

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

Administrative Order 2024-07-PRC

PROFESSIONAL GUARDIAN REGISTRY

- (a) Pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.
- (b) Florida Rule of General Practice and Judicial Administration 2.215(b)(3) states the chief judge “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”
- (c) Chapter 744, Florida Statutes, authorizes court appointment of professional guardians, subject to the considerations set forth in section 744.312, Florida Statutes, and the Office of the Public and Professional Guardians in the Department of Elder Affairs provides a current list of registered professional guardians by Circuit.
- (d) There is a need within the Seventeenth Judicial Circuit to have qualified professional guardians readily available to be randomly appointed in appropriate cases to address the needs of vulnerable individuals, such as the elderly, the mentally incapacitated (as well as those with brain injuries), and those with developmental disabilities, mental illness, or drug and alcohol addiction.
- (e) To promote the best practices, an annual list of professional guardians for randomized court appointment from the court’s computerized Guardian Assignment Application (“Registry”) will be established and maintained.
- (f) The use of the Registry will promote a fair and impartial manner of selecting professional guardians and the appointment of qualified guardians to serve indigent wards on a pro bono basis.
- (g) In accordance with the authority vested in the Chief Judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of General Practice and Judicial Administration 2.215, it is hereby **ORDERED**:

- (1) In order to be eligible for appointment as a professional guardian in the Seventeenth Judicial Circuit,, a professional guardian must annually apply for and be appointed to the Seventeenth Judicial Circuit’s Registry.
- (2) Registry term and application period:
 - a. Inclusion on the Registry will be for a one-year period based on the State’s fiscal year (July 1 to June 30).
 - b. New Professional Guardians:

Applications for each fiscal year (July 1 to June 30) are to be submitted to the Office of the General Counsel beginning March 1 to May 1. Applications are sent by email to: contracts@17th.flcourts.org. Failure to timely submit an initial application will result in the professional guardian not being appointed to the Registry for the applicable fiscal year and ineligible for appointment.
 - c. Reappointment of Professional Guardians:

Applications to the Registry for subsequent fiscal years, applications are to be submitted from March 1 to May 1 of each year. Applications are to be sent by email to: contracts@17th.flcourts.org. Failure to timely submit an application will result in the professional guardian not being reappointed to the Registry, and will require a new application should the professional guardian seek to be reappointed during a subsequent year.
- (3) A professional guardian may be appointed to the Registry upon completion and submission, where appropriate, of all of the following:
 - a. Satisfaction of all requirements for registration by the Office of Public and Professional Guardians (“OPPG”) and compliance with Chapter 744, Florida Statutes. Proof of registration with OPPG shall be submitted with the guardian’s application.
 - b. Completion and submission of the Seventeenth Judicial Circuit’s Application for Appointment to Guardian Assignment Application (“Application”). The application is attached hereto as Attachment “A”.

- c. Signing an agreement that the Clerk of Court shall retain the professional guardian's Application and the results of any investigation conducted pursuant to section 744.3135(1), Florida Statutes in the professional guardian's file, which will be maintained by the Clerk of the Court. The professional guardian shall pay the Clerk of Court a fee up to \$7.50 for handling and processing the professional guardian file.
 - d. Proof of past court appointment as a guardian in at least three (3) cases in the Seventeenth Judicial Circuit.
- (4) Once approved by the Chief Judge, the name of the professional guardian will be included on the Registry, which will be maintained by Court Administration. Professional guardians must maintain a valid and updated email address and contact information, and must provide notice to the Chief Judge and Office of the Trial Court upon any change in their address, email address, or telephone number.
- (5) At the Chief Judge's discretion, a professional guardian may be removed from the Registry as follows:
- a. For any of the reasons enumerated in section 744.474, Florida Statutes.
 - b. OPPG suspension or revocation of registration. If a professional guardian's OPPG registration is suspended or revoked, the professional guardian shall immediately notify the Chief Judge and will be removed from the Registry.
 - c. Non-acceptance of pro bono appointments. If a professional guardian fails to accept annual pro bono appointment(s), the professional guardian may be removed from the Registry, unless good cause is shown.
 - d. A violation of any law or rule, including the Florida Criminal Code, Florida Guardianship Law, standards of practice in 58-M-2.009, and the Florida Administrative Code.
 - e. Recommendation by Judicial Officer. When a judge recommends to the Chief Judge or Office of the Court Administrator to remove a professional guardian from the Registry, the Chief Judge may request a

meeting with the professional guardian or refer the matter to a committee appointed by the Chief Judge. After the meeting or review, a determination of whether the professional guardian should remain on the Registry.

