

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION**

<p>Plaintiff(s),</p> <p>v.</p> <p>Defendant(s).</p>	<p>Case No.</p> <p>Division:</p>
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ORDER ON RETAINED EXPERT WITNESS FEES

To achieve uniformity of procedure for expert deposition payment, the following general rules apply without prejudice to the final taxation of costs and without prejudice to the expert or parties seeking a determination by the court of a reasonable expert fee pursuant to Florida Rule of Civil Procedure 1.390:

1. The maximum hourly deposition rate which must be charged to the deposing party by any retained expert witness is that hourly rate mutually agreed, in advance, in writing, by all of the parties (hereinafter "Mutually Agreed Hourly Rate").
2. Any hourly charge above the Mutually Agreed Hourly Rate must be initially borne by the party retaining the expert for use at trial.
3. Experts must not charge the attorney setting their deposition for time spent in preparation for the deposition, travel, or deposition review, but must charge the deposing party only for time actually spent in deposition. Any such charges must be initially borne by the party retaining the expert for use at trial.
4. The expert or parties may seek determination by the court of a reasonable fee in excess of or below the Mutually Agreed Hourly Rate pursuant to Florida Rule of Civil Procedure 1.390. Scheduling of the deposition must not be delayed while the parties seek such court determination. In the event the court determines a party has conducted itself in bad faith in negotiating the Mutually Agreed Hourly Rate, the court may enter sanctions against that party as provided for by the Florida Rules of Civil Procedure and Florida law.
5. The actual hourly rate charged for expert deposition testimony over the Mutually Agreed Hourly Rate, and all other expert charges, must also be borne initially by the retaining party without prejudice to any ultimately prevailing party to seek the reasonable payment of all legally

permissible expert fees and charges as determined by the Court in the appropriate post trial motion to tax costs.

6. Experts must be paid by the attorney, law firm, or responsible insurance company of the party who requested and deposed the expert within forty-five (45) days from the date a bill for the deposition reaches the office of the attorney taking the deposition. Best efforts must be used by all counsel to meet this schedule. If it appears that despite best efforts this payment schedule cannot be accommodated, the parties will use their best efforts to work out an alternative schedule, or may present the matter to the Court for further Orders.

7. No prepayment by the party requesting the deposition of any retained expert may be required. All such prepayments are the initial responsibility of the party retaining the expert. The attorney for the party requesting the deposition of a retained expert witness must make arrangements for the court reporter.

DONE AND ORDERED at Tampa, Florida, this ____ day of _____, 20__.

CIRCUIT JUDGE

Copies furnished to: