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

ADMINISTRATIVE ORDER NO. 2026-050 PA/PI-CIR

RE: INCAPACITY, GUARDIANSHIP, AND GUARDIAN ADVOCATE PROCEDURES

To adequately and effectively protect incapacitated persons and developmentally disabled persons placed in guardianships; assist the Court with timely review of guardianship accountings, plans, inventories, and background investigations of proposed and appointed guardians and guardian advocates; and clarify guardian education requirements, it is necessary to amend the Circuit's administrative order on guardianship and guardian advocacy.

Therefore, in accordance with Article V, Section 2, Florida Constitution, Florida Rule of General Practice and Judicial Administration 2.215, and § 43.26, Florida Statutes, it is:

ORDERED:

A. BACKGROUND INVESTIGATIONS

1. Professional and nonprofessional guardians may be required to submit periodically to credit and criminal background checks. At any time, the Court may require a non-professional guardian to undergo additional credit or criminal history background checks. Professional and nonprofessional guardians must keep a current telephone number and email address on file with the Clerk of the Court.

2. All professional guardians must comply with the background check requirements of chapter 744, Florida Statutes, and must submit proof of registration with the Office of Public and Professional Guardians upon filing a Petition for Appointment of Guardian.

3. Along with their Petition for Appointment of Guardian, each proposed guardian must submit for filing an Application for Appointment of Guardian and an Oath of Guardian. When requested, non-professional guardians must also submit a completed Department of Children and Families Release form. Professional and non-professional guardians must pay all fees associated with the application as required by the Florida Statutes. A list of the current fees is available at the Clerk of the Circuit Court for Pinellas County and the Clerk of the Circuit Court for Pasco County ("Clerks").

4. The Clerks must:

   a. Notify the Probate and Guardianship Division when a Petition to Determine Incapacity, Petition for Appointment of Guardian, Application for Appointment as Guardian or Guardian Advocate, Supplemental Petition, Petition to Appoint an Emergency Guardian, or Suggestion of Capacity is filed. The Clerk must ensure that the Application for Appointment as Guardian or Guardian Advocate contains the telephone number and email address of the proposed guardian.

   b. When requested, collect from each proposed non-professional guardian the

investigation fee necessary to conduct the credit check pursuant to the Florida Statutes.

c. Make the results of any criminal history check conducted by the Federal Bureau of Investigation and the Florida Department of Law Enforcement available to the judge and/or general magistrate or such other person as directed by the Court.

B. GUARDIAN ADVOCATE PROCEDURES – APPOINTMENT OF A GUARDIAN ADVOCATE

1. Any petitioner seeking the appointment of a Guardian Advocate for a developmentally disabled person within Pasco or Pinellas County must utilize the court-approved form Application for Appointment of Guardian. The Petition must provide the date of birth of the alleged developmentally disabled person.

2. The Clerks' duties in appointment of a Guardian Advocate are as follows:

a. Accept the Petition for Appointment of Guardian Advocate, Application for Appointment of Guardian Advocate, and Oath of Guardian.

b. Immediately upon receipt of the Petition to Appoint Guardian Advocate, prepare the Notice to the alleged developmentally disabled person and Order Appointing Counsel for the alleged developmentally disabled person.

c. Serve by regular or electronic mail a copy of the Petition for Appointment of Guardian Advocate and any exhibits upon appointed counsel and all known next of kin of the alleged developmentally disabled person, and/or such other person as directed by the Court.

d. Present a copy of the Petition for Appointment of Guardian Advocate and Notice and Statement of Rights to the process server for service on the alleged developmentally disabled person. The Clerk must monitor the Return of Service.

e. Provide a notice to the process server directing the process server to read the Petition and Notice and Statement of Rights to the alleged developmentally disabled person and to return the Return of Service to the Clerks' Office for filing in the Court file.

