

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 cannot provide
31 adequate or proper representation under the terms and

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1 conditions set forth in s. 27.711, shall be permanently
2 disqualified from any attorney registry created under this
3 chapter, unless good cause arises after a change in
4 circumstances.

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

8 And the title is amended as follows:

9 On page 1, line 3,

10

11 after the semicolon insert:

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

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