

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

**ADMINISTRATIVE ORDER S-2024-016
(Supersedes Administrative Order S-2021-077)**

GUARDIANSHIP PROCEEDINGS

In light of Administrative Order S-2023-056 (*East Division Reorganization*) and the recent reorganization of divisions in the East Division, it is necessary for the proper and efficient administration of justice to update the assignment provisions governing guardianship proceedings. By the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of General Practice and Judicial Administration 2.215(b)(2), it is ORDERED:

1. Assignment of Cases

A. Generally

i. Newly-Filed Cases

On and after the effective date of this administrative order the Clerk of the Circuit Court (clerk) will assign all proceedings filed under section 393.12 (guardian advocate); chapter 744 (Florida Guardianship Law); chapter 747 (conservatorship); and section 825.1035 (injunction for protection against exploitation of a vulnerable adult), Florida Statutes, to Probate, Guardianship, Mental Health and Trust Divisions “A” and “B” based on a 5:3 ratio.

B. Transfer of Cases

i. Cases Pending in East Circuit Division “U” and “W”

All cases under section 393.12 (guardian advocate); chapter 744 (Florida Guardianship Law); chapter 747 (conservatorship); and section 825.1035 (injunction for protection against exploitation of a vulnerable adult), Florida Statutes, pending in East Circuit Division “U” or “W” on or before February 29, 2024 will be transferred to Probate, Guardianship, Mental Health and Trust Divisions “A” and “B” based on a 5:3 ratio.

C. Mental Health Companion Cases

All mental health companion cases in which the subject of the case is also the subject of a pending guardianship case will be assigned to the same division in which the guardianship case is pending. For purposes of this administrative order, the term “mental health companion case” means a proceeding in which a petition to determine incapacity (section 744.3201, Florida Statutes), a suggestion of capacity (section 744.464, Florida Statutes), or a petition under the Adult Protective Services Act (chapter 415, Florida Statutes) has been filed and the subject of the petition or suggestion is also the subject of a pending guardianship case.

D. Injunctions for Protection against Exploitation of a Vulnerable Adult and Pending Guardianship Proceeding

In accordance with section 825.1035(2)(f), Florida Statutes, if a proceeding concerning a vulnerable adult under chapter 744 is pending at the time of a filing of a petition for an injunction for protection against exploitation of a vulnerable adult, the petition must be filed in the guardianship proceeding.

2. Applicability

A. 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 provisions in this administrative order. The term “guardian” as used in this administrative order also applies to a guardian advocate. The notice required to a person with a developmental disability who is the subject of a petition filed under section 393.12, Florida Statutes, may be satisfied by filing proof of service on counsel for the person with a developmental disability and that such counsel has waived notice on behalf of his or her client.

B. Guardianship

Unless otherwise provided in chapter 744, Florida Statutes, or

in the applicable Florida Probate Rules, all guardianship proceedings will be governed by the provisions in this administrative order. Minor guardianships are also addressed in Administrative Order S-2011-014 (*Child Custody Proceedings*).

C. 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 provisions in this administrative order. The term “guardian” as used in this administrative order also applies to a conservator.

D. Injunctions for Protection against Exploitation of a Vulnerable Adult

Unless otherwise provided in section 825.1035, Florida Statutes, all petitions for injunctions for protection against exploitation of a vulnerable adult will be governed by the provisions in this administrative order.

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 must 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 alleged incapacitated person. Corresponding proposed orders dismissing the petition will be provided to the court at the time the motion to dismiss is heard.

4. Application for Appointment as Guardian

Every proposed guardian seeking appointment by the court must file an application for appointment as guardian that is signed by the proposed guardian under penalties of perjury. Professional guardians must update their application annually by filing either a list of current wards served by the guardian or a complete application for appointment as guardian. Professional guardians must denote any *pro bono* cases in the initial application and

annual updates to their application. Nonprofit corporate guardians must file quarterly disclosure statements, in lieu of an application for appointment as guardian, denoting any *pro bono* cases.

5. Appointment of Guardian

A. Professional Guardians

Professional guardians seeking appointment must establish a professional guardian file with the clerk and submit documentation that the requirements of sections 744.2002, 744.2003, and 744.3135, Florida Statutes, have been satisfied.

In addition to the credit and criminal history investigation documentation contained within a professional guardian's file maintained by the clerk under section 744.3135, Florida Statutes, professional guardians must submit the following items, which the clerk will maintain in the professional guardian's file:

- i. Application for appointment as guardian and annual updates, or quarterly disclosure statements for nonprofit corporate guardians, in accordance with section 744.3125, Florida Statutes;
- ii. Proof of blanket fiduciary bond required by section 744.2003, Florida Statutes;
- iii. Evidence of completion of instruction and training, including continuing education required by section 744.2003, Florida Statutes.
- iv. Proof of registration with the Statewide Public Guardianship Office under section 744.2002, Florida Statutes; and
- v. Evidence of passage of the approved competency examination required by section 744.2003, Florida Statutes.

Additionally, 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 16 hours of continuing education required by section 744.2003, Florida Statutes, every two years must 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.

B. Nonprofessional Guardians

Prior to the hearing on the appointment of the guardian, the court will conduct a state and national criminal background investigation of all proposed nonprofessional guardians. In order to complete the criminal background investigation, the proposed nonprofessional guardian must supply his or her date of birth and social security number. Additionally, any proposed nonprofessional guardian of the property must file a full credit report taken within the last year. A copy of the entire free annual credit report from Equifax, Experian, or TransUnion is acceptable. The court may require a nonprofessional guardian to submit to a level 1 or level 2 background screening and credit check under section 744.3135, Florida Statutes. In accordance with section 744.3135, the clerk will maintain a separate file on each guardian appointed by the court and retain in the guardian file documentation of the results of any investigation conduct under the section.

6. Constructive Service - Affidavit of Diligent Search and Inquiry

To obtain constructive service in a guardianship case, all counsel and interested persons (if self-represented) must complete and file an affidavit of diligent search and inquiry substantially similar to the affidavit designated as Florida Rule of Civil Procedure Form 1.924. A uniform Affidavit of Diligent Search and Inquiry can be found at www.fljud13.org.

7. Service of Injunctions for Protection against Exploitation of Vulnerable Adults

In accordance with section 825.1035, Florida Statutes, any sworn law enforcement officer in Hillsborough County may effect service within their jurisdiction of the petition, financial affidavit,

notice of hearing, and any temporary ex parte injunction, as applicable. A law enforcement officer performing service under this statutory provision must use service and verification procedures consistent with those of the sheriff.

8. Referral to General Magistrate

Administrative provisions regarding referrals to a general magistrate are memorialized in a separate administrative order that may be found online at www.fljud13.org under the section titled “Administrative Orders.” Judges should not refer petitions for injunctions for protection against exploitation of a vulnerable adult to a general magistrate.

9. Reassignment of Case upon Judge’s Disqualification

If either of the judges presiding in Probate, Guardianship, Mental Health and Trust Division “A” or “B” enters an order of disqualification, the clerk will reassign the case to the other division. If, after such reassignment, the successor judge in the Probate, Guardianship, Mental Health and Trust Division enters an order of disqualification, the clerk will reassign the case in a random and equitable fashion to one of the Tampa Family Law Divisions.

10. Setting of Hearings

A. Obtaining Hearing Time

Attorneys may obtain available hearing times and schedule hearings on a judge’s calendar by accessing the Judicial Automated Workflow System (JAWS) or by e-mailing the judge’s judicial assistant at the appropriate divisional e-mail address:

- Probate, Guardianship, Mental Health and Trust Division “A” - probatedivisiona@fljud13.org.
- Probate, Guardianship, Mental Health and Trust Division “B” - probatedivisionb@fljud13.org.

Self-represented interested persons are encouraged to obtain hearing times and schedule hearings on a judge’s calendar by e-

mailing the judge's judicial assistant at the appropriate divisional e-mail address above.

