



STATE OF FLORIDA
JUSTICE ADMINISTRATIVE COMMISSION

Post Office Box 1654 (32302)
227 North Bronough Street, Suite 2100
Tallahassee, Florida 32301

COMMISSIONERS

Dennis Roberts, Chair
Public Defender

Diamond R. Litty
Public Defender

Jerry Hill
State Attorney

Jerry M. Blair
State Attorney

(850) 488-2415
SUNCOM 278-2415
Toll Free (866) 355-7902
FAX (850) 488-8944
Toll Free FAX (866) 355-7906

Victoria A. Montanaro
Executive Director

July 27, 2007

Dear Chief Judge
& Trial Court Administrator:

We understand that a number of attorneys who have been approved by the Judicial Circuit Indigent Services Committee for inclusion on the registry are reluctant to execute the new 2007 - 2008 Agreement for Attorney Services (Agreement). The attorneys have expressed concern about the sentence in the new Agreement that states: "This Agreement supersedes and terminates all prior Agreements for Attorney Services between Attorney and JAC for court appointments pursuant to section 27.40." The attorneys have indicated they are unsure whether this language could change the rate structure controlling cases to which they were appointed prior to July 1, 2007. The JAC interpretation of Senate Bill 1088 (Chapter 2007 – 62, Laws of Florida) and the new Agreement regarding the applicable rates for cases to which an attorney was appointed prior to July 1, 2007 is as follows:

The bill envisions that court-appointed attorneys will be compensated at the rate in effect at the time of their appointment... This applies to both hourly and flat rate billing structures. For appointments before May 24, 2007, ISC rates in effect at the time of appointment will apply to the end of the case. For appointments from May 24, 2007 through June 30, 2007, the ISC rates apply if compensation sought is less than the statutory cap. For appointments from May 24, 2007 through June 30, 2007, where compensation sought is in excess of the statutory cap, rates in s. 27.5304(12), F.S., will apply, if the ISC rates are greater than those rates.

Please refer to the Senate Bill 1088 – Questions and Answers on our website at <http://www.justiceadmin.org> for further discussion of the effects of Senate Bill 1088.

The Agreement is a standard form contract approved by the Commissioners of the JAC at the June 20, 2007 meeting. The Agreement is not negotiable.

We hope this is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen M. Presnell".

Stephen M. Presnell
General Counsel