

**IN THE THIRTEENTH JUDICIAL CIRCUIT  
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2021-022  
(Supersedes Administrative Order S-2020-024)**

**REGISTRY OF COURT-APPOINTED COUNSEL**

Section 27.40, Florida Statutes, requires the chief judge to compile and maintain a registry of attorneys available for appointment in specific cases when a conflict of interest arises (Registry). The Registry includes qualified and experienced attorneys compiled by category of cases in the following subject matter divisions of the court: County Criminal; Circuit Criminal; Juvenile Delinquency; Juvenile Dependency; and Probate, Guardianship, Mental Health and Trust. It is necessary for the proper and efficient administration of justice within this circuit to update the procedures for the application, selection, removal, and disqualification of attorneys to and from the various categories of the Registry.

By the power vested in the chief judge under article V, section 2, Florida Constitution; sections 27.40 and 43.26, Florida Statutes; and Florida Rule of Judicial Administration 2.215(b), it is ORDERED:

**1. Biennial Application Process**

An attorney must be selected for the Thirteenth Judicial Circuit Registry to receive a court appointment to represent a litigant who is entitled to court-appointed counsel. The application process for selection to the Registry will be conducted in 2021 and all subsequent odd-numbered years. To be eligible for selection to the Registry, an attorney must fully complete the application form and must certify that he or she meets the qualifications and standards set by law and in this administrative order. If there are insufficient Registry attorneys under contract or other exigent circumstances exist as determined by the chief judge, the chief judge may add an attorney to any Registry category whom he or she determines is qualified to serve. Selection for any Registry category is conditioned upon the attorney entering into a contract for

services with the Florida Justice Administrative Commission (JAC).

## **2. General Requirements**

All Registry attorneys must:

- A. Be a member in good standing with The Florida Bar.
- B. Have and maintain competence to provide representation in the types of cases on the Registry categories to which the attorney is selected.
- C. Timely arrive at all court hearings in all cases to which they are appointed.
- D. Have and maintain the continuing legal education (CLE) requirements for the Registry categories to which the attorney is selected.
- E. Maintain competency with the utilization of expert witnesses and evidence, including but not limited to, psychiatric and forensic evidence.
- F. Enter into and maintain a contract for court-appointed attorney services with the JAC.
- G. Comply with the JAC requirements for billing.
- H. Refrain from soliciting compensation from any person for services on a court-appointed case.
- I. Maintain a principal office in Hillsborough County or a location in Hillsborough County to meet with clients.
- J. Notify the chief judge of any formal complaint filed by The Florida Bar; any non-confidential consent agreements entered with The Florida Bar; any finding of ineffective assistance of counsel by a judge or magistrate; any suspension or prohibition on the practice of law, including any suspension for failure to pay annual Bar dues or failure to maintain continuing legal education requirements; and any suspension or prohibition on accepting court appointments.
- K. Refrain from contracting with the Public Defender or Regional Counsel to provide counsel.
- L. Notify the Clerk of the Circuit Court (clerk) and the JAC of any change in the attorney's status or contact information.
- M. Accept appointments within their Registry categories

without regard to the type of crime or other proceeding involved.

**3. Shelter Hearing Requirement for Dependency Registry**

In addition to the general requirements set forth in section 2 of this administrative order, attorneys serving on any Dependency Registry category must timely appear at all shelter hearings that he or she is scheduled to attend according to the list maintained by the administrative judge of the Dependency Division.

**4. Drug Court Requirement for Second and Third Degree Felony Registry**

In addition to the general requirements set forth in section 2 of this administrative order, attorneys serving on the Second and Third Degree Felony Registry category must, if appointed to represent a defendant whose case is transferred to Drug Court Division “Y,” timely appear at all court hearings and participate in court staffings in Drug Court Division “Y” until final disposition. See Administrative Order S-2020-009 (*Drug Court Division*) for more information.

