

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT, IN
AND FOR BROWARD COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. III-99-D-5

IN RE: :
REIMBURSEMENT OF COSTS WHERE :
DEFENDANT OR OTHERS HAVE BEEN :
DECLARED INDIGENT FOR COSTS :

By authority vested in the Chief Judge by Rule 2.050 of the Florida Rules of Judicial Administration, and Section 939.15, Florida Statutes, it is

Ordered that:

I. In criminal proceedings and in other proceedings, to be reimbursed by Broward County, attorneys shall obtain from the presiding judge, PRIOR to incurring expenses, an Order declaring the defendant or other person indigent for costs.

II. All attorneys, defense counsel or otherwise, shall be subject to the then-current and existing Administrative Orders at the time of declaration of indigent for costs; however, the terms of this Administrative Order shall have retroactive and prospective effect on all cases, criminal or otherwise, which are ongoing and not disposed of on the effective date of this Administrative Order.

III. Reimbursable expenses.

A. Attorneys shall submit a written Motion with an itemized expense estimate to the presiding judge BEFORE incurring reimbursable expenses where the individual or aggregate amount of forecast expenses are in an amount of more than \$500. A written, authorizing Order shall be required as a prerequisite to the refunding of expenses that exceed individually, or in total, an amount of \$500. Presiding judges are encouraged to set and fix periodic and recurring threshold caps on individual expenses. Reimbursable expenses include, but are not limited to: expert witness fees, private investigator fees (see Administrative Order No. III-93-D-6 [or any successor Administrative Order] for maximum hourly rates of expert witnesses, consultants, and private investigators), travel costs, photographs, and private court reporting services (authorized by Court Reporting Services when within the Seventeenth Judicial Circuit). Payment shall only be made for these and other special services that are reasonably incurred and that have prior authorization from the presiding judge. Despite the above \$500 authorization requirement, and no matter the contemplated expense amount, in no event shall costs be incurred for: transcripts (except depositions C1), travel, nor the services of an expert witness, consultant, or private investigator without it having first been authorized by the presiding judge.

B. Attorneys shall utilize the Broward Sheriff's Office for service of process; shall coordinate interpreting services through the Court Interpreting Services at (954) 831-7290; and shall contact Court Reporting Services (CRS) at (954) 831-6260 to schedule depositions.

C. Court Reporting Services may use either electronic recording or stenographic reporting for depositions. When electronic recording is used, the material part of the original tape of any discovery deposition may be played in open court for contradicting or impeaching the testimony of the deponent as a witness. Attorneys should request copies of deposition tapes to avoid having a transcript prepared. These may be obtained from Court Reporting Services.

1. A deposition transcript SHALL NOT be prepared by Court Reporting Services or a private court reporter unless a Request for Certified Transcript form is completed by the conflict attorney. The requesting attorney shall obtain the necessary form from Court Reporting Services and shall certify a need for the transcript. The Chief Judge hereby delegates responsibility for approval of these requests to the Court Administrator. The request form shall designate with particularity the needed portion of the proceeding. The approved Request form shall be sent to Court Reporting Services or the reporter who took the deposition. All denied forms shall be retained by Court Reporting Services.

2. When a transcript is prepared, it shall be prepared at the normal delivery rate as authorized in the contract for depositions at the time of the request.

3. There shall be no charge to the attorney for transcripts or tapes of depositions done by Court Reporting Services.

4. If Court Reporting Services is unable to accommodate counsel on a particular date, Court Reporting Services shall provide an "authorization number" to counsel who may then use the services of a private court reporting firm **ON THAT DATE ONLY** at normal delivery rates as authorized in Administrative Order No. III-91-D-4-1A (or any successor Administrative Order.) The authorization number shall be indicated on the appropriate court reporter invoice and on the approved request form when it is submitted for reimbursement. Payment shall be made only for appearances and transcripts authorized by the Court, not to exceed the fee schedules set by Administrative Order.

IV. Non-reimbursable Items of Expense shall be as follows:

- A. General office overhead of the attorney; including, but not limited to: photocopying, telephone calls, mileage, parking, office supplies, postage, office space, and all necessary equipment.
- B. The cost of items of a personal nature purchased for the persons represented.

- C. Filing fees or other charges waived or not provided for by law.
- D. Payments to witnesses or for other services normally paid by the state or county.
- E. Travel of attorney, unless prior authorization is obtained from the presiding judge.
- F. Services of other attorneys, paralegals, secretaries, legal interns, law students, or other "in- house" specialists or consultants.
- G. Other items not previously authorized by the presiding judge.

