

**IN THE SECOND JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

OFFICE OF THE CHIEF JUDGE

**ADMINISTRATIVE ORDER NO 2008-03
SIXTH AMENDMENT**

**IN RE: PRIVATE COURT-APPOINTED COUNSEL FEES IN EXTRAORDINARY
AND UNUSUAL CASES**

WHEREAS, pursuant to section 27.40(2), Florida Statutes, private counsel shall be appointed to represent persons in the manner prescribed in sections 27.40(1) and (2)(a) and shall be compensated by the Justice Administrative Commission.

WHEREAS, the Florida Supreme Court in *Makemson v. Martin County*, 491 So. 2d 1109 (Fla. 1986), held that it is within the inherent power of Florida's trial courts to allow, in extraordinary and unusual cases, departure from the attorney's fees statute when necessary to ensure that an attorney who has served the public by representing a client is not compensated in an amount which is confiscatory of the attorney's time, energy and talents.

WHEREAS, section 27.5304(12)(b), Florida Statutes, requires the chief judge or designees hold an evidentiary hearing on motions by court-appointed counsel seeking compensation in excess of the limits prescribed in section 27.5304, Florida Statutes and the General Appropriation Act.

WHEREAS, pursuant to section 27.5304(12)(b), Florida Statutes a multicounty circuit may have up to two designees.

WHEREAS, by Administrative Order 2008-03, dated February 1, 2008, the clerk of court in the county in which any motion for extraordinary fees, motion to exceed the fee limits or other similarly titled motion filed under section 27.5304(12)(b), Florida Statutes is filed is directed to immediately forward the motion to the chief judge for disposition, and

It is therefore **ORDERED** that:

1. Circuit Judges Frank Allman and Ronald Flury are hereby designated to hear all motions for extraordinary fees, motions to exceed the fee limits or other similarly titled motion filed under section 27.5304(12)(b), Florida Statutes.
2. Upon receiving the filing, each respective clerk of court shall immediately forward a copy of any such motion for extraordinary fees to Circuit Judge Frank Allman for Leon County and Circuit Judge Ronald Flury for Franklin, Gadsden, Jefferson, Liberty, and Wakulla counties.

AO#2008-03, Sixth Amendment
Private Court-Appointed Counsel Fees in Extraordinary and Unusual Cases

3. Except as herein expressly amended, Administrative Order 2008-03 shall remain in full force and effect.

DONE and ORDERED in Tallahassee, Leon County, Florida on October 27th, 2022.



JONATHAN SJOSTROM
CHIEF JUDGE

Copies furnished to:
All Circuit and County Judges, Second Judicial Circuit
All Clerks of Circuit Court, Second Judicial Circuit
State Attorney, Second Circuit
Public Defender, Second Circuit
Judicial Administration Commission
Region Conflict Counsel
Tallahassee Bar Association
FACDL, Tallahassee Chapter
Office of Court Administration, Second Circuit

