

STATE OF FLORIDA
TENTH JUDICIAL CIRCUIT COURT

COMPENSATION AND QUALIFICATIONS FOR
COURT APPOINTED ATTORNEYS
IN DEPENDENCY, TERMINATION OF PARENTAL RIGHTS (TPR), CINS/FINS,
PARENTAL NOTIFICATION AND EMANCIPATION CASES

COMPENSATION

Pursuant to Sections 27.5304, 39.0134, 743.015, 390.01114 and Chapter 984, Florida Statutes, attorneys appointed to a case on or after May 1, 2006, in any of the courts in the Tenth Judicial Circuit of the State of Florida, in dependency cases, termination of parental rights cases, cases involving the removal of the disability of nonage, parental notice of abortion cases and cases involving Children or Families in Need of Services, shall be compensated at the following hourly rate for the number of hours determined by the presiding judge in the case to have reasonably been required and actually devoted by the attorney in the case, to wit:

- (1) The attorney shall be compensated at the rate of \$100.00 for in-court work or out-of-court work for services rendered as court appointed counsel.
- (2) The minimum fee for each representation shall be \$150.00
- (3) Compensation in TPR cases shall not exceed the statutory maximum of \$1,000.00 at the trial level and \$2,500.00 at the appellate level.
- (4) Travel time: \$75.00 (In the event more than one court-appointed case is handled or dealt with during any billed trip, the travel time shall be allocated between the cases.)

Time will be billed to the quarter-hour or tenth-hour. Additionally, an attorney does not have to wait until the case's resolution before seeking compensation, but instead may bill at various stages of the case. In Dependency cases, the timing for such billing shall be as set forth in §27.5304(7), Florida Statutes.

An attorney may specify in which county or counties in the Tenth Circuit that they wish to accept appointments. In addition, an attorney, upon approval by the court, may be excused from an appointment for good cause shown without relinquishing the right to continue receiving appointments in other cases.

WHEN IT APPEARS THAT THE FEES INVOLVED IN A CASE MAY AMOUNT TO MORE THAN THE STATUTORY MAXIMUM, THE APPOINTED ATTORNEY MAY MAKE A MOTION TO EXCEED THAT AMOUNT WHICH SHALL BE HEARD AS SOON AS CAN BE ARRANGED. NO FEES GREATER THAN THE STATUTORY MAXIMUM WILL BE APPROVED WITHOUT COURT AUTHORIZATION. TIME SPENT IN PREPARATION OF ANY MOTION TO EXCEED AND ANY HEARING HELD ON THE MOTION SHALL BE COMPENSATED AT THE RATES SET FORTH IN THIS DOCUMENT.

QUALIFICATIONS

Trial counsel and appellate counsel appointed by the court must:

- (1) Be a member in good standing of The Florida Bar
- (2) Maintain malpractice insurance
- (3) For appointment in dependency cases and dependency appeals, have been a member of The Florida Bar for at least two years and an experienced and active practitioner
- (4) For appointment in TPR cases, have been a member of any state Bar for a minimum of five years, two of which must be The Florida Bar and an experienced and active practitioner having been lead counsel representing an offending parent in no fewer than 10 dependency cases
- (5) For appointment in any appeal in a TPR case, meet the requirements in section (4) above or have been an experienced and active appellate practitioner for at least three years
- (6) For appointment in “egregious conduct” or other “front-end” TPR’s, have previously represented an offending parent in a minimum of three (3) regular TPR’s
- (7) Comply with all ethical rules and regulations of The Florida Bar regarding client conflicts
- (8) In each reporting CLE period of membership in The Florida Bar, attend a minimum of three (3) hours of Florida Bar approved continuing legal education devoted to Dependency, Termination of Parental Rights, Mental Health, Child Development, Child Abuse/Neglect, Domestic Violence, Substance Abuse, or other Dependency related areas, proof of which to be supplied to the ISC upon request

DUE PROCESS COSTS

- (1) Court Interpreting When needing the services of a court interpreter, court appointed counsel is strongly encouraged to utilize the services of the due process vendors who are listed on Exhibit A.
- (2) Court Reporting When needing the services of a court reporter, court appointed counsel may utilize the services of the due process service vendors found in Exhibit B, or may utilize the services of the Tenth Circuit Electronic Court Reporter’s (ECR) Office for recording of depositions, obtain a compact disc copy of that recording from the ECR Office and then have the transcription completed by one of the vendors on Exhibit B or another privately retained court reporter. If a court reporter not listed on Exhibit B is retained to provide services, the maximum rates allowable will be those found on Exhibit C.

- (3) Expert Witnesses When needing the services of an expert witness for evaluations and testimony, both in-court and by deposition, court appointed counsel may retain the services of the expert witness at the rates as set forth in Exhibit E.
- (4) Investigators In a Dependency or TPR case, court appointed counsel may retain the services of an investigator and compensate for such services at the maximum rate of \$50.00 per hour for a maximum of 15 (fifteen) hours per case. The period of 15 hours may be exceeded after obtaining a court order allowing such, upon a showing of good cause to the court.
- (5) Service of Process For process of service within Florida, the maximum rate of \$25.00 per service of process or attempted service and a maximum of \$20.00 per service of process or attempted service shall be allowed. No payment shall be paid for service of process or attempted service beyond the second service or attempt of service. For service within Florida, process servers will not be paid for mileage, regardless of destination. Allowable fees for service of process outside of Florida will be the actual amount billed.
- (6) Miscellaneous Expenses
 - a. Travel Expenses: Mileage, transportation and per diem will be paid in accordance with Section 112.061, Florida Statutes for out-of-county travel only.
 - b. Photocopies: Copies will be reimbursable at the rate of 15 cents per page.
 - c. Faxes: Incoming faxes will reimbursable at the rate of 15 cents per page.
 - d. Long Distance Calls: Long Distance telephone calls will be reimbursable at the actual cost.
- (7) The rates contained in the Exhibits are the rates that the Court will approve when presented with a Motion for Attorney's Fees and Costs.
- (8) If court appointed counsel chooses to retain a due process service provider other than those listed on the Exhibits, the Court will not approve any rates that are higher than those set out in the Exhibits.
- (9) Court appointed counsel is responsible to check the Circuit web site for updates to the Exhibits, as they are subject to change.
- (10) The Exhibits will be known as: Vendors & Fees – Exhibit A; Court Reporting Fee Schedule – Exhibit B; Tenth Circuit Electronic Court Reporter's Office Fee Schedule - Exhibit C; and Expert Witness Fees – Exhibit D.

Established by the Tenth Circuit Indigency Services Committee on October 16, 2006.