

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER 4.001/04-1
AMENDED

IN RE:

ASSESSMENT OF COSTS
OF PROSECUTION IN
CRIMINAL CASES

WHEREAS Section 938.27, Florida Statutes, provides for the payment of the documented costs of prosecution in criminal cases including investigative costs incurred by law enforcement agencies; and

WHEREAS, upon motion of the State Attorney, the Court heard argument and testimony on December 21, 1991 regarding the costs of prosecution and investigation of criminal cases in this circuit; and

WHEREAS, affidavits were presented on February 3, 1992 by the Monroe County Sheriff's Office, the Florida Marine Patrol, the Key West Police Department, the Florida Department of Law Enforcement, the State Attorney's Office and Florida Highway Patrol regarding the costs of investigation of criminal cases; and

WHEREAS an affidavit was presented on February 17, 1993 by the Florida Division of Alcoholic Beverages and Tobacco regarding the costs of investigation of criminal cases; and

WHEREAS this court has determined that a baseline figure of forty dollars (\$40.00) per hour, considering the rate of inflation over the past ten years, is well below the actual costs of investigation of criminal cases presented by affidavit and testimony; and

WHEREAS this court in Administrative Order No. 2.008/01-1, *In re: Appointment, Compensation & Reimbursement for Special Public Defender & Other Court-Appointed Counsel*, set a compensation rate for all representation in the trial court at seventy-five dollars (\$75.00) per hour; and

WHEREAS the State Attorney's Office for the 16th Judicial Circuit has requested costs of prosecution pursuant to Section 938.27, Florida Statutes; and

WHEREAS it is the belief of the judges of this circuit that convicted persons ought to bear the economic burden on the community which result from their criminal actions;

It is therefore,

ORDERED that:

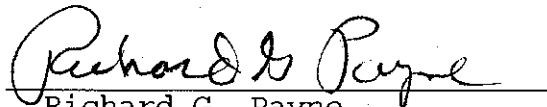
1. The court, pursuant to Section 938.27, Florida Statutes, shall include and enter in the judgment rendered against convicted persons the costs, if requested by the statutorily authorized agencies, of investigation, at a rate of forty dollars (\$40.00) per hour.
 - a) All requests for costs over one hour must be documented by a written statement certified by the investigative agent(s) that x number of hours were spent investigating the cause.
 - b) All requests for costs over forty dollars (\$40.00) per hour must be documented by a written statement certified by the investigating agent clearly enumerating the factors leading to the increased hourly rate.

2. The court, pursuant to Section 938.27, Florida Statutes, shall include and enter in the judgment rendered against convicted persons the costs of prosecution, at a rate of \$ 75.00 per hour.
 - a) All requests for costs over one hour must be documented by a written statement certified by the assigned attorney, as an officer of the court, that x number of attorney hours were expended in the prosecution of the cause.
 - b) All requests for costs over \$75.00 per hour must be documented by a written statement certified by the assigned attorney, as an officer of the court, clearly enumerating the factors leading to the increased hourly rate.

3. Pursuant to Section 938.27(6), Florida Statutes, the clerk of the court shall collect and dispense cost payments in any case.

4. Only those costs authorized by this order and upon conviction pursuant to Section 938.27, Florida Statutes, will be imposed.

DONE AND ORDERED, in Key West, Monroe County, Florida, this
the 15th day of June, 2004.


Richard G. Payne
Chief Judge