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# POINTS OF INTEREST

JAC'S NEWSLETTER FOR COURT-APPOINTED  
AND INDIGENT FOR COSTS ATTORNEYS AND  
DUE PROCESS VENDORS

## A Word From JAC's Executive Director

Greetings from the Justice Administrative Commission (JAC)! We at JAC wish you a happy and healthy new year. I hope you find this latest edition of Points of Interest (JAC's Newsletter for Court-Appointed and Indigent for Costs Attorneys and Due Process Vendors) helpful and informative. In 2016, JAC continues to move forward on Online Submission of Billings by attorneys and due process vendors. Both attorneys and due process vendors can now submit their billings to JAC electronically through My Access (JAC's Secure Website). Thank you for taking time to read the newsletter. It is my hope that it will help us work together to get your bills paid efficiently. As always, please let us know how we can serve you better.



**Rip Colvin**  
JAC Executive  
Director

### Inside this issue:

A Word from JAC's  
Executive Director

Update on Online Billing

Overview of My Access

Juvenile Life Sentencing

Requirements for Hourly  
Statements

Emailing the JAC Help  
Desk

Unique Invoice Number

Contracts for Fiscal Year  
2016-2017

Roles of JAC and DFS

Responding to Audit  
Deficiencies

Checklists

Payment of Appellate  
Transcripts

Helpful Tips

## Update on Online Billing Submission

JAC recently rolled out Phase I of Due Process Vendor Online Billing Submission in mid-2015. Since July 2015, about 91% of attorney fee invoices and 43% of due process provider invoices have been submitted through the Online Billing Submission system. Please be aware that, **effective April 1, 2016**, JAC will no longer be accepting mailed attorney fee

*(Continued on page 2)*

## Overview of My Access and Planned Future Enhancements

My Access (JAC's secure website) offers a variety of services to private court-appointed attorneys and due process vendors. To access these services, users need to create an account for My Access. After creating an account, the user can log onto My Access using their username and password.

When an attorney logs onto My Access he or she can execute registry contracts for the current fiscal year, verify a case has been opened, and open new cases. Due process vendors can execute due process contracts for the current fiscal year. Attorneys and due process vendors can submit new invoices to open cases, amend existing invoices, find the

*(Continued on page 4)*

## Update on Online Billing Submission (Continued from Page 1)

invoices absent exceptional circumstances such as a large hourly billing that cannot be submitted online because of limitations on file size.

JAC is working on Phase II of Due Process Vendor Online Billing Submission, which will allow due process vendors to preview, generate, and electronically sign due process vouchers online instead of scanning those vouchers. To submit a new invoice in the upcoming phase, the vendor will select the JAC voucher type and the relevant service types. Based on this information, the vendor will be directed to the appropriate online voucher form containing the fields that must be filled in to generate an electronic voucher cover. The "Preview Draft Voucher Cover" button option will give the vendor an opportunity to review the information in the voucher cover before final submission of the invoice packet.

Prior to beginning online invoice submission, supporting documentation will need to be scanned as electronic files (PDF or TIFF format only). After generating and electronically signing the electronic voucher cover online, the vendor will upload the billing packet including the supporting documentation. Upon submission, the voucher cover will be assigned a tracking number, which will be emailed to the attorney and the vendor along with the voucher cover and supporting documentation. Next, the attorney will login to *My Access* and use the tracking number to open the billing submitted by the vendor and electronically sign the voucher cover thereby certifying and completing the billing. Once the attorney independently certifies the billing, the complete invoice packet will be reviewed and processed by JAC staff.

## Juvenile Life Sentencing

In recent years, an issue has arisen regarding life sentences for defendants who were juveniles at the time of the offense. In response, the Legislature enacted s. 921.1401, F.S., which requires a court to consider numerous factors prior to imposing a life sentence. In relation to those cases, JAC began receiving motions for mitigation specialists. The problem is that, under Florida law, the higher rate for mitigation specialist services only applies to capital death cases. Nonetheless, the provisions of s. 921.1401, F.S., require a detailed forensic social evaluation of the defendant. Mitigation specialists involved in capital death cases often have the education and expertise to prepare the forensic social evaluation required by s. 921.1401, F.S.

Although the trial court may not appoint a "mitigation specialist" in these cases, the court may appoint a forensic social worker or similar expert for purposes of conducting a forensic social evaluation pursuant to s. 921.1401, F.S. The Court will determine whether a particular provider has the necessary expertise to conduct the evaluation. The rate for this service cannot exceed \$75 per hour. Under these circumstances, an investigator will also need to be appointed (at the rate of \$40 per hour) for purposes of conducting the investigatory portion of the evaluation, such as gathering records and obtaining pertinent information. The scope of the expert's services will be limited to performing the forensic social evaluation of the defendant.

## Requirements for Hourly Statements

On rare occasions, a court appointed attorney may have a case that requires extraordinary and unusual efforts. If an attorney seeks compensation that exceeds the limits prescribed by law and the flat fee, he or she must file a motion with the chief judge for an order approving payment of attorney fees in excess of these limits. As required by s. 27.5304(12), F.S., before filing the motion, the attorney shall deliver to JAC a copy of the intended billing, together with supporting affidavits and all other necessary documentation. An itemized hourly statement of the hours expended on the case must be included in the intended billing.

For an hourly billing, no task is more essential than the contemporaneous recording of time. Writing down the value and effort that make up legal services, in six-minute increments (tenths of an hour), can be sometimes arduous. It is important that time is accurately recorded for both in-court and out-of-court activities. Moreover, the records must constitute a “contemporaneous and detailed hourly accounting of time spent representing the client” as required by s. 27.40, F.S., and the JAC contract.

In order to maintain such records, some timekeeping applications for lawyers are available. A listing of such applications are available at:

<http://www.thecyberadvocate.com/2015/03/08/timekeeping-apps-for-lawyers/>

The first four are iOS (iPhone) and Android friendly.

With the transition to online billings, the scans of handwritten hourly statements are often illegible. Scans also tend to result in larger file sizes, which can create problems for online submission. In addition, such statements often contain mathematical or other errors. For these reasons, clearly legible and spreadsheet-based submissions are preferred. **Therefore, JAC will no longer be accepting handwritten hourly statements effective April 1, 2016.** Any billing submitted after that date relying on a handwritten hourly statement may be rejected and returned for resubmission.

## Emailing the JAC Help Desk

**The best way to contact JAC’s Help Desk is through our email:**

**[helpdesk@justiceadmin.org](mailto:helpdesk@justiceadmin.org).**

In order to expedite JAC’s response, please provide the following information in your email:

- Your name.
- Current contact information (the best way to contact you).
- Attorney name.
- Case number.
- Invoice number and amount.
- Invoice tracking number if available (provided with confirmation email for online submissions).
- Detailed question(s).

The more detail you include in your initial inquiry, the easier it will be for the Help Desk to respond to your query in an accurate and expeditious fashion.

If you’d like to contact the Help Desk by phone, please call: **844.JAC.LINE (844.522.5463)**. You will be asked to leave a voicemail, as Help Desk staff members do not answer live calls. This is to ensure that all inquiries are answered in the order they are received. Again, please be as detailed as possible.

## Overview of *My Access* (Continued from Page 1)

status of a pending invoice through the JAC tracking number, and download and view JAC letters relating to invoices. Attorneys and due process vendors can also update contact information via JAC's website.

In addition to working on Due Process Vendor Online Billing Submission, JAC is currently revamping *My Access* to make it mobile friendly so that the web pages can be easily viewed on tablets, smart phones, and other small devices. As a result, the color, design and layout of the web pages will look slightly different, although the content will remain the same. In the near future, JAC plans to rebrand *My Access* as *My JAC*, in part to create a unique name suitable for mobile applications. A notice will be posted once this change occurs.

