



**IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER # 2004-00-13

**RE: APPLICATION PROCESS FOR CIRCUIT-WIDE REGISTRIES, USE AND
MAINTENANCE OF REGISTRIES, AND DUE PROCESS COSTS**

Whereas, section 27.42, Florida Statutes, was created in Chapter 2003-402, Laws of Florida and amended in Senate Bill 2962, passed by the 2004 Florida Legislature, and established the Circuit Article V Indigent Services Committee (ISC), its composition, and its responsibilities;

Whereas, section 27.42, Florida Statutes, created in Chapter 2003-402, Laws of Florida and amended in Senate Bill 2962, passed by the 2004 Florida Legislature, sets out the responsibilities of the Circuit Article V Indigent Services Committee to manage the appointment and compensation of court appointed counsel within a circuit pursuant to subsection 27.40 and 27.5303, Florida Statutes;

Whereas, section 27.42, Florida Statutes, created in Chapter 2003-402, Laws of Florida and amended in Senate Bill 2962, passed by the 2004 Florida Legislature, requires the Circuit Article V Indigent Services Committee to maintain a registry pursuant to section 27.40, Florida Statutes, and to apply any eligibility and performance standards set by the Legislature;

Whereas, section 27.42, Florida Statutes, created in Chapter 2003-402, Laws of Florida and amended in Senate Bill 2962, passed by the 2004 Florida Legislature, directs each Circuit Article V Indigent Services Committee to develop a schedule of standard fees and expense allowances for the categories of cases specified in section 27.5303, Florida Statutes, consistent with the overall compensation rates in that section and within the amount of appropriated funds allocated by the Justice Administrative Commission to the circuit for this purpose;

Whereas, Circuit Administrative Order 2004-00-10, *Circuit Article V Indigent Services Committee for the Fourteenth Judicial Circuit, Effective July 1, 2004*, appointed the committee members to carry out the legislative responsibilities; and

Whereas, the Circuit Article V Indigent Services Committee has held public meetings to collect input on the qualifications and application process; the policy and procedures encompassing the circuit registries, the rates of compensation for court appointed counsel, and cost containment measures for due process expenses impacting the Fourteenth Judicial Circuit, and has developed ideas and concepts into recommendations which are reflected in this Administrative Order.

Now Therefore, it is ORDERED and ADJUDGED that the following policies, procedures, compensation rates, and related due process expenses, are effective immediately to allow for the application process necessary for the development of circuit-wide registries.

GENERAL POLICY

Counsel shall be appointed to represent any individual in a criminal or civil proceeding entitled to court-appointed counsel under the Federal or State Constitution or as authorized by general law. The court shall appoint a public defender to represent indigent persons as authorized in section 27.51, Florida Statutes. Private counsel shall be appointed to represent indigents in those cases in which provision is made for court-appointed counsel but the public defender is unable to provide representation due to a conflict of interest or is not authorized to provide representation.

No later than October 1, 2004, private counsel appointed by the court to provide representation shall be selected from a registry established by the Circuit Article V Indigent Services Committee or procured through a competitive bidding process, as provided by law.

Attorneys shall be listed on registries in the order their applications are received by the ISC, and registries shall be organized by county and case category. The Court appointed attorneys shall serve in the county(ies) and provide the services for the categories of cases for which the attorney has been approved and placed on the applicable registry.

The Justice Administrative Commission (JAC) shall approve uniform contract forms for use in procuring the services of private court appointed counsel, as provided by law.

After court appointment, the court appointed counsel must immediately file a notice of appearance with the court indicating acceptance of the appointment to represent the defendant. A court appointed attorney is entitled to payment pursuant to section 27.5304, Florida Statutes, and following general law and the procedures set forth by the Florida Legislature and the JAC. Attorneys who withdraw from a case or who are otherwise removed from representation must follow all procedures for processing payment as required by the JAC.

Use and Maintenance of Circuit-wide Registries

1. The Circuit Article V Indigent Services Committee (herein after the "ISC") shall compile and maintain a list of qualified attorneys in private practice, by county and by category of cases, to be used by judges in the appointment of court appointed counsel. An attorney's name shall be listed on an appropriate registry in the order his or her application was received by the ISC.
2. To be considered for inclusion on a registry, interested attorneys must certify the following:
 - A. That they meet any minimum requirements established in general law for court appointment, or by the ISC;
 - B. Are available to represent indigent defendants in cases requiring court appointment of private counsel; and
 - C. Are willing to abide by the terms of the contract for services as specified by the Justice Administrative Commission.
3. The court shall appoint attorneys in rotating order in the order in which names appear on the applicable registry, unless the court makes a finding of good cause for appointing an attorney out of order. An attorney not appointed in the order in which his or her name appears on the list shall remain next in order.
4. Quarterly, beginning no later than October 1, 2004, the ISC shall provide the Chief Justice of the Supreme Court; the chief judge, state attorney and public defender in each judicial circuit, the presiding judges in the circuit, and the clerks of court in each county with a current copy of each registry.

Qualifications for Attorneys Seeking Appointment to Circuit-wide Registries

5. All private attorneys interested in seeking appointment to a circuit-wide registry **MUST** be a member in good standing of The Florida Bar in addition to qualifications specified by general law or specific qualifications identified by the ISC.

