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# **Guide to Investigator & Mitigation Specialist Billing**

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**How to properly submit  
Investigator and Mitigation  
Specialist bills to JAC**

# Contents:

- [Introduction](#)
- [Contract Process](#)
- [Examples of Services](#)
- [Rates](#)
- [Court Order Required](#)
- [Itemized Billing](#)
- [Other Billing Services: Subpoena Service](#)
- [Other Billing Services](#)
- [No Reimbursement for Clerk Charges](#)
- [Mileage](#)
- [Mitigation Specialists](#)
- [Submission of Billings – Correct Voucher Cover](#)
- [Completion of Voucher Cover](#)
- [My JAC \(JAC's Secure Website\)](#)
- [Billing Audit Deficiencies](#)
- [Notice of Inspection of Records](#)
- [Direct Deposit \(EFT\)](#)
- [End Notes](#)

# Introduction:

- This module delineates the requirements for an investigator/mitigation specialist to enter into a contract with JAC, as well as the billing process to be followed.
- This training module is intended to be an aid for the billing process. For additional information, please review the JAC Contract, JAC Policies & Procedures and the Frequently Asked Questions.



# Contract Process:

- How does an investigator/mitigation specialist get hired?
  - Private attorney selects investigator/mitigation specialist.
- How does an investigator/mitigation specialist enter into a contract with JAC?
  - Submit the Contract for Due Process Services (Other than Attorney Fees).
  - The investigator signing the contract must possess a current Class C (Private Investigator) license, MA (Manager Private Investigative Agency) license, or M (Manager Investigative and Security Agency) license and Class A (Private Investigative Agency) license. (Copies may need to be provided upon request by the JAC.)
  - Investigator is responsible for keeping license current.
  - See the [Mitigation Specialist](#) section for those license requirements.

# Examples of Services:

## **An investigator/mitigation specialist may bill for:**

- Interviewing and locating witnesses
- Locating documents
- Performing background checks
- Researching factual issues
- Service of process

## **An investigator/mitigation specialist may not bill for:**

- Picking up discovery from the state attorney
- Copying documents from the court file
- Delivering materials to the defendant
- Any administrative tasks such as work of a paralegal or secretarial nature
- JAC does not provide reimbursement for clerk of court charges for documents provided to an indigent defendant. (link to [Frequently asked Questions](#))



# Rates:

- Pursuant to sections 27.425 and 27.5305, 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 service rendered on or after July 1, 2010, the hourly rate for investigator services cannot exceed \$40.00 per hour.
- Effective July 1, 2011, the rate for mitigation specialists cannot exceed \$75.00 per hour. The trial court will set the actual rate based on the mitigation specialist's skill, experience and expertise.
- For services performed prior to July 1, 2010, and circuits that did not have a set rate prior to July 1, 2010, please see [the investigator rate charts here](#).

Next

Return to  
Contents





# Court Order 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.
- The order should set forth the particularized need for private investigator services and indicate the total amount authorized for private investigator services.
- This order should be included in the billing packet for investigator services.

# Itemized Billing:

- Investigators/mitigation specialists must create and submit an itemized billing invoice directly through MyJAC. Currently, mitigation specialist must upload the itemized invoice ([link to investigator information](#)). The invoice must include:
  - Date of service, type of service(s) provided, and amount of time worked for each service.
  - Name of the investigator(s)/mitigation specialist(s) who provided the service(s) and license number(s) and type(s).
  - Investigators/mitigation specialists with a Class C (Private Investigator) license, MA (Manager Private Investigative Agency) license or M (Manager Investigative and Security Agency) license may bill at the authorized rate.
  - Investigators with a Class CC (Private Investigator Intern) license may bill at 60% of the authorized rate.
  - When billing more than 10 hours on a single date or more than 50 hours in a calendar week, an explanation of the particularized need for billing those hours must be provided.
  - See [Billing Checklists](#) for further information and documentation requirements.

