

1 A bill to be entitled
2 An act relating to the death penalty; providing a
3 short title; amending s. 27.40, F.S.; requiring the
4 court to appoint the capital collateral regional
5 counsel to represent persons convicted and sentenced
6 to death in clemency proceedings; amending s. 27.51,
7 F.S.; removing the court's authority to appoint a
8 public defender to represent a person convicted and
9 sentenced to death in clemency proceedings; amending
10 s. 27.511, F.S.; removing the court's authority to
11 appoint the office of criminal conflict and civil
12 regional counsel to represent a person convicted and
13 sentenced to death in clemency proceedings; amending
14 s. 27.5303, F.S.; removing the court's authority to
15 appoint a public defender to represent an indigent
16 person convicted and sentenced to death in clemency
17 proceedings; amending s. 27.5304, F.S.; requiring
18 funds used to compensate court-appointed attorneys who
19 represent a person convicted and sentenced to death in
20 clemency proceedings to be paid by the Justice
21 Administrative Commission rather than the Department
22 of Corrections; amending s. 27.7001, F.S.; removing
23 legislative intent language indicating that collateral
24 representation of persons convicted and sentenced to
25 death should not include representation during
26 clemency proceedings; amending s. 27.701(2), F.S.;
27 repealing a pilot project using registry attorneys to
28 provide capital collateral counsel services in the

29 northern region of the Capital Collateral Regional
30 Counsel; amending s. 27.702, F.S.; authorizing the
31 capital collateral regional counsel to represent
32 persons convicted and sentenced to death in clemency
33 proceedings; removing language requiring the capital
34 collateral regional counsel to only file
35 postconviction actions authorized by statute; amending
36 s. 27.703, F.S.; prohibiting the capital collateral
37 regional counsel and replacement regional counsel from
38 accepting an appointment or taking an action that
39 creates an actual conflict of interest; describing
40 actual conflict of interest; amending s. 27.7045,
41 F.S.; prohibiting an attorney from representing a
42 person charged with a capital offense in specified
43 proceedings for 5 years if in two separate instances a
44 court, in a capital postconviction proceeding,
45 determined that the attorney provided constitutionally
46 deficient representation and relief was granted;
47 amending s. 27.7081, F.S.; providing definitions;
48 establishing procedures for public records production
49 in postconviction capital cases proceedings; amending
50 s. 27.710, F.S.; requiring private registry attorneys
51 appointed by the court to represent persons in
52 postconviction capital proceedings to meet certain
53 criteria; requiring private registry attorneys
54 appointed by the court to represent persons in
55 postconviction capital proceedings to contract with
56 the Justice Administrative Commission rather than the

57 Chief Financial Officer; specifying that the Justice
58 Administrative Commission is the contract manager and
59 requiring the Justice Administrative Commission to
60 approve uniform contract forms and procedures;
61 amending s. 27.711, F.S.; replacing references to the
62 "Chief Financial Officer" with "Justice Administrative
63 Commission" for purposes of paying private registry
64 attorneys appointed by the court to represent persons
65 in postconviction capital proceedings; permitting
66 private registry attorneys appointed by the court to
67 represent persons in postconviction capital
68 proceedings to represent no more than ten, rather than
69 five, defendants in capital postconviction litigation
70 at any one time; amending s. 922.095, F.S.; requiring
71 persons convicted and sentenced to death to pursue all
72 possible collateral remedies in state court in
73 accordance with the Florida Rules of Criminal
74 Procedure rather than in accordance with statute;
75 amending s. 922.052, F.S.; requiring the sheriff to
76 send the record of a person's conviction and death
77 sentence to the clerk of the Florida Supreme Court;
78 specifying that a sentence shall not be executed until
79 the Governor or Secretary of Corrections issues a
80 warrant; amending s. 922.11, F.S.; requiring the
81 warden to set the day for execution within the week
82 designated in the warrant; amending s. 922.12, F.S.;
83 conforming provisions to changes made by the act;
84 amending s. 922.14, F.S.; requiring the clerk of the

85 Florida Supreme Court to send a letter to the
86 Secretary of Corrections certifying that a person
87 convicted and sentenced to death meets certain
88 criteria; requiring the secretary to immediately issue
89 a warrant upon receipt of the clerk's letter of
90 certification directing the warden to execute the
91 sentence within 180 days; prohibiting the secretary
92 from issuing more than three warrants in a 90-day
93 period; specifying how the secretary shall select
94 which warrants to issue if he or she receives more
95 than three letters of certification within a 90-day
96 period; amending s. 924.055, F.S.; removing obsolete
97 language requiring capital postconviction motions to
98 be filed in accordance with statute; requiring capital
99 postconviction motions to be filed in accordance with
100 the Florida Rules of Criminal Procedure; amending s.
101 924.056, F.S.; requiring the Supreme Court to annually
102 report certain information regarding capital
103 postconviction cases to the Legislature; requiring
104 courts to report specified findings of ineffective
105 assistance of counsel to The Florida Bar; amending s.
106 924.057, F.S.; providing legislative intent regarding
107 postconviction proceedings in capital cases; repealing
108 ss. 924.058, 924.059, and 924.395, F.S., relating to
109 postconviction capital case proceedings; providing
110 severability; providing an appropriation; providing an
111 effective date.

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

114

115 Section 1. This act may be cited as the "Timely Justice
 116 Act of 2013."

117 Section 2. Subsection (1) of section 27.40, Florida
 118 Statutes, is amended to read:

119 27.40 Court-appointed counsel; circuit registries; minimum
 120 requirements; appointment by court.—

121 (1) Counsel shall be appointed to represent any individual
 122 in a criminal or civil proceeding entitled to court-appointed
 123 counsel under the Federal or State Constitution or as authorized
 124 by general law. The court shall appoint a public defender to
 125 represent indigent persons as authorized in s. 27.51. The office
 126 of criminal conflict and civil regional counsel shall be
 127 appointed to represent persons in those cases in which provision
 128 is made for court-appointed counsel but the public defender is
 129 unable to provide representation due to a conflict of interest
 130 or is not authorized to provide representation. Capital
 131 collateral regional counsel shall be appointed to represent
 132 persons as provided in s. 27.702.