Qualifications for Attorneys Interested in Appointment to Criminal & Post-Conviction Cases

- A. Attorneys must be in compliance with The Florida Bar approved continuing legal education requirements, with a minimum of ten hours within a reporting cycle devoted to criminal law.

B. Attorneys must have met the following experience requirements:

- 1.) In *misdemeanor cases*, the attorney shall have been a member of The Florida Bar for at least one year and an experienced and active trial practitioner with no fewer than three state or federal jury or non-jury trials.
- 2.) In *juvenile cases*, the attorney shall have been a member of The Florida Bar for a least one year and an experienced and active trial practitioner with no fewer than three delinquency dispositions or three state or federal jury or non-jury trials.
- 3.) In *second and third degree felony cases*, the attorney shall have been a member of The Florida Bar for at least two years and an experienced and active trial practitioner with no fewer than three state or federal jury or non-jury trials.
- 4.) In *first degree, life felony, capital, capital sexual battery, and Jimmy Ryce cases*, the attorney shall have been a member of The Florida Bar for at least five years and an experienced and active trial practitioner with no fewer than five state or federal jury trials.
- 5.) In *capital death penalty cases*, the ISC recommends the adoption of rule 3.112 (f – g), Rules of Criminal Procedure, which outlines qualifications for attorneys in such cases.

Qualifications for Attorneys Interested in Appointment to Appellate Cases

- A. Attorneys must be in compliance with The Florida Bar approved continuing legal education requirements with a minimum of ten hours within a reporting cycle devoted to appellate law.
- B. Attorneys must have met the following experience requirements:
 - 1.) In *misdemeanor, felony second and felony third degree, and juvenile delinquency appeals*, the attorney shall have been a member of The Florida Bar for at least two years, an experienced and active trial or appellate practitioner in the field of criminal law or have prior experience in the appeal of at least three criminal cases.
 - 2.) In *first degree, life felony, capital, capital sexual battery, and Jimmy Ryce appeals*, the attorney shall have been a member of The Florida Bar for at

least three years, an experienced and active practitioner in the field of appellate criminal law or have experience in the appeal of at least five criminal cases.

- 3.) In *capital death penalty cases*, the ISC recommends the adoption of Rule 3.112 (h), Rules of Criminal Procedure, which outlines qualifications for attorneys in such cases.

Qualifications for Attorneys Interested in Appointment to Dependency Cases

- A. Attorneys must have met the following training and experience requirements:
 - 1.) In *dependency and appeals of dependency cases*, the attorney shall have observed a shelter hearing, a dependency hearing, and a termination of parental rights hearing, and have completed at least six hours of approved continuing legal education, within The Florida Bar reporting cycle, in the area of dependency law.
 - 2.) In *termination of parental rights and appeals of termination of parental rights cases*, the attorney shall have at least five adjudicatory hearings on petitions of dependency and one year of dependency experience.

Qualifications for Attorneys Interested in Appointment to Guardianship Cases

- A. Attorneys must have met the following training and experience requirements:
 - 1.) In *standard guardianship and appeals to standard guardianship cases*, the attorney shall be familiar with the practice and procedures of guardianship proceedings; have experience in the use of expert witnesses and evidence, including but not limited to psychiatric and forensic evidence; be an experienced practitioner who has represented clients in no fewer than two guardianship proceedings; and have completed at least six hours of approved continuing legal education, within The Florida Bar reporting cycle, in the area of guardianship law.
 - 2.) In *emergency guardianship cases, including Baker and Marchman Act, and others*, certify familiarity with the following proceedings:
 - a. Chapter 415, Florida Statutes, Adult Protective Services;
 - b. The Baker Act;

- c. Chapter 392, Florida Statutes, Victims of Tuberculosis;
- d. Chapter 744 and 765 & rule 5.900, Florida Rules of Probate, Health Care Directives;
- e. Chapter 384, Florida Statutes, Victims of Sexually Transmitted Diseases.

Procedures for Applying for the Circuit-wide Registries

6. Interested attorneys who would like to be considered for inclusion in the circuit's registries should submit a **Fourteenth Judicial Circuit Court Appointed/Conflict Attorney Application** (see Attachment A). Applications shall be provided to any attorney upon request from Court Administration. Attorneys should contact court administration at (850) 747-5327 to request an application. Completed applications should be submitted, along with a resume, to:

Fourteenth Judicial Circuit Article V Indigent Services Committee
c/o Court Administration
301 McKenzie Avenue
Panama City, Florida 32401

7. The ISC will periodically review applications and determine those applicants who meet the qualifications requirements. The ISC will notify each applicant whether his or her application is approved and included in one or more registries.
8. Upon request by an excluded attorney, the ISC will provide the reason(s) for exclusion from one or more registry and the method by which the attorney may seek review of the decision or re-apply for approval on the registry(ies).

Appeal of an ISC Decision

9. Any applicant may appeal the disposition of the application by mailing a letter of appeal to the ISC to the address listed above (c/o Court Administration) within 30 days of the notice of the ISC's decision. The attorney shall state what approvals have been denied and why the attorney believes the decision is improper. The ISC will conduct an initial review of the application, any additional information provided, and determine whether the initial decision was proper. The applicant will be notified in writing of the ISC's final decision.

