

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO.: 6.301-3/21\*

IN RE: PROBATE & GUARDIANSHIP DIVISION  
COMPENSATION FOR ATTORNEYS AND  
EXAMINING COMMITTEE MEMBERS

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This order shall govern the compensation of members of the examining committee and attorneys appointed for a person alleged to be incapacitated or appointed pursuant to Chapters 392, 393, 394, 397, and 415, Florida Statutes.

**NOW, THEREFORE**, pursuant to the authority conferred by Florida Rule of General Practice and Judicial Administration 2.215, it is **ORDERED** as follows:

**A. COURT APPOINTED ATTORNEYS**

1. **Alleged Incapacitated Persons Who Are Not Deemed Indigent:** Attorneys appointed to represent alleged incapacitated persons in contested or uncontested matters and who are not found indigent shall receive a reasonable fee as set forth in Florida Statute §744.331(7) (2021) (as amended). The petition for attorney fees must be accompanied by an affidavit addressing the pertinent considerations set forth in Rule 4-1.5(b), Rules Regulating the Florida Bar, supported by an itemized schedule of time and effort which shall be served upon counsel for the guardian. Should the alleged incapacitated person substitute his or her own counsel for counsel appointed by the court, a reasonable fee will be awarded by the court to the court-appointed counsel.
2. **Alleged Incapacitated Persons Who Are Deemed Indigent**
  - a. Uncontested matters:
    - 1) If the alleged incapacitated person is indigent and the Office of Criminal Conflict and Civil Regional Counsel is not appointed to an uncontested matter, or withdraws from an uncontested matter, an appointed attorney will receive for services rendered the total sum of \$400 from the inception of the appointment through discharge.
    - 2) Should the alleged incapacitated person substitute his or her own counsel for counsel appointed by the court, the fee to the court appointed counsel is not to exceed \$400.00.

b. Contested matters and matters pursuant to Florida Statute §§ 392, 393, 394, 397, 415:

1) Except for those cases in which the Office of Criminal Conflict and Civil Regional Counsel is appointed in contested matters or those matters pursuant to Florida Statute §§ 392, 393, 394, 397, 415, court appointed counsel in indigent cases will be paid a rate as set forth by the Justice Administrative Commission.

2) If the alleged ward is indigent, and the Office of Criminal Conflict and Civil Regional Counsel is not appointed or has withdrawn, the petition, affidavit and itemized schedule of time and effort shall be served on the Justice Administration Commission, 227 North Bronough, Suite 2100, Tallahassee, Florida 32302 for payment.

**B. EXAMINING COMMITTEE MEMBERS**

1. Examining committee members shall receive a flat fee for services rendered in all cases regardless of indigency and regardless of whether the matter is contested.

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| a. | Medical Doctors (including Psychiatrists)  | \$350        |
| b. | Psychologists or Ph.D. in relevant area  | \$300        |
| c. | Registered Nurse, Nurse Practitioner, Master's Level Practitioner in relevant field with license approved by the Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling Board of the Florida Medical Quality Assurance Services | <b>\$200</b> |
| d. | Lay Person   | <b>\$150</b> |

2. Examining committee members shall be paid an hourly fee for in court testimony regardless of indigency and regardless of whether the matter is contested. Fractional hours of testimony shall be prorated. No fee will be paid by the court for travel time, preparation time or depositions. **Payment for testimony is capped at two (2) hours total.**

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|----|---|-------------------|
| a. | Medical Doctors (including Psychiatrists)   | \$200/hour        |
| b. | Psychologists or Ph.D. in relevant area   | \$150/hour        |
| c. | Registered Nurse, Nurse Practitioner, Master's Level Practitioner in relevant field with license approved by the Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling Board of the Florida Medical Quality | <b>\$100/hour</b> |

Assurance Services

- d. Lay Person \$75/hour
3. Court Administration shall pay the fees of the examining committee members in the event that the proceedings are dismissed because:
- a. the alleged ward is found to not be incapacitated and the court makes a finding that the petition was not filed in bad faith; or
  - b. the alleged ward dies prior to a determination of incapacity; or
  - c. the proceedings are dismissed prior to a determination of incapacity but after the examining committee has completed their evaluations.
4. If a medical doctor or psychologist is not able to complete a scheduled examination due to the alleged ward either not showing up or refusing to participate in the examination, all medical doctors and psychologists shall be compensated at a flat rate of \$150 per scheduled evaluation. If a registered nurse, nurse practitioner, master's level practitioner in relevant field with license approved by the Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling Board of the Florida Medical Quality Assurance Services, or a lay person is not able to complete a scheduled examination due to the alleged ward either not showing up or refusing to participate in the examination, all registered nurses, nurse practitioners, master's level practitioners in relevant field with license approved by the Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling Board of the Florida Medical Quality Assurance Services, and lay people shall be compensated at a flat rate of \$50 per scheduled evaluation.

**DONE and SIGNED** in Chambers at West Palm Beach, Palm Beach County, Florida,  
this 25<sup>th</sup> day of March, 2021.



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Krista Marx  
Chief Judge

\*supersedes admin. order 6.301-6/17