

1 A bill to be entitled
2 An act relating to offices of criminal conflict and
3 civil regional counsel; amending s. 27.511, F.S.;
4 authorizing appointments from the office of criminal
5 conflict and civil regional counsel in other regions
6 for certain cases in certain circumstances; requiring
7 such counsel to provide certain documentation to the
8 Justice Administrative Commission for reimbursement;
9 requiring each regional office that accepts such
10 appointments to annually submit a specified report to
11 the commission; requiring the commission to submit
12 copies of such reports to the Legislature; requiring
13 the appointment of private counsel in certain
14 circumstances; providing for expiration; amending s.
15 744.331, F.S.; conforming a cross reference; providing
16 an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

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

24 27.511 Offices of criminal conflict and civil regional
25 counsel; legislative intent; qualifications; appointment;

26 duties.—

27 (6)(a) Notwithstanding ss. 27.40 and 27.5305, when the
28 office of criminal conflict and civil regional counsel, at any
29 time during representation of a person determined to be indigent
30 under s. 27.52 in a case in which the state has filed a notice
31 of intent to seek the death penalty, determines that counsel can
32 no longer be provided because of a conflict of interest or a
33 lack of qualifications, the office of criminal conflict and
34 civil regional counsel from another region may be appointed,
35 provided such counsel is qualified to provide competent
36 representation in death penalty cases, at the discretion of the
37 chief judge of the circuit in which the case is being
38 prosecuted.

39 (b) Subject to legislative appropriation, the office of
40 criminal conflict and civil regional counsel appointed from
41 another region under paragraph (a) shall provide documentation
42 for all due process costs and services of representation to the
43 Justice Administrative Commission for reimbursement.

44 (c)1. By February 1 and August 1, each regional office of
45 the office of criminal conflict and civil regional counsel that
46 accepts an appointment under paragraph (a), in a case involving
47 a person determined to be indigent under s. 27.52 in which the
48 state has filed a notice of intent to seek the death penalty,
49 must submit a report to the Justice Administrative Commission.
50 For each case, the report must contain all of the following

51 information:

52 a. The office of criminal conflict and civil regional
53 counsel appointed and the date of appointment, including the
54 name of counsel assigned.

55 b. How long the capital case has been pending.

56 c. The date the state filed a notice of intent to seek the
57 death penalty.

58 d. The number of victims.

59 e. The status of any ongoing discovery, including any
60 discovery deadline set by the court.

61 f. The number of outstanding motions.

62 g. Whether there is a mitigation specialist, and, if so,
63 the date of his or her employment, as well as any mitigation
64 work product.

65 2. The Justice Administrative Commission shall submit
66 copies of the reports provided by each regional office under
67 subparagraph 1. to the President of the Senate and the Speaker
68 of the House of Representatives.

69 (d) If the office of criminal conflict and civil regional
70 counsel from another region cannot accept an appointment under
71 paragraph (a) because of a conflict of interest or a lack of
72 qualified attorneys, private counsel shall be appointed.

73 (e) This subsection expires July 1, 2027.

74 **Section 2. Paragraph (a) of subsection (2) of section**
75 **744.331, Florida Statutes, is amended to read:**

76 744.331 Procedures to determine incapacity.—

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

78 (a) When a court appoints an attorney for an alleged
79 incapacitated person, the court must appoint the office of
80 criminal conflict and civil regional counsel or a private
81 attorney as prescribed in s. 27.511(7) ~~s. 27.511(6)~~. A private
82 attorney must be one who is included in the attorney registry
83 compiled pursuant to s. 27.40. Appointments of private attorneys
84 must be made on a rotating basis, taking into consideration
85 conflicts arising under this chapter.

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