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IN THE SECOND JUDICIAL CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER 91-2

IN RE: WITNESS FEES AND EXPENSES

WHEREAS, there is a need to establish a uniform method for determining the amount and the reasonableness of the per diem, travel expenses and fees of witnesses subpoenaed for the state or defendant or employed to provide a service under a Court Order in Criminal cases for which a county located in the Second Judicial Circuit is ordered to pay by the Court; and

WHEREAS, Rule 2.050, Rules of Judicial Administration and Sections of 914.11, 939.07 and 112.061, Florida Statutes require that witness fees and expenses be properly administered, it is therefore,

ORDERED THAT:

The following policies shall govern any Circuit or County Court payment of witness fees and expenses incurred by witnesses while under subpoena or employed to provide a service under Court order for Criminal cases in any county located in the Second Judicial Circuit.

1. Travel expenses and witness or individual fees shall be paid only upon submission of a Motion and Order for Payment prepared by the counsel subpoenaing the witness or hiring the individual. The Motion and Order shall be filed by counsel within 30 days of the services being rendered or upon disposition of the case, whichever occurs first. If there are travel expenses and per diem sought to be paid, there shall be attached to the Motion a "State of Florida Voucher for Reimbursement of Travel Expenses" form which is completely and accurately filled out by the witness or individual. The witness or individual shall attach the necessary receipts to the form. Rates for per diem and mileage shall be those prescribed by Section 112.061, Florida Statutes. If a meal expense exceeds the per diem rate only the per diem rate will be paid. Unless in a particular case the Court determines otherwise, the State of Florida's general instructions pertaining to travel and determination of expenses shall be utilized by the Court in determining the reasonableness and amount of the fee or expense charged. However, any travel fee by common carrier shall be determined by the lowest rate available to transport the witness or individual to and from his/her residence. No incidental travel expenses or rental car charges will be allowed unless pre-approved by the Court. Nothing in this order shall change the requirements of Section 939.10, Florida Statutes and the duties of the County Commission.

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2. Should any witness or individual performing services under a court order be required to stay overnight in a commercial establishment in a county located within the Second Judicial Circuit while under subpoena, or while on a criminal case assignment, that witness or individual shall be required to stay in a commercial establishment pre-approved by the Court. The Court Administrator shall maintain a listing of those commercial establishments which will offer the most reasonable rates to the County. The Court shall select the appropriate establishment for the witness or individual stay. Should a witness or individual elect to stay in any other commercial establishment, the witness or individual shall only be reimbursed at the rate charged by the court-approved establishment.

3. All witness hourly fees or the hourly fees of those employed to provide a services under a court order shall be submitted on an itemized form showing a breakdown by date and time in fifteen (15) minute increments with a listing of the services provided during that time interval. This itemized form shall also show the hourly rate and how the total fee is arrived at. No hourly fee shall be based upon a portal to portal time charge to the County unless specifically pre-approved by the Court. An individual shall not be entitled to compensation for an hourly fee for those hours devoted to sleeping. An individual shall be entitled to compensation only for those hours that were exclusively devoted to the case he/she was employed for or testifying in and seeking payment for. Any request for hourly fees shall contain a statement under oath by the witness or individual indicating that the witness or individual has not billed any other person, entity or agency for any portion of the time contained in the hours he/she is submitting to the County for payment.

4. Any witness fee or other fee for services under court order that exceeds $150.00 per hour or that could exceed a total fee of $1,500.00 per case must be specifically pre-approved by the Court. In obtaining this pre-approval, counsel employing or subpoenaing the individual must show to the Court the necessity for a higher hourly rate for the witness or individual and/or the anticipated number of hours that his/her services will be needed and billed for. This pre-approval procedure does not relieve counsel or the individual from complying with the other requirements of this order.

5. The terms of this order are not applicable to those cases wherein the Defendant has been found not guilty and has applied to the Court for payment of his costs as provided by Florida Statues from the county in which he was prosecuted.

DONE AND ORDERED this 30th day of April, 1991 at Tallahassee, Leon County, Florida.

CHARLES D. MCCLURE
CHIEF JUDGE

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