

By the Committee on Criminal Justice and Senator Campbell

307-1554-01

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; prescribing qualifications;
8 providing for selection, supervision, and
9 duties of such attorneys; providing for payment
10 of costs and expenses; providing for training;
11 providing for assignment of such attorneys;
12 providing reporting; providing an
13 appropriation; providing an effective date.

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

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 legally correct resolution of issues
25 presented in such cases in the interest of all parties and the
26 public.

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

29 43.202 Capital case staff attorneys.--In the Capital
30 Case Staff Attorney Program, 25 attorneys are to be provided.
31 Each of the state's twenty judicial circuits shall be

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:

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

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.

16
17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 Senate Bill 842

- 20 - Provides a staff attorney to each circuit (20); the
21 additional five attorneys provided for in the CS are to
22 be assigned by the Florida Supreme Court based on an
23 allocation formula.
24 - The salary specifications set forth in the original bill
25 are not included in the CS, although as a practical
26 matter, based on the budget allocation, the anticipated
27 salary and benefits should not change.
28 - The Commission on Capital Cases is not designated as the
29 entity that will provide training to the staff attorneys
30 in the CS; the Florida Supreme Court or its designee
31 will have that task.
- The potential for a staff attorney to be assigned to
assist in other criminal matters of the circuit court
when not needed on capital matters exists in the CS.