

## Resources

### Helpful phone numbers and websites for guardians

Topic	Organization	Contact
Police/Medical/Fire Emergencies	Your Local First Responder	9-1-1
Mandatory Reporting of Elder Abuse	Florida Department of Children and Families Florida Abuse Hotline	(800)96-ABUSE(22873) <a href="http://www.myflfamilies.com/service-programs/abuse-hotline/howtoreport">http://www.myflfamilies.com/service-programs/abuse-hotline/howtoreport</a>
Support to Family Guardians and More Training Available	Florida State Guardianship Association (FSGA)	(800)718-0207 <a href="http://www.floridaguardians.com/">http://www.floridaguardians.com/</a>
Elder Resources and Help	2-1-1 Pinellas/Tampa Bay	2-1-1 727-210-4211 <a href="http://www.211tampabay.org/">http://www.211tampabay.org/</a>
Florida Hurricanes and Disasters	Florida Division of Emergency Management	(800)342-3557
8 hour and 4 hour Guardianship Education Training Classes in Pinellas County	St. Petersburg College Professional Development and Continuing Education Registration	<a href="http://spcollege.edu/GuardianshipEducation">http://spcollege.edu/Guardianship Education</a>
Elder Help Line & Community Outreach	Area Agency on Aging of Pasco & Pinellas, Inc.	(800)963-5337 <a href="http://www.agingcarefl.org/contact-us/">http://www.agingcarefl.org/contact-us/</a>
National Suicide Prevention Lifeline	Substance Abuse and Mental Health Services Administration	(800)273-TALK (8255) <a href="http://www.suicidepreventionlifeline.org/">http://www.suicidepreventionlifeline.org/</a>
Mental Health-Help Line	National Alliance on Mental Illness, Pinellas County	(727)791-3131 <a href="http://www.namLorg">http://www.namLorg</a>
Alzheimer's 24-Hour Crisis line	Alzheimer's Community Care	(800)394-1771 <a href="http://www.alzcare.org/">http://www.alzcare.org/</a>
Veterans Resource Center	Pinellas County Veterans Services	(727)-464-8460 <a href="http://www.pinellascounty.org/Veterans">http://www.pinellascounty.org/Veterans</a>

## Clerk Audits

You can see the audit forms the clerk's use to review/audit guardianship reports. These are found on the Clerk's website:

<http://www.pinellasclerk.org/aspInclude2/ASPInclude.asp?pageName=forms.htm>

Then scroll down to Probate, Guardianship Forms to see what the clerks are looking for when they review or audit your reports.

## Clerk Audit Alerts

In an effort to streamline our process and reduce the amount of Orders Disapproving Annual Guardianship Reports, Probate Court Records offers an Audit Email Alert subscription to Guardians and Guardianship Attorneys on a case.

Subscribers receive an email alert when **ONE** of the following items will result in an Order Disapproving an Annual Guardianship Report that would have otherwise been approved:

1. Missing fees: audit fee, professional guardian fee or initial investigation fee
2. Missing certificate of service
3. Disaster plan needs to be updated

If multiple items are missing, or if there are other discrepancies needing to be reported, the auditor will proceed with the recommendation to disapprove.

To begin receiving our audit alerts, guardians and their attorneys should send an email with their name to [ProbateCert@pinellascounty.org](mailto:ProbateCert@pinellascounty.org). For guardians and attorneys with staff, please sign up under the guardian's or attorney's name. We can add up to 3 email addresses to a contact, but the contact name must be the guardian or attorney.

To ensure our emails do not get delivered to your spam folder, please add [ProbateAuditAlert@pinellascounty.org](mailto:ProbateAuditAlert@pinellascounty.org) (a no-reply email address) to your address book.

With help from our Guardianship community, we can build an email database and work together to streamline the audit process for the benefit of all.

If you have any questions, please contact the Probate Court Records department at (727) 464-3321.

## Clerk's Guardianship Fraud Hotline

**If you suspect someone of misusing a ward's finances or guardianship assets, report it.**

727-45FRAUD (727-453-7283)

727-464-8386 (Fax)

Calls can be anonymous or confidential



Webpage:

<https://public.co.pinellas.fl.us/clerk/emailform/ReportFraudGuard.jsp>



Email:

[fraudhotline@co.pinellas.fl.us](mailto:fraudhotline@co.pinellas.fl.us)



### **Questions about the Clerk's Guardianship Fraud Program?**

If you have a question about the Clerk's duties to audit and investigate the Guardianship Reports or the Clerk's Guardianship Fraud Program, please contact the Division of Inspector General, Anne DiNatale, at (727) 464-8371.

### **Legal Questions?**

If you have legal questions or need legal advice, please contact your attorney of record.