- (6) A professional guardian, whose registration with OPPG is suspended, terminated, etc., or is otherwise the subject of discipline, must notify the Chief Judge and Office of the Trial Court Administrator within seven (7) days of the discipline, suspension, or termination. In addition, any professional guardian who is under administrative, bar, or criminal investigation, if known, has pending criminal charges against him/her, has a pending civil lawsuit related to a guardianship matter, or has a claim made against their bond, must notify the Chief Judge and Office of the Trial Court Administrator within seven (7) days. Failure to provide such information may result in the professional guardian's immediate removal from the Registry.
- (7) Should the interested parties and/or family members in any case, not agree on the appointment of a guardian (professional or otherwise), the Court will run the Registry computer program to randomly populate a list of three (3) professional guardians for appointment. If the Court declines to appoint the professional guardian whose name was generated first by the Registry program, the Court will make necessary findings as required by Section 744.312(4)(a), Florida Statutes. In such a case, the Court will obtain the name of the next professional guardian generated by the Registry program.
- (8) The Seventeenth Judicial Circuit makes no representations as to the number of cases (indigent or non-indigent), in which the professional guardian may be appointed.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 3rd day of April, 2024.

/s/ Jack Tuter
Jack Tuter, Chief Judge

**SEVENTEENTH JUDICIAL CIRCUIT – APPLICATION FOR APPOINTMENT TO
GUARDIAN ASSIGNMENT APPLICATION (REGISTRY)**

Please complete the following application to serve on the professional guardian registry. This application must be completed in its entirety if you wish to be considered for appointment. **A resume must be included with this application.**

Applicant Information:

Name of Individual: _____

Name of Organization (if applicable): _____

Organization's IRS legal status and type of Florida Corporation: _____

Business Address: _____

(City) (State) (Zip Code)

Business#: _____ Cell#: _____ Fax#: _____

Email Address: _____

What languages do you speak, read, and write fluently? _____

Please initial each line if you have completed the following requirements: (NOTE: *Application cannot be considered until the following requirements have been fulfilled.*)

___ I am currently registered as a professional guardian with the Office of Public and Professional Guardians and have served as a professional guardian for _____ years. Date of Certification: _____

___ I will notify the Chief Judge of the Seventeenth Judicial Circuit if I become non-compliant with Florida's guardianship registration requirements immediately in writing. I will explain why/how it happened and describe any effort(s) to restore compliance.

___ I will keep all responses on this Application current and complete (including but not limited to change of address) on a timely basis. An update to the Application is considered timely if made as soon as possible but not later than 30 days after any occurrence that changes or renders incomplete any answer to any question on the Application.

___ I have familiarized myself with all Seventeenth Judicial Circuit Administrative Orders concerning Guardianship and the Seventeenth Judicial Circuit's Handbook for Guardians and agree to provide services in accordance with those Administrative Orders and the Handbook for Guardians.

___ I will notify and petition the Court in advance of any changes to my fee schedule.

- ___ I have: (1) professional/general liability insurance to cover losses up to \$250,000.00; or (2) blanket fiduciary bond of at least \$250,000.00 (for profit corporate guardian) or \$50,000 (professional guardians), which is maintained by the clerk of the circuit court in the county in which I have my principal place of business; or (3) I am a nonprofit corporate guardian that does not charge fees for services provided to wards.
- ___ I agree to provide 30 days written notice if I wish to be removed from the wheel(s). I agree that once removed, I must file a new application to be reinstated.
- ___ I understand and agree that if I am the petitioner on a petition for appointment of guardian, I cannot be appointed as the professional guardian unless I am the relative of the alleged incapacitated person or minor. I also understand and agree that if I work for an organization where another member of the organization is the petitioner that I cannot be appointed as the professional guardian. *This section does not apply to any public guardian seeking appointment as a guardian of a person with limited financial means.
- ___ I agree to abide by the billing and fee procedures outlined in the Fees and Expenses section of the Seventeenth Judicial Circuit’s Handbook for Guardians.
- ___ I agree that within any annual guardianship reports that I am to file, I will inform the court of all remuneration received from any source for services rendered to or on behalf of the ward, both prior to and during the guardianship.
- ___ I understand and agree that I may not offer, pay, solicit, or receive a commission, benefit, bonus, rebate, or kickback, directly or indirectly, overtly or covertly, in cash or in kind, or engage in a split-fee arrangement in return for referring, soliciting, or engaging in a transaction for goods or services on behalf of an alleged incapacitated person or minor, or a ward, for past or future goods or services.
- ___ I agree to accept at least one (1) new pro bono case during each year I am a professional guardian on the Seventeenth Judicial Circuit’s Registry and to retain counsel to represent me at no cost to the ward in the case in which I receive my pro bono appointment.

