

FLORIDA HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/CS/HB 177 TITLE: Offices of Criminal Conflict and Civil Regional Counsel SPONSOR(S): Maney	COMPANION BILL: CS/CS/SB 762 (Martin) LINKED BILLS: None RELATED BILLS: None
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FINAL HOUSE FLOOR ACTION: 114 Y's 0 N's **GOVERNOR'S ACTION:** Pending

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 any other reason, 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.

Fiscal or Economic Impact:

The bill may have an indeterminate fiscal impact on state expenditures and a negative economic impact on private attorneys by shifting the representation of indigent defendants in capital cases from private attorneys to a CCCRC 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 any other reason, it must provide notice to the court. Upon receiving such notice, the court may appoint a CCCRC from a different region to represent the defendant, provided that the regional counsel of the CCCRC office appointed by the court concurs, at his or her sole discretion. Under the bill, 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 specifies that all due process costs and services for an appointment made under the bill must be paid from funds designated for such a purpose and administered by the [Justice Administrative Commission](#) (JAC), subject to legislative appropriation. The bill requires a regional counsel to certify that such due process costs and services are case-related and also requires a regional counsel who accepts an appointment under the bill to submit documentation to JAC for all expenses incurred in providing representation. (Section [1](#))

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2026. (Section [3](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate impact on state expenditures. To the extent that judges may choose to reassign cases between CCCRC regions, the bill may reduce expenditures associated with private representation of indigent defendants in capital cases by shifting such representation to the CCCRC, which generally provides representation at a lower cost than private attorneys. The bill may increase workload for CCCRC regions who consent to case reassignments, however, any initial workload impacts can be absorbed within existing resources. If future workload

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needs exceed existing resource levels, the CCCRC has the ability to request additional funding through the Legislative Budget Request process as outlined in [s. 216.023, F.S.](#)

PRIVATE SECTOR:

The bill may have a negative economic impact on private attorneys who provide representation to indigent defendants in capital cases to the extent it may result in fewer private attorneys being appointed and receiving compensation to provide such representation.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

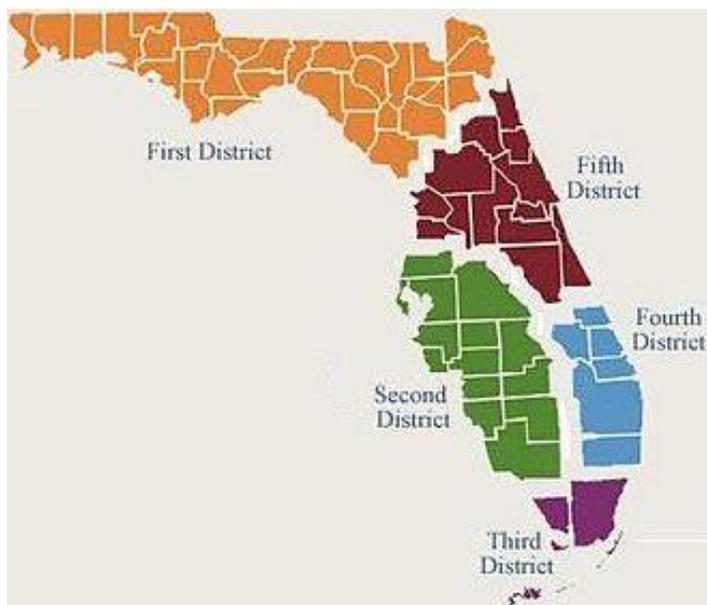
[Office of Criminal Conflict and Civil Regional Counsel](#)

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
 - 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

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\(d\).](#)

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.](#)