Next

Return to  
Contents





# Itemized Billing: (continued)

- When listing investigative activity, list date and amount of time (in tenths of an hour), type of activity, and brief description for each activity separately.
- Investigators are required to bill the actual amount of time spent on each date rounded to the nearest tenth of an hour. Investigators are limited to billing the actual time worked in a day, rather than numerous entries for each task performed over the course of a day.
- For review of documents, the billing should indicate the type of document and approximate number of pages reviewed. For review of audio tapes, video tapes, or other media the billing should indicate the approximate length of the media.
- Bill in increments of hours and tenths of an hour (6 minute intervals) ([Billing in tenths chart](#)).

Next

Return to  
Contents



# Itemized Billing: (continued)

- A billing may not contain entries in which an investigator bills for services across multiple dates in a single entry. Each billing entry must indicate the precise date that the service was rendered and cannot contain any language suggesting ambiguity regarding the date the activity was performed.
- When submitting a detailed hourly statement, vendors are required to provide a single entry by date and investigator (when more than one investigator is assigned to a case).
- When an investigator provides multiple services on the same date, the investigator should provide the amount of time worked on each service in the description of the services.

[Next](#)[Return to Contents](#)

# Itemized Billing: (continued)

- Total time billed for a particular date cannot exceed the actual amount of time expended on that date.
  - For example, if investigator/mitigation specialist reviews three separate documents in a day for a total of five minutes, then investigator/mitigation specialist should bill .1 for that totality of that activity of reviewing all three documents. Investigator/mitigation specialist should not individually bill .1 three separate times for review of each separate document.
- The billing should be sufficiently detailed for JAC to objectively assess the reasonableness of the services rendered.
- It is the attorney's responsibility to review the billing prior to submission to ensure there is no breach of attorney-client or work product privilege and to redact any such information as appropriate.
- Any redaction should be limited to the extent necessary to protect attorney-client or work product privilege.

## Other Billing Services: Subpoena Service

- Subpoena Service – Section 57.081, F.S., requires the sheriff to provide service of process in cases involving indigent persons without requiring prepayment. If the sheriff is unable or unavailable and an attorney seeks to use a private process server, the attorney must serve a motion on JAC setting forth the exceptional circumstances warranting use of a private process server and the name of the person being served.
- An investigator cannot bill for investigative time and bill for serving a person at the same time.
- An investigator cannot bill for serving a law enforcement officer.

Next

Return to  
Contents



## Other Billing Services: Subpoena Service (continued)

- If an investigator serves a witness:
  - The court has to authorize such service.
  - The rate applicable is for private service of process.
- Provide the number of subpoenas served along with the cost per subpoena and the total. Provide the name of each individual served, using first name, middle initial and last name. Provide a return of service for each person served.



## Other Billing Services:

- Other Costs – Provide a brief description of the costs and the total. All “Other Costs” must be accompanied by a court order authorizing the costs, a detailed log of charges, invoices, receipts, and/or other proof of payment.
  - Refer to [Rate Sheet by Circuit](#)
- See also the [JAC Standard Due Process Contract](#), [JAC Policies and Procedures for Court-Appointed Counsel](#) and [Frequently Asked Questions](#).



# No Reimbursement for Clerk Charges:

- Pursuant to section 28.345, F.S., a private court-appointed attorney is exempt from charges by the clerk of court for case-related services. Similarly, pursuant to section 57.081, F.S., an indigent defendant is entitled to receive the services of the clerk of court and the court without any prepayment.
- 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.

# Mileage:

- Investigator's/mitigation specialist's hourly fee includes ordinary travel costs including mileage.
- Investigators/mitigation specialists are paid for extraordinary mileage such as:
  - Trip exceeding 50 miles one way, or
  - Multiple destinations exceeding 100 miles in one trip.
  - An out-of-county investigator may not bill for mileage between investigator's office and the county of the case. If an investigator makes a business decision to accept cases outside the investigator's home circuit, the investigator will generally not be compensated for time and expenses related to travel to the circuit of the case.

