

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN FLORIDA

ADMINISTRATIVE ORDER NO.:
07-31
SUPERSEDES 04-45-S

IN RE: ATTORNEYS - COURT-APPOINTED ATTORNEYS - AFTER OCTOBER 1, 2007

WHEREAS, pursuant to section 27.40(2), Florida Statutes (2007), it is necessary to provide for the orderly appointment of court-appointed counsel in criminal, juvenile, and civil cases in the Eighteenth Judicial Circuit, when the Office of the Public Defender and the Office of Regional Counsel are unable to provide representation due to conflict of interest or otherwise, the terms outlined herein are in effect in the Eighteenth Judicial Circuit, for services performed by court-appointed counsel on and after October 1, 2007,

NOW, THEREFORE, it is ORDERED:

REGISTRY:

1. The Registry will be utilized only when representation cannot be legally or ethically provided by the Office of the Public Defender and the Office of Regional Counsel. § 27.40(2), Fla. Stat. (2007).
2. The Chief Judge of the Eighteenth Judicial Circuit shall compile the Registry (a list of attorneys in private practice, by county and category of cases) and provide the list to the Clerk of Court in each county. § 27.40(3)(a), Fla. Stat. (2007). The court shall appoint attorneys in rotating order in the order in which names appear on the registry, unless the court makes a finding of good cause on the record for appointing an attorney out of order. § 27.40(3)(b), Fla. Stat. (2007). The Clerk of Court is responsible for maintaining the registry and providing the court with the name of the attorney for appointment. § 27.40(3)(b), Fla. Stat. (2007).

QUALIFICATIONS

3. To be considered for placement on the Registry, an attorney must first complete and submit an application. This application must

be returned to Court Administration in the county for which the attorney seeks appointment. To be included on the Registry, attorneys shall certify that they meet any minimum requirements established in general law for court appointment, are available to represent indigent defendants in cases requiring court appointment of private counsel, and are willing to abide by the terms of the contract for services with the Justice Administrative Commission and this Administrative Order. In addition, for any attorney to be considered by the Chief Judge for placement on specified Registries in this circuit, the Attorney must also certify to the following:

A. Capital Cases:

1. I meet the requirements for lead counsel set forth in rule 3.112(f), Florida Rules of Criminal Procedure; or
2. I meet the requirements for co-counsel set forth in rule 3.112(g), Florida Rules of Criminal Procedure.

B. Criminal Cases (excluding capital cases):

Years of experience in practicing criminal law.

C. Criminal Appeals Cases:

Years of experience in practicing criminal law.

D. Juvenile Delinquency Cases:

Years of experience in practicing in the juvenile delinquency area of law.

E. Guardianship Cases:

1. I have represented a party in at least five guardianship cases in the past three years; or
2. I have completed no less than eight hours of a guardianship education class or six-hours of credit in one or more Florida Bar CLE guardianship cases.

F. Marchman Act Cases:

Years of experience in handling Marchman Act cases.

G. Mental Health, Jimmy Ryce, and Other Civil Cases:

Years of experience in handling mental health, Jimmy Ryce, and other civil cases.

H. Dependency Cases:

1. I have represented party as lead counsel or as secondary counsel in five (5) different cases over the last three (3) years in which a juvenile dependency petition was Filed; or
2. I have represented a party in ten (10) different cases over my career in which a juvenile dependency petition was filed; or
3. I have observed a total of at least thirty (30) hours of juvenile dependency hearings (which include at least six shelter hearings, three dependency trials, and one termination of parental rights trial)and will

agree to attend at least three (3) hours of continuing legal education at the Dependency Court Improvement Project Conference or in another CLE seminar devoted to child abuse or neglect per year of enrollment on the Juvenile Dependency Registry.

I. Juvenile Dependency and TPR Appeals:

1. I have represented a party as lead counsel or secondary counsel in two (2) different appellate cases over the last five (5) years, including the preparation and filing of a brief with the District Court of Appeal or with the Supreme Court of Florida, in a juvenile dependency or termination of parental rights case; OR
2. I have represented a party in five (5) different appellate cases over my career in which I have handled the appeal, including the preparation and filing of a brief with the District Court of Appeal or with the Supreme Court of Florida, in any type of case.

In addition, to qualify for placement on the Registry, each Attorney must certify that he or she is willing to mentor others attempting to meet the above qualifications.

ATTORNEY'S FEES

4. Attorneys shall be compensated in accordance with the schedule of fees prescribed by the Florida Statutes and the General Appropriations Act in effect at the time of Attorney's date of appointment.

For attorneys seeking compensation for extraordinary and unusual effort pursuant to section 27.5304(12), Florida Statutes, the Chief Judge designates the trial judge who made the appointment to conduct the evidentiary hearing.

DUE PROCESS COSTS

5. Pursuant to section 27.425(3), Florida Statutes, due process costs are set by the General Appropriations Act. The rates specified in the General Appropriations Act are currently as follows:

A. Expert Fees:

1. Medical Doctors:

- a. \$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.

