

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: May 20, 2008

Consent 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: Michael Bell 5/1/08
Department Director Date

APPROVED BY: Vivian Bennett 5/13/08
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012	2013
Capital Expenditures						
Operating Costs						
External Revenues	<u>(20,000)</u>	<u>(40,000)</u>	<u>(40,000)</u>	<u>(40,000)</u>	<u>(40,000)</u>	<u>(40,000)</u>
Program Income (County)						
In-Kind Match (County)						
Net Fiscal Impact	<u>(20,000)</u>	<u>(40,000)</u>	<u>(40,000)</u>	<u>(40,000)</u>	<u>(40,000)</u>	<u>(40,000)</u>
# Additional FTE Positions (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Is Item Included in Current Budget:	YES		NO	X		
Budget Account No.:	Fund	Agency	Org		Object	
		Reporting Category				

B. Recommended Sources of Funds / Summary of Fiscal Impact:

The \$40,000 is included in the FY2009 Budget Request to offset the Medical Examiner's operating costs.

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Administration Comments:

atwillhite 5.8.08
OFMB 5/7/08

Contract Administration
5/8/08

5/13/08

B. Legal Sufficiency:

Assistant County Attorney
5/13/08

C. Other Department Review:

Department Director

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

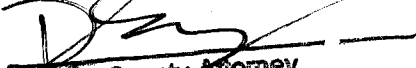
WHEREAS, the Board of County Commissioners of Palm Beach County approved a budget strategy to reduce the cost of medical examiner operations by increasing revenues generated by expert witness fees.

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.

The 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 thereupon declared the Resolution duly passed and adopted the ____ day of _____, 2008.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
BY 
County Attorney

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		