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08/26/2004 at 12:48 PM, BOB INZER, CLERK OF COURTS

IN THE SECOND JUDICIAL
CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO. 88-74

FILED FOR RECORD IN THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA
SEP 1 03 PM '88
CLERK OF CIRCUIT COURT

IN RE: Attorney's Fees for Special Public Defenders

WHEREAS, Section 27.53 and 925.036, Florida Statutes provided for payment of and limits to fees awarded to special public defenders appointed in instances there a conflict exists in the Public Defenders office including first degree murder cases; and

WHEREAS, the Second Circuit Conflicts Committee has heretofore been responsible for formulating a list of competent attorneys to handle conflict cases and has set a Fee Schedule for the compensation of said attorneys; and

WHEREAS, it has come to the attention of the undersigned Chief Judge that the Judges of the Criminal Division of the circuit has on occasion found it necessary to appoint counsel in first degree murder cases from outside the Conflict Committee list of attorneys; and

WHEREAS, in an effort to formalize and make uniform the various aspects of conflict attorney appointments within this circuit the undersigned Chief Judge has conducted a review of rates and procedures being utilized in other circuits;

NOW, THEREFORE, I, J. LEWIS HALL, pursuant to the authority vested in me as Chief Judge of the Second Judicial Circuit of Florida, do hereby fix the following fees for special Assistant Public Defenders appointed in cases where a conflict exists in the Public Defender's office.

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1. In First Degree murder cases where the representation by the appointed attorney does not meet the "extraordinary and unusual cases" requirements set forth in Makemson v. Martin County, 491 So.2d 1109 (1986), cert. denied 197 S. Ct. 908, compensation shall not exceed the maximum amount permitted by Section 925.036, Florida Statutes, and shall be pursuant to the following schedule:

a) $50.00 per hour for time spent during out of court representation;

b) $60.00 per hour for in court representation.

2. In cases where the representation is found by the trial judge to meet the "extraordinary and unusual cases" criteria of the Makemson case, compensation may exceed the maximum amounts set forth in Section 925.036, Florida Statutes, but shall not exceed the hourly rates set forth below [See, Metropolitan Dade County v. Gold, 509 So.2d 407 (Fla 3rd DCA 1987); See also, Lyons v. Metropolitan Dade County, 507 So.2d 588 (Fla. 1987) (upholding trial court's fee award in excess of statutory fee limit but based on hourly rate set by chief judge)]:

a) $50.00 per hour for time spent during out of court representation;

b) $60.00 per hour for in court representation.

3. An Attorney who represents a defendant charged with more than one offense in the same case may be compensated in accordance with the statutory maximum provided for the most serious offense for which he/she represented the defendant.

4. Compensation for conflict attorneys in all other cases will be pursuant to the Fee Schedule adopted by the Second Circuit Conflicts Committee and incorporated into this Order as Attachment "A".

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DONE AND ORDERED in Chambers at Tallahassee, Leon County, Florida, this 6th day of September, 1988.

NUNC PRO TUNC September 1, 1988

J. LEWIS HALL, CHIEF JUDGE
SECOND JUDICIAL CIRCUIT OF FLORIDA

Copy to: Circuit Judges, Criminal Division
Michael Allen, Public Defender
Dozier Allen, Court Administrator
County Attorney's Office
Tallahassee Bar Association
Special Public Defenders,
Second Judicial Circuit

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ATTACHMENT "A"

FEE SCHEDULE

	Pursuant to Administrative Order No.88-74
1st Degree Murder - (Trial Level or Appeal)	
Capital Felony - (Trial Level or Appeal) Other than 1st degree Murder	$ 2,000
Non-Capital Appeal to Supreme Court or DCA	650
County Court to Circuit Court Appeal	550
Life Felony - Trial Level	800
Non-Capital, Non-Life-Trial Level	500
Juvenile, Misdemeanor or Baker Act	300
(In a multi-count information or indictment, the attorney would be compensated only for the highest crime charged)	
Violation of Probation Proceedings	200
3.850 Proceedings (Felony)	300
3.850 Proceedings (Misdemeanor)	200

Where an attorney is appointed to represent a single defendant who has been charged in more than one case, the attorney will be compensated at the above rate for the single most serious of the cases and will be compensated at the rate of 40% of the amount otherwise payable for all additional cases.

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