

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT  
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2026-006 PA/PI-CIR

**RE: MENTAL HEALTH – CONFIDENTIALITY OF GUARDIANSHIP EXAMINING  
COMMITTEE REPORTS AND GUARDIAN AD LITEM REPORTS**

Section 744.331(3)(a), Florida Statutes, requires the court to appoint a three-member examining committee within five days after the filing of a Petition to Determine Incapacity. The committee must be comprised of one member who is either a psychiatrist or physician and two members who are any of the following: a psychologist, gerontologist, psychiatrist, physician, advanced practice registered nurse, registered nurse, licensed social worker, person with an advanced degree in gerontology from an accredited institution of higher education, or any 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.

Under section 744.331(3)(g), Florida Statutes, each committee member must submit a written report including, in relevant part, the following:

1. To the extent possible, a diagnosis, prognosis, and recommended course of treatment.
2. An evaluation of the alleged incapacitated person's ability to retain her or his rights, including, without limitation, the rights to marry; vote; contract; manage or dispose of property; have a driver license; determine her or his residence; consent to medical treatment; and make decisions affecting her or his social environment.
3. The results of the comprehensive examination and the committee member's assessment of information provided by the attending or family physician, if any.
4. A description of any matters with respect to which the person lacks the capacity to exercise rights, the extent of that incapacity, and the factual basis for the determination that the person lacks that capacity.

In sum, each examining committee member's report contains intimately sensitive information regarding an alleged incapacitated person. Under section 744.331(3)(e), Florida Statutes, each member of the examining committee must file their report with the Clerk of the Circuit Court ("Clerk") within 15 days after appointment. Consequently, an examining committee report filed with the Clerk becomes a public record in accordance with Florida Rule of General Practice and Judicial Administration 2.420(a) and (b)(1)(A) since the examining committee report is not specifically exempted from the right of public access by statute or rule.

In any case where the Court appoints a guardian ad litem, such as pursuant to section 744.3025, Florida Statutes, the duty of the guardian ad litem is to protect the minor's interests. Reports filed by the guardian ad litem contain intimately sensitive information about the minor including for example, an evaluation and analysis of a potential settlement, medical information and other matters that may be contrary to the minor's interests. As such, for the same reasons as outlined above, the guardian ad litem report should remain confidential.

In accordance with Article V, section 2, Florida Constitution, Florida Rule of General Practice and Judicial Administration 2.215, and section 43.26, Florida Statutes, it is **ORDERED**:

To protect the highly sensitive information contained within these reports, it is necessary to make confidential under Rule 2.420 examining committee reports filed in Guardianship or Guardian Advocate cases, as well as guardian ad litem reports filed in minor cases. Such reports are subject to inspection only by the Court, the Clerk or the Clerk's representative, the petitioner, the petitioner's attorney, the alleged incapacitated person and the alleged incapacitated person's attorney, any counter-petitioner and their attorney, and any court-appointed guardian. Access to the examining committee's reports or guardian ad litem's reports may be granted to other individuals upon the filing of a Motion Requesting Access to Examining Committee's Reports based upon good cause. Access granted to such reports does not change their confidential nature and persons with access may not release such reports without a court order.

**DONE AND ORDERED** in Chambers at Clearwater, Pinellas County, Florida, this \_\_\_\_ day of February 2026.

ORIGINAL SIGNED ON FEBRUARY 3, 2026  
BY SHAWN CRANE, CHIEF JUDGE

cc: All Judges  
The Honorable Bruce Bartlett, State Attorney  
The Honorable Sara Mollo, Public Defender  
The Honorable Nikki Alvarez-Sowles, Clerk of Court, Pasco County  
The Honorable Ken Burke, Clerk of Court, Pinellas County  
Jennifer Parker, Trial Courts Administrator  
Michele Emmerman, Deputy Trial Courts Administrator  
Bar Associations  
Law Library, Pinellas County