

STATE OF FLORIDA  
TENTH JUDICIAL CIRCUIT COURT

COMPENSATION AND QUALIFICATIONS FOR  
COURT APPOINTED ATTORNEYS  
IN JIMMY RYCE CIVIL COMMITMENT CASES

COMPENSATION

Pursuant to Section 27.5304 and 394.916, Florida Statutes, attorneys appointed to a case on or after February 15, 2007, to represent a defendant in involuntary civil commitment proceedings, including appeals, in any of the courts in the Tenth Judicial Circuit of the State of Florida, shall be compensated at the following hourly rates 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 \$85.00 per hour for in-court work or out-of-court work for services rendered as court appointed counsel
- (2) No fee incurred may exceed a total of \$5,000.00 for any case without specific approval from the assigned judge
- (3) 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, the attorney may seek leave from the court to apply for compensation six months after appointment and every six months thereafter, until the conclusion of the case.

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 attorneys appointed by the court must:

- (1) Be a member in good standing of The Florida Bar

- (2) Will attend a minimum of ten hours of Florida Bar approved continuing legal education devoted to criminal or civil practice in each Florida Bar Reporting period
- (3) Maintain malpractice insurance
- (4) Have been a member of The Florida Bar for at least five years and an experienced and active trial practitioner with no fewer than ten state or federal jury trials.

Appellate counsel appointed by the court must:

- (1) Be a member in good standing of The Florida Bar
- (2) Have attended within the previous 24 months a minimum of six hours of Florida Bar approved continuing legal education devoted to appellate law
- (3) Maintain malpractice insurance
- (4) Have been a member of The Florida Bar for at least three years, an experienced and active practitioner in the field of appellate criminal law or have experience in the appeal of at least five criminal or civil cases

#### 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 criminal or juvenile delinquency 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 be 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 February 5, 2007.