



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/12/2026	.	
	.	
	.	
	.	

The Committee on Judiciary (Martin) recommended the following:

1                   **Senate Amendment (with title amendment)**

2  
3                   Delete everything after the enacting clause  
4 and insert:

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

9                   27.511 Offices of criminal conflict and civil regional  
10 counsel; legislative intent; qualifications; appointment;  
11 duties.—



250350

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

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

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



41 contain all of the following information:

42 1. The office of criminal conflict and civil regional

43 counsel appointed and the date of appointment, including the

44 name of counsel assigned.

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

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

47 death penalty.

48 4. The number of victims.

49 5. The status of any ongoing discovery, including any

50 discovery deadline set by the court.

51 6. The number of outstanding motions.

52 7. Whether there is a mitigation specialist, and, if so,

53 the date of his or her employment, as well as any mitigation

54 work product.

55 (d) If the office of criminal conflict and civil regional

56 counsel from another region cannot accept an appointment under

57 paragraph (a) because of a conflict of interest or a lack of

58 qualified attorneys, private counsel must be appointed.

59 Section 2. Paragraph (a) of subsection (2) of section

60 744.331, Florida Statutes, is amended to read:

61 744.331 Procedures to determine incapacity.—

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

63 (a) When a court appoints an attorney for an alleged

64 incapacitated person, the court must appoint the office of

65 criminal conflict and civil regional counsel or a private

66 attorney as prescribed in s. 27.511(7) ~~s. 27.511(6)~~. A private

67 attorney must be one who is included in the attorney registry

68 compiled pursuant to s. 27.40. Appointments of private attorneys

69 must be made on a rotating basis, taking into consideration



70 conflicts arising under this chapter.

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

72

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

74 And the title is amended as follows:

75       Delete everything before the enacting clause  
76 and insert:

77                   A bill to be entitled

78       An act relating to offices of criminal conflict and  
79       civil regional counsel; amending s. 27.511, F.S.;  
80       authorizing appointments from the office of criminal  
81       conflict and civil regional counsel in other regions  
82       for certain cases in certain circumstances; requiring  
83       such counsel to provide certain documentation to the  
84       Justice Administrative Commission for reimbursement;  
85       requiring each regional office that accepts such  
86       appointments to annually submit a specified report to  
87       the commission; requiring the appointment of private  
88       counsel in certain circumstances; amending s. 744.331,  
89       F.S.; conforming a cross-reference; providing an  
90       effective date.