



# JUSTICE ADMINISTRATIVE COMMISSION



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## **Investigator Billing**

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**How to properly submit  
Investigator and Mitigation  
Specialist bills to JAC**

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# Introduction:

- This module delineates the requirements for an investigator/mitigation specialist to enter into a contract with JAC, as well as the billing process to be followed.
- This training module is intended to be an aid for the billing process. For additional information, please review the JAC Agreement, JAC Policies & Procedures and the Frequently Asked Questions.

# Contract Process:

- How does an investigator/mitigation specialist get hired?
  - Private attorney selects investigator/mitigation specialist.
- How does an investigator/mitigation specialist enter into a contract with JAC?
  - Submit the [Agreement for Due Process Services \(Other than Attorney Fees\)](#).
  - Attach copies of Class C, MA, or M investigator license and Class A agency license.
  - At time of renewal, investigator should provide JAC a copy of renewed license.
  - See the [Mitigation Specialist](#) section for those license requirements.

# Examples of Services:

- An investigator/mitigation specialist may bill for:
  - Interviewing and locating witnesses
  - Locating documents
  - Performing background checks
  - Researching factual issues
  - Service of process
- An investigator/mitigation specialist may not bill for:
  - Picking up discovery from the state attorney
  - Copying documents from the court file
  - Delivering materials to the defendant
  - Any administrative tasks such as work of a paralegal or secretarial nature
  - JAC does not provide reimbursement for clerk of court charges for documents provided to an indigent defendant. (link to [Frequently asked Questions](#) # 39)



# Rates:

- Pursuant to sections 27.425 27.5305, the legislature sets the rates for due process costs annually in the General Appropriations Act. The same rates that apply to court appointed cases apply to indigent for costs cases.
- For service rendered on or after July 1, 2010, the hourly rate for investigator services cannot exceed \$40.00 per hour.
- Effective July 1, 2011, the rate for mitigation specialists cannot exceed \$75.00 per hour. The trial court will set the actual rate based on the mitigation specialist's skill, experience and expertise.

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# Rates Continued:

- For services performed prior to July 1, 2010, the established rates in effect were the rates approved by the local Indigent Services Committees as of June 30, 2006. Rate charts by circuit are available on JAC's website.
- Current rates can be viewed by clicking on [Current maximum rate chart by circuit](#) (page 25, Frequently Asked Questions).
- For circuits that did not set a rate for investigators, the hourly rate cannot exceed \$50.00 for work done prior to July 1, 2010.

# Court Order Required:

- For services performed on or after July 1, 2010, a court order authorizing private investigator services is required for JAC to process a billing for investigator services for payment.
- The order authorizing private investigator services should be obtained prior to the commencement of any investigator services.
- The order should set forth the particularized need for private investigator services and indicated the amount authorized for private investigator services.
- This order should be included in the billing packet for investigator services.

# Itemized Billing:

- Investigators/mitigation specialists must submit an itemized billing invoice ([link to invoice](#)). A model form to indicate the level of detail is attached. The invoice must include:
  - Date of service, type of service(s) provided, and amount of time worked for each service.
  - Name of the investigator(s)/mitigation specialist(s) who provided the service(s) and license number(s) and type(s).
  - Investigators/mitigation specialists with a Class C, MA, or M license may bill at the authorized rate.
  - Investigators with a Class CC license may bill at 60% of the authorized rate.

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# Itemized Billing: (continued)

- When listing investigative activity, list date and amount of time (in tenths of an hour), type of activity, and brief description for each activity separately. Avoid aggregating investigative activities into block entries.
- For review of documents, the billing should indicate the type of document and approximate number of pages reviewed. For review of audio tapes, video tapes, or other media the billing should indicate the approximate length of the media.
- Bill in increments of hours and tenths of an hour (6 minute intervals) (For examples, [link to chart](#), page 21).

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# Itemized Billing: (continued)

- Total time billed for a work session cannot exceed the actual amount of time expended during that work session.
  - For example, if investigator/mitigation specialist reviews three separate documents during a particular work session for a total of five minutes, then investigator/mitigation specialist should bill .1 for that totality of that activity of reviewing all three documents. Investigator/mitigation specialist should not individually bill .1 three separate times for review of each separate document.
- The billing should be sufficiently detailed for JAC to objectively assess the reasonableness of the services rendered.
- It is the attorney's responsibility to review the billing prior to submission to ensure there is no breach of attorney-client or work product privilege and to redact any such information as appropriate.
- Any redaction should be limited to the extent necessary to protect attorney-client or work product privilege.

# Other Billing Services:

- Subpoena Service - An investigator cannot bill for investigative time and bill for serving a person at the same time.
- An investigator cannot bill for serving a law enforcement officer.
- If an investigator serves a witness:
  - The court has to authorize such service.
  - The rate applicable is for private service of process.
- Provide the number of subpoenas served along with the cost per subpoena and the total. Provide the name of each individual served, using first name, middle initial and last name. Provide a return of service for each person served.

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## Other Billing Services: (Continued)

- Other Costs – Provide a brief description of the costs and the total. All “Other Costs” must be accompanied by a detailed log of charges, invoices, receipts, and/or other proof of payment.
  - Refer to [Rate Sheet by Circuit](#).
- See also the [JAC Standard Due Process Agreement](#), [JAC Policies and Procedures for Court-Appointed Counsel](#) and [Frequently Asked Questions](#).

# No Reimbursement for Clerk Charges:

- Pursuant to section 28.345, F.S., a private court-appointed attorney is exempt from charges by the clerk of court for case-related services. Similarly, pursuant to section 57.081, F.S., an indigent defendant is entitled to receive the services of the clerk of court, and the court without any prepayment.
- JAC will not reimburse the attorney or a private investigator acting on behalf of the attorney for clerk of court charges that should have been provided pursuant to the exemption or waiver of prepayment.

# Mileage:

- Investigator's/mitigation specialist's hourly fee includes ordinary travel costs including mileage.
- Investigators/mitigation specialists are paid for extraordinary mileage such as:
  - Trip exceeding 50 miles one way, or
  - Multiple destinations exceeding 100 miles in one trip.
  - Note: An out-of-county investigator may not bill for mileage between investigator's office and the county of the case unless there is an order for retention of an out-of-county investigator or an order specifically identifying the investigator.

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# Mileage continued:

- Use of the DFS travel voucher is mandatory for any reimbursement of travel expenses. Effective July 1, 2011, JAC will no longer accept mileage logs in lieu of the DFS travel voucher.
- Reimbursement for mileage is limited to actual mileage traveled using a personal vehicle. JAC reimburses for the actual mileage incurred during a trip. When an attorney or due process provider travels on multiple cases, the total amount of mileage billed across those cases cannot exceed the actual distance traveled.

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# Mileage continued:

- A request for mileage must be supported by appropriate 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 the DOT website, or if the travel is out-of-state, mileage may be calculated using an internet map website such as [www.mapquest.com](http://www.mapquest.com). Alternative sources may only be used when there is no entry on the DOT website.

# Mitigation Specialists:

- A mitigation specialist must have a valid Class C investigator License unless he or she:
  - Holds a professional Florida license in a field such as mental health or psychology, or
  - Is a member of The Florida Bar.
- Rate:
  - Effective July 1, 2011, the rate for mitigation specialists in capital death cases cannot exceed \$75.00 per hour.

# Submission of Billings – Correct Voucher Cover:

- It is the responsibility of attorneys and due process providers to use correct and current voucher covers. These voucher covers are updated from time to time to take changes in law and policy into account. Current voucher covers are posted on JAC's website.
- The JAC Invoice Voucher Covers require the submission of information necessary for JAC to review a billing for compliance with statutory and contractual requirements.
- The failure to use the appropriate voucher cover can result in essential information being omitted from the billing. This can delay the processing of the billing as well as other billings because JAC staff has to spend substantial time obtaining the information that would have been included if the vendor had used the correct voucher cover.

# Completion of Voucher Cover:

- The JAC Invoice Voucher Cover must be fully completed including all essential information requested in the voucher cover. When investigators attach their own invoices in lieu of completing the billing portion of the voucher cover, the information requested in other portions of the voucher cover must still be completed.
- The attachment of a vendor's invoice only impacts the section in which the vendor checks the box indicating the invoice is attached. All other sections must be fully completed.
- The amount billed must always be provided in the JAC Invoice Voucher Cover.
- Detailed instructions on how to complete the voucher covers are available on JAC's website. Instructions are provided for each type of voucher cover.

# Secure Website:

- JAC has created a secure website through which an expert can obtain information regarding both unpaid and paid bills submitted to JAC. Through this website a vendor can determine whether JAC has received a billing and whether JAC has approved the billing for payment. A vendor can also access letters and notices related to the billing such as audit deficiencies and letters of objection.
- Instruction on how to setup access to the secure website is available at:
  - <http://www.justiceadmin.org/login/Quick%20Reference%20Guide-Vendor%20Login.pdf>
- The JAC Help Desk can assist an expert in setting up secure access and in using the vendor website.

# Indigent for Costs Cases:

- In some instances, a privately retained attorney may have their client declared indigent for costs. When this occurs, the attorney needs to provide JAC with specific documentation related to this determination. The attorney must provide JAC with:
  - The motion to declare the defendant indigent for costs;
  - The completed clerk's application for indigency;
  - An affidavit as to the estimated amount of attorney's fees;
  - The order declaring the defendant indigent for costs;
  - The charging document; and
  - The JAC Agreement signed by the attorney.
- Until JAC receives these documents, JAC cannot process any billing for payment related to that case.

# Indigent for Costs Cases Screenshot:

- Similar to the vendor secure website, a private attorney can access a secure website related to his or her cases. One of the items the attorney can access is a screen showing whether JAC has received the six documents listed above. The attorney can print this screen. Before commencing work on an indigent for costs case, an expert or other due process vendor may wish to ask the attorney for a copy of this screen to verify that the attorney has provided JAC with the necessary documentation.

The Justice Administrative Commission

Case Number	
Description	
Defendant Last	
Defendant First	

**IFC Attorney Contract** Received  
**Motion for Indigence** Received  
**Order of Indigence** Received  
**Application for Indigence** Received  
**Affidavit for Attorney Fees** Received  
**Charging Document** Received

Chapter 39 cases including Dependency and TPR do not require a Charging Document for Due Process vendors to be paid.

Invoice	Type	Warrant #	Total	Status
20074866	FREIGHT		\$4.95	Waiting on Response from Vendor
20074866	DEPOSITION TRANSCRIPTS		\$30.00	Waiting on Response from Vendor
20074866	DEPOSITION TRANSCRIPTS		\$65.00	Waiting on Response from Vendor
20074866	DEPOSITION TRANSCRIPTS		\$103.95	Waiting on Response from Vendor
20076062	APPEARANCE FEES	1001555	\$45.00	Paid
20076062	APPEARANCE FEES	1001555	\$65.00	Paid
20076869	DEPOSITION TRANSCRIPTS	1360736	\$103.95	Paid
20076869	POSTAGE	1360736	\$4.90	Paid

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# Billing Audit Deficiencies:

- When JAC receives a billing for private investigator services which lacks necessary documentation or requisite information, JAC may send the investigator and the attorney a Billing Audit Deficiency. It will indicate the reason JAC is unable to process the billing and will request that the investigator and/or the attorney provide the lacking documentation or information.
- When JAC issues a Billing Audit Deficiency, the investigator and/or attorney needs to provide the additional documentation or otherwise resolve the Billing Audit Deficiency in expeditious fashion. Failure to resolve the Audit Deficiency may result in JAC paying the billing at a reduced rate or returning the bill.

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## Billing Audit Deficiencies Continued:

- When responding to a Billing Audit Deficiency, the investigator or attorney must use the Audit Deficiency as the cover page for any submission. This will allow JAC staff to identify the appropriate case for which the submission was provided.
- JAC receives numerous documents and submissions on a daily basis so that the failure to use the Audit Deficiency as the cover sheet could result in further delay in payment.

# Direct Deposit (EFT):

- Due process providers including private investigators must participate in a direct deposit program which allows for transfer of funds electronically to an account in a federal-chartered or state-chartered financial institution. If a provider seeks an exemption from this provision, the provider must submit in writing a request for exemption specifically delineating why he or she cannot comply with this provision.
- JAC does not review or process the application to setup electronic funds transfer. ***The application must be submitted directly to the Department of Financial Services (DFS).*** Information and the forms necessary are available on the DFS website at:
  - [http://www.myfloridacfo.com/aadir/direct\\_deposit\\_web/index.htm](http://www.myfloridacfo.com/aadir/direct_deposit_web/index.htm)

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# Direct Deposit (EFT) Continued:

- Once completed, the form should be sent to:  
Direct Deposit Section  
Department of Financial Services  
200 E. Gaines Street  
Tallahassee, Florida 32399-0359
- Please do not send these forms to JAC. JAC cannot process or review these forms.
- After setting up an EFT with DFS, if there are any changes to the payee name submitted to DFS, please submit the updated information to JAC's contract section.
- The payee name in JAC's database must match exactly with the EFT information in order for payment to be received.



# End Notes:

- Congratulations, you have now completed the module on investigator/mitigation specialist billing.
- Please periodically login to [www.justiceadmin.org](http://www.justiceadmin.org), and see “What’s New” for important letters and notices posted on the JAC website. It is your responsibility to remain current regarding changes and updates to the Agreements, Policies and Procedures, and Frequently Asked Questions.