

Bill No. CS for SB 1088

Barcode 322874

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

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Senator Geller moved the following amendment:

**Senate Amendment (with title amendment)**

On page 55, line 6, through  
page 63, line 21, delete those lines

and redesignate subsequent sections.

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

And the title is amended as follows:

On page 1, line 2, through  
page 6, line 13 delete those lines

and insert:

An act relating to due process; amending s.  
27.40, F.S.; providing for offices of criminal  
conflict and civil regional counsel to be  
appointed to represent persons in certain cases  
in which the public defender is unable to  
provide representation; providing for private

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1 counsel to be appointed only when the public  
2 defender and the regional counsel are unable to  
3 provide representation; providing for the clerk  
4 of court to maintain the registry of attorneys  
5 available for appointment; providing for  
6 compensation of appointed counsel who are not  
7 on the registry; requiring attorneys to  
8 maintain records in order to claim  
9 extraordinary compensation; creating s. 27.405,  
10 F.S.; requiring the Justice Administrative  
11 Commission to track expenditures of  
12 court-appointed counsel; requiring reports  
13 concerning expenditures and certain  
14 characteristics of court-appointed counsel;  
15 creating s. 27.425, F.S.; requiring the chief  
16 circuit judge to recommend compensation rates  
17 for providers of due process services;  
18 providing for rates to be prescribed in the  
19 General Appropriations Act; creating s. 27.511,  
20 F.S.; creating an office of criminal conflict  
21 and civil regional counsel within the  
22 boundaries of each of the five district courts  
23 of appeal; providing legislative intent;  
24 directing the Justice Administrative Commission  
25 to provide administrative support to the  
26 offices; prescribing qualifications for and  
27 providing for appointment of the regional  
28 counsel; providing prohibitions related to the  
29 practice of law; requiring that the criminal  
30 conflict and civil regional counsel be  
31 appointed when the public defender has a

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1 conflict of interest in specified cases;  
2 prohibiting appointment of the office in  
3 certain circumstances; providing for appellate  
4 representation; providing for the regional  
5 counsel to provide representation in certain  
6 civil proceedings; providing for  
7 appropriations; providing that no county be  
8 required to provide funding to any office of  
9 criminal conflict and civil regional counsel;  
10 amending s. 27.512, F.S., relating to orders of  
11 no imprisonment; conforming provisions to the  
12 creation of the regional offices; amending s.  
13 27.52, F.S., relating to the determination of  
14 indigent status; conforming provisions to the  
15 creation of the regional offices; amending s.  
16 27.525, F.S.; revising the purposes of the  
17 Indigent Criminal Defense Trust Fund; amending  
18 s. 27.53, F.S.; authorizing the regional  
19 counsel to employ assistant regional counsel;  
20 authorizing certain investigators to carry  
21 concealed weapons and serve process under  
22 certain conditions; requiring the regional  
23 counsel to develop coordinated classification  
24 and pay plans; providing for appropriations to  
25 be determined by a funding formula; amending s.  
26 27.5301, F.S.; providing for salaries for the  
27 regional counsel and assistant counsel;  
28 amending s. 27.5303, F.S., relating to  
29 conflicts of interest in the representation of  
30 indigent defendants; conforming provisions to  
31 changes made by the act; eliminating the

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1 authority for the Justice Administrative  
2 Commission to contest motions to withdraw;  
3 providing for the regional counsel to file a  
4 motion to withdraw from a criminal or civil  
5 case due to a conflict of interest; providing  
6 procedures and criteria; amending s. 27.5304,  
7 F.S., relating to compensation of private  
8 court-appointed counsel, to conform; providing  
9 that compensation is based upon a flat fee  
10 prescribed in the General Appropriations Act;  
11 revising and eliminating certain procedures  
12 relating to billings; raising the maximum fee  
13 for representation in capital cases;  
14 prescribing fee limits for representation in  
15 certain dependency proceedings; prescribing  
16 conditions, procedures, and amounts for paying  
17 compensation to counsel in excess of  
18 established limits; requiring counsel to file a  
19 motion and submit documentation; providing for  
20 a hearing; requiring a written order and  
21 findings; requiring the Office of State Courts  
22 Administrator to report data on compensation  
23 exceeding prescribed limits; amending s. 27.54,  
24 F.S., relating to payments for public  
25 defenders; conforming provisions to the  
26 creation of the offices of criminal conflict  
27 and civil regional counsel; providing that no  
28 county shall appropriate or expend funds for  
29 the offices of criminal conflict and civil  
30 regional counsel; amending s. 27.59, F.S.;

31 authorizing the regional counsel to have access

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1 to prisoners; amending s. 28.24, F.S.;

2 requiring the clerk of court to provide certain

3 services to the criminal conflict and civil

4 regional counsel without charge; amending s.

5 28.345, F.S.; exempting the regional counsel

6 from certain court-related fees and charges;

7 amending s. 29.001, F.S.; providing for the

8 public defenders' offices to include the

9 criminal conflict and civil regional counsel

10 for purposes of implementing provisions of the

11 State Constitution; providing for state

12 funding; amending ss. 29.006 and 29.007, F.S.,

13 relating to indigent defense costs and

14 court-appointed counsel; conforming provisions

15 to the creation of the regional counsel;

16 amending s. 29.015, F.S., relating to deficits

17 in due-process funds; conforming provisions to

18 the creation of the regional counsel; revising

19 procedures for use of certain contingency

20 funds; amending s. 29.018, F.S., relating to

21 cost sharing of due-process services;

22 conforming provisions to the creation of the

23 regional counsel; amending s. 39.815, F.S.;

24 conforming a cross-reference; amending s.

25 43.16, F.S.; authorizing the Justice

26 Administrative Commission to provide

27 administrative assistance to criminal conflict

28 and civil regional counsel; revising the

29 application of provisions to conform to changes

30 made by the act; amending s. 57.082, F.S.;

31 revising provisions governing the determination

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1 of civil indigent status in order to include  
2 the appointment of public attorneys in addition  
3 to private attorneys; requiring the court to  
4 appoint the office of criminal conflict and  
5 civil regional counsel in certain civil cases;  
6 amending s. 110.205, F.S.; exempting officers  
7 and employees of the regional offices from the  
8 state career service system; amending s.  
9 125.69, F.S.; authorizing counties to contract  
10 with the regional counsel to represent  
11 defendants charged with violations of  
12 ordinances; amending s. 216.011, F.S.;

13 providing that the regional offices are state  
14 agencies for state budgeting purposes; amending  
15 s. 744.331, F.S.; providing for the appointment  
16 of the office of criminal conflict and civil  
17 regional counsel for alleged incapacitated  
18 persons; providing a temporary exception from  
19 certain education requirements for regional  
20 counsel; amending s. 938.29, F.S.; providing  
21 that certain defendants are liable for regional  
22 counsel fees and certain due-process costs;  
23 creating a lien against the property of persons  
24 who receive regional counsel representation and  
25 other due-process services; creating a lien  
26 against certain parents for fees and costs;  
27 providing for enforcement by the clerk and  
28 valuation of fees and costs by the court;  
29 repealing s. 27.42, F.S., relating to circuit  
30 Article V indigent services committees;  
31 providing legislative findings and intent

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1            regarding implementation of the act; providing  
2            effective dates.

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