

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 15-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 15-04**

**IN RE: ESTABLISHMENT OF
REGISTRY FOR APPOINTMENT OF
PROFESSIONAL GUARDIAN(S) IN
PROBATE PROCEEDINGS IN THE
ELEVENTH JUDICIAL CIRCUIT OF
FLORIDA; DESIGNATION AND
AUTHORIZATION OF CLERK OF THE
COURTS TO OPERATE THE
PROFESSIONAL GUARDIANSHIP
REGISTRY**

WHEREAS, Chapter 744, Florida Statutes, authorizes court appointment of professional guardians ("Professional Guardians"), subject to the considerations set forth in Section 744.312, Florida Statutes; and

WHEREAS, such Professional Guardians are usually appointed to serve as legal guardians of a ward ("Ward") under those rare circumstances where no qualified family member or friend of the Ward is able to accept the appointment and the Ward is not indigent and therefore cannot qualify for the state-funded Public Guardianship Program; and

WHEREAS, periodically, the Judges in the Probate Division of the Eleventh Judicial Circuit ("Probate Division") appoint Professional Guardians; and

WHEREAS, the Office of the Statewide Guardian in the Department of Elder Affairs, through the Clerks Guardianship Auditing Department, provides the Probate Division with a current list of professional guardians, who are also listed on the Department of Elder Affairs website ("Statewide Guardianship List"); and

WHEREAS, each Judge in the Probate Division ("Probate Judge") has the discretion to appoint a Professional Guardian from the Statewide Guardianship List as the need arises; and

WHEREAS, while the Statewide Guardianship List is a comprehensive list of Professional Guardians, in addition to the minimum requirements to be included

thereon, it includes individuals who are full time employees of various entities and have not sought appointments from the Probate Division, or they live outside of the South Florida area; thereby, limiting the number of Professional Guardians who can be appointed by the Probate Judges; and

WHEREAS, given such limitation and to avoid any appearance of impropriety regarding the repetitive appointment of Professional Guardians, it was determined that the establishment of the Professional Guardianship Registry ("PGR") for the Probate Division will provide all qualified Professional Guardians in Miami-Dade County, an equal opportunity to be appointed by the Probate Judges;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, under Rule 2.215, Florida Rules of Judicial Administration, it is hereby **ORDERED**:

1. **Establishment of Professional Guardianship Registry.** The Professional Guardianship Registry ("PGR") is hereby established in the Eleventh Judicial Circuit of Florida to provide guardianship services to individuals who are not indigent and therefore do not qualify for the state-funded Public Guardianship Program.
2. **Eligibility Requirements.** In order to be included on the PGR, Professional Guardians must have met the minimum requirements to be included on the Statewide Guardianship List, completed the Professional Guardianship Program Application for the Eleventh Judicial Circuit, and recommended for such inclusion by the Probate Judges, subject to the approval of the Administrative Judge of the Probate Division, pursuant to a competitive selection process.
3. **Competitive Selection Process and Bi-Annual Review.** The Probate Division shall conduct a competitive selection process to select the Professional Guardians to be included on the PGR. After the initial competitive selection process and the creation of the PGR, from time to time, but at least every two years thereafter, the Probate Judges shall review the PGR to determine if the PGR should be modified.¹
4. **Designation and Authorization of Clerk of the Courts to Operate the PGR.** The Clerk of the Courts is hereby designated and authorized to operate the PGR in the manner set forth below:
 - a. The PGR shall be populated with the Professional Guardians who met the Eligibility Requirements set forth in paragraph 2.

¹ It is hereby acknowledged that the initial competitive selection process commenced on November 19, 2014 and culminated on January 14, 2015 with the Probate Judges approving eleven (11) Professional Guardians to be on the Professional Guardianship Registry. The names of such Professional Guardians shall be listed alphabetically on the PGR.

- b. If at any time, the Clerk is notified in writing, either by letter or email, by the Statewide Public Guardianship Office that a Professional Guardian on the PGR is no longer in compliance with the minimum requirements to be included on the Statewide Guardianship List, or by the Administrative Judge of the Probate Division that a Professional Guardian is not in compliance with any judicial requirements, the Clerk shall immediately remove the Professional Guardian from the PGR and notify the Administrative Judge of the Probate Division of such removal. Upon the receipt of a notice that the Professional Guardian is in compliance, the Professional Guardian shall be eligible for reinstatement, but placed at the bottom of the PGR, if the Administrative Judge of the Probate Division authorizes the reinstatement.
- c. Upon receipt of the written request with the case number (sent via facsimile or electronic mail), from a Probate Judge or designee for the name of a Professional Guardian, the Clerk will select the next name on the PGR and forward same to the Probate Judge or designee.
- d. Once the Professional Guardian accepts the appointment, the Probate Judge or designee will so advise the Clerk via facsimile or electronic mail. However, if the selected Professional Guardian does not accept the appointment, upon being so advised by the Probate Judge or designee via facsimile or electronic mail, the Clerk will place the name of said Professional Guardian at the bottom of the PGR and select another name for the case.

This Administrative Order shall take effect immediately upon execution and shall remain in effect until further order of the Court.

23 **DONE AND ORDERED** in Chambers at Miami-Dade County, Florida, this
day of March, 2015.



**BERTILA SOTO, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**