



IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA

ADMINISTRATIVE ORDER #2011-00-05

Effective October 1, 2011

RE: APPOINTMENT OF INCAPACITY EXAMINING COMMITTEE MEMBERS AND
ATTORNEYS FOR INCAPACITY & GUARDIANSHIP CASES

INCAPACITY EXAMINING COMMITTEE

Whereas, Florida Statutes 744.331(3)(a) requires the court to appoint an examining committee consisting of three members for the examination of allegedly incapacitated persons upon the filing of a petition to determine incapacity.

Whereas, Florida Statutes 744.331(3)(a) requires that the examining committee be comprised of a psychiatrist or other physician and that the remaining members must be either a psychologist, gerontologist, another psychiatrist, or other physician, a registered nurse, nurse practitioner, licensed social worker, 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, in the court's discretion, advise the court in the form of an expert opinion, and that one of the three members of the committee must have knowledge of the type of incapacity alleged in the petition.

Whereas, Florida Statutes 744.331(3)(c) requires the chief judge to prepare a list of persons qualified to be members of examining committees.

Whereas, Florida Statutes 744.331(3)(a) & (d) provide for the qualifications and initial training and continuing education for members of examining committees.

APPOINTMENT OF ATTORNEYS FOR INCAPACITATED PERSONS

Whereas, Florida Statutes 744.331(2) provides:

(a) That when the court appoints an attorney for an alleged incapacitated person, the court must appoint the office of criminal conflict and civil regional counsel or a private attorney as prescribed in s.27.511(6). A private attorney must be one who is included in the attorney registry compiled pursuant to s.27.40. Appointments of private attorneys must be made on a rotating basis, taking into consideration conflicts arising under this chapter.

(b) The court shall appoint an attorney for each person alleged to be incapacitated in all cases involving a petition for adjudication of incapacity. The alleged incapacitated person may substitute her or his own attorney for the attorney appointed by the court.

(c) Any attorney representing an alleged incapacitated person may not serve as guardian of the alleged incapacitated person or as counsel for the guardian of the alleged incapacitated person or the petitioner.

(d) Effective January 1, 2007 an attorney seeking to be appointed by a court for incapacity and guardianship proceedings must have completed a minimum of 8 hours of education in guardianship. A court may waive the initial training requirement for an attorney who has served as a court-appointed attorney in incapacity proceedings or as an attorney of record for guardians for not less than 3 years. The education requirement of this paragraph does not apply to the office of criminal conflict and civil regional counsel until July 1, 2008.

Whereas, Florida Statutes 744.331(7) provides:

(a) That the examining committee and any attorney appointed are entitled to reasonable fees to be determined by the court.

(b) That any fees awarded shall be paid by the guardian from the property of the ward or, if the ward is indigent, by the state.

Whereas, the court has determined that the persons listed on Attachment "A" meet the requisite requirements to be appointed to an incompetency examining committee and the attorneys listed on Attachment "B" meet the requisite requirements to be appointed as attorney for incapacitated persons.

Whereas, Florida Rule of Judicial Administration 2.215(b)(3) provides that the Chief Judge shall develop an administrative plan for the efficient and proper administration of all courts within the circuit.

Now, Therefore, by the authority vested in me as the Chief Judge and pursuant to the Florida Rules of Judicial Administration,

It is ORDERED:

1. That when a petition to determine incapacity and for the appointment of a guardian is filed, if the ward is known or determined not to be indigent, the attorney appointed to represent the ward shall be selected from the registry of qualified attorneys provided to the Clerk of Court that has been approved by the Chief Judge unless otherwise provided by the presiding judge.

2. That when a petition to determine incapacity and for the appointment of a guardian is filed, if the ward is known or determined to be indigent, the Office of Conflict Counsel shall be appointed to represent the ward as provided by statute. Private Counsel from the registry of qualified attorneys shall be appointed to represent persons in those cases in which provision is made for court-appointed counsel but the Office of Conflict Counsel is unable to provide representation due to a conflict of interest.

