

IN THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS
AND POLK COUNTIES, FLORIDA

ADMINISTRATIVE ORDER 1-38.2

IN RE: COSTS ASSOCIATED WITH DUE PROCESS SERVICES
AND THE REPRESENTATION OF INDIGENT PERSONS
WHEN COUNSEL IS APPOINTED BY THE COURT

WHEREAS, the Tenth Judicial Circuit (Circuit) has entered into contracts with vendors to provide due process services to the citizens of the Circuit, such as court reporters and court interpreters; and

WHEREAS, the Justice Administrative Commission (JAC) has entered into contracts with qualified members of The Florida Bar who will represent the interests of criminal defendants and other persons who are parties to court actions wherein they are entitled to court appointed counsel; and

WHEREAS, in 2004, the then Tenth Circuit Indigent Services Committee (ISC) was charged with the responsibility of forming, approving and providing to the JAC the standard rates to be charged by the due process vendors in the provision of services to those persons whose interests are being represented by court appointed counsel, as well as setting rates for other miscellaneous costs and services court appointed counsel may incur when representing the interests of indigent persons; and

WHEREAS, on February 6, 2017, the Florida Supreme Court issued AOSC17-12, *In Re: Court Appointed Expert Witness Services in Florida's Trial Courts*, which among other things, mandated changes to expert witness fees; and

WHEREAS, on June 29, 2017, the Court entered Administrative Order No. 1-50.1, *In Re: Selection and Payment of Court Appointed Expert Witnesses*, which, among other things, created an expert witness registry, established policies and procedures for expert witnesses, and set a new expert witness fee schedule; is it

ORDERED that:

1. **COURT INTERPRETERING**: When needing the services of a court interpreter, court appointed counsel is strongly encouraged to utilize the services of the due process vendors who have contracted with the Tenth Judicial Circuit to provide court interpreting services.
2. **COURT REPORTING**: When needing the services of a court reporter, court appointed counsel may utilize the services of the due process service vendors who have contracted with the Tenth Judicial Circuit to provide court reporting services, or may utilize the services of the Tenth Circuit Electronic Court

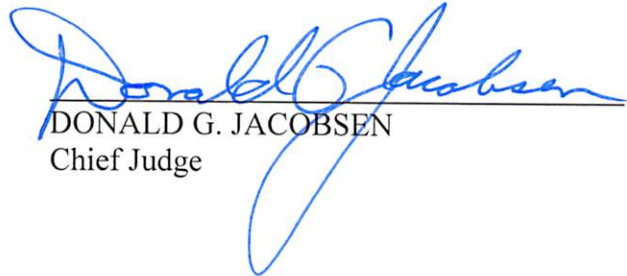
Reporter's (ECR) Office for recording of depositions, obtain a compact disc copy of that recording from the ECR Office at the cost listed on Exhibit A of Administrative Order No. 1-22.5 (or as amended) and then have the transcription completed by one of the vendors who have contracted with the Tenth Judicial Circuit to provide court reporting services or another privately retained court reporter. If a court reporter that has not contracted with the Tenth Judicial Circuit to provide court reporting services is retained to provide services, the maximum rates allowable will be those found on Exhibit A.

3. **INVESTIGATORS**: In a criminal or juvenile delinquency case, court appointed counsel may retain the services of an investigator and compensate for such services at the maximum rate of \$50.00 per hour for a maximum of 15 (fifteen) hours per case. The period of 15 hours may be exceeded after obtaining a court order allowing such, upon a showing of good cause to the court.
4. **SERVICE OF PROCESS**: Unless otherwise authorized by applicable law, for process of service within Florida, the maximum rate of \$25.00 per service of process or attempted service of process shall be allowed. No payment shall be paid for service of process or attempted service beyond the second service or attempt of service. For service within Florida, process servers shall not be paid for mileage, regardless of destination. Allowable fees for service of process outside of Florida shall be the actual amount billed.
5. **MISCELLANEOUS EXPENSES**:
 - A. Travel Expenses: Mileage, transportation and per diem will be paid in accordance with Section 112.061, Florida Statutes for out-of-county travel only.
 - B. Photocopies: Copies shall be reimbursable at the rate of 15 cents per page.
 - C. Faxes: Faxes shall be reimbursable at the rate of 15 cents per page.
 - D. Long Distance Calls: Long Distance telephone calls shall be reimbursable at the actual cost.
6. The rates contracted between the Tenth Judicial Circuit and interpreter vendors, contracted between the Tenth Judicial Circuit and court reporter vendors, contained in Exhibit A, or otherwise outlined in this order are the rates that the Court will approve when presented with a Motion for Attorney's Fees and Costs.
7. If court appointed counsel chooses to retain a due process service provider other than those that have entered into a contract with the Tenth Judicial Circuit to provide due process services, the Court will not approve any rates that are higher than those set out in section 6, above.
8. Court appointed counsel is responsible to check the Circuit web site for updates to rates, as they are subject to change. Court appointed counsel may contact the Tenth Judicial Circuit's Administrative Services Department for a list of current due

process contractors and contract rates.

9. EFFECTIVE DATE: Effective, at 11:59 p.m. on July 1, 2017, Administrative Order 1-38.1 is hereby VACATED and SUPERCEDED by this order.

DONE AND ORDERED on this 29th day of June, 2017.


DONALD G. JACOBSEN
Chief Judge

Original:
Polk County Clerk of Courts

Copies:
All Judges
Polk County Clerk of Courts
Hardee County Clerk of Courts
Highlands County Clerk of Courts
Office of the State Attorney
Office of the Public Defender
Office of Criminal Conflict and Civil Regional Counsel, 2nd District Region
Justice Administrative Commission
Electronic Bar Mailing

EXHIBIT A

Tenth Judicial Circuit Court Contract Court Reporting Fee Schedule

In-Court Per Diem Appearance Fees: <ul style="list-style-type: none"> - 8:30am to 5:00pm - 7:00am to 8:30am & 5:00pm to 9:00pm - 9:00pm to 7:00am 	<p>\$60/hour</p> <p>\$90/hour</p> <p>\$120/hour</p>
Minimum Appearance Fee:	<p>\$120</p>
Transcripts (per transcript page): <ul style="list-style-type: none"> - Standard Time: <ul style="list-style-type: none"> • Transcript for trials, TPRs, all day proceedings and appeals (original & 2 copies) \$7.00 • Other transcripts (original & 1 copy) \$6.00 - Expedited (excluding weekends/holidays): <ul style="list-style-type: none"> • 3 days (72 hours) (Orig/Copy) \$7.50/\$2.00 • 2 days (48 hours) \$8.50 • 1 day (24 hours) \$9.50 • Daily (overnight) (Orig/Copy) \$10.50/\$2.00 	
Real Time Reporting Services: <ul style="list-style-type: none"> - CART for deaf/hard of hearing \$100/hour - Interactive Realtime \$100/hour - Preparation Time for CART and/or Interactive Realtime \$60/hour 	
General Provisions (do not apply to transcripts): <ul style="list-style-type: none"> - Per diem appearance rates are billed to the ½ hour. - Overtime rates will apply for all reporting services provided before 8:30am and after 5:00pm at 1.5 times the regular per diem rates. Double time rates will apply after 9:00pm until 7:00am and weekends and holidays. 	