133 Section 3. Paragraph (a) of subsection (5) of section
 134 27.51, Florida Statutes, is amended to read:

135 27.51 Duties of public defender.—

136 (5) (a) When direct appellate proceedings prosecuted by a
 137 public defender on behalf of an accused and challenging a
 138 judgment of conviction and sentence of death terminate in an
 139 affirmance of such conviction and sentence, whether by the
 140 Florida Supreme Court or by the United States Supreme Court or

141 | by expiration of any deadline for filing such appeal in a state
142 | or federal court, the public defender shall notify the accused
143 | of his or her rights pursuant to Rule 3.850, Florida Rules of
144 | Criminal Procedure, including any time limits pertinent thereto,
145 | and shall advise such person that representation in any
146 | collateral proceedings is the responsibility of the capital
147 | collateral regional counsel. The public defender shall then
148 | forward all original files on the matter to the capital
149 | collateral regional counsel, retaining such copies for his or
150 | her files as may be desired. ~~However, the trial court shall~~
151 | ~~retain the power to appoint the public defender or other~~
152 | ~~attorney not employed by the capital collateral regional counsel~~
153 | ~~to represent such person in proceedings for relief by executive~~
154 | ~~elemency pursuant to ss. 27.40 and 27.5303.~~

155 | Section 4. Subsection (9) of section 27.511, Florida
156 | Statutes, is amended to read:

157 | 27.511 Offices of criminal conflict and civil regional
158 | counsel; legislative intent; qualifications; appointment;
159 | duties.—

160 | (9) When direct appellate proceedings prosecuted by the
161 | office of criminal conflict and civil regional counsel on behalf
162 | of an accused and challenging a judgment of conviction and
163 | sentence of death terminate in an affirmance of such conviction
164 | and sentence, whether by the Supreme Court or by the United
165 | States Supreme Court or by expiration of any deadline for filing
166 | such appeal in a state or federal court, the office of criminal
167 | conflict and civil regional counsel shall notify the accused of
168 | his or her rights pursuant to Rule 3.850, Florida Rules of

169 Criminal Procedure, including any time limits pertinent thereto,
170 and shall advise such person that representation in any
171 collateral proceedings is the responsibility of the capital
172 collateral regional counsel. The office of criminal conflict and
173 civil regional counsel shall forward all original files on the
174 matter to the capital collateral regional counsel, retaining
175 such copies for his or her files as may be desired or required
176 by law. ~~However, the trial court shall retain the power to~~
177 ~~appoint the office of criminal conflict and civil regional~~
178 ~~counsel or other attorney not employed by the capital collateral~~
179 ~~regional counsel to represent such person in proceedings for~~
180 ~~relief by executive clemency pursuant to ss. 27.40 and 27.5303.~~

181 Section 5. Subsection (4) of section 27.5303, Florida
182 Statutes, is amended to read:

183 27.5303 Public defenders; criminal conflict and civil
184 regional counsel; conflict of interest.—

185 (4) (a) If a defendant is convicted and the death sentence
186 is imposed, the appointed attorney shall continue representation
187 through appeal to the Supreme Court. The attorney shall be
188 compensated as provided in s. 27.5304. If the attorney first
189 appointed is unable to handle the appeal, the court shall
190 appoint another attorney and that attorney shall be compensated
191 as provided in s. 27.5304.

192 ~~(b) The public defender or an attorney appointed pursuant~~
193 ~~to this section may be appointed by the court rendering the~~
194 ~~judgment imposing the death penalty to represent an indigent~~
195 ~~defendant who has applied for executive clemency as relief from~~
196 ~~the execution of the judgment imposing the death penalty.~~

197 | ~~(b)-(e)~~ When the appointed attorney in a capital case has
 198 | completed the duties imposed by this section, the attorney shall
 199 | file a written report in the trial court stating the duties
 200 | performed by the attorney and apply for discharge.

201 | Section 6. Paragraph (b) of subsection (5) of section
 202 | 27.5304, Florida Statutes, is amended to read:

203 | 27.5304 Private court-appointed counsel; compensation;
 204 | notice.—

205 | (5) The compensation for representation in a criminal
 206 | proceeding shall not exceed the following:

207 | (b) If a death sentence is imposed and affirmed on appeal
 208 | to the Supreme Court, the appointed attorney shall be allowed
 209 | compensation, not to exceed \$1,000, for attorney fees and costs
 210 | incurred in representing the defendant as to an application for
 211 | executive clemency, with compensation to be paid out of general
 212 | revenue from funds budgeted to the Justice Administrative
 213 | Commission ~~Department of Corrections~~.

214 | Section 7. Section 27.7001, Florida Statutes, is amended
 215 | to read:

216 | 27.7001 Legislative intent and findings.—It is the intent
 217 | of the Legislature to create part IV of this chapter, consisting
 218 | of ss. 27.7001-27.711, inclusive, to provide for the collateral
 219 | representation of any person convicted and sentenced to death in
 220 | this state, so that collateral legal proceedings to challenge
 221 | any Florida capital conviction and sentence may be commenced in
 222 | a timely manner and so as to assure the people of this state
 223 | that the judgments of its courts may be regarded with the
 224 | finality to which they are entitled in the interests of justice.

225 It is the further intent of the Legislature that collateral
226 representation shall not include representation during retrials,
227 resentencings, ~~proceedings commenced under chapter 940,~~ or civil
228 litigation.

229 Section 8. Section 27.701, Florida Statutes, is amended to
230 read:

231 27.701 Capital collateral regional counsel.—

232 ~~(1)~~ There are created three regional offices of capital
233 collateral counsel, which shall be located in a northern,
234 middle, and southern region of the state. The northern region
235 shall consist of the First, Second, Third, Fourth, Eighth, and
236 Fourteenth Judicial Circuits; the middle region shall consist of
237 the Fifth, Sixth, Seventh, Ninth, Tenth, Twelfth, Thirteenth,
238 and Eighteenth Judicial Circuits; and the southern region shall
239 consist of the Eleventh, Fifteenth, Sixteenth, Seventeenth,
240 Nineteenth, and Twentieth Judicial Circuits. Each regional
241 office shall be administered by a regional counsel. A regional
242 counsel must be, and must have been for the preceding 5 years, a
243 member in good standing of The Florida Bar or a similar
244 organization in another state. Each capital collateral regional
245 counsel shall be appointed by the Governor, and is subject to
246 confirmation by the Senate. The Supreme Court Judicial
247 Nominating Commission shall recommend to the Governor three
248 qualified candidates for each appointment as regional counsel.
249 The Governor shall appoint a regional counsel for each region
250 from among the recommendations, or, if it is in the best
251 interest of the fair administration of justice in capital cases,
252 the Governor may reject the nominations and request submission

253 of three new nominees by the Supreme Court Judicial Nominating
254 Commission. Each capital collateral regional counsel shall be
255 appointed to a term of 3 years. Vacancies in the office of
256 capital collateral regional counsel shall be filled in the same
257 manner as appointments. A person appointed as a regional counsel
258 may not run for or accept appointment to any state office for 2
259 years following vacation of office.

