 1   A bill to be entitled
 2   An act relating to conflicts of interests in
 3   the representation of indigent defendants;
 4   amending s. 27.53, F.S.; requiring that the
 5   court review an alleged conflict of interest
 6   without disclosing confidential communications;
 7   providing for withdrawal of the public defender
 8   unless the court determines that the conflict
 9   is not prejudicial to the indigent defendant;
10   requiring each circuit conflict committee to
11   assess the circuit's conflict representation
12   system; requiring that the committees report
13   findings and recommendations to the
14   Legislature; providing an effective date.
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16   Be It Enacted by the Legislature of the State of Florida:
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18   Section 1. Subsection (3) of section 27.53, Florida
19   Statutes, is amended to read:
20   27.53 Appointment of assistants and other staff;
21   method of payment.--
22   (3) If, at any time during the representation of two
23   or more indigents, the public defender determines shall
24   determine that the interests of those accused are so adverse
25   or hostile that they cannot all be counseled by the public
26   defender or his or her staff without conflict of interest, or
27   that none can be counseled by the public defender or his or
28   her staff because of conflict of interest, it shall be the
29   public defender shall file a motion to withdraw and defender's
30   duty to move the court to appoint other counsel. The court
31   shall review and may inquire into the adequacy of the public

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 1 | defender's representations regarding a conflict of interest
 2 | without requiring the disclosure of any confidential
 3 | communications. The court shall permit withdrawal unless the
 4 | court determines that the asserted conflict is not prejudicial
 5 | to the indigent client. If the court grants the motion to
 6 | withdraw, it may appoint one or more members of The Florida
 7 | Bar, who are in no way affiliated with the public defender, in
 8 | his or her capacity as such, or in his or her private
 9 | practice, to represent those accused. However, the trial court
10 | shall appoint such other counsel upon its own motion when the
11 | facts developed upon the face of the record and files in the
12 | cause disclose such conflict. The court shall advise the
13 | appropriate public defender and clerk of court, in writing,
14 | when making such appointment and state the conflict prompting
15 | the appointment. The appointed attorney shall be compensated
16 | as provided in s. 925.036.
17 | Section 2. Each circuit conflict committee established
18 | under section 925.037, Florida Statutes, shall assess the
19 | circuit's conflict representation system and determine whether
20 | another conflict representation system would be more cost
21 | effective, offer greater administrative control, and provide
22 | representation of a higher quality in cases involving a
23 | conflict of interest. In making this determination, the
24 | committee shall consider other conflict representation
25 | systems, including the attorney-management program established
26 | in the Eighth Judicial Circuit. The committee shall also
27 | determine how to improve the reliability of the information
28 | and cost data that is reported for conflict cases within the
29 | circuit. Each committee shall report its findings and
30 | recommendations to the Legislature by February 1, 2000.
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CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

1   Section 3. This act shall take effect upon becoming a
2 law.
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