

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [CS/HB 177](#)

TITLE: Offices of Criminal Conflict and Civil Regional Counsel

SPONSOR(S): Maney

COMPANION BILL: [CS/SB 762](#) (Martin)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Criminal Justice](#)

16 Y, 0 N, As CS

[Budget](#)

[Judiciary](#)

SUMMARY

Effect of the Bill:

The bill authorizes a judge, in a capital case in which the Office of Criminal Conflict and Civil Regional Counsel (CCCRC) represents an indigent defendant but determines that it cannot continue to provide representation because of a conflict of interest or lack of qualified attorneys, to appoint a CCCRC from a different region to represent the defendant rather than a private attorney under specified conditions. The bill requires a CCCRC that accepts such an appointment to provide documentation for the costs associated with providing representation to the Justice Administrative Commission (JAC), and also to file reports with JAC by specified dates containing certain information related to the capital case to which it was appointed.

Fiscal or Economic Impact:

The bill may have an indeterminate negative fiscal impact on state expenditures and a negative economic impact on private attorneys who are currently on the registry to represent indigent defendants in capital cases by shifting the representation of such defendants from private attorneys to a CCCRC located in a different region.

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ANALYSIS

EFFECT OF THE BILL:

The bill authorizes a court to appoint the [Office of Criminal Conflict and Civil Regional Counsel](#) (CCCRC), from a different [region](#), rather than a private attorney, to represent an indigent defendant in a capital case under specified circumstances. Under the bill, if a CCCRC determines that it cannot represent such a defendant due to a conflict of interest or a lack of qualifications, it must provide written notice to the court. Upon receipt of such notice, the court may appoint a CCCRC from a different region provided that such CCCRC concurs with the appointment, does not have a conflict of interest, and designates counsel qualified to provide competent representation in death penalty cases. If a CCCRC from a different region declines or cannot accept such an appointment, the court must appoint private counsel to represent the defendant. (Section [1](#))

The bill requires the CCCRC that is appointed from a different region to provide documentation to the [Justice Administrative Commission](#) (JAC) for all due process costs and services of representation. The bill also requires each CCCRC that is appointed to submit a report to JAC on February 1, 2027, and biannually thereafter containing the following information:

- The CCCRC office that is appointed and the date of appointment, including the name of the counsel assigned to the case.
- The length of time the capital case has been pending.
- The date the state filed a notice of intent to seek the death penalty.
- The number of victims in the case.
- The status of any ongoing discovery, including any discovery deadline set by the court.

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DATE: 1/14/2026

- The number of outstanding motions.
- Whether there is a mitigation specialist, and, if so, the date of his or her employment as well as any mitigation work product. (Section [1](#))

The effective date of the bill is July 1, 2026 (Section [3](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate negative impact on state expenditures. To the extent that judges choose to appoint a CCCRC from a different region to represent a defendant and to the extent that a CCCRC from a different region is able and willing to provide such representation, the bill may reduce the amount of funds paid to private attorneys to represent indigent defendants in capital cases by shifting such representation to the CCCRC, which generally provides representation at a lower cost than that of a private attorney.

PRIVATE SECTOR:

The bill may have a negative economic impact on private attorneys who provide representation to indigent defendants in capital cases. The bill authorizes a judge to appoint a CCCRC from a different region, rather than a private attorney, to represent an indigent defendant in capital cases in which the defendant's existing CCCRC attorney must withdraw. To the extent that judges choose to appoint a CCCRC from a different region to represent a defendant and to the extent that a CCCRC from a different region is able and willing to provide such representation, the bill may result in fewer private attorneys being appointed to represent defendants in capital cases and thus, fewer private attorneys receiving compensation for providing such representation.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Office of Criminal Conflict and Civil Regional Counsel

The Office of Criminal Conflict and Civil Regional Counsel (CCCRC) was created by the Legislature in 2007 to provide legal representation to indigent persons that are constitutionally entitled to court-appointed counsel.¹ When representing a defendant in a criminal case, the CCCRC performs similar functions to that of a traditional public defender. Examples of the types of cases for which the CCCRC provides representation include:

- Criminal cases in which the public defender must withdraw due to a conflict of interest;
- Dependency cases; and
- Involuntary civil commitment cases involving a mentally ill person, sexually violent predator, or a person with developmental disabilities.²

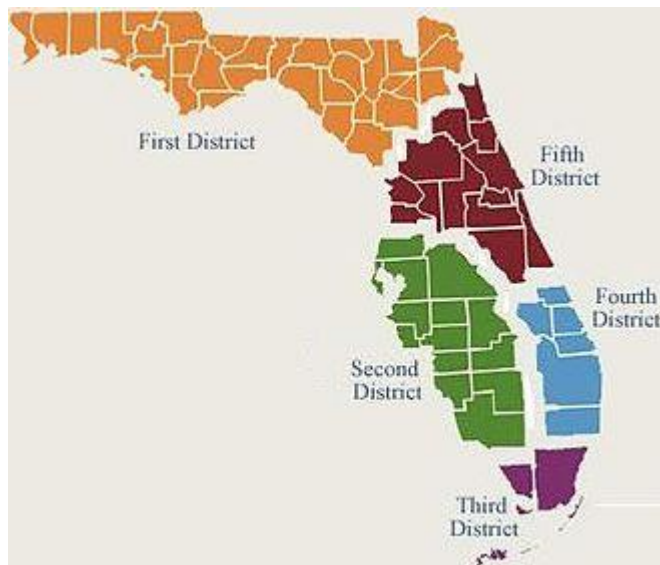
The CCCRC is divided into five [regions](#), which are aligned with judicial circuits as follows:

