

IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL CIRCUIT  
OF FLORIDA

**ADMINISTRATIVE ORDER NO.:**  
**12-15**  
**SUPERSEDES 09-18**

**IN RE: ATTORNEYS - COURT APPOINTED ATTORNEY PROCEDURE FOR  
APPOINTMENT OF COUNSEL IN CRIMINAL AND CIVIL PROCEEDINGS  
AND ESTABLISHMENT OF DUE PROCESS SERVICE PROVIDER RATES**

---

WHEREAS, pursuant to Section 27.40, Florida Statutes, and in accordance with Florida Rule of Judicial Administration 2.215 setting forth the duties and responsibilities of the Chief Judge in establishing a registry of attorneys, to be provided to the Clerk of Courts for appointment of counsel as authorized by law in cases in which the Office of the Public Defender and the Office of Regional Counsel are unable to provide representation due to conflict of interest or otherwise.

WHEREAS, Section 27.40, Florida Statutes, was amended by the 2012 session of the Florida Legislature to authorize the establishment of a limited registry of attorneys by the Chief Judge and require the appointment from that registry unless no attorneys from the limited registry are available to serve, and

WHEREAS, Section 27.40, Florida Statutes, was further amended to authorize the Chief Judge to set requirements for any attorney to be included on any registry in the circuit, and

WHEREAS, the net effect of these changes is that any attorney seeking inclusion on the Court's limited or general registry after July 1, 2012 must submit a completed application for review pursuant to this Order.

NOW, THEREFORE, it is ORDERED:

**REGISTRY:**

1. A Registry will be utilized only when representation cannot be legally or ethically provided by the Office of the Public Defender and the Office of Regional Counsel. § 27.40(2), Fla. Stat.
2. The Chief Judge shall compile a limited list of attorneys in private practice, designated by county and category of cases who have certified their willingness to waive compensation in excess of the flat fee as prescribed in s. 27.5304, and provide it to the Clerk of Court in each county. The Court shall appoint attorneys on the limited registry in rotating order in

the order in which names appear on the registry, unless the Court makes a finding of good cause on the record for appointing an attorney out of order. The Clerk of Court is responsible for maintaining the registry and utilizing only the limited registry of attorneys.

3. In addition to paragraph 2 above, the Chief Judge shall compile a general registry of attorneys in private practice, designated by county and category of cases and provide the list to the Clerk of Court in each county. The court shall utilize the general registry only when all attorneys listed on the limited registry have been exhausted. The Clerk of Court is responsible for maintaining the general registry and only utilizing the general registry for appointments when all attorneys have been exhausted on the limited registry.
4. Any attorney seeking to be included on any registry must submit a new application to Court Administration of the county's registry on which they are seeking inclusion. Any application for placement on the Court's limited registry must also include the attorney's race, gender and national origin.
5. In addition, to qualify for placement on the registries, each attorney must certify that he or she is willing to mentor others attempting to meet the below qualifications.

**QUALIFICATIONS:**

1. To be considered for placement on the Court's registries, an attorney must first be a member of the Florida Bar in good standing and submit a completed application to Court Administration.
2. To be included on the limited registry, attorneys shall certify that they:
  - a. Meet any minimum requirements established in general law for court appointment.
  - b. Are available to represent indigent defendants in cases requiring court appointment of conflict private counsel, and are willing to abide by the terms of the contract for services with the Justice Administrative Commission, herein after referred to as "JAC", and this Administrative Order.
  - c. Are willing to accept as full compensation the flat fee prescribed in s. 27.5304, notwithstanding the provisions of s. 27.5304, except for cases brought under the Racketeer Influenced and Corrupt Organizations Act and Capital cases.
  - d. Be a resident of or maintain an office in the county of the limited registry. For purposes of meeting this requirement, the attorney's address with the Florida Bar shall be the sole criteria.
3. To be included on the Court's general registry, attorneys shall certify that they:
  - a. Meet any minimum requirements established in general law for court appointment.
  - b. Are available to represent indigent defendants in cases requiring court appointment of conflict private counsel, and are willing to abide by the terms of the contract for services with the Justice Administrative Commission, herein after referred to as "JAC", and this Administrative Order.
  - c. Certify that they will be available to appear in Court whenever required by the presiding judge in any case in which they are appointed.