B. Notice of Hearing

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. The party filing a notice of hearing must provide a copy of the notice to the presiding judge's judicial assistant. A notice indicating that the hearing will be on "all pending motions" is not authorized. The matter to be heard must be set out with particularity. There will be no cross-noticing on hearing times unless the opposing counsel or opposing interested person contacts the judge's office and determines whether the docket will accommodate hearing additional matters at the same time and all parties agree to including the additional matters to be heard.

C. Cancellation or Rescheduling

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

11. 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 five days before the matter is to be considered. A hearing on any such petition, pleading, motion, or other document not so filed may be postponed until another hearing is scheduled. Courtesy copies of any case law, statutes, or other authority relied upon for the hearing must be provided to the judge at the hearing.

12. Court Reporters

The court does not provide court reporters for hearings, except for recordings for proceedings on petitions for injunctions for protection against exploitation of a vulnerable adult. If an attorney

or self-represented interested person wishes to have a court reporter present during any other hearing, it is that attorney's or self-represented interested person's responsibility to contact the court reporter to arrange for the presence of such reporter. *See also* Administrative Order S-2022-017 (*Court Reporting*).

13. Emergencies

Application for emergency relief in a case must be made to the presiding judge. All petitions for injunctions for protection against exploitation of a vulnerable adult are considered applications for emergency relief. 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. The term "absent from the courthouse" as used in the paragraph below means being physically located outside of the respective court facility. The term does not include being in a hearing, jury trial, or non-jury trial.

If either of the judges presiding in Probate, Guardianship, Mental Health and Trust Division "A" or "B" is absent from the courthouse, then emergency application in any guardianship case will be presented to the other judge. If the judges presiding in Probate, Guardianship, Mental Health and Trust Division "A" and "B" are both absent from the courthouse, then emergency application in any guardianship case will be presented to the judge assigned to Drug Court Division "Z." If the judge assigned Drug Court Division "Z" is absent from the courthouse, then the case will be presented to the duty judge. (See www.fljud13.org for duty judge assignment).

14. Adversary Proceedings

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

A. Case Management Conference

All petitioners must schedule a case management conference within 60 days of commencing an adversary proceeding. All trials or final hearings of adversary proceedings must be set by the court

entering a Uniform Order Setting Adversary Proceeding for Trial and Pretrial Conference (Nonjury). Uniform orders may be found at www.fljud13.org. Once scheduled, a hearing may not be cancelled unilaterally by counsel.

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 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.

C. Default Judgment – Affidavit of Military Service

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 an affidavit of military service substantially similar to the affidavit designated as Florida Family Law Rule of Procedure Form 12.912(b). A uniform Affidavit of Military Service can be found at www.fljud13.org.

D. Motions to Compel - Order Without Hearing

When a motion to compel that complies with the good faith certification in Florida Rule of Civil Procedure 1.380(a)(2) – motion “must include a certification that the movant, in good faith, has conferred or attempted to confer with the person or party failing to make the discovery in an effort to secure the information or material without court action” – 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.

Unless the presiding judge directs otherwise, if all parties are represented by attorneys, none of whom have been excused from e-

mail service under Florida Rule of General Practice and Judicial Administration 2.516, the movant's attorneys must submit to the court a proposed order through the Florida Courts E-Filing Portal (Portal) in searchable PDF format or PDF/A. If any party is self-represented or represented by an attorney who has been excused from e-mail service under Rule 2.516, the movant or movant's attorney must submit to the presiding judge sufficient hard 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 or party filing such motion that the attorney or party has discussed the subject matter of the motion with all other attorneys or parties and has been unable to reach agreement concerning the setting of the case for trial, or that the opposing attorneys or parties have failed to respond.

15. Orders

A. Consultation with Opposing Counsel or Party

Unless the presiding judge directs otherwise, prior to submitting a proposed order for the court's consideration after a hearing, the counsel submitting the proposed order must consult with opposing counsel or self-represented party within five days after the court's decision and make a genuine effort to agree on the language of the proposed order.

