



ADMINISTRATIVE OFFICE OF THE COURTS
INTER-OFFICE
MEMORANDUM

2009-17

TO: Honorable Marsha Ewing
Honorable Joe E. Smith
Honorable Jeffrey K. Barton
Honorable Sharon Robertson

FROM: Thomas A. Genung, Trial Court Administrator

A handwritten signature in blue ink, appearing to be "T. Genung", written over the name of the sender.

DATE: June 2, 2009

RE: **Administrative Order 2009-04**
Due Process Service Rates

Attached please find an original Administrative Order 2009-04 for filing with the Court.

If you have any questions regarding the above, please do not hesitate to contact me.

TAG/mt
Attachment

cc w/attach: All Judges in the Nineteenth Judicial Circuit
All Magistrates and Hearing Officers in the Nineteenth Judicial Circuit
All Staff Attorneys in the Nineteenth Judicial Circuit
Myra Zilahy
Honorable Bruce Colton, State Attorney's Office
Honorable Diamond Litty, Public Defender's Office
All County Attorneys in the Nineteenth Judicial Circuit
All Local Law Libraries
All Local Bar Presidents
IT

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT IN AND FOR
INDIAN RIVER, MARTIN, OKEECHOBEE AND SAINT LUCIE COUNTIES, FLORIDA

ADMINISTRATIVE ORDER 2009-04

RE: Due Process Service Rates

WHEREAS pursuant to section 27.425, Florida Statutes, the Chief Judge has the responsibility of recommending “compensation rates for state-funded due process service providers in cases in which the court has appointed private counsel or declared a person indigent for costs,” and;

WHEREAS the Office of Criminal Conflict and Civil Regional Counsel has been appointed by the Governor to provide indigent representation in the 19th Judicial Circuit pursuant to section 27.511, Florida Statutes, and;

WHEREAS private counsel are appointed to represent indigent individuals pursuant to section 27.40, Florida Statutes when the Office of Criminal Conflict and Civil Regional Counsel is unable to provide representation due to a conflict of interest, and;

THEREFORE in accordance with the authority vested in the Chief Judge pursuant to Rule 2.215, Florida Rules of Judicial Administration, and section 27.425, Florida Statutes, it is hereby ORDERED:

That the due process services compensation rates schedule attached hereto as Attachment “A” shall apply in all cases in which the court has appointed the Office of Criminal Conflict and Civil Regional Counsel, or private counsel from the circuit registry, or declared a person indigent for costs pursuant to s. 27.52, F.S., or the court is responsible for payment of the due process cost

pursuant to applicable law. Attachment "A" may be updated on a yearly basis, or as often as is necessary without further order, and shall indicate the effective date on the document.

It is strongly suggested that counsel for the state and counsel for the defense discuss the possibility of a stipulation pursuant to s. 916.12(2), F.S. "if one expert finds that the defendant is incompetent to proceed", thus eliminating the need for additional expert evaluations, when appropriate.

Nothing in this order is meant to affect due process service rates established pursuant to contract between the 19th Judicial Circuit and due process service providers paid through the court's budget.

Nothing in this order is meant to affect due process service rates established by the Public Defender or State Attorney for the 19th Judicial Circuit and paid through their respective budgets.

This order supersedes Administrative Orders:

2002-14 Compensation for Interpreters

2004-16 Indigent for Due Process Costs...

DONE AND ORDERED at Stuart, Martin County, Florida this 26 day of May, 2009.



Chief Judge William L. Roby

DUE PROCESS RATES

COURT REPORTING

Event

Appearances/Attendance

Deposition coverage one hour or less	30.00
Deposition coverage 2 hours	40.00
Deposition coverage three hours	50.00
Deposition coverage half-day (AM or PM)	55.00
Deposition coverage full day	110.00
Certificate of non-appearance	40.00
Real time first hour/each hour thereafter	90.00/75.00

Transcripts - Depositions

Original, per page	3.50
Original plus 2 copies per page same day	7.00
Original plus 2 copies per page overnight	6.00
Original plus 2 copies per page two days	5.50
Original plus 2 copies per page three days	5.00
Copies - per page	1.00

Transcripts - Trials/Hearings/Court proceedings

Original per page	3.50
Original plus 2 copies per page same day	7.00
Original plus 2 copies per page overnight	6.00
Original plus 2 copies per page two days	5.50
Original plus 2 copies per page three days	5.00
Additional copies per page	1.00

Transcripts - Appeals

Original, per page	3.50
Copies - per page	1.00

Transcripts electronic recording

Media duplication - audiotape, CD, or VHS	25.00
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Videography

Per page	3.50
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Media copies

CD per copy	25.00
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COURT INTERPRETING

Event

Language not identified

Per hour court qualified/best available	20.00
Per hour duly qualified	25.00
Exotic languages per hour	up to \$145

Sign language	Two hour minimum	80.00
	Maximum per hour	150.00
Spanish	Per hour court qualified/best available	20.00
	Per hour State duly qualified	25.00
	Per hour - State/National certified	35.00
Creole	Per hour court qualified/best available	20.00
	Per hour State duly qualified	25.00
	Per hour State/National certified	35.00
French	Per hour	50.00
Portuguese	Per hour	50.00 to 95.00
Translation/Transcription	Tapes per hour	30.00
	Documents per hour	30.00

EXPERT WITNESS

Event

Professional Expert Service	All experts per hour	150.00
	Each quarter hour thereafter	37.50
Competency Examinations/Mental Health	Psychologist testimony first hour	125.00
	Psychologist testimony each ¼ hr thereafter	31.25
	Psychiatrist testimony first hour	150.00
	Psychiatrist testimony ¼ hr thereafter	37.50
	Adult Competency exam - flat rate	600.00
	Juvenile Competency exam - flat rate	500.00
	Downward departure exam - flat rate	300.00
	Insanity evaluation - per hour	125.00
	Waiting to testify psychologist-medical doctor per hour/ ¼ hr	85.00/21.25
	Preparation per hour/ ¼ hour - psychologist	125.00/31.25
	Preparation per hour/ ¼ hour - medical doctor/psychiatrist	150.00/37.50
	Travel psychologist per hour	70.00
	Travel medical doctor per hour	70.00
	Adult Capital Felony - Exam Pursuant to s. 921.137, F.S., r. 3.203 Florida Rules of Criminal Procedure - flat rate	600.00
Development Disabilities - 916.301- 916.304, F.S.	Psychologist – flat rate	600.00
	Social Services Professional – flat rate	125.00

Developmental Disabilities Examining Committee 393.11, F.S

M.D. or D.O. – <i>hourly rate</i>	150.00
Psychologist – <i>hourly rate</i>	150.00
Qualified Professional – <i>hourly rate</i>	125.00

Guardianship Examining Committee – 744.331, F.S.

M.D. or D.O. – <i>flat rate</i>	325.00
Psychologist – <i>flat rate</i>	225.00
RN or other MH professional – <i>flat rate</i>	125.00

Other Expert Witness Fees (Non Psychological/Medical)

Per hour	125.00
Each quarter hour thereafter	31.25
Waiting to testify per hour/ ¼ hr	70.00/17.50
Travel time per hour	70.00

Investigative Services

Per hour	50.00
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PROCESS SERVERS

Event - when not served by sheriff

Maximum per service or attempts	20.00
Out of county	35.00