4. In addition to the above, for any attorney to be considered by the Chief Judge for placement on specified registries in this circuit, the attorney must also certify to the following:
- A. Capital Cases:
    - 1. I meet the requirements for lead counsel set forth in rule 3.112(f), Florida Rules of Criminal Procedure; or
    - 2. I meet the requirements for co-counsel set forth in rule 3.112(g), Florida Rules of Criminal Procedure.
  - B. Criminal Cases (excluding capital cases):

The number of years of experience practicing criminal law.
  - C. Criminal Appeals Cases:

The number of years of experience practicing criminal law.
  - D. Juvenile Delinquency Cases:

The number of years of experience in practicing in the juvenile delinquency area of law.
  - E. Guardianship Cases:
    - 1. I have represented a party in at least five guardianship cases in the past three years; or
    - 2. I have completed no less than eight hours of a guardianship education class or six-hours of credit in one or more Florida Bar CLE guardianship cases.
  - F. Marchman Act Cases:

The number of years of experience in handling Marchman Act cases.
  - G. Mental Health, Jimmy Ryce, and Other Civil Cases:

The number of years of experience in handling mental health, Jimmy Ryce, and other civil cases.
  - H. Dependency Cases:

The number of years of experience in practicing in the juvenile dependency area of law.
  - I. Juvenile Dependency and TPR Appeals:

I have represented a party as lead counsel or secondary counsel in two (2) different appellate cases over the last five (5) years, including the preparation and filing of a brief with the District Court of Appeal or with the Supreme Court of Florida.

**ATTORNEY'S FEES:**

- 1. Attorneys shall be compensated in accordance with the schedule of fees prescribed by the Florida Statutes and the General Appropriations Act in effect at the time of Attorney's date of appointment.
- 2. For attorneys on the general registry or attorneys on the limited registry appointed in Racketeer Influenced and Corrupt Organization Act and Capital cases seeking excess compensation for extraordinary and unusual effort pursuant to section 27.5304(12), Florida Statutes, the Chief Judge upon receipt of the motion shall enter an order setting

the date and time of the hearing or enter an order designating a judge to hear the matter. If shall be in the sole discretion of the Chief Judge if he or she shall hold the hearing or designate another judge to hear the motion.

**DUE PROCESS COSTS:**

1. Pursuant to section 27.425(3), Florida Statutes, due process costs are set by the General Appropriations Act. The rates specified in the General Appropriations Act are currently as follows:

A. Expert Fees:

1. Psychological/Competency Evaluation Fees:

Evaluation and record	\$300 per evaluation review unless the court determines that extraordinary circumstances exist
Testifying	\$200/hr
Waiting to testify	\$75/hr
Out-of-County Travel	\$75/hr

B. Court Reporter Fees

1. In Brevard County

a. Appearance Fees:

Standard Reporting	\$30.00/hr
Weekend/Holiday	\$45.00/hr
Real-Time	\$50.00/hr

(1-1/2 hour minimum per initial appearance)

b. Transcripts – Standard:

Original for pleas only (per page)	\$3.50/per pg
Original (includes 1 copy/per page)	\$4.50/per pg
Additional Original Reprints (per page)	\$1.00/per pg
ASCII DISK (per disk)	\$5.00/disk
E-TRANSCRIPT (per transmission)	\$10.00/transmit

c. Transcripts – Expedited:

1. Delivery on or before the next work day after the order:

Original for pleas only (per page)	\$6.00
Original (includes 1 copy/per page)	\$7.00
Additional Original Reprints (per page)	\$1.00

2. Delivery after one but within three work days of the order:

Original for pleas only (per page)	\$4.50
Original (includes 1 copy/per page)	\$5.50
Additional Original Reprints (per page)	\$1.00

d. Uncontested Divorce – General Magistrate:

Appearance plus transcript \* \$35.00  
\*not paid from public expense flat fee

e. Shipping Expenses:

Actual amount expended.

2. In Seminole County

a. Appearance Fees:

Standard Reporting	\$40.00/hr
Weekend/Holiday	\$60.00/hr
Real-Time	\$50.00/hr
No Show/No Notice	\$40.00/hr

b. Transcripts:

Original (per page)	\$3.50
Each Copy (per page)	\$1.75
ASCII DISK (per disk)	\$25.00

c. Daily Copy:

Original (per page)	\$6.00
Each Copy (per page)	\$3.25

d. Expedited Copy:

Original (per page)	\$4.50
Each copy (per page)	\$1.90

e. Other Transcripts/Real-Time:

Certified daily copy (per page)	\$6.00
Uncertified daily copy (per page)	\$3.00

f. Shipping:

Actual amount expended.

