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IN THE SECOND JUDICIAL CIRCUIT
OF FLORIDA.

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO. 90-10

AMENDMENT TO SECTION VI

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 person 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, Section VI is hereby amended to read:

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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 incapacitated's 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. The petition and affidavit shall also be accompanied by an affidavit and proposed Certificate of Indigency for consideration by the Clerk of Court pursuant to Florida Statutes 57.081.

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 Public Guardian.

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D. The Public Guardian, upon the receipt of a Petition to Determine Incapacity and for the appointment of the Public Guardian together with the affidavit, shall examine the petition and accompanying affidavit and report to the Court having jurisdiction of the subject matter the following:

(a) Whether the above referenced individual is indigent within the meaning of Florida Statutes 744.704.

(b) Whether the Public Guardian has sufficient staff to provide guardianship services for the above referenced individual and whether appointment in this case would cause him to be n violation of the guidelines as set forth in Florida Statutes 744.709.

(c) Whether it is likely that a guardian other than the Public Guardian can be utilized to provide guardianship services for the above referenced individual.

(d) Whether there exist within the Circuit, sufficient resources to provide for the needs of the above referenced individual without the necessity of an adjudication of incapacity.

In the event the report file herein indicated that the above referenced individual is indigent, that the Public Guardian's staff is sufficient to be able to provide guardianship services, that appointment in this case would not cause him to be in violation of the guidelines as set forth in Florida Statutes 744.709, that the Public Guardian is the only available guardian and that there are not sufficient resources to provide for the needs of the individual without the necessity of an adjudication of incapacity, the Public Guardian shall include with his report a petition to be appointed the guardian of the above referenced individual, a petition to waive all costs in the filing of the petition to determine incapacity and the petition to be appointed guardian.

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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."

This order supersedes the Amendment to 90-10 creating Section VI dated March 30, 1990.

DONE AND ORDERED in Chambers at the Leon County Courthouse, this 27th day of June, 1991.

CHIEF JUDGE

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