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RECORDED IN THE PUBLIC RECORDS OF LEON COUNTY

MAY 28 3 11 AM '97

DAVE LANG
CLERK CIRCUIT COURT
LEON COUNTY, FLORIDA

IN THE SECOND JUDICIAL
CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO 95-02

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, 479 U S 1043, 107 S Ct 908, 93 L Ed 28 957 (1987), compensation shall not exceed the maximum amount permitted by Section 925 036, Florida Statutes, and shall be pursuant to the following schedule $95 00 per hour in or out of court

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

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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] $95 00 per hour in or out of court

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 incorporated into this Order as Attachment "A"

6 Administrative Order 94-08, IN RE Attorneys' Fees for Special Public Defenders, dated June 2, 1994, is hereby terminated

DONE AND ORDERED in Chambers at Tallahassee, Leon County, Florida, this 3 day of April, 1995

PHILIP J PADOVANO
CHIEF JUDGE

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