D. Interpreter Fees:

1. In Brevard County

Arabic	\$90.00/hr (2 hr min.)
Brazilian Portuguese	\$75.00/hr (2 hr min.)
Cantonese	\$90.00/hr (2 hr min.)
Czechoslovakian	\$100.00/hr (2 hr min.)
Dutch	\$100.00/hr (2 hr min.)
French	\$75.00/hr (2 hr min.)
German	\$90.00/hr (2 hr min.)
Greek	\$100.00/hr (2 hr min.)
Haitian Creole	\$75.00/hr (2 hr min.)
Hungarian	\$100.00/hr (2 hr min.)
Indonesian	\$100.00/hr (2 hr min.)
Italian	\$80.00/hr (2 hr min.)
Japanese	\$90.00/hr (2 hr min.)
Korean	\$90.00/hr (2 hr min.)
Mandarin Chinese	\$90.00/hr (2 hr min.)
Polish	\$100.00/hr (2 hr min.)
Russian-Ukrainian	\$90.00/hr (2 hr min.)
Serbo-Croatian	\$100.00/hr (2 hr min.)

Spanish*	\$40.00/hr (1 hr min.)
Tagalo	\$100.00/hr (2 hr min.)
Thai	\$90.00/hr (2 hr min.)
Turkish	\$100.00/hr (2 hr min.)
Vietnamese	\$90.00/hr (2 hr min.)
Sign Language	\$70.00/assignment (2 hr) \$35.00 half hr thereafter
Language Line	\$2.50 - \$4.50/minute

**\* Spanish is a 2-hour minimum when going to Titusville or the Sharpes Detention Center.**

2. In Seminole County

Spanish	\$45/hour (2 hr min.)
French	\$75/hour (2 hour min.)
Portuguese	\$75/hour (2 hour min.)
Italian	\$75/hour (2 hour min.)
All other foreign languages	\$90/hr (2 hour min.)

E. Examination Committee in Guardianship Cases

The following maximum fee schedule for the examination committee in guardianship cases shall apply:

1. \$400 for the physician committee member;
2. \$300 for the coordinating committee member;
3. \$250 for the remaining committee member.

**REMOVAL FROM REGISTRY**

1. An attorney may be removed from the registry upon request if he or she resigns in writing by immediately notifying the Chief Judge and the Justice Administrative Commission. The notice shall state if the attorney is resigning from all categories to which the attorney is entitled to receive appointments or only some categories to which the attorney is entitled to receive appointments. If an attorney later decides that he or she seeks to be reinstated to the registry, the attorney must file a new application to be considered by the chief judge.
2. Failure to comply with the terms of the contract with the JAC. The chief judge may provide notice to an attorney of any failure to comply with the terms of the contract with the JAC and provide the attorney with an opportunity to respond prior to removal from the registry.
3. Failure to attend hearings, except for good cause as determined by the presiding judge or general magistrate.
4. Terminates his or her contract with the JAC.
5. Reassigns or subcontracts a case to another attorney.
6. If an attorney is disbarred, suspended, has surrendered his or her license, or is not a member in good standing with The Florida Bar, the attorney must promptly notify the Chief Judge in writing. The Chief Judge has the authority to remove an attorney from the registry who is not in good standing with the Florida Bar. Upon reinstatement to the

Florida Bar, the attorney will be required to submit a new application for consideration by the Chief Judge for reinstatement to the Court's registry.

7. If a written complaint is received by the Chief Judge or Court Administration regarding a court-appointed attorney who is on the circuit's court-appointed attorney registry, or is being considered for placement on the registry, a copy of the written complaint shall be immediately forwarded to the attorney to whom the written complaint concerns. The attorney will then have up to thirty (30) days to respond to the written complaint, if he/she so chooses. The Chief Judge will make a determination as to whether or not the complaint contains merit and should be considered.

DONE AND ORDERED this 21st day of May, 2012.

ALAN A. DICKEY  
ALAN. A. DICKEY  
CHIEF JUDGE

**DISTRIBUTION:**

All Circuit and County Judges (Brevard and Seminole Counties)  
Court Administration (Brevard and Seminole Counties)  
Clerk of Court (Brevard and Seminole Counties)  
State Attorney (Brevard and Seminole Counties)  
Public Defender (Brevard and Seminole Counties)  
Sheriff (Brevard and Seminole Counties)  
Bar Association (Brevard and Seminole Counties)  
Law Library (Brevard and Seminole Counties)  
County Attorney (Brevard and Seminole Counties)