

**IN THE THIRTEENTH JUDICIAL CIRCUIT  
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2010-101  
(Supersedes Administrative Order S-2010-092)**

**GUARDIANSHIP PROCEDURES**

It is necessary for the prompt and efficient administration of justice in this circuit to update the guardianship, guardian advocacy, and conservatorship procedures in the Probate, Guardianship & Trust Division. By the power vested in the chief judge under Florida Rule of Judicial Administration 2.215(b)(2), it is therefore **ORDERED**:

**1. Guardian Advocacy**

Unless otherwise provided in chapter 393, Florida Statutes, or in the applicable Florida Probate Rules, any proceeding on a petition for the appointment of a guardian advocate will be governed by the procedures outlined in this administrative order. The term “guardian” as used in this administrative order also applies to a guardian advocate. The required notice to the person with a developmental disability of the filed petition under section 393.12, Florida Statutes, may be satisfied by filing proof of service on counsel of the person with a developmental disability and that counsel waived notice on behalf of his or her client.

**2. Conservatorship**

Unless otherwise provided in chapter 747, Florida Statutes, or in the applicable Florida Probate Rules, any proceeding on a conservatorship will be governed by the same procedures as outlined in this administrative order. The term “guardian” as used in this administrative order also applies to a conservator.

**3. Dismissal of Petition for Incapacity**

A petition to determine incapacity, once filed, may not be voluntarily dismissed. A motion to dismiss filed by any person must be scheduled for hearing for the court’s consideration. The motion will state with specificity the reasons for the dismissal and whether the petitioner stipulates to pay the costs of the examining committee and court appointed attorney for the ward. Corresponding proposed orders dismissing the petition will be provided to the court at the time the motion to dismiss is heard.

**4. Background Investigations and Credit Checks**

Any proposed or appointed public guardian, professional guardian, and all employees of a professional guardian who have a fiduciary responsibility to a ward must submit to the appropriate background investigations and credit checks, as required under section 744.3135, Florida Statutes. The background investigation may be satisfied by complying with any acceptable method outlined in section 744.3135, Florida Statutes. If a fingerprint card is used, the fingerprint card will be obtained from the clerk and returned to the clerk with the appropriate fees after the fingerprints have been obtained.

Prior to the hearing on the appointment of the guardian, any proposed non-professional guardian will file a guardianship application with the clerk to be filed in the court file. Additionally, any proposed non-professional guardian of the property must file with the clerk a

credit report, taken within the last year, prior to the hearing on the appointment of a guardian. A copy of the free annual credit report that an individual is entitled from any of the three major reporting agencies is acceptable. The court will conduct a preliminary background investigation on any proposed non-professional guardian using its own system. However, the court may require a non-professional guardian to submit either a level 1 or level 2 background screening and current credit report pursuant to section 744.3135, Florida Statutes.

In accordance with section 744.3135, Florida Statutes, the clerk will maintain a separate guardian file on each guardian appointed by the court and retain in the guardian file documentation of the results of any investigation conducted under the section.

The guardian must pay all fees, including the FDLE, clerk, and FBI fees in accordance with section 744.3135, Florida Statutes, and must pay such fees with a separate check from the personal funds of the guardian and not from the assets of the ward.

##### **5. Professional Guardian File**

All professional guardian files will contain the following information:

- (a) Proof of blanket bond of guardian, as required by law;
- (b) Credit check;
- (c) Copy of a completed fingerprint card (unless the electronic fingerprinting provisions were followed) and background and record check results, as required by section 744.3135, Florida Statutes;
- (d) An application for appointment, to include a complete list of wards served by the guardian as of the date of bond or renewal of bond, denoting any pro bono cases. Nonprofit corporate guardians must file quarterly disclosure statements in accordance with section 744.3125(4), Florida Statutes, which include the qualifications of the organization to serve as guardian and a list of current wards served by the guardian, denoting any pro bono cases. These quarterly disclosure statements are filed in lieu of an application for each petition for appointment of guardian and they must be filed with the clerk to be maintained in the nonprofit corporate guardian's professional file;
- (e) Evidence of compliance with educational requirements, including continuing education requirements, as required by law;
- (f) Registration with the Statewide Public Guardianship Office;
- (g) Evidence of passage of the approved competency examination for professional guardians (this requirement will not be waived for any professional guardian); and
- (h) Other items as deemed necessary by the court.