3. That when a petition to determine incapacity is filed, three members shall be appointed to the examining committee from the names on the list of qualified persons provided to the Clerk of Court that has been prepared and approved by the Chief Judge unless otherwise provided by the presiding judge.

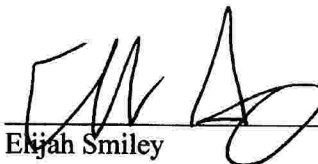
4. That an attorney appointed to represent the ward and members of the examining committee are entitled to reasonable fees as determined by the court or as otherwise provided by statute.

5. Attachments "A" and "B" are incorporated by reference and may be updated from time to time without the need to amend said order.

DONE AND ORDERED in Panama City, Bay County, Florida, this 10th day of August, 2011.



Hentz McClellan
Chief Judge



Elijah Smiley
Administrative Probate Judge

Attachment "A" 2011 List of Qualified Incapacity Examining Committee Members

Attachment "B" 2011 List of Qualified Attorneys for Court Appointment

**FOURTEENTH JUDICIAL CIRCUIT
OFFICE OF THE CHIEF JUDGE
ATTACHMENT "A"**

**PERSONS QUALIFIED FOR APPOINTMENT TO AN INCAPACITY EXAMINING
COMMITTEE**

The court shall appoint an examining committee consisting of three members. One member must be a psychiatrist or other physician. The remaining members be either a psychologist, gerontologist, another psychiatrist, or other physician, a registered nurse, nurse practitioner, licensed social worker, 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, in the court's discretion, advise the court in the form of an expert opinion.

I. BAY COUNTY INCOMPETENCY EXAMINING COMMITTEE

A. PSYCHIATRISTS OR PHYSICIANS CATEGORY

1. Dr. Tim Smith, M.D.
100 Doctors Drive
Panama City, FL 32405

B. OTHER CATEGORY

1. Greg Gast, MS,
P. O. Box 1315
Lynn Haven, FL 32444
2. Donna Rizzuto, RN
149 Treasure Palm Dr.
Panama City, FL 32407
3. Bob Bernard
904 Brandeis Ave.
Panama City, FL 32405
850-763-0178

**FOURTEENTH JUDICIAL CIRCUIT
OFFICE OF THE CHIEF JUDGE
ATTACHMENT "A"**

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VI. CALHOUN COUNTY INCOMPETENCY EXAMINING COMMITTEE

A. PSYCHIATRISTS OR PHYSICIANS CATEGORY

SEE PRESIDING JUDGE

B. OTHER CATEGORY

1. Michelle Thrasher, RN
14601 S.E. CR 69
Blountstown, FL 32424

**FOURTEENTH JUDICIAL CIRCUIT
OFFICE OF THE CHIEF JUDGE
ATTACHMENT "A"**

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III. GULF COUNTY INCOMPETENCY EXAMINING COMMITTEE

A. PSYCHIATRISTS OR PHYSICIANS CATEGORY

SEE PRESIDING JUDGE

B. OTHER CATEGORY

1. Laurie Lacivita, RN
185 Barbara Drive
Port St. Joe, FL 32456
850-229-9668/227-5483

**FOURTEENTH JUDICIAL CIRCUIT
OFFICE OF THE CHIEF JUDGE
ATTACHMENT "A"**

**PERSONS QUALIFIED FOR APPOINTMENT TO AN INCAPACITY EXAMINING
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V. HOLMES COUNTY INCOMPETENCY EXAMINING COMMITTEE

A. PSYCHIATRISTS OR PHYSICIANS CATEGORY

SEE PRESIDING JUDGE

B. OTHER CATEGORY

SEE PRESIDING JUDGE

**FOURTEENTH JUDICIAL CIRCUIT
OFFICE OF THE CHIEF JUDGE
ATTACHMENT "A"**

**PERSONS QUALIFIED FOR APPOINTMENT TO AN INCAPACITY EXAMINING
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II. JACKSON COUNTY INCOMPETENCY EXAMINING COMMITTEE

