

**IN THE COURTS OF THE FIRST JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER NO. 2019-50

(vacates AO2006-26)

(vacates AO2017-32)

IN RE: DUE PROCESS COSTS

**EXPERT WITNESS REGISTRY and
EXPERT WITNESS FEE STRUCTURE**

WHEREAS, under mandate by the Supreme Court of Florida in AOSC18-17, it is

ORDERED that:

1. Pursuant to AOSC17-12, Court Administration for the First Judicial Circuit created and has maintained a *Court Appointed Expert Witness Registry* for use in appointing qualified experts in mandated fields of expertise. First Judicial Circuit Administrative Order No. 2017-32 was entered.
2. Upon entry of this administrative order, First Judicial Circuit Administrative Order No. 2017-32 shall be considered vacated.
3. The Court Appointed Expert Witness Registry for use in appointing qualified experts shall comply with the following:

ADULT COMPETENCY.

Experts installed on the Court Appointed Expert Witness Registry (hereinafter "CAEWR") for adult competency evaluations shall certify they are qualified and shall agree to evaluate defendants under Section 916.115(2) and Section 916.12, *Florida Statutes*, under applicable *Florida Rules of Criminal Procedure*, and under any other relevant Florida law for determinations of competency to proceed, insanity, and involuntary hospitalization or placement.

DEVELOPMENTAL DISABILITIES.

Experts installed on the CAEWR for evaluation of claims of intellectual disability/autism shall certify they are qualified and shall agree to evaluate defendants

under Sections 916.301 - 916.304, *Florida Statutes*, under applicable *Florida Rules of Criminal Procedure*, and under any other relevant Florida law concerning allegations of incompetence to proceed to trial due to an intellectual disability or autism.

**DETERMINATION OF INTELLECTUAL DISABILITY AS
A BAR TO EXECUTION.**

Experts installed on the CAEWR for evaluation of claims of intellectual disability as a bar to execution shall certify they are qualified and shall agree to evaluate defendants under Section 921.137, *Florida Statutes, Rule 3.203, Florida Rule of Criminal Procedure*, and any other relevant Florida law for determinations of whether a defendant either charged with a capital felony or convicted of a capital felony, is intellectually disabled.

JUVENILE COMPETENCY.

Experts installed on the CAEWR for juvenile competency evaluations shall certify they are qualified and shall agree to evaluate juvenile defendants under Section 985.19, *Florida Statutes, Rule 8.095, Florida Rules of Juvenile Procedure*, and any other relevant Florida law for determinations of competency to proceed, insanity, and involuntary hospitalization or placement.

EXAMINING COMMITTEE MEMBERS.

Experts installed on the CAEWR as examining committee members shall certify they are qualified and shall agree to act as a Guardianship Examining Committee member in cases filed pursuant to Section 744.331, *Florida Statutes*.

4. AOSC18-17 provides a revised Expert Witness Rate Structure. The rate structure outlined in First Judicial Circuit AO2017-32 remains within the Supreme Court's "allowable rates;" therefore, the First Judicial Circuit rate structure remains as:

Adult Competency

Evaluations:	\$500
Follow-up evaluations:	\$350
Maximum Allowable NO SHOW fee:	40% of evaluation (\$200/\$140)
Maximum Hourly Testimony* Rate:	\$150/hour (including wait time, 2 hour cap)

* Unless an expert testifies pursuant to an order from the court regarding competency, the state courts system does not pay for the expert to testify in court.

Developmental Disability Examining Committee

Evaluations by Ph.D., M.D., or D.O.:	\$350
Evaluations by ARNP, RN, MSW, LPN, LCSW:	\$200
Follow-up Evaluation:	\$200
Maximum Allowable NO SHOW fee:	40% of evaluation (\$140/\$80)

Juvenile Competency

Evaluations:	\$350
Follow-up Evaluation:	\$250
Maximum Allowable NO SHOW fee:	40% of evaluation (\$140/\$100)
Maximum hourly testimony* rate	\$150

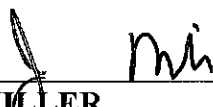
* Unless an expert testifies pursuant to an order from the court regarding competency, the state courts system does not pay for the expert to testify in court.

Guardianship Examining Committee Members

Evaluations by Ph.D., M.D., or D.O.:	\$350
Evaluations by ARNP, RN, MSW, LPN, LCSW:	\$200
Follow-up Evaluation:	\$200
Maximum Allowable NO SHOW fee:	40% of evaluation (\$140/\$80)

5. Payment amounts higher than the rates listed in the chart are allowable in **extraordinary circumstances with prior approval** by the court; however, documentation of reason must be included in motions presented, orders entered, and invoices.
6. Compensation for travel time is not permitted under the rate structure.

DONE AND ORDERED in Pensacola, Escambia County, Florida this 27th day of
December, 2019.



JOHN L. MILLER
CHIEF JUDGE

Copies of Administrative Order No. 2019-50 furnished to:

All Judges, First Judicial Circuit

William Eddins, State Attorney, First Judicial Circuit

Bruce Miller, Public Defender, First Judicial Circuit

Robin Wright, Trial Court Administrator

Allison Newton, Chief Deputy Court Administrator

Kayla Blanchard, Administrative Services Manager

Justice Administrative Commission

For Broadcast by: Escambia-Santa Rosa Bar Association

For Broadcast by: Okaloosa County Bar Association

For Broadcast by: Walton County Bar Association

For Posting at www.FirstJudicialCircuit.org