All of the above items must be submitted with the initial blanket bond. Thereafter, items (a), (d), and (f) must be submitted annually upon renewal of the blanket bond. Items (b) and (c) must be submitted in the timeframe outlined in section 744.3135, Florida Statutes. Item (e) must be submitted every 2 years, upon renewal of the blanket bond for that year. Any fees incurred to comply with these requirements must be paid with the guardian's personal funds, and not from the assets of a ward, unless otherwise approved by the court.

##### **6. Educational Requirements**

All guardians must comply with educational requirements in accordance with sections 744.1085 and 744.3145, Florida Statutes.

Each professional guardian is responsible for maintaining individual records of attendance at continuing education programs. The records must include the date, hours, title, location and sponsor of the course and the certificate of attendance if provided. At least 8 of the continuing education hours for professional guardians should be directly related to ethics, guardianship duties, or care of the ward. Verification of continuing education course attendance must be filed in the professional guardian file.

Non-professional guardians must file a certificate of completion of educational requirements in the guardianship court file, unless waived by the court.

**7. Application for Appointment as Guardian**

Every proposed guardian seeking appointment by the court must file, in accordance with section 744.3125, Florida Statutes, and Florida Probate Rule 5.590, an application for appointment as guardian. The completed application must be signed by the proposed guardian under penalties of perjury and filed with the clerk prior to the hearing on the appointment of a guardian.

**8. Obligation to Notify Court of Other Relevant Proceedings**

Attorneys and interested persons must notify the court as soon as it becomes evident to them of the existence of any other court proceeding in any jurisdiction that may be relevant to the subject matter before the court. A copy of any relevant orders must be provided to the court. This obligation is a continuing one throughout the proceeding.

**9. Constructive Service - Affidavit of Diligent Search and Inquiry**

To obtain constructive service in a guardianship case, all counsel and interested persons (if unrepresented) must complete and file an affidavit of diligent search and inquiry substantially similar to the affidavit designated as Florida Family Law Rule of Procedure Form 12.913(b). A uniform Affidavit of Diligent Search and Inquiry can be found at [www.fljud13.org](http://www.fljud13.org).

**10. Referral to General Magistrate**

Procedures for any referrals to a general magistrate can be found in separate administrative orders. These administrative orders, like all substantive administrative orders, can be found online at [www.fljud13.org](http://www.fljud13.org) under the section titled "Administrative Orders."

**11. Reassignment of Case upon Judge's Disqualification**

If the judge assigned to Probate, Guardianship & Trust Division "A" enters an order of disqualification in a guardianship case, the case will be reassigned by the clerk of the circuit court ("clerk") in a blind and random fashion to one of the Domestic Relations/Family Law Divisions, excluding Divisions "J" (Pro Se Litigation), "Y" (Title IV – D Child Support Enforcement), and "R" (East Division). If the judge assigned to the East Circuit Division "R" enters an order of disqualification in a guardianship case, the case will be reassigned by the clerk to Probate, Guardianship & Trust Division "A."

**12. Attached Case Law**

The clerk may detach and remove copies of reported case law from any pleading, motion, or other document prior to filing such paper in the court file. Unless the interested person or attorney who filed the case law is present and requests the return of the case law, the clerk may destroy copies of case law removed from any pleading, motion, or other document. Nothing in

this provision precludes the attachment of case law to courtesy copies of legal memoranda being submitted directly to the presiding judge.

### **13. Setting of Hearings**

Attorneys may obtain available hearing times and schedule hearings on a judge's calendar by accessing the Judicial Automated Workflow System (JAWS) at [www.fljud13.org/dotnetnuke/JAWS.aspx](http://www.fljud13.org/dotnetnuke/JAWS.aspx) or by telephoning the judge's judicial assistant.

Unrepresented persons may obtain available hearing times and schedule hearings on a judge's calendar by telephoning the judge's judicial assistant.

If any hearing is cancelled or rescheduled, the attorney or unrepresented interested person setting the hearing is responsible for contacting the judge's judicial assistant and the opposing counsel or opposing interested person as soon as possible to notify of such cancellation. Attorneys must also cancel the hearing through JAWS if the hearing was scheduled on JAWS.

All notices of hearing must state the length of the time reserved on the judge's calendar for the hearing and specify the matters to be heard. A notice indicating the hearing will be on "all pending motions" is not sufficient; rather, the matter to be heard must be set out with particularity. There will be no cross-noticing on hearing time unless the opposing counsel or opposing interested person contacts the judge's office and determines if the docket will accommodate hearing additional matters at the same time.

### **14. Hearings**

Any petition, pleading, motion, or other document that is the subject of a hearing or a conference set before the court must be filed with the clerk no later than 5 days before the matter is to be considered. Any such petition, pleading, motion, or other document not so filed, may be postponed until another hearing is scheduled. Memoranda of law and courtesy copies of any case law to be presented at the hearing must be delivered to the judge's chambers at least 48 hours prior to the hearing. Final hearings in an adversary proceeding must be set by the court entering a Uniform Order Setting Adversary Proceeding for Trial and Pretrial Conference (Nonjury). Uniform orders can be found at [www.fljud13.org](http://www.fljud13.org). Once scheduled, such matter may not be cancelled unilaterally by counsel.

### **15. Court Reporters**

The court will not provide court reporters for hearings. If a court reporter is required by statute or rule, the person scheduling the hearing must provide the court reporter. If no court reporter is provided for a hearing which must be recorded by law, then the hearing will be cancelled by the court. If an attorney or unrepresented interested person wishes to have a court reporter present during any hearing, it is that attorney's or unrepresented interested person's responsibility to contact the court reporter to arrange for the presence of such reporter. *See also* Administrative Order S-2003-020 (*Court Reporting Procedures for Civil Proceedings*).

### **16. Emergencies**

Application for emergency relief in an assigned case will be made to the presiding judge. Generally, the presiding judge will be the judge assigned to Probate, Guardianship & Trust Division "A." Based on previous judicial disqualifications, some cases are pending with judges other than the judge assigned to Probate, Guardianship & Trust Division "A." If the presiding

judge is not the judge assigned to Probate, Guardianship & Trust Division “A” and is for any reason absent from the courthouse, then emergency application in any case assigned to that judge’s division will be presented to the judge assigned to Probate, Guardianship & Trust Division “A.” If the presiding judge is the judge assigned to Probate, Guardianship & Trust Division “A” and is for any reason absent from the courthouse, then emergency application in any case assigned to that judge’s division will be presented to the judge assigned to the Domestic Relations/Family Law Division present in the courthouse commencing with Division “A,” excluding Divisions “J” and “Y,” and continuing in alphabetical sequence.

“Present in the courthouse” includes being in a hearing, a jury trial, or non jury trial. If all of the Domestic Relations/Family Law Division judges are absent from the courthouse, any emergency application in an assigned case will be presented to the duty judge assigned for that particular week. Duty judge assignments can be found at [www.fljud13.org](http://www.fljud13.org). The judge will review the request as soon as it is reasonably possible.

**17. Emergency Hearings**

Matters scheduled for hearing as an emergency may not be heard with less than 48 hours actual prior notice to an opposing interested person unless all interested persons agree.

**18. Adversary Proceedings**

In an adversary proceeding as defined by Florida Probate Rule 5.025, the following provisions apply:

**A. Case Management Conference**

A case management conference will be scheduled by the petitioner within 60 days of the commencement of an adversary proceeding as defined by Florida Probate Rule 5.025. All trials of adversary proceedings must be set by a uniform order setting pre-trial and nonjury trial. Uniform orders can be found at [www.fljud13.org](http://www.fljud13.org).

**B. Military Service - Memorandum for Certificate of Military Service**

If a petitioner does not know whether the respondent is on active duty in a branch of the military service of the United States, the petitioner must complete and file a memorandum for certificate of military service substantially similar to the memorandum designated as Florida Family Law Rule of Procedure Form 12.912(a). A uniform Memorandum for Certificate of Military Service can be found at [www.fljud13.org](http://www.fljud13.org).

**C. Default Judgment - Nonmilitary Affidavit**

If a petitioner seeks a default judgment and the respondent has been properly served and has not responded to the petition, the petitioner must complete and file a nonmilitary affidavit substantially similar to the affidavit designated as Florida Family Law Rule of Procedure Form 12.912(b). A uniform Nonmilitary Affidavit can be found at [www.fljud13.org](http://www.fljud13.org).