260 ~~(2) Notwithstanding the provisions of subsection (1), the~~
261 ~~responsibilities of the regional office of capital collateral~~
262 ~~counsel for the northern region of the state shall be met~~
263 ~~through a pilot program using only attorneys from the registry~~
264 ~~of attorneys maintained pursuant to s. 27.710. Each attorney~~
265 ~~participating in the pilot must be qualified to provide~~
266 ~~representation in federal court. The Auditor General shall~~
267 ~~schedule a performance review of the pilot program to determine~~
268 ~~the effectiveness and efficiency of using attorneys from the~~
269 ~~registry compared to the capital collateral regional counsel.~~
270 ~~The review, at a minimum, shall include comparisons of the~~
271 ~~timeliness and costs of the pilot and the counsel and shall be~~
272 ~~submitted to the President of the Senate and the Speaker of the~~
273 ~~House of Representatives by January 30, 2007. The Legislature~~
274 ~~may determine whether to convert the pilot program to a~~
275 ~~permanent program after receipt of the Auditor General's review.~~

276 Section 9. Subsections (1) and (2) and paragraph (b) of
277 subsection (4) of section 27.702, Florida Statutes, are amended
278 to read:

279 27.702 Duties of the capital collateral regional counsel;
280 reports.—

281 (1) The capital collateral regional counsel shall
282 represent each person convicted and sentenced to death in this
283 state for the sole purpose of instituting and prosecuting
284 collateral actions challenging the legality of the judgment and
285 sentence imposed against such person in the state courts,
286 federal courts in this state, the United States Court of Appeals
287 for the Eleventh Circuit, and the United States Supreme Court
288 and in proceedings commenced under chapter 940. ~~The capital~~
289 ~~collateral regional counsel and the attorneys appointed pursuant~~
290 ~~to s. 27.710 shall file only those postconviction or collateral~~
291 ~~actions authorized by statute.~~ The three capital collateral
292 regional counsel's offices shall function independently and be
293 separate budget entities, and the regional counsel shall be the
294 office heads for all purposes. The Justice Administrative
295 Commission shall provide administrative support and service to
296 the three offices to the extent requested by the regional
297 counsel. The three regional offices shall not be subject to
298 control, supervision, or direction by the Justice Administrative
299 Commission in any manner, including, but not limited to,
300 personnel, purchasing, transactions involving real or personal
301 property, and budgetary matters.

302 (2) The capital collateral regional counsel shall
303 represent persons convicted and sentenced to death within the
304 region in collateral postconviction proceedings and proceedings
305 under chapter 940, unless a court appoints or permits other
306 counsel to appear as counsel of record.

307 (4)

308 (b) Each capital collateral regional counsel ~~and each~~

309 ~~attorney participating in the pilot program in the northern~~
310 ~~region pursuant to s. 27.701(2)~~ shall provide a quarterly report
311 to the President of the Senate and the Speaker of the House of
312 Representatives which details the number of hours worked by
313 investigators and legal counsel per case and the amounts per
314 case expended during the preceding quarter in investigating and
315 litigating capital collateral cases.

316 Section 10. Section 27.703, Florida Statutes, is amended
317 to read:

318 27.703 Conflict of interest and substitute counsel.—

319 (1) The capital collateral regional counsel shall not
320 accept an appointment or take any other action that will create
321 an actual ~~a~~ conflict of interest. If, at any time during the
322 representation of a person, the capital collateral regional
323 counsel alleges ~~determines~~ that the continued representation of
324 that person creates an actual ~~a~~ conflict of interest, the
325 sentencing court shall, upon determining that an actual conflict
326 exists ~~upon application by the regional counsel~~, designate
327 another regional counsel. If the replacement regional counsel
328 alleges that an actual conflict of interest exists, the
329 sentencing court shall, upon determining that an actual conflict
330 exists ~~and, only if a conflict exists with the other two~~
331 ~~counsel~~, appoint one or more members of The Florida Bar who meet
332 the requirements of s. 27.710 and who are not disqualified
333 pursuant to s. 27.7045 to represent the person ~~one or more of~~
334 ~~such persons~~. An actual conflict of interest exists when an
335 attorney actively represents conflicting interests. A possible,
336 speculative, or merely hypothetical conflict is insufficient to

337 support an allegation that an actual conflict of interest
338 exists.

339 (2) Appointed counsel shall be paid from funds
340 appropriated to the Chief Financial Officer. The hourly rate may
341 not exceed \$100. However, all appointments of private counsel
342 under this section shall be in accordance with ss. 27.710 and
343 27.711.

344 (3) Capital collateral regional ~~Prior to employment,~~
345 counsel appointed pursuant to this section must have
346 participated in at least five felony jury trials, five felony
347 appeals, or five capital postconviction evidentiary hearings, or
348 any combination of at least five of such proceedings, and must
349 not be disqualified pursuant to s. 27.7045.

350 Section 11. Section 27.7045, Florida Statutes, is created
351 to read:

352 27.7045 Capital case proceedings; constitutionally
353 deficient representation.—Notwithstanding another provision of
354 law, an attorney employed by the state or appointed pursuant to
355 s. 27.711 may not represent a person charged with a capital
356 offense at trial or on direct appeal or a person sentenced to
357 death in a postconviction proceeding if, in two separate
358 instances, a court, in a capital postconviction proceeding,
359 determined that such attorney provided constitutionally
360 deficient representation and relief was granted as a result.
361 This prohibition on representation shall be for a period of 5
362 years, which commences at the time relief is granted after the
363 highest court having jurisdiction to review the deficient
364 representation determination has issued its final order

365 affirming the second such determination.

366 Section 12. Section 27.7081, Florida Statutes, is amended
367 to read:

368 (Substantial rewording of section. See
369 s. 27.7081, F.S., for present text.)

370 27.7081 Capital postconviction public records production.—

371 (1) DEFINITIONS.—As used in this section, the term:

372 (a) "Agency" has the same meaning as provided in s.
373 119.011.

374 (b) "Collateral counsel" means a capital collateral
375 regional counsel from one of the three regions in Florida, a
376 private attorney who has been appointed to represent a capital
377 defendant for postconviction litigation, or a private attorney
378 who has been hired by the capital defendant or who has agreed to
379 work pro bono for a capital defendant for postconviction
380 litigation.

381 (c) "Public records" has the same meaning as provided in
382 s. 119.011.

383 (d) "Trial court" means:

384 1. The judge who entered the judgment and imposed the
385 sentence of death; or

386 2. If a motion for postconviction relief in a capital case
387 has been filed and a different judge has already been assigned
388 to that motion, the judge who is assigned to rule on that
389 motion.

