

**IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER NO.: A-2021-5

**ADMINISTRATIVE ORDER REGARDING
RATES OF COMPENSATION FOR COURT APPOINTED ATTORNEYS;
DUE PROCESS COSTS; EXPERT FEE GUIDELINES FOR INDIGENT CASES;
AND RESCINDING ADMINISTRATIVE ORDER NUMBER A-2017-23**

WHEREAS, Florida Statutes require counsel be appointed to represent individuals in certain proceedings before the Court; and

WHEREAS, a comprehensive Administrative Order addressing rates of compensation for court-appointed attorneys, experts, expenses and other court related functions as established by the General Appropriations Act and approved by the Justice Administrative Commission is in the best interest of the Fifth Judicial Circuit,

NOW, THEREFORE, I, Daniel B. Merritt, Jr., pursuant to the authority vested in me as Chief Judge of the Fifth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, and being fully informed and advised in the premises, hereby establishes the costs, fees and other due process related procedures as follows:

It is **HEREBY ORDERED**:

1. COURT APPOINTED COUNSEL:

A. Attorneys appointed to represent individuals in all criminal proceedings, including the following:

in the Fifth Judicial Circuit shall be entitled to compensation by the Justice Administrative Commission as outlined in §27.5304, Florida Statutes and in accordance with the General Appropriations Act.

B. Included within the above-referenced sums are in-circuit travel, postage, photocopying, telephone and fax charges, office supplies and all other costs associated with the performance of service. Out of circuit travel within the State of Florida is reimbursable and shall be reimbursed at the per diem and mileage rates as set forth by statute or regulation for public employees of the State of Florida.

C. An attorney appointed to represent an individual pursuant to this Order shall render legal services to his/her client from the time of appointment through the conclusion of the case. The appointed attorney shall remain the attorney of record until the court terminates jurisdiction or until otherwise relieved from further representation by the presiding Judge.

D. An attorney appointed to represent an individual pursuant to this Order is deemed to be an independent contractor and is wholly responsible for the manner in which he/she

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performs legal services. The appointed attorney also assumes the responsibility for the acts of their employees as they relate to the provisions of services included herein.

E. ATTORNEYS MUST RECEIVE COURT APPROVAL REGARDING AUTHORIZATION OF EXPERTS AND FEES PRIOR TO RETAINING AN EXPERT. FAILURE TO OBTAIN PRIOR APPROVAL MAY RESULT IN THE ATTORNEY BEING PERSONALLY RESPONSIBLE FOR THE FEES AND COSTS OF THE EXPERT. ATTORNEYS SHALL BE RESPONSIBLE FOR ADVISING THEIR EXPERTS, CONSULTANTS AND PRIVATE INVESTIGATORS ON THE CONTENTS OF THIS ADMINISTRATIVE ORDER RELEVANT TO THEIR SERVICES BEFORE ENGAGING THEIR SERVICES.

2. EXPERT WITNESSES:

A. In order to provide compensation of expert witnesses in criminal, juvenile delinquency, family law and juvenile dependency cases where such experts are paid with State funds through the Office of the State Courts Administrator and in order to establish uniformity throughout the Fifth Circuit regarding such compensation all due process costs shall be compensated as outlined in Attachment "A" attached hereto and incorporated herein.

B. The rates herein shall apply to all experts and other service providers providing a service on or after the date of this Order and in which the experts are paid with State funds, unless otherwise ordered by the Court due to extraordinary circumstances.

C. The rates, fees and costs set forth herein are guidelines for proper and adequate payment of these services/costs. However, this Order in no way prohibits the Court's exercise of judicial discretion in awarding a reasonable deviation from these amounts for exceptional circumstances.

3. OTHER DUE PROCESS SERVICES:

A. In order to provide compensation due process services, specifically, spoken language interpretation, translation, sign language interpretation, court reporting stenography and transcription services, where such providers are paid with State funds through the Office of the State Courts Administrator and in order to establish uniformity throughout the Fifth Circuit regarding such compensation all due process costs shall be compensated as outlined in Attachment "A" attached hereto and incorporated herein.

B. The rates herein shall apply to all service providers providing a service on or after the date of this Order and in which the experts are paid with State funds, unless otherwise ordered by the Court due to extraordinary circumstances.

C. The rates, fees and costs set forth herein are guidelines for proper and adequate payment of these services/costs. However, this Order in no way prohibits the Court's

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exercise of judicial discretion in awarding a reasonable deviation from these amounts for exceptional circumstances.

Administrative Order Number A-2017-23 is hereby rescinded.

IT IS SO ORDERED in Chambers in Brooksville, Hernando County, Florida, on this 2nd day of February, 2021.



DANIEL B. MERRITT, JR.
CHIEF JUDGE
FIFTH JUDICIAL CIRCUIT

EXPERT WITNESS RATE STRUCTURE

TYPE OF EVALUATION	RANGE OF ALLOWABLE RATES FOR EVALUATION ⁱ	TRAVEL ⁱⁱ	RANGE OF ALLOWABLE FOLLOW-UP EVALUATION RATES (With Some Expert)	MAXIMUM ALLOWABLE NO SHOW RATE	MAXIMUM HOURLY TESTIMONY RATE, COURT ORDERED (Including Wait Time, 2-Hour Cap) ⁱⁱⁱ
Standard Adult Competency: Florida Statutes, §§. 916.12, Florida Statute. & 916.301-304					
Mental Competence to Proceed	\$500.00	Mileage and Per Diem Only	\$350.00	40% of Evaluation Rate	\$150.00 per hour
Standard Juvenile Competency: Florida Statutes, §§ 985.19(1)(d), & 985.19 (1)(e)					
Mental Competence to Proceed	\$350.00	Mileage and Per Diem Only	\$250.00	40% of Evaluation Rate	\$150.00 per hour
Guardianship Examining Committee: Florida Statutes § 744.331					
Ph.D., M.D., or D.O.	\$350.00	Mileage and Per Diem Only	\$250.00	40% of Evaluation Rate	Rates to be determined
ARNP, RN, WSW, LPN, LCSW, Lay Person	\$250.00			40% of Evaluation Rate	
Developmental Disability Examining Committee: Florida Statutes § 393.11(5)(g)					
Ph.D., M.D., or D.O.	\$350.00	Mileage and Per Diem Only	\$175.00	40% of Evaluation Rate	Rates to be Determined
ARNP, RN, WSW, LPN, LCSW, Lay Person ⁱⁱⁱⁱ	\$250.00			40% of Evaluation Rate	

Note: 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 orders and invoices

ⁱ Allowable rates are based on a flat per-evaluation rate. The flat rate is designed to include the performance of the evaluation as well as any travel time or preparation time associated with the evaluation.

ⁱⁱ Compensation for travel time is not permitted under the rate structure; however, mileage and per diem are allowable pursuant to section 112.061, F.S.

ⁱⁱⁱ The structure sets the hourly rate for all activities related to testimony in Standard Adult and Juvenile Competency evaluations, including wait time, at \$150 per hour with a two-hour cap. Testimony-related rates for other types of evaluations are left to the circuit to determine based on the type of expert testifying.

ⁱⁱⁱⁱ Committee to consist of one psychiatrist or physician; remainder must be either a psychologist, gerontologist, another psychiatrist, or other physician, a registered nurse, nurse practitioner, licensed social worker, a person with an advanced degree in gerontology from an accredited institution of higher education, or other person who by knowledge, skill, experience, training, or education may, in the court's discretion, advise the court in the form of an expert opinion

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