

IN THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 7.04

**APPOINTMENT OF EXAMINING COMMITTEE MEMBERS
FOR INCAPACITY PROCEEDINGS**

In order to provide for qualified examining committees in the Eighth Judicial Circuit; and

WHEREAS, section 744.331(3)(c), Florida Statutes, requires the Circuit to maintain a current list of persons qualified to be members of an examining committee for an incapacity proceeding, and

WHEREAS, it is necessary to set rates of compensation for examining committees; it is therefore

ORDERED:

1. The Chief Judge shall prepare a list of persons qualified to be members of an examining committee as required by statute. This list will be maintained and posted on Eighth Judicial Circuit website at the following link: <http://circuit8.org/web/Examining-Committee.pdf>.

2. Individuals seeking appointment on examining committees in the Eighth Judicial Circuit must submit a written request to the Chief Judge that includes a copy of their resume, information regarding the number of examining committees on which they have served, and documentation of any professional licenses.

3. Each person appointed to an examining committee must file an affidavit with the Court stating that he or she has completed the four-hour initial training course or will complete the course within four months as required by section 744.331(3)(c) and (d), Florida Statutes. If the person has served for not less than five years on examining committees for incapacity proceedings, they may ask the Court to waive the initial training requirement. The person must complete two hours of continuing education during each two-year period after the initial training. The person shall submit the certificate of completion of continuing education in each two-year period to the Chief Judge.

The two-hour examining committee training course provided by the Florida State Guardianship Association is approved by the Court and will satisfy the continuing education requirement. The Court shall keep a file for all persons qualified to be members of an examining committee.

4. Counsel for the Petitioner in incapacity proceedings shall select members of the examining committee from the list prepared by the Chief Judge. Counsel for the Petitioner shall be responsible for contacting the examining committee members to determine their availability; inquiring of the prospective examining committee members as to whether they have any conflict of interest; ensuring that the composition of the examining committee meets the requirements of section 744.331(3)(a), Florida Statutes; ensuring that the examining committee members are aware of the compensation schedule for indigent cases; and, preparing the proposed order appointing the examining committee for each incapacity proceeding.

5. In all cases where the alleged ward is determined to be indigent, the examining committee is entitled to be compensated a flat rate per case as follows*:

- | | | |
|----|--|-------|
| a. | Florida licensed physician or psychiatrist | \$350 |
| b. | All other members | \$250 |

In cases which require extraordinary work by an examining committee member, that member may petition the court for compensation above the schedule set forth above.

6. In all cases where the alleged ward is not indigent, the fees charged shall be reviewed by the court for reasonableness.

7. The fees shall be paid by the guardian from the property of the ward; or, if the ward is indigent, by the State. The State shall have a creditor's claim against the guardianship property for any amounts paid. § 744.331(7)(b), Fla. Stat.

* In re: Adoption of Amended Expert Witness Rate Structure Chart for Court Appointed Expert Witness Services in Florida's Trial Courts, AOSC18-17 (June 22, 2018).

This Order replaces and supersedes Administrative Order No. 7.04(v6) entitled "Appointment of Examining Committee Members for Incapacity Proceedings," entered on July 20, 2015.

ORDERED ON this 18th day of July, 2018.



Toby S. Monaco, Chief Judge