

**AMENDED ORDER GOVERNING FEES AND COSTS INCURRED BY CONFLICT  
COUNSEL, THE PUBLIC DEFENDER, THE STATE ATTORNEY, AND PRO SE  
INDIGENT RESPONDENTS IN JIMMY RYCE CIVIL COMMITMENT CASES**

**WHEREAS**, State funds have been allocated to pay for fees and costs incurred by conflict counsel, the Public Defender, the State Attorney, and indigent pro se respondents in Jimmy Ryce Act civil commitment cases; and

**WHEREAS**, these funds are somewhat limited and should be used in the most cost effective manner; and

**WHEREAS**, the Trial Court Budget Commission has approved specific guidelines for the utilization of funds provided for these cases;

**NOW, THEREFORE, I**, Belvin Perry, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.050 order the following effective in cases where the Public Defender and/or Conflict Counsel are appointed and/or the State Attorney is assigned on or after the date of this Order and effective for indigent pro se respondents in cases filed on or after the date of this Order:

1. **Conflict Attorney's Fees:** By accepting the appointment to represent defendants in Jimmy Ryce cases, conflict attorneys agree to execute a contract with the Office of State Courts Administrator (OSCA) and to be compensated by OSCA. Conflict Attorneys shall be compensated at the rate of \$90.00 per hour for in-court work or out-of-court work for services

rendered as conflict court appointed counsel.

**2. Cap for fees and costs incurred by conflict counsel, the Public Defender, the State Attorney, and indigent pro se respondents:** The total fees and costs (including, but not limited to, conflict attorney's fees & costs (if applicable), expert witness fees & costs, investigator fees & costs (if applicable) incurred after the effective date of this order shall not exceed a total of \$5,000 in any Jimmy Ryce case without obtaining written approval from the presiding judge prior to incurring fees and costs in excess of the initial \$5,000 incurred in the case. In order to exceed this cap, attorneys and indigent pro se defendants must submit a Motion to the presiding judge which includes the following:

- a. detailed and supporting documentation as to the extraordinary nature of the case; and
- b. a detailed itemization of the initial \$5,000 of fees and costs which was previously incurred in the case; and
- c. a detailed itemization of the anticipated fees and costs to be incurred exceeding the initial \$5,000 cap.

3. Attorneys/indigent pro se respondents must utilize the court employed court reporters for the Ninth Judicial Circuit for attendance at depositions. Unless otherwise approved by the court, costs for private court reporter services shall be paid in accordance with the rates established per Administrative Orders No. 07-98-43 (Orange County) and 07-98-44 (Osceola County) or by subsequent Administrative Orders governing court reporter services. These costs may be incurred without prior approval of the court.

4. Extraordinary costs (expert witnesses, psychological reports, private investigators,

deposition transcripts, out-of-county travel, interpreters, or other expenses) incurred on behalf of the respondent or incurred by the State Attorney must have prior, written approval of the court, except that prior approval is not necessary to take the deposition of a state witness within the State of Florida. The Petition shall state the necessity of hiring the professional and must reflect, to the degree practicable, the maximum total fees that the professional will charge for services i.e. the hourly rate and the estimated number of hours which will be incurred or the total flat rate per case.

**5. Experts shall be compensated as follows:**

a. \$250.00 for the first hour or less and \$62.50 per quarter hour thereafter for in court or out of court services which include, but are not limited to, in-court testimony, initial review of records, testing, writing reports, depositions and other appropriate services; and

b. \$125.00 per hour while waiting to testify at court appearances or depositions, or for travel time; and

c. Mileage shall be paid at a rate not to exceed \$0.32 per mile.

**6. Investigators shall be compensated as follows:**

a.. Investigators subject to this Administrative Order shall include mitigation specialists in addition to all other investigators; and

b. Investigators shall be compensated at a rate not to exceed \$45.00 per hour; and

c. Mileage shall be paid at a rate not to exceed \$0.32 per mile and will only be paid if incurred outside of a 50 mile radius of Orange County if the case is in Orange County or incurred outside of a 50 mile radius of Osceola County if the case is in Osceola County; and

d. Investigators shall not be compensated for computer search charges from the

data-base companies or for travel time incurred by investigators.

7. If out-of-county or out-of-state travel is permitted, the attorney or other applicable person is limited to state per diem as set out in section 112.061(6), Florida Statutes. Prior to making travel arrangements, the Attorney or other applicable person must contact OSCA to determine whether there are any contracting agencies through which air fare, car rental, etc., must be arranged.

8. When copy charges are incurred from a third source, i.e. certified copies from the clerk, copies of medical records from medical facilities, etc., up to a maximum of \$25.00 may be incurred without prior court approval. Copy fees in excess of \$25.00 may not be incurred without prior written court approval.

9. Telephone expenses, absent unusual circumstances, are limited to \$10.00 and must be accompanied by an invoice with the applicable charges highlighted.

10. Unless extraordinary circumstances exist, the Sheriff must be utilized to serve subpoenas. All subpoenas, praecipe and other documents sent to the Sheriff must be prominently identified as "court appointed." Prior written court approval must be sought for a process server absent exigent circumstances.

11. Prior written court approval is required for payment of any expenses not specifically addressed in this Order.

12. All payments to the attorney shall be awarded only by order of the assigned judge and shall be based on the Petition for Award of Attorney's Fees and Costs and Affidavit of Costs submitted by the attorney.

13. Administrative Order No. 2003-21 dated August 27, 2003 is vacated and set aside.

**DONE AND ORDERED** at Orlando, Florida, this 26<sup>th</sup> day of November, 2003.

/s/ Belvin Perry, Jr.  
Belvin Perry, Jr.  
Chief Judge

Copies to:

All Circuit & County Judges, Ninth Judicial Circuit  
State Attorney's Office, Ninth Judicial Circuit  
Public Defender's Office, Ninth Judicial Circuit  
General Counsel, Orange County Sheriff's Office  
Police Legal Advisor, Orlando Police Department  
Orange County Attorney's Office  
Osceola County Attorney  
Orange County Corrections  
Orange County Bar Association  
Bar Briefs, Orange County Bar Association  
Paul C. Perkins Bar Association  
Hispanic Bar of Central Florida  
Central Florida Association for Women Lawyers  
Clerk of Courts, Orange County  
Orange County Law Library  
Clerk of Courts, Osceola County  
The Osceola County Bar Association  
The Osceola County Law Library  
The Osceola County Sheriff's Office  
Director, The Osceola County Dept. of Corrections  
Office of the Statewide Prosecutor  
Central Florida Criminal Defense Attorneys Association  
Executive Director of The Florida Bar  
Official Records, Orange County Comptroller  
Office of the State Courts Administrator

Administrative Order No. 2003-21-1