

By Representative Warner

1 A bill to be entitled
2 An act relating to public defenders; amending
3 s. 27.53, F.S.; providing that withdrawal by a
4 public defender may be permitted by the court
5 for conflict of interest unless the court
6 determines that the conflict is too remote or
7 attenuated to result in prejudice to the
8 indigent client; providing an effective date.

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

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12 Section 1. Subsection (3) of section 27.53, Florida
13 Statutes, is amended to read:

14 27.53 Appointment of assistants and other staff;
15 method of payment.--

16 (3) If at any time during the representation of two or
17 more indigents the public defender shall determine that the
18 interests of those accused are so adverse or hostile that they
19 cannot all be counseled by the public defender or his or her
20 staff without conflict of interest, or that none can be
21 counseled by the public defender or his or her staff because
22 of conflict of interest, it shall be the public defender's
23 duty to move the court to appoint other counsel. The court
24 shall permit withdrawal unless the court determines that the
25 asserted conflict is too remote or attenuated to result in
26 prejudice to the indigent client.The court may appoint one or
27 more members of The Florida Bar, who are in no way affiliated
28 with the public defender, in his or her capacity as such, or
29 in his or her private practice, to represent those accused.
30 However, the trial court shall appoint such other counsel upon
31 its own motion when the facts developed upon the face of the

1 record and files in the cause disclose such conflict. The
2 court shall advise the appropriate public defender and clerk
3 of court, in writing, when making such appointment and state
4 the conflict prompting the appointment. The appointed
5 attorney shall be compensated as provided in s. 925.036.

6 Section 2. This act shall take effect July 1, 1999.

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9 HOUSE SUMMARY

10 Provides, with respect to public defenders, that the
11 court shall permit withdrawal by the public defender for
12 conflict of interest unless the court determines that the
13 asserted conflict is too remote or attenuated to result
14 in prejudice to the indigent client.
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