

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

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

Representative(s) Goodlette offered the following:

**Amendment (with title amendment)**

On page 1, line 16, of the bill

insert: Section 1. Section 27.7001 is amended to read:

27.7001 Legislative intent and findings.--It is the intent of the Legislature to create part IV of this chapter, consisting of ss. 27.7001-27.711 ~~27.708~~, inclusive, to provide for the collateral representation of any person convicted and sentenced to death in this state, so that collateral legal proceedings to challenge any Florida capital conviction and sentence may be commenced in a timely manner and so as to assure the people of this state that the judgments of its courts may be regarded with the finality to which they are entitled in the interests of justice. It is the further intent of the Legislature that collateral representation shall not include representation during retrials, resentencings, proceedings commenced under chapter 940, or civil litigation.

Section 2. Section 27.7002 is created to read:

27.7002. Limitation on collateral representation,

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1 lawyer disqualification, use of state funds for excess fees  
2 not authorized--

3 (1) This chapter does not create any right on behalf  
4 of any person, provided counsel pursuant to any provision of  
5 this chapter, to challenge in any form or manner the adequacy  
6 of the collateral representation provided.

7 (2) With respect to counsel appointed to represent  
8 defendants in collateral proceedings pursuant to ss. 27.710  
9 and 27.711, the sole method of assuring adequacy of  
10 representation provided shall be in accordance with the  
11 provisions of s. 27.711(12).

12 (3) No provision of this chapter shall be construed to  
13 generate any right on behalf of any attorney appointed  
14 pursuant to s. 27.710, or seeking appointment pursuant to s.  
15 27.710, to be compensated above the amounts provided in s.  
16 27.711.

17 (4) No attorney may be appointed, at state expense, to  
18 represent any defendant in collateral legal proceedings except  
19 as expressly authorized in this chapter.

20 (5) The use of state funds for compensation of counsel  
21 appointed pursuant to s. 27.710 above the amounts set forth in  
22 s. 27.711 is not authorized.

23 (6) The executive director of the Commission on  
24 Capital Cases is authorized to permanently remove from the  
25 registry of attorneys provided in ss. 27.710 and 27.711, any  
26 attorney who seeks compensation for services above the amounts  
27 provided in s. 27.711.

28 (7) Any attorney who notifies any court, judge, state  
29 attorney, the Attorney General, or the executive director of  
30 the Commission on Capital Cases, that he or she can not for  
31 any reason provide adequate or proper representation under the

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1 terms and conditions set forth in s. 27.711 shall be  
2 permanently disqualified from any attorney registry created  
3 under this chapter.  
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6 ===== T I T L E    A M E N D M E N T =====

7 And the title is amended as follows:

8        On page 1, line 3,

9  
10 after the semicolon insert:

11        amending s. 27.7001, F.S.; providing  
12        legislative intent; creating s. 27.7002, F.S.;  
13        relating to adequacy of capital collateral  
14        representation; relating to compensation of  
15        attorneys; requiring appointment in accordance  
16        with chapter; authorizing removal of attorney  
17        from registry under certain circumstances;  
18        providing for permanent disqualification from  
19        attorney registry under certain circumstances;  
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