**5. Qualifications for the Termination of Parental Rights (TPR) Registry**

Attorneys applying for the Termination of Parental Rights (TPR) Registry category must have: (A) practiced law for at least 5 years; (B) prior experience as follows: (i) lead trial counsel or trial co-counsel in at least 10 hearings in the juvenile dependency area, including at least 3 dependency adjudicatory hearings or TPR trials; or (ii) be a former judge or general magistrate with at least 3 years of experience presiding over juvenile dependency cases; and (C) obtained at least 5 CLE hours approved by The Florida Bar in juvenile dependency law.

**6. Qualifications for the Children with Special Needs Registry**

Attorneys applying for the Children with Special Needs Registry category must have: (A) practiced law for at least 3 years or be working under the direct supervision of an attorney who has at least 3 years’ experience; (B) prior experience as follows: (i) counsel of record in at least 15 hearings in the juvenile dependency area, including at least 5 dependency adjudicatory hearings and at least

1 TPR trial; or (ii) be a former judge or general magistrate with at least 3 years of experience presiding over juvenile dependency cases; (C) familiarized himself or herself with (i) Chapter 39, Florida Statutes; (ii) the Florida Rules of Juvenile Procedure; and (iii) the Florida Guidelines of Practice for Lawyers who Represent Children in Abuse and Neglect Cases; and (D) obtained at least 10 CLE hours approved by The Florida Bar in the area of children with special needs and at least 1 CLE hour in ethics in child representation.

**7. Qualifications for the Juvenile Dependency Registry**

Attorneys applying for the Juvenile Dependency Registry category must have: (A) practiced law for at least 3 years; (B) prior experience as follows: (i) lead trial counsel or trial co-counsel in at least 10 hearings in the juvenile dependency area, including 3 dependency adjudicatory hearings or TPR trials; or (ii) be a former judge or general magistrate with at least 3 years of experience presiding over juvenile dependency cases; and (C) obtained at least 5 CLE hours approved by The Florida Bar in juvenile dependency law.

**8. Qualifications for the Juvenile Dependency / TPR Appeals Registry**

Attorneys applying for the Juvenile Dependency / TPR Appeals Registry category must have: (A) board certification in appellate practice or practiced law for at least 5 years; (B) prior experience as follows: (i) have handled at least 5 appellate cases; or (ii) be a former staff attorney from a Florida appellate court with at least 12 months of experience in a position where the staff attorney worked directly on dependency and TPR appeals; and (C) obtained at least 5 CLE hours approved by The Florida Bar in juvenile dependency law and at least 5 CLE hours in appellate law.

**9. Qualifications for the Juvenile Delinquency (including Contempt Proceedings) Registry**

Attorneys applying for the Juvenile Delinquency (including contempt proceedings) Registry category must have: (A) practiced law for at least 3 years; (B) prior experience as lead trial counsel or trial co-counsel in at least 1 juvenile delinquency trial and 3 juvenile delinquency dispositions; and (C) obtained at least 5 CLE

hours approved by The Florida Bar in juvenile delinquency or criminal law.

**10. Qualifications for the Juvenile Delinquency Appeals Registry**

Attorneys applying for the Juvenile Delinquency Appeals Registry category must have: (A) board certification in appellate practice or practiced law for at least 5 years; (B) prior experience as follows: (i) have handled at least 5 appellate cases; or (ii) be a former staff attorney from a Florida appellate court with at least 12 months of experience in a position where the staff attorney worked directly on juvenile delinquency appeals; and (C) obtained at least 5 CLE hours approved by The Florida Bar in juvenile delinquency law and at least 5 CLE hours in appellate law.

**11. Qualifications for the Judicial Waiver of Parental Notice of Abortion Act (including Appeals) Registry**

Attorneys applying for the Judicial Waiver of Parental Notice of Abortion Act (including appeals) Registry category must have: (A) practiced law for at least 3 years; and (B) obtained at least 5 CLE hours approved by The Florida Bar in the representation of minors in court proceedings and, when applicable (C) obtained at least 5 CLE hours in appellate law for any attorney who is appointed to handle an appeal of a Judicial Waiver of Parental Notice of Abortion Act case.

