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09/02/2004 at 12:39 PM, BOB INZER, CLERK OF COURTS

IN THE SECOND JUDICIAL
CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO: 94-2

IN RE: IMPOSITION OF LIENS FOR SERVICES PROVIDED BY APPOINTED LAWYERS

WHEREAS: Rule 3.720 of the Florida Rules of Criminal Procedure requires the trial judge in a criminal case to impose a lien for the value of services rendered by the public defender or a special assistant public defender; and

WHEREAS: The appellate court decisions interpreting Rule 3.720 require the public defender to make a request for the imposition of a lien; and

WHEREAS: The Public Defender of the Second Judicial Circuit has informed the court that she wishes to request the imposition of a lien in every criminal case in which the defendant was represented by the public defender or a special assistant public defender; and

WHEREAS: The most efficient method of insuring that the liens are properly imposed in all criminal cases in which the defendant is represented by appointed counsel is to adopt a uniform procedure for the imposition of liens;

It is therefore:

ORDERED THAT:

1. At the conclusion of each criminal case in which the defendant has been represented by the public defender or by a special assistant public defender appointed from the list of conflict attorneys, the sentencing judge shall impose a lien and order a judgment to be entered against the defendant for the value of the attorney's services.

2. In capital cases, the trial judge shall determine the proper amount of the lien using the hourly rates set in Administrative Order #88-24 and any other factor that may be properly taken into account.

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3. In all other cases, the trial judge shall impose the lien according to the following schedule:

Life Felony or 1st PBL	800.00
1st, 2nd & 3rd Degree Felony	500.00
Disposition in Felony Intake	300.00
Misdemeanor Cases	300.00
Baker Act Cases	300.00
Violation of Probation	200.00

4. The trial judge may impose a lien in a higher or lower amount if the appointed lawyer informs the court that the fee set by the schedule would be inappropriate or the trial judge makes an independent determination that the circumstances of the case require a higher or lower lien.

5. If the court resolves more than one case against the defendant or if the defendant has multiple counts within a case, the lien shall be set on all cases or counts in the amount that would apply to the most serious count in any one case that is a before the court.

6. The clerk shall prepare a lien and civil judgment in the applicable amount at the time of sentencing. All civil judgments will be entered on the attached form, which contains a notice to the defendant regarding the right to contest the amount of the lien.

7. If the defendant is not provided with the civil judgment form at the time of sentencing, the trial judge shall orally advise the defendant of the right to a hearing on the amount of a public defender lien and that the court will set a hearing on any objection within 30 days of the imposition of the lien.

8. Administrative Order 90-18, In Re: Assessment of Attorney Fees and costs in criminal cases, dated July 11, 1990 is hereby terminated.

DONE AND ORDERED in Chambers, Tallahassee, Leon County, Florida, this 21 day of January, 1994.

PHILIP J. PADOVANO
Chief Judge

cc:

All Circuit and County Judges, Second Judicial Circuit
All Clerks of the Circuit Court, Second Judicial Circuit
Public Defender, Nancy Daniels
State Attorney, Willie Meggs
Court Administrator, Tom Long

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IN THE _____ COURT, SECOND JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

STATE OF FLORIDA

v. Case no.

_____,

FINAL JUDGMENT AND LIEN FOR PUBLIC DEFENDER SERVICES

THIS CAUSE coming on before the court for sentencing, and it appearing to the Court that the defendant has been found guilty of a criminal offense, and was represented by the Public Defender's Office, or a conflict attorney, and that the reasonable value of his or her services is $_____, and taxable costs incurred were $_____, it is therefore:

ORDERED AND ADJUDGED, pursuant to Section 27.56, Florida Statutes, and Fla. R. Crim. P. 3.720(d), that a final judgment in the amount of $_____ ($_____ fee and $_____ costs) is hereby entered against the defendant, in favor of _____ County, Florida, for the value of the public defender's or conflict attorney's services. A lien in the amount of the final judgment in hereby imposed upon the property of the defendant. And it is further:

ORDERED AND DIRECTED that the defendant is entitled to a hearing within 30 days hereof if he wishes to contest the amount of this final judgment and lien.

Pursuant to §27.56(2)(b), Florida Statutes, the Clerk of the Circuit Court is directed to file this Final Judgment for recording in the Office of the Clerk of the Circuit Court in _____ County and in the county where the defendant resides.

Upon receipt of payment in full, the County Attorney for _____ County is directed to file and record a Satisfaction of Judgment indicating the judgment has been paid in full.

DONE AND ORDERED in open court at _____, _____ County, Florida, this _____ day of _____, 19____.

_____
JUDGE

cc: Defendant
County Attorney

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