



Investigator Billing

**How to properly submit
Investigator and Mitigation
Specialist bills to JAC**

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Introduction:

- This module delineates the requirements for an investigator/mitigation specialist to enter into a contract with JAC, as well as the billing process to be followed.
- This training module is intended to be an aid for the billing process. For additional information, please review the JAC Agreement, JAC Policies & Procedures and the Frequently Asked Questions.

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Contract Process:

- How does an investigator/mitigation specialist get hired?
 - Private attorney selects investigator/mitigation specialist.
- How does an investigator/mitigation specialist enter into a contract with JAC?
 - Submit the [Agreement for Due Process Services \(Other than Attorney Fees\)](#).
 - Attach copies of Class C, MA, or M investigator license and Class A agency license.
 - At time of renewal, investigator should provide JAC a copy of renewed license.
 - See the [Mitigation Specialist](#) section for those license requirements.



Examples of Services:



- An investigator/mitigation specialist may bill for:
 - Interviewing and locating witnesses
 - Locating documents
 - Performing background checks
 - Researching factual issues
 - Service of process
- An investigator/mitigation specialist may not bill for:
 - Picking up discovery from the state attorney
 - Copying documents from the court file
 - Delivering materials to the defendant
 - Any administrative tasks such as work of a paralegal or secretarial nature
 - JAC does not provide reimbursement for clerk of court charges for documents provided to an indigent defendant. (link to [Frequently asked Questions](#) # 39)



Rates:

- Pursuant to section 27.425, the legislature sets the rates for due process costs annually in the General Appropriations Act. The same rates that apply to court appointed cases apply to indigent for costs cases.
- Currently, the rates in effect are the rates approved by the local Indigent Services Committees as of June 30, 2006. Rate charts by circuit are available on JAC's website. If a rate is not set, then JAC relies on the rates recommended by the Indigent Services Advisory Board. This information is available in JAC's Policies and Procedures Manual.
- Current rates can be viewed by clicking on [Current maximum rate chart by circuit](#) (page 25, Frequently Asked Questions).
- For circuits that did not set a rate for investigators, the hourly rate cannot exceed \$50.00.



Itemized Billing:

- Investigators/mitigation specialists must submit an itemized billing invoice ([link to invoice](#)). A model form to indicate the level of detail is attached. The invoice must include:
 - Date of service, type of service(s) provided, and amount of time worked for each service.
 - Name of the investigator(s)/mitigation specialist(s) who provided the service(s) and license number(s) and type(s).
 - Investigators/mitigation specialists with a Class C, MA, or M license may bill at the authorized rate.
 - Investigators with a Class CC license may bill at 60% of the authorized rate.



Itemized Billing: (continued)

- ❑ When listing investigative activity, list date and amount of time (in tenths of an hour), type of activity, and brief description for each activity separately. Avoid aggregating investigative activities into block entries.
- ❑ For review of documents, the billing should indicate the type of document and approximate number of pages reviewed. For review of audio tapes, video tapes, or other media the billing should indicate the approximate length of the media.
- ❑ Bill in increments of hours and tenths of an hour (6 minute intervals) (For examples, [link to chart](#), page 21).



Itemized Billing: (continued)

- ❑ Total time billed for a work session cannot exceed the actual amount of time expended during that work session.
 - For example, if investigator/mitigation specialist reviews three separate documents during a particular work session for a total of five minutes, then investigator/mitigation specialist should bill .1 for that totality of that activity of reviewing all three documents. Investigator/mitigation specialist should not individually bill .1 three separate times for review of each separate document.
- ❑ The billing should be sufficiently detailed for JAC to objectively assess the reasonableness of the services rendered.
- ❑ It is the attorney's responsibility to review the billing prior to submission to ensure there is no breach of attorney-client or work product privilege and to redact any such information as appropriate.
- ❑ Any redaction should be limited to the extent necessary to protect attorney-client or work product privilege.



Other Billing Services:

- Subpoena Service - An investigator cannot bill for investigative time and bill for serving a person at the same time.
- An investigator cannot bill for serving a law enforcement officer.
- If an investigator serves a witness:
 - The court has to authorize such service.
 - The rate applicable is for private service of process.
- Provide the number of subpoenas served along with the cost per subpoena and the total. Provide the name of each individual served, using first name, middle initial and last name. Provide a return of service for each person served.

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Other Billing Services: (Continued)

- Other Costs – Provide a brief description of the costs and the total. All “Other Costs” must be accompanied by a detailed log of charges, invoices, receipts, and/or other proof of payment.
 - Refer to [Rate Sheet by Circuit](#).
- See also the [JAC Standard Due Process Agreement](#), [JAC Policies and Procedures for Court-Appointed Counsel](#) and [Frequently Asked Questions](#).



Mileage:

- Investigator's/mitigation specialist's hourly fee includes ordinary travel costs including mileage.
- Investigators/mitigation specialists are paid for extraordinary mileage such as:
 - Trip exceeding 50 miles one way, or
 - Travel between counties, or
 - Multiple destinations exceeding 100 miles in one trip.
 - Note: An out-of-county investigator may not bill for mileage between investigator's office and the county of the case unless there is an order for retention of an out-of-county investigator or an order specifically identifying the investigator.



Mitigation Specialists:

- A mitigation specialist must have a valid Class C investigator License unless he or she:
 - Holds a professional Florida license in a field such as mental health or psychology, or
 - Is a member of The Florida Bar.
- Rate:
 - Unless the circuit approved a separate rate for mitigation specialists, the rate is the same applicable to investigators for the circuit.



End Notes:

- Congratulations, you have now completed the module on investigator/mitigation specialist billing.
- Please periodically login to www.justiceadmin.org, and see “What’s New” for important letters and notices posted on the JAC website. It is your responsibility to remain current regarding changes and updates to the Agreements, Policies and Procedures, and Frequently Asked Questions.

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