All applicants please complete the following (attach additional pages if more space is needed):

1. List names and types of all degrees, certifications, and licenses the Applicant currently holds:

2. Has your Guardianship registration ever been suspended, surrendered, or revoked?
 Yes _____ No _____
 If yes, please explain: _____

3. Describe the Applicant's areas of practice or specialty relative to court referred clients (i.e., elderly care, dementia, Alzheimer's disease, developmental disabilities, mental health/illness, substance abuse, trauma victims, financial management, etc.): _____

4. List all the judicial circuits in which the Applicant provides, or has ever provided, guardianship services and length of time providing such services: _____

5. Has a judicial circuit ever removed you for a reason listed in section 744.474, Fla. Stat.?
Yes _____ No _____

If yes, please state the circuit, date terminated, and the reason for the termination: _____

6. List all prior employers for the past five years, reasons for leaving employment, and include a reference contact: _____

7. List the names, addresses, and telephone numbers of three responsible persons (excluding relatives or spouse) who have been closely associated with Applicant and who have known the Applicant for at least five years: _____

8. Describe any other professional experience or specific training the Applicant has that is pertinent to your ability to provide services as a professional guardian: _____

9. List all cases in which the Applicant serves as guardian (list the court file number and circuit court in which the case is pending, and whether the Applicant is acting as limited or plenary guardian of the person or property or both). Specify whether any of the Applicant's appointments were ordered from the Court: _____

10. List three (3) cases, either pending or closed, in which the Applicant serves or has served as guardian in the **Seventeenth Judicial Circuit** (list the court file number): _____

11. Has the Applicant given specific training, presentations, or authored articles that demonstrate expertise in guardianship? If so, specify: _____

12. Describe any training and/or experience the Applicant has pertaining to advocacy for health and financial services: _____

13. Describe your technological expertise and the systems you use for complying with guardianship accounting requirements, tracking medical providers, preparing data for annual reports, etc. For example, if guardianship accountings were required to be submitted electronically by professional guardians into a broad based, web application that supports many different platforms, could your technological expertise and systems be adapted to meet such a requirement? _____

14. Please provide the fee schedule used by the Applicant for professional guardian work, including: what is your fee schedule for billing for travel time vs. mileage? What is your fee schedule for billing for time involved with court-approval of guardian fees and final guardian fees? What is your fee schedule for billing for administrative functions such as receiving mail, filing, sorting, copying, etc.? _____

15. What guidelines does the Applicant follow in determining his/her fee schedule? _____

16. Has the Applicant ever filed for bankruptcy or been subject to foreclosure or foreclosure actions or defaults on student loans? Yes _____ No _____
If yes, please explain: _____

17. Does the Applicant agree to provide full and complete financial disclosure upon request?
Yes _____ No _____

18. Has the Applicant ever been arrested for a crime (regardless of disposition)?
Yes _____ No _____
If yes, please explain: _____

19. Has the Applicant ever been charged with fraud, misrepresentation or perjury in a judicial or administrative proceeding? Yes _____ No _____
If yes, please explain: _____

20. Has the Applicant ever been found guilty or adjudicated guilty of a crime (felony or any other crime) in this or any other state or country? (Check yes, even if the disposition of guilt or judgment was withheld or if the criminal record was sealed or expunged. Include traffic crimes such as DUI, reckless driving, or driving without privileges, but not traffic infractions such as excessive speed).
Yes _____ No _____
If yes, please explain: _____

21. Does the Applicant have criminal charges or warrants pending or is on probation or parole in this state or any other state or country? Yes _____ No _____

If yes, please explain: _____

22. Has the Applicant ever been judicially determined to have committed abuse, abandonment or neglect against a child as defined in sections 39.01 or 984.02, Florida Statutes?

