

By the Committee on Judiciary; and Senator Martin

590-01893-26

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A bill to be entitled

An act relating to offices of criminal conflict and civil regional counsel; amending s. 27.511, F.S.; requiring that an office of criminal conflict and civil regional counsel provide a certain written notice to the court under specified conditions; providing requirements for the written notice; authorizing the court to appoint an office of criminal conflict and civil regional counsel in another region for certain cases in certain circumstances; providing construction; requiring such appointed counsel to provide certain documentation to the Justice Administrative Commission for reimbursement, subject to legislative appropriation; 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. Present subsections (6) through (10) of section 11, Florida Statutes, are redesignated as subsections (7) through (11), respectively, and a new subsection (6) is added to section, to read:

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

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30 (6) (a) At any time that an office of criminal conflict and
31 civil regional counsel determines that it can no longer
32 represent an indigent defendant in a death penalty case due to a
33 conflict of interest or a lack of qualifications, it must
34 provide written notice to the court. The written notice must
35 state that the person has been determined to be indigent under
36 s. 27.52, that the state has filed a notice of intent to seek
37 the death penalty, and that it can no longer provide
38 representation due to a conflict of interest or a lack of
39 qualifications. Upon receiving the notice, the court is
40 authorized to appoint an office of criminal conflict and civil
41 regional counsel from another region to represent the defendant
42 provided that their designated counsel is qualified to provide
43 competent representation in death penalty cases. These
44 provisions are effective notwithstanding ss. 27.40 and 27.5305,
45 which authorize the appointment of a private attorney to
46 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) Biannually, by February 1 and August 1, each regional
53 office of the office of criminal conflict and civil regional
54 counsel which accepts an appointment under paragraph (a) in a
55 case involving a person determined to be indigent under s. 27.52
56 in which the state has filed a notice of intent to seek the
57 death penalty shall submit a report to the commission. For each
58 case, the report must contain all of the following information:

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

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

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

65 4. The number of victims.

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

68 6. The number of outstanding motions.

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

72 (d) If the office of criminal conflict and civil regional
73 counsel from another region cannot accept an appointment under
74 paragraph (a) because of a conflict of interest or a lack of
75 qualified attorneys, 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.

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