A. PSYCHIATRISTS OR PHYSICIANS CATEGORY

- | | |
|---|---|
| 1. Dr. Joey Gay, M.D.
4230 Hospital Dr., Suite 210
Marianna, FL 32446
850-526-3434 | 4. Dr. Mark Akerson, M.D.
4284 Kelson Avenue
Marianna, FL 32446
850-482-2910 |
| 2. Dr. Richard Christopher, M.D.
4318 Fifth Avenue
Marianna, FL 32446
850-526-5300 | 5. Dr. John Spence
4284 Kelson Avenue
Marianna, FL 32446
850-482-2910 |
| 3. Dr. Kongsak Chantorrsaeng
Post Office Box 310
Marianna, FL 32447
850-526-2412 | |

B. OTHER CATEGORY

- | | |
|---|---|
| 1. Patricia Besczezynski
4347 South Street
Marianna, FL 32446
850-526-7488 | 2. Jeanette Deese, RN
4700 Ebony Court
Marianna, FL 32446
850-573-2975 |
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**FOURTEENTH JUDICIAL CIRCUIT
OFFICE OF THE CHIEF JUDGE
ATTACHMENT "A"**

**PERSONS QUALIFIED FOR APPOINTMENT TO AN INCAPACITY EXAMINING
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IV. WASHINGTON COUNTY INCOMPETENCY EXAMINING COMMITTEE

A. PSYCHIATRISTS OR PHYSICIANS CATEGORY

SEE PRESIDING JUDGE

B. OTHER CATEGORY

SEE PRESIDING JUDGE

**FOURTEENTH JUDICIAL CIRCUIT
OFFICE OF THE CHIEF JUDGE
ATTACHMENT "B"**

2011 ATTORNEYS QUALIFIED FOR COURT APPOINTMENT FOR GUARDIANSHIPS

I. BAY COUNTY

Allen N. Jelks, Jr. 516 McKenzie Ave. Panama City, FL 32401	850-784-0809	Clyde Taylor, Jr. 224 East Park Avenue Tallahassee, FL 32301	850-224-1191
C. Jason White 516 McKenzie Ave. Panama City, FL 32401	850-784-0809	Ryan T. Truskoski P. O. Box 568005 Orlando, FL 32856-8005	407-841-7676
Sher L. Allan 731 Oak Ave. Panama City, FL 32401	850-914-2220		
Carlotta Appleman Thacker P. O. Box 1579 Panama City, FL 32402	850-769-3434		
Alia Adhal P. O. Box 920 Panama City, FL 32402	850-215-2330		
Todd C. Brister 810 Grace Ave. Panama City, FL 32401	850-215-7885		
Max McCord 105 W. 5 th St. Panama City, FL 32401	850-640-1131		
Sandra G. Atkins Painter 514 Magnolia Ave. Panama City, FL 32401	850-215-0007		
Bill Garrett 514 Magnolia Ave. Panama City, FL 32401	850-747-9997		
Nancy Jones Gaglio 901 Grace Ave. Panama City, FL 32401	850-763-3999		

**FOURTEENTH JUDICIAL CIRCUIT
OFFICE OF THE CHIEF JUDGE
ATTACHMENT "B"**

II. CALHOUN COUNTY

SEE PRESIDING JUDGE

III. GULF COUNTY

SEE PRESIDING JUDGE

IV. HOLMES COUNTY

SEE PRESIDING JUDGE

V. JACKSON COUNTY

SEE PRESIDING JUDGE

VI. WASHINGTON COUNTY

SEE PRESIDING JUDGE



**A CERTIFIED TRUE COPY
BILL KINSAUL CLERK
OF THE CIRCUIT COURT**

By

A handwritten signature in blue ink, appearing to read "Bill Kinsaul", written over a horizontal line.

Deputy Clerk