Annual Review of Approved Attorneys on Registries

10. So that the various registries maintain qualified attorneys available to the court for appointment, each attorney approved and placed on a circuit-wide registry must submit proof of compliance with the continuing education requirements for the particular registry or registries for which he or she has been approved. Such proof should be submitted by the last day of the fourth quarter that the attorney has been placed on a registry(ies) to:

Fourteenth Judicial Circuit Article V Indigent Services Committee
c/o Court Administration
301 McKenzie Avenue
Panama City, Florida 32401

11. Additionally, each attorney will be subject to a periodic review of his or her professional performance, which will be conducted by the ISC. The standard for this review is whether the attorney has provided high quality representation and continues to meet the minimum requirements for certification.

Exclusion from Circuit-wide Registries

12. An attorney shall be excluded from a circuit-wide registry if either of the following occurs:
- A. The attorney is disbarred, suspended, or surrenders a license to practice law in this state; or
 - B. The attorney fails to meet the experience or training requirements established by the ISC.
13. Any attorney who is disbarred, suspended, surrenders his license or otherwise is the subject or discipline by The Florida Bar, must promptly notify the ISC in writing of the action taken against him or her by the Bar. Upon review of the situation, the ISC may immediately remove the attorney from rotation pending a final determination.
14. An attorney who is under criminal investigation or has pending criminal charges must immediately notify the ISC. Upon review of the situation, the ISC may immediately remove the attorney from rotation pending a final determination.
15. The circumstances listed in item #13 and #14 above may warrant permanent exclusion from any and all circuit-wide registries. However, an excluded attorney, if otherwise

qualified, may be re-approved to a registry(ies), upon written application to the ISC and a sufficient demonstration the basis for the exclusion no longer applies.

Compensation Rates for Court Appointed Counsel – General

16. Court appointed attorneys shall be compensated at an hourly rate of \$75 for in and out of court legal services for those cases that they are under appointment up to the statutory caps set by section 27.5304, Florida Statutes. Court appointed counsel shall also be compensated for reasonable expenses as follows:
 - A. Photocopies at a rate of \$0.25/copy, for reasonable and appropriate copies;
 - B. Postage at its actual expense; and
 - C. Such other expenses as the court may approve.
17. Travel time at the hourly rate is allowed within the geographic boundaries of the circuit. Such time is not allowed outside the circuit unless stipulated specifically by court order. Travel reimbursement pursuant to section 112.061, Florida Statutes, is not allowed.

Submission of Payments for Completed Professional Services to the JAC

18. Court appointed attorneys who provide services in criminal, appellate, and guardianship cases shall submit their request for payment at the closure of the case or at the end of one year, whichever is earliest. The court appointed attorneys shall follow the procedures for submitting their request for payment as set forth by the Justice Administrative Commission.
19. Court appointed attorneys who represent parents in dependency and termination of parental rights shall be allowed to request interim payments from the Justice Administrative Commission upon completion of the following stages of their particular case as follows:
 - A. After shelter hearing;
 - B. After arraignment;
 - C. Upon completion of an adjudicatory hearing;
 - D. After disposition or the first judicial review, whichever occurs first;
 - E. In increments of three months thereafter; and
 - F. Termination of the action.

Other Related Due Process Expenses

20. Court Reporting Services

All court reporting services for proceedings to be covered at public expense pursuant to rule 2.070 (g) (1), Rules of Judicial Administration, shall be coordinated through the Manager of Court Reporter Services, Bay County Courthouse, for all counties within the Fourteenth Judicial Circuit. Specific procedures for criminal and juvenile depositions relative to the delivery of court reporting services are outlined in **Attachments B – F**, (attached herein) and are available through the Manager of Court Reporter Services.

21. Because the Fourteenth Judicial Circuit operates under an employee model for court reporter services, the payment for court reporting services related to court appointed counsel is provided as part of the employee model formula. As such, the Justice Administrative Commission shall forward payment to the Office of the State Courts Administrator on a quarterly basis for payment of court reporting services provided to court appointed counsel. Therefore, court appointed counsel are directed to use the employee model as their court reporting delivery system as coordinated and scheduled by the Office of the Court Administrator for the Fourteenth Judicial Circuit.
22. In unusual or extraordinary cases in which contract court reporters must be retained to cover court reporting services for court appointed counsel for the Fourteenth Judicial Circuit, the following rates of reimbursement, based on the Article V Indigent Services Advisory Board's recommendations, will be used as compensation for those proceedings required to be covered at public expense:

Appearance Rates

A.	Appearance Fee (1 st Hour)	\$36
B.	Appearance Fee (Each Hour after)	\$25
C.	Appearance Fee (Overtime*/Weekend/Holiday-First Hour)	\$58
D.	Appearance Fee (Overtime*/Weekend/Holiday-Each Hr after)	\$38

Transcript Rates

A.	Regular Transcript Delivery (includes original + 1 copy)	\$5/page
B.	Expedited Transcripts (Delivery within 72-hours) (Includes original + 1 copy)	\$8/page
C.	Copies (for opposing party)	\$1/page

Media Formats

- | | |
|--------------------|---------------------|
| A. Audio Tape | \$5/tape |
| B. Video Tape: | \$15/tape |
| C. CD or Diskette: | \$15/CD or diskette |

NOTE: Contract court reporters will be expected to provide an audio tape or CD (audio format) upon completion of depositions (rates listed above will apply) for use by the parties.

23. Court Interpreter Services

Individuals involved in court proceedings to be covered at public expense have a due process right to understand the judicial proceeding in which they are involved. The Florida Legislature has provided funding to cover the cost of language and hearing impaired interpreters as it pertains to due process rights to the Florida State Courts System. Therefore, court appointed counsel shall complete the following procedures to ensure court interpreter services are available for any client in need of such interpretive services for court proceedings:

- A. Submit a *Request for Court Interpreter Services* form (see Attachment G) by mail, facsimile, or electronic mail to court administration no later than five working days prior to the scheduled proceeding. All parts of the form must be completed in order to successfully schedule an appropriate court interpreter for the individual or for the court event.
- B. If the requesting party has less than five days advance notice of the need for a court interpreter due to a substantiated emergency, then the party should contact court administration immediately by facsimile or electronic mail by way of the *Request for Court Interpreter Services* form along with a written statement of the emergency need.

An emergency is defined as a situation whereby the inability of an individual to effectively communicate with the court, legal counsel, or other critical personnel was NOT known in advance of a court proceeding.

24. If the court appointed counsel needs a court interpreter for counsel/client interviews, other "pre-court" proceedings, or to act as an interpreter specifically to sit at the counsel's table during a court proceeding, court administration may assist the court appointed counsel in locating a qualified court interpreter but will not process the invoice for such interpreter.

25. Any invoices for court interpreters which are for counsel/client interviews, other "pre-court proceedings, or to act as an interpreter specifically to sit at the counsel's table during a court proceeding, should be submitted directly for payment to the JAC, by the court appointed counsel following the invoice procedures published by the JAC.
26. The following rates for language court interpreters for the Fourteenth Judicial Circuit shall be at the following hourly rates, as recommended by the Article V Indigent Services Advisory Board in their Final Report issued January 6, 2004:

Spanish/Creole

- | | | |
|----|--|-----------|
| A. | Spanish Language/Haitian Creole
<i>(For Interpreters who have NOT completed the Court Interpreter Orientation Course or exam)</i> | \$30/hour |
| B. | Spanish Language/Haitian Creole
<i>(For Interpreters who HAVE successfully completed the Court Interpreter Orientation Course)</i> | \$40/hour |
| C. | Spanish Language/Haitian Creole
<i>(For Interpreters who HAVE successfully completed the Court Interpreter Orientation and Exam Course)</i> | \$50/hour |

All Other Languages

- | | | |
|----|---|-----------|
| D. | All Other Languages*
<i>(For Interpreters who have NOT completed the Court Interpreter Orientation Course or exam)</i> | \$35/hour |
| E. | All Other Languages*
<i>(For Interpreters who HAVE successfully completed the Court Interpreter Orientation Course)</i> | \$50/hour |
| F. | All Other Languages*
<i>(For Interpreters who HAVE successfully completed the Court Interpreter Orientation and Exam Course)</i> | \$65/hour |

* Portugese, Italian, French, German, Yiddish, Other Indo European Languages, Polish, Hebrew, Arabic, Chinese, Japanese, Russian, Other Eastern European Languages, Hindi, Urdu, Pakistani, Farsi, South Pacific Island Languages, etc.

Unusual or Extraordinary Circumstances

- G. Use of Language line or interpretive services for exotic or language unavailable in the area will be contracted on an as needed basis at a pre-negotiated rate.

Hearing Impaired

- | | | |
|----|--|----------------|
| H. | Hearing Impaired Interpreter
<i>(Non-certified)</i> | \$25 – 40/hour |
|----|--|----------------|

I. Hearing Impaired Interpreter
(Certified)

\$40 – 60/hour


Regular/Expert Witnesses:

27. As a measure to contain costs, any expert witness fees which exceeds \$150/hour or that could exceed a total fee of \$1,500 must be specifically pre-approved by the presiding judge. In obtaining this pre-approval, court appointed counsel employing or subpoenaing the individual must show to the presiding judge the necessity for a higher hourly rate for the witness or individual and/or the anticipated number of hours that his/her services will be needed and billed. This pre-approval procedure does not relieve counsel or the individual from complying with the other requirements set out in statutes or prescribed by the Justice Administrative Commission.
28. As a further cost containment, travel expenses associated with regular and expert witnesses shall be paid only upon submission of a Motion and Order for Payment prepared by the court appointed counsel subpoenaing the witness or hiring the individual. If mileage, lodging and subsistence, or per diem expenses are sought to be reimbursed, the court appointed counsel shall ensure that attached to the Motion is a *State of Florida Voucher for Reimbursement of Travel Expenses* form which is completely and accurately filled out by the witness or individual. The witness or individual shall attach all necessary and original receipts to the form. Rates for mileage and per diem rates shall be as prescribed by section 112.061, Florida Statutes. Unless unusual or extraordinary situations are present and the presiding judge determines otherwise, the State of Florida's general instructions pertaining to travel and determination of expenses shall be used by the Court in determining the reasonableness and amount of the fee or expense charged.
29. When selecting any travel by common carrier, the state contract should be used or procedures followed if no state contract is available or if a lower rate is determined to be available. No incidental travel expenses or rental car charges shall be allowed unless pre-approved by the Court, and if so approved, state contract for rental car arrangements shall be used whenever possible.
30. Should any witness or individual performing services under a court order be required to stay overnight in a commercial establishment within the Fourteenth Judicial Circuit while under subpoena, or while on a criminal case assignment, that witness or individual shall be required to stay at a commercial establishment which offers a state rate. If a problem exists for the witness or individual in securing a state rate, the court counsel should contact court administration for assistance.

Effective Dates of this Order

Because of the nature of this order, and the need to collect applications from interested attorneys to be considered as court appointed counsel, the portions of this Order addressing the application process, qualification of attorneys by case category, and development of the circuit registries becomes effective upon the signature of the Chief Judge. All other portions of this Administrative Order will be effective October 1, 2004, including the use of the circuit registries.

DONE and ORDERED in Chambers at Panama City, Bay County, Florida this 19 day of August, 2004.


JUDY M. PITTMAN, CHIEF JUDGE

ATTACHMENT A

**FOURTEENTH JUDICIAL CIRCUIT
Court Appointed/Conflict Attorney
APPLICATION**

Please provide the following information as part of the application process for Court Appointed/Conflict Attorneys. This application must be completed in its entirety if you wish to be considered for appointment as a court appointed/conflict attorney in the Fourteenth Judicial Circuit.

Applicant Information

Name _____ **Florida Bar #** _____
(As it appears on your FL Bar Membership)

Business Address _____

(City) (State) (Zip Code)

Business # () _____ **Cell #**() _____ **Fax #**() _____

E-Mail Address _____

Please check the following that apply:

- I am a member in good standing with The Florida Bar.
- I have read the qualifications attached to this application and I am qualified to be a court appointed/conflict attorney for the cases I have checked on this application.
- I am familiar with the attorney fees, cost and expenses set by the Florida Legislature and the Administrative Order related to court appointed counsel compensation in effect for the Fourteenth Judicial Circuit.
- I will not solicit compensation from the defendant or other client that I am appointed to represent.
- I will notify the Circuit Article V Indigent Services Committee of any formal complaint filed by The Florida Bar against me; any non confidential consent agreements entered into between myself and The Florida Bar; and any order of ineffective assistance of counsel that has been entered by a judge.
- I am familiar with the practice and procedure of the Fourteenth Judicial Circuit, and I will adhere to any applicable Administrative Orders of the Fourteenth Judicial Circuit.

**FOURTEENTH JUDICIAL CIRCUIT
Court Appointed/Conflict Attorney
APPLICATION**

After reviewing the attached qualifications, please check the appropriate block(s) for which you are qualified to serve and are applying to be put on the rotation list effective October 1, 2004.

CASES	Ray	Calhoun	Gulf	Holmes	Jackson	Washington
MISDEMEANOR (Misdemeanor/Criminal Traffic)						
FELONY & POST CONVICTION						
1 st Degree, Life Felony, Capital, Capital Sexual Battery						
2 nd and 3 rd Degree Felony						
CAPITAL						
Death Certified						
JIMMY RYCE						
JUVENILE						
Delinquency and Appeals						
Dependency (Shelter through Post-Disposition, and Appeals)						
Dependency (Termination of Parental Rights, and Appeals)						
APPEALS						
Capital Death Penalty						
1 st Degree, Life Felony, Capital, Capital Sexual Battery						
2 nd and 3 rd Degree Felony						
County to Circuit						
Jimmy Ryce						
CIVIL						
Standard Guardianship and Appeals						
Emergency Guardianship Cases						

Qualifications for Court Appointed/Conflict Attorney

CRIMINAL CASES

1. Be a member in good standing with The Florida Bar.
2. Be in compliance with The Florida Bar approved continuing legal education requirements, with a minimum of ten hours within a reporting cycle devoted to criminal law.
3. Meet the following experience requirements:
 - a. In *misdemeanor cases*, the attorney shall have been a member of The Florida Bar for at least one year and an experienced and active trial practitioner with no fewer than three state or federal jury or non-jury trials.
 - b. In *juvenile cases*, the attorney shall have been a member of The Florida Bar for at least one year and an experienced and active trial practitioner with no fewer than three delinquency dispositions or three state or federal jury or non-jury trials.
 - c. In *second and third degree felony cases*, the attorney shall have been a member of The Florida Bar for at least two years and an experienced and active trial practitioner with no fewer than three state or federal jury or non-jury trials.
 - d. In *first degree, life felony, capital, capital sexual battery, and Jimmy Ryce cases*, the attorney shall have been a member of The Florida Bar for at least five years and an experienced and active trial practitioner with no fewer than five state or federal jury trials.
 - e. In *capital death penalty cases*, the ISC recommends the adoption of rule 3.112 (f-g), Rules of Criminal Procedure, which outlines qualifications for attorneys in such cases.

CRIMINAL APPELLATE CASES

4. Be a member in good standing with The Florida Bar.
5. Be in compliance with The Florida Bar approved continuing legal education requirements, with a minimum of ten hours within a reporting cycle devoted to appellate law.
6. Meet the following experience requirements:
 - a. In *misdemeanor, felony third and second degree, and juvenile delinquency appeals*, the attorney shall have been a member of The Florida Bar for at least two years and an experienced and active trial or appellate practitioner in the field of criminal law, or have prior experience in the appeal of at least three criminal cases.
 - b. In *first degree, life felony, capital, capital sexual battery, and Jimmy Ryce appeals*, the attorney shall have been a member of The Florida Bar for at least three years, an experienced and active attorney in the field of appellate criminal law, or have experience in the appeal of at least five criminal cases.
 - c. In *capital death penalty cases*, the ISC recommends the adoption of rule 3.112 (h), Rules of Criminal Procedure, which outlines qualifications for attorneys in such cases.

DEPENDENCY CASES

7. Be a member in good standing with The Florida Bar.
8. Meet the following experience requirements:
 - a. In *dependency cases (shelter to post-disposition, appeals of dependency cases)*, the attorney shall have observed a shelter hearing, a dependency hearing, and a termination of parental rights hearing, and have completed at least six hours of approved continuing legal education, within The Florida Bar reporting cycle, in the area of dependency law.
 - b. In *termination of parental rights cases and appeals of termination of parental rights*, the attorney shall have at least five adjudicatory hearings on petitions of dependency and one year of dependency experience.

CIVIL/GUARDIANSHIP CASES

9. Be a member in good standing with The Florida Bar.
10. Meet the following experience requirements:
 - a. In *standard guardianship cases and appeals to standard guardianship cases*, the attorney shall be familiar with the practice and procedure of guardianship proceedings; have experience in the use of expert witnesses and evidence, including but not limited to psychiatric and forensic evidence; be an experienced trial practitioner who has represented clients in no fewer than two guardianship proceedings; and have completed at least six hours of approved continuing legal education, within The Florida Bar reporting cycle, in the area of guardianship law.
 - b. In *emergency guardianship cases*, certify familiarity with the following proceedings:
 - 1.) Chapter 415, Florida Statutes;
 - 2.) The Baker Act;
 - 3.) Chapter 392, Florida Statutes, Victims of Tuberculosis;
 - 4.) Chapter 744 and 765 & Rule 5.900, Florida Rules of Probate, Health Care Directives; and
 - 5.) Chapter 384, Florida Statutes, Victims of Sexually Transmitted Diseases.

**FOURTEENTH JUDICIAL CIRCUIT
Court Appointed/Conflict Attorney
APPLICATION**

CERTIFICATION

I certify that the answers given herein are true and complete. I understand that false or misleading information given in my application or omission of information requested will be grounds for refusal of appointment, decertification, or dismissal.

Signature of Applicant

Date

Florida Bar Number

Your completed application must be received in court administration no later than Friday, September 7, 2004, to be considered for circuit-wide registries starting October 1, 2004.

Applications received after September 7, 2004, will be reviewed and processed by the committee as it is able. Please submit this application to the following location:

**Fourteenth Judicial Circuit
Article V Indigent Services Committee
c/o Court Administration
301 McKenzie Avenue
Panama City, Florida 32401**

**Operational Procedures
for Court Reporting
Fourteenth Judicial Circuit**

The following procedures pertain to criminal court proceedings:

- I. County Court
If equipment is available, all county court proceedings can be recorded.
- II. Circuit Court
Court reporters will be present in most circuit court proceedings. However, there are some circuit court proceedings that can be recorded if a court reporter is not available.
- III. Criminal Depositions
Court reporters will only report on depositions that fall into the three areas: capital cases, sexual battery cases, and cases with extraordinary circumstances. All other depositions will be recorded via a digital recorder.
- IV. Live Court Reporting
While court reporters will still report on some depositions, those court reporters will need to use some type of recording device so that audio tapes or CD's can be made for the case files for both the prosecutor and defense attorney. Transcripts will only be done when a case is set for trial, or a portion of a deposition is needed for a court hearing.
- V. Digital Court Reporting
For those depositions that use a digital recorder, an audio CD will be made for the case file for both the prosecutor and public defender/conflict attorney. All digital recording equipment will be housed at the State Attorney's Office in each of the six counties.
- VI. Requesting a Court Reporter/Digital Recorder
To request a court reporter or a digital recorder, an attorney must complete the request form. (See Attachment D.) The attorney must first check whether a digital recorder or live court reporter is needed. If a court reporter is requested, then one of the three boxes describing the case must be checked. If "Case with Extraordinary Circumstances" is checked, the attorney must state what those circumstances are and then obtain the signature required. If the request is from an assistant state attorney, then Jim Appleman or Peggy Peacock must approve the request. If the request is from an assistant public defender, then Herman Laramore must approve the request. If the request is from a conflict or private attorney, then Jennifer Wells must approve the request. ***A signature is only needed if extraordinary circumstances are claimed.***

Attachment B

Once the attorney completes the form, the attorney should fax it to the appropriate person at the bottom of the page. All live court reporter requests should go to Susan Diltz. Request for the digital recorders should go to the contact persons in the SAO in the respective counties. Please fax the Notice(s) of Taking Deposition(s) along with the request form. ***When a live court reporter is requested, please list the following locations (when appropriate) on the Notice of Taking Depositions:***

