

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
OF FLORIDA

ADMINISTRATIVE ORDER NO.:
23-13
SUPERSEDES 22-20 AMENDED

**IN RE: FEES - ESTABLISHMENT OF DUE PROCESS SERVICE PROVIDER RATES
AND POLICIES GOVERNING THE APPOINTMENT OF EXPERT WITNESSES**

WHEREAS, pursuant to section 27.425, Florida Statutes, due process costs are allocated in the General Appropriations Act; and

WHEREAS the total amount expended for providers of due process services in eligible cases may not exceed the amount budgeted in the General Appropriations Act; and

WHEREAS the Florida Supreme Court issued AOSC17-12 in which it standardized the appropriate costs for the provision of certain due process costs to improve the processes for appointing experts and containing costs. The Court directed each judicial circuit to implement the standardized rate structure no later than July 1, 2017.

NOW, THEREFORE, it is ORDERED:

1. In accordance with AOSC17-12, the Eighteenth Judicial Circuit will pay the following rates for the identified due process costs.

A. Expert Witness Fees:

1. Psychological/Adult and Juvenile Competency Evaluation Fees:

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|----|---------------------------------|-----------------------|
| a. | Evaluation and record | \$400 |
| b. | Follow-up with same expert | \$350 |
| c. | No show rate | \$140 |
| d. | Testifying, including wait time | \$150/hr (2-hour max) |
| e. | Out-of-County Travel | \$75/hr |

2. Guardianship Examining Committee

The following fee schedule for the Guardianship Examining Committee shall apply:

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| a. | \$400 for the M.D. or D.O. committee member; |
| b. | \$300 for the Ph.D. committee member; |

- c. \$250 for the ARNP, RN, MSW, LPN, LCSW or Lay Person committee member
- 3. Developmental Disability Examining Committee
The following fee schedule for the Developmental Disability Examining Committee shall apply:
 - a. \$350 for the physician committee member;
 - b. \$250 for other committee members

B. Court Reporter Fees

1. Brevard County:

a. Appearance Fees:

Standard Reporting	\$30.00/hr
Weekend/Holiday	\$45.00/hr
Real-Time	\$50.00/hr

(1-1/2 hour minimum per initial appearance)

b. Transcripts – Standard:

Original for pleas only (per page)	\$3.50/per pg
Original (includes 1 copy/per page)	\$4.50/per pg
Additional Original Reprints (per page)	\$1.00/per pg
ASCII DISK (per disk)	\$5.00/disk
E-TRANSCRIPT (per transmission)	\$10.00/transmit

c. Transcripts – Expedited:

1. Delivery on or before the next workday after the order:

Original for pleas only (per page)	\$6.00
Original (includes 1 copy/per page)	\$7.00
Additional Original Reprints (per page)	\$1.00

2. Delivery after one but within three workdays of the order:

Original for pleas only (per page)	\$4.50
Original (includes 1 copy/per page)	\$5.50
Additional Original Reprints (per page)	\$1.00

d. Shipping Expenses:

Actual amount expended.

2. Seminole County:

a. Appearance Fees:

Standard Reporting	\$50.00/hr
Weekend/Holiday	\$60.00/hr
Real-Time	\$60.00/hr
No Show/No Notice	\$50.00/hr

b. Transcripts:

Original (per page)	\$4.00
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c. Daily Copy:

Original (per page)	\$6.00
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- d. Expedited Copy:
Original (per page) \$4.50
- e. Other Transcripts/Real-Time:
Certified daily copy (per page) \$6.00
- f. Shipping:
Actual amount expended.

C. Interpreter Fees:

The following fee schedule is the maximum standard rates for contracted court interpreters. Any requests for payment above these rates must be submitted and approved through Court Administration. Services are paid at a 2-hour minimum with increments of ¼ hour thereafter.

- 1. Certified Spoken Language Interpreters (per the Florida Rules for Certification and Regulation of Court Interpreters):
 - a. Spanish: \$70/hr
 - b. Haitian Creole: \$80/hr
 - c. Other Spoken Languages: \$100/hr
- 2. Non-Certified Spoken Language Interpreters:
 - a. Spanish: \$45/hr
 - b. Haitian Creole: \$70/hr
 - c. Other Spoken Languages: \$80/hr
- 3. American Sign Language Interpreters and all other types of interpreters for persons with hearing loss (per the Registry of Interpreters for the Deaf/National Association of the Deaf):
 - a. Certified American Sign Language interpreters: \$80/hr
 - b. Non-Certified American Sign Language interpreters: \$60/hr
- 4. Language Line:
 - a. Spanish: \$0.56 per minute
 - b. Other Spoken Languages: \$0.61 per minute

- 2. The following policies and procedures governing the appointment and payment of expert witness fees are hereby established:

A. Orders pursuant to Florida Statute §916.115 (adult competency)

- 1. When, on written motion by either counsel for the defendant, a *pro se* defendant, or the State Attorney, or upon the Court's own motion, the Court orders an adult competency evaluation pursuant to Florida Statute §916.115(2), **the Court shall select and pay for one expert. If any party objects to the report of the appointed expert, the Court will appoint a second expert at the expense of the objecting party. If the Court requests any additional expert evaluation, the Court shall be responsible for the payment.**
- 2. When an expert is appointed by the Court pursuant to Florida Statute §916.115(2) to evaluate the competence of the defendant to proceed and the defense also requests that the defendant be examined for sanity at the

time of the offense, the Court will pay only for that portion of the expert's fees relating to the evaluation of competency to proceed at the rate established in this Administrative Order and the defense will be responsible for the sanity portion of said evaluation.

B. Orders pursuant to Florida Statute §916.301 (adult competency: intellectual disability or autism)

1. When, pursuant to Florida Statute §916.301, the Court orders an adult competency evaluation for a defendant whose suspected mental condition is intellectual disability or autism, the Court shall select and pay for one expert. The Court may order the Agency for Persons with Disabilities to also examine the defendant.

C. Orders pursuant to Florida Statute §921.137 (intellectual disability)

1. When experts are appointed by the Court to evaluate a defendant or prisoner to determine whether the defendant or prisoner is intellectually disabled and barred from execution, pursuant to Florida Statute §921.137 and Florida Rule of Criminal Procedure 3.203(c)(3), the Court shall select, appoint and pay for the expert.
2. When the State Attorney requests an appointment of an expert under Florida Rule of Criminal Procedure 3.203(c)(2) and an expert is appointed pursuant to Florida Statute §921.137, the State Attorney shall select and pay for the expert.
3. When an expert is otherwise appointed to determine a defendant's or prisoner's intellectual disability as a bar to execution, the Court shall select and pay for the expert(s).

D. Orders pursuant to Florida Statute §985.19 (juvenile competency)

1. When an evaluation of a juvenile defendant is ordered pursuant to Florida Statute §985.19 to determine if the juvenile defendant is incompetent to proceed due to mental illness, the Court will select, appoint and pay for the expert.
2. When an evaluation of a juvenile defendant is ordered pursuant to Florida Statute §985.19(1)(e) to determine if the juvenile defendant is incompetent to proceed due to intellectual disability, the Agency for Persons with Disabilities shall examine the juvenile in accordance with Florida Rule of Juvenile Procedure 8.095.

E. Orders pursuant to Family Rule of Procedure 12.363 and 12.364 and Florida Statute §61.20 (social investigation)

1. When the issue of visitation, parental responsibility, or residential placement of a child is ordered pursuant to Florida Statute 61.20, the court, on motion of any party or the court's own motion, may appoint an expert for an examination, evaluation, testing, or interview of any minor child.
2. When the issue of time-sharing, parental responsibility, ultimate decision-making, or a parenting plan for a minor child is in controversy, the court,

on motion of any party or the court's own motion, may appoint an investigator under section 61.20, Florida Statutes.

3. The parties may agree to appointment of the expert, upon approval of the court. The parties are responsible for payment.

F. APPOINTMENT OF EXPERTS

1. When an expert is appointed or reappointed by the Court pursuant to Rule of Criminal Procedure 3.212 to perform a periodic evaluation of a defendant who has been found incompetent to proceed or appointed or reappointed by the Court pursuant to Rule of Criminal Procedure 3.213 after an adjudication of not guilty by reason of insanity, the Court shall select and pay for one expert. Provided the same expert is under contract with the Court, the Court will generally reappoint for subsequent evaluations the same expert who performed the last examination of the defendant. On the Court's own motion, or a motion of the State or defense showing good cause, the Court may appoint a new expert by rotation from the list of experts under contract with the Eighteenth Judicial Circuit.
 2. Except where an expert is reappointed to do an examination or evaluation, the appointment of an expert by the Court will be by rotation from the list of experts under contract with the Eighteenth Judicial Circuit.
 3. Experts retained by the Public Defender or Office of Criminal Conflict and Civil Regional Counsel ("Regional Counsel) pursuant to Florida Statute §29.006 or by the State Attorney pursuant to Florida Statute §29.005, shall be paid from the respective budgets of the Public Defender, Regional Counsel or the State Attorney. An expert retained by court-appointed counsel, by counsel for a defendant who is indigent for costs, or by a defendant who is indigent for costs shall, pursuant to Florida Statute §29.007, be paid by the Justice Administrative Commission. Prior court approval is required for such experts retained pursuant to Florida Statute §29.007. If the State Attorney needs a court order of appointment to ensure that a State-retained expert has access to the defendant, the State Attorney shall pay for the expert notwithstanding the Court's order of appointment.
3. This Administrative Order does not restrict the ability of the Court to otherwise appoint an expert pursuant to other Florida Rules of Court.
 4. Any expert seeking to provide those services in the above-listed areas shall enter into a contract with Court Administration agreeing to the above rates. Court Administration shall maintain a registry of all contracted experts from which such experts will be selected. If no expert from the registry is available for service, Court Administration shall seek experts contracted with other local Judicial Circuits before seeking the services of an uncontracted provider.
 5. The Court shall select experts from the Court Administration registry unless the interests of justice require that a non-registry expert be appointed. Non-registry experts shall be compensated at the rates set forth herein. Expert witness fees in excess of the established

rates may only be approved by the Court when there is a manifest necessity. The Chief Judge or his/her designee must approve in advance the payment of any fees or compensation above the standard rates.

6. Any complaint or grievance regarding a court approved expert witness shall be in writing and submitted to Court Administration for review by the Chief Judge or his/her designee.
7. Expert witnesses in disciplines not specifically identified in this Administrative Order shall be paid circuit-determined contractual rates.
8. These rates shall be incorporated into any contract executed or renewed effective immediately.

DONE AND ORDERED this 9th day of February, 2023.

JESSICA RECKSIEDER
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CHIEF JUDGE

DISTRIBUTION:

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Justice Administrative Commission, 227 N. Bronough St., Suite 2100, Tallahassee, FL 32301-1380