

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2017-033 PA/PI-CIR

RE: EXPERT AND PROFESSIONAL FEES

Expert witnesses and other professionals provide a range of services in civil, criminal, juvenile delinquency, juvenile dependency, and family cases. These services include competency and capacity examinations, mental health evaluations, and investigative services. In certain circumstances such experts and professionals are paid with state funds through the Office of the State Courts Administrators (“OSCA”) or the Justice Administrative Commission (“JAC”). In order to establish fees and rates for experts and professionals paid with state funds that are consistent with Florida Supreme Court Administrative Order AOSC17-12, and

In accordance with Article V, § 2, Florida Constitution, Rule of Judicial Administration 2.215, and § 43.26, Florida Statutes, it is:

ORDERED:

A. Experts Paid With State Funds Through OSCA

The following compensation is authorized unless otherwise provided by court order. Experts examining a defendant located in the Pasco County Jail or located outside the Sixth Judicial Circuit will be paid for mileage and per diem in accordance with Chapter 112, Florida Statutes, in addition to the fees and rates provided below.

1. Criminal Cases

When a physician is appointed to determine the competency of a defendant, to determine the sanity of a defendant under stay of execution, to determine the defendant’s sanity at the time of sentence, to determine whether a defendant is intellectually disabled and barred from execution, or to examine a defendant who has alleged her pregnancy as a cause for not pronouncing sentence, the physician will be paid a \$500.00 flat fee.

When a licensed psychologist or Ph.D. is appointed to determine the competency of a defendant, to determine the sanity of a defendant under stay of execution, or to determine whether a defendant is intellectually disabled and barred from execution, the licensed psychologist or Ph.D. will be paid a \$400.00 flat fee.

When a social service professional is appointed to provide a social and developmental history of a defendant, the social service professional will be paid a \$175.00 flat fee.

When the same physician, licensed psychologist, or Ph.D. is reappointed to perform a periodic competency evaluation or a follow-up evaluation of a defendant who has been found not guilty by reason of insanity, he or she will be paid a \$350.00 flat fee.

These flat fees include payment for reviewing documents, time spent travelling to testify or to see the defendant, testing or examining the defendant, writing the report, consulting with the attorney, and preparing for testimony. Except as provided in paragraph A.3. of this Administrative Order or as provided in a separate court order, no other compensation may be

paid pursuant to AOSC17-12.

2. Juvenile Delinquency Cases

When a physician is appointed to determine the competency (mental illness) of a defendant, the physician will be paid a \$350.00 flat fee.

When a licensed psychologist or Ph.D. is appointed to determine the competency (mental illness) of a defendant, the licensed psychologist or Ph.D. will be paid a \$300.00 flat fee.

When the same physician, licensed psychologist, or Ph.D. is reappointed to perform a periodic competency evaluation (mental illness) or a follow-up evaluation of a defendant who has been found not guilty by reason of insanity, he or she will be paid a \$250.00 flat fee.

These flat fees include payment for reviewing documents, time spent travelling to testify or to see the defendant, testing or examining the defendant, writing the report, consulting with the attorney, and preparing for testimony. Except as provided in paragraph A.3. of this Administrative Order or as provided in a separate court order, no other compensation may be paid pursuant to AOSC17-12.

3. Additional Fees In Criminal and Juvenile Delinquency Cases

Where a physician, licensed psychologist, or Ph.D. is appointed to perform the evaluations described in sections A.1.-A.2., the following amounts may be paid:

Failure of Defendant to appear for evaluation	40% of evaluation fee
In-court time (includes wait time, applies 2-hour cap)	\$150.00 per hour

Where a social service professional is appointed to perform the evaluations described in sections A.1.-A.2., the following amounts may be paid:

Failure of Defendant to appear for evaluation	40% of evaluation fee
In-court time (includes wait time, applies 2-hour cap)	\$100.00 per hour

4. Developmental Disabilities Examining Committees and Guardianship Examining Committees

The following compensation is authorized for appointments to a Guardianship Examining Committee pursuant to § 744.331, Florida Statutes, or a Developmental Disabilities Examining Committee pursuant to § 393.11, Florida Statutes.

