

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1847

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.  
.
.  
.

The Conference Committee on HB 1847 offered the following:

**Conference Committee Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsection (2) of section 27.701, Florida Statutes, is amended to read:

27.701 Capital collateral regional counsels.--

(2) ~~For the 2003-2004 fiscal year only and~~ Notwithstanding the provisions of subsection (1), the responsibilities of the regional office of capital collateral counsel for the northern region of the state shall be met through a pilot program using only attorneys from the registry of attorneys maintained pursuant to s. 27.710. Each attorney participating in the pilot must be qualified to provide representation in federal court. ~~The Auditor General shall present a status report on the implementation of the pilot program to the President of the~~

707931

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1847

Amendment No. (for drafter's use only)

17 ~~Senate and the Speaker of the House of Representatives by~~  
18 ~~February 27, 2004.~~ The Auditor General shall also schedule a  
19 performance review of the pilot program to determine the  
20 effectiveness and efficiency of using attorneys from the  
21 registry compared to the capital collateral regional counsels.  
22 The review, at a minimum, shall include comparisons of the  
23 timeliness and costs of the pilot and the counsels and shall be  
24 submitted to the President of the Senate and the Speaker of the  
25 House of Representatives by January 30, 2007. The Legislature  
26 may determine whether to convert the pilot program to a  
27 permanent program after receipt of the Auditor General's review.  
28 ~~This subsection expires July 1, 2004.~~

29 Section 2. Paragraphs (a) and (c) of subsection (2) of  
30 section 27.709, Florida Statutes, as amended by section 86 of  
31 chapter 2003-399, Laws of Florida, are amended to read:

32 27.709 Commission on Capital Cases.--

33 (2)(a) The commission shall review the administration of  
34 justice in capital collateral cases, receive relevant public  
35 input, review the operation of the capital collateral regional  
36 counsel and private counsel appointed pursuant to ss. 27.710 and  
37 27.711, and advise and make recommendations to the Governor,  
38 Legislature, and Supreme Court.

39 (c) In addition, the commission shall receive complaints  
40 regarding the practice of any office of regional counsel and  
41 private counsel appointed pursuant to ss. 27.710 and 27.711 and  
42 shall refer any complaint to The Florida Bar, the State Supreme  
43 Court, or the Commission on Ethics, as appropriate.

707931

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1847

Amendment No. (for drafter's use only)

44 Section 3. Subsections (3) and (9) of section 27.711,  
45 Florida Statutes, as amended by section 88 of chapter 2003-399,  
46 Laws of Florida, are amended, and subsection (14) is added to  
47 that section, to read:

48 27.711 Terms and conditions of appointment of attorneys  
49 as counsel in postconviction capital collateral proceedings.--

50 (3) An attorney appointed to represent a capital defendant  
51 is entitled to payment of the fees set forth in this section  
52 only upon full performance by the attorney of the duties  
53 specified in this section and approval of payment by the trial  
54 court, and the submission of a payment request by the attorney,  
55 subject to the availability of sufficient funding specifically  
56 appropriated for this purpose. An attorney may not be  
57 compensated under this section for work performed by the  
58 attorney before July 1, 2003, while employed by the northern  
59 regional office of the capital collateral counsel. The Chief  
60 Financial Officer shall notify the executive director and the  
61 court if it appears that sufficient funding has not been  
62 specifically appropriated for this purpose to pay any fees which  
63 may be incurred. The attorney shall maintain appropriate  
64 documentation, including a current and detailed hourly  
65 accounting of time spent representing the capital defendant. The  
66 fee and payment schedule in this section is the exclusive means  
67 of compensating a court-appointed attorney who represents a  
68 capital defendant. When appropriate, a court-appointed attorney  
69 must seek further compensation from the Federal Government, as  
70 provided in 18 U.S.C. s. 3006A or other federal law, in habeas  
71 corpus litigation in the federal courts.

707931

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1847

Amendment No. (for drafter's use only)

72 (9) An attorney may not represent more than five ~~capital~~  
73 defendants in capital postconviction litigation at any one time.

74 (14) Each attorney participating in the pilot program in  
75 the northern region pursuant to s. 27.701(2), as a condition of  
76 payment pursuant to this section, shall report on the  
77 performance measures adopted by the Legislature for the capital  
78 collateral regional counsels.

79 Section 4. Paragraph (b) of subsection (4) of section  
80 27.702, Florida Statutes, as amended by section 90 of chapter  
81 2003-399, Laws of Florida, is amended to read:

82 27.702 Duties of the capital collateral regional counsel;  
83 reports.--

84 (4)

85 (b) Each capital collateral regional counsel and each  
86 attorney participating in the pilot program in the northern  
87 region pursuant to s. 27.701(2) shall provide a quarterly report  
88 to the President of the Senate, the Speaker of the House of  
89 Representatives, and the Commission on Capital Cases which  
90 details the number of hours worked by investigators and legal  
91 counsel per case and the amounts per case expended during the  
92 preceding quarter in investigating and litigating capital  
93 collateral cases.

94 Section 5. This act shall take effect July 1, 2004; or, if  
95 this act fails to become a law until after that date, it shall  
96 take effect upon becoming a law and shall operate retroactively  
97 to July 1, 2004.

98  
99 ===== T I T L E A M E N D M E N T =====

707931

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 1847

Amendment No. (for drafter's use only)

100           Remove the entire title and insert:  
101                           A bill to be entitled  
102 An act relating to the capital collateral regional counsel;  
103 amending s. 27.701, F.S.; extending the term of the capital  
104 collateral regional counsel pilot program; providing for  
105 legislative determination of converting the pilot program to a  
106 permanent program after receipt of Auditor General's review;  
107 deleting an expiration date; amending s. 27.709, F.S.; expanding  
108 the jurisdiction of the Commission on Capital Cases; amending s.  
109 27.711, F.S.; providing for compensation of counsel in the pilot  
110 program; providing for limitations on such counsel; amending s.  
111 27.702, F.S.; requiring reports from attorneys participating in  
112 the pilot program; providing an effective date.

707931