B. Timely Submission

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.

C. Submission of Proposed Orders

i. Portal – All Parties Represented by Counsel
None of Whom are Excused from E-Service

Unless the presiding judge directs otherwise, if all parties are represented by attorneys, none of whom have been excused from e-mail service under Florida Rule of General Practice and Judicial

Administration 2.516, an attorney who is requested to submit a proposed order must do so through the Portal in searchable PDF or PDF/A.

All proposed orders submitted to the presiding judge must include a cover letter certifying that one of the following statements is true: (i) all parties have agreed to the content of the proposed order or (ii) opposing counsel has not responded within five business days of being provided the proposed order.

If, after consultation with opposing counsel or the appropriate interested person, the parties cannot agree on the language in the proposed order to be submitted to the court, then the attorney or interested person submitting the proposed order must document in the cover letter that the opposing counsel or opposing interested person has registered an objection and specifically state what the objection is. At the time the cover letter and proposed order is submitted to the court, a copy must simultaneously be sent to all parties and interested persons or their counsel. If an objection is registered, the court will determine if a hearing is necessary to resolve the dispute.

ii. Hard Copies and Envelopes – Self-Represented Party or Party’s Attorney Excused from E-Service

If any party is self-represented or represented by an attorney who has been excused from e-mail service under Rule 2.516, the party or attorney who is requested to submit a proposed order will do so by submitting to the presiding judge sufficient hard copies of the proposed order along with stamped, addressed envelopes.

iii. Title

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....”

iv. Form

In all proposed orders, the page containing the court's signature must also contain substantive language of the proposed order so that a proposed order does not contain a signature page consisting only of the court's signature. Each page, except for the first page, must contain a page number.

16. 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.

17. 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.

18. 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 person 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 person and if the attorney's fees and costs are fair and reasonable. Unless excused by the court, the minor or incompetent person 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.

19. 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 (in accordance with 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 must place in a restricted depository all cash assets or cash-equivalent assets of the ward. A one-time sum of \$3,000, 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.

20. Reports and Plans

A. Initial Guardianship Report and Plan

Every guardian must file an initial guardianship report and plan, 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 report and 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.

B. Annual Guardianship Plan

Beginning the year after the initial plan is filed, a guardian of the person must file the annual guardianship plan as required by sections 744.367 and 744.3675, Florida Statutes. The reporting period for the annual plan is prospective and will begin on the first day of the first month following the end of the reporting period for the initial plan and end the following year on the last day of the anniversary month in which the letters of guardianship were signed. 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.

C. Annual Guardianship Accounting

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 exempted under section 744.3678, Florida Statutes.

D. Format

All reports must include the guardian's signature, current address, current telephone number with area code, and e-mail address. Additionally, all reports must include the signature of the attorney of record, the attorney's current address, current telephone number with area code, e-mail address, and Florida Bar number.

E. Timeliness

All reports must be signed under penalties of perjury and filed within 90 days after the last day of the anniversary month in which the 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. Reports must not be filed prior to the end of the applicable reporting period.

F. Audit Fees

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

G. Simplified Accounting Procedures

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.

21. Guardian's Fees

All petitions to the court for approval of compensation to a guardian must be accompanied by an itemized description of the services provided for which fees are sought. This itemization of services must be provided in chronological date order and in line-item format, with each line-item entry containing a specific description of the services rendered, the date listed with the amount of time expended on each service in one-tenth (0.10) 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 must 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 billing time period included. A petition must not exceed a billing time period of one year. The first petition for guardian's fees may be filed as early as three months after letters of guardianship are signed; however, the first fee petition will not be approved until the inventory is filed by the guardian and approved by the court. Thereafter, a petition for guardian's fees should be filed every six months and 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 nonprofessional 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 must 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, must not be charged in the petition for guardian's fees.

