

By the Committees on Judiciary, Criminal Justice and Senator Campbell

308-1878-01

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 assignment,  
8           including assignment to other appellate  
9           districts, as needed; providing for selection,  
10          supervision, and duties of such attorneys;  
11          prescribing qualifications; providing for  
12          costs, expenses, and training; providing  
13          reporting requirements; providing an  
14          appropriation; providing an effective date.

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

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

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

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

29           43.202 Capital case staff attorneys.--In the Capital  
30 Case Staff Attorney Program, 15 attorneys are to be provided,  
31 three in each appellate district. The positions herein

1 allocated are in addition to any positions that may be  
2 allocated to the Florida Supreme Court to assist that court in  
3 the disposition of capital cases.

4 Section 3. Section 43.203, Florida Statutes, is  
5 created to read:

6 43.203 Assignment of capital case staff  
7 attorneys.--Capital case staff attorneys shall be assigned in  
8 each appellate district by the Trial Court Budget Commission.  
9 The chief judge of any circuit in any appellate district may  
10 request temporary assignment of a capital case staff attorney  
11 from an adjoining appellate district for additional assistance  
12 in the trial of capital cases. Such requests shall be made to  
13 the Trial Court Budget Commission and favorable consideration  
14 shall be accorded such request, if possible.

15 Section 4. Section 43.204, Florida Statutes, is  
16 created to read:

17 43.204 Duties of capital case staff  
18 attorneys.--Specific duties to which capital case staff  
19 attorneys may be assigned include:

20 (1) Assisting assigned judges on issues of fact, law,  
21 and procedure in pretrial proceedings, trial and sentencing  
22 proceedings, postconviction proceedings, and in any other  
23 matter relating to a capital case.

24 (2) Providing research and drafting assistance when  
25 requested.

26 (3) Attendance at pretrial and postconviction  
27 proceedings.

28 (4) Advising assigned judges concerning matters of  
29 case management and developing and maintaining a capital case  
30 bench book containing current and relevant capital case  
31 decisions from state and federal appellate courts.

1           (5) Any other request for assistance involving a case  
2 when made by the assigned judge.

3           (6) Assisting in additional criminal matters of the  
4 circuit court when not needed in capital litigation.

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

7           43.205 Attorney hiring.--The attorneys in the Capital  
8 Case Staff Attorney Program shall be hired by agreement of the  
9 chief judges of the circuits within each appellate district or  
10 by a chief judge within said appellate district as designated  
11 by the Chief Justice of the Florida Supreme Court.

12           Section 6. Section 43.206, Florida Statutes, is  
13 created to read:

14           43.206 Attorney qualifications.--Attorneys hired into  
15 the Capital Case Staff Attorney Program must be members of The  
16 Florida Bar and have at least 1 year of professional  
17 experience as an attorney.

18           Section 7. Section 43.207, Florida Statutes, is  
19 created to read:

20           43.207 Supervision.--Each capital case staff attorney  
21 shall be supervised by the chief judge of the circuit in which  
22 he or she is assigned or by such other circuit judge as the  
23 chief judge of the circuit may designate. Supervision shall  
24 include determining the cases to which the attorney will be  
25 assigned after considering the experience of the trial judge  
26 who is trying the case, the anticipated length of trial, and  
27 any other factors the chief judge or his or her designee finds  
28 appropriate.

29           Section 8. Section 43.208, Florida Statutes, is  
30 created to read:

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1           43.208 Staff attorney salaries, benefits, and training  
2 costs.--The Supreme Court or its designee shall provide  
3 training for attorneys in the program and may do so in  
4 conjunction with other training programs. Costs and other  
5 expenses shall be paid by the state through appropriations to  
6 the state courts system.

7           Section 9. Section 43.209, Florida Statutes, is  
8 created to read:

9           43.209 Accountability.--Pursuant to chapter 216, the  
10 Supreme Court shall integrate performance reporting of the  
11 Capital Case Staff Attorney Program into its performance  
12 measurements and associated accountability reports for the  
13 trial courts, and shall reflect the Capital Case Staff  
14 Attorney Program in its long-range program plan.

15           Section 10. The sum of \$480,000 is appropriated from  
16 the General Revenue Fund to the state courts system, Circuit  
17 Courts Budget Entity for 6 months' costs and expenses of the  
18 Capital Case Staff Attorney Program. It is the intent of the  
19 Legislature that this appropriation be annualized in the  
20 following fiscal year.

21           Section 11. This act shall take effect January 1,  
22 2002.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
CS/SB 842

The committee substitute reduces the number of capital case staff attorneys from 25 attorneys to 15 with three attorneys assigned to each appellate district.

The attorneys are to be assigned to circuits within the appellate district by the Trial Court Budget Commission. However, a chief judge may request the Trial Court Budget Commission to temporarily assign a capital case staff attorney from another appellate district to the circuit for additional assistance in the trial of capital cases.

The capital case staff attorneys in an appellate district are to be hired by the chief judges of the circuits within the appellate district or by the chief judge designated by the Chief Justice of the Supreme Court to perform the hiring.