

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2011

THE JUSTICE ADMINISTRATIVE COMMISSION,
Petitioner,

v.

FELICIA SHAMAN,
Respondent.

No. 4D11-148

[May 11, 2011]

PER CURIAM.

The Justice Administrative Commission (“JAC”), petitions this court for a writ of certiorari to quash a circuit court’s attorney’s fee order. The trial court awarded appointed counsel a fee amount above the flat fee detailed within Paragraph XI(6) of the JAC agreement. *See* §§ 27.5304(1) & (12)(a), Fla. Stat. (2010). We grant the petition upon concluding that the fee order departs from the essential requirements of law.

The most recent agreement signed by respondent and JAC provides that it superseded and terminated all other agreements and that it applied to specific civil cases appointed on or after July 1, 2007. Counsel was appointed in June, 2010. By its express terms, the agreement provides that an attorney cannot seek compensation in excess of the flat fee in civil cases unless the compensation on an hourly basis at a rate of \$75.00 would be at least double the flat fee. Counsel’s billing did not meet the minimum threshold.

Accordingly, we grant the petition and quash the trial court’s order to the extent it permitted a fee in excess of the \$800.00 flat fee.

GROSS, C.J., WARNER and DAMOORGIAN, JJ., concur.

* * *

Petition for writ of certiorari to the Seventeenth Judicial Circuit, Broward County; Susan F. Greenhawt, Judge; L.T. Case No. 2010DP4749.

Christian D. Lake, Assistant General Counsel, Tallahassee, for petitioner.

Felicia Shaman of the Law Offices of Felicia Shaman, P.A., Fort Lauderdale, for respondent.

Not final until disposition of timely filed motion for rehearing.