

THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 7.06

PROFESSIONAL GUARDIANS

WHEREAS, the Florida Statutes provide certain procedures for the qualification of professional guardians. See § 744.1083, Fla. Stat., (professional guardian registration); § 744.1085, Fla. Stat. (regulation of professional guardians including application, bond, and education requirements); § 744.3135, Fla. Stat., (credit and criminal investigation); and § 744.334, Fla. Stat., (petition for appointment of professional guardian). Although some portions of these statutes are clear, other portions require the development of additional procedures.

WHEREAS, the various statutes that address professional guardian issues are spread out throughout the guardianship code and consolidating the various requirements in an administrative order will benefit the bench and bar. It is therefore

ORDERED that:

1. *Professional Guardian Defined.* A professional guardian is any guardian who receives or has at any time received compensation for services rendered to more than two unrelated wards as their guardian. § 744.102(15) and § 744.309(2), Fla. Stat.
2. *Professional Guardian Registration.* Professional guardians must register with the Statewide Public Guardianship Office. § 744.1083(1), Fla. Stat.
3. *Bond.* Professional guardians, except licensed Florida attorneys in good standing, are required to post a blanket fiduciary bond in the amount of \$50,000 with the clerk of the circuit court in the county in which the professional guardian's primary place of business is located. The professional guardian shall provide proof of the fiduciary bond to the clerks of each additional circuit court where the guardian is serving as a professional guardian. This bond is in addition to any bonds required in any individual guardianship. The cost of the blanket bond may not be paid with the assets of any ward. § 744.1085, Fla. Stat.

4. *Education.* Within one year of becoming a professional guardian, each professional guardian must receive a minimum of 40 hours of instruction through the Statewide Public Guardianship Office and a minimum of 16 hours of continuing education every 2 calendar years after the year of meeting the initial requirement. The expenses of these educational requirements may not be paid with the assets of any ward. This requirement does not apply to licensed Florida attorneys in good standing. § 744.1085, Fla. Stat.

5. *Credit Investigation.* Professional guardians are required to submit to a credit investigation at their own expense. To comply with this requirement each professional guardian shall apply for a credit report with a recognized credit reporting agency. Some recognized credit agencies are Equifax, Transunion and Experian, however this list is not exhaustive. The professional guardian shall file the credit report with the clerk of court, who shall file the credit report in the guardian's professional guardian file. Every two years after the date of their appointment professional guardians must resubmit a credit investigation at their own expense. § 744.3135, Fla. Stat.

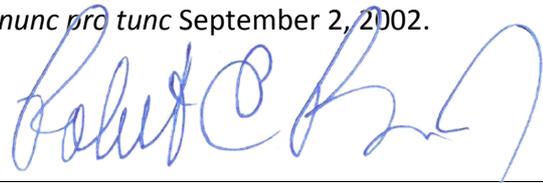
6. *Criminal Investigation.* Professional guardians are required to submit to a security background investigation as required under section 435.04, Florida Statutes. The clerk of court will obtain fingerprint cards and make them available to guardians. The guardian is responsible for getting fingerprints taken and forwarding the fingerprint card and the necessary fee to the Florida Department of Law Enforcement for processing. The results of the fingerprint checks will be forwarded to the clerk of court who shall maintain the results in the professional guardian file. Every 2 years after the date of their appointment professional guardians must undergo a background screening as required by section 435.03, Florida Statutes. § 744.3135, Fla. Stat.

7. *Expenses and Fees.* The professional guardian shall be responsible for bearing the expense of obtaining the credit report, getting fingerprinted, and having the criminal investigation done. The professional guardian is also required to pay a filing fee to each clerk of court where the guardian is serving as a professional guardian. None of these expenses or fees may be paid from the assets of any guardianship.

8. *Professional Guardian File.* The clerk of court of each county in the circuit will maintain a professional guardian file for each professional guardian appointed in that county. The clerk will retain the blanket bond, credit report, results of the criminal investigation and any certificates evidencing compliance with the education requirements in that file. The clerk will submit the professional guardian's file with the guardianship case for the hearing on the appointment of guardian to allow the court to consider the results of the various investigations and to determine compliance with the other requirements of the professional guardian at hearing.

This order renumbers and reformats prior Administrative Order No. 6.850 entitled "Professional Guardians."

ORDERED ON this 5th day of October, 2012 *nunc pro tunc* September 2, 2002.



Robert E. Roundtree, Jr., Chief Judge