## Unique Invoice Number

When submitting your billings, please use a unique invoice number for each invoice that you submit to JAC. The use of a unique invoice number will help to identify your billing. If you have questions about an invoice, having a unique invoice number will make it easier for you to locate your billing in JAC's Online systems as well as allow the Help Desk to identify your invoice. Additionally, it will be easier for you to identify your invoice when you search on the Department of Financial Services' Vendor Payment website to verify the billing has been processed for payment:

<http://flair.dbf.state.fl.us/dispub2/cvnhphst.htm>

The following tips may help in creating unique invoice numbers:

- The maximum length of the invoice number is nine digits.
- The invoice number may be alphanumeric.
- Refrain from using common invoice numbers such as "12345" or "0001", as many other vendors and attorneys have used similar invoice numbers.
- The invoice number must be unique for each billing. The Department of Financial Services may flag an invoice as a duplicate if the same invoice number is used.
- The use of different invoice numbers makes it easier to identify payments on the Vendor Payment website.
- You cannot use "0" or "NA" as invoice numbers.

Please be aware that, if you are amending a pending billing or responding to an audit deficiency, you do not need to submit a new billing. Instead, you should amend the existing billing using the tracking number provided.

## Contracts for Fiscal Year 2016-2017

Please be aware that JAC's contracts track the State Fiscal Year regardless of when they are executed. Therefore, existing Registry, Indigent For Costs, and Due Process contracts expire on June 30th of each fiscal year. Generally, the new contracts for the next fiscal year are posted in early June. Please make sure you execute a current contract as soon as feasible in order to avoid potential delays in payment. JAC's Summer newsletter will provide information regarding any changes made to next year's contracts.

## The Roles of JAC and the Department of Financial Services

There is often some confusion regarding the roles of JAC and the Department of Financial Services (DFS). A common misperception is that JAC pays the billings submitted by attorneys and due process providers. Instead, DFS is the state agency that actually issues any payment. Pursuant to ss. 27.5304 and 29.007, F.S., JAC is responsible for reviewing billings for compliance with statutory and contractual requirements. Once JAC staff has completed its review, the billing is uploaded to the state accounting system (FLAIR) for DFS review. Pursuant to s. 215.422, F.S., DFS has the authority to independently audit any billing before approving it for payment. If the billing fails to meet DFS requirements, it will be returned to JAC for further action.

Therefore, it is imperative that all aspects of a billing are supported by appropriate documentation. In particular, any submission for travel expenses must be supported by a properly completed DFS travel voucher, receipts, and other documentation pursuant to s. 112.061, F.S. The failure to provide this documentation is a common reason for a billing to be returned to JAC. More information regarding travel expenses is posted on JAC's website, including a [Guide to Reimbursement for Travel Expenses](#).

Also, proof of payment is essential for reimbursement of costs and expenses even with a court order. A court order does not substitute for proof of payment. An invoice without a zero balance (or PAID stamp), may be rejected by DFS. It is important to stress that, if any portion of the billing is returned, the entire billing is returned.

## Responding to Audit Deficiencies

Attorneys and vendors who submit billing packets that are missing pertinent documents and/or information will receive an Audit Deficiency Notice from JAC that lists the additional documents or information requested. These types of invoices can be corrected, or "cured," by submitting the missing documents or information listed in the Notice. Please read the Notice carefully. If you have questions regarding the Notice, please contact the JAC Help Desk for assistance.

The requested documents or information should be submitted using the Online Billing Submission system, through *My Access* (JAC's secure website). This manner of correcting a deficient invoice is easier and more efficient for both the attorney/vendor and JAC. Once you have signed in to *My Access*, search for the case using the case sequence number (last six digits of case number) or defendant's name. Under the "*Online Invoice Billing Submission Begins Here*" header, select the check box next to "*if you are amending/adding documents, or responding on an audit deficiency to an existing invoice for this case.*" Then, select the tracking number (provided in the confirmation email when the billing was submitted) for that invoice from the drop down box that appears. Lastly, upload the requested documents and submit. You should include a signed Audit Deficiency Reinstatement form with the requested documents.

When you receive an Audit Deficiency Notice, you should not submit a new invoice or any other documents you have already submitted, unless the Notice indicates the original submission was illegible. The only time you must submit a new invoice is when an invoice is returned to you. In fact, if you submit a new invoice to cure the Audit Deficiency, the new invoice will be processed, and the deficient invoice is deemed withdrawn. This could result in a contractual penalty for untimely billing. By amending a deficient invoice instead of submitting a new invoice, invoices are processed and paid more quickly by JAC.

