

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 05-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 92-38 A5
(Amends Administrative Order No.
92-38, as amended)**

**IN RE: AMENDMENT TO
ADMINISTRATIVE ORDER NO. 92-38,
AS AMENDED, REGARDING
COMPENSATION OF SPECIAL
ASSISTANT PUBLIC DEFENDERS**

WHEREAS, by Administrative Order No. 92-34, a Circuit Conflict Committee was established to select qualified attorneys to serve as Special Assistant Public Defenders (“SAPDs”) to handle criminal and juvenile delinquency matters if the Public Defender certifies a conflict in a particular matter and the method of compensation for the SAPDs was also set forth therein; and

WHEREAS, pursuant to Administrative Order No. 92-38, it was deemed appropriate to modify the method of compensation to allow adequate payment for services rendered by SAPDs and establish methods to promote simplicity in billing, with procedural safeguards to avoid abuses by adopting the Special Assistant Public Defenders Official Billing Manual (“Manual”); and

WHEREAS, one such method contained in the Manual pertains to the use of the Long Form Procedure by the SAPD for submitting their billable hours for services rendered in excess of the maximum hours listed in the appropriate category on the Summary Fee Schedule; and

WHEREAS, in accordance with Administrative Order No, 92-38 A1, a Fee Review Committee (“FRC”) was established for the purpose of reviewing Long Form Affidavits from SAPDs to ensure compliance with the Manual; and

WHEREAS, as of July 1, 2004 as a result of Revision 7 to Article V of the Florida Constitution, should a Public Defender certify a conflict those matters are handled by Court Appointed Counsel (“CAC”) who are compensated by a different funding source (ie., the State of Florida rather than Miami-Dade County, Florida) and method (as prescribed by the Judicial Administrative Commission) than contained in the Manual; and

WHEREAS, as there remain Long Form Affidavits for SAPDs which have been submitted or which will be submitted to Miami-Dade County, Florida for work performed and services provided prior to July 1, 2004, the Court wishes to clarify the FRC's responsibility with regard to review of the aforementioned Long Form Affidavits;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, it is hereby **ORDERED** that Administrative Order No. 92-38, as amended, is amended to contain the following language:

“The FRC shall consider and be responsible for reviewing the Long Form Affidavits submitted on or before September 1, 2005 for work performed or services rendered prior to July 1, 2004. After September 1, 2005, the FRC shall no longer consider or be responsible for reviewing the Long Form Affidavits for work performed or services rendered prior to July 1, 2004.”

Except as herein amended, all other provisions of Administrative Order 92-38, as amended, shall remain in full force and effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade, Florida, this _____ day of _____, 2005.

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