

604-2101-07

Proposed Committee Substitute by the Committee on Criminal and Civil Justice Appropriations

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A bill to be entitled

An act relating to the capital collateral regional counsel; amending s. 27.701, F.S.; deleting provisions providing for a pilot program in the northern region of the state to operate the office of the capital collateral regional counsel; providing an effective date.

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

Section 1. Section 27.701, Florida Statutes, is amended to read:

27.701 Capital collateral regional counsel.--

~~(1)~~ There are created three regional offices of capital collateral counsel, which shall be located in a northern, middle, and southern region of the state. The northern region shall consist of the First, Second, Third, Fourth, Eighth, and Fourteenth Judicial Circuits; the middle region shall consist of the Fifth, Sixth, Seventh, Ninth, Tenth, Twelfth, Thirteenth, and Eighteenth Judicial Circuits; and the southern region shall consist of the Eleventh, Fifteenth, Sixteenth, Seventeenth, Nineteenth, and Twentieth Judicial Circuits. Each regional office shall be administered by a regional counsel. A regional counsel must be, and must have been for the preceding 5 years, a member in good standing of The Florida Bar or a similar organization in another state. Each capital collateral regional counsel shall be appointed by the Governor, and is subject to confirmation by the Senate. The Supreme Court Judicial Nominating Commission shall recommend to the Governor three qualified candidates for each appointment as regional counsel. The Governor shall appoint a

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1 regional counsel for each region from among the  
2 recommendations, or, if it is in the best interest of the fair  
3 administration of justice in capital cases, the Governor may  
4 reject the nominations and request submission of three new  
5 nominees by the Supreme Court Judicial Nominating Commission.  
6 Each capital collateral regional counsel shall be appointed to  
7 a term of 3 years. Vacancies in the office of capital  
8 collateral regional counsel shall be filled in the same manner  
9 as appointments. A person appointed as a regional counsel may  
10 not run for or accept appointment to any state office for 2  
11 years following vacation of office.

12 ~~(2) Notwithstanding the provisions of subsection (1),~~  
13 ~~the responsibilities of the regional office of capital~~  
14 ~~collateral counsel for the northern region of the state shall~~  
15 ~~be met through a pilot program using only attorneys from the~~  
16 ~~registry of attorneys maintained pursuant to s. 27.710. Each~~  
17 ~~attorney participating in the pilot must be qualified to~~  
18 ~~provide representation in federal court. The Auditor General~~  
19 ~~shall schedule a performance review of the pilot program to~~  
20 ~~determine the effectiveness and efficiency of using attorneys~~  
21 ~~from the registry compared to the capital collateral regional~~  
22 ~~counsel. The review, at a minimum, shall include comparisons~~  
23 ~~of the timeliness and costs of the pilot and the counsel and~~  
24 ~~shall be submitted to the President of the Senate and the~~  
25 ~~Speaker of the House of Representatives by January 30, 2007.~~  
26 ~~The Legislature may determine whether to convert the pilot~~  
27 ~~program to a permanent program after receipt of the Auditor~~  
28 ~~General's review.~~

29 Section 2. This act shall take effect July 1, 2007.  
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