**D. Motions to Compel - Order Without Hearing**

When a motion to compel complying with Florida Rule of Civil Procedure 1.380(a)(2) alleges the absence of a response or objection to discovery and there has been no request for an extension of time to respond, the court, without a hearing, may enter an order requiring compliance with the original discovery request within 10 days of the signing of the order, provided no written showing of good cause has been filed by the non-movant. The movant must

submit to the court a copy of the motion to compel, a proposed order and copies of the proposed order along with stamped, addressed envelopes.

**E. Motions to Set Case for Trial - Certificate by Attorney**

All motions to set a case for trial must contain a certificate by the attorney filing such motion that the attorney has discussed the subject matter of the motion with the opposing counsel and has been unable to reach agreement concerning the setting of the case for trial, or that opposing counsel has failed to respond.

**19. Orders**

**A. Form**

The title of every proposed order submitted must contain the subject matter of the pleading or motion upon which the ruling is made and must fairly apprise the reader of the action being ordered. Phrasing such as “order granting...” or “order denying...” is preferred over “order on...” No order will be submitted to a judge unless such order contains in the body of the order either a reference to the date of the hearing during which the subject matter of the order was argued before the court, that the matter came by stipulation, or that the matter was considered without a hearing. The signature block for the court may not appear on a page of the order containing no other order content unless the order has indicated in the upper right hand corner the case style and name of the order. All proposed orders on rulings made by the court must be submitted directly to the presiding judge, not to the clerk. Proposed orders will be accompanied by a letter reflecting the date of the hearing if the order is based on a ruling made in open court and will include sufficient copies and self-addressed, stamped envelopes for mailing. The court will distribute copies of the order.

**B. Conference with Opposing Counsel or Movant/Respondent**

Unless otherwise ordered by the court, counsel must first submit proposed orders to opposing counsel or the appropriate movant/respondent and make a genuine effort to agree on the language of the proposed orders prior to submission to the court. Submission of proposed orders to the court must be documented in a cover letter which must be signed by the attorney or movant/respondent submitting it. The cover letter must also state the date of the hearing and state that both the movant and respondent or their counsel have approved the form and content of the proposed order, that after being provided with the proposed order have made no response within 5 business days, or that the movant/respondent or counsel have registered an objection to the proposed order. A copy of the cover letter and proposed order must also be sent to the appropriate interested persons or their counsel at the same time.

**C. Submission in Good Faith**

Any submission of a proposed order will be considered a representation that the person has read the proposed order and that the order is submitted in good faith and is in accordance with the findings and decision of the court.

**D. Stipulated Orders**

If a proposed order is based on the stipulation of the appropriate interested persons, the original of the stipulation will be submitted to the court for its consideration at the time of the submission of the proposed order unless already filed with the clerk. Proposed orders being presented as an “agreed order” on a matter not heard by the court will contain the original signature of the appropriate interested persons who have agreed to the entry of the order.

**E. Time**

All proposed orders must be submitted to the court by the attorney directed to prepare the order within 10 days after the court's decision. The proposed order will be held by the court for 5 days from the date of transmission to the court prior to being signed. However, if both attorneys have reviewed and approved the proposed order, the attorney transmitting the order to the court must advise the court of this fact and request that the court waive the 5-day waiting period and sign the order upon receipt. If the attorney designated to prepare the order fails to submit a proposed order within 10 days, the attorney for the opposing movant/respondent may submit a proposed order within 5 days after the initial 10-day period. Failure to comply with this procedure may result in sanctions.

**F. Objections**

Any movant/respondent or attorney who objects to the entry of a proposed order must first advise the movant/respondent or counsel proposing the order, and if the proposed order has been sent to chambers without a cover letter stating that objections have been raised, the objecting movant/respondent must immediately notify chambers in writing. The objecting movant/respondent must submit an alternative proposed order within 5 days and may also submit a transcript of the hearing if the hearing was reported. If such alternative proposed order has not been received by the court within 5 days, the court will consider the objection withdrawn. If after receiving competing proposed orders, the court does not enter an order within 10 days, the movant/respondent will call up the order on the Uniform Motion Calendar for resolution.