V. Mandatory Procedure for Obtaining Reimbursement of Costs.

A. When a case has reached final adjudication or disposition, all attorneys shall prepare a sworn Motion for Reimbursement Where Defendant Or Other Party Has Been Declared Indigent For Costs, and shall submit the following documents to the Court Administrator's Office:

1. Original sworn Motion for Reimbursement Where Defendant Or Other Party Has Been Declared Indigent For Costs asking for reimbursement of costs;
2. Proposed, original multi-page uniform Order For Reimbursement Of Costs Where Defendant Or Other Party Has Been Declared Indigent for Costs;
3. Photocopy of the Order Declaring Defendant Or Other Party Indigent for Costs;
4. Original invoices for reimbursable expenses; photocopies of original invoices are not acceptable unless completely legible and also carry a written certification by the attorney that the photocopy is a reliable version of the original;
5. Photocopy of court Order allowing expenses to be incurred exceeding \$500.00;
6. The Attorney need not submit to the Court Administrator's Office a photocopy of an executed Judgment/Lien For Attorney's Fees and Costs. A CERTIFIED copy of an original signed Judgment/Lien shall be sent to the Court Administrator's Office by the Clerk of Court. No Judgment/Lien shall be required by the presiding judge where the defendant or other party was fully discharged by acquittal, nolle prosequi, dismissal, or otherwise prevailed. Failure of the Court Administrator's Office to be in possession of a Certified Judgment/Lien shall neither delay

nor prohibit the Court Administrator's Office from approving and sending an Order for Reimbursement, which has been signed by the presiding judge, to the Broward County Accounting Division to effect reimbursement by payment. Reference Administrative Order No. III-98-D-8 Public Defender or Conflict Attorney Appointments Fees, Judgments and Liens (or any successor Administrative Order).

B. Following audit pre-approval by the Court Administrator's Office, and where no hearing on the Motion is warranted, the Court Administrator's Office shall affix a stamped mark, showing "Approved for Payment" to the original but proposed Order For Reimbursement Of Costs Where Defendant Or Other Party Has Been Declared Indigent for Costs, and shall send all of the submitted papers and documents to the presiding judge for signature of the Order for Reimbursement.

C. After the presiding judge's approval and signing of the Order For Reimbursement Of Costs Where Defendant Or Other Party Has Been Declared Indigent for Costs, all papers and documents submitted to the presiding judge shall be returned to the Court Administrator's Office by the presiding judge, or when applicable, by the County Attorney's Office after a hearing. The yellow copy of the Order for Reimbursement shall be logged, photocopied, detached, and retained by the Court Administrator's Office. The Court Administrator's Office shall affix a verification stamp and signature to the photocopy of the Order for Reimbursement. This verified, stamped photocopy of the signed Order for Reimbursement shall be sent by the Court Administrator's Office to the Broward County Accounting Division (to effect actual payment) with all original or certified photocopies of invoices, and if applicable, a photocopy of an Order signed by the presiding judge authorizing and allowing the incurring of reimbursable expenses greater than \$500.00. The original, sworn Motion for Reimbursement Where Defendant Or Other Party Has Been Declared Indigent For Costs, the original Order for Reimbursement, and remaining copies thereof shall be sent by the Court Administrator's Office to the Clerk of Court for filing or distribution or both.

D. The Clerk shall distribute the remaining copies of the approved and executed Order For Reimbursement Of Costs Where Defendant Or Other Party Has Been Declared Indigent for Costs to the appropriate parties. The original Order for Reimbursement shall be filed in the court file only if it has Court Administrator's "FILE ONLY, NOT FOR PROCESSING" stamped marking.

E. Payment of all reimbursable expenses shall be made directly to the attorney and not otherwise and NOT TO THE VENDORS who may have furnished services. The attorney are responsible for payment to vendor.

VI. Interim Payment For Costs.

Before conclusion of the case, an attorney may seek interim reimbursement for costs incurred, as follows:

A. Attorneys may submit for reimbursement for costs authorized previously by the court and actually incurred that exceed One Thousand Dollars (\$1,000) at the end of each month.

B. To obtain interim reimbursement of costs, attorneys shall follow the procedures stated in section V of this administrative Order. The judgement/lien shall still be executed at the time of sentencing in the aggregate amount of the reimbursement paid to the attorney.

VII. Effective Date.

This Administrative Order replaces Administrative Order III-92-D-5A1 issued on September 3, 1992. The provisions of this Administrative Order shall apply to all costs incurred retrospectively and prospectively from the effective date of October 1, 1999

DONE AND ORDERED in chambers in Fort. Lauderdale, Broward County, Florida this 27th day of September, 1999

/s/DALE ROSS
DALE ROSS, Chief Judge