

Supreme Court of Florida

No. SC20-1563

**IN RE: AMENDMENTS TO FLORIDA RULE OF CRIMINAL
PROCEDURE 3.112.**

April 1, 2021

PER CURIAM.

This matter is before the Court for consideration of proposed amendments to the Florida Rules of Criminal Procedure. We have jurisdiction. *See* art. V, § 2(a), Fla. Const.

The Florida Bar’s Criminal Procedure Rules Committee (Committee) filed a report to amend rule 3.112, Minimum Standards for Attorneys in Capital Cases. The Committee proposed adding a new paragraph to subdivision (d), List of Qualified Conflict Counsel, to include a list in each circuit court of counsel disqualified pursuant to section 27.7045, Florida Statutes (2020) (Capital case proceedings; constitutionally deficient representation)

to represent individuals either charged with a capital offense or sentenced to death.

With slight modification to the Committee’s proposal, we amend rule 3.112(d) as follows. First, we retitle subdivision (d) to “Lists of Qualified and Disqualified Conflict Counsel.” Next, we add new subdivision (d)(3), which provides as follows:

The chief judge for each circuit shall maintain a list of counsel who are disqualified to provide capital case representation pursuant to section 27.7045, Florida Statutes, and such list and any amendments thereto shall be forwarded to the chief judge of every other circuit.

Accordingly, we amend Florida Rule of Criminal Procedure 3.112 as reflected in the appendix to this opinion. New language is underscored. The amendments to the rule shall become effective July 1, 2021.

It is so ordered.

CANADY, C.J., and POLSTON, LABARGA, LAWSON, MUÑIZ, COURIEL, and GROSSHANS, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS.

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Honorable Angela Cote Dempsey, Chair, Criminal Procedure Rules Committee, Tallahassee, Florida, Joshua E. Doyle, Executive

Director, and Mikalla Andies Davis, Staff Liaison, The Florida Bar,
Tallahassee, Florida,

for Petitioner

APPENDIX

Rule 3.112 Minimum Standards for Attorneys in Capital Cases

(a)-(c) [No changes]

(d) Lists of Qualified and Disqualified Conflict Counsel.

(1)-(2) [No changes]

(3) The chief judge for each circuit shall maintain a list of counsel who are disqualified to provide capital case representation pursuant to section 27.7045, Florida Statutes, and such list and any amendments thereto shall be forwarded to the chief judge of every other circuit.

(e)-(l) [No changes]

Committee Comments

[No change]

Criminal Court Steering Committee Note

[No change]