

**IN THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY,  
FLORIDA**

**CASE NO. 04-1  
(Court Administration)**

**ADMINISTRATIVE ORDER  
NO. 03-01-A1**

**AMENDMENT OF ADMINISTRATIVE  
ORDER 03-01; IN RE: ESTABLISHMENT  
OF GUIDELINES FOR COMPENSATION  
OF PROFESSIONAL SERVICES AND  
COURT APPOINTED COUNSEL IN JIMMY  
RYCE CIVIL COMMITMENT CASES**

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**WHEREAS**, pursuant to section 394.916, Florida Statutes, in adversarial civil commitment proceedings for sexually violent predators (commonly referred to as Jimmy Ryce Civil Commitment), the person subject to such proceedings is entitled to the assistance of counsel, and, if the person is indigent, the court shall appoint the public defender or, if a conflict exists, other counsel ("court appointed counsel") to assist the person; and

**WHEREAS**, the legislature has authorized the payment of up to \$5,000 each to the State Attorney's Office and the Public Defender's Office, for professional service expenses in a Ryce case, to be paid by the Justice Administrative Commission ("JAC"); and, in cases where court appointed counsel is appointed, the JAC administers the legislative appropriation for the payment of professional service expenses and compensation of such counsel for the respondent; and

**WHEREAS**, in order to provide for the uniform payment of expenses in all Jimmy Ryce cases, and the orderly appointment and compensation of court appointed counsel in such cases, there is a need to establish guidelines to be followed in connection therewith within the Eleventh Judicial Circuit;

**NOW, THEREFORE**, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida under Rule 2.050 of the Rules of Judicial Administration, it is hereby **ORDERED** that the following guidelines are established for professional service costs and the appointment and compensation of court appointed counsel in cases arising under section 394.916, Florida Statutes:

1. Court appointed counsel shall be appointed to represent respondents at trial and for the appeal of cases wherein the Office of the Public Defender ("Public Defender") cannot represent the respondent because of a conflict

of interest.

2. The appointments of such court appointed counsel are to be made by the presiding judge from a registry of attorneys approved by the Indigent Services Committee ("ISC") the Circuit and maintained by the Administrative Office of the Courts ("AOC"), on a rotating basis.
3. Court appointed counsel shall execute a contract with the JAC, within a period of ten (10) days after accepting the court appointment. The contract shall be in the form approved by the JAC.
4. Court appointed counsel shall receive compensation from JAC for fees, costs, and expenses subject to paragraphs 5 through 8, inclusive. The State Attorney's Office in all cases, and the Public Defender's Office in non-conflict cases, shall receive compensation from JAC for costs and expenses subject to paragraphs 5 through 7, inclusive.
5. Professional service expenses, such as those incurred for expert witnesses, private investigators, deposition transcripts, out-of-county travel, or other costs, shall not exceed a total of \$5,000 for each party, unless the prior written approval of the presiding judge is obtained. The extraordinary nature of the case must be documented prior to exceeding this cap. Furthermore, expert witness fees and private investigator costs shall be in accordance with the rates of compensation for this Circuit established by the local Article V Indigent Services Committee ("ISC") per its Attachment "A", dated September 29, 2004.
6. All attorneys must utilize the due process service providers provided for in the ISC's Attachment "A" and the court reporters and interpreters which the Eleventh Circuit employs or has contracted with for attendance at depositions and trials. Unless otherwise approved by the court, such as where expenses are lower, costs for out-of-circuit court reporter or court interpreter services shall be paid in accordance with costs paid to court contract reporters and interpreters for the Eleventh Circuit.
7. If travel outside of South Florida is permitted, the costs are limited to the state per diem as set forth in § 112.061(6), Florida Statutes. Prior to making travel arrangements, court appointed counsel must contact the JAC to determine whether there are any contracting agencies through which air fare, car rental, etc., must be arranged.
8. Compensation of attorney's fees and other costs for court appointed counsel shall be as follows:
  - a. For legal services performed after the effective date of this

Administrative Order, court appointed conflict counsel shall be compensated at the rate of Ninety Dollars (\$90.00) per hour for in-court or out-of-court work completed through and including the trial. For such work performed prior to this date, court appointed counsel shall be compensated at the rate specified in any contract between OSCA and the appointed counsel. No fee incurred after the effective date of this Order may exceed a total of Five Thousand Dollars (\$5,000.00) for the completion, through trial, of any case, without specific approval from the presiding judge. In order to exceed this cap, court appointed counsel must document the extraordinary nature of the case.

- b. Appellate services performed after the effective date of this Administrative Order, shall be compensated at the rate of Fifty Dollars (\$50.00) per hour for in-court or out-of-court work. For such work performed prior to this date, court appointed counsel shall be compensated at the rate specified in any contract between OSCA and appointed counsel. No fee incurred after the effective date of this Order may exceed a total of Thirty-Five Hundred Dollars (\$3,500.00) for the final appeal from a commitment order in any case, without specific approval from the presiding judge. For any constitutionally or statutorily authorized representation in pretrial appeals or original writ proceedings, seeking review of Jimmy Ryce Act issues, the fees incurred after the effective date of this Order may not exceed a maximum of Fifteen Hundred Dollars (\$1,500). In order to exceed these caps, the attorneys must document the extraordinary nature of the case.
- c. All other due process services, costs and expenses shall be governed and limited by the Eleventh Judicial Circuit's Attachment "A," dated September 29, 2004 and filed with the JAC.

9. The words "conflict counsel" are amended in the title of this Administrative Order and in Administrative Order 03-01 to read as "court appointed counsel."

10. This Administrative Order shall be effective immediately upon execution, amends Administrative Order 03-01 as stated herein, and shall remain in effect until further order of this court.

**DONE AND ORDERED** in Chambers at Miami, Miami-Dade County, Florida, this \_\_\_\_\_ day of October, 2004.

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**JOSEPH P. FARINA, CHIEF JUDGE  
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**