

Seven Things an Investigator Should Know:

1. JAC has created a secure website that contains information about a vendor's paid and unpaid bills.

JAC has created a secure website through which an investigator can obtain information regarding both unpaid and paid bills submitted to JAC. Through this website, a vendor can determine whether JAC has received a billing and whether JAC has approved the billing for payment. A vendor can also access letters and notices related to the billing such as audit deficiencies and letters of objection.

Instructions on how to setup access to the secure website is available at:

<http://www.justiceadmin.com/login/Quick%20Reference%20Guide-Vendor%20Login.pdf>

The JAC Help Desk can assist an investigator in setting up secure access and in using the vendor website.

2. Effective July 1, 2010, the uniform statewide rate for investigator services is \$40 per hour.

Pursuant to ss. 27.425 and 27.5305, F.S., the legislature sets the rates for due process costs annually in the General Appropriations Act. The same rates that apply to court appointed cases apply to indigent for costs cases. For services rendered on or after July 1, 2010, the hourly rate for investigator services cannot exceed \$40 per hour. For services performed prior to July 1, 2010, the established rates in effect were the rates approved by the local Indigent Services Committees (ISC) as of June 30, 2006. For circuits that did not set a rate for investigators, the hourly rate cannot exceed \$50 for work done prior to July 1, 2010. For cases for which work was commenced prior to July 1, 2010, the investigator would bill at the ISC rates for work completed through June 30, 2010, and \$40 per hour for work done on or after July 1, 2010.

3. A court order authorizing investigator services is required.

For services performed on or after July 1, 2010, a court order authorizing private investigator services is required for JAC to process a billing for investigator services for payment. The order authorizing private investigator services should be obtained prior to the commencement of any investigator services. Generally, the attorney will need to file a motion for private investigator services prior to the investigator commencing work on the case. A copy of the motion needs to be served on JAC prior to the court considering the motion. If the court grants the motion, the order authorizing private investigator services should indicate the amount authorized for those services.

4. JAC only pays for investigative services performed by a private investigator.

The role of a private investigator is limited to providing investigative services such as locating and interviewing witnesses; locating and securing documents and other evidence relevant to the case; performing background checks; and researching any other factual issues relevant to the case such as credibility and character of witnesses. Where private service of process is authorized, an investigator can also serve subpoenas on ordinary non-law enforcement witnesses; however, the investigator can only bill the flat rates applicable for private service of process regardless of the amount of time spent serving the subpoena. An investigator is not a substitute for a paralegal or secretary and cannot be used to perform administrative tasks including, but not limited to, retrieving discovery from the state attorney; copying documents from a court file; delivering materials to the defendant; or other tasks of a paralegal or secretarial nature.

5. A billing for private investigator services must be supported by a detailed itemized invoice.

Investigators must submit a detailed invoice including an hourly statement. The hourly statement must include the date of each service, the type of service provided, and amount of time worked for each service. If more than one investigator provided services, the hourly statement must identify the name of the investigators and the services performed by each investigator.

When preparing the hourly statement, the investigator needs to list the date and amount of time, the type of service provided, and brief description for each service. The investigator may not aggregate investigative activities into block entries covering more than one date. The statement should be billed in hours and tenths of hours. As a general rule, the investigator needs to provide sufficient information so that JAC can assess the reasonableness of the billing.

6. JAC does not reimburse for charges from the clerk of court to obtain court pleadings or other documents.

JAC does not reimburse investigators for charges from the clerk of court to obtain court pleadings or other documents. Pursuant to s. 28.345, F.S., an appointed attorney is exempt from charges by the clerk of court for case-related services. Similarly, pursuant to s. 57.081, F.S., an indigent defendant is entitled to receive the services of the clerk of court, and the court without any prepayment. Therefore, JAC will not reimburse the attorney or a private investigator acting on behalf of the attorney for clerk of court charges that should have been provided pursuant to the exemption or waiver of prepayment. It is the attorney's responsibility to provide the necessary documentation to obtain pleading and other documents from the clerk without the need for any prepayment.

7. Any investigator providing services in Florida must be licensed in accordance with Florida law.

Any investigator providing services in Florida must be licensed as a private investigator by the Florida Department of Agriculture and Consumer Services. Chapter 493, F.S., addresses the licensing requirements for private investigators. Useful information regarding the requirement to have a license is available at:

http://licgweb.doacs.state.fl.us/FORMS/PIA_Handbook_00093.pdf.

Generally a private investigator must have a Class C license and must be employed by or own an agency with a Class A, Class AA, or Class AB license. A private investigator seeking to enter into an Agreement for Due Process Services with JAC will need to provide JAC with a copy of these licenses.

Class CC private investigator interns may only work on court-appointed and indigent for costs cases under the supervision of a Class C private investigator. The rate for Class CC interns is 60 percent of the rate for Class C private investigators. For work performed on or after July 1, 2010, the rate for Class CC private investigator interns is \$24.00 per hour.