



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

**ADMINISTRATIVE ORDER # 2017-00-07**

**RE: CHIEF JUDGE'S DESIGNEES WHEN DETERMINING PRIVATE  
COURT-APPOINTED COUNSEL COMPENSATION FOR  
EXTRAORDINARY AND UNUSUAL EFFORTS, EFFECTIVE July 1, 2017  
(RESCINDING ADMINISTRATIVE ORDERS #2015-00-03)**

**Whereas**, the Chief Judge of each judicial circuit, pursuant to Section 43.26, Florida Statutes, shall exercise 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, shall 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 up to two designees to determine private court-appointed counsel compensation for extraordinary and unusual efforts.

**Now, Therefore, it is ORDERED AND ADJUDGED** that Judge Elijah Smiley or Judge Christopher Patterson shall act as the Chief Judge's designee to determine private court-appointed counsel compensation for extraordinary and unusual efforts.

The Chief Judge or designee will hold evidentiary hearings when a motion to exceed the fee limits is received from the private court-appointed counsel for billing to which the Justice Administration Commission has objected.

The Chief Judge or designee who holds the required evidentiary hearings shall enter a written order detailing his or her findings and identifying the extraordinary nature of the time and efforts of the attorney in the case which warrant exceeding the flat fee established by Section 27.5304, Florida Statutes, and the General Appropriations Act.



If the Chief Judge or designee finds that counsel has proved by competent and substantial evidence that the case required extraordinary and unusual efforts, the Chief Judge or designee shall order the compensation to be paid to the attorney at a percentage above the flat fee rate, depending on the extent of the unusual and extraordinary effort required. The percentage must 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.

For criminal cases only, if the court orders payment in excess of the flat fee established by law, fees shall be paid according to Section 27.5304(12)(f), Florida Statutes.

DONE AND ORDERED in Chambers, at Panama City, Bay County, this 27 day of September 2017.

  
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ELIJAH SMILEY, CHIEF JUDGE

 A CERTIFIED TRUE COPY  
BILL KINSAUL CLERK  
OF THE CIRCUIT COURT  
  
Deputy Clerk