

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Administrative Order 2019-50-PRC

**ADMINISTRATIVE ORDER AS TO
EXAMINING COMMITTEE MEMBER FEES**

- (a) Pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.
- (b) Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”
- (c) The judges and general magistrates assigned to the Probate Divisions of the Seventeenth Judicial Circuit are required to consider and determine petitions for incapacity as to alleged incapacitated persons.
- (d) Pursuant to section 744.331, within five (5) days of the filing of a petition for determination of incapacity, the court must appoint a three member examining committee to evaluate the alleged incapacitated person, and the examining committee members are entitled to a reasonable fee for their services.
- (e) To ensure that examining committee members receive payment as ordered pursuant to section 744.331, Florida Statutes, and that the Circuit has sufficient individuals to serve as examining committee members, it is necessary to outline procedures for examining committee members to petition the court for payment in instances where no payment is made as previously ordered.
- (f) In accordance with the authority vested in the chief judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215, it is hereby **ORDERED, effective immediately:**
- (1) If the guardian fails to pay, or make other arrangement for payment of, the examining committee member fee as ordered by the court, the examining committee member may file a motion for contempt and to compel payment of the fee with the

Clerk of the Court, with service on all interested parties. A copy of the motion shall be submitted to the assigned division judge.

(2) Upon receipt of a motion filed by an examining committee member seeking to compel payment under section 744.331, Florida Statutes, the court shall schedule a hearing, with notice to the examining committee member, the guardian's attorney, and any other interested party. If the motion is contested in any manner, the guardian and/or the guardian's attorney shall file a response prior to the hearing setting forth in detail any objection(s).

(3) The examining committee member shall be allowed to attend the hearing via telephone, unless otherwise ordered by the presiding judge. The guardian's attorney and guardian shall appear in person at the hearing, unless otherwise ordered by the presiding judge. The guardian's attorney and guardian shall not be entitled to fees or costs associated with preparing for and attending the hearing on the motion for contempt and to compel payment.

(4) If the examining committee member is paid by the guardian, or arrangements are made for payment, after the court notices the matter for hearing, the examining committee member shall immediately notify the court and the guardian's attorney and the hearing shall be cancelled.

(5) This Administrative Order supersedes and vacates Administrative Order IV-06-A-32.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 28th day of June, 2019.

/s/Jack Tuter
Jack Tuter, Chief Judge