

By the Committee on Criminal and Civil Justice Appropriations;
and Senator Crist

604-2229-07

1 A bill to be entitled
2 An act relating to the capital collateral
3 regional counsel; amending s. 27.701, F.S.;
4 deleting provisions providing for a pilot
5 program in the northern region of the state to
6 operate the office of the capital collateral
7 regional counsel; providing an effective date.

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

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

13 27.701 Capital collateral regional counsel.--
14 ~~(1)~~ There are created three regional offices of
15 capital collateral counsel, which shall be located in a
16 northern, middle, and southern region of the state. The
17 northern region shall consist of the First, Second, Third,
18 Fourth, Eighth, and Fourteenth Judicial Circuits; the middle
19 region shall consist of the Fifth, Sixth, Seventh, Ninth,
20 Tenth, Twelfth, Thirteenth, and Eighteenth Judicial Circuits;
21 and the southern region shall consist of the Eleventh,
22 Fifteenth, Sixteenth, Seventeenth, Nineteenth, and Twentieth
23 Judicial Circuits. Each regional office shall be administered
24 by a regional counsel. A regional counsel must be, and must
25 have been for the preceding 5 years, a member in good standing
26 of The Florida Bar or a similar organization in another state.
27 Each capital collateral regional counsel shall be appointed by
28 the Governor, and is subject to confirmation by the Senate.
29 The Supreme Court Judicial Nominating Commission shall
30 recommend to the Governor three qualified candidates for each
31 appointment as regional counsel. The Governor shall appoint a

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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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1086

The bill amends section 27.01, F.S., to delete provisions for a three-year pilot project to deliver capital collateral legal services through a registry of private attorneys in the northern region. By striking this paragraph, the northern office of the Capital Collateral Regional Counsel is restored.

The bill would become effective July 1, 2007.