**20. Substitution of Counsel and Resident Agent**

Any stipulation for the substitution of counsel for a guardian must be signed by the attorneys involved and by the guardian. If the former attorney is the designated resident agent for the guardian, then the former attorney should resign, and a new resident agent should be designated. This rule will not affect the right of a guardian to change attorneys, so long as notice is given to the former attorney.

**21. Mediation**

The court may on its own motion or on the motion of the guardian or other interested person refer adversary matters to mediation. If the mediation order is entered on the motion of the guardian, conservator, or other interested person, an order with sufficient copies and stamped, addressed envelopes will be provided for the service of the copies of the mediation order.

**22. Approval of Settlement of Minor and Incompetent Claims**

A petition seeking court approval of the settlement of a claim on behalf of a minor or incompetent must comply with Florida Probate Rule 5.636 and Sections 744.301 and 744.387, Florida Statutes.

The court will conduct a hearing to determine if the settlement is in the best interest of the minor or incompetent and if the attorney's fees and costs are fair and reasonable. Unless excused by the court, the minor or incompetent must be present at the hearing as well as the parent, next friend or guardian. The attorney must have available for the court the most recent medical report of the treating physician.

In situations where approval of a settlement for less than the actual value of the claim is requested because of policy limits, evidence indicating the amount of insurance coverage must be produced at the hearing. If a guardian ad litem report is required based on the amount of the settlement, a courtesy copy must be provided to the court at least 48 hours prior to the hearing.

**23. Mandatory Depository**

**A. Minor Guardianships**

Unless waived or otherwise ordered by the court, in every guardianship of the property of a minor ward, a depository must be designated (pursuant to section 69.031, Florida Statutes) for deposit of all cash owned by or owed to the ward, wherever located. For good cause shown, the court may waive the necessity of a depository, in which case a bond will be required.

**B. All Other Guardianships of the Property**

Unless waived or otherwise ordered by the court, in every guardianship of the property, except a minor guardianship (see above), the guardian will place in a restricted depository all cash assets or cash-equivalent assets of the ward. A one-time sum of \$3,000.00, or any other amount specified by the court, may be maintained outside of the depository for payment of the ward's initial expenses, including costs incurred with the establishment of the guardianship proceeding and payment of the examining committee. The ward's income need not be placed in the restricted depository, unless otherwise ordered by the court.

**24. Initial and Annual Guardianship Reports**

Every guardian must file an initial guardianship report, as required by sections 744.362, 744.363, and 744.365 Florida Statutes, within the statutory timeframe, unless waived by the court. The reporting period for the initial plan will begin with the date that letters of guardianship were signed by the court and end the following year, on the last day of the anniversary month in which the letters of guardianship were signed.

A guardian of the person must, thereafter, file the annual guardianship plan as required by sections 744.367 and 744.3675, Florida Statutes. The reporting period for the annual plan will begin on the first day of the first month following the month in which letters of guardianship were signed by the court and end the following year, on the last day of the anniversary month in which the letters of guardianship were signed. The plan must accurately indicate the time period covered so that there is no lapse between annual reporting periods, and the plan must be prospective to cover the upcoming year. If a ward is in a persistent vegetative condition and the guardian wishes to use substantially the same plan as in previous years, then the guardian must provide a reasonable basis for doing so.

A guardian of the property must file the annual guardianship accounting as required by sections 744.367 and 744.3678, Florida Statutes, on a fiscal-year basis. The fiscal year will be deemed to end on the last day of the anniversary month in which the letters of guardianship were signed. Therefore, the reporting period for the first annual accounting will begin with the date that letters of guardianship were entered and end on the last day of the anniversary month in which the letters of guardianship were signed. Thereafter, the reporting period for all future accountings will begin on the first day of the first month following the month in which letters of guardianship were signed by the court and end the following year, on the last day of the anniversary month in which the letters of guardianship were signed. Accountings must include



all property interests of the ward regardless of how the property is titled unless specifically excepted under section 744.3678, Florida Statutes.

All reports will include the signature, current address, current telephone number with area code of the guardian, and e-mail address (if applicable). Additionally, all reports will include the signature of the attorney of record, the attorney's current address, current telephone number with area code, and Florida Bar number. All reports must be signed under penalties of perjury. All reports must be filed within 90 days after the last day of the anniversary month of the date letters of guardianship were signed by the court. If the reports cannot be filed in the time required by law, a motion for extension of time must be filed within the respective time period.

