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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/12/2026	.	
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The Committee on Judiciary (Martin) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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



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(6) (a) At any time that an office of criminal conflict and civil regional counsel determines that it can no longer represent an indigent defendant in a death penalty case due to a conflict of interest or a lack of qualifications, it must provide written notice to the court. The written notice must state that the person has been determined to be indigent under s. 27.52, that the state has filed a notice of intent to seek the death penalty, and that it can no longer provide representation due to a conflict of interest or a lack of qualifications. Upon receiving the notice, the court is authorized to appoint an office of criminal conflict and civil regional counsel from another region to represent the defendant provided that their designated counsel is qualified to provide competent representation in death penalty cases. These provisions are effective notwithstanding ss. 27.40 and 27.5305, which authorize the appointment of a private attorney to represent the defendant.

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

(c) Biannually, by February 1 and August 1, each regional office of the office of criminal conflict and civil regional counsel that accepts an appointment under paragraph (a), in a case involving a person determined to be indigent under s. 27.52 in which the state has filed a notice of intent to seek the death penalty, shall submit a report to the Justice Administrative Commission. For each case, the report must



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contain all of the following information:

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

2. The length of time the capital case has been pending.

3. The date the state filed a notice of intent to seek the death penalty.

4. The number of victims.

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

6. The number of outstanding motions.

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

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

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

744.331 Procedures to determine incapacity.—

(2) ATTORNEY FOR THE ALLEGED INCAPACITATED PERSON.—

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



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conflicts arising under this chapter.

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

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to offices of criminal conflict and  
civil regional counsel; amending s. 27.511, F.S.;  
authorizing appointments from the office of criminal  
conflict and civil regional counsel in other regions  
for certain cases in certain circumstances; requiring  
such counsel to provide certain documentation to the  
Justice Administrative Commission for reimbursement;  
requiring each regional office that accepts such  
appointments to annually 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.