

CS/HB 177

2026

A bill to be entitled
An act relating to offices of criminal conflict and civil regional counsel; amending s. 27.511, F.S.; requiring offices of criminal conflict and civil regional counsel to provide written notice to the court in certain circumstances; providing notice requirements; authorizing courts to appoint an office of criminal conflict and civil regional counsel upon receipt of such notice if certain requirements are met; providing construction; requiring appointed counsel to provide certain documentation to the Justice Administrative Commission for reimbursement; requiring each regional office that accepts such appointments to biannually submit a specified report to the commission; requiring the appointment of private counsel in certain circumstances; amending s. 744.331, F.S.; conforming a cross reference; providing an effective date.

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

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

26 27.511 Offices of criminal conflict and civil regional
27 counsel; legislative intent; qualifications; appointment;
28 duties.—

29 (6) (a) At any time that an office of criminal conflict and
30 civil regional counsel determines that it can no longer
31 represent an indigent defendant in a death penalty case due to a
32 conflict of interest or a lack of qualifications, it must
33 provide written notice to the court. The written notice must
34 state that the defendant has been determined to be indigent
35 under s. 27.52, that the state has filed a notice of intent to
36 seek the death penalty, and that it can no longer provide
37 representation due to a conflict of interest or a lack of
38 qualifications. Upon receiving the notice, the court is
39 authorized to appoint an office of criminal conflict and civil
40 regional counsel from another region to represent the defendant
41 provided that such office concurs with the appointment, does not
42 have a conflict of interest, and that its designated counsel is
43 qualified to provide competent representation in death penalty
44 cases. These provisions are effective notwithstanding ss. 27.40
45 and 27.5305, which authorize the appointment of a private
46 attorney to represent the defendant.

47 (b) Subject to legislative appropriation, the office of
48 criminal conflict and civil regional counsel appointed from
49 another region under paragraph (a) shall provide documentation
50 for all due process costs and services of representation to the

51 Justice Administrative Commission for reimbursement.

52 (c) Beginning February 1, 2027, and biannually on February
53 1 and August 1 thereafter, each regional office of the office of
54 criminal conflict and civil regional counsel that accepts an
55 appointment under paragraph (a), in a case involving a defendant
56 determined to be indigent under s. 27.52 in which the state has
57 filed a notice of intent to seek the death penalty, shall submit
58 a report to the Justice Administrative Commission. For each
59 case, the report must contain all of the following information:

60 1. The office of criminal conflict and civil regional
61 counsel appointed and the date of appointment, including the
62 name of counsel assigned.

63 2. The length of time the capital case has been pending.
64 3. The date the state filed a notice of intent to seek the
65 death penalty.

66 4. The number of victims.

67 5. The status of any ongoing discovery, including any
68 discovery deadline set by the court.

69 6. The number of outstanding motions.

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

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

76 **Section 2. Paragraph (a) of subsection (2) of section**
77 **744.331, Florida Statutes, is amended to read:**

78 744.331 Procedures to determine incapacity.—

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

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

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