

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

ADMINISTRATIVE ORDER NO. :
04-39-B
SUPERSEDES 83-20 CR-B, 96-
33, AND 04-23-B

IN RE: ATTORNEYS - COMPENSATION FOR COURT-APPOINTED CONFLICT
ATTORNEYS IN CRIMINAL CASES IN BREVARD COUNTY (OCTOBER 1,
2004 - JUNE 30, 2005)

WHEREAS, it is necessary to provide for the orderly appointment and compensation of court-appointed counsel in criminal cases in Brevard County for the period of October 1, 2004 until June 30, 2005, 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, effective July 1, 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 July 20, 2004, August 17, 2004, and September 15, 2004 decisions 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 October 1, 2004 until June 30, 2005, 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. Registry of Capital Case Attorneys: For any Attorney to be considered by the Indigent Services Committee ("ISC") for placement on the Capital Case Attorney Registry, he or she must apply for the Capital Case Attorney Registry 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. Registry of Attorneys for First-Degree Murder, No Death Penalty Cases: For any Attorney to be considered by the Indigent Services Committee ("ISC") for 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. Registry of Attorneys for Criminal Cases (excluding capital or first-degree murder cases): For any Attorney to be considered by the Indigent Services Committee ("ISC") for placement on the Registry for Criminal Cases (excluding capital or first-degree murder cases), he or she must apply for the Registry of Attorneys for Criminal Cases, and shall certify his/her years of experience in practicing criminal law.
5. Criminal Appeals Registry: For any Attorney to be considered by the Indigent Services Committee ("ISC") for placement on the Registry for Criminal Appeals, he or she must apply for the Registry for Criminal Appeals, and shall certify his/her years of experience in practicing criminal law.

ATTORNEY'S FEES

6. **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.

7. **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.
8. **Criminal Cases (excluding capital and first-degree murder, no death penalty cases):**
 - A. Up to ten criminal contracts will be offered at the rate of \$48,000 per year for representation at the trial level in 36 felony and 15 misdemeanor cases. The maximum to be paid is \$12,000 every three months.
 - B. Other conflict cases at the trial level are to be appointed from the general registry of attorneys for criminal cases, for compensation of \$750 per felony case and \$350 per misdemeanor case.
9. **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.
10. **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.

DUE PROCESS COSTS

11. **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

12. **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

13. **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
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*not paid from public expense flat fee

E. Shipping Expenses - Actual amount expended.

14. **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.

15. **Psychological/Competency Evaluation Fees:**

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

16. **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.

17. **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 4TH day of October, 2004.

JAMES E.C. PERRY
JAMES E.C. PERRY
CHIEF JUDGE

Distribution:

All Circuit and County Judges (Brevard County)
Court Administration (Brevard and Seminole Counties)
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