**12. Qualifications for the Guardianship / Mental Health (including Guardianship, Adult Protective Services, Baker Act, Developmental Disabilities, Marchman Act, Sexually Transmissible Disease / Tuberculosis and Related Contempt Proceedings and Appeals) Registry**

Attorneys applying for the Guardianship / Mental Health (including guardianships, adult protective services, Baker Act, developmental disabilities, Marchman Act, sexually transmissible disease / tuberculosis and related contempt proceedings and appeals) Registry category must have: (A) practiced law for at least 3 years; (B) prior experience as follows: (i) lead trial counsel or trial co-counsel in at least 5 guardianship or mental health proceedings; or (ii) be a former judge or general magistrate with at least 3 years

of experience presiding over guardianship or mental health cases; and (C) obtained at least 5 CLE hours approved by The Florida Bar in guardianship or mental health law, which may have included courses approved by the chief judge for the satisfaction of the professional guardian education requirements in section 744.1085, Florida Statutes; and, when applicable (D) obtained at least 5 CLE hours in appellate law for any attorney who is appointed to handle an appeal of a guardianship / mental health case.

**13. Qualifications for the Misdemeanor Registry**

Attorneys applying for the Misdemeanor Registry category must have: (A) practiced law for at least 1 year; (B) prior experience as lead trial counsel or trial co-counsel in at least 1 criminal trial which was tried to verdict; and (C) obtained at least 5 CLE hours approved by The Florida Bar in criminal law and procedure.

**14. Qualifications for the Involuntary Civil Commitment of Sexually Violent Predators (formerly known as Jimmy Ryce Act) Registry**

Attorneys applying for the Involuntary Civil Commitment of Sexually Violent Predators Registry category must have: (A) practiced law for at least 3 years; (B) prior experience as lead trial counsel or trial co-counsel in at least 3 criminal jury trials; and (C) obtained at least 5 CLE hours approved by The Florida Bar in criminal law and procedure, including at least 4 CLE hours pertaining to jury practice and procedure.

**15. Qualifications for the Racketeer Influenced and Corrupt Organization (RICO) Act Registry**

Attorneys applying for the RICO Act Registry category must have: (A) prior experience as follows: (i) practiced law for at least 5 years and have prior experience as lead trial counsel or trial co-counsel in at least 10 felony jury trials, 8 of which were tried to verdict; or (ii) board certification in criminal trial law; and (B) obtained at least 10 CLE hours approved by The Florida Bar in criminal law and procedure, including at least 5 CLE hours pertaining to complex criminal cases.

**16. Qualifications for the Second and Third Degree Felony Registry**

Attorneys applying for the Second and Third Degree Felony Registry category must have: (A) prior experience as follows: (i) practiced law for at least 3 years and have prior experience as lead trial counsel or trial co-counsel in at least 15 felony jury trials, 10 of which were tried to verdict; (ii) practiced law for at least 5 years and have prior experience as lead trial counsel or trial co-counsel in at least 10 felony jury trials, 8 of which were tried to verdict; or (iii) board certification in criminal trial law; and (B) obtained at least 10 CLE hours approved by The Florida Bar in criminal law and procedure.

**17. Qualifications for the First Degree and Life Felony Registry**

Attorneys applying for the First Degree and Life Felony Registry category must have: (A) prior experience as follows: (i) practiced law for at least 5 years and have prior experience as lead trial counsel or trial co-counsel in at least 10 felony jury trials, 8 of which were tried to verdict, and 1 of which was a first degree or life felony offense; or (ii) board certification in criminal trial law; and (B) obtained at least 10 CLE hours approved by The Florida Bar in criminal law and procedure.

**18. Qualifications for the Capital First Degree Murder Lead Counsel (including Capital Post-Conviction Relief Motions) Registry**

Attorneys applying for the Capital First Degree Murder Lead Counsel (including capital post-conviction relief motions) Registry category must meet the minimum standards for attorneys as lead trial counsel in accordance with Florida Rule of Criminal Procedure 3.112(f).

