

By the Committee on Appropriations

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A bill to be entitled
An act relating to court-appointed counsel; amending
s. 27.40, F.S.; eliminating limited registry
provisions; amending s. 27.5304, F.S.; revising
statutory caps for certain flat fees; providing an
effective date.

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

Section 1. Subsection (3) of section 27.40, Florida
Statutes, is amended to read:

27.40 Court-appointed counsel; circuit registries; minimum
requirements; appointment by court.—

(3) In utilizing a registry:

(a) The chief judge of the circuit shall compile a list of
attorneys in private practice, by county and by category of
cases, and provide the list to the clerk of court in each
county. ~~The chief judge of the circuit may restrict the number
of attorneys on the general registry list.~~ To be included on a
registry, attorneys shall certify:

1. That they meet any minimum requirements established by
the chief judge and by general law for court appointment;

2. That they are available to represent indigent defendants
in cases requiring court appointment of private counsel; and

3. That they are willing to abide by the terms of the
contract for services. ~~;~~ and

~~4. Whether they are willing to accept as full payment the
flat fees prescribed in s. 27.5304, notwithstanding the
provisions of s. 27.5304(12), except for cases brought under the~~

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30 ~~Racketeer Influenced and Corrupt Organizations Act and capital~~
31 ~~eases as defined in s. 27.5304(5)(a)4.~~

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33 To be included on a registry, an attorney also must enter into a
34 contract for services with the Justice Administrative
35 Commission. Failure to comply with the terms of the contract for
36 services may result in termination of the contract and removal
37 from the registry. Each attorney on the registry is ~~shall be~~
38 responsible for notifying the clerk of the court and the Justice
39 Administrative Commission of any change in his or her status.
40 Failure to comply with this requirement is ~~shall be~~ cause for
41 termination of the contract for services and removal from the
42 registry until the requirement is fulfilled. ~~In addition to~~
43 ~~general registries, the chief judge may establish limited~~
44 ~~registries that include only those attorneys willing to waive~~
45 ~~compensation in excess of the flat fee prescribed in s. 27.5304,~~
46 ~~notwithstanding the provisions of s. 27.5304(12).~~

47 (b) The court shall appoint attorneys in rotating order in
48 the order in which names appear on the applicable registry,
49 unless the court makes a finding of good cause on the record for
50 appointing an attorney out of order. ~~If a chief judge~~
51 ~~establishes a limited registry of attorneys willing to waive~~
52 ~~compensation in excess of the flat fee, the court shall appoint~~
53 ~~attorneys from that limited registry unless there are no~~
54 ~~attorneys available to accept the appointment on the limited~~
55 ~~registry.~~ The clerk of court shall maintain the registry and
56 provide to the court the name of the attorney for appointment.
57 An attorney not appointed in the order in which his or her name
58 appears on the list shall remain next in order.

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59 (c) If the number of attorneys on the registry in a county
60 or circuit for a particular category of cases is inadequate, the
61 chief judge of the particular circuit shall provide to the clerk
62 of court the names of at least three private attorneys who have
63 relevant experience. The clerk of court shall send an
64 application to each of these attorneys to register for
65 appointment.

66 (d) Quarterly, each chief judge shall provide a current
67 copy of each registry to the Chief Justice of the Supreme Court,
68 the state attorney and public defender in each judicial circuit,
69 the office of criminal conflict and civil regional counsel, the
70 clerk of court in each county, and the Justice Administrative
71 Commission. ~~Circuits utilizing a limited registry list as~~
72 ~~allowed by paragraph (a) shall include the race, gender, and~~
73 ~~national origin of all attorneys listed in and appointed under~~
74 ~~the limited registry.~~

75 Section 2. Paragraph (a) of subsection (5) of section
76 27.5304, Florida Statutes, is amended to read:

77 27.5304 Private court-appointed counsel; compensation;
78 notice.—

79 (5) The compensation for representation in a criminal
80 proceeding shall not exceed the following:

81 (a)1. For misdemeanors and juveniles represented at the
82 trial level: \$1,000.

83 2. For noncapital, nonlife felonies represented at the
84 trial level: \$2,500.

85 3. For life felonies represented at the trial level: \$9,000
86 ~~\$3,000~~.

87 4. For capital cases represented at the trial level:

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88 \$25,000 ~~\$15,000~~. For purposes of this subparagraph, a "capital
89 case" is any offense for which the potential sentence is death
90 and the state has not waived seeking the death penalty.

91 5. For representation on appeal: \$9,000 ~~\$2,000~~.

92 Section 3. This act shall take effect July 1, 2013.