

IN THE SECOND JUDICIAL CIRCUIT OF
FLORIDA.

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO. 2004-07

IN RE: **DUE PROCESS ADMINISTRATION**

WHEREAS, Sections 27.40(3)(a) and 27.42(2)(c), Florida Statutes, effective July 1, 2004, provide that the Article V Indigent Services Committee shall establish a registry of attorneys in private practice to represent clients in cases requiring court appointment of counsel and develop a schedule of standard fees for court appointed attorneys in various categories of cases; and

WHEREAS, the deadline to establish the registry for appointed counsel is not later than October 1, 2004; and

WHEREAS, provision must be made for compensation and qualifications of appointed counsel prior to the establishment of the registry and/or the processing of a competitive selection process for contracting with individuals to provide appointed counsel services; and

WHEREAS, the Article V Indigent Services Committee did on June 15, 2004, adopt the position that all persons providing appointed counsel services as of June 30, 2004, pursuant to contract with any county within the Second Judicial Circuit, pursuant to an administrative order or order of appointment in effect on June 30, 2004, shall be authorized to continue to provide appointed counsel services on the same terms of compensation as set forth in any such contract, administrative order, or order of appointment; and

WHEREAS, court appointed counsel are entitled to reasonable compensation, White v. Board of County Commissioners, 537 So.2d 1376 (Fla. 1989); Makemson v. Martin County, 491 So.2d 1109 (Fla. 1986), cert. denied, 479 U.S. 1043, 107 S.Ct. 908, 93 L.Ed.2d 857 (1987); Sheppard and White v. City of Jacksonville, 827 So.2d 925 (Fla. 2002); and

WHEREAS, the Justice Administrative Commission (J.A.C.) is now responsible for the payment of appointed counsel; and

WHEREAS, J.A.C. has advised the circuits and persons performing appointed counsel services that it has requested that an administrative order "be entered to authorize continuing the status quo if that is the intent" of the Second Judicial Circuit Indigent Services Committee; and

WHEREAS, in order to provide for the orderly appointment and compensation of court appointed counsel, it is therefore




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ORDERED as follows:

1. All persons providing appointed counsel services as of June 30, 2004, pursuant to contract with any county within the Second Judicial Circuit, pursuant to an administrative order of this circuit or pursuant to an order of appointment in any particular case in this circuit, shall be authorized to continue to provide appointed counsel on the same terms of compensation as set forth in any such contract, administrative order, or order of appointment, except that such appointed counsel shall seek payment of compensation from J.A.C.
2. It shall be the responsibility of appointed counsel to comply with the rules and procedures of the Justice Administration Commission to receive compensation.

DONE and ORDERED in Chambers at Tallahassee, Florida this 1st day of July, 2004.



CHARLES A. FRANCIS
Chief Judge

Copies furnished to:

- All Circuit Judges, Second Judicial Circuit
- All County Judges, Second Judicial Circuit
- Clerks of Circuit Court, Second Judicial Circuit
- All Article V Indigent Services Committee Members