- First Region: First, second, third, fourth, eighth, and fourteenth judicial circuits.
- Second Region: Sixth, tenth, twelfth, thirteenth, and twentieth judicial circuits.
- Third Region: Eleventh and sixteenth judicial circuits.
- Fourth Region: Fifteenth, seventeenth, and nineteenth judicial circuits.
- Fifth Region: Fifth, seventh, ninth, and eighteenth judicial circuits.³

¹ [S. 27.511\(1\), F.S.](#)

² [S. 27.511\(5\) and \(6\), F.S.](#)

³ [S. 27.511\(1\), F.S.](#)



Court Appointed Counsel

Generally, the public defender is appointed to represent an indigent defendant⁴ in a criminal proceeding.⁵ If the public defender cannot represent the defendant due to a conflict of interest or because it is not authorized to provide such representation, the court then appoints the CCCRC to represent the defendant.⁶ If the CCCRC subsequently determines that it cannot represent the defendant because of a conflict of interest, the court next appoints private counsel to represent the defendant from a registry of attorneys maintained by the Chief Judge of a judicial circuit.⁷ The fees that a private attorney receives for representing an indigent defendant are provided in statute and vary depending on the severity of the criminal case.⁸ The fee that a private attorney receives for representing an indigent defendant in a capital case at the trial level is \$25,000.⁹ For cases that require “extraordinary and unusual effort,” which often includes capital cases, an appointed private attorney may petition the court to award additional compensation that exceeds the statutory maximum.¹⁰

Minimum Standards for Attorneys in Capital Cases

The Florida Supreme Court has established minimum standards for attorneys in capital cases to ensure competent representation to capital defendants.¹¹ Specifically, the chief judge of each judicial circuit is required to maintain a list of conflict counsel qualified for appointment in capital cases, as well as a list of attorneys who have been disqualified from providing representation in capital cases.¹² To be appointed lead counsel in a death penalty case, an attorney must:

- Be eligible to practice law in Florida;
- Have at least five years of litigation experience in the field of criminal law;
- Have prior experience as lead counsel in no fewer than nine state or federal jury trials of serious and complex cases, specifically:
 - At least two of the nine cases must be death penalty cases in which the attorney was either lead counsel or co-counsel; and

⁴ A person seeking appointment of a public defender under [s. 27.51, F.S.](#), based on inability to pay must apply to the clerk of the court for a determination of indigent status using an application form developed by the Florida Clerks of Court Operations Corporation with final approval by the Supreme Court. [S. 27.52, F.S.](#)

⁵ [S. 27.40\(1\), F.S.](#)

⁶ *Id.*

⁷ [S. 27.40\(2\), F.S.](#)

⁸ [S. 27.5304\(5\) and \(13\), F.S.](#)

⁹ *Id.*

¹⁰ [S. 27.5304\(12\), F.S.](#)

¹¹ [Fla. R. Crim. P. 3.112\(a\).](#)

¹² [Fla. R. Crim. P. 3.112\(d\).](#)

- At least three of the nine cases involved a murder charge, or alternatively, one of the nine cases involved a murder charge and an additional five cases were felony jury trials;
- Be familiar with the practice and procedure of the criminal courts within the jurisdiction;
- Be familiar with the utilization of expert witnesses, including psychiatric and forensic evidence;
- Have demonstrated the necessary proficiency and commitment to provide representation in capital cases; and
- Have attended a continuing education program related to the defense of capital cases within the past two years.¹³

Justice Administrative Commission

The Justice Administrative Commission (JAC) provides administrative services and assistance to the offices of each office of the CCCRC, as well as to each office of the state attorney, public defender, Capital Collateral Regional Counsel, and the Statewide Guardian ad Litem Office.¹⁴ JAC also approves uniform contract forms that are used to procure the services of private attorneys who are appointed to represent indigent defendants, reviews the billing records submitted by such attorneys, and also disburses state funds to compensate such attorneys for their services.¹⁵

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Criminal Justice Subcommittee	16 Y, 0 N, As CS	1/14/2026	Hall	Padgett
THE CHANGES ADOPTED BY THE COMMITTEE:				
<ul style="list-style-type: none">• Required the CCCRC to file written notice with the court if it determines that it can no longer represent a defendant in a capital proceeding.• Authorized the trial judge, rather than the chief judge, to appoint a CCCRC from a different region under specified conditions.• Required the CCCRC from a different region to concur with an appointment to represent a capital defendant.• Removed a provision requiring the JAC to submit a copy of specified biannual reports to the legislature.• Removed a provision that repealed the provisions of the bill on July 1, 2027.				
Budget Committee				
Judiciary Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

¹³ Fla. R. Crim. P. 3.112(f).

¹⁴ S. 43.16(5)(a), F.S.

¹⁵ Ss. 27.40(5), F.S. and 27.5304, F.S.