- Bay:*** ***Third Floor Conference Room, Bay County Courthouse***
- Calhoun:*** ***Calhoun County Courthouse (If there is already a designated room currently used, you can add that as well.)***
- Gulf:*** ***Gulf County Courthouse (If there is already a designated room currently used, you can add that as well.)***
- Holmes:*** ***Holmes County Courthouse (If there is already a designated room currently used, you can add that as well.)***
- Jackson:*** ***Second Floor, Jackson County Courthouse (The rooms may vary in Jackson County depending on available space.)***
- Washington:*** ***Washington County Courthouse (If there is already a designated room currently used, you can add that as well.)***

VII. Digital Recording

Once the request is made for a digital recorder, the assistant state attorney attending the deposition(s) will bring the recorder to the depo. The memory cards for the recorders have approximately 44 hours of recording time if played on the LP (long playback mode). Specific instructions for use of the digital recorders are contained in Attachment C.

Each digital recorder has two memory cards. Each week the memory card that was used for the prior week will be picked up so individual CD's can be made for the attorneys per case. When one memory card is picked up, the second memory card will be in use for each digital recorder. After the audio CD's are made, the first memory card will be taken back to the counties the following week, and the second one will be picked up, and the process will continue on and on.

Specifically, the "pick ups" will occur as follows. Amber Baggett in Court Administration will pick up the memory cards, request sheets, and Deposition Information Sheets (see Attachment F) for Calhoun County on Wednesday

Attachment B

and those for Washington and Holmes on Thursday of each week. The memory cards, request sheets, and depo information sheets will then be given to Diane Pate (Court Reporter), who will burn the CD's. ***Robyn Hatcher, Court Operations Consultant, will serve as a back-up to pick up the memory cards.***

Diane will download the recordings from the depositions and "burn" CD's for the attorneys for each individual case. (There will be two CD's for each case - one for the SAO and one for the public defender/conflict attorney.) The memory cards and CD's will be given to Amber Baggett, who will drop them off at the SAO in each of the counties. It will be the PD's or conflict/private attorneys' responsibility to get their copies of the CD's from the SAO in their county.

Jerry Edwards, Court Reporter, will be responsible for picking up Gulf Counties memory card and request sheets each week and delivering it to Becky Akins. He will then return the memory card and CD's back to the SAO in Gulf County the following week.

Becky Akins will be responsible for getting the memory cards for Bay County and returning them with the CD's the following week. Becky will also keep all the request forms and information sheets on file for Bay and Gulf Counties, and Diane will keep the forms for Calhoun, Jackson, Washington, and Holmes Counties.

Eventually, as our technology gets better, we will be able to download the files in each county and not have to rely on the "courier" method.

VIII. Videoconferencing/Telephonic Appearances

If a court reporter needs to take a deposition or "appear" in court, there is the option for the court reporter to appear by video to save on time and travel. This is much more efficient for short hearings or depositions. Currently, this option is only available in Bay, Calhoun, Gulf, and Jackson Counties. When appropriate, the court reporter may appear by telephone. This method could be done in each of the six counties throughout the circuit.

IX. Transcripts

If an attorney needs a transcript, one can be requested using the Request for Transcript form (not yet developed).

X. Scheduling

It is imperative Susan Diltz has all of the judges' calendars throughout the circuit provided on a monthly basis with start and end times of proceedings. If capital cases, sexual battery cases, cases with extraordinary circumstance, or TPR's are scheduled, it must be noted so that a court reporter can appear.

Attachment B

It is also important *in the initial stages* of these new procedures that Susan receive a copy of the depositions scheduled for each month from the SAO and PD's office.

XI. Employee Model

Due to the shortfall in monies provided by the legislature for court reporting, the Fourteenth Judicial Circuit will utilize the "employee model". In other words, the six court reporters who are now state employees, will be used throughout the circuit as much as possible and when economically feasible. If the court finds it needs additional help, the court will utilize contract court reporters on an as needed basis.

XII. Emergency Contacts

If anyone has a question or problem, the one of following can assist:

- Susan Diltz, Court Reporter Manager @ (850) 747-5336
- Becky Akins, Digital Court Reporter @ (850) 747-5333
- Diane Pate, Court Reporter @ (850) 482-9623
- Robyn Hatcher, Court Oper. Consultant @ (850) 718-0026
- Jennifer Wells, Court Administrator @ (850) 747-5327

Attachment C**Instructions to Set Up
the Digital Tape Recorder**

1. Insert two AAA batteries.
2. Insert the SmartMedia card fully into position.
3. Set the power/lock switch to on.
4. Set the time/date. Press the menu button, press the FF or REW button to choose the time/date setup screen.
5. Press the play button. Time/Date screen appears. The hour indicator flashes, indicating the start of the time/date setup process.
6. Repeat steps 4 & 5 to set the time and date. Press the FF or REW button to set the number. Press the play button to accept the number.
7. Press the STOP button to end.
8. Make sure the microphone sensitivity switch on the side of the recorder is on CONF.
9. The recording mode should be in the LP (long playback mode). Press the menu button. Press the play button. The recording mode setup process begins. Press the FF or REW button to choose between the SP and LP. Press the play button. The recording mode setup process ends. Press the STOP button to close the menu.
10. Make sure the VCVA (variable control voice actuator) is in the OFF position. It is also on the side of the recorder.
11. Please use the AC adaptor for recording depositions when at all possible. **HOWEVER, the batteries must remain in the recorder at all times so nothing is lost. The battery indicator on the display changes as the batteries lose power. When the batteries are too weak, the recorder shuts down and "BATTERY LOW" appears on the display. DO NOT LET THIS HAPPEN. When the battery indicator gets down to one, replace the batteries as soon as possible.**

