



Justice Administrative Commission
Policies and Procedures

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Executive Director

For Private Court-Appointed Counsel



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Checklists

Attorney's Fees & Costs

For attorney's fees and costs to be paid, JAC must have received the following documents:

- ⇒ Order of Appointment. See § I-D
- ⇒ Charging Document. See § I-E
- ⇒ Invoice/Voucher Cover. See § II-A
- ⇒ Dispositional Document. See § II-A
- ⇒ Itemized Hourly Statement (Hourly bills only). See § II-D
- ⇒ Progress docket (Hourly bills only). See § II-D

Due Process Costs

For due process service costs to be paid, JAC must have received the following documents:

- ⇒ Order of Appointment. See § I-D
- ⇒ Charging Document. See § I-E
- ⇒ Invoice/Voucher Cover. See § III-A
- ⇒ Order authorizing specific due process costs unless costs are permitted without the need for prior court approval. See § III-C

Section I – Appointments/Opening a Case

A. General Practices and Procedures

Hierarchy of Appointment

JAC has no authority to pay for cases that have not been properly appointed to private counsel. Private court-appointed counsel has an obligation to verify that the Public Defender and Regional Counsel, as applicable, have been properly relieved or discharged from the case.

The court must first appoint the Public Defender for criminal cases and certain other civil cases where provision is made for appointed counsel and the Public Defender is authorized to provide representation. For other civil cases where provision is made for appointed counsel, the court must first appoint the Office of Criminal Conflict and Civil Regional Counsel (Regional Counsel).

In those instances where a provision is made for appointed counsel, and where the Public Defender is unable to provide representation due to a conflict of interest, the court shall then appoint Regional Counsel. If Regional Counsel is unable to provide representation due to a conflict of interest, only then shall the court appoint private counsel.

Thus, if the Public Defender is not authorized to provide representation or withdraws due to a conflict, and the Regional Counsel withdraws due to a conflict, only then may the court appoint private counsel from the registry. See generally § 27.511 & § 27.5303, Fla. Stat. (2007).

(Please note, however, for appointments on or after October 1, 2007, through December 31, 2007, the court may appoint private counsel without referring the case to Regional Counsel only if the court makes a written finding that Regional Counsel is not sufficiently operational to assume representation for that particular case at the time of appointment.)

Registry

The court shall appoint private counsel from the circuit's applicable registry as compiled and approved by the chief judge and as maintained by the Clerk of Court. See § 27.40(3)(a), Fla. Stat. (2007). The court shall appoint private counsel in rotating order as the names appear on the registry, unless the court makes a finding of good cause on the record for appointing counsel out-of-order.

To be included on a circuit's applicable registry, private counsel shall certify that they meet any minimum requirements established in general law for court appointment, are available to represent indigent defendants in cases requiring appointed counsel, and are willing to abide by the terms of the JAC's contractual agreement for services.

Contractual Agreement for Services

Pursuant to sections 27.40, 27.52, and 27.5304, Fla. Stat., private counsel appointed by the court on behalf of a person entitled to court-appointed representation shall enter into a contractual agreement for services with JAC. Additionally, to be included on a circuit's applicable registry, private counsel must enter into a contractual agreement for services with JAC. A downloadable, reviewable and printable copy of JAC's Agreement for Attorney Services is available on the JAC website at www.justiceadmin.com.

Due Diligence

Private court-appointed counsel is responsible for verifying that, as applicable, the Public Defender and/or Regional Counsel have properly withdrawn from the case. If private court-appointed counsel fails to verify that the Public Defender and Regional Counsel have been properly relieved or discharged from the case, appointed counsel may not receive any compensation for the case.

The withdrawal of the Public Defender or Regional Counsel from an earlier proceeding shall not create any presumption that those offices continue to have a conflict for later proceedings including, but not limited to, appeals, violation of probation or community control proceedings, motions for post-conviction relief, and any other extraordinary remedies for which court-appointed counsel is authorized under Florida law.

No Assignment

Private court-appointed counsel may not assign or subcontract work on a court-appointed case. Appointed counsel is expected to perform all of the legal services on the case. Appointed counsel may not bill or be paid for any legal services performed by another attorney. See § 27.5304(8), Fla. Stat. (2007).

Reappointment

A re-opened matter requires a fresh order of appointment. If private court-appointed counsel embarks upon a new phase of representation which entitles appointed counsel to a new compensation structure, such as moving from the trial phase to appeal phase for the same case, then a new order of appointment is needed.

Appointment of Second-Chair Counsel

Where the State has not waived the death penalty, JAC generally does not object to the court's appointment of second-chair counsel where lead counsel is court-appointed. However, JAC lacks statutory authority to pay for appointment of second-chair counsel where lead counsel is privately retained. Therefore, JAC objects to any appointment of second-chair counsel where defendant is represented by privately retained lead counsel.

If the State waives the death penalty, then appointed second-chair counsel should seek to withdraw from the case. If appointed second-chair counsel does

not seek to withdraw, JAC will object to any attorney's fees incurred after the State waived the death penalty.

JAC will not process any attorney's fees until the case either reaches final disposition and/or a billable point, at which point both appointed lead counsel and appointed second-chair counsel should appropriately complete, execute and submit the applicable Invoice/Voucher Cover, as well as all necessary supporting documents.

Withdrawal / Full Performance (Flat Fee Only)

For appointments prior to July 1, 2007, when private court-appointed counsel is discharged prior to final disposition, a presumption arises that appointed counsel is not entitled to the full flat fee.

For appointments on or after July 1, 2007, appointed counsel is discharged prior to final disposition is not entitled to payment of the full flat fee set forth in the General Appropriations Act. See § 27.5304(11), Fla. Stat. (2007). If appointed counsel is permitted to withdraw and the court appoints subsequent private counsel, the combined total compensation for all private court-appointed counsel may not exceed the flat fee.

JAC will not process any intended billing for attorney's fees until the case reaches final disposition (or a billable point in Chapter 39 cases). Any bill received prior to final disposition will be held until the case reaches final disposition and all appointed counsel have submitted their bills. All appointed counsel having served on the case should appropriately complete, execute and submit the applicable Invoice/Voucher Cover, as well as all necessary supporting documents. JAC will not commence its review of any intended billing until all appointed counsel have submitted their bills for that case.

Limited Appointment

If private counsel is appointed by the court to a limited portion of an existing case, such as re-sentencing, restitution hearing, or shelter hearing, appointed counsel will only be paid that portion of the flat fee as determined by the court. If the case is still pending final disposition, then the case will be treated in the same fashion as other full performance cases.

Death of Appointed Counsel

Upon the death of private court-appointed counsel, the inventory attorney assigned pursuant to Rule 1-3.8 of the Rules Regulating the Florida Bar, or the administrator of the estate, shall provide JAC one copy of the death certificate.

The following is required for each court-appointed case for which payment of attorney's fees is sought posthumously:

1. Copy of the death certificate.
2. Copy of the docket sheet.

3. Copy of counsel's time report for any case payable on an hourly basis.
4. Appropriately completed and executed Invoice/Voucher Cover, as well as all necessary supporting documents.

The following is required for each court-appointed case for which due process services may have been ordered and not yet paid, and for which payment of due process costs is sought posthumously:

1. Copy of documentation that indicates due process services were ordered.
2. Inventory attorney or the administrator of the estate may certify receipt of those due process services ordered and rendered prior to death.
3. Private counsel subsequently appointed by the court to any open case of deceased counsel may certify receipt of those due process services ordered prior to death regardless of when services were rendered.

Appointed Counsel Separates from Law Firm

If appointed counsel is named in the order of appointment and appointed counsel is the payee under the JAC's Agreement for Attorney Services, then appointed counsel retains the case even if counsel changes law firms absent further court order.

If appointed counsel is named in the order of appointment, but the payee under the JAC's Agreement for Attorney Services is a law firm or other legal entity, then appointed counsel retains the case even if counsel changes law firms absent further court order. If appointed counsel desires to direct payment to a new legal entity, counsel will have to execute a new Agreement for Attorney Services.

If a legal entity is named in the order of appointment, and the legal entity's assigned counsel handling the case leaves the firm, then the case remains with the legal entity absent further court order. If a new order of appointment is entered, the order shall be timely provided to JAC.

Appointed Counsel Becomes Magistrate or Judge

When appointed counsel becomes a magistrate or judge, the new magistrate or judge may be unable to conclude JAC's payment process after assuming his or her official duties. If a motion and court order are required for compensation, the new magistrate or judge may be prohibited from filing such a motion. Judicial Canon (5)(G) prohibits a judge from practicing law.

Another attorney may act on behalf of the new magistrate or judge to complete the payment process. The order to pay needs to reflect that payment will be made to the person or legal entity identified in the Agreement for Attorney Services executed by the new magistrate or judge.

Discharge for Malfeasance or Suspension

If appointed counsel is discharged from a case due to malfeasance, misfeasance, or nonfeasance, or due to a suspension or disbarment by the

Florida Bar, JAC objects to payment of attorney's fees and costs relating to appointed counsel's representation of the client. JAC's liability for payment shall be limited to activities and services that will not have to be duplicated by successor counsel.

B. Definition of "Case"

Generally

In general, a "case" is each matter assigned a case number by the Clerk of the Court to an indigent person. However, assignment of a case number is not dispositive as to whether it constitutes a case for payment purposes. All cases which are consolidated, contain multiple counts, and are combined or collapsed into single case number shall be considered one case under that case number.

Criminal

If appointed counsel is representing a defendant charged with more than one offense in the same case, counsel shall be compensated at the rate provided for the most serious offense, even if the offenses arose from separate transactions. See § 27.5304(1), Fla. Stat. (2007). Payment is based on the offense charged in an information, indictment, or petition for delinquency. JAC does not determine payment based on the arrest affidavits, police report, order of appointment, or other document unless that document constitutes a charging document under Florida law. An offense severed for trial or any other purpose is not considered a separate case for billing purposes.

