

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN _____ (Y/N)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

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Maney offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 **Section 1. Subsections (6) through (10) of section 27.511,**
7 **Florida Statutes, are renumbered as subsections (7) through**
8 **(11), respectively, and a new subsection (6) is added to that**
9 **section, to read:**

10 (6) (a) Notwithstanding ss. 27.40 and 27.5305, if an
11 office of criminal conflict and civil regional counsel has been
12 appointed to represent an indigent defendant in a case in which
13 the state has filed a notice of intent to seek the death penalty
14 and the office of criminal conflict and civil regional counsel
15 determines that it has a conflict of interest or that it can
16 otherwise no longer represent the defendant, the office of

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17 criminal conflict and civil regional counsel must provide notice
18 to the court. Upon receiving such notice, the court is
19 authorized to appoint an office of criminal conflict and civil
20 regional counsel from another region specified in s. 27.511(1)
21 to represent the defendant, provided that such office does not
22 have a conflict of interest and provided that the regional
23 counsel of such office concurs, at his or her sole discretion,
24 to accept the appointment. If an office of criminal conflict and
25 civil regional counsel cannot be appointed to represent a
26 defendant under this paragraph, the judge must appoint private
27 counsel.

28 (b)1. Subject to legislative appropriation, when an office
29 of criminal conflict and civil regional counsel accepts an
30 appointment under paragraph (a), all due process costs and
31 services must be paid from funds designated for such purpose and
32 administered by the Justice Administrative Commission.

33 2. To receive payment or reimbursement under subparagraph
34 1., the regional counsel, or his or her designee, must certify
35 that the due process costs and services are case related and he
36 or she must also submit appropriate documentation of expenses.

37 **Section 2. Paragraph (a) of subsection (2) of section**
38 **744.331, Florida Statutes, is amended to read:**

39 744.331 Procedures to determine incapacity.—

40 (2) ATTORNEY FOR THE ALLEGED INCAPACITATED PERSON.—

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41 (a) When a court appoints an attorney for an alleged
42 incapacitated person, the court must appoint the office of
43 criminal conflict and civil regional counsel or a private
44 attorney as prescribed in s. 27.511(7) ~~s. 27.511(6)~~. A private
45 attorney must be one who is included in the attorney registry
46 compiled pursuant to s. 27.40. Appointments of private attorneys
47 must be made on a rotating basis, taking into consideration
48 conflicts arising under this chapter.

49 **Section 3.** This act shall take effect July 1, 2026.
50

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

53 Remove everything before the enacting clause and insert:
54 An act relating to offices of criminal conflict and
55 civil regional counsel; amending s. 27.511, F.S.;
56 requiring offices of criminal conflict and civil
57 regional counsel to provide notice to the court in
58 certain circumstances; authorizing courts to appoint
59 an office of criminal conflict and civil regional
60 counsel from another region to represent a defendant
61 if certain requirements are met; requiring the court
62 to appoint private counsel under certain
63 circumstances; authorizing the Justice Administrative
64 Commission to pay an appointed office of criminal
65 conflict and civil regional counsel for due process

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COMMITTEE/SUBCOMMITTEE AMENDMENT

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66 | costs and services, subject to legislative
67 | appropriation; requiring appointed counsel to provide
68 | certain documentation to the Justice Administrative
69 | Commission in order to receive payment or
70 | reimbursement; amending s. 744.331, F.S.; conforming a
71 | cross reference; providing an effective date.