

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

ADMINISTRATIVE ORDER NO. 2017-32

(amends AO2006-26)

(vacates AO2008-35 and AO2016-38)

IN RE: DUE PROCESS COSTS

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

WHEREAS, under mandate by the Supreme Court of Florida in AOSC17-12, it is

ORDERED that:

1. Effective July 1, 2017, Court Administration for the First Judicial Circuit will create and maintain a *Court Appointed Expert Witness Registry* for use in appointing qualified experts in the following service fields of expertise:

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*.

2. Effective July 1, 2017, that portion of Administrative Order No. 2006-26 titled

PSYCHOLOGICAL/COMPETENCY EVALUATION FEES shall be vacated and the First Judicial Circuit shall use the following fee structure for payment of expert witnesses appointed by the court:

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)

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)

3. Effective July 1, 2017, Administrative Order No. 2008-35 shall be vacated.
4. Effective July 1, 2017, Administrative Order No. 2016-38, *Qualified Examining*

Committee Members shall be vacated and qualified examining committee members shall be listed on the First Judicial Circuit Court Appointed Expert Witness Registry.

DONE AND ORDERED in Pensacola, Escambia County, Florida this 5TH day of June, 2017.

/S/ LINDA L. NOBLES

LINDA L. NOBLES
CHIEF JUDGE

Copies 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
William Moore, Chief Deputy Court Administrator
Matrix: All First Judicial Circuit Examining Committee Members, AO2016-38
Matrix: All Attorneys, First Judicial Circuit Court Appointed Attorney Registry
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