**19. Qualifications for the Capital First Degree Murder Co-Counsel (including Capital Post-Conviction Relief Motions) Registry**

Attorneys applying for the Capital First Degree Murder Co-Counsel (including capital post-conviction relief motions) Registry category must meet the minimum standards for attorneys as lead

trial counsel in accordance with Florida Rule of Criminal Procedure 3.112(g).

**20. Qualifications for the Capital Sexual Battery Registry**

Attorneys applying for the Capital Sexual Battery Registry category must have: (A) prior experience as follows: (i) have practiced law for at least 5 years and have prior experience as lead trial counsel or trial co-counsel in at least 10 felony jury trials, 8 of which were tried to verdict, and 2 of which were first degree or life felony offenses; or (ii) board certification in criminal trial law; and (B) obtained at least 10 CLE hours approved by The Florida Bar in criminal law and procedure.

**21. Qualifications for the Criminal Appeals Registry**

Attorneys applying for the Criminal Appeals Registry category must have: (A) prior experience as follows: (i) board certification in criminal appellate law; (ii) board certification in appellate practice; or (iii) have practiced law for at least 7 years; (B) practical experience as follows: (i) have handled at least 5 criminal appellate cases; or (ii) be a former staff attorney from a Florida appellate court with at least 12 months of experience in a position where the staff attorney worked directly on criminal appeals; and (C) obtained at least 10 CLE hours approved by The Florida Bar in criminal law and procedure and at least 5 CLE hours in appellate law.

**22. Qualifications for the Non-Capital Post-Conviction Relief Motions Registry**

Attorneys applying for the Non-Capital Post-Conviction Relief Motions Registry category must have: (A) prior experience as follows: (i) have practiced law for at least 3 years and have prior experience as lead trial counsel or trial co-counsel in at least 15 felony jury trials, 10 of which were tried to verdict; (ii) have practiced law for at least 5 years and have prior experience as lead trial counsel or trial co-counsel in at least 10 felony jury trials, 8 of which were tried to verdict; or (iii) board certification in criminal trial law; and (B) obtained at least 10 CLE hours approved by The Florida Bar in criminal law and procedure.

**23. Limited Registry Categories**

On a biennial basis, the chief judge, after consultation with



the administrative judges of the criminal, juvenile, and guardianship / mental health divisions will determine the Registry categories for which the number of attorneys will be limited. The limited Registry categories will be announced prior to accepting applications.

#### **24. Initial Screening of Applications**

The Administrative Office of the Courts (AOC) will screen all applicants to verify that each applicant is a member in good standing of The Florida Bar. Once verified by the AOC, applicants are considered to be eligible applicants.

#### **25. Selection Process**

##### **A. Procedure**

The AOC will furnish an alphabetical list of all eligible applicants for each limited Registry category to the judges and general magistrates presiding in the respective divisions to which each limited Registry category pertains. The AOC will also provide access to the applications of all eligible applicants to the judges and general magistrates. The judges and general magistrates will then collectively select attorneys for each limited Registry category in their respective divisions out of all eligible applicants. The applicants selected for the respective Registry categories will be conditionally listed on the Registry categories pending execution of an annual contract with the JAC.

##### **B. Notification**

All applicants will be notified by the AOC via e-mail of the attorneys conditionally selected for all Registry categories. In even-numbered years, the AOC will notify all Registry attorneys that they will conditionally be rolled over to the respective Registry categories to which they were selected in the previous year pending execution of an annual contract with the JAC.

#### **26. Compensation**

Compensation for Registry attorneys representing indigent clients is set at the rates provided in section 27.5304, Florida Statutes, and the General Appropriations Act. Attorneys may also receive reasonable and necessary expenses as provided by statute or under the attorney's contract with the JAC. An attorney whose

billing is denied by the JAC, including an attorney seeking additional compensation in an unusual and extraordinary circumstance, must follow the procedures in section 27.5304(12), Florida Statutes, and the terms of his or her contract with the JAC, file the appropriate motion, and set the matter for hearing before the chief judge's designee as designated by Administrative Order S-2019-037 (*Attorney's Fees in Extraordinary and Unusual Cases*) or any successor administrative orders.

