

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

MICHAEL BOSSEN,

Petitioner,

v.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D13-2176

JUSTICE ADMINISTRATIVE
COMMISSION,

Respondent.

_____ /

Opinion filed October 11, 2013.

Petition for Writ of Certiorari – Original Jurisdiction.

Rick A. Sichta and Susanne K. Sichta of Arnold and Sichta, Jacksonville, for
Petitioner.

Ana Cristina Martinez, General Counsel, and Christian D. Lake, Assistant General
Counsel, The Justice Administrative Commission, Tallahassee, for Respondent.

WOLF, J.

Petitioner, Michael Bossen, seeks review of an order awarding him attorney's fees for representing an indigent defendant pursuant to section 27.5304, Florida Statutes (2012). We find the lower court departed from the essential requirements of the law by finding the fee award was not confiscatory without first making a finding regarding the reasonable number of hours expended by petitioner. See Fletcher v. Justice Admin. Comm'n, 109 So. 3d 1271, 1272 (Fla. 1st DCA 2013) ("When

awarding fees pursuant to section 27.5304, the trial court is required to make a finding as to the reasonable number of hours expended by counsel in the case before it can determine whether a fee award would be confiscatory.”)* We find it unnecessary to reach the other two issues raised by petitioner. See Fletcher, 109 So. 3d at 1273. Therefore, we grant the petition for writ of certiorari, quash the fee award, and remand for reconsideration in light of this opinion.

PETITION GRANTED.

ROBERTS and MAKAR, JJ., CONCUR.

* The Justice Administration Commission agrees that the trial court departed from the essential requirements of the law and that remand is appropriate.