



# Justice Administrative Commission Policies and Procedures

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Victoria A. Montanaro  
Executive Director

For Indigent for Costs Counsel  
(Privately Retained or Pro Bono Attorneys)



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## **Checklist for Due Process Costs**

For due process service costs to be paid, JAC must have received the following documents:

- ⇒ Written Motion to Declare the Client Indigent for Costs.
- ⇒ Clerk's Application for Indigency.
- ⇒ Affidavit Attesting to Estimated Amount of Attorney's Fees.
- ⇒ Order Declaring the Client Indigent for Costs.
- ⇒ Charging Document.
- ⇒ Signed JAC Agreement for Due Process Services for Persons who are Indigent for Costs.
- ⇒ JAC Invoice/Voucher Cover
- ⇒ Order authorizing specific due process costs unless costs are authorized pursuant to the order declaring the client indigent for costs.
- ⇒ Proof of Payment if seeking reimbursement for due process costs paid on behalf of the Client

## **Section I - Case Opening Documents**

### ***A. Having a Client Declared Indigent for Costs***

#### **Written Motion Required**

In order to have a client declared indigent for costs, privately retained counsel must file a written motion to declare the client indigent for costs. As required by section 27.52(5), Florida Statutes, counsel must also file a clerk's application for indigency and an affidavit attesting to the amount of attorney's fees and the source thereof. All of these documents must be submitted to the trial court for the court's consideration before a client is declared indigent for costs.

#### **Service on JAC**

Counsel must serve a copy of the written motion along with the affidavits upon JAC prior to the court declaring the client indigent for costs. JAC is entitled to notice and an opportunity to be heard before a court declares a client indigent for costs. JAC may seek to vacate any order declaring a client indigent for costs if JAC is not afforded an opportunity to participate in the proceeding to declare the client indigent for costs. JAC must receive a minimum of 5 business days' notice of any hearing on a motion to declare a client indigent for costs.

#### **Court Order Required**

In order for JAC to pay any due process costs, the court must enter a written order finding the client indigent for costs. The provision of due process services in an indigent for costs case must be effectuated through a written court order. If an attorney is representing a defendant on more than one case, the order finding the client indigent for costs must reference all cases in which the defense is seeking due process costs.

#### **Costs Must be Specified**

The motion must specify the particular due process costs requested as well as the amount requested for those services. The order declaring the client indigent for costs must also specify the particular due process costs that are authorized and the amount authorized for those costs. If the order only finds a client indigent for costs without specifying the costs authorized, then the attorney will need to obtain a separate order authorizing the particular due process costs. JAC is always entitled to notice and an opportunity to be heard before a court approves any due process costs.

#### **Consistent Case Number**

The case number that appears on the original motion to declare a person indigent for costs provided by the attorney must be used identically on all further submissions by the attorney for that case.

### **Not Retroactive**

An order finding a defendant indigent for costs is prospective only. JAC will not pay due process costs incurred prior to the effective date of the order.

## ***B. Case Opening Documents***

### **Packet**

Once the court declares a defendant indigent for costs, privately retained counsel should submit the following documents to JAC as a single packet. Because it will contain an original contract, the packet must be mailed to JAC:

1. The Motion to Declare the Defendant Indigent for Costs
2. The Clerk's Application for Indigency
3. The Affidavit Attesting to Attorney's Fees
4. The Order Declaring the Defendant Indigent for Costs
5. The Charging Document(s)
6. A signed JAC Agreement for Due Process Services

All of these documents should be submitted as one packet even if they were previously submitted separately. These documents are used to officially open a case in JAC's database once a defendant is declared indigent for costs.

### **Timely Submission**

An attorney must submit the required case opening documents ***within 30 days of the date the client is declared indigent for costs.*** Until these documents are submitted, JAC will not process any invoice for payment.

### **Submission of Documents**

Unless an original is required or requested by JAC, documents such as motions or court orders may be faxed to JAC at the circuit specific fax number listed on JAC's website.

