

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 177 (2026)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u> (Y/N)
ADOPTED AS AMENDED	<u> </u> (Y/N)
ADOPTED W/O OBJECTION	<u> </u> (Y/N)
FAILED TO ADOPT	<u> </u> (Y/N)
WITHDRAWN	<u> </u> (Y/N)
OTHER	<u> </u>

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Maney offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 27-73 and insert:

7 (6) (a) At any time that an office of criminal conflict and
8 civil regional counsel determines that it can no longer
9 represent an indigent defendant in a death penalty case due to a
10 conflict of interest or a lack of qualifications, it must
11 provide written notice to the court. The written notice must
12 state that the defendant has been determined to be indigent
13 under s. 27.52, that the state has filed a notice of intent to
14 seek the death penalty, and that it can no longer provide
15 representation due to a conflict of interest or a lack of
16 qualifications. Upon receiving the notice, the court is

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17 authorized to appoint an office of criminal conflict and civil
18 regional counsel from another region to represent the defendant
19 provided that such office concurs with the appointment, does not
20 have a conflict of interest, and that its designated counsel is
21 qualified to provide competent representation in death penalty
22 cases. These provisions are effective notwithstanding ss. 27.40
23 and 27.5305, which authorize the appointment of a private
24 attorney to represent the defendant.

25 (b) Subject to legislative appropriation, the office of
26 criminal conflict and civil regional counsel appointed from
27 another region under paragraph (a) shall provide documentation
28 for all due process costs and services of representation to the
29 Justice Administrative Commission for reimbursement.

30 (c) Beginning February 1, 2027, and biannually on February
31 1 and August 1 thereafter, each regional office of the office of
32 criminal conflict and civil regional counsel that accepts an
33 appointment under paragraph (a), in a case involving a defendant
34 determined to be indigent under s. 27.52 in which the state has
35 filed a notice of intent to seek the death penalty, shall submit
36 a report to the Justice Administrative Commission. For each
37 case, the report must contain all of the following information:

38 1. The office of criminal conflict and civil regional
39 counsel appointed and the date of appointment, including the
40 name of counsel assigned.

41 2. The length of time the capital case has been pending.

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42 3. The date the state filed a notice of intent to seek the
43 death penalty.

44 4. The number of victims.

45 5. The status of any ongoing discovery, including any
46 discovery deadline set by the court.

47 6. The number of outstanding motions.

48 7. Whether there is a mitigation specialist, and, if so,
49 the date of his or her employment, as well as any mitigation
50 work product.

51 (d) If the office of criminal conflict and civil regional
52 counsel from another region cannot accept an appointment under
53 paragraph (a), private counsel must be appointed.

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56 **T I T L E A M E N D M E N T**

57 Remove lines 10-14 and insert:

58 appointments to biannually submit a specified report
59 to the commission; requiring the appointment of
60 private counsel in certain circumstances; amending s.