the state's twenty judicial circuits shall be given
31 funding for at least one attorney. The Ninth Circuit and the

1 Eleventh Circuit shall be given funding for two attorneys. The
2 Fifteenth Circuit and the Seventeenth Circuit shall be given
3 funding for an additional attorney to be shared, as will the
4 Fourth and the Seventh Circuits and the Sixth and the
5 Thirteenth Circuits. The positions allocated are in addition
6 to any positions that may be allocated to the Florida Supreme
7 Court to assist that court in the disposition of capital
8 cases.

9 Section 3. Section 43.203, Florida Statutes, is
10 created to read:

11 43.203 Attorney hiring.--The attorneys in the Capital
12 Case Staff Attorney Program shall be hired by the presiding
13 judge of the circuit to which such positions are allocated. In
14 those circuits in which an attorney is to be shared, the
15 presiding judges of such circuits shall jointly make the
16 hiring decision.

17 Section 4. Section 43.204, Florida Statutes, is
18 created to read:

19 43.204 Attorney qualifications.--Attorneys hired into
20 the Capital Case Staff Attorney Program must be members of The
21 Florida Bar and have at least 1 year of professional
22 experience as an attorney.

23 Section 5. Section 43.205, Florida Statutes, is
24 created to read:

25 43.205 Supervision.--Each capital case staff attorney
26 must be supervised by the presiding judge of the circuit in
27 which he or she is employed or assigned or such other circuit
28 judge as the presiding judge designates. Attorneys shared by
29 more than one circuit must be supervised by the presiding
30 judges of the circuit to which he or she is employed or
31 assigned or the presiding judges' designee. Supervision

1 includes determining which of the multiple pending cases, if
2 such be the case, to which the attorney will be assigned to
3 provide assistance considering applicable factors, including
4 the experience of the trial judge who is trying such cases,
5 the anticipated length of trial, and any other factors the
6 presiding judge, in his or her discretion, finds appropriate.

7 Section 6. Section 43.206, Florida Statutes, is
8 created to read:

9 43.206 Duties of capital case staff
10 attorneys.--Specific duties to which capital case staff
11 attorneys may be assigned include:

12 (1) Attending hearings and advising assigned judges on
13 issue of fact, law, and procedure in pre-trial proceedings.

14 (2) Providing research and drafting assistance when
15 requested.

16 (3) Attendance at trial if requested.

17 (4) Advising assigned judges concerning matters of
18 case management and developing a capital-case bench book
19 containing current and relevant capital-case decisions from
20 state and federal appellate courts.

21 (5) Any other request for assistance involving the
22 case when made by the assigned judge.

23 Section 7. Section 43.207, Florida Statutes, is
24 created to read:

25 43.207 Staff attorney salaries, benefits, and training
26 costs.--The Commission on Capital Cases shall provide training
27 for attorneys in the program and may do so in conjunction with
28 other training programs. Training costs may not exceed \$750
29 per attorney, starting salaries may not exceed \$40,000 per
30 annum using state appropriated funds, and benefits are

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1 included in the appropriation for start-up and operating
2 costs.

3 Section 8. Section 43.208, Florida Statutes, is
4 created to read:

5 43.208 Assignment of capital case staff attorneys
6 across circuit lines.--As occasions arise, presiding judges of
7 the circuits may request the temporary assignment of a capital
8 case staff attorney from an adjoining circuit to assist a
9 judge or judges assigned to try capital cases in the
10 requesting judge's circuit. Such requests must be given prompt
11 and favorable consideration by presiding judges, if possible.

12 Section 9. Section 43.209, Florida Statutes, is
13 created to read:

14 43.209 Legislative reports.--The presiding judge of
15 each judicial circuit shall provide a report concerning the
16 value and efficacy of the Capital Case Staff Attorney Program
17 to the Governor, the President of the Senate, the Speaker of
18 the House of Representatives, the Chief Justice of the Supreme
19 Court and the Executive Director of the Commission on Capital
20 Cases at the end of each fiscal year.

21 Section 10. The sum of \$1,600,000 is appropriated from
22 the General Revenue Fund to the Commission on Capital Cases
23 for both start-up and operating expenses during the 2001-2002
24 fiscal year. Existing office space, support staff, and legal
25 research resources are to be provided by the circuit courts
26 whenever possible.

27 Section 11. This act shall take effect July 1, 2001.
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SENATE SUMMARY

Provides for a Capital Case Staff Attorney Program. Provides for statewide distribution of capital case staff attorneys. Provides for hiring, supervision, and duties of such attorneys. Provides for salaries, benefits, and training. Provides for the assignment of such attorneys across circuit lines. Requires a report to the Governor, the Legislature, the Chief Justice of the Supreme Court, and the Executive Director of the Commission on Capital Cases. Appropriates \$1.6 million for the program.