

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
OF FLORIDA

ADMINISTRATIVE ORDER NO.:
26-06
SUPERSEDES 23-13

**IN RE: FEES - ESTABLISHMENT OF RATES AND POLICIES GOVERNING THE
APPOINTMENT OF DUE PROCESS EXPERT WITNESSES**

WHEREAS, pursuant to section 27.425, Florida Statutes, due process service rates are allocated in the General Appropriations Act;

WHEREAS, the total amount expended for providers of due process services in eligible cases may not exceed the amount budgeted in the General Appropriations Act;

WHEREAS, the Florida Supreme Court issued AOSC17-12 in which it standardized the appropriate costs for the provision of certain due process costs to improve the processes for appointing experts and containing costs;

WHEREAS, the Eighteenth Judicial Circuit has found it increasingly difficult to locate qualified experts to accept court appointments for the amounts listed in the rate structure adopted 8 years ago; and

WHEREAS, payment amounts higher than those listed in the current rate structure are permissible in “extraordinary circumstances” pursuant to AOSC17-12;

It is hereby **ORDERED**:

I. I, MELANIE CHASE, Chief Judge of the Eighteenth Judicial Circuit of Florida, declare the existence of “extraordinary circumstances” regarding rates of compensation for court-appointed expert witnesses and adopt the due process rates indicated below for experts appointed on or after February 1, 2026.

A. Expert Witness Fees:

Type of Evaluation	Florida Statutory Reference	Maximum Allowable Rate	Follow-Up Evaluation Rate (With Same Expert Witness)	No Show / Unable to Determine Rate	Testimony Hourly Rate (2-hr cap)
Adult Competency - Mental Illness	§§ 916.115, 916.12	\$500.00	\$350.00	\$140.00	\$150.00
Adult Competency - Intellectual Disability/Autism	§§ 916.301-916.304	\$750.00	\$200.00	\$200.00	\$150.00
Adult Competency - Intellectual Disability as a Bar to Death Penalty	§ 921.137	\$750.00	\$200.00	\$200.00	\$150.00

Juvenile Competency - Mental Illness/Age or Immaturity	§ 985.19(1)(b), (d)	\$400.00	\$350.00	\$140.00	\$150.00
Juvenile Competency - Intellectual Disability/Autism	§ 985.19(1)(b), (e)	\$750.00	\$200.00	\$140.00	\$150.00
Guardianship Examining Committee - MD/DO	§§ 393.11(5)(g); 744.331(3), (7)	\$500.00	N/A	N/A	N/A
Guardianship Examining Committee - PhD/PsyD	§§ 393.11(5)(g); 744.331(3), (7)	\$400.00	N/A	N/A	N/A
Guardianship Examining Committee - ARNP/RN/MSW/LPN/LCSW/ Lay Person	§§ 393.11(5)(g); 744.331(3), (7)	\$300.00	N/A	N/A	N/A
Developmental Disability Examining Committee - MD/DO/PhD/PsyD	§ 393.11(5)(b)	\$500.00	N/A	\$140.00	\$150.00
Developmental Disability Examining Committee - MSW/MS	§ 393.11(5)(b)	\$300.00	N/A	\$100.00	\$150.00

II. The following policies and procedures governing the appointment and payment of expert witness fees are hereby established:

A. Orders pursuant to section 916.115, Florida Statutes (adult competency)

1. When, on written motion by counsel for the defendant, a pro se defendant, the State Attorney, or upon the Court's own motion, the Court orders an adult competency evaluation pursuant to section 916.115(2), **the Court shall select and pay for one expert. If any party objects to the report of the appointed expert, the Court will appoint a second expert at the expense of the objecting party. If the Court requests any additional expert evaluation, the Court shall be responsible for the payment.**
2. When an expert is appointed by the Court pursuant to section 916.115(2) to evaluate the competence of the defendant to proceed and the defense also requests that the defendant be examined for sanity at the time of the offense, the Court will pay only for that portion of the expert's fees relating to the evaluation of competency to proceed at the rate established in this Administrative Order and the defense will be responsible for the sanity portion of said evaluation.

B. Orders pursuant to section 916.301, Florida Statutes (adult competency: intellectual disability or autism)

1. When, pursuant to section 916.301, the Court orders an adult competency evaluation for a defendant whose suspected mental condition is intellectual disability or autism, the Court shall select and pay for one expert. The Court may order the Agency for Persons with Disabilities to also examine the defendant.

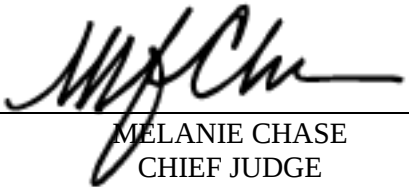
- C. Orders pursuant to section 921.137, Florida Statutes (intellectual disability)
1. When experts are appointed by the Court to evaluate a defendant or prisoner to determine whether the defendant or prisoner is intellectually disabled and barred from execution, pursuant to section 921.137 and Florida Rule of Criminal Procedure 3.203(c)(3), the Court shall select, appoint, and pay for the expert.
 2. When the State Attorney requests an appointment of an expert under Florida Rule of Criminal Procedure 3.203(c)(2) and an expert is appointed pursuant to section 921.137, the State Attorney shall select and pay for the expert.
 3. When an expert is otherwise appointed to determine a defendant's or prisoner's intellectual disability as a bar to execution, the Court shall select and pay for the expert(s).
- D. Orders pursuant to section 985.19, Florida Statutes (juvenile competency)
1. When an evaluation of a juvenile defendant is ordered pursuant to section 985.19 to determine if the juvenile defendant is incompetent to proceed due to mental illness, the Court will select, appoint, and pay for the expert.
 2. When an evaluation of a juvenile defendant is ordered pursuant to section 985.19(1)(e) to determine if the juvenile defendant is incompetent to proceed due to intellectual disability or autism, the Agency for Persons with Disabilities shall examine the juvenile in accordance with Florida Rule of Juvenile Procedure 8.095.
- E. Orders pursuant to Florida Family Law Rules of Procedure 12.363 and 12.364 and section 61.20, Florida Statutes (social investigation)
1. When the issue of visitation, parental responsibility, or residential placement of a child is ordered pursuant to section 61.20, the Court, on motion of any party or upon the Court's own motion, may appoint an expert for an examination, evaluation, testing, or interview of any minor child.
 2. When the issue of time-sharing, parental responsibility, ultimate decision-making, or a parenting plan for a minor child is in controversy, the Court, on motion of any party or upon the Court's own motion, may appoint an investigator under section 61.20.
 3. The parties may agree to appointment of the expert or investigator, subject to approval by the Court. The parties are responsible for payment.
- F. Appointment of Experts
1. When an expert is appointed or reappointed by the Court pursuant to Florida Rule of Criminal Procedure 3.212 to perform a periodic evaluation of a defendant who has been found incompetent to proceed, or appointed or reappointed by the Court pursuant to Florida Rule of Criminal Procedure 3.216 after an adjudication of not guilty by reason of insanity, the Court shall select and pay for one expert. Provided the same expert is under contract with the Court, the Court will generally reappoint

for subsequent evaluations the same expert who performed the last examination of the defendant. On the Court's own motion, or a motion of the State or defense showing good cause, the Court may appoint a new expert by rotation from the list of experts under contract with the Eighteenth Judicial Circuit.

2. Except where an expert is reappointed to do an examination or evaluation, the appointment of an expert by the Court will be by rotation from the list of experts under contract with the Eighteenth Judicial Circuit.
 3. Experts retained by the Public Defender or Office of Criminal Conflict and Civil Regional Counsel ("Regional Counsel") pursuant to section 29.006, Florida Statutes, or by the State Attorney pursuant to section 29.005, Florida Statutes, shall be paid from the respective budgets of the Public Defender, Regional Counsel, or the State Attorney. An expert retained by court-appointed counsel, by counsel for a defendant who is indigent for costs, or by a pro se defendant who is indigent for costs shall, pursuant to section 29.007, Florida Statutes, be paid by the Justice Administrative Commission. Prior court approval is required for such experts retained pursuant to section 29.007. If the State Attorney needs a court order of appointment to ensure that a State-retained expert has access to the defendant, the State Attorney shall pay for the expert notwithstanding the Court's order of appointment.
- III. This Administrative Order does not restrict the ability of the Court to otherwise appoint an expert pursuant to other Florida Rules of Court.
 - IV. Any expert seeking to provide those services in the above-listed areas shall enter into a contract with Court Administration agreeing to the above rates. Court Administration shall maintain a registry of all contracted experts from which such experts will be selected. If no expert from the registry is available for service, Court Administration shall seek experts contracted with other local Judicial Circuits before seeking the services of an uncontracted provider.
 - V. The Court shall select experts from the Court Administration registry unless the interests of justice require that a non-registry expert be appointed. Non-registry experts shall be compensated at the rates set forth herein. Expert witness fees in excess of the established rates may only be approved by the Court when there is a manifest necessity. The Chief Judge or his/her designee must approve in advance the payment of any fees or compensation above the standard rates.
 - VI. Any complaint or grievance regarding a court-approved expert witness shall be in writing and submitted to Court Administration for review by the Chief Judge or his/her designee.
 - VII. Expert witnesses in disciplines not specifically identified in this Administrative Order shall be paid circuit-determined contractual rates.

VIII. These rates shall be incorporated into any contract executed or renewed effective immediately.

DONE AND ORDERED this 8th day of January, 2026.



MELANIE CHASE
CHIEF JUDGE

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