

**THIRD JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER 2017-003
(vacates AO2014-006)**

IN RE: EXPERT WITNESS SELECTION AND FEES

WHEREAS, it is mandated in AOSC17-12 that circuits abide by certain standards of operations to ensure effective and efficient provision of court appointed expert witness services and compensate experts in accordance with a statewide expert witness rate structure, it is therefore:

ORDERED:

I. SELECTION AND MONITORING:

- a. Effective July 1, 2017, expert witnesses will be appointed from the Third Judicial Circuit's Court Appointed Expert Witness Registry (herein after "Expert Registry"). The appointment by the Court of any expert witness shall be at the discretion of the appointing judge after evaluating the particular nature of the case, the defendant's reported or observed behavior, the experience and level of training of a particular expert, the prior performance of the expert, the availability of the expert, and any other pertinent and reasonable factors; and shall not be subject to any formulaic rotation.
- b. Should all experts on the Expert Registry be unavailable, the General Services Department in Court Administration should be contacted to attempt to obtain an expert from another circuit's registry.
- c. An updated Expert Registry can be found on the Third Judicial Circuit's website: www.jud3.flcourts.org.
- d. In order to be added to the Expert Registry, an expert must submit an application for approval by the Chief Judge. The form and instructions for the application can be found on www.jud3.flcourts.org.
- e. Judges shall require that expert witnesses maintain professional conduct in the courtroom at all times.
- f. A judge shall initially appoint only one expert for an evaluation in a standard adult competency proceeding. If the findings of the original expert are not stipulated to by the parties, the Court may appoint up to two (2) additional experts.
- g. Experts should be continuously evaluated for their performance as it relates to their area of expertise. In the case that an expert is not performing as they should, or should an expert's ethics or behavior be called into question, attorneys will report to the presiding Judge who shall report any unethical behavior or performance issues to the Chief Judge in writing. The Chief Judge will review the report and, if necessary, inform the proper authorities of the issues with the expert.

II. FEES:

- a. Expert witnesses will be compensated by the Court in the following cases:

1. Pursuant to §916.115, F.S., §985.19(b), F.S., and Florida Rule of Juvenile Procedure 8.095, experts appointed by the court in criminal cases to determine the competency of the defendant to proceed. If sanity will be used as an affirmative defense, the court only pays the portion of the fees relating to competence to proceed.
 2. Pursuant to §916.301-916.304, F.S., experts evaluating defendants concerning allegations of incompetence to proceed to trial due to retardation or autism.
 3. Pursuant to §393.11, F.S., experts acting as members of an examining committee in cases involving consideration of involuntary admission to residential services.
 4. Pursuant to §744.331, F.S., experts acting as members of a guardianship examining committee *only in cases in which the ward's estate cannot pay* (§744.331(b), F.S.)
 5. Pursuant to §916.17, F.S., experts appointed in cases in which the defendant has been found incompetent to proceed by reason of insanity and has failed to comply with provisions of conditional release.
 6. Pursuant to §921.137, F.S., experts appointed in capital felony cases in which mental retardation is a bar to the death penalty.
- b. The Third Judicial Circuit shall use the following rates as mandated in AOSC17-12 for payment of expert witnesses appointed by the court:

1. Adult Competency

Evaluation flat rate:	\$500
Follow-up evaluation flat rate:	\$350
No show flat rate:	40% of the evaluation (\$200/\$140)
Hourly testimony rate***	\$150/hour
*Must be Court ordered. Otherwise, the State does not pay for expert testimony.	
*Includes wait time	
*2 hour cap	

2. Juvenile Competency

Evaluation flat rate:	\$350
Follow-up evaluation flat rate:	\$250
No show flat rate:	40% of the evaluation (\$140/\$100)

3. Guardianship Examining Committee:

Evaluation by Ph.D., M.D., or D.O.:	\$350
Follow up evaluation by above:	\$250
Evaluation by ARNP, RN, MSW, LPN, or LCSW:	\$250
Follow up evaluation by above:	\$175
No show flat rate:	40% of the evaluation (\$140, \$100/\$100, \$70)


4. Developmental Disability Examining Committee:

Evaluation by Ph.D., M.D., or D.O.:	\$350
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Follow up evaluation by above:	\$250
Evaluation by ARNP, RN, MSW, LPN, or LCSW:	\$250
Follow up evaluation by above:	\$175
No show flat rate:	40% of the evaluation (\$140, \$100/\$100, \$70)

- c. Procedure for payment of experts in extraordinary cases including, but not limited to capital murder and first degree murder cases:
1. The Court acknowledges that some cases may require an extraordinary effort by an expert witness. In these cases, the rates in this order and AOSC17-12 may be exceeded upon approval by the presiding judge.
 2. In order to be compensated beyond the rates in this order and AOSC17-12, counsel requesting the examination must file a motion requesting to exceed those rates that explains the extraordinary circumstances.
 3. The judge presiding over the case in question shall hear the motion. If approved, an Order to Pay Expert in Excess of the Rates Established in AOSC17-12 shall be entered. The Order must include the findings detailing the unusual or extraordinary efforts required on behalf of the expert witness and the exact amount that the expert will be paid. The Order must direct Court Administration to pay.
- d. Procedures for invoicing:
1. Expert invoices must be submitted to Court Administration, 173 N.E. Hernando Avenue, Room 408, on the most recent State of Florida Uniform Invoice for Expert Witness, which can be downloaded from our website: www.jud3.flcourts.org.
 2. An Order appointing the expert must be included with the invoice.
 3. If a motion is granted to exceed the standard rates, an order granting that motion must be included with the invoice packet in order to initiate payment.

DONE AND ORDERED this 21st day of June, 2017.


GREG S. PARKER
CHIEF JUDGE, THIRD JUDICIAL CIRCUIT

Copies to:
 All Judges, Third Judicial Circuit
 All Clerks, Third Judicial Circuit
 Blair Payne, Public Defender, Third Judicial Circuit
 Jeff Siegmeister, State Attorney, Third Judicial Circuit
 All Experts on the Third Judicial Circuit Expert Witness Registry
 The Third Judicial Circuit Bar Association