390 (2) APPLICABILITY AND SCOPE.—This section only applies to
391 the production of public records for capital postconviction
392 defendants and does not change or alter the time periods

393 specified in Rule 3.851, Florida Rules of Criminal Procedure.
394 Furthermore, this section does not affect, expand, or limit the
395 production of public records for any purpose other than use in a
396 proceeding held pursuant to Rule 3.850 or Rule 3.851, Florida
397 Rules of Criminal Procedure. This section shall not be a basis
398 for renewing public records requests that have been initiated
399 previously or for relitigating issues pertaining to production
400 of public records upon which a court has ruled before July 1,
401 2013. Public records requests made in postconviction proceedings
402 in capital cases in which the conviction and sentence of death
403 have been affirmed on direct appeal before July 1, 2013, shall
404 be governed by the rules and laws in effect immediately before
405 July 1, 2013.

406 (3) RECORDS REPOSITORY.—The Secretary of State shall
407 establish and maintain a records repository to archive capital
408 postconviction public records as provided for in this section.

409 (4) FILING AND SERVICE.—

410 (a) The original of all notices, requests, or objections
411 filed under this section must be filed with the clerk of the
412 trial court. Copies must be served on the trial court, the
413 Attorney General, the state attorney, collateral counsel, and
414 any affected person or agency, unless otherwise required by this
415 section.

416 (b) Service shall be made pursuant to Rule 3.030, Florida
417 Rules of Criminal Procedure.

418 (c) In all instances requiring written notification or
419 request, the party who has the obligation of providing a
420 notification or request shall provide proof of receipt.

421 (d) Persons and agencies receiving postconviction public
422 records notifications or requests pursuant to this section are
423 not required to furnish records filed in a trial court before
424 the receipt of the notice.

425 (5) ACTION UPON ISSUANCE OF THE MANDATE ON DIRECT APPEAL.—

426 (a) Within 15 days after receiving written notification of
427 the Florida Supreme Court's mandate affirming the sentence of
428 death, the Attorney General shall file with the trial court a
429 written notice of the mandate and serve a copy of the notice
430 upon the state attorney who prosecuted the case, the Department
431 of Corrections, and the defendant's trial counsel. The notice to
432 the state attorney shall direct the state attorney to submit
433 public records to the records repository within 90 days after
434 receipt of written notification and to notify each law
435 enforcement agency involved in the investigation of the capital
436 offense to submit public records to the records repository
437 within 90 days after receipt of written notification. The notice
438 to the Department of Corrections shall direct the department to
439 submit public records to the records repository within 90 days
440 after receipt of written notification.

441 (b) Within 90 days after receiving written notification of
442 issuance of the Florida Supreme Court's mandate affirming a
443 death sentence, the state attorney shall provide written
444 notification to the Attorney General of the name and address of
445 an additional person or agency that has public records pertinent
446 to the case.

447 (c) Within 90 days after receiving written notification of
448 issuance of the Florida Supreme Court's mandate affirming a

449 death sentence, the defendant's trial counsel shall provide
450 written notification to the Attorney General of the name and
451 address of a person or agency with information pertinent to the
452 case which has not previously been provided to collateral
453 counsel.

454 (d) Within 15 days after receiving written notification of
455 any additional person or agency pursuant to paragraph (b) or
456 paragraph (c), the Attorney General shall notify all persons or
457 agencies identified pursuant to paragraph (b) or paragraph (c)
458 that these persons or agencies are required by law to copy,
459 index, and deliver to the records repository all public records
460 pertaining to the case that are in their possession. The person
461 or agency shall bear the costs related to copying, indexing, and
462 delivering the records.

463 (6) ACTION UPON RECEIPT OF NOTICE OF MANDATE.—

464 (a) Within 15 days after receipt of a written notice of
465 the mandate from the Attorney General, the state attorney shall
466 provide written notification to each law enforcement agency
467 involved in the specific case to submit public records to the
468 records repository within 90 days after receipt of written
469 notification. A copy of the notice shall be served upon the
470 defendant's trial counsel.

471 (b) Within 90 days after receipt of a written notice of
472 the mandate from the Attorney General, the state attorney shall
473 copy, index, and deliver to the records repository all public
474 records that were produced in the state attorney's investigation
475 or prosecution of the case. The state attorney shall bear the
476 costs. The state attorney shall also provide written

477 notification to the Attorney General of compliance with this
478 section, including certifying that, to the best of the state
479 attorney's knowledge or belief, all public records in the state
480 attorney's possession have been copied, indexed, and delivered
481 to the records repository as required by this section.

482 (c) Within 90 days after receipt of written notification
483 of the mandate from the Attorney General, the Department of
484 Corrections shall, at its own expense, copy, index, and deliver
485 to the records repository all public records determined by the
486 department to be relevant to the subject matter of a proceeding
487 under Rule 3.851, Florida Rules of Criminal Procedure, unless
488 such copying, indexing, and delivering would be unduly
489 burdensome. The Secretary of Corrections shall provide written
490 notification to the Attorney General of compliance with this
491 paragraph certifying that, to the best of the Secretary of
492 Corrections' knowledge or belief, all such public records in the
493 possession of the Secretary of Corrections have been copied,
494 indexed, and delivered to the records repository.

495 (d) Within 90 days after receipt of written notification
496 of the mandate from the state attorney, a law enforcement agency
497 shall, at its own expense, copy, index, and deliver to the
498 records repository all public records that were produced in the
499 investigation or prosecution of the case. The chief law
500 enforcement officer of each law enforcement agency shall provide
501 written notification to the Attorney General of compliance with
502 this paragraph including certifying that, to the best of the
503 chief law enforcement officer's knowledge or belief, all such
504 public records in possession of the agency or in possession of

505 an employee of the agency, have been copied, indexed, and
506 delivered to the records repository.

507 (e) Within 90 days after receipt of written notification
508 of the mandate from the Attorney General, each additional person
509 or agency identified pursuant to paragraph (5) (b) or paragraph
510 (5) (c) shall copy, index, and deliver to the records repository
511 all public records which were produced during the prosecution of
512 the case. The person or agency shall bear the costs. The person
513 or agency shall provide written notification to the Attorney
514 General of compliance with this subdivision and shall certify,
515 to the best of the person or agency's knowledge and belief, all
516 such public records in the possession of the person or agency
517 have been copied, indexed, and delivered to the records
518 repository.

519 (7) EXEMPT OR CONFIDENTIAL PUBLIC RECORDS.—

520 (a) Public records delivered to the records repository
521 pursuant to this section that are confidential or exempt from
522 the requirements of s. 119.07(1) or s. 24(a), Art. I of the
523 State Constitution, must be separately contained, without being
524 redacted, and sealed. The outside of the container must clearly
525 identify that the public record is confidential or exempt and
526 that the seal may not be broken without an order of the trial
527 court. The outside of the container must identify the nature of
528 the public records and the legal basis for the exemption.