All petitions for guardian's fees filed by a professional guardian must include the following certification immediately before the guardian's signature:

Under penalty of perjury, I certify that the facts stated are true, to the best of my knowledge and belief:

I am not delinquent in the filing of any guardianship reports due in this case.

My Professional Guardian File maintained by the Clerk of the Circuit Court is current and complies with all statutory and administrative requirements.

I have not submitted more than one bill for time spent simultaneously for the benefit of more than one ward.

I have not billed my hourly rate for services to the ward by an individual other than myself or the activity log identifies any other individual who performed the duty, pursuant to Fla. Admin. Code, R. 58M-2.009 (22). Further, I understand that it is the guardian's responsibility to clearly and accurately describe whether the person performing the work is the guardian's staff, volunteer, third party provider or independent contractor and that the guardian is required to disclose to the court all staff or agents hired or assigned to perform tasks or duties on an active guardianship and to update their Professional Guardian File when new staff are being utilized in active guardianships. I understand that the fingerprinting requirement must be satisfied for any staff, and that a credit report must be filed for any staff performing fiduciary duties and access to the financial information of the wards.

All billings are clear and accurate and state: (a) the date and time spent on a task; (b) the duty performed; and (c) the expenses incurred.

I have managed the ward's estate in a prudent manner, I employed my best business judgment in all transactions.

Other than the remuneration of fees and expenses provided by law, I affirm I have not, nor has anyone known to me, been promised or received any payment or other benefit made directly or indirectly, overtly or covertly, or in cash or in-kind and have not been promised or received a rebate, kickback, bonus or commission, split-fee arrangement in return

for referrals, solicitation or transactions for past or future goods or services on behalf of the ward. [Florida Statute § 744.446(2).]

22. 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 (0.10) 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.

23. 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.

24. 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, or e-mail address. 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. 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 must receive notice of further proceedings and must receive copies of subsequent pleadings and papers by the movant as long as such person remains an interested person.

25. 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 must inform the court, in writing, in accordance with section 744.1098(2), Florida Statutes. In accordance with section 744.1098(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 must file all appropriate pleadings and proposed orders to have venue of the guardianship case transferred to the court in the appropriate county.

26. Death of the Ward

Within 30 days after the death of the ward, the guardian must 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.

27. 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.

28. 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.

29. Professional Conduct and Courtroom Decorum

Counsel will adhere to The Florida Bar's Guidelines for Professional Conduct,¹ The Florida Bar's Professionalism Expectations² and the Hillsborough County Bar Association's Standards of Professionalism.³ Each judge may announce and enforce additional requirements, or may excuse compliance with any provision(s) of the Guidelines, Expectations, or Standards, as that judge deems appropriate.

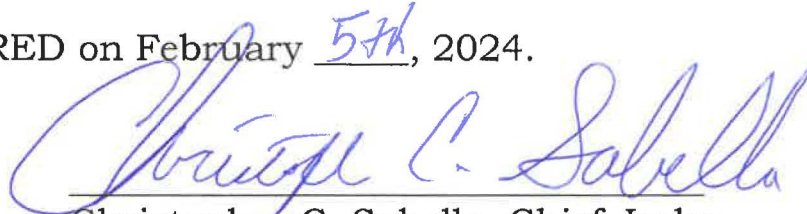
30. Previous Administrative Orders Superseded

This administrative order supersedes Administrative Order S-2021-077 (*Guardianship Proceedings*).

31. Effective Date

This administrative order is effective March 1, 2024.

ENTERED on February 5th, 2024.



Christopher C. Sabella, Chief Judge

Original: Cindy Stuart, Clerk of the Circuit Court

Copy: All Probate, Guardianship, Mental Health and Trust
Division Judges and General Magistrates
All East Division Circuit Judges
All Family Law Division Judges
Hillsborough County Bar Association

¹ <https://www.floridabar.org/prof/regulating-professionalism/presources002/>

² <https://www.floridabar.org/wp-content/uploads/2017/04/professionalism-expectations.pdf>

³ <https://www.hillsbar.com/page/Professionalism>