

By the Appropriations Committee on Criminal and Civil Justice;
the Committee on Judiciary; and Senators Martin and Rouson

604-03222-26

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1 A bill to be entitled
2 An act relating to offices of criminal conflict and
3 civil regional counsel; amending s. 27.511, F.S.;
4 requiring that an office of criminal conflict and
5 civil regional counsel provide a certain written
6 notice to the court under specified conditions;
7 providing requirements for the written notice;
8 authorizing the court to appoint an office of criminal
9 conflict and civil regional counsel in another region
10 for certain cases in certain circumstances; providing
11 construction; requiring the court to consider judicial
12 economy and geographic proximity when making certain
13 appointments; requiring such appointed counsel to
14 provide certain documentation to the Justice
15 Administrative Commission for reimbursement, subject
16 to legislative appropriation; requiring each regional
17 office that accepts such appointments to biannually
18 submit a specified report to the commission; requiring
19 the appointment of private counsel in certain
20 circumstances; amending s. 744.331, F.S.; conforming a
21 cross-reference; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Present subsections (6) through (10) of section
26 27.511, Florida Statutes, are redesignated as subsections (7)
27 through (11), respectively, and a new subsection (6) is added to
28 that section, to read:

29 27.511 Offices of criminal conflict and civil regional

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30 counsel; legislative intent; qualifications; appointment;
31 duties.-

32 (6) (a) At any time that an office of criminal conflict and
33 civil regional counsel determines that it can no longer
34 represent an indigent defendant in a death penalty case due to a
35 conflict of interest or a lack of qualifications, it must
36 provide written notice to the court. The written notice must
37 state that the person has been determined to be indigent under
38 s. 27.52, that the state has filed a notice of intent to seek
39 the death penalty, and that it can no longer provide
40 representation due to a conflict of interest or a lack of
41 qualifications. Upon receiving the notice, the court is
42 authorized to appoint an office of criminal conflict and civil
43 regional counsel from another region to represent the defendant
44 provided that their designated counsel is qualified to provide
45 competent representation in death penalty cases. These
46 provisions are effective notwithstanding ss. 27.40 and 27.5305,
47 which authorize the appointment of a private attorney to
48 represent the defendant. When evaluating a case for referral and
49 appointment to an office of criminal conflict and civil regional
50 counsel under this section, the court shall consider judicial
51 economy and geographic proximity.

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

57 (c) Biannually, by February 1 and August 1, each regional
58 office of the office of criminal conflict and civil regional

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59 counsel which accepts an appointment under paragraph (a) in a
60 case involving a person determined to be indigent under s. 27.52
61 in which the state has filed a notice of intent to seek the
62 death penalty shall submit a report to the commission. For each
63 case, the report must contain all of the following information:

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

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

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

70 4. The number of victims.

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

73 6. The number of outstanding motions.

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

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

81 Section 2. Paragraph (a) of subsection (2) of section
82 744.331, Florida Statutes, is amended to read:

83 744.331 Procedures to determine incapacity.—

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

85 (a) When a court appoints an attorney for an alleged
86 incapacitated person, the court must appoint the office of
87 criminal conflict and civil regional counsel or a private

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88 attorney as prescribed in s. 27.511(7) ~~s. 27.511(6)~~. A private
89 attorney must be one who is included in the attorney registry
90 compiled pursuant to s. 27.40. Appointments of private attorneys
91 must be made on a rotating basis, taking into consideration
92 conflicts arising under this chapter.

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