529 (b) Upon the entry of an appropriate court order, sealed
530 containers subject to an inspection by the trial court shall be
531 shipped to the clerk of court. The containers may be opened only
532 for inspection by the trial court. The moving party shall bear

533 all costs associated with the transportation and inspection of
534 such records by the trial court.

535 (8) DEMAND FOR ADDITIONAL PUBLIC RECORDS.—

536 (a) Within 240 days after collateral counsel is appointed,
537 retained, or appears pro bono, such counsel shall send a written
538 demand for additional public records to each person or agency
539 submitting public records or identified as having information
540 pertinent to the case under subsection (5).

541 (b) Within 90 days after receipt of the written demand,
542 each person or agency notified under this subsection shall
543 deliver to the records repository additional public records in
544 the possession of the person or agency that pertain to the case
545 and shall certify to the best of the person or agency's
546 knowledge and belief that all additional public records have
547 been delivered to the records repository or, if no additional
548 public records are found, shall recertify that the public
549 records previously delivered are complete.

550 (c) Within 60 days after receipt of the written demand, a
551 person or agency may file with the trial court an objection to
552 the written demand described in paragraph (a). The trial court
553 may order a person or agency to produce additional public
554 records if the court determines that:

555 1. Collateral counsel has made a timely and diligent
556 search as provided in this section.

557 2. Collateral counsel's written demand identifies, with
558 specificity, those additional public records that are not at the
559 records repository.

560 3. The additional public records sought are relevant to

561 the subject matter of a postconviction proceeding under Rule
562 3.851, Florida Rules of Criminal Procedure, or appear reasonably
563 calculated to lead to the discovery of admissible evidence.

564 4. The additional public records request is not overly
565 broad or unduly burdensome.

566 (9) LIMITATION ON POSTPRODUCTION REQUEST FOR ADDITIONAL
567 RECORDS.—

568 (a) In order to obtain public records in addition to those
569 provided under subsections (6), (7), and (8), collateral counsel
570 must file an affidavit in the trial court which:

571 1. Attests that collateral counsel has made a timely and
572 diligent search of the records repository.

573 2. Identifies with specificity those public records not at
574 the records repository.

575 3. Establishes that the additional public records are
576 either relevant to the subject matter of the postconviction
577 proceeding or are reasonably calculated to lead to the discovery
578 of admissible evidence.

579 4. Must be served in accordance with subsection (4).

580 (b) The trial court may order a person or agency to
581 produce additional public records only upon finding that:

582 1. Collateral counsel has made a timely and diligent
583 search of the records repository.

584 2. Collateral counsel's affidavit identifies with
585 specificity those additional public records that are not at the
586 records repository.

587 3. The additional public records sought are either
588 relevant to the subject matter of a capital postconviction

589 proceeding or appear reasonably calculated to lead to the
590 discovery of admissible evidence.

591 4. The additional records request is not overly broad or
592 unduly burdensome.

593 (10) COPYING RECORDS.— The Secretary of State shall
594 provide the personnel, supplies, and any necessary equipment to
595 copy records held at the records repository.

596 (11) AUTHORITY OF THE COURT.—In proceedings under this
597 section the trial court may:

598 (a) Compel or deny disclosure of records.

599 (b) Conduct an inspection in camera.

600 (c) Extend the time periods in this section upon a showing
601 of good cause.

602 (d) Impose sanctions upon a party, person, or agency
603 affected by this section, including initiating contempt
604 proceedings, taxing expenses, extending time periods, ordering
605 facts to be established, and granting other relief.

606 (e) Resolve a dispute arising under this section unless
607 jurisdiction is in an appellate court.

608 (12) SCOPE OF PRODUCTION AND RESOLUTION OF PRODUCTION
609 ISSUES.—

610 (a) Unless otherwise limited, the scope of production
611 under any part of this section shall be that the public records
612 sought are not privileged or immune from production and are
613 either relevant to the subject matter of a postconviction
614 proceeding under Rule 3.851, Florida Rules of Criminal
615 Procedure, or are reasonably calculated to lead to the discovery
616 of admissible evidence.

617 (b) Counsel for a party objecting or moving to compel
618 production of public records pursuant to this section must file
619 a copy of the objection or motion directly with the trial court.

620 (c) The trial court may order mediation for a controversy
621 as to public records production pursuant to this section in
622 accord with Rules 1.700, 1.710, 1.720, and 1.730, Florida Rules
623 of Civil Procedure, or the trial court may refer such
624 controversy to a magistrate in accord with Rule 1.490, Florida
625 Rules of Civil Procedure.

626 (13) DESTRUCTION OF RECORDS.—Sixty days after a capital
627 sentence is carried out, after a defendant is released from
628 incarceration after the granting of a pardon or reversal of the
629 sentence, or after a defendant has been resentenced to a term of
630 years, the Attorney General shall provide written notification
631 of this occurrence to the Secretary of State. After the
632 expiration of the 60 days, the Secretary of State may destroy
633 the copies of the records held by the records repository that
634 pertain to that case, unless an objection to the destruction is
635 filed in the trial court and served upon the Secretary of State.
636 If no objection is served within the 60-day period, the records
637 may then be destroyed. If an objection is served, the records
638 shall not be destroyed until a final disposition of the
639 objection.

640 Section 13. Subsections (1), (2), (3), and (4) of section
641 27.710, Florida Statutes, are amended to read:

642 27.710 Registry of attorneys applying to represent persons
643 in postconviction capital collateral proceedings; certification
644 of minimum requirements; appointment by trial court.—

645 (1) The executive director of the Justice Administrative
646 Commission shall compile and maintain a statewide registry of
647 attorneys in private practice who have certified that they meet
648 the minimum requirements of s. 27.704(2), who have participated
649 in at least two capital trials or two capital sentencing
650 proceedings, who are available for appointment by the court
651 under this section to represent persons convicted and sentenced
652 to death in this state in postconviction collateral proceedings,
653 and who have attended within the last year a continuing legal
654 education program of at least 10 hours' duration devoted
655 specifically to the defense of capital cases, if available.
656 Continuing legal education programs meeting the requirements of
657 this rule offered by The Florida Bar or another recognized
658 provider and approved for continuing legal education credit by
659 The Florida Bar shall satisfy this requirement. The failure to
660 comply with this requirement may be cause for removal from the
661 list until the requirement is fulfilled. To ensure that
662 sufficient attorneys are available for appointment by the court,
663 when the number of attorneys on the registry falls below 50, the
664 executive director shall notify the chief judge of each circuit
665 by letter and request the chief judge to promptly submit the
666 names of at least three private attorneys who regularly practice
667 criminal law in that circuit and who appear to meet the minimum
668 requirements to represent persons in postconviction capital
669 collateral proceedings. The executive director shall send an
670 application to each attorney identified by the chief judge so
671 that the attorney may register for appointment as counsel in
672 postconviction capital collateral proceedings. As necessary, the

673 executive director may also advertise in legal publications and
674 other appropriate media for qualified attorneys interested in
675 registering for appointment as counsel in postconviction capital
676 collateral proceedings. Not later than September 1 of each year,
677 and as necessary thereafter, the executive director shall
678 provide to the Chief Justice of the Supreme Court, the chief
679 judge and state attorney in each judicial circuit, and the
680 Attorney General a current copy of its registry of attorneys who
681 are available for appointment as counsel in postconviction
682 capital collateral proceedings. The registry must be indexed by
683 judicial circuit and must contain the requisite information
684 submitted by the applicants in accordance with this section.

685 (2) To be eligible for court appointment as counsel in
686 postconviction capital collateral proceedings, an attorney must
687 certify on an application provided by the executive director
688 that he or she satisfies the minimum requirements for private
689 counsel set forth in s. 27.704(2) and that he or she has
690 participated in at least two capital trials or two capital
691 sentencing proceedings.

692 (3) An attorney who applies for registration and court
693 appointment as counsel in postconviction capital collateral
694 proceedings must certify that he or she is counsel of record in
695 not more than nine ~~four~~ such proceedings and, if appointed to
696 represent a person in postconviction capital collateral
697 proceedings, shall continue such representation under the terms
698 and conditions set forth in s. 27.711 until the sentence is
699 reversed, reduced, or carried out or unless permitted to
700 withdraw from representation by the trial court. The court may

701 not permit an attorney to withdraw from representation without a
702 finding of sufficient good cause. The court may impose
703 appropriate sanctions if it finds that an attorney has shown bad
704 faith with respect to continuing to represent a defendant in a
705 postconviction capital collateral proceeding. This section does
706 not preclude the court from reassigning a case to a capital
707 collateral regional counsel following discontinuation of
708 representation if a conflict of interest no longer exists with
709 respect to the case.

710 (4) Each private attorney who is appointed by the court to
711 represent a capital defendant must enter into a contract with
712 the Justice Administrative Commission ~~Chief Financial Officer~~.
713 If the appointed attorney fails to execute the contract within
714 30 days after the date the contract is mailed to the attorney,
715 the executive director shall notify the trial court. The Justice
716 Administrative Commission ~~Chief Financial Officer~~ shall ~~develop~~
717 ~~the form of the contract,~~ function as contract manager, and
718 enforce performance of the terms and conditions of the contract.
719 The Justice Administrative Commission shall approve uniform
720 contract forms for use in procuring the services of private
721 court-appointed counsel and uniform procedures and forms for use
722 by a court-appointed attorney in support of billing for attorney
723 fees, costs, and related expenses to demonstrate attorney
724 completion of specified duties. By signing such contract, the
725 attorney certifies that he or she intends to continue the
726 representation under the terms and conditions set forth in the
727 contract until the sentence is reversed, reduced, or carried out
728 or until released by order of the trial court.

729 Section 14. Subsections (3), (4), (5), (6), (7), (9),
730 (12), (13), and (14) of section 27.711, Florida Statutes, are
731 amended to read:

732 27.711 Terms and conditions of appointment of attorneys as
733 counsel in postconviction capital collateral proceedings.—

734 (3) An attorney appointed to represent a capital defendant
735 is entitled to payment of the fees set forth in this section
736 only upon full performance by the attorney of the duties
737 specified in this section and approval of payment by the trial
738 court, and the submission of a payment request by the attorney,
739 subject to the availability of sufficient funding specifically
740 appropriated for this purpose. ~~An attorney may not be~~
741 ~~compensated under this section for work performed by the~~
742 ~~attorney before July 1, 2003, while employed by the northern~~
743 ~~regional office of the capital collateral counsel. The Justice~~
744 ~~Administrative Commission Chief Financial Officer~~ shall notify
745 ~~the executive director and~~ the court if it appears that
746 sufficient funding has not been specifically appropriated for
747 this purpose to pay any fees which may be incurred. The attorney
748 shall maintain appropriate documentation, including a current
749 and detailed hourly accounting of time spent representing the
750 capital defendant. The fee and payment schedule in this section
751 is the exclusive means of compensating a court-appointed
752 attorney who represents a capital defendant. When appropriate, a
753 court-appointed attorney must seek further compensation from the
754 Federal Government, as provided in 18 U.S.C. s. 3006A or other
755 federal law, in habeas corpus litigation in the federal courts.

756 (4) Upon approval by the trial court, an attorney

757 appointed to represent a capital defendant under s. 27.710 is
758 entitled to payment of the following fees by the Justice
759 Administrative Commission ~~Chief Financial Officer~~:

760 (a) Regardless of the stage of postconviction capital
761 collateral proceedings, the attorney is entitled to \$100 per
762 hour, up to a maximum of \$2,500, after accepting appointment and
763 filing a notice of appearance.

764 (b) The attorney is entitled to \$100 per hour, up to a
765 maximum of \$20,000, after timely filing in the trial court the
766 capital defendant's complete original motion for postconviction
767 relief under the Florida Rules of Criminal Procedure. The motion
768 must raise all issues to be addressed by the trial court.
769 However, an attorney is entitled to fees under this paragraph if
770 the court schedules a hearing on a matter that makes the filing
771 of the original motion for postconviction relief unnecessary or
772 if the court otherwise disposes of the case.

773 (c) The attorney is entitled to \$100 per hour, up to a
774 maximum of \$20,000, after the trial court issues a final order
775 granting or denying the capital defendant's motion for
776 postconviction relief.

777 (d) The attorney is entitled to \$100 per hour, up to a
778 maximum of \$20,000, after timely filing in the Supreme Court the
779 capital defendant's brief or briefs that address the trial
780 court's final order granting or denying the capital defendant's
781 motion for postconviction relief and the state petition for writ
782 of habeas corpus.

783 (e) The attorney is entitled to \$100 per hour, up to a
784 maximum of \$10,000, after the trial court issues an order,

785 | pursuant to a remand from the Supreme Court, which directs the
786 | trial court to hold further proceedings on the capital
787 | defendant's motion for postconviction relief.

788 | (f) The attorney is entitled to \$100 per hour, up to a
789 | maximum of \$4,000, after the appeal of the trial court's denial
790 | of the capital defendant's motion for postconviction relief and
791 | the capital defendant's state petition for writ of habeas corpus
792 | become final in the Supreme Court.

793 | (g) At the conclusion of the capital defendant's
794 | postconviction capital collateral proceedings in state court,
795 | the attorney is entitled to \$100 per hour, up to a maximum of
796 | \$2,500, after filing a petition for writ of certiorari in the
797 | Supreme Court of the United States.

