



STATE OF FLORIDA

Office of the Governor

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JEB BUSH
GOVERNOR

June 23, 2006

Ms. Sue Cobb
Secretary of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Cobb:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby transmit House Bill 61, with my signature, enacted during the 108th Session of the Legislature of Florida, since statehood in 1845, during the Regular Session of 2006 and entitled:

An act relating to the testing of DNA evidence...

I strongly support efforts which exonerate truly innocent persons who have been wrongfully convicted of crimes and have demonstrated this commitment by extending the deadline for DNA testing through Executive Order 05-160. I applaud the legislature for addressing this deadline, and providing those who are wrongfully convicted and sentenced, with the opportunity to prove their innocence through the use of DNA testing during the term of their sentence.

I have concerns however, about the unintended impact of this bill and its effect on the courts. I am concerned that this law will negatively impact victims' rights to finality in plea agreements. I am also concerned that the plea colloquy required by the bill may have a chilling effect on defendants who wish to enter pleas at arraignment, by requiring discovery to be conducted before a plea can be accepted by the court.

Additionally, concerns have been expressed by some prosecutors in the larger judicial circuits that this bill could cause an increase in the number of frivolous post-conviction motions filed on grounds of ineffective assistance of counsel, further burdening an already overburdened criminal justice system.

I also recognize that this bill imposes on prosecutors an additional discovery burden by requiring the listing and description of any physical evidence which could contain DNA. This change in the discovery process will require the amendment of Florida Rule of Criminal Procedure 3.220.



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I urge the Florida Supreme Court, prosecutors and the criminal defense bar to work together to address the possible negative impact of the bill on the courts and to expedite the promulgation of procedural rules which could ameliorate the concerns I have outlined above.

Sincerely,



Jeb Bush