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

ADMINISTRATIVE ORDER NO. 2026-051 PA/PI-CIR

RE: INCAPACITY, GUARDIANSHIP, AND GUARDIAN ADVOCATE CASES – APPOINTMENT OF ATTORNEY AND RECOVERY OF COSTS

The Clerks of the Circuit Court, the Sixth Judicial Circuit on behalf of the State of Florida, and the Justice Administrative Commission on behalf of the State of Florida incur various costs when a petition to determine incapacity, petition to appoint guardian, or petition to appoint guardian advocate is filed. The filing fees for the petitions are to be paid to the Clerk of the Circuit Court (Clerk). The Sixth Judicial Circuit will expend funds for the guardianship examining committee. In addition, pursuant to section 744.331(2)(b), Florida Statutes, an attorney must be appointed for the alleged incapacitated person or developmentally disabled person and the State of Florida Justice Administrative Commission will expend funds for this attorney.

For purposes of appointment of counsel, section 27.511(7)(c), Florida Statutes, requires the Court, in consultation with the Clerk to determine, if possible, whether the alleged incapacitated person or developmentally disabled person is indigent. If the person is determined to be indigent, the Office of Criminal Conflict and Civil Regional Counsel (Regional Counsel) is to be appointed. If the person is not indigent, then counsel from the Registry of attorneys approved by the Chief Judge is to be appointed. However, whether an alleged incapacitated person or developmentally disabled person is indigent often cannot be determined until at or after the final hearing. This often would lead to the reassignment of cases between Regional Counsel and counsel from the Registry of attorneys.

In order to minimize disruption and avoid delay of needed services to the alleged incapacitated person or developmentally disabled person caused by the withdrawal of court appointed attorneys and reassignment of cases, and to continue procedures for the recovery of costs that have been incurred by the Clerk, the Sixth Judicial Circuit on behalf of the State of Florida, and the Justice Administrative Commission on behalf of the State of Florida,

Pursuant to 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:

1. When a petition to determine incapacity and for the appointment of a guardian is filed, the Clerk must prepare an order appointing an attorney from the Registry provided to the Clerk by the Chief Judge.

2. When a petition for appointment of a guardian advocate is filed, the Clerk must prepare an order appointing the Regional Counsel unless the petition alleges the developmentally disabled person is not indigent. If the petition for appointment of guardian advocate alleges that the developmentally disabled person is not indigent, the Clerk must prepare an order appointing an attorney from the Registry provided to the Clerk by the Chief Judge.

3. When a suggestion is filed and the ward is known to have assets based upon a previous inventory, or if an inventory has not yet been filed, the Clerk must prepare an order appointing an attorney from the Registry provided to the Clerk by the Chief Judge.

4. When a suggestion is filed and the ward is known to be indigent based upon a previous inventory, the Clerk must prepare an order appointing the Regional Counsel.

5. When payment of filing fees is deferred due to the possible indigence of the alleged incapacitated person, the Clerk may file a statement of claim in the guardianship case. The claim form must be substantially similar to Attachment A. The claim must be accompanied by a proposed order requiring payment. The order must be in a form substantially similar to Attachment B.

6. When the Court appoints a guardianship examining committee or other expert to examine the ward, including a physician appointed pursuant to section 744.464, Florida Statutes, and the Sixth Judicial Circuit pays such costs, the Clerk must file a statement of claim on behalf of the State of Florida Sixth Judicial Circuit. The statement of claim must be substantially similar to Attachment A. The claim must be accompanied by a proposed order requiring payment. The order must be in a form substantially similar to Attachment B.

7. When the Justice Administrative Commission has paid for the costs for the Regional Counsel or for a court appointed attorney, the court appointed attorney or the Regional Counsel may file a statement of claim on behalf of the State of Florida Justice Administrative Commission. The value of the fees for the Regional Counsel will be the amount set forth in the General Appropriations Act, unless otherwise set by the Court. The statement of claim must be substantially similar to Attachment C and must be accompanied by a proposed order requiring payment.

8. If the alleged incapacitated person is found by the Court not to be incapacitated and the Court finds that the petition was filed in bad faith, the Court may direct the Petitioner to pay filing fees to the Clerk, to pay the examining committee fees to the State of Florida Sixth Judicial Circuit, and attorney's fees to the State of Florida Justice Administrative Commission.

9. If the alleged incapacitated person is found to be incapacitated by the Court and is determined by the Court, either at the time of the guardianship hearing or the filing of the inventory, to have sufficient assets, the filing fees, the fees for the guardianship examining committee, and the attorney's fees will be paid by the guardian from the assets of the ward.

10. If the alleged incapacitated person is found to be incapacitated by the Court and the ward is determined not indigent, but still found by the Court at the time of the inventory not to have sufficient assets to pay the claims for the filing fee, guardianship examining committee, and the attorney's fees, and such fees are paid by the State of Florida, the Court will defer payment of the claims by the guardian until the ward has sufficient assets to pay the claims.

