

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

**ADMINISTRATIVE ORDER NO. :
05-34-S**

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

WHEREAS, court-appointed counsel are entitled to reasonable compensation, White v. Board of County Commissioners of Pinellas County, 537 So. 2d 1376 (Fla. 1989); Makemson v. Martin County, 491 So. 2d 1109 (Fla. 1986), cert. denied, 479 U.S. 1043 (1987); Sheppard & White, P.A. v. City of Jacksonville, 827 So. 2d 925 (Fla. 2002);

WHEREAS, in order to provide for the orderly appointment and compensation of court-appointed counsel in Seminole County for the period beginning July 1, 2005 and ending 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;

WHEREAS, sections 27.40, 27.42, and 27.5304, Florida Statutes (2004), provide that the Article V Indigent Services Committee 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

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 contract or placement on the Capital Case Attorney Registry, he or she 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.
6. Registry of Attorneys for Juvenile Delinquency Cases: For any Attorney to be considered by the Indigent Services Committee for a contract or placement on the Registry for Juvenile Delinquency cases, he or she must apply, and shall certify his/her years of experience in practicing in the juvenile delinquency area of law.

ATTORNEY'S FEES

Criminal & Juvenile Delinquency Contracts:

7. Capital Cases: Four capital criminal case contracts will be offered at the rate of \$83,520 per year, to be paid at \$6,960 per month. The four Attorneys chosen for the

capital criminal contracts shall provide representation at the trial level for all criminal capital cases in Seminole County for which conflict counsel is appointed by the court. The four Attorneys chosen for the capital criminal contracts shall also provide conflict representation in all criminal felony, misdemeanor, post-conviction, or juvenile delinquency cases in Seminole County, as needed.

8. Felony Cases: Four felony criminal case contracts will be offered at the rate of \$52,200 per year, to be paid \$4,350 per month. The Attorneys chosen for the felony criminal contracts shall provide representation at the trial level for all criminal felony and post-conviction cases in Seminole County for which conflict counsel is appointed by the court. The Attorneys chosen for the felony criminal contracts shall also provide representation at the trial level for misdemeanor or juvenile delinquency cases in Seminole County, as needed.
9. Juvenile Delinquency/Misdemeanor Cases: Two juvenile delinquency/misdemeanor contracts will be offered at the rate of \$31,320.00 per year, to be paid at \$2,610 per month. The Attorneys chosen for the juvenile delinquency/misdemeanor cases shall provide representation at the trial level for all juvenile delinquency and misdemeanor cases in Seminole County for which conflict counsel is appointed by the Court.

Registry

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

10. Capital Cases Appointed from the Registry:
 - a. Lead Counsel: Attorneys appointed from the Registry to represent indigent defendants in capital cases as lead counsel shall be compensated at the rate of one hundred and ten dollars (\$110.00) per hour for in-court and out-of-court time.
 - b. Co-Counsel: Attorneys appointed from the Registry to represent indigent defendants in capital cases as co-counsel shall be compensated at the rate of one hundred and ten dollars (\$110.00) per hour for in-court and out-of-court time.
11. First Degree Murder, No Death Penalty Cases Appointed from the Registry:

- a. Lead Counsel: Attorneys appointed from the Registry 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 ten (\$110.00) per hour for in-court and out-of-court time.
 - b. Co-Counsel: Attorneys appointed from the Registry 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 and ten dollars (\$110.00) per hour for in-court and out-of-court time.
- 12. Criminal Cases (excluding capital and first-degree murder, no death penalty cases) & Juvenile Delinquency Cases Appointed from the Registry: Other conflict cases at the trial level appointed from the registry of attorneys for criminal cases shall be compensated \$650 per felony case and \$250 per misdemeanor case.
 - 13. Non-Capital Criminal Appeals from the Registry: Attorneys appointed from the Registry to represent indigent defendants in non-capital criminal appeals shall be compensated at the rate of sixty-five dollars (\$65.00) per hour.
 - 14. Post-Conviction Proceedings at the Trial Level (e.g. rule 3.850, Florida Rules of Criminal Procedure) Appointed from the Registry: Attorneys appointed from the Registry 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.

BILLING OF FEES

- 15. 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 be compensated in accordance with the policies and procedures as set forth by the Justice Administrative Commission.

DUE PROCESS COSTS

- 16. 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

17. 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

18. Court Reporter Fees:

A. Appearance Fees:

Standard Reporting	\$40.00/hr
Weekend/Holiday	\$60.00/hr
Real-Time	\$50.00/hr
No Show/No Notice	\$40.00/hr

B. Transcripts:

Original (per page)	\$3.50
Each Copy (per page)	\$1.75
ASCII DISK (per disk)	\$25.00

C. Daily Copy:

Original (per page)	\$6.00
Each Copy (per page)	\$3.25

D. Expedited Copy:

Original (per page)	\$4.50
Each copy (per page)	\$1.90

E. Other Transcripts/Real-Time:

Certified daily copy (per page)	\$6.00
Uncertified daily copy (per page)	\$3.00

F. Shipping: Actual amount expended.

19. Interpreter Fees:

Spanish & French-Certified	\$45/hr
Not certified, registered for the State exam	\$35/hr
Other Languages	Up to \$65/hr

20. Psychological/Competency Evaluation Fees:

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

21. Process Service Fees:

- A. Fees for Process Service within Florida: Maximum rate of \$25.00 per service or attempted service.
- B. Fees for process service outside of Florida-apply what is actually billed.

22. 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.

B. Photocopies: 15 cents per copy.

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

KERRY I. EVANDER
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CHIEF JUDGE

DISTRIBUTION:

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