

**IN THE ELEVENTH JUDICIAL CIRCUIT
OF FLORIDA IN AND FOR MIAMI-DADE
COUNTY, FLORIDA**

**CASE NO. 04-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 04-42**

**IN RE: THE AMENDMENT AND
RESCISSION OF ADMINISTRATIVE
ORDERS AFFECTED BY THE ARTICLE
V INDIGENT SERVICES COMMITTEE'S
ATTACHMENT "A" EXECUTED ON
SEPTEMBER 29, 2004**

WHEREAS, pursuant to Rule of Judicial Administration 2.050, the Chief Judge of the Eleventh Judicial Circuit has the authority to adopt administrative orders necessary to ensure the operation of the Eleventh Judicial Circuit ("Court"); and

WHEREAS, effective July 1, 2004, Section 27.42, Florida Statutes (2004) provided for the establishment of an Article V Indigent Services Committee in each judicial circuit; and

WHEREAS, Administrative Order 04-07 established the Eleventh Judicial Circuit's Article V Indigent Services Committee ("ISC"); and

WHEREAS, effective July 1, 2004, the State of Florida, Justice Administrative Commission ("JAC") assumed responsibility, within statutory limits, for the payment of fees for court appointed counsel for indigent parties and the cost of due process services; and

WHEREAS, the Court, through Administrative Orders 04-09, 04-10, and 04-11, continued the established rates of compensation for court appointed counsel for indigent parties and the cost of due process services in effect on June 30, 2004 for the interim period from July 1, 2004 through September 30, 2004 so that the ISC had time to adopt new rates of compensation; and

WHEREAS, the ISC approved and adopted Administrative Orders 04-09, 04-10, and 04-11 at its meeting on July 8, 2004; and

WHEREAS, on September 29, 2004, the ISC approved and executed an Attachment "A" for this Circuit which continued the Registries of court appointed counsel in effect on September 30, 2004 and established new rates of compensation for and policies and procedures associated with court appointed counsel for indigent parties and the cost of due

process services as of October 1, 2004; and

WHEREAS, the interim period referred to in Administrative Orders 04-09, 04-10, and 04-11 ended on September 30, 2004 and on or after October 1, 2004, each JAC contract with court appointed counsel in this Circuit incorporates Attachment “A,” it is necessary that the Court acknowledge that Attachment “A” establishes and implements new rates of compensation for and policies and procedures associated with court appointed counsel for indigent parties and the cost of due process services for all work performed and services provided on or after October 1, 2004; and

WHEREAS, with Attachment “A” effective as of October 1, 2004, it is necessary to clarify the validity and applicability of the following Administrative Orders as of October 1, 2004 as there are invoices for fees for court appointed counsel and due process costs, which have been submitted or which will be submitted to Miami-Dade County, Florida or the State of Florida for work performed and services provided on or before September 30, 2004 and which are subject to the following Administrative Orders:

- a. Administrative Order 89-29, entered in Case No. 89-1, In Re: Establishment of Additional Standard Fee Guidelines Relative to Compensation for Services Rendered in Criminal Case-Related Matters.
- b. Administrative Order 89-29-A1, entered in Case No. 89-1, In Re: Amendment to Administrative Order No. 89-29; Establishment of Additional Standard Fee Guidelines Relative to Compensation for Services Rendered in Criminal Case-Related Matters;
- c. Administrative Order 92-38, entered in Case No. 92-1, In Re: Special Assistant Public Defenders, Method of Appointment, Compensation;
- d. Administrative Order 92-38-A1, entered in Case No. 94-1, In Re: Amendment to Administrative Order No. 92-38; Special Assistant Public Defenders Method of Appointment, Compensation;
- e. Administrative Order 92-38-A2, entered in Case No. 97-1, In Re: Amendment to Administrative Order No. 92-38; Special Assistant Public Defenders Method of Appointment, Compensation - Capital Cases
- f. Administrative Order 92-38-A3, entered in Case No. 97-1, In Re: Amendment to Administrative Orders No. 92-38; 92-38-A1; 92-38-A2; Conflict Attorneys Method of Appointment, Compensation - Capital Cases;
- g. Administrative Order 92-38-A4, entered in Case No. 99-1, In Re: Amendment to Administrative Order No. 92-38 and 92-38-A2; Compensation for Conflict Attorneys Appointed in Appeals of Capital Cases;