11. When the Clerk incurs additional costs as specifically provided for in Chapter 744, the Clerk may file a statement of claim for those costs in the guardianship case. Whenever the

Clerk files a statement of claim, the Clerk must prepare a proposed order. The Order must be substantially similar to Attachment B.

12. If assets are later discovered or accumulated in the guardianship estate, the guardian may, without further order of the Court, pay claims from the Clerk, the Sixth Judicial Circuit, and the Justice Administrative Commission. All checks submitted for such payments by the guardian must include the case number on the check. Unless the judge in an individual case orders a different priority, payments must be made in the following order of priority:

    a. Filing fees. Checks should be made payable to Clerk of the Circuit Court. In Pasco County, checks should be forwarded to:

        Clerk of the Circuit Court
        Attention: Guardianship Section
        P. O. Drawer 338
        New Port Richey, FL 34654

        In Pinellas County, checks should be forwarded to:

        Clerk of the Circuit Court
        Attention: Probate Court Records, Room 106
        315 Court Street
        Clearwater, FL 33756

    b. Guardianship examining committee fees or fees for other expert appointed by the Court to examine the ward, including a physician appointed pursuant to section 744.464, Florida Statutes. Checks should be made payable to the State of Florida, Sixth Judicial Circuit.

        In Pasco County, checks should be forwarded to:

        Clerk of the Circuit Court
        Attention: Guardianship Section
        P. O. Drawer 338
        New Port Richey, FL 34654

        The Clerk will docket receipt of payment and forward it to the Administrative Office of the Courts in New Port Richey.

        In Pinellas County, checks should be forwarded to:

        Fiscal Office
        Administrative Office of the Courts
        14250 49th Street North
        Suite J4501
        Clearwater, FL 33762

    c. Additional statutory fees including any audit fees assessed by the Clerk. Checks should be made payable to the Clerk of the Circuit Court and forwarded to the

address listed in paragraph a.

d. Costs for the Regional Counsel or the court appointed attorney. Checks should be made payable to the State of Florida, Justice Administrative Commission and forwarded to:

Justice Administrative Commission
P. O. Box 1654
Tallahassee, FL 32302

13. 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 above. 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.

14. The Clerk, when conducting the annual accounting, must review whether any claims for the filing fee, other fees for the Clerk, guardianship examining committee or other expert fees, or attorney's fees are outstanding and include such information with the accounting.

15. The Chief Judge may update or make other amendments to the attachments of this Administrative Order without further amendment to this Administrative Order.

Administrative Order No. 2009-037 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

Attachment A: Statement of Claim (Clerk)
Attachment B: Order Requiring Payment of Filing Fees and Costs
Attachment C: Statement of Claim (JAC)

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

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTY, FLORIDA
PROBATE DIVISION

IN RE: THE GUARDIANSHIP OF

CASE NO.:_____
UCN:_____

_____
Incapacitated

STATEMENT OF CLAIM

COMES NOW the Clerk of the Circuit Court of Pasco/Pinellas County, on behalf of the State of Florida, and herewith files its claim for reimbursement of amounts advanced said guardianship by the State of Florida, pursuant to section 744.331 or section 744.464, Florida Statutes, and in support thereof states as follows:

1. The following fees were expended in the above-captioned guardianship case:

FEES EXPENDED

Filing Fees and Costs (Make check payable to Clerk of the Circuit Court)	$_____
Examining Committee Fees (Make check payable to The State of Florida, Sixth Judicial Circuit)	$_____
Physician Fees (Make check payable to The State of Florida, Sixth Judicial Circuit)	$_____
TOTAL AMOUNT OF CLAIM	**$_____**

2. These fees and costs have been incurred as a result of the proceedings to determine capacity of the above-mentioned individual, in the above-captioned case.

3. Pursuant to section 57.081, Florida Statutes, the filing fees in a guardianship case are waived if the ward is indigent and has obtained a certification of indigence under section 27.52 or section 57.082, Florida Statutes. However, when the ward is found not indigent, the Clerk of the Circuit Court is entitled to file a claim for reimbursement of filing fees waived that were deferred while awaiting determination of the ward's indigent-status.

4. Pursuant to section 744.105, Florida Statutes, costs may be awarded in guardianship proceedings.

5. Pursuant to section 744.331, Florida Statutes, fees for the examining committee of an indigent individual in a guardianship proceeding must be paid by the State of Florida. After payment of examining committee fees, pursuant to section 744.331(7)(b), Florida Statutes, the State of Florida is entitled to file a claim against the guardianship to recover those fees paid by the State on behalf of the indigent person.

6. Pursuant to section 744.464, Florida Statutes, the Court must appoint a physician to examine the incapacitated individual when a suggestion of capacity is filed. When the incapacitated person is indigent, the cost of the physician is paid by the State of Florida and the State is entitled to file a claim against the guardianship to recover those fees paid by the State on behalf of the indigent person.

