

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

IN RE: APPOINTMENT AND COMPENSATION OF
COURT-APPOINTED ATTORNEYS FOR THE
INTERIM PERIOD OF JULY 1, 2004 THROUGH
SEPTEMBER 30, 2004

ADMINISTRATIVE
ORDER
NO: 2.27

WHEREAS, legislation enacted in 2003, effective July 1, 2004, codified as Florida Statute §§ 27.40, 27.42, and 27.5304, significantly revised the procedures for the appointment and compensation of court-appointed attorneys by requiring the establishment in each judicial circuit of a circuit Article V indigent services committee responsible for creating and maintaining a registry of court-appointed attorneys and for developing a schedule of standard fees for compensation of court-appointed attorneys; and

WHEREAS, this same legislation mandated that the Justice Administrative Commission (hereinafter "JAC") shall be responsible for the compensation of court-appointed attorneys for services rendered on and after July 1, 2004; and

WHEREAS, recently enacted legislation under Senate Bill 2962 from the 2004 Legislative Session, codified as Laws of Florida, Ch. 2004-265, addressed the revised procedures for the appointment and compensation of court-appointed attorneys, and extended the deadline for the establishment of registries and schedules of fees by the circuit Article V indigent services committees until October 1, 2004; and

WHEREAS, it is necessary that procedures and approved fees be implemented for the interim period of July 1, 2004 through September 30, 2004, to ensure that attorneys are properly

appointed to represent individuals entitled to court-appointed counsel, and to further ensure that those court-appointed attorneys are properly compensated for services rendered on and after July 1, 2004; and

WHEREAS, the Twentieth Judicial Circuit Article V Indigent Services Committee has not yet created a registry of court-appointed attorneys and has not yet approved of rates of compensation for court-appointed attorneys; and

WHEREAS, in circumstances where a circuit Article V indigent services committee has not yet created a registry of court-appointed attorneys or adopted rates of compensation, the JAC has requested that an administrative order be entered to authorize continuing the status quo as it relates to the appointment and compensation of court-appointed attorneys; and

WHEREAS, under such circumstances, the JAC has further advised that it will honor existing arrangements within those judicial circuits under the authority of such an administrative order until such time as the circuit Article V indigent services committee has created a registry of court-appointed attorneys and adopted rates of compensation;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Twentieth Judicial Circuit of Florida under Fla. R. Jud. Admin. 2.050, I hereby order as follows:

1. For the interim period of July 1, 2004 through September 30, 2004, or until otherwise ordered, or until otherwise provided for by the Twentieth Judicial Circuit Article V Indigent Services Committee, the attorneys previously approved for court appointment, including both contract attorneys and attorneys who performed services upon appointment without a contract, and who have entered into an Agreement or Interim Agreement with the JAC, are approved for appointment on or after July 1, 2004.

2. As to contract attorneys who have entered into an Agreement or Interim Agreement

with the JAC, for the interim period of July 1, 2004 through September 30, 2004, or until otherwise ordered, or until otherwise provided for by the Twentieth Judicial Circuit Article V Indigent Services Committee, the rates provided for by the previous contracts of those court-appointed attorneys in effect through June 30, 2004, shall be the approved rates of compensation for those court-appointed attorneys for services performed on or after July 1, 2004. As to each contract attorney within the Twentieth Judicial Circuit, the JAC has been provided with a copy of each contract in effect through June 30, 2004, for the purpose of referencing the applicable rates of compensation provided for by each contract.

3. As to attorneys who previously performed services upon appointment without a contract and who have entered into an Agreement or Interim Agreement with the JAC, for the interim period of July 1, 2004 through September 30, 2004, or until otherwise ordered, or until otherwise provided for by the Twentieth Judicial Circuit Article V Indigent Services Committee, the rates provided for by Administrative Order 3.5 shall be the approved rates of compensation for those court-appointed attorneys for services performed on or after July 1, 2004. Even though the provisions of Administrative Order 3.5 were to expire on June 30, 2004, the term is hereby extended for the limited purpose stated herein to cover the interim period of July 1, 2004 through September 30, 2004, or until otherwise ordered, or until otherwise provided for by the Twentieth Judicial Circuit Article V Indigent Services Committee. A copy of Administrative Order 3.5 is attached and incorporated herein.

4. To the extent that any provision of this Administrative Order may be construed as being in conflict with any law, statute, or rule, the law, statute, or rule shall prevail.

5. This Administrative Order shall be in effect, nunc pro tunc, July 1, 2004 through September 30, 2004, or until otherwise ordered, or until procedures for the appointment and

compensation of court-appointed attorneys are otherwise provided for by the Twentieth Judicial Circuit Article V Indigent Services Committee.

DONE AND ORDERED in chambers in Naples, Collier County, Florida, this 16th day of July, 2004.

Hugh D. Hayes
Hugh D. Hayes
Chief Judge

History. - New.

I certify that this is a true and correct copy of the original on file in my office,
Charlie Green, Clerk Circuit Court, Lee County, Florida
dated: 7/20/04
By: [Signature]
Deputy Clerk

STATE OF FLORIDA COUNTY OF LEE
This 19 Day of July 2004 Record in Chk Ct Minute
Book 40 Page and Record Verified.
CHARLIE GREEN By: [Signature]
Clerk Circuit Court Deputy Clerk