

ENROLLED

CS/CS/HB 177

2026 Legislature

1  
2 An act relating to offices of criminal conflict and  
3 civil regional counsel; amending s. 27.511, F.S.;  
4 requiring offices of criminal conflict and civil  
5 regional counsel to provide notice to the court in  
6 certain circumstances; authorizing courts to appoint  
7 an office of criminal conflict and civil regional  
8 counsel from another region to represent a defendant  
9 if certain requirements are met; requiring the court  
10 to appoint private counsel under certain  
11 circumstances; requiring the Justice Administrative  
12 Commission to pay an appointed office of criminal  
13 conflict and civil regional counsel for due process  
14 costs and services, subject to legislative  
15 appropriation; requiring appointed counsel to provide  
16 certain documentation to the Justice Administrative  
17 Commission in order to receive payment or  
18 reimbursement; amending s. 744.331, F.S.; conforming a  
19 cross-reference; providing an effective date.  
20

21 Be It Enacted by the Legislature of the State of Florida:  
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23 Section 1. Subsections (6) through (10) of section 27.511,  
24 Florida Statutes, are renumbered as subsections (7) through  
25 (11), respectively, and a new subsection (6) is added to that

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26 section to read:

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

30 (6) (a) Notwithstanding ss. 27.40 and 27.5305, if an office  
31 of criminal conflict and civil regional counsel has been  
32 appointed to represent an indigent defendant in a case in which  
33 the state has filed a notice of intent to seek the death penalty  
34 and the office of criminal conflict and civil regional counsel  
35 determines that it has a conflict of interest or that it can  
36 otherwise no longer represent the defendant, the office of  
37 criminal conflict and civil regional counsel must provide notice  
38 to the court. Upon receiving such notice, the court is  
39 authorized to appoint an office of criminal conflict and civil  
40 regional counsel from another region specified in subsection (1)  
41 to represent the defendant, provided that such office does not  
42 have a conflict of interest and provided that the regional  
43 counsel of such office concurs, at his or her sole discretion,  
44 to accept the appointment. If an office of criminal conflict and  
45 civil regional counsel cannot be appointed to represent a  
46 defendant under this paragraph, the judge must appoint private  
47 counsel.

48 (b)1. Subject to legislative appropriation, when an office  
49 of criminal conflict and civil regional counsel accepts an  
50 appointment under paragraph (a), all due process costs and

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CS/CS/HB 177

2026 Legislature

51 services must be paid from funds designated for such purpose and  
 52 administered by the Justice Administrative Commission.

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

57 Section 2. Paragraph (a) of subsection (2) of section  
 58 744.331, Florida Statutes, is amended to read:

59 744.331 Procedures to determine incapacity.—

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

61 (a) When a court appoints an attorney for an alleged  
 62 incapacitated person, the court must appoint the office of  
 63 criminal conflict and civil regional counsel or a private  
 64 attorney as prescribed in s. 27.511(7) ~~s. 27.511(6)~~. A private  
 65 attorney must be one who is included in the attorney registry  
 66 compiled pursuant to s. 27.40. Appointments of private attorneys  
 67 must be made on a rotating basis, taking into consideration  
 68 conflicts arising under this chapter.

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