Violation of Probation (VOP) or Violation of Community Control (VOCC)

Each case for which the state petitions to revoke probation or community control constitutes a separate case for billing purposes.

Post Conviction Proceedings

Each case for which the attorney is appointed to provide representation to a defendant shall constitute a separate case for billing purposes. However, if an attorney is appointed only to certain counts of the motion, the attorney shall only be compensated for the cases related to those counts.

Dependency

Attorney's fees shall be paid based upon representation of a parent irrespective of the number of case numbers that may be assigned or the number of children involved, including any children born during the pendency of the proceeding. See § 27.5304(6)(a), Fla. Stat. (2007). If more than one parent is represented by the same appointed counsel, the case shall be considered one case for billing purposes. If a case is closed for more than a year, and the trial court retained jurisdiction, upon reactivation of protective supervision, the case is considered a new case for billing purposes.

C. Case Opening Documents

Mandatory Documentation

Upon appointment, private court-appointed counsel must submit the following required case opening documents:

- (1) order of appointment; and
- (2) charging document in criminal cases or initial pleading (initial petition) in civil cases (other than dependency and termination of parental rights cases).

Timely Submission

Private court-appointed counsel must submit the required case opening documents ***within 30 days of the date of appointment.***

Submission of Documents

Unless an original is required or requested by JAC, documents such as motions or court orders may be faxed to JAC at the circuit specific fax number listed on JAC's website.

However, forms or documents requiring an original signature, such as Invoice/Voucher Covers, invoices, and travel reimbursement forms, ***may not be faxed.*** Accordingly, such documents should be mailed to JAC at:

Justice Administrative Commission
P.O. Box 1654
Tallahassee, Florida 32302

To distinguish originals from photocopies, all originals must be signed in blue ink.

Responsibility

Private court-appointed counsel is responsible for verifying and ensuring that the required case opening documents are timely and properly submitted, that JAC has received the required case opening documents, and that JAC has entered the case into JAC's database. Appointed counsel may verify that a case has been opened through the JAC website.

Case Numbering Consistency

The case number that appears on the order of appointment provided by private court-appointed counsel must be used on all further submissions by appointed counsel for that case. If the court consolidates the original case with any subsequent case, or the case receives a new case number when it enters a new stage, any case-related submissions should reference both the original case number and any subsequent case numbers.

For example, if the order of appointment in a chapter 744 guardianship case has an “MH” designation in the case number, but later converts into a guardianship “GA” case number, appointed counsel must continue to reference both the “GA” and “MH” numbers in all documents provided to JAC.

Payment Priority

JAC cannot pay attorney’s fees and costs, and related expenses, until the required case opening documents are timely and properly submitted. If there is a shortfall in appropriations for private court-appointed counsel, JAC shall give priority in payment to those who have timely and properly complied with submission requirements.

D. Order of Appointment

General Requirements

An order of appointment is required for every case in which private court-appointed counsel is seeking attorney’s fees and costs, and related expenses, from the State of Florida. The order of appointment must be dated and indicate the name of the judge, the style of the case, and the case number.

Please note that no payment for hourly billing can be processed which precedes the date of an order of appointment. However, an order appointing counsel *nunc pro tunc* to the date the court orally made the appointment is generally acceptable. **JAC will not accept a *nunc pro tunc* order authorizing an appointment prior to the date a court actually orally appointed counsel.**

Termination of Parental Rights (TPR) Requirements

In chapter 39 termination of parental rights (TPR) cases, private court-appointed counsel should obtain an order of appointment for the TPR proceedings, even if counsel is already appointed to the dependency case. JAC is required to track payment of attorney’s fees for TPR proceedings separately from attorney’s fees for the underlying dependency case.

E. Charging Documents

Criminal Cases

An indictment or information is required for all criminal matters or cases where such a pleading is filed.

Where a “Notice of No Information” has been filed, appointed counsel shall supply the necessary supporting documentation to establish the existence of the case, such as the police report, the booking report, the face-sheet of the docket, or any other court document which delineates the charges against the defendant.

Juvenile Delinquency Cases

The petition for delinquency is required.

Where a “No Petition” has been filed, appointed counsel shall supply the necessary supporting documentation to establish the existence of the case, such as the police report, the booking report, the face-sheet of the docket, or any other court document which delineates the charges against the minor child. If the State elects to “Direct File,” the direct file document must be submitted to JAC.

Violation of Probation (VOP) or Violation of Community Control (VOCC)

The petition or affidavit seeking to revoke probation or community control is required for all criminal and delinquency VOP and VOCC cases.

Post Conviction Proceedings

Appointed counsel is responsible for providing enough of the motion so that JAC can identify the type of motion and the issues presented therein. If the motion is less than 20 pages, then the entire motion should be provided.

Dependency Cases / Termination of Parental Rights Cases (TPR)

Unless specifically requested, a charging document is generally not required as long as the order of appointment is clear as to the nature of the appointment.

General Civil Cases

A copy of the initial pleading (initial petition) is required.

Appeals

A copy of the Notice to Appeal is required including the order(s) being appealed, as well as a copy of the charging document for the underlying case except for dependency and termination of parental rights cases.

Section II – Attorney’s Fees & Costs

A. General Practices and Procedures

Obligation

Appointed counsel billing for attorney’s fees and costs shall follow the requirements of Florida Law, JAC’s Agreement for Attorney Services, JAC’s Policies and Procedures, and any applicable local requirements promulgated pursuant to Florida law, whether implemented through an Administrative Order or by other means.

Any forms and documents submitted to JAC should include private court-appointed counsel’s name and bar license number.

Invoice/Voucher Cover

The Invoice/Voucher Cover is essential for the satisfactory submission of any request for attorney’s fees and costs. Appointed counsel must appropriately

complete, execute, and submit the applicable Invoice/Voucher Cover, as well as all necessary supporting documents.

All necessary and applicable Invoice/Voucher Covers for attorney's fees and costs are available on the JAC website. Additionally, corresponding instructions are also available on the JAC website.

Certification of Time

If appointed counsel seeks to bill attorney's fees on an hourly basis, counsel shall itemize legal services (itemized in tenths of an hour increments) and certify the time. By executing the applicable Invoice/Voucher Cover available on the JAC website, appointed counsel is certifying under oath that counsel has completed the work listed in the itemized statement. Instructions on how to properly complete the applicable Invoice/Voucher Cover are available on the JAC website.

Certification of Costs

If appointed counsel seeks reimbursement for costs (i.e. reimbursable expenses), such costs are required to be certified. By executing the applicable Invoice/Voucher Covers available on the JAC website, appointed counsel is certifying that counsel actually expended the funds for which counsel is seeking reimbursement. Instructions on how to properly complete the applicable Invoice/Voucher Cover are available on the JAC website.

Disposition Documentation

Appointed counsel must submit appropriate court documents indicating the case has reached final disposition, a billable point for Chapter 39 cases, or the court has discharged counsel from the case.

Appellate Disposition Documentation

Appointed counsel must supply a copy of the court's mandate except where billing is authorized prior to final disposition. Counsel shall also provide JAC with a copy of any appellate briefs filed by counsel. The brief may be provided in either electronic or paper format.

Withdrawal / Limited Appointment Disposition Documentation

If private court-appointed counsel has not completed the case or reached final disposition prior to discharge, appointed counsel shall provide JAC a copy of the order discharging the attorney. However, if the order does not clearly reflect the reason for withdrawal, the motion must also be submitted to JAC.

If private court-appointed counsel is discharged due to the client's retention of privately retained counsel, then the order or the motion should reflect that this is the basis for discharge.

Full Performance / Multiple Attorneys Appointed to Case

The flat fee under the General Appropriations Act constitutes full compensation for all attorneys appointed to a case absent a finding the case is unusual and extraordinary. See § 27.5304(11)-(12), Fla. Stat. (2007). Except for capital cases with co-counsel, where multiple attorneys were appointed to a case, any bill received prior to final disposition will be held until the case reaches final disposition and all appointed counsel have submitted their bills.

JAC will not commence its review of any intended billing until all appointed counsel have submitted their bills for that case regardless of whether one or more attorneys asserts the case is unusual and extraordinary. Once JAC issues its responses to the intended billings, the attorneys appointed to case should schedule a single hearing for the court to determine how to apportion the flat fee among the attorneys.

Review and Response

Upon submission of an intended billing for attorney's fees and costs, JAC shall review for completeness and compliance with contractual and statutory requirements. Upon review, depending on whether the intended billing was for payment of a flat fee, payment on an hourly basis, or payment in excess of the flat fee or statutory limitations, JAC will send appointed counsel an appropriate response including those set forth below.

Billing Audit Deficiency

When JAC receives an intended billing for attorney's fees and costs which lacks the applicable forms, necessary documentation or requisite information, JAC may send appointed counsel a Billing Audit Deficiency. The Billing Audit Deficiency will indicate the reason JAC is unable to process the intended billing and will request that counsel provide the lacking materials.

JAC may, at its discretion, send a Billing Audit Deficiency in an effort to resolve a math error, a rate error, or any other error/issue pertaining to the intended billing.

A Billing Audit Deficiency is not a Letter of Objection and cannot be relied upon as a basis to file a motion. Accordingly, counsel may not file a motion for attorney's fees and costs based upon JAC's Billing Audit Deficiency.

For any reply or response to the Billing Audit Deficiency, appointed counsel should utilize the facsimile number provided at the bottom of the Billing Audit Deficiency. Utilizing the provided facsimile number will help ensure that any reply or response is timely forwarded to the correct auditor.

Returned Bills

JAC will return any intended billing for which it lacks statutory authority to pay for the type of representation that is being billed. JAC will also return any intended billing that is duplicative of an intended billing previously received by JAC. JAC may also return an intended billing for other reasons including, but not limited to,

failure to provide additional information or documentation as requested in a Billing Audit Deficiency.

If appointed counsel files a motion for attorney fees and costs, JAC is entitled to notice and an opportunity to be heard. JAC's return of an intended billing does not constitute a waiver of JAC's right to a hearing on the matter.

Administrative Payment (Flat Fee Only)

In accordance with section 27.5304, Fla. Stat., JAC may administratively approve, without the need for a court order, payment of a flat fee billing for attorney's fees and costs that meets statutory and contractual requirements. However, if upon review JAC determines that a flat fee billing for attorney's fees and costs can not be administratively approved for payment, JAC will send counsel a Billing Audit Deficiency, a Letter of Objection, or a Letter of No Objection, or JAC will return the bill.

Payment by JAC shall be made in accordance with sections 215.422 and 287.0585, Fla. Stat., which govern time limits for payment. Time limits do not begin until counsel has made a satisfactory submission, including the appropriately completed and executed applicable forms, as well as all necessary supporting documents, and when required, any motions and/or court orders associated with and/or directing payment.

Letter of Objection

When JAC objects to any portion of an intended billing for attorney's fees and costs, JAC will send counsel a Letter of Objection. The Letter of Objection will identify JAC's specific objection(s) and indicate JAC's corresponding reason for the objection(s).

The receipt of JAC's Letter of Objection is a mandatory condition precedent to appointed counsel's filing of a motion for attorney's fees and costs. Upon receipt of the Letter of Objection, appointed counsel may file a motion for attorney's fees and costs with service upon JAC a minimum of five days prior to any hearing on the motion. Pursuant to section 27.5304, Fla. Stat., and the JAC Agreement for Attorney Services, counsel shall not file or set for hearing a motion for attorney's fees and costs until JAC issues a Letter of Objection or a Letter of No Objection. Any motion for attorney's fees and costs must specify whether JAC objects to any portion thereof or the sufficiency of documentation. Counsel shall attach JAC's Letter of Objection to the motion. Counsel must serve a copy of the motion on JAC along with all attachments including JAC's Letter of Objection.

Letter of No Objection (Hourly Bill Only)

When an intended billing for hourly attorney's fees and costs is satisfactorily submitted, and JAC has no objection to any portion thereof, JAC will send counsel a Letter of No Objection. Upon receipt of JAC's Letter of No Objection,

appointed counsel may file a motion for attorney's fees and costs. Counsel shall attach JAC's Letter of No Objection to the motion.

Additional Information

If appointed counsel, after having received an objection letter, wishes to provide additional information in an effort to remedy and/or satisfy the objections set forth in the JAC's Letter of Objection, counsel may do so. However, any such additional information should be constructed in such a manner that permits for the additional information to be discernable and readily ascertainable. For example, an amended hourly statement should have the amended information bolded and/or underlined to assist the auditor with easily identifying the amendments.

Changes / Alterations

JAC will not alter or change any intended billing for attorney's fees and costs without the signed authorization of appointed counsel. Unless an original signature is specifically requested, JAC will accept an amendment to a bill via facsimile.

B. Legal Challenges

Notice Requirement

Unless JAC has expressly waived its right to a hearing, JAC must be served with a copy of a written motion and notice of hearing prior to a court entering an order regarding any motion for attorney's fees, costs, or related expenses. Thus, counsel shall not seek to obtain a court order prior to obtaining a response from JAC. A copy of the motion must be served on JAC a **minimum of five business days** prior to the date of the hearing on the motion.

JAC's failure to respond to any motion shall not constitute a waiver of JAC's right to be heard regarding the matter. If counsel obtains an order in violation of this notice requirement, counsel agrees not to contest any motion to vacate filed by JAC.

Orders

Any order directing JAC to pay attorney's fees and costs must be served upon JAC no later than 72 hours after entry of the order. Appointed counsel is responsible for ensuring JAC receives any such order in a timely and proper fashion. If appointed counsel does not provide an order to JAC in a timely and proper fashion, counsel shall not contest any motion to vacate filed by JAC.

C. General Compensation

Compensation Rates

Private court-appointed counsel's compensation rates for attorney's fees and costs are governed primarily by the General Appropriations Act, section 27.40

through section 27.5304, section 29.007, and section 112.061 of the Florida Statutes.

The applicable compensation rate will be determined by date of appointment. For dates of appointment prior to July 1, 2007, the rates established by the local Indigent Services Committee remain in effect. For dates of appointment on or after July 1, 2007, the rates set forth in the General Appropriations Act for the applicable year will apply.

The rates under the 2007-2008 General Appropriation Act apply to any case with a date of appointment on or after July 1, 2007, through June 30, 2008. These rates are listed herein and can be found at Chapter 2007-72, Section 4, Lines 913 and 915, Laws of Florida.

Exclusive List

The categories in the General Appropriations Act are the only case types for which JAC has been appropriated funds for private court-appointed counsel. JAC has not been funded for any other case types and, therefore, lacks any statutory authority to pay for such case types. In the event a court appoints private counsel to a matter for which JAC is not authorized to pay for appointed counsel, JAC cannot pay attorney's fees and costs.

Flat Fee Presumed Full Compensation

For cases appointed on or after July 1, 2007, all cases are subject to the applicable flat fee under the General Appropriations Act. The flat fee is intended to be full compensation regardless of the number of attorney's assigned to case. In rare cases, appointed counsel may seek compensation in excess of the flat fee pursuant to the standards and requirements set forth in section 27.5304(12), Fla. Stat. (2007).

Flat Fee Rates under the General Appropriations Act (Civil Cases)

The flat rates for appointments on or after July 1, 2007 through June 30, 2008, are set forth in the General Appropriations Act for Fiscal Year 2007/2008, Ch. 2007-72, Laws of Florida, Section 4, Lines 913 & 915. The flat rate for appointments on or after July 1, 2008, are set in the General Appropriations Act for Fiscal Year 2008/2009, Ch. 2008-152, Laws of Florida, Section 4, Lines 819 & 821 The table below contains the rates applicable for each Fiscal Year.

These rates apply to any case with date of appointment on or after July 1, 2007.

Case Type	Flat Rate Fee F.Y.	
	F.Y. 2007/2008	F.Y. 2008/2009
CIVIL CASES		
ADMISSION OF INMATE TO MENTAL HEALTH FACILITY	\$300	\$300

Case Type	Flat Rate Fee F.Y.	
	F.Y. 2007/2008	F.Y. 2008/2009
CIVIL CASES		
ADULT PROTECTIVE SERVICES ACT - Ch. 415, F.S.	\$500	\$500
BAKER ACT/MENTAL HEALTH - Ch. 394, F.S.	\$400*	\$400*
CINS/FINS - Ch. 984, F.S.	\$750	\$750
CIVIL APPEALS	\$400	\$400
DEPENDENCY - Up to 1 Year	\$1,000	\$800
DEPENDENCY - Each Year after 1st Year	\$200	\$200
DEPENDENCY APPEALS	\$1,000**	\$1,000**
DEVELOPMENTALLY DISABLED ADULT - Ch. 393, F.S.	\$400	\$400
EMANCIPATION - Section 743.015, F.S.	\$400	\$400
GUARDIANSHIP - EMERGENCY - Ch. 744, F.S.	\$400	\$400
GUARDIANSHIP - Ch. 744, F.S.	\$400	\$400
MARCHMAN ACT/SUBSTANCE ABUSE - Ch. 397, F.S.	\$300	\$300
MEDICAL PROCEDURES - Section 394.459(3), F.S.	\$400	\$400
PARENTAL NOTIFICATION OF ABORTION ACT	\$400	\$400
TERMINATION OF PARENTAL RIGHTS - Ch. 39, F.S. - Up to 1 Year	\$1,000	\$1,000
TERMINATION OF PARENTAL RIGHTS - Ch. 39, F.S. - Each Year after 1st Year	\$200	\$200
TERMINATION OF PARENTAL RIGHTS - Ch. 63, F.S. - Up to 1 Year	\$1,000	\$1,000
TERMINATION OF PARENTAL RIGHTS - Ch. 63, F.S. - Each Year after 1st Year	\$200	\$200
TERMINATION OF PARENTAL RIGHTS APPEALS	\$2,000***	\$2,000***
TUBERCULOSIS - Ch. 392, F.S.	\$300	\$300

*This rate also covers Jimmy Ryce cases.

**Although the rate in the GAA is \$2,000, section 27.5304(6)(c), Fla. Stat., limits the rate for dependency appeals to \$1,000. Counsel may bill a flat fee not exceeding \$750 upon filing the initial brief or the granting of a motion to withdraw. If a brief is filed, counsel may bill an additional flat fee not exceeding \$250 upon rendition of the mandate.

***Counsel may bill a flat fee not exceeding \$1,000 upon filing the initial brief or the granting of a motion to withdraw. If a brief is filed, counsel may bill an additional flat fee not exceeding \$1,000 upon rendition of the mandate.

Flat Fee Rates under the General Appropriations Act (Criminal Cases)

The flat rates for appointments on or after July 1, 2007 through June 30, 2008, are set forth in the General Appropriations Act for Fiscal Year 2007/2008, Ch. 2007-72, Laws of Florida, Section 4, Lines 913 & 915. The flat rate for appointments on or after July 1, 2008, are set in the General Appropriations Act for Fiscal Year 2008/2009, Ch. 2008-152, Laws of Florida, Section 4, Lines 819 & 821 The table below contains the rates applicable for each Fiscal Year.

These rates apply to any case with date of appointment on or after July 1, 2007.