C. GUARDIANSHIP AND INCAPACITY PROCEDURES

1. **Determination of Incapacity and Petition for Appointment as Guardian of a Minor's Person and Property**

a. The court-approved form Application for Appointment of Guardian must be utilized by any petitioner seeking the determination of incapacity or appointment as a minor's guardian of an individual located within Pasco or Pinellas County and must be filed contemporaneously with the Petition. The Petition must provide the date of birth of the alleged incapacitated person or minor.

b. The Clerks' duties are as follows:

i. Accept the Petition to Determine Incapacity, Petition for Appointment of Guardian, and Application for Appointment of Guardian.

ii. Immediately upon receipt of the Petition to Determine Incapacity, prepare the Notice to Alleged Incapacitated Person, Order Appointing Examining Committee, and Order Appointing Counsel for the Alleged Incapacitated Person for presentation to the Court. The members of the examining committee and the court-appointed counsel for the alleged incapacitated person must be chosen on a rotational basis from the Court approved lists.

iii. Serve by regular or electronic mail a copy of the Petition to Determine Incapacity and Petition for Appointment of Guardian and any exhibits upon appointed counsel, members of the examining committee, and all known next of kin of the alleged incapacitated person, and/or such other person as directed by the Court.

iv. Present a copy of the Petition to Determine Incapacity, Verified Petition for Appointment of Guardian, Notice and Statement of Rights to the process server for service on the alleged incapacitated person.

v. In addition to monitoring the Return of Service, monitor the completion of the committee's report to ensure that appropriate statutory time frames are met and send a written reminder by email to the committee member if the report is late.

vi. Provide a notice to the process server directing the process server to read the petitions and Notice and Statement of Rights to the alleged incapacitated person and to return to the Clerk's Office the Return of Service for filing in the Court file.

vii. Accept the Petition to Appoint Guardian of a Minor and review documents filed. If discrepancies are identified, prepare and forward to the general magistrate's office, or to such other person as directed by the Court, an Order checklist and monitor compliance with the Order.

D. INDIGENT STATUS

The Clerk must inform any petitioner filing for indigent status on behalf of an alleged indigent incapacitated person or alleged developmentally disabled person that they are required to complete an Application for Determination of Civil Indigent Status in accordance with section 57.082, Florida Statutes. The application must be completed using the alleged indigent incapacitated person/alleged developmentally disabled person's information.

In any proceeding for the appointment of the public guardian, all court costs and fees are deferred at the time of the filing of the petition and during the pendency of the guardianship or

guardian advocacy. Upon the filing of the Petition for Discharge by the public guardian, or upon request of any party or the court, the Clerk will prepare an updated statement of claim. If the ward has sufficient assets to pay the claim, either in whole or in part, the Public Guardian may pay any portion or all of the claim from the ward's assets in the priority set forth in paragraph 12 of Administrative Order 2026-051. Pursuant to sec. 744.2008(2), Florida Statutes, any court costs and filing fees not paid are waived. The Clerk, the Administrative Office of the Courts for the Sixth Judicial Circuit, and the Justice Administrative Commission will file a notice of receipt of payment in the guardianship case whenever payment is made by the guardian.

E. IMPLEMENTATION OF GUARDIANSHIP ACCOUNTING, PLAN, AND INVENTORY FORMS

1. All accountings, plans, and inventories must be filed on court-approved forms. Information on obtaining forms and instructions is available on the Circuit's website, at www.jud6.org. Trust accountings may be filed in other formats but must include the information on the calculation of yearly fees and conform to the annual report filing schedule.

2. The Clerks must:

   a. Upon the issuance of Letters of Guardianship, produce a computer-generated Guardianship filing schedule to be distributed with the Letters of Guardianship to the guardian and the counsel for the guardian.

   b. Conduct the statutorily required audit of initial, annual, or final guardianship reports pursuant to chapter 744, Florida Statutes, in accordance with the following procedures:

      i. Upon completion of the audit of the initial, annual, or final guardianship report, the Clerks must prepare and make available to the general magistrate office, or other such person as directed by the Court, the audit worksheet listing any discrepancies.

      ii. If discrepancies are identified, prepare and forward to the general magistrate's office, or to such other person as directed by the Court, an Order Disapproving the Initial, Annual, or Final Accounting, Plan, or Inventory ("Order Disapproving") that lists all discrepancies and provides the guardian thirty (30) days to respond.