Audit fees will be paid to the clerk in accordance with sections 744.365 and 744.3678, Florida Statutes.

Under the appropriate circumstances, the guardian may use the simplified accounting procedures under section 744.3679, Florida Statutes, or file a verified petition clearly indicating the justification for the court to allow simplified plans or waive the requirement of annual accountings. If the court grants a petition to allow simplified plans, the guardian must use the court's approved form.

#### **25. Guardian's Fees**

When a petition is made to the court for approval of compensation to a guardian, the petition for fees must be accompanied by an itemized description of the services provided for which fees are sought. This information will be provided in a line-item format, in chronological date order containing a specific description of services rendered for each date listed with the amount of time expended on each service in one-tenth (1/10) of an hour increments. This information must also state the rate charged and amount sought to be approved. Notices to, or the signed consent of, the guardian of the property or the Veterans Administration or both will be submitted with the petition for guardian's fees, if applicable. No payment of guardian fees and expenses may be made without the entry of a court order approving the fees and expenses. Fees will be awarded by the court after applying the analysis specified in section 744.108, Florida Statutes. When fees are awarded, the approved amount must be transferred in full from the ward's account.

All petitions for guardian's fees must reference all prior fees paid and the time period included. A petition will not exceed a billing time period of one year. The first petition for guardian's fees in a guardianship case will not be approved until the inventory is filed by the guardian and approved by the court. Thereafter, a petition for guardian's fees will not be approved if statutorily required reports are delinquent, without a court-ordered extension. Instances of non-compliance with statutory, administrative, or court-ordered requirements may result in a reduction of a guardian's fees. Any reductions imposed by the court for such non-compliance will not become final until the guardian has had an opportunity to be heard on the matter.

The fee structure for professional guardians will vary and be based primarily upon a guardian's years of experience as a professional guardian. For any individual serving as a non-professional guardian, the chief judge will approve a rate of pay for reasonable and necessary

services provided to the ward or on behalf of the ward within the scope of the guardian's duties as guardian.

Guardians will not charge in a petition for guardian's fees for time spent to prepare the billing itemization or any other documentation associated with petitioning the court for guardian's fees. Additionally, time spent to discuss with court staff or to review orders or directions from the court as a result of a guardian's non-compliance with court-ordered, statutory, or administrative obligations, and time spent to produce amended documents as a result of such non-compliance, will not be charged in the petition for guardian's fees.

All petitions for guardian's fees must include the following certificate immediately before the guardian's signature:

*I certify that all current reports, including, but not limited to: initial plan, annual plan, inventory, annual accounting, or final accounting, and the educational requirements, if applicable, have been filed. (If professional guardian, the following sentence must also be added: I further certify that my professional guardian file is in current compliance, with all statutory and administrative requirements having been fulfilled.)*

#### **26. Attorney's Fees**

The attorney for a guardian may petition the court for approval of attorney's fees *ex parte* at any time if the guardian has executed a written consent or has joined in the petition. Any petition for attorney's fees must contain an itemized billing statement for the attorney's service with the amount of time expended on each service in one-tenth (1/10) of an hour increments. If the attorney and the guardian cannot agree upon a fee or if an objection to the attorney's fees is made by an interested person, a hearing must be set before the court. If attorney's fees are paid to the attorney by the guardian without prior court approval, the guardian must attach an itemized billing statement for the fees, in accordance with the provisions of section 744.108, Florida Statutes, to the annual accounting in which the disbursement for the attorney's fees is documented. Any written consent of the guardian to the requested fees must be filed contemporaneously with the fee petition or motion.

#### **27. Court Reviews**

The Elder Justice Center, as a court program under the auspices of the Thirteenth Judicial Circuit Court, is utilized by the court to initially review filings and documentation related to guardianship cases and report to the court based upon its reviews. The Elder Justice Center guardianship court staff will review: (a) professional guardian files for annual statutory compliance; (b) guardians' petitions for fees and compensation as requested by the court; (c) initial reports; (d) annual plans; and (e) accountings. The results of the review will be reduced to writing for the court and filed in each corresponding case file. Elder Justice Center staff will be authorized to participate in guardianship hearings, as requested by the court, to address issues related to their reviews. Staff members will also serve as court monitors when appointed by the court to report on the welfare of the ward and conditions of the guardianship.

