

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Order Number 2016-24-PRC

**ADMINISTRATIVE ORDER ESTABLISHING
EMERGENCY TEMPORARY GUARDIANSHIP PROCEDURES**

(a) Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge shall “develop an administrative plan for the efficient and proper administration of all courts within [the Seventeenth] circuit.”

(b) In accordance with the authority vested in the chief judge by Florida Rule of Judicial Administration 2.215, it is ordered:

(1) Petitions for Appointment of an Emergency Temporary Guardian filed pursuant to section 744.3031, Florida Statutes, are hereby referred to the general magistrates for the Probate Division pursuant to Florida Probate Rule 5.095. All Petitions for Appointment of an Emergency Temporary Guardian and all other required documents shall be filed with the Clerk of Court at least 24 hours before the hearing on the petition is scheduled to commence. Notice of the Petition for Appointment of an Emergency Temporary Guardian and Notice of Hearing on the Petition must be served on the alleged incapacitated person and on his/her attorney at least 24 hours before the hearing, unless the petitioner demonstrates that substantial harm to the alleged incapacitated person would occur if the 24-hour notice were given.

(2) Any interested person may object to the referral of the Petition for Appointment of an Emergency Temporary Guardian at the time of the hearing before the general magistrate. If an objection is raised, the general magistrate shall notify the assigned judge’s office of the objection and secure a time from the assigned judge to hear the matter the same day. If the assigned judge is absent from the courthouse, the general magistrate shall contact the Administrative Judge to secure a hearing time for the same day. If the Administrative Judge is also absent from the courthouse, the general magistrate shall contact the Civil Duty Judge to hear the matter the same day.

(3) Each general magistrate for the Probate Division shall set aside one (1) hour per week to hear Petitions for Appointment of an Emergency Temporary Guardian. Each general magistrate shall post the day and time of his/her hearings for the appointment of an emergency temporary guardian and shall provide a copy to the Clerk of Court.

(4) If the need arises for the appointment of an emergency temporary guardian, other than at the times previously designated by the general magistrates, the petitioner’s attorney should contact the general magistrates to secure a date and time

for the hearing. If neither general magistrate is able to hold a hearing within forty eight (48) hours of the request then the petitioner's attorney should contact the assigned judge to secure a date and time for the hearing.

(5) The general magistrates **will not** entertain any Petitions for Appointment of an Emergency Temporary Guardian without the court file, a Petition to Determine Incapacity as to the Respondent filed at least 24 hours in advance of the hearing, and the statutory 24-hour notice of hearing. Attorneys for petitioners shall pick up the file from the Probate Mental Health Division of the Clerk of Court and take it to the hearing.

(6) If during the hearing the general magistrate determines that an emergency exists wherein any delay would place the alleged incapacitated person's health or assets in imminent danger, the general magistrate will provide the petitioner's attorney with an "URGENT SLIP." The slip, when accompanied by the court file, will allow the attorney to take the file to the assigned judge to enter an order as to the general magistrate's recommendations.

(7) This Administrative Order vacates and supersedes Administrative Order 2009-91-PRC.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida on
April 21, 2016.

/s/ Peter M. Weinstein
Peter M. Weinstein, Chief Judge