

CHAPTER 2026-154

Committee Substitute for Committee Substitute for House Bill No. 177

An act relating to offices of criminal conflict and civil regional counsel; amending s. 27.511, F.S.; requiring offices of criminal conflict and civil regional counsel to provide notice to the court in certain circumstances; authorizing courts to appoint an office of criminal conflict and civil regional counsel from another region to represent a defendant if certain requirements are met; requiring the court to appoint private counsel under certain circumstances; requiring the Justice Administrative Commission to pay an appointed office of criminal conflict and civil regional counsel for due process costs and services, subject to legislative appropriation; requiring appointed counsel to provide certain documentation to the Justice Administrative Commission in order to receive payment or reimbursement; 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. Subsections (6) through (10) of section 27.511, Florida Statutes, are renumbered 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 an office of criminal conflict and civil regional counsel has been appointed to represent an indigent defendant in a case in which the state has filed a notice of intent to seek the death penalty and the office of criminal conflict and civil regional counsel determines that it has a conflict of interest or that it can otherwise no longer represent the defendant, the office of criminal conflict and civil regional counsel must provide notice to the court. Upon receiving such notice, the court is authorized to appoint an office of criminal conflict and civil regional counsel from another region specified in subsection (1) to represent the defendant, provided that such office does not have a conflict of interest and provided that the regional counsel of such office concurs, at his or her sole discretion, to accept the appointment. If an office of criminal conflict and civil regional counsel cannot be appointed to represent a defendant under this paragraph, the judge must appoint private counsel.

(b)1. Subject to legislative appropriation, when an office of criminal conflict and civil regional counsel accepts an appointment under paragraph (a), all due process costs and services must be paid from funds designated for such purpose and administered by the Justice Administrative Commission.

2. To receive payment or reimbursement under subparagraph 1., the regional counsel, or his or her designee, must certify that the due process costs and services are case related, and he or she must also submit appropriate documentation of expenses.

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

744.331 Procedures to determine incapacity.—

(2) ATTORNEY FOR THE ALLEGED INCAPACITATED PERSON.—

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

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

Approved by the Governor June 16, 2026.

Filed in Office Secretary of State June 16, 2026.