Forms or documents requiring an original signature such as Invoice/Voucher Covers, invoices, and travel reimbursement forms, ***may not be faxed.*** Accordingly, such documents should be mailed to JAC at:

Justice Administrative Commission  
P.O. Box 1654  
Tallahassee, Florida 32302

To distinguish originals from photocopies, all originals must be signed in blue ink.

### **Responsibility**

Counsel is responsible for verifying and ensuring that the required case opening documents are timely and properly submitted, that JAC has received the required case opening documents, and that JAC has entered the case into JAC's

database. Counsel may verify that a case has been opened through the JAC website. For information on how to logon to JAC's database, please refer to the Frequently Asked Questions on JAC's website.

### **Case Numbering Consistency**

The case number that appears on the order declaring the client indigent for costs must be used on all further submissions by counsel for that case. If the court consolidates the original case with any subsequent case, or the case receives a new case number when it enters a new stage, any case-related submissions should reference both the original case number and any subsequent case numbers.

For example, if the order of appointment in a Chapter 744 guardianship case has an "MH" designation in the case number, but later converts into a guardianship "GA" case number, counsel must continue to reference both the "GA" and "MH" numbers in all documents provided to JAC.

### **Case Closure**

Attorneys must also provide JAC with notice after a case is completed or a client is no longer indigent to enable JAC to close the case in the database.

## **C. Contract**

### **Agreement for Due Process Services**

As directed by sections 29.007 and 27.52(5)(d), Florida Statutes, an attorney whose client is declared indigent for costs is required to execute the Agreement for Due Process Services for Persons Who Are Indigent for Costs. No invoices will be paid on a case until an Agreement executed by the attorney has been received by JAC. This Agreement is available on JAC's website. The attorney must execute the contract and mail it to JAC. The contract must be executed in blue ink and must be mailed to JAC. JAC does not accept faxed contracts.

### **W-9 Required**

If privately retained counsel intends to seek reimbursement for due process costs paid by counsel or counsel's firm, a properly completed W-9 must be attached to the contract. Attorneys who will be seeking reimbursement for due process costs are required to provide JAC with a current W-9 at all times.

### **Case Specific**

The contract is case specific. An attorney must execute a contract for each client that has been declared indigent for costs.

### **Multiple Cases for Same Client**

For a client with multiple related cases only one agreement is needed which references all the case numbers. However, if a client is subsequently found

indigent for costs in another case, then the attorney will need to execute another contract addressing that case.

## ***D. Charging Documents***

### **Criminal Cases**

An indictment or information is required for all criminal matters or cases where such a pleading is filed.

### **Juvenile Delinquency Cases**

The petition for delinquency is required.

### **Violation of Probation (VOP) or Violation of Community Control (VOCC)**

The petition or affidavit seeking to revoke probation or community control is required for all criminal and delinquency VOP and VOCC cases.

### **Post Conviction Proceedings**

Counsel is responsible for providing enough of the motion so that JAC can identify the type of motion and the issues presented therein. If the motion is less than 20 pages, then the entire motion should be provided.

### **Dependency Cases / Termination of Parental Rights Cases (TPR)**

Unless specifically requested, a charging document is generally not required as long as the order declaring the client indigent for costs is clear as to the nature of the proceeding.

### **General Civil Cases**

A copy of the initial pleading (initial petition) is required.

### **Appeals**

A copy of the Notice to Appeal is required including the order(s) being appealed, as well as a copy of the charging document for the underlying case except for dependency and termination of parental rights cases.

## **Section II – Due Process Services**

### ***A. General Practices and Procedures***

#### **Obligation**

Counsel billing for due process service costs shall follow the requirements of Florida Law, JAC's Agreement for Due Process Services, JAC's Policies and Procedures, and any applicable local requirements promulgated pursuant to

Florida law, whether implemented through an Administrative Order or by other means.

Any forms and documents submitted to JAC should include counsel's name and bar number.

### **Methods of Paying Due Process Costs**

JAC will reimburse for due process service costs in one of two ways: JAC pays vendor after counsel certifies; or counsel pays the vendor and is subsequently reimbursed by JAC.

### **Invoice/Voucher Cover**

The Invoice/Voucher Cover is essential for the satisfactory billing for due process service services. Counsel must appropriately complete, execute, and submit the applicable Invoice/Voucher Cover, as well as all necessary supporting documents.

Invoice/Voucher Covers for due process costs and corresponding instructions are available on JAC's website.

An intended billing for due process service costs is not considered submitted to JAC until and unless JAC receives an original Invoice/Voucher Cover signed by counsel and the due process service provider, along with all necessary supporting documents.

The Voucher Cover may not be signed prior to the receipt of the services requested. For example, the attorney may not sign a Voucher Cover for a transcript until after the attorney has actually received the transcript. Any voucher cover signed prior to the receipt of the service will be returned.

### **Certification of Due Process Services Costs**

Generally, intended billings for due process service costs shall be certified by counsel (and the vendor when the vendor is billing JAC directly). Certification is provided on the applicable Invoice/Voucher Covers available on the JAC website. Additionally, corresponding instructions are also available on the JAC website.

An attorney cannot execute the certification on the JAC Invoice/Voucher cover until the work is actually completed. **If JAC receives an Invoice/Voucher cover that was executed prior to the date the provider completed the service, then JAC will return the intended billing.**

### **Original Invoice**

All intended billings for due process service costs must be submitted using the applicable JAC Invoice/Voucher Cover. Due process vendors may use their own original invoices as support for the JAC Invoice/Voucher Cover as long as the invoice contains sufficient detail.

If the original invoice is not available, a photocopy of the invoice may be substituted. However, counsel must write on the face of the invoice, and certify with signature and bar license number, the following:

“I certify that the original invoice is not available and that this invoice copy is a true and accurate duplicate of the original invoice.”

(Signed by Counsel, Bar License Number recorded underneath signature).

## ***B. Service and Notice***

### **Standing of JAC**

JAC shall only pay for due process services reasonably required for the defense of the case as set forth in section 29.007, Florida Statutes. JAC has standing to contest the authorization for any due process service costs and the amount of said due process service costs. Counsel shall have the burden to establish that the due process service costs are reasonable and necessary to the defense of the case.

### **Notice**

Except for those services expressly approved in the order declaring the client indigent for costs, counsel must serve JAC with a copy of the motion for due process service costs prior to a court entering an order regarding any other due process service costs.

A written motion for due process service costs must specify the type of due process service requested, the rate requested, and an estimated maximum amount of costs required. **The motion shall be properly served on JAC a minimum of five (5) business days prior to the date of the hearing on the motion.** JAC’s failure to respond to such a motion shall not constitute a waiver of JAC’s right to be heard regarding the matter. Unless JAC affirmatively waives the right to a hearing, JAC may seek to vacate any order entered without a hearing or without sufficient notice to JAC.

JAC will not pay for due process service providers that are obtained in violation of these requirements. Counsel is solely responsible for compensating a due process service provider obtained in violation of these requirements.

## ***C. General Compensation***

### **Rates and Providers for Due Process Services**

JAC reviews due process service invoices to verify compliance with the recognized rates and amount authorized as established pursuant to Florida law. Information on applicable rates is available on the JAC's website.

The order must identify the approved due process services and must establish the maximum amount authorized for each due process service. If the rate authorized is different than the rate established by law, then the order must indicate the rate. If the order does not indicate such a rate, JAC cannot pay any rate in excess of the rate established by law.

If the rate for a particular due process service has not been established, JAC will rely upon its experience since July 1, 2004, as well as the recommendations of the Article V Indigent Services Advisory Board, in determining the appropriateness of a rate charged and the total amount of compensation.

The Indigent Services Advisory Board's recommendations are as follows:

<b>Expert Witness Categories</b>	<b>Average</b>	<b>Suggested Ranges</b>
Investigators - Per Hour	\$37.86	\$30 - \$50
Investigators - Per Case	\$840.00	\$500 - \$1,500
Expert Witness Fees - Per Hour	\$154.17	\$150 - \$200
Expert Witness Fees - In Court - Per Hour	\$147.17	\$125 - \$150
Expert Witness Fees - Out of Court- Per Hour	\$111.20	\$50 - \$150
Exp. Wit. Fee - Waiting to Testify - Court - Per Hour	\$71.33	\$50 - \$75
Exp. Wit. Fee - Waiting to Testify - Depo.- Per Hour	\$66.83	\$50 - \$75
Expert Witness Fee - Travel - Per Hour	\$63.50	\$50 - \$75
Expert Witness Fees - Per Case	\$1,580.00	\$1,500-\$2,000
Psychological Exam - Per Exam	\$246.88	\$150 - \$400
Psychologist - In Court/Testify - Per Hour	\$136.60	\$125 - \$150
Psychologist - Waiting to Testify - Per Hour	\$84.80	\$50 - \$75
Medical Doctors - In Court or Depo. - Per Hour	\$156.43	\$150 - \$200
Medical Doctors - Out of Court - Per Hour	\$128.33	\$100 - \$125
Other Pre-Trial Expert - In Court - Per Hour	\$102.67	\$75 - \$100
Other Pre-Trial Expert - Out of Court - Per Hour	\$77.00	\$50 -\$75

### **Mitigation Experts**

Unless otherwise established by law, the rate for a mitigation specialist or mitigation expert is the rate established for investigators.

### **Diligent Efforts**

If counsel intends to procure due process services at a rate higher than the rate established by law, counsel must make a showing that the particular due process

service is necessary to the defense of the case and that counsel has made a diligent effort to find the service within the rates established by law. Diligent effort includes, but is not limited to, evidence that counsel sought the services of at least three providers willing to work on the case but none were willing to work at the rates established by law. If a court authorizes due process services in excess of the rates established by law, the order should contain findings as to the diligent efforts counsel made to obtain services within the rates established by law.

### **Out-of-State Due Process Providers**

Counsel shall not seek authorization from the court for out-of-state experts, investigators, or mitigation specialists, absent a showing that there are no such providers with appropriate skills or expertise available, first, in the county in which the case was filed and, second, in any other county in the State of Florida. If counsel obtains an out-of-state due process service provider without making such a showing, counsel agrees not to request reimbursement for any travel expenses, including compensation for travel time, on behalf of the due process service provider. If a court authorizes an out-of-state due process service provider, the order should contain findings as to the lack of qualified due process service providers within the State of Florida.

### **Transcripts**

Counsel must obtain a court order prior to ordering a transcript. JAC will not pay for a transcript absent a court order authorizing that transcript. The court order must be attached to the intended billing for the transcripts. Counsel must provide the court reporter with a copy of the order of appointment and the order authorizing the transcript. For any intended billing in which JAC will directly pay the court reporter, upon receipt of a completed invoice from a court reporter, counsel shall promptly review and sign the invoice.

### **Prepayment/Retainers**

JAC does not prepay or provide a retainer for due process services. Counsel shall not seek to have JAC prepay or provide a retainer for due process services. If a due process service provider requires prepayment or a retainer, counsel shall pay the amount and seek reimbursement only after the due process service provider has completed the services for which the prepayment or retainer was paid. Counsel shall only be reimbursed the amount necessary to compensate the due process service provider at the appropriate hourly rate, irrespective of the amount of the retainer.

### **Budget for Capital Cases**

For capital cases in which the State has not waived the death penalty, as soon as practicable after the defendant is declared indigent for costs, counsel shall set a hearing for the trial court to determine a reasonable budget for due process service costs. Timely and proper notice of the hearing shall be provided to JAC. This budget shall be based on the circumstances of the case, the amount

needed to provide the defendant with the basic tools of defense as mandated by due process concerns under the state and federal constitutions, the amount appropriated for due process service costs in the General Appropriations Act, and the amount the Office of Public Defender for the applicable circuit expends for similar capital cases. Counsel shall make diligent efforts to remain within this budget. Prior to authorizing expenditures in excess of this budget, counsel will set the matter for hearing, again with timely and proper notice to JAC.

#### **Deposition of State Attorney's Expert**

If counsel seeks to depose the State Attorney's expert witness, counsel must obtain a court order authorizing any compensation for the expert. The expert will bill counsel just like any other expert. Counsel will then appropriately complete and execute the applicable forms for due process service costs, as well as submit all necessary supporting documents, for payment of the expert. The expert cannot be paid rates beyond those established by law without a court order which details the reason for deviating from rate established by law. If there is no rate set, then a court order must contain detailed justification for the rate. JAC will not pay any more than the compensation rate paid by the State Attorney for the expert.

#### **Travel Time for Due Process Providers**

Other than investigators, due process service providers that bill at hourly rates may not bill for time spent traveling on a case unless a rate has been established by law or court order for travel time.

#### **Non-reimbursable Expenses**

Counsel shall not bill for purchase of office equipment, electronic equipment, office supplies, clothing, personal items, haircuts, manicures, dry cleaning, or other such personal services for counsel, the client, or a due process vendor.

### ***D. Methods of Paying Due Process Service Costs***

#### **JAC Pays Due Process Service Provider after Counsel Certifies**

Upon receiving a bill or invoice from the due process service provider, after completion of the service, counsel may certify the bill or invoice and send it with a completed applicable Invoice/Voucher Cover. Counsel must have submitted the case opening documents before a due process service provider may be paid. JAC may then pay the due process service provider directly. Copies of court orders authorizing such costs must be provided with the intended billing. Counsel may not certify the work is completed until the work has actually been completed. If all procedures are not followed, or appropriate documentation is not provided, counsel remains personally liable to pay the due process service provider. **Any Voucher Cover received by JAC that certifies the work was done prior to completion of the work will be returned.**

### **Counsel Pays and is Subsequently Reimbursed**

Counsel may pay the due process service provider directly and then seek reimbursement from JAC. Reimbursement for due process service costs may be at the time counsel has accrued at least \$500 in out-of-pocket due process costs or after final disposition. After certifying the bill or invoice, counsel must mail the original bill or invoice with a completed applicable Invoice/Voucher Cover. Counsel must also provide proof of payment. Copies of court orders authorizing such costs must be provided with the billing. Counsel is entitled to reimbursement only if all procedures have been followed and appropriate documentation has been provided to JAC. Absent express court approval, counsel may not be reimbursed to the extent the costs exceed the rates or limitations established by law or court order.

### **In-State Court Reporting Transcripts Only**

After delivering the transcript and obtaining certification from counsel, designee, or clerk of the court (where the transcript is filed with the clerk), an in-state court reporter may certify the bill or invoice and send it to JAC with a completed JAC applicable Invoice/Voucher Cover. Counsel must have submitted the case opening documents before the in-state court reporter may be paid. The in-state court reporter must also include a copy of the order authorizing transcripts. JAC may then pay the in-state court reporter directly. Copies of court orders authorizing such costs must be provided with the billing except when no court order is required. In the event all procedures are not followed, or appropriate documentation is not provided, counsel remains personally liable to pay the in-state court reporter.

## **Section III – Timely Billing and Procedural Requirements**

### **Timely Submission**

Counsel (or due process service providers billing JAC directly) shall submit an intended billing for due process costs and expenses ***within 90 days after final disposition of the case***. Failure to submit a properly completed intended billing within 90 days will result in a mandatory fifteen percent (15%) penalty on any due process costs and expenses. See § 27.5304(4), Fla. Stat. (2007).

An intended billing will not be considered satisfactorily submitted with JAC until all applicable forms and necessary documentation required under JAC's Agreement for Due Process Services, JAC's Policies and Procedures, and those local requirements promulgated pursuant to Florida law, whether implemented through an Administrative Order or by other means, have been appropriately completed, executed, and submitted.

For any case that was disposed of on or before May 24, 2007, the date of final disposition shall be designated as May 24, 2007. Thus, all applicable forms and necessary documentation must be submitted to JAC by August 22, 2007. An intended billing submitted after August 22, 2007 for a case that reached final

disposition on or before May 24, 2007 will be subject to fifteen percent (15%) reduction penalty as set forth herein.

### **Timely Submission with an Appeal Anticipated**

Filing of an appeal does not stay the time for submitting an intended billing relating to representation at the trial court level, even if counsel represents the client on appeal.

For example, if a case reaches final disposition at the trial level, but is appealed, counsel must submit for due process costs pertaining to representation at the lower court level within 90 days after final disposition of the case at trial level.

### **Timely Submission for Appellate Cases**

For purposes of the fifteen percent (15%) penalty, the date of final disposition is the date of the issuance of the appellate mandate.

### **Timely Submission for Dependency Cases**

A dependency case does not reach final disposition until the Court dismisses the petition as to a party or terminates protective supervision (with or without retaining jurisdiction).

### **Submission of Documents**

Unless an original is required or requested by JAC, documents such as motions or court orders may be faxed to JAC at the circuit specific fax number listed on JAC's website.

However, forms or documents requiring an original signature such as Invoice/Voucher Covers, invoices, and travel reimbursement forms, **may not be faxed**. Accordingly, such documents should be mailed to JAC at:

Justice Administrative Commission  
P.O. Box 1654  
Tallahassee, Florida 32302

To distinguish originals from photocopies, all original must be signed in blue ink.

### **Penalty for Untimely Billing**

In accordance with section 27.5304, Florida Statutes, for any intended billing for due process costs and expenses that does not occur within 90 days after final disposition, or that is not satisfactorily submitted within 90 days after final disposition, the allowable costs and expenses shall be reduced by fifteen percent (15%). The fifteen percent (15%) reduction is a penalty for failing to submit in a timely fashion. As required by section 27.5304(4), Fla. Stat. (2007), JAC will enforce the penalty by reducing the amount payable by fifteen percent (15%).

In the event a due process service provider's bill is subject to this penalty, counsel may be legally responsible for reimbursing the due process service provider in the event the failure to timely submit the intended billing was the fault of counsel.

### **Legibility & Intelligibility**

Any documentation submitted to JAC must be legible and intelligible. Any documentation submitted to JAC which is illegible or unintelligible will be returned and will not be considered satisfactorily submitted with JAC.

### **Sufficient Postage**

Proper postage for letters and other packages sent to the Justice Administrative Commission (JAC) is the responsibility of the sender. JAC will not accept delivery of letters and other packages with insufficient postage or postage due.

On May 14, 2007, significant changes were made to the US Postal Service's postage requirements and postage rate structure. Not only did the price increase for a First Class stamp, but the US Postal Service implemented an additional shape-based method for calculating proper postage. No longer is it sufficient to merely weigh the package being sent, but careful attention has to be paid to the size and dimensions of the package to insure proper postage is applied. Information regarding the US Postal Service's changed postage requirements and postage rate structure may be found on their website: <http://www.usps.gov>. Once again, it is each sender's responsibility to ensure proper postage is applied to letters and other packages being sent to JAC.

Information describing the additional shape-based method for calculating proper postage is available (as of August 24, 2007) on the website of the US Postal Service: <http://pe.usps.com/text/dmm100/intro.htm>

### **Late Fees/Interest/Cancellation Fees**

Counsel shall reimburse JAC for any due process service costs, such as an interest charge, loss of prompt payment discount, or other cost or expense incurred by JAC due to delay in payment of a due process service bill or invoice attributable to counsel's error, omission, or untimely submission. JAC has no responsibility for and will not pay for any cancellation fees or loss of business charges. Counsel shall attempt to resolve any dispute between counsel and due process service provider without JAC intervention.

## **Section IV – Necessary and Applicable Forms**

### **Direct Pay of Due Process Costs**

All necessary and applicable Invoices/Voucher Covers for direct pay of due process service costs are available on the JAC website. Corresponding instructions for each form are also available on the JAC website.

### **Counsel Reimbursement of Due Process Costs**

All necessary and applicable Invoices/Voucher Covers for reimbursement of due process service costs are available on the JAC website. Corresponding instructions for each form are also available on the JAC website.

### **Travel Prepayment / Reimbursement**

All necessary and applicable Invoices/Voucher Covers for travel prepayment or reimbursement are available on the JAC website. Corresponding instructions for each form and a State of Florida Travel Tips guide are also available on the JAC website.

### **Witness Reimbursement**

All necessary and applicable Invoices/Voucher Covers for witness payment are available on the JAC website. Corresponding instructions for each form are also available on the JAC website.

## **Section V – Confidentiality and Public Records**

### **Public Records**

Forms, bills, invoices, documents, correspondence and contracts submitted to JAC are public records. In limited circumstances, the court can order records to be kept confidential and under seal at JAC.

“In considering any issue of access to government records, it must be recognized that in Florida reports generated by a public agency are public records subject to disclosure, unless specifically made confidential or exempt by the Legislature.[1] Any exemptions to the Florida Public Records Law are to be narrowly construed.[2] Where a public record contains information that is exempt or confidential, that portion of the record which falls within the exemption may be redacted, while the remainder of the record must be produced for examination.”

[Attorney General Opinion 2001-54]

### **Confidential Information Should be Redacted**

JAC does not require confidential information in order to process payment of submittals. To assist with auditing, JAC has been given the statutory authority to

inspect court dockets under chapter 39, and the authority to inspect and copy records under chapter 985. Accordingly, counsel does not have to reveal confidential information when providing a submittal to JAC. The case number and initials of the person represented by appointed counsel are usually enough to allow JAC to set the case up in the JAC database and process payment of the submittal. Counsel should redact any confidential information from documents submitted to JAC. However, documents must not be redacted to the point where the document is meaningless.

## **Section VI – Witness Travel**

### ***A. General Practices and Procedures***

#### **Travel**

All travel must be pursuant to Florida law, particularly the requirements of section 112.061. Travel reimbursement is limited to witnesses for which reimbursement will be claimed on a uniform travel voucher as promulgated by the Department of Financial Services. Travel expenses are compensable to the extent authorized by law.

#### **Traveler's Requirements:**

- Include a valid court order identifying approved traveler with each travel request.
- Adhere to guidelines set forth in s. 112.061, Fla. Stat., Department of Financial Services Regulations, and the policies and procedures of the JAC.
- Review information regarding travel at <http://www.justiceadmin.org>.
- All travelers should maintain all original receipts (exception is where state standards for breakfast, lunch and dinner allowances apply).
- Bill only for authorized travel costs. Time spent making travel arrangements is considered clerical and is not reimbursable.

#### **Privately Retained Counsel**

In cases where counsel is privately retained, JAC does not pay for counsel's travel expenses unless counsel is representing the client *pro bono*.

#### **Court Order Required**

For private court-appointed counsel, indigent for costs and pro se defense cases, JAC requires a court order approving travel. This order must be obtained prior to the travel. No commitment of state funds for such travel pursuant to section 112.061, Fla. Stat., will be made without a court order.

## ***B. Travel Reimbursement***

### **Reimbursement**

All original receipts are required. When travel is necessary and court-ordered, the individual (i.e. investigator, mitigation specialist, expert witness, etc.) should arrange the travel, pay for any related travel expenses, and upon completion of the travel, submit to JAC for processing of reimbursement payment.

All necessary and applicable Invoice/Voucher covers for travel reimbursement are available on the JAC website. Additionally, corresponding instructions for each form and a State of Florida Travel Tips guide are also available on the JAC website.

### **Hotels**

Hotel accommodations exceeding \$150 per night require written justification. JAC requires counsel to include three (3) internet or travel agency quotes for prices of nearby hotels if billing for more than \$150 per night. For additional information, please refer to the JAC website.

### **Competitive Carriers:**

Counsel is responsible for researching flight, lodging, and/or rental car rates, to obtain the most economical method of travel for each trip. When competitive carriers do not exist, documentation indicating that the reserved carrier is the sole provider for the area must be provided.

### **Travelers using their own vehicle:**

Travel must be via a usually traveled route from point-of-origin to point-of-destination. In-state, city-to-city mileage calculations can be found at <http://www3.dot.state.fl.us/mileage>. If an in-state travel destination is not included or available on this website, or if your travel is out-of-state, calculate your mileage using an internet map website that shows such mileage (i.e. [www.mapquest.com](http://www.mapquest.com)).

## ***C. Travel Prepayment***

### **Prepayment of Limited Travel Expenses**

JAC receives numerous inquiries and requests related to travel for investigators, expert witnesses, and mitigation witnesses. In an effort to assist counsel with travel cost for multiple witnesses, particularly in capital cases, JAC has paid in advance for such costs, such as air fare and lodging. Counsel wishing to have JAC pay for travel is solely responsible for coordinating any necessary travel

itinerary for witnesses and themselves. JAC will not act as an intermediary between witnesses and counsel.

All necessary information required by JAC, such as the hotel and flight information, is required to be provided in writing and submitted by appointed counsel. Because airline policy requires third-party purchase of tickets at a minimum of five (5) days prior to the flight, JAC requires that all necessary information required to buy the ticket be provided in writing and submitted by counsel at least ten (10) business days in advance of the flight.

**Any attorney or due process vendor who fails to complete timely the DFS travel voucher and supply all necessary documentation will be barred from having JAC prepay travel expenses including hotel or airline bills. All subsequent travel will need to be paid by the attorney or the vendor and processed for reimbursement only after the travel has occurred**

**Applicable Procedure for Any Travel Prepayment Request:**

- Obtain a valid court order authorizing travel and submit a copy to JAC. Research flight, lodging, and/or rental car rates, as necessary (When competitive carriers do not exist, please provide documentation indicating that the reserved carrier is the sole provider for the area. Hotel accommodations exceeding \$150 per night require written justification. JAC requires counsel to include three (3) internet or travel agency quotes for prices of nearby hotels if billing for more than \$150 per night.).
- When possible, request that each vendor hold the intended travel arrangements until JAC processes the travel request and formally reserves the arrangements via payment. (JAC requires at least 24 hours from receipt of all necessary information and documentation to provide payment).
- Promptly submit to JAC, via email, all intended reservations and at least two additional comparative rate quotes for each type of reservation (i.e., common air carriers, lodging facilities, car rental companies, etc.).
- Appropriately complete, execute, and submit the necessary and applicable Invoice/Voucher Cover for travel prepayment (i.e. Travel Expense Request Form; Court-Appointed Attorney Program Travel Related Purchasing Request Form; Court-Appointed Counsel Authorization for Agent to Arrange Travel), as well as all necessary supporting documentation. All necessary and applicable Invoice/Voucher Covers for travel prepayment are available on the JAC website.
- Upon satisfactory submission, JAC shall review for completeness and compliance with contractual and statutory requirement, whereby JAC will contact and process payment to the designated vendor.

JAC realizes that some travel providers will not hold travel arrangements without prepayment or credit card. Please do not use your own credit card to hold a reservation in which you will seek prepayment. Instead, please help us better

assist you in arranging your travel plans by providing JAC with detailed information as expediently as possible. As time is an essential element, JAC cannot guarantee specific accommodations.

If, after a reservation has been acquired, an intended traveler does not travel, counsel who requested the travel should provide JAC with an explanation for the cancellation including, but not limited to:

- The full name of the intended traveler and whether a subpoena was issued to this person.
- Facts related to the nonappearance (i.e. Did traveler fail to appear? Was traveler's testimony no longer required? Was there a sudden travel inability due to weather, illness, death? etc.).

**Upon Completion of Travel:**

- Counsel should submit all receipts for any incidental expenses to JAC (i.e. cab fares, parking, tolls, etc.)
- JAC staff will prepare a State of Florida travel voucher.
- If the travel voucher is for a vendor of services (i.e. investigator, mitigation specialist, expert witness, etc.), the completed voucher will first be mailed to the vendor for signature. It is then the responsibility of the vendor to forward the signed travel voucher to counsel for his or her signature, thereby certifying the travel expenditures.
- If the travel voucher is for *pro bono* counsel, the completed voucher will be mailed directly to counsel for signature as both traveler and supervisor, thereby certifying the travel expenditures.
- Counsel is responsible for mailing the signed/executed voucher back to the appropriate JAC staff.
- JAC staff will submit the signed/executed travel voucher for process of payment to the traveler of any expenses not prepaid (i.e. incidental expenses).