7. The Clerk of the Circuit Court of Pasco/Pinellas County, on behalf of the Clerk and the State of Florida, hereby requests this Court enter an order requiring immediate reimbursement of said fees from, or upon discovery of, any assets, income, or property of the ward or of this guardianship estate.

8. In addition, the Clerk of the Circuit Court of Pasco/Pinellas County, on behalf of the State of Florida, expects the State of Florida to make future expenditures on the estate. Accordingly, the Clerk requests that this Court consider this as a claim for future fees and costs to be reimbursed and that the Court retain jurisdiction of this claim.

WHEREFORE, the Clerk of the Circuit Court of Pasco/Pinellas County, on behalf of the Clerk and on behalf of the State of Florida, Sixth Judicial Circuit, requests that this Court consider this as a claim for the amounts set forth above to secure repayment of the respective claims and requests such other and further relief to which it may be entitled.

DATED this_____day of_____. 20___.

COPIES HAVE BEEN FURNISHED TO:
Guardian:
Attorney for Guardian:
Court File

CLERK OF THE CIRCUIT COURT OF
PASCO/PINELLAS COUNTY, FLORIDA
By:_____
DEPUTY CLERK

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTY, FLORIDA
PROBATE DIVISION

IN RE: THE GUARDIANSHIP OF

CASE NO.:_____
UCN:_____

_____
Incapacitated

ORDER REQUIRING PAYMENT OF FILING FEES AND COSTS

THIS CAUSE comes before the Court on the motion of the Clerk of the Circuit Court and the Court having reviewed the file and being otherwise fully advised in the premises, the Court finds that filing fees and costs were previously deferred by the Clerk of the Circuit Court of Pasco/Pinellas County in the above-captioned guardianship case after it was alleged that the ward was indigent. Pursuant to sections 27.52 and 744.105, Florida Statutes, the Clerk of the Circuit Court has a right to recover these filing fees and costs in the event assets, income, or property are identified as part of the guardianship estate. Therefore, it is

ORDERED AND ADJUDGED that, in the event sufficient funds are identified as part of the guardianship estate, the guardian will be required to pay the Clerk of the Circuit Court of Pasco/Pinellas County for the filing fees and costs deferred in the guardianship.

DONE AND ORDERED in Chambers at_____, Pasco/Pinellas County, Florida, this _____ day of_____, 20___.

_____
CIRCUIT COURT JUDGE

cc: Guardian:
Attorney for Guardian:

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTY, FLORIDA
PROBATE DIVISION

IN RE: THE GUARDIANSHIP OF

CASE NO:_____
UCN NO:_____

_____
Incapacitated

STATEMENT OF CLAIM

COMES NOW _____, the attorney appointed by the Court to represent the incapacitated person named above, on behalf of the State of Florida Justice Administrative Commission, and herewith files a claim for reimbursement of amounts advanced said guardianship by the State of Florida pursuant to section 744.331 or section 744.464, Florida Statutes, and in support thereof states as follows:

1. The following fees and costs were expended in the above-captioned guardianship case:

FEES EXPENDED

Attorney Fees and Costs (Make check payable to State of Florida, Justice Administrative Commission)	$_____
TOTAL AMOUNT OF CLAIM	$_____

2. These fees and costs have been incurred as a result of the proceedings to determine capacity of the above-captioned individual, in the above-captioned case.

3. Pursuant to sections 27.511 and 744.331, Florida Statutes, fees for the regional counsel or for a private attorney appointed to represent an individual in a guardianship proceeding may be paid by the State of Florida in certain circumstances. After payment of such attorney fees, pursuant to section 744.331(7)(b), Florida Statutes, the State of Florida is entitled to file a claim against the guardianship to recover those fees paid by the State on behalf of the ward or alleged incapacitated person.

4. Pursuant to section 744.464, Florida Statutes, when an objection to the suggestion of capacity is filed or when the medical examination suggests that a full restoration of rights is not appropriate, the Court must appoint the regional counsel or a private attorney to represent the ward

if the ward does not have an attorney. Fees for the regional counsel or for a private attorney appointed to represent an individual in a guardianship proceeding may be paid by the State of Florida in certain circumstances.

5. Therefore, _____, the attorney appointed to represent the ward or alleged incapacitated person in the above-captioned guardianship case, on behalf of the State of Florida, Justice Administrative Commission, hereby requests this Court enter an order requiring immediate reimbursement of said fees from, or upon discovery of, any assets, income, or property of the ward or of this guardianship estate.

WHEREFORE, _____, the attorney for the above-captioned incapacitated person, on behalf of the State of Florida, Justice Administrative Commission, requests that this Court consider this as a claim for the amount set forth above to secure repayment of the claim and requests such other and further relief to which it may be entitled.

DATED this _____ day of _____, 20___.

COPIES HAVE BEEN FURNISHED TO:

Guardian:
Attorney for Guardian:
Court File

BY:_____
ATTORNEY FOR THE
INCAPACITATED WARD