      iii. If a guardian fails to timely file the accounting, plan, or inventory, prepare and forward to the general magistrate's office, or to such other person as directed by the Court, an Order to File Required Documents ("Order to File") or Order Checklist for Discharge that provides the guardian twenty (20) days to comply.

      iv. Monitor compliance with the Order Disapproving, the Order to File, Order Checklist of Discharge, and any orders extending the time for compliance with these orders.

v. If the guardian fails to comply with an order listed in subdivision iv., the general magistrate's office or other such person as directed by the Court may ask the Clerks to prepare and forward an Order to Show Cause.

vi. Review the documents filed in accordance with the Order Disapproving, Order Checklist for Discharge, or Order to File, and notify the general magistrate's office, or other such person as directed by the Court, of the updates to the audit worksheet.

3. If the documents filed are insufficient, an Order to File or To Show Cause will be issued and a hearing scheduled before the Court. The hearing may only be cancelled or continued by written order of the Court.

4. Motions for extensions of time for filing any required document must be made in writing prior to the time the document is due. The motion must disclose whether or not an extension of time has previously been granted for the same or similar filing. The parties must allege good cause on which the extension is sought and that the time requested is sufficient. Counsel must ensure that all interested parties receive adequate notice of all such motions. A proposed order must also be provided.

F. DISASTER PLAN

Each initial guardianship plan must include a Disaster Plan, which sets forth the procedures and plans in place for the ward in the event an evacuation order or other emergency order is issued by federal, state, or local officials. The Disaster Plan must take into account and reflect how each ward's special needs will be met under the plan in the event the guardian or ward relocates temporarily due to an evacuation order, emergency order, or other emergency situation. The Disaster Plan must be updated if the ward permanently changes residence or if a new guardian is appointed. Information on obtaining forms and instructions related to the disaster plan is available on the Sixth Judicial Circuit Court's website, www.jud6.org. If the ward is a minor child residing with their parent or other relative who is serving as guardian, that guardian is exempt from the requirement of filing a disaster plan.

G. GUARDIAN AND GUARDIAN ADVOCATE TRAINING FOR INCAPACITY AND GUARDIAN ADVOCATE PROCEEDINGS

1. Non-Professional Guardian of Incapacitated Adults Education Requirements

a. A non-professional person appointed as guardian who is required to comply with the education requirement of section 744.3145, Florida Statutes, must be considered to have satisfied the education requirements by completing a minimum of eight (8) hours of instruction and training in an approved family member guardian education course.

b. A non-professional guardian education course must include topics required by section 744.3145(2), Florida Statutes. Any person or organization seeking court approval to act as a provider of a family member guardian education course

may submit the curriculum to the Administrative Office of the Courts, Probate Division (Program).

c. Approved courses for basic guardian education:

i. Stetson College of Law, course titled "Family & Non-Professional Guardian Education Program," available at stetson.edu/law/guardian-education or email guardiantraining@law.stetson.edu.

ii. Additional guardianship courses may be approved. Information on additionally approved programs may be received from the Program.

d. Upon completion of a non-professional guardian education course, the guardian must file a certificate of completion from the course instructor in the guardianship court file.

2. **Professional Guardian Education Requirements**

Each professional guardian must complete training in accordance with chapter 744, Florida Statutes.

3. **Parent Guardian of a Minor Child Education Requirements**

a. A person who is appointed as guardian of the property of their minor child, who is required to comply with the education requirement of section 744.3145(3), Florida Statutes, must be considered to have satisfied the education requirements by completing a minimum of four (4) hours of instruction and training in an approved guardian of minor child education course. This requirement may be satisfied by completing the Stetson College of Law, "Family & Non-Professional Guardian Education Course," as instructed in the Order Appointing Guardian of a Minor Ward.

b. Upon completion of a guardian of minor child education course, the guardian must file a certificate of completion from the course instructor in the guardianship court file.

Administrative Order No. 2024-025 PA/PI-CIR is hereby rescinded.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida this 17th day of November 2026.

Original Signed by Shawn Crane, Chief Judge

cc: Email Distribution Lists
Available on Website at www.jud6.org