- b. \$175.00 for the first hour or less and \$42.50 per quarter hour thereafter for in-court testimony.
- c. \$85.00 per hour while waiting to testify at court appearances. \$72.50 while waiting to testify at depositions.
- d. \$72.50 per hour for travel time.

2. **Other Experts:**

- a. \$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.
- b. \$158.00 for the first hour or less and \$39.50 per quarter hour thereafter for in-court testimony.
- c. \$79.00 per hour while waiting to testify at court appearances. \$65.50 while waiting to testify at depositions.
- d. \$65.50 per hour for travel time.

e. **Jimmy Ryce Civil Commitment Cases:**

Experts appointed in Jimmy Ryce civil commitment cases only shall be paid up to \$250.00 for the first hour or less, and \$62.50 per quarter hour thereafter for in-court or out-of-court services which include, but are not limited to, in-court testimony, initial review of records, testing, writing reports, depositions and other appropriate services; and \$125.00 per hour while waiting to testify at court appearances or depositions, and/or for travel time. The Court shall approve the number of hours necessary to be expended on expert fees.

f. **Psychological/Competency Evaluation Fees in Dependency/TPR cases:**

For Psychological/competency evaluations, \$400 maximum flat fee per evaluation.

g. **Psychological/Competency Evaluation Fees in Cases other than Dependency/TPR:**

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

3. **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:

- a. Capital cases - 20 hours maximum
- b. First Degree Felony cases - 15 hours maximum
- c. Second Degree Felony cases - 10 hours maximum
- d. Third Degree Felony cases - 5 hours maximum
- e. Misdemeanor, Traffic, Juvenile cases - 3 hours maximum
- f. Dependency cases - 10 hours
- g. Termination of Parental Rights Cases - 20 hours

B. Investigator Fees:

- 1. **Rate:** \$50 per hour (for all investigators including mitigation specialists), with the Court approving the number of hours necessary to be expended on investigator fees.
- 2. **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:
 - a. Capital Cases:
 - 1. Guilt phase - 100 hours maximum
 - 2. Penalty phase - 50 hours maximum
 - b. First-degree felony cases - 25 hours maximum
 - c. Second degree felony cases - 15 hours maximum
 - d. Third degree felony cases - 10 hours maximum
 - e. Misdemeanor, traffic, juvenile cases: 5 hours maximum
 - f. Dependency/Termination of Parental Rights Cases - 15 hours maximum
- 3. The Eighteenth Judicial Circuit shall not pay for investigators to pick up discovery in any cases.

C. Court Reporter Fees

1. In Brevard County

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/per pg
Original (includes 1 copy/per page) \$4.50/per pg
Additional Original Reprints (per page) \$1.00/per pg

ASCII DISK (per disk) \$5.00/disk
E-TRANSCRIPT (per transmission) \$10.00/transmit

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 Divorce - General Magistrate:

Appearance plus transcript * \$35.00
*not paid from public expense flat fee

e. Shipping Expenses:

Actual amount expended.

2. In Seminole County

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.

D. Interpreter Fees:

1. In Brevard County

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.

2. In Seminole County

Spanish	\$45/hour (2 hr min.)
French	\$75/hour (2 hour min.)
Portuguese	\$75/hour (2 hour min.)
Italian	\$75/hour (2 hour min.)
All other foreign languages	\$90/hr (2 hour min.)

E. Process Service Fees:

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

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

1. Travel Expenses:

- a. Mileage is paid for out-of-circuit travel at the rate of \$ 0.445 per mile.
- b. Tolls and parking expenses are paid with proper receipts.
- c. Per diem is paid per state policy.
- d. 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.

2. **Photocopies:** 15 cents per copy.

G. **Examination Committee in Guardianship Cases**

The following maximum fee schedule for the examination committee in guardianship cases shall apply:

1. \$400 for the physician committee member;
2. \$300 for the coordinating committee member;
3. \$250 for the remaining committee member.

If additional experts are required to be retained in extraordinary cases, advance approval from the court shall be obtained, and there shall be a maximum fee of \$1,000 for each such additional expert. If any expert or committee member is required to testify in court, he/she shall receive an additional fee of up to 40% of the foregoing maximum if such testimony is given in person or up to 20% of the foregoing maximum if such testimony is given by telephone.

PROCEDURES FOR HANDLING WRITTEN COMPLAINTS REGARDING COURT-APPOINTED COUNSEL

6. If a written complaint is received by the Chief Judge or Court Administration regarding a court-appointed counsel who is on the circuit's court-appointed counsel registry, or is being considered for placement on the registry, a copy of the written complaint shall be immediately forwarded to the court-appointed counsel to whom the written complaint concerns. That attorney will then have up to thirty (30) days to respond to the written complaint, if he/she so chooses. A response by the attorney is not mandatory. The written complaint and the Attorney's response shall be retained by Court Administration for review by the Chief Judge.

DONE AND ORDRED this 1st day of October, 2007.

CLAYTON D. SIMMONS
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CHIEF JUDGE

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