20040081814 RECORDED IN PUBLIC RECORDS LEON COUNTY FL BK: 3153 PG: 955,
08/31/2004 at 11:18 AM, BOB INZER, CLERK OF COURTS

IN THE SECOND JUDICIAL CIRCUIT
OF FLORIDA.

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO. 90-10

AMENDMENT

FILED AND RECORDED
AT THE TIME AND DATE NOTED
PAUL F. HARTSFIELD
CLERK OF CIRCUIT COURT
2004 APR -4 AM 8:49
RECORDED IN THE PUBLIC
RECORDS OF LEON CO. FLA.
IN THE BOOK & PAGE IND.

IN RE: Public Guardianship Office,
Second Judicial Circuit

WHEREAS: Administrative Order 90-10, IN RE: Public Guardianship Office, Second Judicial Circuit, dated February 9, 1990, sets forth various policies and procedures for the operation of Public Guardian Program; and

WHEREAS, in some cases, indigent persons who lack the capacity to perform some or all of the tasks necessary to care for their person, property or estate and who in the opinion of persons having knowledge of their condition, require that their lack of capacity be brought to the attention of the Court, are not being presented to the Court, and,

WHEREAS, the aforementioned persons are not being presented to the Court because they lack the funds with which to pay for an incapacity proceeding or to pay for a guardian and because they have no family or friend to initiate and pay for an incapacity proceeding or to act as guardian, and

WHEREAS, the aforementioned persons are frequently the subject of exploitation and may be in need of protection, and

WHEREAS: There is a need for additional policies and procedures to efficiently administer appointments of the Public Guardian in Incapacity Proceedings, IT IS THEREFORE

ORDERED that:

Administrative Order 90-10, IN RE: Public Guardianship Office, Second Judicial Circuit, dated February 9, 1990, is hereby amended by the creation of a new Section VI which shall read as follows:

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"VI. PROCEDURES FOR REQUESTING THE APPOINTMENT OF THE PUBLIC GUARDIAN IN INCAPACITY PROCEEDINGS

A. The Public Guardian shall prepare for dissemination a memorandum or letter explaining the contents of this Administrative Order and establishing the Office of the Public Guardian as the source of forms and documents implementing the procedures set forth herein.

B. The Public Guardian shall maintain form Petitions to determine incapacity and affidavits approved by the Chief Judge of the Circuit, for distribution to any person wishing to be a petitioner and requesting the appointment of the Public Guardian. The petition to determine incapacity shall include an allegation that the person to be examined is entitled to the services of the Public Guardian and that the appointment of the Public Guardian is requested in the event that the Court finds the person to be incapacitated. The affidavit shall be sufficient in form and context for the Court to determine that the person to be examined is indigent within the definition as set forth in Florida Statutes 744.704, that there is no other person to act as guardian and that the petitioner has no monetary interest, either directly or indirectly in the alleged incapacitateds' affairs, and for the Court to ascertain to what extent alternatives to guardianship have been explored concerning the person who is thought to be incapacitated. The affidavit shall be attached as an Exhibit to the Petition.

C. Any person, meeting the requirements of Florida law, who wishes to file a petition for the determination of incapacity of a person alleged to be indigent and requesting the appointment of the Public Guardian may do so by presenting, in triplicate, the petition and affidavit provided for herein, to the Clerk of Court of the Circuit Court, Probate Division of the County wherein the individual to be examined is found.

D. The Clerk of Court, upon the receipt of a petition to determine incapacity and for the appointment of the Public Guardian together with the affidavit, shall not file the same but shall immediately transmit the same to the Probate Judge of the Circuit Court.

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E. The Court shall enter such Orders as it deems necessary based upon the Petition and accompanying affidavit, defining Petitioner's right to proceed in pro per, directing the Public Guardian and providing for the filing and presentation of the Petition to the Court."

DONE AND ORDERED in Chambers at the Leon County Courthouse, this 30th day of March, 1990.

CHIEF JUDGE

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