Yes____ No____

If yes, please explain: _____

23. Has the Applicant ever been diagnosed with and treated for mental illness, alcohol abuse, or drug abuse, in this state or any other state or country? Yes_____ No_____

If yes, please explain (include date of diagnosis and treatment): _____

24. Has the Applicant ever had any sort of petition for injunction filed against them in this state or any other state or country? Yes_____ No_____

If yes, please explain: _____

25. Has the applicant been a party to, or is presently a party, in a civil and or criminal actions/lawsuit as either a plaintiff, defendant, or acting on behalf of a ward? This includes matters in Broward County, and outside of Broward County (including outside of the State of Florida). Civil Litigation includes but is not limited to the following case types: dependency, domestic violence injunctions or civil as a plaintiff or defendant, matters including but not limited to: breach of contract, personal injury/negligence, foreclosure, bankruptcy, employment related matters, civil fraud, breach of fiduciary duty/responsibility, professional malpractice, etc. Do NOT include family law cases such as divorce, paternity, adoption. Please include the case number for each case, if any: _____

26. Does the Applicant have any relationship through blood, marriage, financial, or occupational to any person or service providers in the guardianship arena or associated with any guardianship proceedings in Broward County or elsewhere in Florida (this includes but is not limited to

probate judges and general magistrates, members of the probate examining committee, and any court employee involved in the guardianship process)?

Yes _____ No _____

If yes, please explain: _____

APPLICANT’S ORGANIZATIONAL STRUCTURE

27. List the names of Applicant’s corporate officers and all persons with ownership interest in Applicant’s organizational structure (attach additional sheet if more space is needed): _____

28. List the names and types of all degrees, certifications, and licenses *for each individual who will work as a guardian or provide a service to the ward* (attach additional sheet if more space is needed): _____

SUPPORTING DOCUMENTATION CHECKLIST

Please attach the following documents and any other relevant documentation to this application.

- _____ Resume or curriculum vitae, reflecting a minimum of two (2) years post licensure/certification practice relative to guardianship service programs
- _____ Fee Schedule
- _____ Attestation and Authorization to Investigate and Release of Information
- _____ Proof of professional/general liability insurance to cover losses up to \$250,000.00 (for profit corporate guardians) or \$50,000.00 (professional guardians); or blanket fiduciary bond of at least \$250,000.00 in accordance with Sections 744.309(7) and 744.2003(2), unless excluded by Chapter 744, Florida Statutes.
- _____ Documentation of criminal history (if any)
- _____ Documentation of civil litigation history (personal and on behalf of a ward) (if any)

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ATTESTATION AND AUTHORIZATION TO INVESTIGATE AND RELEASE OF INFORMATION

I, _____, whose address is _____, authorize the Seventeenth Judicial Circuit of Florida or its designee to conduct a criminal history and background investigation on me/the Applicant. I authorize the release of information and/or documents to this Circuit from any city, county, state, and/or federal law enforcement agencies; any school, college or university; and/or any other entity. I release this Circuit and its designee from any and all liability and expense associated with this investigation or release of information and/or documents.

I also swear/affirm that the information supplied on this Application and all documents provided are correct, that to the best of my knowledge that I am qualified to provide services as a Professional Guardian, and that I will notify the Seventeenth Judicial Circuit of Florida in writing, of the following within thirty (30) days of any such event: (a) address change; (b) legal name change; (c) change in fees; (d) any criminal conviction; or any change in the status of any requisite professional license or certification which is currently held.

I understand that any omissions, falsifications, misstatements, or misrepresentations of the information provided in this Application, or information required to be subsequently provided, may be grounds for disqualification or dismissal from the Seventeenth Judicial Circuit’s Professional Guardian Assignment Application (Registry).

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING APPLICATION FOR APPOINTMENT TO GUARDIAN ASSIGNMENT APPLICATION (REGISTRY) AND THE FACTS STATED HEREIN ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Affiant’s Signature

Print name and address of Affiant

State of _____
County of _____

Sworn to (or affirmed) and subscribed before me by means of ___ physical presence or ___ online notarization, this _____ day of _____, 20____, by _____.

Notary Public or Deputy Clerk

___ Personally known

___ Produced identification

Print, Type or Stamp Commissioned
Name of Notary Public/Deputy Clerk

Type of identification: _____