## Checklists for Court-Appointed Attorneys and Due Process Vendors

JAC has posted checklists to assist attorneys and due process vendors in providing complete documentation and avoiding common mistakes when submitting billing packets. In many instances, payment is delayed because necessary documents are missing from submitted billings. The checklists are designed to help attorneys and due process vendors submit billing packets, which JAC can process for payment upon the initial review. Please note that the checklists have been designed to include documents necessary for all billings at the beginning of each checklist, and then narrow down to what is required in specific instances toward the end of each checklist. The following checklists are now available online:

- Court Reporter Appearance Fees Checklist.
- Court Reporter Appellate Transcripts Checklist.
- Court Reporter Deposition Transcripts Checklist.
- Court Reporter Hearings-Proceedings Checklist.
- Court Reporter Listening Fees for Audio Recording Checklist.
- Court Reporter Video Taped Depositions Checklist.
- Dependency Checklist.
- Expert Vendor Checklist.
- Flat Fee Criminal Checklist.
- Hourly Billing Checklist.
- Investigator/Mitigation Specialist Vendor Checklist.
- Ordinary/Official Witnesses Checklist.
- Process Server Checklist.
- Translator and Interpreter Checklist.

You can find these checklists on JAC's website, at: <https://www.justiceadmin.org/FAQ/index.aspx>.

An alternative way to locate a particular checklist, is to visit the JAC homepage ([www.justiceadmin.org](http://www.justiceadmin.org)) and type into the search box at the top of the page the type of checklist that you are seeking. Please remember to type in "checklist" in your search query. The link to the document should be displayed at or near the top of the search results.

## Payment of Appellate Transcripts

In many instances, JAC is responsible for payment of appellate transcripts even when a defendant is represented on appeal by the Office of the Public Defender or Regional Counsel. To assist due process vendors in determining when the billing should be submitted to JAC, JAC has posted a chart on its website at:

[https://www.justiceadmin.org/court\\_app\\_counsel/Payment%20of%20Appellate%20Transcripts.pdf](https://www.justiceadmin.org/court_app_counsel/Payment%20of%20Appellate%20Transcripts.pdf)

When billing JAC for appellate transcripts, please remember that JAC pays at the rates for court-appointed cases as posted on JAC's website, even when the defendant is represented on appeal by a public defender or regional counsel. Currently, the rate is \$5.00 per page for an original plus two copies (plus all necessary electronic copies). The rate is set by the Legislature each year in the General Appropriations Act.

## Helpful Tips

### Helpful Tips for Online Case Opening

As part of *My Access* (JAC's secure website), JAC allows private-court appointed attorneys to open their case through online submission. In using JAC's Online Case Opening system, the following tips may be helpful.

- Before opening a new case, verify that the case has not already been opened in JAC's system. Please be aware that if the case has reached a new stage, a new case will need to be opened even if you previously represented the client.
- Review the scan of the order of appointment to make sure it is legible and signed/conformed by the judge. An illegible order of appointment is a common reason new case opening submissions are rejected. If the appointment covers multiple case numbers, verify that all case numbers being entered appear on the order.
- If the order of appointment contains a *nunc pro tunc* date, please use that date as your date of appointment.
- Provide a copy of the charging document at the time of new case opening if available. If the document is unavailable, provide the document upon receiving it. Enter the degree of the felony (if known) at the time of case entry instead of felony.
- Enter the judge's name.
- Enter initials only for children in dependency and TPR cases, do not use periods, commas, semi-colons or slashes (example AB CD EF) instead of (A.B./C.D./E.F.;;) The parent's first and last name needs to be provided.
- When entering the client's name, use only the first and last name. Please omit suffixes.
- For Dependent Children with Special Needs case type, indicate the case is a Special Needs case instead of Dependency. Please indicate the specific special need referenced in s. 39.01305, F.S., upon which the appointment is based.
- Enter Parental Notification Cases (Ch. 390, F.S.) under CA instead of Dependency.
- If a new case opening entry is rejected, review the documents and correct the problem before resubmitting.

