

By Senator Martin

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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.;
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 commission to submit
copies of such reports to the Legislature; requiring
the appointment of private counsel in certain
circumstances; providing for expiration; 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
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.—

(6) (a) Notwithstanding ss. 27.40 and 27.5305, if the office
of criminal conflict and civil regional counsel, at any time
during representation of a person determined to be indigent

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under s. 27.52 in a case in which the state has filed a notice of intent to seek the death penalty, determines that counsel can no longer be provided because of a conflict of interest or a lack of qualifications, the office of criminal conflict and civil regional counsel from another region may be appointed, provided such counsel is qualified to provide competent representation in death penalty cases, at the discretion of the chief judge of the circuit in which the case is being prosecuted.

(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)1. 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 contain all of the following information:

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

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

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

d. The number of victims.

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59 e. The status of any ongoing discovery, including any
60 discovery deadline set by the court.

61 f. The number of outstanding motions.

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

65 2. The Justice Administrative Commission shall submit
66 copies of the reports provided by each regional office under
67 subparagraph 1. to the President of the Senate and the Speaker
68 of the House of Representatives.

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

73 (e) This subsection expires July 1, 2027.

74 Section 2. Paragraph (a) of subsection (2) of section
75 744.331, Florida Statutes, is amended to read:

76 744.331 Procedures to determine incapacity.—

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

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

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