Attachment C

**Instructions for Using the
Digital Tape Recorder**

1. Insert the SmartMedia card into the recorder if it is not already inserted. (Be sure to put it in the correct direction).
2. Set the power/lock switch to the on position. The display appears. The "Please Wait" indicator will appear. Check the battery indicator to ensure there is enough battery power.
3. All jobs will be recorded in folder A.
4. Press the record button to start recording.
5. Please have each person announce their name and spell it into the record for voice recognition. The date and time of each witness shall also be announced. The State Attorney shall swear in each witness.
6. When the recording of the witness is concluded, press the stop button and **then press the power lock off button**. This will start a new file number. Press the record button to start the next witness. Please repeat step 5 into the record. Continue this procedure for each witness. Please spell any unusual words into the record. Up to 199 files can be saved in folder A.
7. When finished recording all witness for the deposition, please set the power/lock switch to off for the next person to use.
8. If a witness is over 50 minutes in length, at the 50-minute mark you **must** stop the recorder, power lock off, and start a new file number. (This is for CD burning purposes). You may receive more than one CD for a deposition, depending on the length.

Revised: 08/19/04

Attachment E

Request for Transcript

Date of Request: _____ Date Transcript is Needed: _____

Reason for Requesting Transcript: _____

County: _____ (Circle one below)

Attorney Requesting Transcript: _____ State Attorney / Public Defender / Conflict / Private

Style of Case: State of Florida v. Case #: _____

Request Transcript of: Court Proceeding Deposition

Please specify what type: _____

Date of Court Proceeding: _____ Date of Deposition: _____

Name of Judge: _____ Name of Deponent: _____

Is entire court proceeding or deposition required to be transcribed? Yes No

If "No", please specify as close as possible, what part of the proceeding/deposition needs to be transcribed: _____

APPROVAL: Signature from the appropriate authority below is required before submitting request.

Request from SAO	Request from PD's Office	Request from Conflict Attorney
<p>Jim Appleman / Peggy Peacock State Attorney / Executive Director</p>	<p>Herman Laramore Public Defender</p>	<p>Jennifer Wells Court Administrator</p>
<p>Date Signed</p>	<p>Date Signed</p>	<p>Date Signed</p>
		<p>Fax: (850) 747-5717</p>

Please fax all signed transcript requests to Susan Diltz, Court Reporter Manager, at (850) 747-5159.
If a request is submitted without the proper signature, it will be returned to you.

For more information contact:

Susan Diltz
Court Reporter Manager
(850) 747-5336

Becky Akins
Digital Court Reporter
(850) 747-5333

Jennifer Wells
Court Administrator
(850) 747-5327

Diane Pate
Court Reporter
(850) 482-9823

For Office Use Only:

Date Request was Received: _____ Date Transcript Completed: _____

DEPOSITION INFORMATION SHEET

Date: _____

Recorder #: _____

Attorneys:

State: _____

Defense: _____ PD / Conflict / Private

State of Florida v. _____

Case Number(s): _____

County: _____

Witness(es):

File#

Time

1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____

Please spell any unusual or unfamiliar words, names, places, etc.

_____	_____
_____	_____
_____	_____

Court Interpreter Request Form

The following is required information in order to secure a qualified court interpreter for a court hearing or proceeding. **Please complete the first box and forward to:**

The Office of the Court Administrator
by fax: (850)747-5717
by email: johnstona@jud14.ficourts.org
Questions, please call (850)747-5327

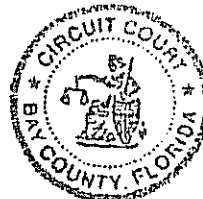
Request for Court Interpreter Services

Name/Entity: _____ Contact Person: _____
 Address: _____ Phone: _____
 _____ Fax: _____
 Name of Person Service is Requested: _____
 Type of Court Interpreter Requested:
 Hearing-Impaired
 Foreign Language
 Language/Dialect: _____
 Hearing/Proceeding Information:
 Case #: _____ Type of Proceeding: _____
 Judge: _____ Location: _____
 Date: _____ Starting Time: _____ Est. Ending Time: _____
 Requesting Party signature/approval: _____

Note: If the need or circumstances for the assigned court interpreter changes for any reason, the requesting party is responsible for contacting the Office of the Court Administrator as soon as possible so that such changes can be communicated and confirmed with the scheduled interpreter. Failure to make such contact could result in the requesting party being responsible for the interpreter's charges.

Coordination of Court Interpreter Services Office of the Court Administrator

Request for Court Interpreter is:
 Approved
 Name of Interpreter: _____ Phone: _____
 Appearing by Video Appearing by Phone
 Denied
 Reason for denial: _____
 Court Administration Contact: _____ Phone: _____



A CERTIFIED TRUE COPY
HAROLD BAZZEL, CLERK
OF THE CIRCUIT COURT

By *Erica Lee*
Deputy Clerk