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DAVE LANG
CLERK CIRCUIT COURT
LEON COUNTY, FLORIDA

OR 1 15 PG 2221

IN THE SECOND JUDICIAL
CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO: 94-8

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DAVE LANG
CLERK CIRCUIT COURT

IN RE: ATTORNEYS' FEES FOR SPECIAL PUBLIC DEFENDER

WHEREAS, Sections 27.53 and 925.035, Florida Statutes, provide for payment of and limits to fees awarded to special public defenders appointed in instances where a conflict exists in the public defender's office, including first degree murder cases; and

WHEREAS, the Second Judicial Circuit Conflicts Committee has 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, a contract has been executed between Leon County and a group of attorneys to represent juvenile and non-life felony defendants for a negotiated fee, it is therefore

ORDERED THAT:

The following fees and policies shall apply in cases where a conflict attorney has been appointed to serve as a special public defender.

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 (Fla. 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:

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

(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 for out of court representation; and

(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 represents the defendant.

4. In Leon County, when a contract has been executed between the county and one or more attorneys to serve as conflict attorneys, the terms of the contract shall determine the rate of compensation paid to the attorneys.

5. Compensation for conflict attorneys in all other cases will be pursuant to the fee schedule adopted by the Second Circuit Conflicts Committee and

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incorporated into this Order as Attachment "A".

6. Administrative Order 88-74, IN RE: Attorneys' Fees for Special Public Defenders, dated September 1, 1988, is hereby terminated.

DONE AND ORDERED in Chambers at Tallahassee, Leon County, Florida, this 2 day of June, 1994.

PHILIP J. PADOVANO
CHIEF JUDGE

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ATTACHMENT "A"

FEE SCHEDULE

1st Degree Murder - (Trial Level or Appeal)	Pursuant to Administrative Order 94-08
Capital Felony - (Trial Level or Appeal)	$2,000
Non-Capital Appeal to Supreme Court or DCA	650
Criminal Contempt in Civil Cases	200
County Court to Circuit Court Appeal	550
Life Felony - (Trial Level)	800
Non-Capital, Non-Life - (Trial Level)	500
Juvenile Dependency	$35/Hour-Out of Court $45/Hour-In-Court
Juvenile Delinquency, Misdemeanor or Baker Act	300
(In a multi-count information or indictment, the attorney would be compensated only for the highest degree of crime charged)	
Violation of Probation Proceedings	200
Fla. R. Crim. P. 3.850 Proceedings (Felony)	300
Fla. R. Crim. P. 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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