



**RICK SCOTT**  
GOVERNOR

June 14, 2013

Secretary Kenneth W. Detzner  
Secretary of State  
Florida Department of State  
R.A. Gray Building  
500 S. Bronough Street  
Tallahassee, Florida 32399

Dear Secretary Detzner:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby sign and transmit Committee Substitute for Committee Substitute for House Bill 7083, enacted during the 115<sup>th</sup> Session of the Legislature of Florida, during the Regular Session of 2013 and entitled:

An act relating to the death penalty ...

House Bill 7083 improves the orderly administration of capital punishment in our state. The bill does not increase the risk of execution of persons who did not commit murder. In fact, it places additional protections for death-sentenced persons.

The bill ensures that death-sentenced persons who have received a thorough judicial review of their convictions do not languish on death row for decades. Moreover, in any case where some issue remains even after exhaustive judicial review, the bill allows the clemency process to go forward in a way that ensures that such issues will receive fair judicial review.

The bill accomplishes the following objectives:

- Promises more consistent representation for death-sentenced persons by re-establishing the northern region of the Capital Collateral Regional Counsel, which represents persons under death sentence in postconviction proceedings.
- Promotes effective representation of death-sentenced persons by prohibiting counsel who have been declared ineffective in prior death-penalty representation from taking on new death-penalty cases for five years.
- Discourages stalling tactics by requiring defense counsel to demonstrate that an actual conflict of interest exists before withdrawing from representation of an accused.
- Makes several technical amendments, such as imposing reporting requirements, codifying public-records provisions, and transferring certain funding authority.

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Finally, the bill requires the Florida Supreme Court certify to the Governor when a capital case has completed the long and thorough process of appellate and post-conviction review, and requires the Governor sign a death warrant scheduling the execution for such cases, but only when the executive clemency process is complete. In current practice, the clemency process does not begin until judicial review has been concluded. The same would be true after this bill becomes law.

Because there has been much speculation over and misrepresentation about elements of this bill, it is perhaps more important to know what the bill does not do.

- It does not "fast track" death-penalty cases through the court system.
- It does not change the full panoply of judicial review available to death-sentenced inmates.
- It does not require a death warrant within 30 days after a "review" of the conviction by the Florida Supreme Court.
- It does not establish timeframes for judicial review in any way.
- It does not alter the orderly progress of executive clemency.

Current death-sentenced inmates in Florida who have exhausted judicial review of their convictions have been on death row for an average of over 22 years. An inmate who has been on death row for 22 years has had a fair opportunity to discover all of the evidence needed to challenge his conviction, especially when the inmate has received the multiple levels of review and the extraordinary due process afforded death-sentenced offenders. For example, I have signed 11 warrants since taking office. For these inmates, the average amount of time on death row has been over 25 years, time that is surely a crushing burden of uncertainty to the victims' families. Moreover, seven of these sentences have been carried out since I took office, which is proportional to the number of death sentences carried out in the first 30 months of Governor Bush's administration.

For the reasons stated above, I hereby sign Committee Substitute for Committee Substitute for House Bill 7083 into law.

Sincerely,  
  
Rick Scott  
Governor

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CLERK OF STATE  
TALLAHASSEE, FLORIDA