Additionally, the court may select a number of guardianship files for a comprehensive audit of all transactions. The audit may be conducted by a court monitor, the clerk, the Elder Justice Center, a general magistrate, or anyone else designated by the court.

**28. Change of Guardian's Contact Information**

All guardians must promptly advise the court, via written notice filed with the clerk, of any change of his or her name, address, telephone number, and e-mail address (if applicable). The notice requirements in the Florida Probate Rules must be complied with at all times. In accordance with Florida Probate Rule 5.060, any interested person who desires notice may file a written request for notice of further proceedings. Such persons must indicate a current residence, post office address, and e-mail address (if applicable). A new address designation must be filed by the requesting person when any address changes occur. Any person filing a request for notice must also provide a copy of the request to the clerk for forwarding to the guardian's attorney or the guardian, if not represented by counsel. Thereafter, the interested person will receive notice of further proceedings and will receive copies of subsequent pleadings and papers by the movant as long as such person remains an interested person.

**29. Change of Ward's Residence**

If the ward's residence changes to a new location within Hillsborough County or to an adjacent county, the guardian will inform the court, in writing, in accordance with section 744.2025(2), Florida Statutes. Pursuant to section 744.2025(1), Florida Statutes, a guardian may not, without prior court approval, change the residence of the ward to another state or to a non-adjacent county. If a ward's permanent residence is changed to a county other than Hillsborough County, the guardian and the guardian's attorney will file all appropriate pleadings and proposed orders to have venue of the guardianship case transferred to the court in the appropriate county.

**30. Death of the Ward**

Within 30 days after the death of the ward, the guardian will file a notice of death. A certified copy of the ward's death certificate must be applied for within 15 days of the ward's death and filed immediately upon receipt.

The guardian of the property must file a final report in compliance with section 744.527, Florida Statutes, and Florida Probate Rule 5.680, unless waived in writing by all necessary interested persons, and petition for discharge, unless extended by court order. Any objections to the final accounting or discharge are required to be filed in accordance with Florida Probate Rule 5.680.

**31. Motions to Withdraw**

Any motion to withdraw as attorney for a guardian that is based upon lack of client contact must include all diligent efforts made by the attorney to locate the guardian. Any motion to withdraw as attorney for a guardian must include the name, address, and telephone number of the financial institution where the guardianship funds are located; the account number(s); and the current balance on all accounts, together with verifying account documentation. If this information is not obtainable by counsel, the motion to withdraw as attorney for guardian must detail all diligent efforts made to secure this information and documentation for the court. Termination of representation must comply with Rule 4-1.16 of the Rules Regulating The Florida Bar.

**32. Dismissal Docket**

The clerk will prepare an order to show cause docket in accordance with the applicable Florida Rules of Civil Procedure and the applicable Florida Probate Rules.

**33. Professional Conduct and Courtroom Decorum**

Counsel will adhere to The Florida Bar's Guidelines for Professional Conduct ([www.floridabar.org](http://www.floridabar.org)) and the Hillsborough County Bar Association's Standards of Professional Courtesy ([www.hillsbar.com](http://www.hillsbar.com)). Each judge may announce and enforce additional requirements, or may excuse compliance with any provision(s) of the Guidelines or Standards as that judge deems appropriate.

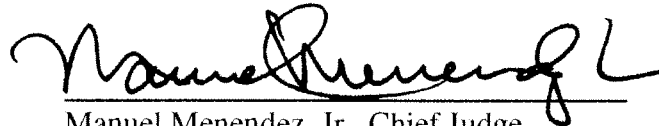
**34. Previous Administrative Order Superseded**

This administrative order supersedes Administrative Order S-2010-092 (*Guardianship Procedures*).

**35. Effective Date**

This administrative order is effective immediately.

It is ORDERED in Tampa, Hillsborough County, Florida on this 9<sup>th</sup> day of December, 2010.

  
Manuel Menendez, Jr., Chief Judge

Original to: Pat Frank, Clerk of the Circuit Court  
Copy to: The Honorable Claudia R. Isom, Probate, Guardianship & Trust Division  
All Domestic Relations/Family Law Judges  
Sean O. Cadigan, General Magistrate  
Vicki L. Reeves, General Magistrate