## Report Due Dates

Per FS 744.367						
Month Letters of Guardianship were issued:	Annual Reporting period (fiscal year) begins:	Annual Reporting period (fiscal year) ends:	Annual Accounting due no later than:	Exam by Physician must be NO EARLIER than:	Annual Plan due no earlier than:	Annual Plan Due no later than:
January	Feb. 1	Jan. 31	May 1	Nov. 1	Nov. 1	Dec. 1
February	Mar. 1	Feb. 28 (29)	June 1	Dec. 1	Dec. 1	Jan. 1
March	Apr. 1	Mar. 31	July 1	Jan. 1	Jan. 1	Feb. 1
April	May 1	Apr. 30	Aug. 1	Feb. 1	Feb. 1	Mar. 1
May	June 1	May 31	Sep. 1	Mar. 1	Mar. 1	Apr. 1
June	July 1	June 30	Oct. 1	Apr. 1	Apr. 1	May 1
July	Aug. 1	July 31	Nov. 1	May 1	May 1	June 1
August	Sep. 1	Aug. 31	Dec. 1	June 1	June 1	July 1
September	Oct. 1	Sep. 30	Jan. 1	July 1	July 1	Aug. 1
October	Nov. 1	Oct. 31	Feb. 1	Aug. 1	Aug. 1	Sep. 1
November	Dec. 1	Nov. 30	Mar. 1	Sep. 1	Sep. 1	Oct. 1
December	Jan. 1	Dec. 31	Apr. 1	Oct. 1	Oct. 1	Nov. 1

Initial Reports (inventory, plan, and disaster plan) are due no later than 60 days from the date Letters of Guardianship were issued, per FS 744.362. The physician's exam should be no more than 90 days before the start of the plan period. For minors, the physician's exam must be no more than 180 days before the reporting period.

Updated disaster plans are required when a new guardian is appointed or the ward's residence is changed. They are to be filed when the initial or annual plan is due, per Administrative Order 2009-036.

For the Sixth Circuit, the clerk is directed to send out a Guardianship Filing Schedule with due dates when Letters of Guardianship are issued, per Administrative Order 2009-036.

## E-filing Pointers

E-filing is mandatory for attorneys, effective 4/1/13 by Administrative Order. The most recent Administrative Order for e-filing is 2016-18. In an effort to comply with the Administrative Order on e-filing, the requirements of the state-designed e-filing portal and the statutory requirement of guardianship reports being confidential, the Clerk's Office has developed some pointers for e-filers.

- When e-filing, always **verify the case number** before submitting. Submissions with fees attached, but the wrong case number will be sent to your correction queue.
- When e-filing to an existing case, you must select (highlight) one of the existing parties on the case. You cannot add parties to an existing case through the portal (the clerk will add on our end). For guardianship reports, you will want to select the guardian.
- When e-filing guardianship reports, be sure to file under the guardianship (GD) case number and not the incapacity (IN) case number. Only ETG reports should be filed in the incapacity case.
- Inventories and accountings are exceptions to the 'no attachments' rule. All pieces of the inventory or accounting must be sealed. The auditors review them as one item. Keep the supporting documentation behind the appropriate schedule and scan it as one document. The same holds true for a response to an Order Disapproving. You may scan all of the items or pages of your written response as one document.
- You must submit a page from every schedule of an accounting or inventory, even if the only entry is 'none.' If there are many entries to a schedule, scan only those pages with entries. In other words, you may remove blank pages from a schedule, but every schedule should have at least one entry.
- Please do NOT submit the annual plan, physician's report and the disaster plan as one document. Submit them as three separate documents. They can all be in the same batch, but do not scan them as one document. All are confidential, however, each one triggers a time-standard. If you submit them as one document, it will appear to the clerk that you are missing the others, thus creating more work for the clerk to verify.
- Guardianship bonds (not blanket bonds) must be filed in the original. It is not necessary to e-file it, simply deliver the original. A bond through the portal is simply noted as a copy.
- Do NOT e-file the DCF release form. The original, with a check for \$27.50, must be mailed to the address on the form. Please put the case number on both the check and the form.
- When scanning documents for e-filing, be sure that your scanner is set to 'black and white' not 'auto' or 'color.' While the portal will accept color documents, the clerk can only receive them (and attach them to the case) in black and white. Color scans greatly increase the file size of the document and some colors (some signatures in blue ink, for example) are invisible when the clerk receives them.
- Pinellas is not listed as a county you can file Proposed Orders in. Submit Probate proposed orders as 'Pleadings on an existing case.'
- Submit petitions and proposed orders as separate documents. They may be submitted at the same time (in the same batch) but must be uploaded as two separate documents.
- Please, do NOT use the civil e-filing email for Probate questions! Call us at 727-464-3321 or [probate@pinellascounty.org](mailto:probate@pinellascounty.org).

