
**BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY
TAMPA, FLORIDA 33601**

BOARD POLICY - SECTION NUMBER: 02.04.00.00

SUBJECT: EXPERT WITNESS FEES AS TAXABLE COSTS

EFFECTIVE DATE: SEPTEMBER 19, 1991

SUPERSEDES:

Purpose:

Pursuant to Section 939.06, Florida Statutes, Hillsborough County is responsible for taxable costs incurred by a defendant who is acquitted or discharged. Section 939.06, Florida Statutes, provides:

No defendant in a criminal prosecution who is acquitted or discharged shall be liable for any costs or fees of the court or any ministerial office, or for any charge of subsistence while detained in custody.

What constitutes a taxable cost has been defined by the courts on a case-by-case basis. To date, the issue of whether the cost incurred for an expert witness who is retained by a defendant but who does not actually testify is a taxable cost has not been clearly determined by case law. Therefore, there is no clear directive that the cost of an expert witness who is retained but who does not testify is a taxable cost, thus requiring the County to reimburse the cost. The purpose of this policy is to establish guidance for the Board of County Commissioners when expert witness fees are incurred in this context.

Policy:

It is the policy of the Board of County Commissioners that the cost incurred for any expert witness retained by a defendant but who does not actually testify in the criminal case will not be paid as a taxable cost.

Responsibility:

It is the responsibility of the County Attorney to enforce this.

Approved By: Board of County Commissioners
Approval Date: September 19, 1991