798 | (h) If, at any time, a death warrant is issued, the
799 | attorney is entitled to \$100 per hour, up to a maximum of
800 | \$5,000. This payment shall be full compensation for attorney
801 | ~~attorney's~~ fees and costs for representing the capital defendant
802 | throughout the proceedings before the state courts of Florida.

803 |
804 | The hours billed by a contracting attorney under this subsection
805 | may include time devoted to representation of the defendant by
806 | another attorney who is qualified under s. 27.710 and who has
807 | been designated by the contracting attorney to assist him or
808 | her.

809 | (5) An attorney who represents a capital defendant may use
810 | the services of one or more investigators to assist in
811 | representing a capital defendant. Upon approval by the trial
812 | court, the attorney is entitled to payment from the Justice

813 Administrative Commission ~~Chief Financial Officer~~ of \$40 per
 814 hour, up to a maximum of \$15,000, for the purpose of paying for
 815 investigative services.

816 (6) An attorney who represents a capital defendant is
 817 entitled to a maximum of \$15,000 for miscellaneous expenses,
 818 such as the costs of preparing transcripts, compensating expert
 819 witnesses, and copying documents. Upon approval by the trial
 820 court, the attorney is entitled to payment by the Justice
 821 Administrative Commission ~~Chief Financial Officer~~ of up to
 822 \$15,000 for miscellaneous expenses, except that, if the trial
 823 court finds that extraordinary circumstances exist, the attorney
 824 is entitled to payment in excess of \$15,000.

825 (7) An attorney who is actively representing a capital
 826 defendant is entitled to a maximum of \$500 per fiscal year for
 827 tuition and expenses for continuing legal education that
 828 pertains to the representation of capital defendants. Upon
 829 approval by the trial court, the attorney is entitled to payment
 830 by the Justice Administrative Commission ~~Chief Financial Officer~~
 831 for expenses for such tuition and continuing legal education.

832 (9) An attorney may not represent more than ten ~~five~~
 833 defendants in capital postconviction litigation at any one time.

834 (12) The court shall monitor the performance of assigned
 835 counsel to ensure that the capital defendant is receiving
 836 quality representation. The court shall also receive and
 837 evaluate allegations that are made regarding the performance of
 838 assigned counsel. The Justice Administrative Commission ~~Chief~~
 839 ~~Financial Officer~~, the Department of Legal Affairs, ~~the~~
 840 ~~executive director~~, or any interested person may advise the

841 court of any circumstance that could affect the quality of
842 representation, including, but not limited to, false or
843 fraudulent billing, misconduct, failure to meet continuing legal
844 education requirements, solicitation to receive compensation
845 from the capital defendant, or failure to file appropriate
846 motions in a timely manner.

847 (13) Before ~~Prior to~~ the filing of a motion for order
848 approving payment of attorney ~~attorney's~~ fees, costs, or related
849 expenses, the assigned counsel shall deliver a copy of his
850 intended billing, together with supporting affidavits and all
851 other necessary documentation, to the Justice Administrative
852 Commission ~~Chief Financial Officer's named contract manager~~. The
853 Justice Administrative Commission shall review the intended
854 billing ~~contract manager shall have 10 business days from~~
855 ~~receipt to review the billings, affidavit, and documentation for~~
856 completeness and compliance with contractual and statutory
857 requirements. If the Justice Administrative Commission ~~contract~~
858 ~~manager~~ objects to any portion of the proposed billing, the
859 objection and reasons therefor shall be communicated to the
860 assigned counsel. The assigned counsel may thereafter file his
861 or her motion for order approving payment of attorney ~~attorney's~~
862 fees, costs, or related expenses together with supporting
863 affidavits and all other necessary documentation. The motion
864 must specify whether the Justice Administrative Commission ~~Chief~~
865 ~~Financial Officer's contract manager~~ objects to any portion of
866 the billing or the sufficiency of documentation and, if so, the
867 reason therefor. A copy of the motions and attachments shall be
868 served on the Justice Administrative Commission at least 5

869 business days before the date of a hearing. The Justice
870 Administrative Commission has standing to appear before the
871 court to contest any motion for an order approving payment of
872 attorney fees, costs, or related expenses and may participate in
873 a hearing on the motion by use of telephonic or other
874 communication equipment. A copy of the motion and attachments
875 shall be served on the Chief Financial Officer's contract
876 manager, who shall have standing to file pleadings and appear
877 before the court to contest any motion for order approving
878 payment. The fact that the Justice Administrative Commission
879 Chief Financial Officer's contract manager has not objected to
880 any portion of the billing or to the sufficiency of the
881 documentation is not binding on the court, which retains primary
882 authority and responsibility for determining the reasonableness
883 of all billings for fees, costs, and related expenses, subject
884 to statutory limitations.

885 ~~(14) Each attorney participating in the pilot program in~~
886 ~~the northern region pursuant to s. 27.701(2), as a condition of~~
887 ~~payment pursuant to this section, shall report on the~~
888 ~~performance measures adopted by the Legislature for the capital~~
889 ~~collateral regional counsel.~~

890 Section 15. Section 922.095, Florida Statutes, is amended
891 to read:

892 922.095 Grounds for death warrant; ~~limitations of~~
893 ~~actions.~~—A person who is convicted and sentenced to death must
894 pursue all possible collateral remedies in state court in
895 accordance with the Florida Rules of Criminal Procedure within
896 ~~the time limits provided by statute. Failure to seek relief~~

897 ~~within the statutory time limits constitutes grounds for~~
 898 ~~issuance of a death warrant under s. 922.052 or s. 922.14. Any~~
 899 ~~claim not pursued within the statutory time limits is barred. No~~
 900 ~~claim filed after the time required by law shall be grounds for~~
 901 ~~a judicial stay of any warrant.~~

902 Section 16. Subsection (1) of section 922.052, Florida
 903 Statutes, is amended to read:

904 922.052 Issuance of warrant of execution.—

905 (1) When a person is sentenced to death, the clerk of the
 906 court shall prepare a certified copy of the record of the
 907 conviction and sentence, and the sheriff shall send the record
 908 to the Governor and the clerk of the Florida Supreme Court. The
 909 sentence shall not be executed until the Governor, or the
 910 Secretary of Corrections pursuant to s. 922.14, issues a
 911 warrant, attaches it to the copy of the record, and transmits it
 912 to the warden, directing the warden to execute the sentence at a
 913 time designated in the warrant.

914 Section 17. Subsection (1) of section 922.11, Florida
 915 Statutes, is amended to read:

916 922.11 Regulation of execution.—

917 (1) The warden of the state prison or a deputy designated
 918 by him or her shall be present at the execution. The warden
 919 shall set the day for execution within the week designated ~~by~~
 920 ~~the Governor~~ in the warrant.

921 Section 18. Section 922.12, Florida Statutes, is amended
 922 to read:

923 922.12 Return of warrant of execution ~~issued by Governor.~~—
 924 After the death sentence has been executed, the warden of the

925 state prison shall send the warrant and a signed statement of
926 the execution to the Secretary of State. The warden shall file
927 an attested copy of the warrant and statement with the clerk of
928 the court that imposed the sentence.

929 Section 19. Section 922.14, Florida Statutes, is amended
930 to read:

931 922.14 Issuance of warrant of execution ~~Sentence of death~~
932 ~~unexecuted for unjustifiable reasons.-~~

933 (1) (a) The clerk of the Florida Supreme Court shall send a
934 letter to the Secretary of Corrections certifying that a person
935 convicted and sentenced to death, before or after the effective
936 date of this act, has:

937 1. Completed such person's direct appeal and initial
938 postconviction proceeding in state court, and habeas corpus
939 proceeding and appeal therefrom in federal court; or

940 2. Allowed the time permitted for filing an initial
941 postconviction motion in state court, and habeas corpus petition
942 in federal court to expire.

943 (b) Upon receiving the letter of certification from the
944 clerk of the Florida Supreme Court, the Secretary of Corrections
945 shall immediately issue a warrant for execution, directing the
946 warden to execute the sentence within 180 days, at a time
947 designated in the warrant. The secretary may not issue more than
948 three warrants in any 90-day period, regardless of how many
949 letters of certification he or she receives. If in any 90-day
950 period the secretary receives more than three letters of
951 certification, the secretary shall issue warrants on the three
952 persons who were sentenced to death earliest.

953 (2) If a death sentence is not executed because of
 954 unjustified failure of the Secretary of Corrections or the
 955 Governor to issue a warrant, or for any other unjustifiable
 956 reason, on application of the Department of Legal Affairs, the
 957 Supreme Court shall issue a warrant directing the sentence to be
 958 executed during a week designated in the warrant.

959 Section 20. Section 924.055, Florida Statutes, is amended
 960 to read:

961 924.055 Postconviction review in capital cases;
 962 legislative findings and intent.—

963 ~~(1)~~ It is the intent of the Legislature to reduce delays
 964 in capital cases and to ensure that all appeals and
 965 postconviction actions in capital cases are resolved as soon as
 966 possible ~~within 5 years~~ after the date a sentence of death is
 967 imposed in the circuit court. ~~All capital postconviction actions~~
 968 ~~must be filed as early as possible after the imposition of a~~
 969 ~~sentence of death which may be during a direct appeal of the~~
 970 ~~conviction and sentence.~~ A person sentenced to death or that
 971 person's capital postconviction counsel must file any
 972 postconviction legal action in compliance with the Florida Rules
 973 of Criminal Procedure ~~statutes of limitation established in s.~~
 974 ~~924.056 and elsewhere in this chapter. Except as expressly~~
 975 ~~allowed by s. 924.056(5), a person sentenced to death or that~~
 976 ~~person's capital postconviction counsel may not file more than~~
 977 ~~one postconviction action in a sentencing court and one appeal~~
 978 ~~therefrom to the Florida Supreme Court, unless authorized by~~
 979 ~~law.~~

980 ~~(2)~~ ~~It is the further intent of the Legislature that no~~

981 ~~state resources be expended in violation of this act. In the~~
982 ~~event that any state employee or party contracting with the~~
983 ~~state violates the provisions of this act, the Attorney General~~
984 ~~shall deliver to the Speaker of the House of Representatives and~~
985 ~~the President of the Senate a copy of any court pleading or~~
986 ~~order that describes or adjudicates a violation.~~

987 Section 21. Section 924.056, Florida Statutes, is amended
988 to read:

989 (Substantial rewording of section. See
990 s. 924.056, F.S., for present text.)

991 924.056 Capital postconviction proceedings; reporting
992 requirements.—

993 (1) The Supreme Court shall annually report to the Speaker
994 of the House of Representatives and the President of the Senate
995 the status of each capital case in which a postconviction action
996 has been filed that has been continuously pending for more than
997 3 years. The report must include the name of the state court
998 judge involved in the case.

999 (2) In a capital postconviction proceeding in which it has
1000 been determined that an attorney of record provided
1001 constitutionally deficient representation and relief has been
1002 granted as a result of such determination, after the highest
1003 court having jurisdiction to review such determination has
1004 issued its final order affirming the determination, the court
1005 making such determination shall furnish a copy of the findings
1006 to The Florida Bar for appropriate disciplinary action.

1007 Section 22. Section 924.057, Florida Statutes, is amended
1008 to read:

1009 (Substantial rewording of section. See
1010 s. 924.057, F.S., for present text.)
1011 924.057 Capital postconviction proceedings; legislative
1012 intent.—The Legislature acknowledges the efforts made by the
1013 judicial branch in establishing the rules of criminal procedure
1014 that make the capital postconviction process fair and more
1015 efficient. The Legislature also recognizes and commends the
1016 judicial branch for continuing these efforts by issuing
1017 Administrative Order AOSC13-11, which creates a Capital
1018 Postconviction Proceedings Subcommittee of the Criminal Court
1019 Steering Committee, and directs the subcommittee to undertake a
1020 comprehensive review of capital postconviction proceedings, and
1021 to make recommendations to the Supreme Court whether court rules
1022 should be amended to improve the overall efficiency of the
1023 capital postconviction process. In support of these efforts, the
1024 Legislature expresses its intent that capital postconviction
1025 proceedings be conducted in accordance with court rules, and
1026 that courts strictly adhere to the timeframes and postconviction
1027 motion content requirements established therein.

1028 Section 23. Sections 924.058, 924.059, and 924.395,
1029 Florida Statutes, are repealed.

1030 Section 24. If a provision of this act or the application
1031 thereof to a person or circumstance is held invalid, the
1032 invalidity does not affect other provisions or applications of
1033 the act which can be given effect without the invalid provision
1034 or application, and to this end the provisions of this act are
1035 declared severable.

1036 Section 25. Effective July 1, 2013, four full-time

CS/CS/HB 7083

2013

1037 equivalent positions with associated salary and rate of 220,000
1038 are authorized and \$417,338 in recurring funds from the General
1039 Revenue Fund and \$14,832 in nonrecurring general revenue is
1040 appropriated to the Justice Administration Commission for the
1041 creation of the northern region office of the Capital Collateral
1042 Regional Counsel as provided in this act.

1043 Section 26. This act shall take effect July 1, 2013.