

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY,
FLORIDA

**ADMINISTRATIVE ORDER NO. :
05-33-B**

**IN RE: ATTORNEYS - COMPENSATION FOR COURT-APPOINTED CONFLICT
ATTORNEYS IN CRIMINAL & JUVENILE DELINQUENCY CASES IN
BREVARD COUNTY (JULY 1, 2005 - JUNE 30, 2006)**

WHEREAS, it is necessary to provide for the orderly appointment and compensation of court-appointed counsel in criminal and juvenile delinquency cases in Brevard County for the period of July 1, 2005 until June 30, 2006, and to disseminate the fee schedule adopted by the Eighteenth Judicial Circuit's Article V Indigent Services Committee for court-appointed counsel in criminal cases;

WHEREAS, sections 27.40, 27.42, and 27.5304, Florida Statutes (2004), provide that the Article V Indigent Services Committee shall establish a registry of attorneys in private practice to represent clients in cases requiring court appointment of counsel and shall develop a schedule of standard fees for court-appointed attorneys in various categories of cases; and

WHEREAS, in accordance with the June 27, 2005 decision of the Article V Indigent Services Committee for the Eighteenth Judicial Circuit;

NOW, THEREFORE, it is ORDERED:

1. This Administrative Order constitutes "Attachment A" to the uniform contract approved by the Justice Administrative Commission for conflict attorney services in criminal and juvenile delinquency cases. For services performed from July 1, 2005 until June 30, 2006, or unless unilaterally amended by the Article V Indigent Services Committee,

whichever occurs first, the terms as outlined in this Administrative Order are in effect.

QUALIFICATIONS

2. Capital Case Attorneys: For any Attorney to be considered by the Indigent Services Committee for a Capital Case contract or placement on the Capital Case Attorney Registry, he or she must apply for the Capital Case Attorney Registry or contract, and shall certify one of the following:
 - A. I meet the requirements for lead counsel set forth in rule 3.112(f), Florida Rules of Criminal Procedure; or
 - B. I meet the requirements for co-counsel set forth in rule 3.112(g), Florida Rules of Criminal Procedure.
3. First-Degree Murder, No Death Penalty Cases: For any Attorney to be considered by the Indigent Services Committee for a contract or placement on the Registry for First-Degree Murder Cases in which the State of Florida is not seeking death, he or she must apply, and shall certify his/her years of experience in practicing criminal law.
4. Criminal Cases (excluding capital or first-degree murder cases): For any Attorney to be considered by the Indigent Services Committee for a contract or placement on the Registry for Criminal Cases (excluding capital or first-degree murder cases), he or she must apply, and shall certify his/her years of experience in practicing criminal law.
5. Criminal Appeals: For any Attorney to be considered by the Indigent Services Committee for a contract or placement on the Registry for Criminal Appeals, he or she must apply, and shall certify his/her years of experience in practicing criminal law.

ATTORNEY'S FEES

Criminal & Juvenile Delinquency Contracts

6. Two Capital/Felony Contracts: Two capital criminal case contracts will be offered at the rate of \$97,000 per year, to be paid at \$8,083.33 per month. The two Attorneys chosen for the capital criminal contracts shall provide representation at the trial level for all criminal capital cases in Brevard County for which conflict counsel is appointed by the Court. The two Attorneys chosen for the capital criminal contracts shall each also provide conflict representation in Brevard County for up to fifty (50)

felony cases, in addition to handling all misdemeanor and violation of probation cases assigned by the trial court.

7. Eight Criminal Felony/Misdemeanor Contracts: Eight criminal case contracts will be offered at the rate of \$67,000 per year, to be paid at \$5,583.33 per month. Each Attorney chosen for these criminal contracts shall provide representation at the trial level for up to fifty (50) criminal felony cases in Brevard County. In addition, each Attorney chosen for this criminal contract shall provide conflict representation in Brevard County for all violation of probation and misdemeanor cases assigned by the trial court.
8. One Criminal Appeals Contract: One criminal appeals case contract will be offered at the rate of \$24,000 per year, to be paid at \$2,000.00 per month. The Attorney selected for this contract shall provide representation in Brevard County for all criminal conflict appeal cases in addition to all post-conviction cases assigned by the trial court.
9. Two Juvenile Delinquency Contracts: Two juvenile delinquency contracts will be offered at the rate of \$36,000 per year, to be paid at \$3,000.00 per month. The Attorneys selected for this contract shall provide representation in Brevard County for all juvenile delinquency and juvenile violation of probation cases, assigned by the trial court.