CRIMINAL CASES	F.Y. 2007/2008	F.Y. 2008/2009
POSTCONVICTION - Rules 3.850 and 3.800, F.S.	\$1,000	\$1,000
CAPITAL - 1ST DEGREE MURDER (LEAD COUNSEL)	\$15,000*	\$15,000*
CAPITAL - 1ST DEGREE MURDER (CO-COUNSEL)	\$15,000*	\$15,000*
CAPITAL SEXUAL BATTERY	\$2,000	\$2,000
CAPITAL APPEALS	\$2,000	\$2,000
CONTEMPT PROCEEDINGS	\$400	\$400
CRIMINAL TRAFFIC	\$400	\$400
EXTRADITION	\$500	\$500
FELONY - LIFE	\$2,500**	\$2,500**
FELONY - PUNISHABLE BY LIFE	\$2,000	\$2,000
FELONY 1ST DEGREE	\$1,500	\$1,500
FELONY 2ND DEGREE	\$1,000	\$1,000
FELONY 3RD DEGREE	\$750	\$750
FELONY APPEALS	\$1,500	\$1,500
JUVENILE DELINQUENCY - 1ST DEGREE FELONY	\$600	\$600
JUVENILE DELINQUENCY - 2ND DEGREE	\$400	\$400
JUVENILE DELINQUENCY - 3RD DEGREE	\$300	\$300
JUVENILE DELINQUENCY - FELONY LIFE	\$700	\$700
JUVENILE DELINQUENCY - MISDEMEANOR	\$300	\$300
JUVENILE DELINQUENCY APPEALS	\$1,000	\$1,000
MISDEMEANOR	\$400	\$400
MISDEMEANOR APPEALS	\$750	\$750
VIOLATION OF PROBATION - FELONY (INCLUDES VOCC)	\$500	\$500
VIOLATION OF PROBATION - MISDEMEANOR (INCLUDES VOCC)	\$300	\$300
VIOLATION OF PROBATION [VOCC] JUVENILE DELINQUENCY	\$300	\$300

*This rate only applies to capital cases for which, at the time of appointment or thereafter, the potential sentence is death and the state has not waived seeking the death penalty.

**This rate also applies to capital cases (other than capital sexual battery) for which, at the time of appointment, the state had waived seeking the death penalty or the potential sentence did not include the possibility of a death sentence.

Applicable Flat Fee

The applicable flat fee shall be determined by the highest offense charged in the information, indictment, or petition for delinquency during the pendency of appointed counsel's representation of the defendant. If a superseding information, indictment, or petition for delinquency increases the level of the charge, the applicable flat fee shall be at the rate for the higher charge. If a superseding information, indictment, or petition for delinquency reduces the charge, the applicable flat fee shall be at the rate for the original charge.

Statutory Limitations

The following table sets forth the statutory maximums for various types of cases effective for dates of appointment on or after May 24, 2007.

Case Type	Limitation
Misdemeanors and juveniles represented at the trial level	\$1,000
Non-capital, non-life felonies represented at the trial level	\$2,500
Life felonies represented at the trial level	\$3,000
Capital cases represented at the trial level	\$15,000
Appeal	\$2,000
Dependency proceedings (for first year following the date of appointment)	\$1,000
Dependency (for second year, and each year thereafter, while under protective supervision)	\$200
Motion to reactivate protective supervision (for first year following date of appointment)	\$200
Motion to reactivate protective supervision (for second year, and each year thereafter, while under protective supervision)	\$200
Termination of parental rights (for the first year following the date of appointment)	\$1,000
Termination of parental rights (for second year, and each year thereafter)	\$200
Appeals from an adjudication of dependency	\$1,000
Appeal from an adjudication of termination of parental rights	\$2,000
Maximum hourly rate for non-capital cases that exceed statutory limitations or the flat fee under the GAA pursuant to s. 27.5304(12)	\$75.00 Hour
Maximum hourly rate for capital cases that exceed statutory limitations or the flat fee under the GAA pursuant to s. 27.5304(12)	\$100.00 Hour

D. Hourly Billing Practices

Procedural Requirement

Private court-appointed counsel billing hourly are required to file a motion for attorney's fees and costs. Counsel is required to attach to the motion a copy of JAC's Letter of Objection or Letter of No Objection. Prior to filing a motion for fees and costs, counsel must comply with the requirements of section 27.5304, Fla. Stat., other provisions of Florida law, JAC's Agreement for Attorney Services, and these Policies and Procedures. A motion filed prior to JAC's response is legally premature as set forth above in Section II-A. Accordingly, JAC may seek to vacate any resulting order.

Hourly Billing Records

If appointed counsel intends to seek hourly compensation on a case, counsel must maintain contemporaneous records for the time spent on the case. **Failure to keep such records constitutes a waiver of the opportunity to seek hourly compensation on a case.** See § 27.40(7)(b), Fla. Stat. (2007). JAC has no authority to pay hourly billing unless counsel has kept and maintained contemporaneous records.

Billing Must be in Tenths

When billing hourly, appointed counsel shall submit an itemized billing in tenths of an hour increments as demonstrated in the chart below. JAC will round down for any submitted hourly billing that is not billed in tenths.

0.1	1-6 minutes
0.2	7-12 minutes
0.3	13-18 minutes
0.4	19-24 minutes
0.5	25-30 minutes
0.6	31-36 minutes
0.7	37-42 minutes
0.8	43-48 minutes
0.9	49-54 minutes
1.0	55-60 minutes

Total Time Billed

The total time billed for any particular work session on a case cannot exceed the amount of actual time expended during that work session on the particular case. For example, if counsel reviewed three separate notices of hearing during a particular work session for a total of five minutes, then counsel should bill .1 for that totality of that activity of reviewing all three notices of hearing. Counsel should not individually bill .1 three separate times for review of each separate notice of hearing.

Page Amounts

Any time appointed counsel bills for the reviewing of documents, counsel must indicate a reasonable estimate of the number of pages reviewed. Counsel shall bill the actual time spent reviewing the documents. As a general rule, JAC anticipates that counsel will spend no more than 2 minutes per page (30 pages an hour) reviewing documents. This allotment includes time for outlining and taking appropriate notes. If at any time counsel believes that more than 2 minutes per page was warranted, counsel should provide a brief explanation. Subsequent review of documents should take significantly less time.

Requirements for Hourly Statements

Florida law requires appointed counsel to maintain appropriate documentation, including a contemporaneous and detailed hourly accounting of time spent providing representation. Counsel must maintain records with sufficient detail to enable JAC to determine the activities performed by counsel and assess the reasonableness thereof. Generic descriptions are insufficient (i.e. "trial preparation – 8.0 hours"). Documented case activity must be descriptive and include identifying details. Counsel must specifically identify on the billing the following information:

- names of persons deposed/interviewed
- names of pleadings
- types of motions
- discovery documents reviewed
- number of pages reviewed
- type of hearing and hearing's purpose if appropriate
- identify legal issue researched

For other activities, counsel shall provide enough description for a meaningful audit.

Example Acceptable/Unacceptable Hourly Descriptions

Civil/Dependency/TPR	
Acceptable	Unacceptable
Attended shelter hearing	Attended hearing
Attended trial/adjudicatory	Attended court
Attended dependency disposition	Dependency hearing
Attended Case Plan Conference	Meeting
Attended Judicial Review	Conference with attorney
Telephone call from client	Telephone call
Reviewed letter from DCF [4 pgs]	Reviewed letter
Examined client's psychological evaluation [22 pgs]	File Review
Drafted visitation motion	Drafted motion

Civil/Dependency/TPR	
Acceptable	Unacceptable
Reviewed deposition of J. Smith [25 pgs] for adjudicatory hearing	Reviewed deposition
Attended deposition of J. Doe	Attended deposition
Prepared letter to DCF	Prepared letter
Trial prep-prepare opening – 1.0 hr, review depositions [32 pgs]- .5 hr/, prepare questions for cross-exams of S. Jones and B. Hunter 1.5 hr	Trial Prep
Reviewed case worker's notes and police report [20 pgs]	Reviewed discovery
Reviewed depositions for cross-examination [124 pgs]	Prepared for hearing
Researched child hearsay issue	Legal Research
Reviewed report for Jud. Rev. [20 pgs.]	Reviewed Judicial Review
Prepared witness/exhibit list	Prepared pleading
Reviewed fax from father's attorney [2 pgs]	Reviewed fax
Drafted memo of law on paternity issue	Drafted memo to file

The above examples are illustrative and not intended to be a complete list. The examples are minimum descriptions. Counsel is encouraged to provide greater detail. When multiple services are reported on one line, time for each service should be listed individually.

Example Acceptable/Unacceptable Hourly Descriptions

Criminal	
Acceptable	Unacceptable
Attended hearing on motion to Suppress; to Continue; in limine	Attended hearing
Review depositions of Halm and Brown-.5 hr/ 50 pgs; police reports 2.0 hr/75 pgs	Receive and Review discovery
Draft Motion to suppress/motion to continue	Draft Motion/pleading
Research issue on abandonment/hearsay exception/prior testimony	Research
Interview witness - .4 hr /review witness statements – 50 pgs - 1.2 hr	Investigation

Criminal	
Acceptable	Unacceptable
Telephone call to/from client/conf. with State Attorney	Telephone call
Reviewed letter from State Attorney [2 pgs]	Reviewed letter
Read depositions 100 pgs - 3.2 hr/witness statements 50 pgs - 1.1 hr	File Review
Drafted letter to Expert/Client	Drafted Letter
Reviewed deposition of J. Smith for suppression hearing 65 pgs	Reviewed deposition
Attended deposition of J. Doe	Attended deposition
Prepared questions/reviewed witness statement	Prepared for deposition
Drafted memo of law on probable cause	Draft memo to file
Trial prep – prepare opening 1.0 hr.; prepare proposed voir dire questions .5 hrs.; prepare questions for John Doe 1.5 hrs.; review jury questions -.8 hr; examine exhibits 25 docs - 2.1 hr	Trial Prep

The above examples are illustrative and not intended to be a complete list. The examples are minimum descriptions. Counsel is encouraged to provide greater detail. When multiple services are reported on one line, time for each service should be listed individually.

