

FEB 21 1995 JW/SP

1 RESOLUTION NO. 95-M-13

3 A RESOLUTION DESIGNATING THE COUNTY ATTORNEY
OR HIS DESIGNEE TO AUTHORIZE OR RECOMMEND
5 PAYMENT OF FEES AND/OR COSTS IN CERTAIN
7 CRIMINAL PROCEEDINGS.

WHEREAS, Section 939.08, Florida Statutes, provides that
9 attorneys' fees and costs which counties are required to pay
by virtue of Sections 925.35, 939.06 and 939.15, Florida
11 Statutes, shall not be paid until approved under authority of
the Board of County Commissioners; and

13 WHEREAS, the Board of County Commissioners finds that the
County Attorney possesses the expertise and knowledge to
15 properly evaluate as to reasonableness and legality both
applications for payment of costs incurred by acquitted
17 criminal case defendants and applications for payment of
reasonable attorney's fees and costs incurred by defendants
19 judicially declared insolvent, and

WHEREAS, the Board of County Commissioners desires to
21 vest the County Attorney with authority to review and make
recommendations as to the County's payment of such costs for
23 acquitted criminal defendants and attorneys fees and court
costs incurred in the defense of indigent criminal defendants
25 within the limitations hereinafter set forth and, further,

The Board of County Commissioners desires to vest the
27 County Attorney with authority to approve payment for

reimbursement of court costs incurred by acquitted criminal
29 defendants and to approve payment for attorneys' fees and
costs incurred in the defense of indigent defendants when
31 such fees and costs are reasonable in amount, lawful in
purpose and requested in a total amount less than \$5,000 in
33 any one criminal proceeding.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
35 COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. That all applications for payment of costs
37 and attorneys' fees tendered to Orange County under the
provisions of Section 925.035, Florida Statutes, entitled
39 *Appointment and Compensation of an Attorney in Capital Cases;*
Appeal from Judgments Imposing the Death Penalty; Section
41 939.06, Florida Statutes, entitled *Acquitted Defendant Not*
Liable For Costs; and Section 939.15, Florida Statutes,
43 entitled *Costs paid by County in cases of Insolvency,* shall
be forwarded to the County Attorney. The County Attorney, or
45 his designee, shall review all such applications and
authorize payment on behalf of the County of all just and
47 proper amounts set forth in such applications when an
application requests reimbursement of court costs incurred by
49 an acquitted criminal defendant or payment for attorneys'
fees and/or court costs incurred in the defense of an
51 indigent defendant, and such acquitted defendant's court
costs or indigent defendant's fees and costs amount to \$5,000
53 or less in any one criminal proceeding.

55 The County Attorney shall transmit all applications for
payment of attorneys' fees and/or costs incurred for the
57 defense of an indigent defendant in an amount above \$5,000 in
any one criminal proceeding, or any application seeking
59 reimbursement of court costs incurred by an acquitted
defendant in any amount above \$5,000 in any one criminal
61 proceeding, with appropriate recommendations as to such
payment, to the Board of County Commissioners for approval.

63 Disbursement against any Judicial Order for such payments
shall be subject to preaudit by the County Comptroller.

65 Section 2. Effective Date. This Resolution shall take
effect immediately upon adoption.

67 ADOPTED THIS 21st DAY OF February, 1995.

69 ORANGE COUNTY, FLORIDA

71
73 BY:  Bob Freeman
FOR THE County Chairman

75 DATE: FEB 21 1995

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79 ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

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83 BY: 
Asst. Deputy Clerk THOMAS F. STARK