

IN THE SECOND JUDICIAL CIRCUIT  
OF FLORIDA.

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO

AMENDMENT

RECORDED IN THE PUBLIC  
RECORDS OF LEON CO. FLA.  
IN THE BOOK & PAGE IND.

AT THE TIME AND DATE NOTED  
BY PAUL F. HARTSFIELD  
CLERK OF CIRCUIT COURT  
99 APR -4 AM 8:49

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:



"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.

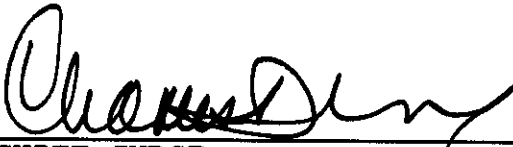
C. Any person, meeting the requirements of Florida law, who wishes to file a petition for the determination of incapacity of a person alleged to be indigent and requesting the appointment of the Public Guardian may do so by presenting, in triplicate, the petition and affidavit provided for herein, to 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.



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 30<sup>th</sup> day of March, 1990.

  
CHIEF JUDGE