When a licensed physician, psychiatrist, or psychologist is appointed, the following amounts will be paid:

Evaluation	\$350 flat fee
Failure of ward to appear for evaluation	40% of evaluation fee
In-court testimony (includes wait time, applies 2-hour cap)	\$150 per hour
Periodic evaluation or a follow-up evaluation	\$250 flat fee
Suggestion of Capacity proceeding	\$350 flat fee

For all other professionals appointed, the following amounts will be paid:

Evaluation	\$175 flat fee
Failure of ward to appear for evaluation	40% of evaluation fee
In-court testimony (includes wait time, applies 2-hour cap)	\$75 per hour
Periodic evaluation or a follow-up evaluation	\$125 flat fee

The flat fees include payment for reviewing documents, time spent travelling to testify or to see the ward, testing or examining the ward, writing the report, consulting with the attorney, preparing for testimony, and providing telephonic testimony. Except as provided in this section or provided in a separate court order, no other compensation may be paid pursuant to AOSC17-12.

5. Payment for Extraordinary Cases

In extraordinary cases, fees or rates higher than those listed herein may be permitted. Extraordinary cases include, but are not limited to, capital murder cases, first-degree murder cases, and cases that require the expert to expend substantially more time due to their complexity or the circumstances of the case. Any request for higher fees or rates must be directed to the Chief Judge or his or her designee.

B. Experts Paid With State Funds Through JAC

Due process costs under § 29.007, Florida Statutes, include fees and rates for experts and professionals retained by court-appointed counsel, by counsel for a defendant who is indigent for costs, or by a *pro se* defendant who is indigent. These fees and rates are paid with state funds through the JAC. Prior court approval is required for experts or professionals retained pursuant to § 29.007, Florida Statutes. Individuals who are not indigent or indigent for costs are responsible for the payment of their experts.

1. Baker Act Cases

The following compensation is authorized for appointments to conduct independent expert examinations in a Baker Act proceeding pursuant to §§ 394.467 and 394.4655, Florida Statutes.

When a physician, Ph.D., or other expert with a doctorate degree is retained to conduct an independent expert examination in a Baker Act proceeding, the following amounts will be paid:

Examination	\$300.00 flat fee
In-court testimony	\$150.00 per hour

When an expert other than one identified in the preceding paragraph is retained to conduct an independent examination in a Baker Act proceeding, the following amounts will be paid:

Examination	\$175.00 flat fee
In-court testimony	\$75.00 per hour

These flat fees include payment for reviewing documents, time spent travelling to see the patient, testing or examining the patient, writing the report, consulting with the attorney, and providing telephonic testimony. In addition to the above rates, all experts conducting independent expert examinations in Baker Act proceeding will be paid:

Waiting to testify/testimony preparation	\$60.00 per hour
Travel time to and from court to testify	\$50.00 per hour

2. Other Experts and Professionals

The authorized fees and rates for other experts and professionals paid with state funds through JAC are set forth in the Sixth Circuit Due Process Rate Sheet, which can be found on JAC's website at www.justiceadmin.org/court_app_counsel/formsandrates.aspx. The Sixth Circuit Due Process Rate Sheet is incorporated herein by reference.

This Administrative Order is effective July 1, 2017. The fees and rates in this Administrative Order apply to services provided as a result of appointments on or after July 1, 2017. Services provided as a result of appointments occurring prior to July 1, 2017, may be paid at the fees and rates established under Administrative Order 2017-013 with approval from the Chief Judge or Trial Court Administrator. Effective July 1, 2017, Administrative Order Nos. 2007-017 and 2017-013 are hereby rescinded.

DONE AND ORDERED in Chambers at St. Petersburg, Pinellas County, Florida, this _____ day of June, 2017.

ORIGINAL SIGNED ON JUNE 20, 2017
BY ANTHONY RONDOLINO, CHIEF JUDGE

cc: All Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Bob Dillinger, Public Defender
The Honorable Paula S. O'Neil, Clerk of the Circuit Court, Pasco County
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County
Gay Inskeep, Trial Courts Administrator
Ita M. Neymotin, Regional Counsel, Second District
Ngozi Acholonu, Assistant Regional Counsel
Lillian Simon, Director of Administrative Services, Pasco County
Kimberly Thompson, Director of Criminal Courts, Pasco County Clerk's Office
Nichole Alvarez-Sowles, Chief Operations Officer, Pasco County Clerk's Office
Maryellen McDonald, Director of Legal Services, Agency for Persons with Disabilities
Gerald Siebens, Legal Dep't, Agency for Persons with Disabilities, Suncoast Region
Jim Bennett, County Attorney, Pinellas County
Jeffrey Steinsnyder, County Attorney, Pasco County
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties