Agenda Item No.: 3BB/

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: May 20, 2008 [] Consent [x] Regular [] Ordinance [] Public Hearing

Department:

Submitted By: Medical Examiner's Office Submitted For: Medical Examiner's Office

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: A resolution authorizing the Palm Beach County Medical Examiner's Office to bill and collect Expert Witness Fees generated by the Medical Examiner and Associate Medical Examiners during conferences, depositions, trials and other sworn testimony that arises from civil litigation involving Palm Beach County Medical Examiner cases. Funds generated will be designated County funds and will be used to offset the expenses of the Medical Examiner's operation.

Summary: Chapter §406.09, Florida Statutes, entitles the District and Associate Medical Examiners to expert witness fees, as provided by law. The hourly rate for expert witness fees will be Four Hundred Dollars (\$400) per hour. In 2007, the Palm Beach County Medical Examiner, and his Associates, averaged 20 hours of civil litigation. When considering the five (5) pathologists, the expected revenues for FY 2008-2009 are estimated at Forty Thousand Dollars (\$40,000). This fee is effective as of April 1, 2008. Countywide (DW)

Background and Justification: Chapter §406.09, Florida Statutes, entitles the District and Associate Medical Examiners to expert witness fees, as provided by law. All conferences, depositions, trials or other sworn testimony arising from civil litigation involving a Palm Beach County case, would be billed at a rate of Four Hundred Dollars (\$400) per hour. The County previously did not charge, or receive, revenues for expert witness testimony. The anticipated Forty Thousand Dollars (\$40,000) would be used to offset the Medical Examiner Office's operating costs.

A telephone survey was conducted by the Medical Examiner's staff of all District Medical Examiner Offices throughout the State to determine what if any fee is charged for expert witness fees. A copy of that survey is attached.

Attachments:

1. Resolution

2. Survey of Expert Witness Fees

RECOMMENDED BY:

Department Director

Date

APPROVED BY: //// Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Sumn	nary of Fiscal	mpact:				
Fiscal Years Capital Expenditures Operating Costs	2008	2009	2010	2011	2012	2013
External Revenues Program Income (County) In-Kind Match (County)	(201000)	(40,000 <u>)</u>	(40,000)	(40,000)	(<u>40'000)</u>	(40,000)
Net Fiscal Impact_	(20,000)	(40,000)	(40,000)	(40,000)	(40°00)	(40,000).
# Additional FTE Positions (Cumulative)	0	0	_0	_ 0	0	0
Is Item Included in Cur Budget:	rent YE	S	NO -	X		
Budget Account Fund No.:	Age	ency	Org	Object	t	
	Reporting Category					
B. Recommended The \$40,000 i operating cost	s included in	the FY2009	ary of Fisca Budget Re COMMENT	guest to off	set the Medi	cal Examiner's
A. OFMB Fiscal an	d/or Contract	Administrati	on Comme	nts:		
OFMB \$\$ 5/7/2 B. Legal Sufficience	tc 5.8.08 8 ;y:	5/1000 6/1/1000	Gontract	Administratio	1000 518)g
Assistant County		X	····			
C. Other Departme	nt Review:					
Department Direct	otor					

This summary is not to be used as a basis for payment.

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA ESTABLISHING FEES FOR EXPERT WITNESS TESTIMONY BY THE MEDICAL EXAMINER OF DISTRICT 15, PALM BEACH COUNTY

WHEREAS, Chapter §406, Florida Statutes entitles the District and Associate Medical Examiners to bill and collect expert witness fees generated during conferences, depositions, trials and other sworn testimony that arises from civil litigation involving Palm Beach County Medical Examiner cases; and

WHEREAS, these fees will be used to offset expenses of Medical Examiner operations in Palm Beach County; and

WHEREAS, the Board of County Commissioners of Palm Beach County approved a budget strategy to reduce the cost of medical examiner operations by increasing revenues generated by expert witness fees.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, PALM BEACH COUNTY, FLORIDA, that the expert witness fee of Four Hundred Dollars (\$400.00) per hour be effective April 1, 2008.

Т	he foregoing Resolution was offered by Commissioner
	, who moved its adoption. The motion was seconded by
Commissioner	, and upon being put to a vote, the vote
was as follows:	
	Addie L. Greene John F. Koons Karen T. Marcus Robert J. Kanjian Mary McCarty Burt Aaronson Jess R. Santamaria
The Chair there	eupon declared the Resolution duly passed and adopted

the ____ day of ____, 2008.

APPROVED AS TO FORM

County Aftorney

EXPERT WITNESS FEE SURVEY CONDUCTED March 25, 2008

District –	Counties Service	Fee C	harged	Amount
1	Escambia Okaloosa Santa Rosa Walton	Yes	Civil & Criminal	\$ 400 hourly \$ 200 hourly
2 -	Franklin Gadsen Leon Liberty Jefferson Taylor Wakulla	Yes	Civil & Criminal	\$ 440 hourly \$ 170 hourly
3 -	Columbia Dixie Hamilton Lafayette Madison Suwanee	Cover	red by Districts	2, 4, and 8
4 -	Duval Nassau Clay	The d	octors privately	charge for their services.
5	Citrus Hernando Lake Marion Sumter	Yes	Civil only	\$ 300 hourly for telephone conference & court testimony \$ 400 hourly for conferences \$ 250 hourly for pre-deposition conference \$ 600 first hour of deposition, \$ 300 per hour thereafter
6 -	Pinellas Pasco	Yes	Civil only	\$ 300 hourly
7 -	Volusia	Yes	Civil only	\$ 300 hourly for doctors \$ 50 hourly for all other staff
8 -	Alachua Baker Bradford Gilchrist Levy Union	Yes	Civil only	\$ 400 hourly

9	•	Orange Osceola	No, considering charging for Civil only.			
10	•	Hardee Highlands Polk	Yes	Civil Criminal	\$ 400 hourly \$ 100 hourly	
11	•	Dade	Yes	Civil & Criminal	\$ 300 hourly	
12	•	DeSoto Manatee Sarasota	No			
13		Hillsborough	Yes	Civil only	\$ 400 hourly	
14		Bay Calhoun Gulf Jackson Washington Holmes	No			
16		Monroe	The Medical Examiner charges privately for services.			
17	-	Broward	Yes	Civil only	\$ 300 hourly	
18		Brevard	The doctors charge privately for their services.			
19		Indian River Martin Okeechobee St. Lucie	Yes	Civil only	\$ 300 hourly	
20	•	Collier	Yes	Civil & Criminal	\$ 200 first hour, \$ 100 every 30 minutes thereafter	
21	•	Glades Hendry Lee	Yes	Civil & Criminal	\$ 350 hourly (prepaid) for all services but court testimony \$ 400 hourly for court testimony	
22	, -	Charlotte	Yes	Civil & Criminal	\$ 500 for first hour of depositions and court deposition \$ 125 per 15 minutes thereafter \$ 400 hourly for all other services	
23		Flagler Putnam St. Johns	The Medical Examiner charges privately for services.			
24	-	Seminole	Covered by District 7			