With JAC's ongoing transition to Online Billing Submission, it is imperative that attorneys open their cases promptly after receiving the appointment. JAC cannot process any billing for attorney fees, costs or related expenses until the case is open in JAC's system. Failure to open a case timely may result in delays in payment to attorneys and due process providers.

### Helpful Tips and Common Mistakes in Attorney Billings

In processing attorney billings, JAC has noted common errors that can delay payment. The following tips should be helpful:

- Please verify the charge/case type before billing.
- In opening a case, when choosing Felony or Juvenile, it is important to also choose the degree of felony or charge. Choosing just Felony generates a flat fee as if the case was a 'no information' case.
- In determining the charge, the charging document filed by the State Attorney's Office determines the applicable flat fee.
- Open the case online before submitting bills. Please be aware that if the case has reached a new stage (such as Dependency to TPR), a new case will need to be opened.
- Open a separate case for Violation of Parole (VOP) or Appellate Reappointments. A billing submitted on an earlier appointment will be returned for resubmission after you open the new appointment.
- Use a unique invoice number for each billing.
- Check the 'Multiple Attorney' box on the voucher cover, if other private court-appointed counsel represented the defendant either before or after your representation.
- If you are appointed to represent the same criminal defendant in multiple cases within 30 days (or the appointments resolve within 30 days), you may either submit a single hourly billing for all of the cases or bill them separately on a flat fee basis. Please do not bill flat fee for some and hourly for others.

(Continued on page 8)



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## Helpful Tips (Continued from Page 7)

- If you hand write your hourly statements, please be sure that they are completely legible. Please be aware that JAC will no longer be accepting handwritten hourly statements effective April 1, 2016.
- Avoid math errors when preparing hourly statements.
- Read audit deficiencies/correspondence from JAC carefully.
- For audit deficiencies, sign the Request for Reinstatement and submit along with any documentation.

### Helpful Tips and Common mistakes in Due Process Billings

In processing due process provider billings, JAC has noted common errors that can delay payment. The following tips should be helpful:

- An order cannot be altered or changed except by the Court. Any handwritten alterations to an order should be initialed by the judge.
- For Indigent For Costs (IFC) cases, until all the required IFC documents are received, a billing will not be payable. Once an order for IFC is entered, it may trigger the lack of an IFC Attorney contract if the attorney contract has expired.
- Make sure the attorney *and* the due process provider have signed the voucher cover.
- Please make sure the name of the appointed/IFC Attorney and their bar number is in the top left side of the voucher cover (even if another Attorney (or clerk for appellate transcripts) signs for the services).
- Verify the correct case number and spelling of the defendant name.
- When submitting bills online, if you include a company invoice with the voucher cover, please submit them as a single file. Verify that the information on the Voucher Cover is consistent with the company invoice.
- Read audit deficiencies/correspondence from JAC carefully.
- For audit deficiencies, sign the Request for Reinstatement and submit along with any documentation.
- Check when submitting an Order with a bill for transcription that the deponents and the dates of the depositions are referenced in the Order. If seeking expedited rates, verify that the order authorizes such rates.

## JAC in Brief

The Justice Administrative Commission administratively serves 20 Offices of State Attorney, 20 Offices of Public Defender, 3 Offices of Capital Collateral Regional Counsel, 5 Offices of Criminal Conflict and Civil Regional Counsel, and the Statewide Guardian ad Litem Program. JAC also provides compliance and financial review for services provided by private court-appointed attorney representing indigent citizens and associated due process vendors.

The Commission is comprised of two State Attorneys, appointed by the Florida Prosecuting Attorneys Association, and two Public Defenders, appointed by the Florida Public Defender Association. The Commission appoints an Executive Director, who is charged with oversight of necessary staff to efficiently and effectively carry out the JAC's duties.

**Vision:** To be a model of exemplary state government and provide unparalleled services.

**Mission:** To be responsible stewards of taxpayer dollars, while providing the highest quality service to the 49 judicial related entities, private court-appointed counsel, and associated vendors we serve, by ensuring compliance with laws, rules, regulations, and best business practices.

**Values:** We take great pride in excellence in service, innovation, adaptability, collaboration, honesty, integrity, accountability, and diversity, as well as respectful and ethical conduct, and fiscal responsibility.