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RECORDED IN THE PUBLIC RECORDS OF LEON CO FLA

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DAVE LANG
CLERK CIRCUIT COURT
LEON COUNTY, FLORIDA

IN THE SECOND JUDICIAL CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO 95-08

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 95-02 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

Capital Felony - (Trial Level or Appeal)	-	$ 2,000 00
Life Felony - Trial Level	-	1,000 00
Non-Capital, Non-Life Trial Level	-	500 00
Juvenile, Misdemeanor or Baker Act	-	300 00
Violation of Probation Proceedings	-	200 00
3 850 Proceedings (Felony)	-	300 00
3 850 Proceedings (Misdemeanor)	-	200 00

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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 entered on all cases or counts in the amount that would apply to the most serious count in any one case that is 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 standardized forms, which contain 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 to 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 94-02, In Re Imposition of Liens for Services Provided by Appointed lawyers, Dated 1/21/94, is hereby terminate

DONE AND ORDERED IN Chambers, Tallahassee, Leon County, Florida, this ____day of June, 1995

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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