

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

IN RE: COURT APPOINTED)
ATTORNEY COMPENSATION) ADMINISTRATIVE ORDER
) NO. 3.5
)

Pursuant to Florida Statutes §§ 27.53, 925.035, and 925.036, in all cases requiring court appointed counsel within the Twentieth Judicial Circuit Court where private attorneys are appointed by the Court to represent indigent defendants, the Court hereby establishes a fixed hourly rate of compensation of \$75.00 for reasonable billable time, with the exception of representation as it relates to death penalty cases. Taking into consideration the minimum standards for attorneys in capital cases as set forth in Fla. R. Crim. P. 3.112, the Court hereby establishes a fixed hourly rate of compensation of \$100.00 for reasonable billable time in death penalty cases.

During trials, compensation shall not exceed \$800.00 per day. Fees on appeal of any case are not to exceed half of the fee amount awarded for the trial of the case, unless the Court finds that a larger fee is warranted following a hearing on the matter with notice to all concerned parties.

The Court recognizes that Florida Statute § 925.036(2) provides that compensation for representation shall not exceed the following:

- (a) For misdemeanors and juveniles represented at the trial level: \$1,000
- (b) For noncapital, nonlife felonies represented at the trial level: \$2,500
- (c) For life felonies represented at the trial level: \$3,000
- (d) For capital cases represented at the trial level: \$3,500
- (e) For representation on appeal: \$2,000

Notwithstanding the foregoing, and in accordance with Sheppard & White, P.A. v. City of Jacksonville, 827 So. 2d 925 (Fla. 2002), in capital cases where unusual and extraordinary circumstances exist, court appointed counsel may petition the Court for additional compensation.

In any such case, counsel who petitions the Court for such additional compensation shall set the matter for hearing before the Court with notice to the State Attorney's Office and the County Attorney's Office.

This Administrative Order is not applicable to those private attorneys under contract with the Administrative Office of the Courts, Twentieth Judicial Circuit.

In recognition of the legislative changes enacted by Laws 2003, ch. 2003-402, including the amendments to Florida Statute § 27.53, the repeal of Florida Statutes §§ 925.035 and 925.036, and the creation of Florida Statutes §§ 27.40, 27.42, and 27.5304, effective July 1, 2004, it is ordered that this Administrative Order shall expire and shall no longer be effective on or after July 1, 2004.

DONE AND ORDERED in Chambers at Naples, Collier County, Florida, this

03 day of May, 2004

Hugh D. Hayes
Hugh D. Hayes
Chief Judge

STATE OF FLORIDA, COUNTY OF LEE

FILED FOR RECORD

This 10 Day of MAY 2004 Record in CIRCUIT COURT

Book 487 Page _____ and Record Verified.

CHARLIE GREEN
Clerk Circuit Court

By CSand
Deputy Clerk

History. – Administrative Order 3.5 (August 15, 2000); Administrative Order 3.5 (January 13, 2000); Administrative Order 3.5 (January 28, 1991); Administrative Order 88-18.

I certify this document is a true and correct copy of the original on file in my office, Charlie Green, Clerk Circuit Court, Lee County, Florida
Dated: 5/10/04
By CSand
Deputy Clerk