Registry

The Registry will be utilized only when representation cannot be legally or ethically provided by the attorneys who have criminal and juvenile delinquency case contracts.

10. Capital Cases:
 - A. Lead Counsel: Attorneys appointed to represent indigent defendants in capital cases as lead counsel shall be compensated at the rate of one hundred and fifty dollars (\$150.00) per hour for in-court time, and ninety dollars (\$90.00) per hour for out-of-court time.
 - B. Co-Counsel: Attorneys appointed to represent indigent defendants in capital cases as co-counsel shall be compensated at the rate of one hundred dollars (\$100.00) per hour for in-court time, and sixty dollars (\$60.00) per hour for out-of-court time.
11. First Degree Murder, No Death Penalty Cases:

- A. Lead Counsel: Attorneys appointed as lead counsel to represent indigent defendants in first-degree murder cases in which the State of Florida is not seeking the death penalty shall be compensated at the rate of one hundred and fifty dollars (\$150.00) per hour for in-court time, and ninety dollars (\$90.00) per hour for out-of-court time.
 - B. Co-Counsel: Attorneys appointed as co-counsel to represent indigent defendants in first-degree murder cases in which the State of Florida is not seeking the death penalty shall be compensated at the rate of one hundred dollars (\$100.00) per hour for in-court time, and sixty dollars (\$60.00) per hour for out-of-court time.
- 12. Criminal Cases (excluding capital and first-degree murder, no death penalty cases): Once the Attorneys who have contracts for criminal cases have reached the 500 felony cases maximum for the year, conflict counsel appointments shall be from the general registry of attorneys for criminal cases, for compensation of \$750 per felony case.
 - 13. Non-Capital Criminal Appeals: Attorneys appointed to represent indigent defendants in non-capital criminal appeals shall be compensated at the rate of sixty-five dollars (\$65.00) per hour. The maximum fee for each case shall be \$5,000, absent court order finding that extraordinary circumstances exist in the case that require the fee maximum to be exceeded.
 - 14. Post-Conviction Proceedings at the Trial Level (e.g. rule 3.850, Florida Rules of Criminal Procedure): Attorneys appointed to represent indigent defendants in post-conviction proceedings at the trial level shall be compensated at the rate of eighty dollars (\$80.00) per hour.
 - 15. Juvenile Delinquency Cases: Attorneys appointed to represent defendants in juvenile delinquency cases shall be compensated \$250 per misdemeanor or violation of probation case, and \$400 per felony case.

BILLING OF FEES

- 16. Attorneys appointed in criminal and juvenile delinquency cases shall bill in tenth of an hour increments (e.g., 0.1, 0.2, etc.), and shall bill and be compensated in accordance with the policies and procedures as set forth by the Justice Administrative Commission.

DUE PROCESS COSTS

17. Expert Fees:

A. Medical Doctors:

1. \$175.00 for the first hour or less and \$36.25 per quarter hour thereafter for out-of-court services which include, but are not limited to, initial review of records, testing, writing reports, depositions and other appropriate services.
2. \$175.00 for the first hour or less and \$42.50 per quarter hour thereafter for in-court testimony.
3. \$85.00 per hour while waiting to testify at court appearances. \$72.50 while waiting to testify at depositions.
4. \$72.50 per hour for travel time.

B. Other Experts:

1. \$131.00 for the first hour or less and \$32.75 per quarter hour thereafter for out-of-court services which include, but are not limited to, initial review of records, testing, writing reports, depositions and other appropriate services.
2. \$158.00 for the first hour or less and \$39.50 per quarter hour thereafter for in-court testimony.
3. \$79.00 per hour while waiting to testify at court appearances. \$65.50 while waiting to testify at depositions.
4. \$65.50 per hour for travel time.

C. Maximum Hours Paid: The following are the maximum number of hours that will be paid for expert fees, unless the court determines in an evidentiary hearing that extraordinary circumstances exist which require the maximum hours to be exceeded in that specific case:

1. Capital cases - 20 hours maximum
2. First Degree Felony cases - 15 hours maximum
3. Second Degree Felony cases - 10 hours maximum
4. Third Degree Felony cases - 5 hours maximum
5. Misdemeanor, Traffic, Juvenile cases - 3 hours maximum

18. Investigator Fees:

- A. Rate: \$50 per hour (for all investigators including mitigation specialists)(all criminal cases)

- B. Maximum Hours: The following are the maximum number of hours that will be paid for investigator fees, unless the court determines in an evidentiary hearing that extraordinary circumstances exist which require the maximum hours to be exceeded in that specific case:
1. Capital Cases:
 - a. Guilt phase - 100 hours maximum
 - b. Penalty phase - 50 hours maximum
 2. First-degree felony cases - 25 hours maximum
 3. Second degree felony cases - 15 hours maximum
 4. Third degree felony cases - 10 hours maximum
 5. Misdemeanor, traffic, juvenile cases: 5 hours maximum
19. Court Reporter Fees:
- A. Appearance Fees:
- | | |
|--------------------|------------|
| Standard Reporting | \$30.00/hr |
| Weekend/Holiday | \$45.00/hr |
| Real-Time * | \$50.00/hr |
- * 1-1/2 hour minimum per initial appearance
- B. Transcripts - Standard:
- | | |
|---|---------|
| Original for pleas only (per page) | \$3.50 |
| Original (includes 1 copy/per page) | \$4.50 |
| Additional Original Reprints (per page) | \$1.00 |
| ASCII DISK (per disk) | \$5.00 |
| E-TRANSCRIPT (per transmission) | \$10.00 |
- C. Transcripts - Expedited:
1. Delivery on or before the next work day after the order:

Original for pleas only (per page)	\$6.00
Original (includes 1 copy/per page)	\$7.00
Additional Original Reprints (per page)	\$1.00
 2. Delivery after one but within three work days of the order:

Original for pleas only (per page)	\$4.50
Original (includes 1 copy/per page)	\$5.50
Additional Original Reprints (per page)	\$1.00
- D. Uncontested Divorces - General Master:
- | | |
|------------------------------|---------|
| Appearance plus transcript * | \$35.00 |
|------------------------------|---------|
- *not paid from public expense flat fee
- E. Shipping Expenses - Actual amount expended.
20. Interpreter Fees:
- | | |
|----------------------|------------------------|
| Arabic | \$90.00/hr (2 hr min.) |
| Brazilian Portuguese | \$75.00/hr (2 hr min.) |

Cantonese	\$90.00/hr (2 hr min.)
Czechoslovakian	\$100.00/hr (2 hr min.)
Dutch	\$100.00/hr (2 hr min.)
French	\$75.00/hr (2 hr min.)
German	\$90.00/hr (2 hr min.)
Greek	\$100.00/hr (2 hr min.)
Haitian Creole	\$75.00/hr (2 hr min.)
Hungarian	\$100.00/hr (2 hr min.)
Indonesian	\$100.00/hr (2 hr min.)
Italian	\$80.00/hr (2 hr min.)
Japanese	\$90.00/hr (2 hr min.)
Korean	\$90.00/hr (2 hr min.)
Mandarin Chinese	\$90.00/hr (2 hr min.)
Polish	\$100.00/hr (2 hr min.)
Russian-Ukrainian	\$90.00/hr (2 hr min.)
Serbo-Croatian	\$100.00/hr (2 hr min.)
Spanish*	\$40.00/hr (1 hr min.)
Tagalo	\$100.00/hr (2 hr min.)
Thai	\$90.00/hr (2 hr min.)
Turkish	\$100.00/hr (2 hr min.)
Vietnamese	\$90.00/hr (2 hr min.)
Sign Language	\$70.00/assignment (2 hr) \$35.00 half hr thereafter
Language Line	\$2.50 - \$4.50/minute

*Spanish is a 2-hour minimum when going to Titusville or the Sharpes Detention Center.

21. Psychological/Competency Evaluation Fees:

Evaluation	\$150/hr
Testifying	\$200/hr
Waiting to testify	\$75/hr
Out-of-County Travel	\$75/hr

22. Process Service Fees:

Fees for process service outside of Florida-apply what is actually billed.

23. Miscellaneous Expenses: (general expenses where maximum rates exist):

A. Travel Expenses:

1. Mileage is paid for out-of-circuit travel at the rate of \$.29 per mile.
2. Tolls and parking expenses are paid with proper receipts.
3. Per diem is paid per state policy.

4. For other travel expenses such as airfare, hotel, car rental that requires receipts, the attorneys, experts, investigators and any other applicable persons must seek the most reasonable prices.

DONE AND ORDERED this 1st day of July, 2005.

KERRY I. EVANDER
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CHIEF JUDGE

Distribution:

All Circuit and County Judges (Brevard County)
Court Administration (Brevard and Seminole Counties)
Clerk of Court (Brevard County)
State Attorney (Brevard County)
Public Defender (Brevard County)
Sheriff (Brevard County)
Bar Association (Brevard County)
Law Library (Brevard County)