

EXAMINING COMMITTEE RESPONSIBILITIES are governed by [§ 744.331\(3\), Fla. Stat.](#)

TIME FRAMES:

Within five (5) days after a petition for determination of incapacity is filed the court shall appoint a three member examining committee. Each committee member must submit his or her report within 15 days of appointment. The hearing on the incapacity is set no later than 14 days after the filing of the committee reports.

ELIGIBILITY FOR SERVICE ON THE COMMITTEE:

One member must be a psychiatrist or other physician. Other members must be a Florida licensed psychologist; psychiatrist; physician; registered nurse; nurse practitioner; licensed social worker; or a person with an advanced degree in gerontology from an accredited institution of higher education; or other person, who by knowledge, skill, experience, training or education may advise the court with an expert opinion. One of the three members of the committee must have knowledge of the type of incapacity alleged in the petition.

Conflict of Interest: An attending or family physician of the alleged incapacitated person (AIP) may not serve on the committee. Committee members may not serve in any particular case if they are related to or associated with another member, the AIP, the petitioner, the proposed guardian or the attorney for the petitioner. Likewise, a committee member may not serve in a case if employed by a private or government agency that has custody or furnishes services/subsidies to the AIP or his family.

Every examining committee member must have an initial four hours of training within four months after the member's first appointment; and two hours of continuing education every two years thereafter.

PAYMENT FOR SERVICES ON THE COMMITTEE: The rate of payment, per case, is

For service on a committee in:	West Pasco County & Pinellas County	East Pasco County
Florida licensed Physician, Psychiatrist or Psychologist	\$375	\$425
All other members	\$175	\$225

THE EXAMINATION AND REPORT:

Each member must examine the AIP and provide a written opinion on whether or not the person is capable of exercising certain specified personal rights typically afforded to adults. See the [examination report form](#) for further information on the examination.

In reaching an opinion on whether the AIP can competently exercise his or her rights, each committee member must:

1. Examine the person. This normally consists of a visit to the AIP's home, whether a house, assisted living facility or skilled nursing facility. Sometimes the AIP is hospitalized and, in that event, the member would conduct the examination in hospital rather than the ward's normal residential environment. On rare occasion the ward comes to the committee member's office for the examination. The committee member may call law enforcement to accompany them for an examination if a threatening condition exists. This is also a rare occurrence.
2. Consult with available collateral sources when available. Neighbors, relatives and friends may have information to assist the member in his determination of the AIP's incapacities and capabilities.
3. Consult with the AIP's treating physician, if available.
4. Consider any previous exams, habilitation plans, psychological and psychosocial reports, if available.

The examination of the AIP will include:

- A physical examination/observations
- A mental health examination
- A functional assessment of the AIP

The omission of any of the three assessments noted above must be explained in the report.