Non-Billable Items

Non-billable items include, but are not limited to, the following:

1. Services performed by:
 - a.) support staff
 - b.) paralegals
 - c.) law clerks
 - d.) secretaries
2. Time related to or in furtherance of billing, or time related to defending a disputed bill.
3. Time spent reviewing invoices of due process providers.
4. Time spent preparing motions for attorney's fees and costs, due process costs, and/or related expenses and time spent in hearing on said motions.
5. Activity not reasonably related to the merits of the underlying case. This includes time spent preparing routine documents such as notices of unavailability, calendaring hearings, setting depositions, and providing instructions to staff.
6. Office or administrative functions. This includes secretarial and administrative work performed by any person, including counsel assigned

to the case. Even if counsel completes the work, administrative work cannot be billed.

7. Time spent defending against a bar complaint, 3.850 motion, or other grievance filed by the client.
8. Activity not reasonably related to the defense of the case.
9. Correspondence with JAC and conversations with JAC personnel.

Hourly Billing for Same Defendant with Multiple Cases

For criminal cases in which the defendant has multiple related cases, and private court-appointed counsel is seeking to bill hourly, counsel shall apportion the time spent on each individual case. If there is a hearing or other proceeding that can be attributed to more than one case, then counsel shall divide the time spent between those cases in such a manner that the total amount of time divided among the cases is the actual time spent in the hearing or other proceeding. Counsel seeking to bill hourly may not charge more than the actual time spent on a matter. For example, counsel may not bill two hours for a one hour hearing simply because the defendant has two cases being heard at the same time (a/k/a stacked-billing or double-billing).

Interim Hourly Billing

JAC may pay interim billings only for cases that have dates of appointment prior to May 24, 2007. Interim billing is authorized only for cases billed hourly. Interim billing does not apply to any case billed on a flat fee basis.

Private court-appointed counsel has two options for interim billing. Under either option, the remaining balance is not payable until the case reaches final disposition. See § 27.5304(2) & (10), Fla. Stat. (2006).

First, for an applicable case that has been open for more than a year, counsel may submit an 80% interim bill for attorney's fees. Counsel may bill the full amount of reimbursable costs that counsel has incurred.

Second, for an applicable criminal case that has been open for more than six months, and the total bill is at least \$500.00, including all costs and expenses paid by counsel, private court-appointed counsel may submit a 50% interim bill for attorney's fees. Counsel may bill the full amount of reimbursable costs that counsel has incurred.

Any order approving an interim billing that applies to an amount in excess of the statutory limitation must comply with the requirements of section 27.5304, Fla. Stat., and Chief Financial Officer Memorandum No. 04 (2003-04). The Order to pay should include the following language:

The total amount of attorney's fees approved by the court is \$_____; this is an interim bill and counsel is entitled to 80% (50%) at this time for payment in the amount of \$_____ plus costs of \$_____;

and the remaining 20% (50%) in the amount of \$_____ shall be carried forward until the final billing in the case.

For dates of appointment on or after May 24, 2007, JAC is no longer authorized to pay attorney's fees and costs on an interim basis.

In-Circuit/Out-of-Circuit Travel Hourly Billing

For cases with dates of appointment prior to July 1, 2007, appointed counsel seeking to bill hourly may not bill for time spent traveling on a case unless the local Indigent Services Committee has expressly provided that counsel may bill for travel time. An Indigent Services Committee's general authorization for travel expenses is not considered authorization for time spent traveling.

For cases with dates of appointment on or after July 1, 2007, counsel seeking to bill hourly may not bill for time spent traveling on a case.

E. Compensation in Excess of Flat Fees or Statutory Limitations (Dates of Appointment on or after July 1, 2007)

Unusual and Extraordinary Cases

On rare occasions, counsel may be appointed to a case that requires extraordinary and unusual effort. To obtain compensation in excess of the flat fee or statutory limitations, appointed counsel must comply with all requirements of section 27.5304(12). The chief judge or designee must render a written order finding that the case is unusual and extraordinary under that section. **Appointed counsel must wait until final disposition of the case and receipt of JAC's response to counsel's request for additional compensation before filing a motion to have the chief judge or designee declare the case unusual and extraordinary.** See § 27.5304(12)(a), Fla. Stat. (2007).

Contemporaneous Records

To seek compensation in excess of the flat fee or statutory limitations, appointed counsel must maintain appropriate documentation, including a contemporaneous and detailed accounting for the time spent on the case. Counsel must record with sufficient detail all the activity performed during the same general period of time as the occurrence of those activities. Failure to keep such records shall constitute counsels waiver of the opportunity to seek hourly compensation in excess of the flat fee or statutory limitation. See § 27.40(7)(b), Fla. Stat. (2007). These records and documentation are subject to review by JAC, subject to the attorney-client privilege and work product privilege.

Procedural Compliance

Prior to filing a motion for compensation in excess of the flat fee or statutory limitations, counsel must submit the appropriately completed and executed

Invoice/Voucher Cover for attorney's fees and costs, as well as all other necessary supporting documents, including supporting affidavits.

Counsel shall provide detailed descriptions for each activity listed, including but not limited to, the increment of time associated with the rendered activity, the identification of documents and materials, the number of pages, and the names of deponents and witnesses interviewed, as applicable. Failure to provide such records shall constitute counsel's waiver of the opportunity to seek compensation in excess of the flat fee or statutory limitations.

The attorney must identify in a separate explanatory statement the factual and legal issues that render the case extraordinary and unusual. The statement should include, but is not limited to, the number of witnesses, the number of days of trial, and the complexity of factual and legal issues presented to the court. The fact that a trial was conducted in a case does not, by itself, support a finding of extraordinary and unusual effort. See § 27.5304(12)(b)1., Fla. Stat. (2007). The statement is subject to the Affidavit Verifying Attorney's Fees, Costs or Related Expenses included as part of counsel's intended billing for attorney's fees and costs.

As with all other intended billings, JAC shall review for completeness and compliance with contractual and statutory requirements. Upon review, JAC will send counsel an applicable response as discussed in Section II-A.

Supporting Documentation

Counsel must provide JAC with any and all documentation that counsel intends to provide to the court in support of a motion for compensation in excess of the flat fee or statutory limitations. Counsel shall also provide a written report from any expert that counsel intends to use as a witness at the evidentiary hearing on the motion. All documentation must be included with the Invoice/Voucher Cover except for recommendations from a fee review committee. Failure to provide JAC with any such documentation or written report shall be deemed as a waiver of the right to present any such documentation or expert at the evidentiary hearing on the motion.

Evidentiary Hearing Required

Section 27.5304(12), Fla. Stat. (2007), requires any motion for compensation in excess of the flat fee or statutory cap to be filed with the chief judge. Under section 27.5304(12), the chief judge or designee must hold an evidentiary hearing and must make specific factual findings based upon the evidentiary hearing in order to find the case unusual and extraordinary. Counsel seeking additional compensation must prove by competent and substantial evidence that the case required extraordinary and unusual efforts. The chief judge or designee shall consider criteria such as the number of witnesses, the complexity of the factual and legal issues, and the length of trial. The fact that a trial was conducted in a case does not, by itself, constitute competent substantial

evidence of an extraordinary and unusual effort. In a criminal case, relief under this section may not be granted if the number of work hours does not exceed 75 or the number of the state's witnesses deposed does not exceed 20.

Calculation of Compensation in Excess of Flat Fee or Statutory Limitations

Upon appropriate findings, the chief judge or designee shall order that compensation be paid at a percentage above the flat fee rate, depending on the extent of the unusual and extraordinary effort required. The percentage shall be only the rate necessary to ensure that the fees paid are not confiscatory. Total compensation may not exceed 200 percent of the established flat fee absent a specific finding this amount of compensation would be confiscatory. For example, the court could award up to \$2,000 total compensation where the flat fee is \$1,000.

If the chief judge or designee determines that double the flat fee would be confiscatory, the judge shall order the amount of compensation using an hourly rate not to exceed \$75 per hour for a non-capital case and \$100 per hour for a capital case. A capital case is any offense for which the potential sentence is death and the state has not waived seeking the death penalty. Compensation calculated by using the hourly rate shall be only that amount necessary to ensure that the total fees paid are not confiscatory.

For the calendar period starting on or after May 24, 2007 through June 30, 2007, if court-appointed counsel seeks compensation in excess of statutory limitations, the hourly rate cannot exceed \$75 per hour in non-capital cases and \$100 per hour in capital cases. See § 27.5304(12), Fla. Stat. (2007). For such instances, to the extent that the Indigent Services Committee's hourly rate exceeds the statutory hourly rate, the statutory hourly rate will apply.

Section III – Due Process Services

A. General Practices and Procedures

Obligation

Appointed counsel billing for due process service costs shall follow the requirements of Florida Law, JAC's Agreement for Attorney Services, JAC's Policies and Procedures, and any applicable local requirements promulgated pursuant to Florida law, whether implemented through an Administrative Order or by other means.

Any forms and documents submitted to JAC should include the private court-appointed counsel's name and bar license number.

Methods of Paying Due Process Costs

JAC will reimburse for due process service costs in one of two ways: JAC pays vendor after counsel certifies; or counsel pays and is subsequently reimbursed by JAC.

Invoice/Voucher Cover

The Invoice/Voucher Cover is essential for the satisfactory billing for due process service services. Appointed counsel must appropriately complete, execute, and submit the applicable Invoice/Voucher Cover, as well as all necessary supporting documents.

Invoice/Voucher Covers for attorney's fees and costs and corresponding instructions are available on JAC's website.

An intended billing for due process service costs is not considered submitted to JAC until and unless JAC receives an original Invoice/Voucher Cover signed by counsel and the due process service provider, along with all necessary supporting documents.

The Voucher Cover may not be signed prior to the receipt of the services requested. For example, the attorney may not sign a Voucher Cover for a transcript until after the attorney has actually received the transcript. Any voucher cover signed prior to the receipt of the service will be returned.

Certification of Due Process Services Costs

Generally, intended billings for due process service costs shall be certified by counsel (and the vendor when the vendor is billing JAC directly). Certification is provided on the applicable Invoice/Voucher Covers available on the JAC website. Additionally, corresponding instructions are also available on the JAC website.