Next

Return to  
Contents



# Mileage continued:

- Use of the Department of Financial Services travel voucher is mandatory for any reimbursement of travel expenses.
- Reimbursement for mileage is limited to actual mileage traveled using a personal vehicle. JAC reimburses for the actual mileage incurred during a trip. When an attorney or due process provider travels on multiple cases, the total amount of mileage billed across those cases cannot exceed the actual distance traveled.

[Next](#)[Return to Contents](#)

# Mileage continued:

- A request for mileage must be supported by appropriate documentation. In-state, city-to-city mileage calculations can be found at <https://fdotewp1.dot.state.fl.us/CityToCityMileage/viewer.aspx>
- If an in-state travel destination is not included or available on the DOT website, or if the travel is out-of-state, mileage may be calculated using an internet map website such as [www.mapquest.com](http://www.mapquest.com). Alternative sources may only be used when there is no entry on the DOT website.

# Mitigation Specialists:

- A mitigation specialist must have a valid Class C (Private Investigator) License unless he or she:
  - Holds a professional Florida license in a field such as mental health or psychology, (i.e., LCSW – Licensed Clinical Social Worker) or
  - Is a member of The Florida Bar.
- Mitigation Specialists are only authorized in First Degree Murder cases where the State is seeking the death penalty. Effective July 1, 2011, the rate for mitigation specialists in capital death cases cannot exceed \$75.00 per hour.
- A private investigator providing services on a case shall not provide expert or mitigation specialist services on the same case. A person serving as an expert or mitigation specialist on a case is prohibited from also functioning as a defense investigator.



# Submission of Billings – Correct Voucher Cover:

- Voucher Covers for Investigators and Mitigation Specialists are generally created electronically via MyJAC. An exception is when billing a Pro Se case, a hard copy voucher cover may be used in lieu of the electronic voucher cover.
- It is the responsibility of attorneys and due process providers to use correct and current voucher covers. These voucher covers are updated from time to time to take changes in law and policy into account. [Current Voucher Covers](#) are posted on JAC's website.
- The JAC Invoice Voucher Covers require the submission of information necessary for JAC to review a billing for compliance with statutory and contractual requirements.
- The failure to use the appropriate voucher cover can result in essential information being omitted from the billing. This can delay the processing of the billing as well as other billings because JAC staff has to spend substantial time obtaining the information that would have been included if the vendor had used the correct voucher cover.



# Completion of Voucher Cover:

- The JAC Voucher Cover must be fully completed including all essential information requested in the voucher cover.
- The amount billed must always be provided on the JAC Voucher Cover.
- Detailed instructions on how to complete the voucher covers are available on JAC's website. Instructions are provided for each type of voucher cover.

# *My JAC (JAC's Secure Website):*

- JAC has created a secure website through which an investigator/mitigation specialist can obtain information regarding both unpaid and paid bills submitted to JAC. Through *My JAC*, an investigator/mitigation specialist can determine whether JAC has received a billing and whether JAC has approved the billing for payment. An investigator/mitigation specialist can also access letters and notices related to the billing such as audit deficiencies and letters of objection.
- Instruction on how to setup access to the secure website is available at:
  - <https://www.justiceadmin.org/FAQ/Quick%20Reference%20Guide-Vendor%20Login.pdf>
- The JAC Online Support Team can assist an investigator/mitigation specialist in setting up secure access and in using the vendor website.

# Online Billing Submission System:

- With limited exceptions, due process billings must be submitted online through *My JAC*. Investigators/mitigation specialists who have registered an account with *My JAC* may submit invoices to cases already open in the JAC system.
- Prior to beginning an online invoice submission, the due process vendor must have the necessary documentation ready. During the billing process, the due process vendor will completed an electronic JAC Invoice/Voucher Cover.
- Supporting documentation including any vendor invoices must be scanned to electronic files. All files must be in PDF or TIFF format only. During the online billing process, the vendor will be prompted to upload these files. Please make sure the scans of all documents are legible.