## **27. Suspension, Removal or Disqualification**

### **A. Voluntary Removal**

Attorneys may voluntarily remove themselves from any or all Registry categories to which they have been selected by sending written notification to the trial court administrator. The trial court administrator will then notify the affected judges and have the subject attorney removed from the Registry category or categories to which the attorney was selected.

### **B. Involuntary Suspension**

The chief judge may suspend an attorney from any or all Registry categories when (i) there is an indication that the attorney cannot provide or is temporarily incapable of providing competent representation; (ii) there is an apparent failure to comply with this administrative order; or (iii) the Florida Supreme Court has suspended the attorney from the practice of law.

### **C. Involuntary Removal**

The chief judge may remove an attorney from any or all Registry categories for any of the following reasons:

- (i) Failure to provide competent representation;
- (ii) Failure to comply with this administrative order;
- (iii) Failure to maintain compliance with CLE requirements;
- (iv) Failure to maintain a contract with the JAC or violation of the JAC contract;
- (v) Failure to maintain active membership in The Florida Bar;
- (vi) A finding of ineffective assistance of counsel by a judge or magistrate; or

- (vii) The public filing of a consent agreement between the attorney and The Florida Bar.

D. Disqualification

In accordance with section 27.7045, Florida Statutes, and Florida Rule of Criminal Procedure 3.112(d)(3),<sup>1</sup> the presiding judge of Circuit Criminal Division “J” will notify the chief judge in writing if a determination is made, in two separate instances, that an attorney who is listed on any of the capital Registry categories has provided “constitutionally deficient representation and relief was granted as a result.” Upon notification, the chief judge will add the attorney to a list of disqualified counsel for capital case representation.

E. Notification

The chief judge will provide notice of the attorney’s suspension or removal from the Registry and may provide the attorney an opportunity to explain in writing why the attorney should not be suspended or removed from the Registry. The chief judge will also forward the list of disqualified counsel for capital case representation, and any amendments to the list, to the chief judge of every other circuit.

**28. Reapplication after Removal**

Attorneys who voluntarily removes themselves from any Registry categories may reapply during the next application period. Attorneys removed from the Registry for failure to maintain compliance with their CLE requirements, to maintain a contract with the JAC, or to maintain active membership in The Florida Bar may be reinstated if the deficiency is corrected within the time frame authorized by the chief judge. An attorney who was involuntarily removed by the chief judge from any Registry category for any other reason may reapply provided that: (A) the attorney applies during a solicitation period that is at least three years after the effective date of the attorney’s removal from the Registry, or after a lesser time if specified by the chief judge in writing; and (B)

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<sup>1</sup> Rule 3.112(d)(3) becomes effective July 1, 2021. *In Re: Amendments of Florida Rule of Criminal Procedure 3.112*, 46 Fla. L. Weekly S57a (Fla. April 1, 2021).

the attorney provides satisfactory evidence of remediation.

**29. Clerk Responsibilities**

The clerk will serve as the point of contact for Registry attorneys and maintain the Registry lists provided by the chief judge. The clerk must publish on its website the name and phone number of a point of contact for attorneys to notify them of changes in their phone number, availability, or status. When requested by the court, the clerk must provide the name of the next Registry attorney. As part of maintaining the Registry, the clerk must report by category the numbers of attorneys on the Registry, the numbers of appointments in each category, and the name of any attorney who notified the clerk of his or her withdrawal or temporary removal from a Registry category or categories.

**30. Previous Administrative Order Superseded**

This administrative order supersedes Administrative Order S-2020-024 (*Registry of Court-Appointed Counsel*).

**31. Effective Date**

This administrative order is effective May 1, 2021.

ENTERED on April 19, 2021.



Ronald N. Ficarrota, Chief Judge

Original: Cindy Stuart, Clerk of the Circuit Court  
Copy: All Criminal Division Judges  
All Juvenile Division Judges and General Magistrates  
All Probate, Guardianship, Mental Health & Trust  
Division Judges and General Magistrates  
Andrew H. Warren, State Attorney  
Julianne Holt, Public Defender  
Ita M. Neymotin, Regional Counsel, Second District  
Florida Justice Administrative Commission