An attorney cannot execute the certification on the JAC Invoice/Voucher cover until the work is actually completed. **If JAC receives an Invoice/Voucher cover that was executed prior to the date the provider completed the service, then JAC will return the intended billing.**

Original Invoice

All intended billings for due process service costs must be submitted using the applicable JAC Invoice/Voucher Cover. Due process vendors may use their own original invoices as support for the intended billing as long as the invoice contains sufficient detail to support the intended billing.

If the original invoice is not available, a photocopy of the invoice may be substituted. However, counsel must write on the face of the invoice, and certify with signature and bar license number, the following:

"I certify that the original invoice is not available and that this invoice copy is a true and accurate duplicate of the original invoice."

(Signed by Counsel, Bar License Number recorded underneath signature).

B. Service and Notice

Standing of JAC

JAC shall only pay for due process services, as set forth in sections 29.007, Fla. Stat., reasonably required for the defense of the case. JAC has standing to contest the authorization for any due process service costs and the amount of said due process service costs. Counsel shall have the burden to establish that the due process service costs are reasonable and necessary to the defense of the case.

Notice

Except when prior court approval is not required, appointed counsel must serve JAC with a copy of the motion for due process service costs prior to a court entering an order regarding due process service costs. For example, a court order is always required for any due process services in excess of rates established by law.

A written motion for due process service costs must specify the type of due process service requested, the rate requested, and an estimated maximum amount of costs required. **The motion shall be properly served on JAC a minimum of five (5) business days prior to the date of the hearing on the motion.** JAC's failure to respond to such a motion shall not constitute a waiver of JAC's right to be heard regarding the matter. Unless JAC affirmatively waives the right to a hearing, JAC may seek to vacate any order entered without a hearing or without sufficient notice to JAC.

JAC will not pay for due process service providers that are obtained in violation of these requirements. Appointed counsel is solely responsible for compensating a due process service provider obtained in violation of these requirements.

C. General Compensation

Rates and Providers for Due Process Services

JAC reviews due process service invoices to verify compliance with the recognized rates and amount authorized as established pursuant to Florida law. If the local Indigent Services Committee or the chief judge has authorized certain due process service costs up to a specified amount without the need for prior court approval, JAC may administratively approve processing of payment for such due process services without a court order as long as the due process service costs are within recognized rates established by law.

If the rate for a particular due process service has not been established, JAC will rely upon its experience since July 1, 2004, as well as the recommendations of

the Article V Indigent Services Advisory Board, in determining the appropriateness of a rate charged and the total amount of compensation.

The Indigent Services Advisory Board's recommendations are as follows:

Expert Witness Categories	Average	Suggested Ranges
Investigators - Per Hour	\$37.86	\$30 - \$50
Investigators - Per Case	\$840.00	\$500 - \$1,500
Expert Witness Fees - Per Hour	\$154.17	\$150 - \$200
Expert Witness Fees - In Court - Per Hour	\$147.17	\$125 - \$150
Expert Witness Fees - Out of Court- Per Hour	\$111.20	\$50 - \$150
Exp. Wit. Fee - Waiting to Testify - Court - Per Hour	\$71.33	\$50 - \$75
Exp. Wit. Fee - Waiting to Testify - Depo.- Per Hour	\$66.83	\$50 - \$75
Expert Witness Fee - Travel - Per Hour	\$63.50	\$50 - \$75
Expert Witness Fees - Per Case	\$1,580.00	\$1,500-\$2,000
Psychological Exam - Per Exam	\$246.88	\$150 - \$400
Psychologist - In Court/Testify - Per Hour	\$136.60	\$125 - \$150
Psychologist - Waiting to Testify - Per Hour	\$84.80	\$50 - \$75
Medical Doctors - In Court or Depo. - Per Hour	\$156.43	\$150 - \$200
Medical Doctors - Out of Court - Per Hour	\$128.33	\$100 - \$125
Other Pre-Trial Expert - In Court - Per Hour	\$102.67	\$75 - \$100
Other Pre-Trial Expert - Out of Court - Per Hour	\$77.00	\$50 -\$75

Mitigation Experts

Unless otherwise established by law, the rate for a mitigation specialist or mitigation expert is the rate established for investigators.

Diligent Efforts

If appointed counsel intends to procure due process services at a rate higher than the rate established by law, counsel must make a showing that the particular due process service is necessary to the defense of the case and that counsel has made a diligent effort to find the service within the rates established by law. Diligent effort includes, but is not limited to, evidence that counsel sought the services of at least three providers willing to work on the case but none were willing to work at the rates established by law. If a court authorizes a due process services in excess of the rates established by law, the order should contain findings as to the diligent efforts counsel made to obtain services within the rates established by law.

Out-of-State Due Process Providers

Appointed counsel shall not seek authorization from the court for out-of-state experts, investigators, or mitigation specialists, absent a showing that there are

no such providers with appropriate skills or expertise available, first, in the county in which the case was filed and, second, in any other county in the State of Florida. If counsel obtains an out-of-state due process service provider without making such a showing, counsel agrees not to request reimbursement for any travel expenses, including compensation for travel time, on behalf of the due process service provider. If a court authorizes an out-of-state due process service provider, the order should contain findings as to the lack of qualified due process service providers within the State of Florida.

Transcripts

Appointed counsel must obtain a court order prior to ordering a transcript. JAC will not pay for a transcript absent a court order authorizing that transcript. The court order must be attached to the intended billing for the transcripts. Counsel must provide the court reporter with a copy of the order of appointment and the order authorizing the transcript. For any intended billing in which JAC will directly pay the court reporter, upon receipt of a completed invoice from a court reporter, counsel shall promptly review and sign the invoice.

Prepayment/Retainers

JAC does not prepay or provide a retainer for due process services. Counsel shall not seek to have JAC prepay or provide a retainer for due process services. If a due process service provider requires prepayment or a retainer, counsel shall pay the amount and seek reimbursement only after the due process service provider has completed the services for which the prepayment or retainer was paid. Counsel shall only be reimbursed the amount necessary to compensate the due process service provider at the appropriate hourly rate, irrespective of the amount of the retainer.

Budget for Capital Cases

For capital cases in which the State has not waived the death penalty, as soon as practicable after appointment, appointed counsel shall set a hearing for the trial court to determine a reasonable budget for due process service costs. Timely and proper notice of the hearing shall be provided to JAC. This budget shall be based on the circumstances of the case, the amount needed to provide the defendant with the basic tools of defense as mandated by due process concerns under the state and federal constitutions, the amount appropriated for due process service costs in the General Appropriations Act, and the amount the Office of Public Defender for the applicable circuit expends for similar capital cases. Appointed counsel shall make diligent efforts to remain within this budget. Prior to authorizing expenditures in excess of this budget, counsel will set the matter for hearing, again with timely and proper notice to JAC.

Deposition of State Attorney's Expert

If appointed counsel seeks to depose the State Attorney's expert witness, appointed counsel must obtain a court order authorizing any compensation for the expert. The expert will bill appointed counsel just like any other expert.

Counsel will then appropriately complete and execute the applicable forms for due process service costs, as well as submit all necessary supporting documents, for payment of the expert. The expert cannot be paid rates beyond those established by law without a court order which details the reason for deviating from rate established by law. If there is no rate set, then a court order must contain detailed justification for the rate. JAC will not pay any more than the compensation rate paid by the State Attorney for the expert.

Travel Time for Due Process Providers

Other than investigators, due process service providers that bill at hourly rates may not bill for time spent traveling on a case unless a rate has been established by law or court order for travel time.

Non-reimbursable Expenses

Appointed counsel shall not bill for purchase of office equipment, electronic equipment, office supplies, clothing, personal items, haircuts, manicures, dry cleaning, or other such personal services for counsel, the client, or a due process vendor.

D. Methods of Paying Due Process Service Costs

JAC Pays Due Process Service Provider after Counsel Certifies

Upon receiving a bill or invoice from the due process service provider, after completion of the service, appointed counsel may certify the bill or invoice and send it with a completed applicable Invoice/Voucher Cover. Counsel must have submitted the case opening documents before a due process service provider may be paid. JAC may then pay the due process service provider directly. Copies of court orders authorizing such costs must be provided with the intended billing except when no court order is required. Counsel may not certify the work is completed until the work has actually been completed. If all procedures are not followed, or appropriate documentation is not provided, appointed counsel remains personally liable to pay the due process service provider. **Any Voucher Cover received by JAC that certifies the work was done prior to completion of the work will be returned.**

Counsel Pays and is Subsequently Reimbursed

Appointed counsel may pay the due process service provider directly and then seek reimbursement from JAC. Reimbursement for section 29.007, Fla. Stat., due process service costs may be at the time counsel seeks attorney's fees, or after counsel has accrued at least \$500 in out-of-pocket due process costs. After certifying the bill or invoice, counsel must mail the original bill or invoice with a completed applicable Invoice/Voucher Cover. Counsel must also provide proof of payment. Copies of court orders authorizing such costs must be provided with the billing except when no court order is required. Counsel is entitled to reimbursement only if all procedures have been followed and appropriate documentation has been provided to JAC. Absent express court approval,

counsel may not be reimbursed to the extent the costs exceed the rates or limitations established by law or court order.

In-State Court Reporting Transcripts Only

After delivering the transcript and obtaining certification from appointed counsel, designee, or clerk of the court (where the transcript is filed with the clerk), an in-state court reporter may certify the bill or invoice and send it to JAC with a completed JAC applicable Invoice/Voucher Cover. Counsel must have submitted the case opening documents before the in-state court reporter may be paid. The in-state court reporter must also include a copy of the order authorizing transcripts. JAC may then pay the in-state court reporter directly. Copies of court orders authorizing such costs must be provided with the billing except when no court order is required. In the event all procedures are not followed, or appropriate documentation is not provided, appointed counsel remains personally liable to pay the in-state court reporter.

Section IV – Miscellaneous Expenses

A. General Practices and Procedures

Miscellaneous Expenses

For cases appointed prior to July 1, 2007, counsel and their staff are responsible for knowing the local fees and policies in their circuits.

When authorized, miscellaneous expenses must be directly related to the representation of the client in the case for which counsel is court-appointed. Expenses which are incidental to counsel's business operations are not reimbursable. For example, "photocopies of JAC intended billings" are not permitted expenses.

When authorized, miscellaneous expenses may only be billed at the same time counsel bills for attorney's fees and costs. Intended billings which include miscellaneous expenses that are not authorized will be reduced accordingly. For cases with dates of appointment prior to July 1, 2007, in those circuits where the Indigent Services Committee has authorized reimbursement of various miscellaneous expenses without the need for prior court approval, JAC will pay up to the amount authorized. Otherwise, if counsel is including any additional expenses, such as photocopies, postage, mileage and fax or telephone charges, counsel must file a motion and obtain an order for those additional expenses before the expenses can be paid.

For dates of appointments on or after July 1, 2007, miscellaneous expenses are no longer permitted, except for mileage reimbursement as provided below. Thus, JAC will not pay for ordinary miscellaneous expenses including, but not limited to, postage, telephone calls, photocopying, and online research costs. Those costs are incorporated into the flat fee under the General Appropriations Act.

When miscellaneous expenses are authorized, counsel must use the applicable Invoice/Voucher Cover available on the JAC website. Additionally, corresponding instructions are also available on the JAC website.

Appointed counsel seeking any miscellaneous expense reimbursement must submit detailed logs for any such reimbursement (i.e. mileage, telephone calls, postage, courier service, photocopies, etc.).

B. General Compensation

Mileage

For dates of appointment prior to July 1, 2007, mileage reimbursement will be as authorized by the local Indigent Services Committee. Where authorized, mileage reimbursement will be at the established rate of \$0.29 per mile for travel prior to July 1, 2006, and \$0.445 per mile for travel after July 1, 2006. Appointed counsel seeking reimbursement for mileage must submit detailed mileage logs. Any roundtrip that exceeds fifty (50) miles must be supported by documentation. In-state, city-to-city mileage calculations can be found at <http://www3.dot.state.fl.us/mileage>. If an in-state travel destination is not included or available on this website, or if the travel is out-of-state, mileage may be calculated using an internet map website (i.e. www.mapquest.com).

For dates of appointment on or after July 1, 2007, counsel may only bill for mileage when the destination is outside of the county or in excess of 50 miles (one-way) from counsel's office. Appointed counsel seeking reimbursement for mileage must submit detailed mileage logs. Any one-way trip that exceeds fifty (50) miles must be supported by documentation. In-state, city-to-city mileage calculations can be found at <http://www3.dot.state.fl.us/mileage>. If an in-state travel destination is not included or available on this website, or if the travel is out-of-state, mileage may be calculated using an internet map website (i.e. www.mapquest.com).

Photocopies

For dates of appointment prior to July 1, 2007, photocopy reimbursement will be as authorized by the local Indigent Services Committee.

When authorized, photocopies made within counsel's office necessary for the defense of the case are reimbursable at the rate of \$0.15 per page. With prior court approval, bills or invoices for out-sourced photocopy services may be reimbursed for the reasonable amount of the bill or invoice as a due process services cost. Copies made for administrative purposes are not reimbursable. Additionally, photocopies pertaining to the court-appointed case obtained from Clerks of the Courts' offices are free to private court-appointed counsel, and thus, are not reimbursable. See §§ 28.24 & 28.345, Fla. Stat. (2006).

For dates of appointment on or after July 1, 2007, photocopying expenses are not reimbursable.

Legal Research

On-line legal research constitutes an office expense and is not reimbursable. It is considered part of office overhead similar to subscriptions to legal periodicals.

Conference Rooms

Generally, reimbursement for conference rooms is not permitted. In those circumstances where depositions or interviews are conducted outside the county, appointed counsel should check with the local court or public defender's office for that county, or other appropriate entity, for available free space. If no other free space is available, counsel is required to obtain court approval prior to renting such space.

Section V – Timely Billing and Procedural Requirements

Timely Submission

Appointed counsel (or due process service providers billing JAC directly) shall submit an intended billing for all attorney's fees, due process costs, and other related expenses ***within 90 days after final disposition of the case***. Failure to submit a properly completed intended billing within 90 days will result in a mandatory fifteen percent (15%) penalty on any attorney's fees, due process costs, and other related expenses. See § 27.5304(4), Fla. Stat. (2007).

An intended billing will not be considered satisfactorily submitted with JAC until all applicable forms and necessary documentation required under JAC's Agreement for Attorney Services, JAC's Policies and Procedures, and those local requirements promulgated pursuant to Florida law, whether implemented through an Administrative Order or by other means, have been appropriately completed, executed, and submitted.

For any case that was disposed of on or before May 24, 2007, the date of final disposition shall be designated as May 24, 2007. Thus, all applicable forms and necessary documentation must be submitted to JAC by August 22, 2007. An intended billing submitted after August 22, 2007 for a case that reached final disposition on or before May 24, 2007 will be subject to fifteen percent (15%) reduction penalty as set forth herein.

Timely Submission with an Appeal Anticipated

Filing of an appeal does not stay the time for submitting an intended billing relating to representation at the trial court level, even if counsel is appointed to represent the client on appeal.

For example, if a case reaches final disposition at the trial level, but is appealed, appointed counsel must submit for attorney's fees, due process costs, and other

related expenses pertaining to representation at the lower court level within 90 days after final disposition of the case at trial level.

Timely Submission for Appellate Cases

Private court-appointed counsel for appellate cases may submit for attorney's fees, due process costs, and other related expenses pertaining to representation at the appellate level at the filing of an appellate brief (including, but not limited to, a reply brief), and/or when the opinion of the appellate court is finalized through issuance of the appellate mandate. For purposes of the fifteen percent (15%) penalty, the date of final disposition is the date of the issue of the appellate mandate.

Timely Submission for Dependency Cases

A dependency case does not reach final disposition until the Court dismisses the petition as to a party or terminates protective supervision (with or without retaining jurisdiction).

Exceptions to Requirement for Final Disposition (Criminal Only)

Under limited circumstances, appointed counsel may submit for attorney's fees, due process costs, and other related expenses prior to final disposition. Counsel may submit intended billings in criminal cases prior to final disposition where the defendant has failed to appear, has been declared incompetent to stand trial, or has entered a pre-trial diversion program.

Where applicable, appointed counsel may submit 180 days after the failure to appear occurred if the defendant has not been rearrested. By accepting payment, counsel agrees to complete the case for no additional compensation should the client later reappear.

Where applicable, appointed counsel may submit 180 days after the finding of incompetency if the defendant remains incompetent. By accepting payment, counsel agrees to complete the case for no additional compensation should the client later become competent to proceed.

Where applicable, appointed counsel may submit 180 days after the defendant's placement in a pre-trial diversion program if the defendant remains in the program or has completed pre-trial diversion, and the state attorney has not filed a voluntary dismissal or nolle pros. By accepting payment, counsel agrees to complete the case for no additional compensation should the client later fail to complete the program and go back before the court.

Additionally, upon the state attorney's filing of a notice of voluntary dismissal or nolle pros, appointed counsel may submit for attorney's fees, due process costs, and other related expenses.

If appointed counsel submits an intended billing prior to expiration of the 180 days, the intended billing will be returned.

Exceptions to Requirement for Final Disposition (Dependency Only)

For any dependency case with a date of appointment prior to May 24, 2007, appointed counsel may submit for attorney's fees, due process costs, and other related expenses prior to the cases final disposition as permitted by section 27.5304(7), Fla. Stat. (2006). In accordance with section 27.5304(7), Fla. Stat. (2006), appointed counsel may submit a billing upon entry of an order of disposition, upon conclusion of a 12-month permanency review, or following a judicial review hearing. However, a minimum of three months must pass between each billing.

For any dependency case with a date of appointment on or after May 24, 2007, appointed counsel may only submit for attorney's fees, due process costs, and other related expenses at the designated events set forth in the section 27.5304(6), Fla. Stat. (2007). For most dependency cases with a date of appointment on or after May 24, 2007, appointed counsel may submit a billing upon entry of an order of disposition, or the date of first judicial review in the second year and each calendar year thereafter, as long as the dependency proceedings are still ongoing.

Submission of Documents

Unless an original is required or requested by JAC, documents such as motions or court orders may be faxed to JAC at the circuit specific fax number listed on JAC's website.

However, forms or documents requiring an original signature such as Invoice/Voucher Covers, invoices, and travel reimbursement forms, **may not be faxed**. Accordingly, such documents should be mailed to JAC at:

Justice Administrative Commission
P.O. Box 1654
Tallahassee, Florida 32302

To distinguish originals from photocopies, all original must be signed in blue ink.

Penalty for Untimely Billing

In accordance with section 27.5304 of the Florida Statutes, for any intended billing for attorney's fees, due process costs, and related expenses that does not occur within 90 days after final disposition, or that is not satisfactorily submitted within 90 days after final disposition, the allowable fees, costs and expenses shall be reduced by fifteen percent (15%). The fifteen percent (15%) reduction is a penalty for failing to submit in a timely fashion. As required by section 27.5304(4), Fla. Stat. (2007), JAC will enforce the penalty by reducing the amount payable by fifteen percent (15%).

In the event a due process service provider's bill is subject to this penalty, appointed counsel may be legally responsible for reimbursing the due process service provider in the event the failure to timely submit the intended billing was the fault of counsel.

Legibility & Intelligibility

Any documentation submitted to JAC must be legible and intelligible. Any documentation submitted to JAC which is illegible or unintelligible will be returned and will not be considered satisfactorily submitted with JAC.

Sufficient Postage

Proper postage for letters and other packages sent to the Justice Administrative Commission (JAC) is the responsibility of the sender. JAC will not accept delivery of letters and other packages with insufficient postage or postage due.

On May 14, 2007, significant changes were made to the US Postal Service's postage requirements and postage rate structure. Not only did the price increase for a First Class stamp, but the US Postal Service implemented an additional shape-based method for calculating proper postage. No longer is it sufficient to merely weigh the package being sent, but careful attention has to be paid to the size and dimensions of the package to insure proper postage is applied. Information regarding the US Postal Service's changed postage requirements and postage rate structure may be found on their website: <http://www.usps.gov>. Once again, it is each sender's responsibility to ensure proper postage is applied to letters and other packages being sent to JAC.

Information describing the additional shape-based method for calculating proper postage is available (as of August 24, 2007) on the website of the US Postal Service: <http://pe.usps.com/text/dmm100/intro.htm>

Late Fees/Interest/Cancellation Fees

Appointed counsel shall reimburse JAC for any due process service costs, such as an interest charge, loss of prompt payment discount, or other cost or expense incurred by JAC due to delay in payment of a due process service bill or invoice attributable to counsel's error, omission, or untimely submission. JAC has no responsibility for and will not pay for any cancellation fees or loss of business charges. Appointed counsel shall attempt to resolve any dispute between counsel and due process service provider without JAC intervention.

Section VI – Necessary and Applicable Forms

Attorney's Fees & Costs

All necessary and applicable Invoices/Voucher Covers for attorney's fees and costs are available on the JAC website. Corresponding instructions for each form are also available on the JAC website.

Direct Pay of Due Process Costs

All necessary and applicable Invoices/Voucher Covers for direct pay of due process service costs are available on the JAC website. Corresponding instructions for each form are also available on the JAC website.

Counsel Reimbursement of Due Process Costs

All necessary and applicable Invoices/Voucher Covers for reimbursement of due process service costs are available on the JAC website. Corresponding instructions for each form are also available on the JAC website.

Travel Prepayment / Reimbursement

All necessary and applicable Invoices/Voucher Covers for travel prepayment or reimbursement are available on the JAC website. Corresponding instructions for each form and a State of Florida Travel Tips guide are also available on the JAC website.

Witness Reimbursement

All necessary and applicable Invoices/Voucher Covers for witness payment are available on the JAC website. Corresponding instructions for each form are also available on the JAC website.

Section VII – Confidentiality and Public Records

Public Records

Forms, bills, invoices, documents, correspondence and contracts submitted to JAC are public records. In limited circumstances, the court can order records to be kept confidential and under seal at JAC.

“In considering any issue of access to government records, it must be recognized that in Florida reports generated by a public agency are public records subject to disclosure, unless specifically made confidential or exempt by the Legislature.[1] Any exemptions to the Florida Public Records Law are to be narrowly construed.[2] Where a public record contains information that is exempt or confidential, that portion of the record which falls within the exemption may be redacted, while the remainder of the record must be produced for examination.”

[Attorney General Opinion 2001-54]

Confidential Information Should be Redacted

JAC does not require confidential information in order to process payment of submittals. To assist with auditing, JAC has been given the statutory authority to inspect court dockets under chapter 39, and the authority to inspect and copy

records under chapter 985. Accordingly, counsel does not have to reveal confidential information when providing a submittal to JAC. The case number and initials of the person represented by appointed counsel are usually enough to allow JAC to set the case up in the JAC database and process payment of the submittal. Appointed counsel should redact any confidential information from documents submitted to JAC. However, documents must not be redacted to the point where the document is meaningless.

Section VIII – Counsel and Witness Travel

A. General Practices and Procedures

Travel

All travel must be pursuant to Florida law, particularly the requirements of section 112.061. Travel reimbursement is limited to witnesses or private court-appointed counsel for which reimbursement will be claimed on a uniform travel voucher as promulgated by the Department of Financial Services. Travel expenses are compensable to the extent authorized by law.

Traveler's Requirements:

- Include a valid court order identifying approved traveler with each travel request.
- Adhere to guidelines set forth in s. 112.061, Fla. Stat., Department of Financial Services Regulations, and the policies and procedures of the JAC.
- Review information regarding travel at <http://www.justiceadmin.org>.
- All travelers should maintain all original receipts (exception is where state standards for breakfast, lunch and dinner allowances apply).
- Bill only for authorized travel costs. Time spent making travel arrangements is considered clerical and is not reimbursable.

Privately Retained Counsel

In cases where counsel is privately retained, JAC does not pay for counsel's travel expenses.

Court Order Required

For private court-appointed counsel, indigent for costs and pro se defense cases, JAC requires a court order approving travel. This order must be obtained prior to the travel. No commitment of state funds for such travel pursuant to section 112.061, Fla. Stat., will be made without a court order.

B. Travel Reimbursement

Reimbursement

All original receipts are required. In most circumstances for court-appointed cases, when travel is necessary and court-ordered, the individual (i.e. appointed

counsel, investigator, mitigation specialist, expert witness, etc.) should arrange the travel, pay for any related travel expenses, and upon completion of the travel, submit to JAC for processing of reimbursement payment.

All necessary and applicable Invoice/Voucher covers for travel reimbursement are available on the JAC website. Additionally, corresponding instructions for each form and a State of Florida Travel Tips guide are also available on the JAC website.

Hotels

Hotel accommodations exceeding \$150 per night require written justification. JAC requires appointed counsel to include three (3) internet or travel agency quotes for prices of nearby hotels if billing for more than \$150 per night. For additional information, please refer to the JAC website.

Competitive Carriers:

Appointed counsel is responsible for researching flight, lodging, and/or rental car rates, to obtain the most economical method of travel for each trip. When competitive carriers do not exist, documentation indicating that the reserved carrier is the sole provider for the area must be provided.

Travelers using their own vehicle:

Travel must be via a usually traveled route from point-of-origin to point-of-destination. In-state, city-to-city mileage calculations can be found at <http://www3.dot.state.fl.us/mileage>. If an in-state travel destination is not included or available on this website, or if your travel is out-of-state, calculate your mileage using an internet map website that shows such mileage (i.e. www.mapquest.com).

C. Travel Prepayment

Prepayment of Limited Travel Expenses

JAC receives numerous inquiries and requests related to travel for private court-appointed counsel, investigators, expert witnesses, and mitigation witnesses. In an effort to assist appointed counsel with travel cost for multiple witnesses, particularly in capital cases, JAC has paid in advance for such costs, such as air fare and lodging. Counsel wishing to have JAC pay for travel is solely responsible for coordinating any necessary travel itinerary for witnesses and themselves. JAC will not act as an intermediary between witnesses and counsel.

All necessary information required by JAC, such as the hotel and flight information, is required to be provided in writing and submitted by appointed counsel. Because airline policy requires third-party purchase of tickets at a minimum of five (5) days prior to the flight, JAC requires that all necessary information required to buy the ticket be provided in writing and submitted by counsel at least ten (10) business days in advance of the flight.

Any attorney or due process vendor who fails to complete timely the DFS travel voucher and supply all necessary documentation will be barred from having JAC prepay travel expenses including hotel or airline bills. All subsequent travel will need to be paid by the attorney or the vendor and processed for reimbursement only after the travel has occurred

Applicable Procedure for Any Travel Prepayment Request:

- Obtain a valid court order authorizing travel and submit a copy to JAC. Research flight, lodging, and/or rental car rates, as necessary (When competitive carriers do not exist, please provide documentation indicating that the reserved carrier is the sole provider for the area. Hotel accommodations exceeding \$150 per night require written justification. JAC requires counsel to include three (3) internet or travel agency quotes for prices of nearby hotels if billing for more than \$150 per night.).
- When possible, request that each vendor hold the intended travel arrangements until JAC processes the travel request and formally reserves the arrangements via payment. (JAC requires at least 24 hours from receipt of all necessary information and documentation to provide payment).
- Promptly submit to JAC, via email, all intended reservations and at least two additional comparative rate quotes for each type of reservation (i.e., common air carriers, lodging facilities, car rental companies, etc.).
- Appropriately complete, execute, and submit the necessary and applicable Invoice/Voucher Cover for travel prepayment (i.e. Travel Expense Request Form; Court-Appointed Attorney Program Travel Related Purchasing Request Form; Court-Appointed Counsel Authorization for Agent to Arrange Travel), as well as all necessary supporting documentation. All necessary and applicable Invoice/Voucher Covers for travel prepayment are available on the JAC website.
- Upon satisfactory submission, JAC shall review for completeness and compliance with contractual and statutory requirement, whereby JAC will contact and process payment to the designated vendor.

JAC realizes that some travel providers will not hold travel arrangements without prepayment or credit card. Please do not use your own credit card to hold a reservation in which you will seek prepayment. Instead, please help us better assist you in arranging your travel plans by providing JAC with detailed information as expediently as possible. As time is an essential element, JAC cannot guarantee specific accommodations.

If, after a reservation has been acquired, an intended traveler does not travel, counsel who requested the travel should provide JAC with an explanation for the cancellation including, but not limited to:

- The full name of the intended traveler and whether a subpoena was issued to this person.
- Facts related to the nonappearance (i.e. Did traveler fail to appear? Was traveler's testimony no longer required? Was there a sudden travel inability due to weather, illness, death? etc.).

Upon Completion of Travel:

- Appointed counsel should submit all receipts for any incidental expenses to JAC (i.e. cab fares, parking, tolls, etc.)
- JAC staff will prepare a State of Florida travel voucher.
- If the travel voucher is for a vendor of services (i.e. investigator, mitigation specialist, expert witness, etc.), the completed voucher will first be mailed to the vendor for signature. It is then the responsibility of the vendor to forward the signed travel voucher to counsel for his or her signature, thereby certifying the travel expenditures.
- If the travel voucher is for counsel, the completed voucher will be mailed directly to counsel for signature as both traveler and supervisor, thereby certifying the travel expenditures.
- Appointed counsel is responsible for mailing the signed/executed voucher back to the appropriate JAC staff.
- JAC staff will submit the signed/executed travel voucher for process of payment to the traveler of any expenses not prepaid (i.e. incidental expenses).