

Bill No. CS for CS for SB 360

Barcode 120086

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Floor: 1/AD/2R
04/21/2006 10:52 AM

11 Senator Campbell moved the following amendment:

13 **Senate Amendment (with title amendment)**

14 On page 11, lines 24 and 25, delete those lines

16 and insert: hour, up to a maximum of \$2,500, ~~before~~ **after**
17 accepting appointment and filing a notice of appearance to
18 review the files and status of the case in order to determine
19 whether to accept appointment under the payment schedule in s.
20 27.711. If, after review of the case, the attorney determines
21 that payment under the statutory schedule would not provide
22 adequate compensation for the foreseeable duties associated
23 with the prospective appointment, the attorney must either
24 decline the appointment or submit to the Chief Financial
25 Officer for approval a proposed budget that sets forth the
26 attorney's projection of the number of hours and duties
27 necessary for the representation. If the Chief Financial
28 Officer does not approve the budget, the attorney shall notify
29 the court that he or she is unable to accept the proposed
30 appointment. If the Chief Financial Officer approves the
31 attorney's proposed budget, the attorney must accept the

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1 representation and execute with the Chief Financial Officer a
 2 fixed-fee contract that incorporates the budget. By executing
 3 the contract, the attorney agrees that the contract is a
 4 fixed-fee contract and must be strictly construed and
 5 interpreted under general contract law, notwithstanding the
 6 cases of Makemson and its progeny.

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

10 And the title is amended as follows:

11 On page 2, line 10, after the second semicolon,

12

13 insert:

14 providing that an attorney may submit to the
 15 Chief Financial Officer for approval a proposed
 16 budget as an alternative to the statutory
 17 attorney's fees for representing a capital
 18 defendant; requiring the attorney to accept
 19 representation and execute a fixed-fee contract
 20 if the proposed budget is approved;

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