- h. Administrative Order 94-27, entered in Case No. 94-1, In Re: Method of Appointment and Compensation of Court Appointed Attorneys in Dependency and Termination of Parental Rights Cases;
- i. Administrative Order 94-27-A1, entered in Case No. 94-1, In Re: Amendment to Administrative Order 94-27;
- j. Administrative Order 95-11, entered in Case No. 95-1, In Re: Establishment of Procedures for the Compensation of Expert Witnesses Engaged to Render Services in Criminal Cases Where a Defendant is Indigent;
- k. Administrative Order 97-08, entered in Case No. 97-1, In Re: Guardian Advocate Compensation;
- l. Administrative Order 99-07, entered in Case No. 99-1, Reissued to Reflect Change in Number, also Administrative Order No. 92-38-A4; In Re: Amendment to Administrative Order No. 92-38 and 92-38-A2; Compensation for Conflict Attorneys Appointed in Appeals of Capital Cases;
- m. Administrative Order 99-08, entered in Case No. 99-1, Reissued to Reflect Change in Number, In Re: Amendment to Administrative Order No. 92-38 and 92-38-A2; Compensation for Conflict Attorneys Appointed in Appeals of Capital Cases;
- n. Administrative Order 99-12, entered in Case No. 99-1, In Re: Procedures for Appointment of Attorneys in the Probate Division of the Eleventh Judicial Circuit;
- o. Administrative Order 99-12-A1, entered in Case No. 99-1, In Re: Amendment to Administrative Order 99-12; Procedures for Appointment of Attorneys in the Probate Division of the Eleventh Judicial Circuit;
- p. Administrative Order 01-04, entered in Case No. 01-1, In Re: Compensation for Mental Health Examinations Performed in Probate and Guardianship Division (Rescinds Order No. 96-23);
- q. Administrative Order 02-08, entered in Case No. 02-1, In Re: Revised Fee Schedule for Probate Attorneys and Guardian Advocates;
- r. Administrative Order 04-09, entered in Case No. 04-1, In Re: The Appointment and Compensation for Court Appointed Attorneys in Criminal Cases for the Interim Period of July 1, 2004 through September 30, 2004;
- s. Administrative Order 04-10, entered in Case No. 04-1, In Re: The Appointment and Compensation for Court Appointed Attorneys in Dependency and Termination of Parental Rights Cases for the Interim Period of July 1, 2004 through September 30, 2004;

t. Administrative Order 04-11, entered in Case No. 04-1, In Re: The Appointment and Compensation for Court Appointed Attorneys in Other Civil Cases for the Interim Period of July 1, 2004 through September 30, 2004; and

WHEREAS, it is necessary to amend the terms “Special Assistant Public Defender,” “SAPD,” “Conflict Attorney,” and “Wheel” as they appear in certain Administrative Orders; and

WHEREAS, it is necessary to continue in effect after September 30, 2004 certain policies and procedures regarding court appointed counsel for the benefit of the Administrative Office of the Courts (“AOC”) until the ISC can approve new policies and procedures;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, it is hereby **ORDERED** that:

1. After September 30, 2004, court appointed counsel, experts, and due process service providers will continue to use the policies and procedures and rates of compensation in effect on September 30, 2004 pursuant to either a JAC contract, a statute, an agreement, or an Administrative Order, whether or not the Administrative Order is rescinded as of October 1, 2004, for billing either Miami-Dade County, Florida or the State of Florida for any and all work performed, services provided, or costs incurred by them on or before September 30, 2004, but subject to Miami-Dade County, Florida and the State of Florida honoring their requests for payment.

2. To the extent that an Administrative Order listed hereinafter continues in effect and for such time that it remains in effect, wherever the terms “Special Assistant Public Defender,” “SAPD,” or “Conflict Attorney” appear, they are amended to read as “court appointed counsel.”

3. To the extent that an Administrative Order listed hereinafter continues in effect and for such time that it remains in effect, wherever the term “Wheel” appears, it is amended to read as “Registry.”

4. The Criminal Division of the AOC Division shall continue to operate the Criminal and Delinquency Registry.

5. The Juvenile Division of the AOC shall continue to operate the Dependency and Termination of Parental Rights Registry.

6. The Probate and Guardianship Division of the AOC shall continue to operate the Probate and Guardianship Registry.

7. Attachment “A,” which is effective October 1, 2004, supercedes, replaces,

and/or amends the following Administrative Orders and the following Administrative Orders are hereby rescinded and held for naught as to any and all work performed by court appointed counsel for indigent parties and services provided by due process service providers on or after October 1, 2004:

- a. Administrative Order 89-29, entered in Case No. 89-1, In Re: Establishment of Additional Standard Fee Guidelines Relative to Compensation for Services Rendered in Criminal Case-Related Matters.
- b. Administrative Order 89-29-A1, entered in Case No. 89-1, In Re: Amendment to Administrative Order No. 89-29; Establishment of Additional Standard Fee Guidelines Relative to Compensation for Services Rendered in Criminal Case-Related Matters;
- c. Administrative Order 92-38, entered in Case No. 92-1, In Re: Special Assistant Public Defenders, Method of Appointment, Compensation;
- d. Administrative Order 92-38-A1, entered in Case No. 94-1, In Re: Amendment to Administrative Order No. 92-38; Special Assistant Public Defenders Method of Appointment, Compensation;
- e. Administrative Order 92-38-A2, entered in Case No. 97-1, In Re: Amendment to Administrative Order No. 92-38; Special Assistant Public Defenders Method of Appointment, Compensation - Capital Cases
- f. Administrative Order 92-38-A3, entered in Case No. 97-1, In Re: Amendment to Administrative Orders No. 92-38; 92-38-A1; 92-38-A2; Conflict Attorneys Method of Appointment, Compensation - Capital Cases;
- g. Administrative Order 92-38-A4, entered in Case No. 99-1, In Re: Amendment to Administrative Order No. 92-38 and 92-38-A2; Compensation for Conflict Attorneys Appointed in Appeals of Capital Cases;
- h. Administrative Order 94-27, entered in Case No. 94-1, In Re: Method of Appointment and Compensation of Court Appointed Attorneys in Dependency and Termination of Parental Rights Cases;
- i. Administrative Order 94-27-A1, entered in Case No. 94-1, In Re: Amendment to Administrative Order 94-27;
- j. Administrative Order 95-11, entered in Case No. 95-1, In Re: Establishment of Procedures for the Compensation of Expert Witnesses Engaged to Render Services in Criminal Cases Where a Defendant is Indigent;
- k. Administrative Order 97-08, entered in Case No. 97-1, In Re: Guardian

Advocate Compensation;

l. Administrative Order 99-07, entered in Case No. 99-1, Reissued to Reflect Change in Number, also Administrative Order No. 92-38-A4; In Re: Amendment to Administrative Order No. 92-38 and 92-38-A2; Compensation for Conflict Attorneys Appointed in Appeals of Capital Cases;

m. Administrative Order 99-08, entered in Case No. 99-1, Reissued to Reflect Change in Number, In Re: Amendment to Administrative Order No. 92-38 and 92-38-A2; Compensation for Conflict Attorneys Appointed in Appeals of Capital Cases;

n. Administrative Order 01-04, entered in Case No. 01-1, In Re: Compensation for Mental Health Examinations Performed in Probate and Guardianship Division (Rescinds Order No. 96-23);

o. Administrative Order 02-08, entered in Case No. 02-1, In Re: Revised Fee Schedule for Probate Attorneys and Guardian Advocates;

p. Administrative Order 04-09, entered in Case No. 04-1, In Re: The Appointment and Compensation for Court Appointed Attorneys in Criminal Cases for the Interim Period of July 1, 2004 through September 30, 2004;

q. Administrative Order 04-10, entered in Case No. 04-1, In Re: The Appointment and Compensation for Court Appointed Attorneys in Dependency and Termination of Parental Rights Cases for the Interim Period of July 1, 2004 through September 30, 2004;

r. Administrative Order 04-11, entered in Case No. 04-1, In Re: The Appointment and Compensation for Court Appointed Attorneys in Other Civil Cases.

8. The following Administrative Orders only pertain in part to court appointed counsel for an indigent party pursuant to the ISC's Attachment "A" and to the extent that Attachment "A," which is effective October 1, 2004, is applicable and supercedes, replaces, and/or amends the following Administrative Orders, the following Administrative Orders are hereby rescinded and held for naught as to any work performed by court appointed counsel for indigent parties and services provided by due process service providers on or after October 1, 2004:

a. Administrative Order 99-12, entered in Case No. 99-1, In Re: Procedures for Appointment of Attorneys in the Probate Division of the Eleventh Judicial Circuit;

b. Administrative Order 99-12-A1, entered in Case No. 99-1, In Re: Amendment to Administrative Order 99-12; Procedures for Appointment of Attorneys in the Probate Division of the Eleventh Judicial Circuit.

9. As to any portion of Administrative Orders 99-12-A1 and 99-12 to which Attachment "A" or the ISC is not applicable, the Orders remain in effect until further order of the Court.

10. There is no guarantee of payment for an attorney on any case involving a court appointment pursuant to Administrative Orders 99-12-A1 and 99-12.

11. This Administrative Order shall take effect on October 1, 2004 and shall remain in effect until further order of the Court.

12. The Clerk is directed to file a copy of this Administrative Order in Case No. 04-1, 02-1, 01-1, 99-1, 97-1, 95-1, 94-1, 92-1, and 89-1.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this _____ day of October, 2004.

JOSEPH P. FARINA, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA