

By Senator Campbell

32-720-04

1 A bill to be entitled
 2 An act relating to attorneys who represent
 3 persons in postconviction capital collateral
 4 proceedings; amending s. 27.710, F.S.;
 5 requiring an attorney who applies to represent
 6 persons in postconviction capital collateral
 7 proceedings to certify that he or she is not
 8 currently representing more than nine persons
 9 in such proceedings; amending s. 27.711, F.S.;
 10 directing that an attorney may not represent
 11 more than 10 persons in postconviction capital
 12 collateral proceedings at any one time;
 13 providing an effective date.

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

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 17 Section 1. Subsection (3) of section 27.710, Florida
 18 Statutes, is amended to read:

19 27.710 Registry of attorneys applying to represent
 20 persons in postconviction capital collateral proceedings;
 21 certification of minimum requirements; appointment by trial
 22 court.--

23 (3) An attorney who applies for registration and court
 24 appointment as counsel in postconviction capital collateral
 25 proceedings must certify that he or she is counsel of record
 26 in not more than nine ~~four~~ such proceedings and, if appointed
 27 to represent a person in postconviction capital collateral
 28 proceedings, shall continue such representation under the
 29 terms and conditions set forth in s. 27.711 until the sentence
 30 is reversed, reduced, or carried out or unless permitted to
 31 withdraw from representation by the trial court. The court may

1 not permit an attorney to withdraw from representation without
2 a finding of sufficient good cause. The court may impose
3 appropriate sanctions if it finds that an attorney has shown
4 bad faith with respect to continuing to represent a defendant
5 in a postconviction capital collateral proceeding. This
6 section does not preclude the court from reassigning a case to
7 a capital collateral regional counsel following
8 discontinuation of representation if a conflict of interest no
9 longer exists with respect to the case.

10 Section 2. Subsection (9) of section 27.711, Florida
11 Statutes, is amended to read:

12 27.711 Terms and conditions of appointment of
13 attorneys as counsel in postconviction capital collateral
14 proceedings.--

15 (9) An attorney may not represent more than 10 ~~five~~
16 defendants in capital postconviction litigation at any one
17 time.

18 Section 3. Effective July 1, 2004, subsection (9) of
19 section 27.711, Florida Statutes, as amended by section 88 of
20 chapter 2003-399, Laws of Florida, is amended to read:

21 27.711 Terms and conditions of appointment of
22 attorneys as counsel in postconviction capital collateral
23 proceedings.--

24 (9) An attorney may not represent more than 10 ~~five~~
25 capital defendants at any one time.

26 Section 4. Except as otherwise expressly provided in
27 this act, this act shall take effect upon becoming a law.

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SENATE SUMMARY

Requires counsel applying to represent persons in postconviction capital collateral proceedings to certify that he or she is not currently representing more than nine persons in such proceedings. Directs that counsel may not represent more than 10 persons in postconviction capital collateral proceedings at any one time.