



File # 2008006177
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**IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER # 2008-00-02

**RE: CHIEF JUDGE'S DESIGNEES WHEN DETERMINING PRIVATE
COURT-APPOINTED COUNSEL COMPENSATION FOR
EXTRAORDINARY AND UNUSUAL EFFORTS, EFFECTIVE JULY 1, 2007**

Whereas, the Chief Judge of each judicial circuit, pursuant to Section 43.26, Florida Statutes, has administrative supervision over all the trial courts within the judicial circuit and over the judges and other officers of such courts;

Whereas, the Chief Judge of the Fourteenth Judicial Circuit, pursuant to Rule 2.215 (b)(3), Florida Rules of Judicial Administration, has the responsibility to develop an administrative plan for the efficient and proper administration of all courts within the circuit; and

Whereas, Section 27.5304 (12) (b), Florida Statutes, allows for the Chief Judge to appoint a designee to determine private court-appointed counsel compensation for extraordinary and unusual efforts.

Now Therefore, it is ORDERED AND ADJUDGED that all Circuit and County Judges within the Fourteenth Judicial Circuit shall act as designees for the purpose of holding evidentiary hearings when a motion to exceed the fee limits is received and disallowed by the Justice Administrative Commission.

All Judges who sit as designees and hold the required evidentiary hearings shall enter a written order detailing findings and identifying the extraordinary nature of the time and efforts of the attorney in the case which warranted exceeding the flat fee and established by Section 27.5305, Florida Statutes, if appropriate.

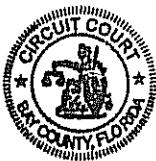
If the Chief Judge or designee finds that private counsel has proved by competent and substantial evidence that the case required extraordinary and unusual efforts, the chief judge or designees shall order the compensation to be paid to the private attorney as a percentage above the flat fee rate, depending on the extent of the unusual and extraordinary effort required. The percentage shall be only the rate necessary to ensure that the fees paid are not confiscatory under common law and the percentage may not exceed 200 percent of the established flat fee, absent a specific finding that 200 percent of the flat fee would be confiscatory. If the Chief Judge or designee determines that the 200 percent of the flat fee would be confiscatory, he or she shall order the amount of compensation using an hourly rate not to exceed \$75/hour for a noncapital case and \$100/hour for a capital case. However, the compensation calculated by using the hourly rate shall be only the amount necessary to ensure that the total fees paid are not confiscatory.

Any order granting relief must be attached to the final request for payment submitted to the Justice Administrative Commission.

DONE AND ORDERED in Chambers, at Panama City, Bay County, this 1 day of February, 2008, effective July 1, 2007, NUNC PRO TUNC.



HENTZ MCCLELLAN, CHIEF JUDGE



A CERTIFIED TRUE COPY
HAROLD BAZZEL CLERK
OF THE CIRCUIT COURT
By Nauda Maddox
Deputy Clerk