# Online Billing Submission System continued:

- Once the billing packet has been submitted, a confirmation message will appear and the attorney and due process vendor will receive a confirmation email.
- The attorney will log into *My JAC* and review the billing and supporting documentation and then either approve or reject the billing. Attorneys are encouraged to approve or reject due process vendor billings within 10 business days.
- If the due process vendor needs to amend the billing or respond to an audit deficiency, the additional document(s) should be submitted through the Online Billing Submission system using the Tracking Number assigned to the billing.
- To assist in submitting billings through this new system, additional instructions and tutorials are available on *My JAC*.

# Billing Audit Deficiencies:

- When JAC receives a billing for private investigator services which lacks necessary documentation or requisite information, JAC may send the investigator and the attorney a Billing Audit Deficiency. It will indicate the reason JAC is unable to process the billing and will request that the investigator and/or the attorney provide the lacking documentation or information.
- When JAC issues a Billing Audit Deficiency, the investigator and/or attorney needs to provide the additional documentation or otherwise resolve the Billing Audit Deficiency in an expeditious fashion.
- Failure to resolve the Audit Deficiency may result in JAC paying the billing at a reduced rate or rejecting the bill.

[Next](#)[Return to Contents](#)



# Billing Audit Deficiencies Continued:

- When responding to a Billing Audit Deficiency, the due process vendor or attorney must use the Audit Deficiency as the cover page for any submission. This will allow JAC staff to identify the appropriate case.
- Billing Audit Deficiencies should be submitted through the Online Billing Submission system using the Tracking Number for the billing.
- JAC receives numerous documents and submissions on a daily basis, so the failure to use the Audit Deficiency as the cover sheet could result in delay in payment.
- When requesting reinstatement of a billing, the Reinstatement portion of the Audit Deficiency must be signed. A response to an audit deficiency will not be deemed submitted until JAC receives a signed request for reinstatement. This request should be submitted through the Online Billing Submission system.



# Notice of Inspection of Contemporaneous Records:

- Due Process Vendors must maintain contemporaneous records for their billing in accordance with the provisions outlined in the JAC Due Process Contract.
- Contemporaneous Records, include but is not limited to, Timesheets (other than the original hourly statement); Calendar Entries; Notation logs; Jail logs related to client visitation or witness interviews; Research notes reviewed; Factual notes from discovery or other materials reviewed; Notes from conversations, telephone conferences, conference calls, or meetings; Notes from hearings or depositions; and Notes from client or witness interviews.
- Where deemed necessary, JAC may request a copy of contemporaneous records for billings.

# Direct Deposit (EFT):

- Due process providers including private investigators must participate in a direct deposit program which allows for transfer of funds electronically to an account in a federal-chartered or state-chartered financial institution (EFT). If a provider seeks an exemption from this provision, the provider must submit in writing a request for exemption specifically delineating why he or she cannot comply with this provision.
- JAC does not review or process the application to setup electronic funds transfer. ***The application must be submitted directly to the Department of Financial Services (DFS).*** Information and the forms necessary are available on the DFS website at:
  - <http://www.myfloridacfo.com/division/AA/Vendors/>

# Direct Deposit (EFT) Continued:

- Once completed, the form should be sent to:  
Department of Financial Services  
Direct Deposit Section  
200 E. Gaines Street  
Tallahassee, Florida 32399-0359
- Please do not send these forms to JAC. JAC cannot process or review these forms.
- After setting up an EFT with DFS, if there are any changes to the payee name submitted to DFS, please submit the updated information to JAC's contract section.
- The payee name in JAC's database must match exactly with the EFT information in order for payment to be received.

[Return to Contents](#)



# End Notes:

- Congratulations, you have now completed the module on investigator/mitigation specialist billing.
- Please periodically visit [www.justiceadmin.org](http://www.justiceadmin.org), and see “What’s New” for important letters and notices posted on the JAC website. It is your responsibility to remain current regarding changes and updates to the Contracts, Policies and Procedures, and Frequently Asked Questions.