



THE STATE OF FLORIDA  
**JUSTICE ADMINISTRATIVE COMMISSION**

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*Public Defender*  
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*State Attorney*  
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*Public Defender*

June 25, 2013

Dear Attorney:

Pursuant to Ch. 2013-216, Laws of Florida (CS/CS/HB 7083), the payment of private attorneys appointed to capital clemency proceedings involving a sentence of death will be transferred from the Department of Corrections (DOC) to the Justice Administrative Commission (JAC) effective July 1, 2013. These appointments will fall under the terms of the JAC Registry Agreement. In the event you were appointed to a case prior to July 1, 2013, and do not have a current JAC Registry Agreement for that circuit, you should contact JAC's Contracts Section to obtain a non-standard JAC Agreement covering that case. Information regarding how to request a non-standard JAC Agreement is available under the "Attorney, Off-Registry Appointment" tab at:

[http://www.justiceadmin.org/court\\_app\\_counsel/agreementscontracts.aspx](http://www.justiceadmin.org/court_app_counsel/agreementscontracts.aspx)

For cases appointed prior to July 1, 2013, the date of the resolution of the clemency proceedings will determine the manner in which billings will be submitted. If the clemency proceedings resolve prior to July 1, 2013, then DOC is responsible for payment. If the clemency proceedings resolve on or after July 1, 2013, the responsibility for payment is shared between DOC and JAC. DOC is responsible for payment of services rendered up to June 30, 2013, and JAC is responsible for payment of services rendered on or after July 1, 2013. You will need to submit separate billings to each entity for these time periods. Although JAC is only responsible for payment for services rendered on or after July 1, 2013, the hourly statement submitted to JAC must include all of the time you worked on the case.

Generally, clemency proceedings will be deemed to resolve following the interview with the inmate conducted as part of the clemency investigation under the Rules of Executive Clemency unless a formal clemency hearing is scheduled. If an attorney is paid following the clemency interview and a formal hearing is scheduled, the attorney may submit a supplemental billing for work done following the initial billing.

In order to open a case for a capital clemency appointment, you will need to provide an Order of Appointment and the Florida Supreme Court opinion affirming the sentence of death. For appointments on or after July 1, 2013, the Order of Appointment must indicate that the Office of the Public Defender and the Office of Criminal Conflict and Civil Regional Counsel have a conflict of interest precluding representation. The case opening documents should be submitted

electronically to JAC through its electronic case opening system or by email at [compliance@justiceadmin.org](mailto:compliance@justiceadmin.org).

Unlike other Registry Appointments, the Legislature did not adopt a flat fee for capital clemency appointments. Therefore all billings for these types of appointment will be on an hourly basis at a rate not exceeding \$100 per hour. Please be aware that, if you are seeking more than the statutory maximum of \$1,000, you will need to comply with the requirements of s. 27.5304(12), F.S., applicable to requests for compensation in excess of the statutory maximum.

If you have any questions, please call me or Christian Lake, Assistant General Counsel, at (866) 355-7902.

Sincerely,



Ana Cristina Martinez  
General Counsel