- Audit fees are now payable in the portal at the time of filing. If the fees have been waived per court order, simply indicate 'indigent' in the payment option and when prompted, upload a copy of the order. **Plan ahead; you must have a signed order waiving fees prior to filing the inventory or accounting.**

Filing Fee Summary		
#	Description	Amount
1	Filing Fee	\$0.00
2	Appellate Pleadings Notice Of Appeal	\$100.00
<b>Total Filing Fees:</b>		\$100.00
<b>Statutory Convenience Fee:</b>		\$0.00
<b>Total:</b>		\$100.00

There is a 3.5% statutory convenience fee for payments made via credit card. The statutory convenience fee for payments made via electronic check (direct debit from a bank account) is \$5.00.

**Payments**

Select One to Continue

- Option One: Provide Payment Information
- Option Two: Request Filing Fee Waiver

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Waiver Reason:  Please select a reason for requesting fee Waiver

**Attach completed Indigent Fee Waiver form:**

[Click Here to download Indigent Fee Waiver Form](#)

## Statutory References

Guardians operate under Chapter 744 of the Florida Statutes. Guardian Advocates operate under Chapter 393. To view the chapters in their entirety, go to: [www.flsenate.gov/laws/statutes/2016](http://www.flsenate.gov/laws/statutes/2016). Once you are there, you can select the appropriate statute or search for topics.

The screenshot shows the Florida Senate website's '2016 Florida Statutes' page. At the top, there is a navigation bar with the Florida Senate logo and the text 'THE FLORIDA SENATE'. Below this is a menu with links for Home, Senators, Committees, Session, Laws, Media, About, Offices, Reference, and Tracker. The main content area features a search bar with fields for 'Go to Bill: Bill #', '2017', 'Go', 'Find Statutes: 2016', 'Search Term', 'Chapter', 'Find', and 'Search Site'. A yellow banner states: 'The Florida Statutes are updated annually after the conclusion of a regular legislative session, typically published in July/August.' Below this is a search interface with 'Year: 2016', 'Search Term:', and 'Within Chapter:' fields, along with 'Search' and 'Reset' buttons. A table lists titles and chapters, and a 'Quick Links' sidebar contains several PDF links. An 'Advanced Statute search at:' button is also visible.

Title	Chapter
<a href="#">Title I</a>	CONSTRUCTION OF STATUTES (Ch. 1-2)
<a href="#">Title II</a>	STATE ORGANIZATION (Ch. 6-8)
<a href="#">Title III</a>	LEGISLATIVE BRANCH; COMMISSIONS (Ch. 10-11)
<a href="#">Title IV</a>	EXECUTIVE BRANCH (Ch. 14-24)
<a href="#">Title V</a>	JUDICIAL BRANCH (Ch. 25-44)
<a href="#">Title VI</a>	CIVIL PRACTICE AND PROCEDURE (Ch. 45-88)
<a href="#">Title VII</a>	EVIDENCE (Ch. 90-92)

- [General Laws Conversion Table \(2016\) \[PDF\]](#)
- [Preface to the Florida Statutes \(2016\) \[PDF\]](#)
- [Table of Section Changes \(2016\) \[PDF\]](#)
- [Table Tracing Session Laws to Florida Statutes \(updated\) \[PDF\]](#)
- [Statute Search Tips](#)
- [Archived Statutes \(Prior to 2010\)](#)

Another good source for statutes is the State Library and Archives, at [laws.flrules.org](http://laws.flrules.org), where you can scroll to the bottom of the page and click on the Index to General Laws to find recently passed bills by subject.

## Circuit References

Pinellas and Pasco Counties make up the Sixth Judicial Circuit. The Circuit issues Administrative Orders which, generally, detail how the local circuit wishes to address certain subjects. Unlike orders issued in a specific case, Administrative Orders will apply across all cases of the type described in the order. Administrative Order 2009-36 is probably one of the most impactful for guardians. A copy of it is on the next page. Guardians and their attorneys should visit [www.jud6.org](http://www.jud6.org) to see more information on guardianships in Pinellas. From the home page, click on Court Programs, then click on Guardianship Info/Forms. See also the Practice Requirements (judicial preferences) found under Judges.

The screenshot shows the website's navigation menu on the left and the main content area on the right. The menu includes items like 'Sixth Judicial Circuit Home', 'Judges', 'About the Circuit', 'ADA Assistance', 'Administrative Orders', 'Attorneys', 'Court Contracted Services', 'Court Programs', and 'Court Reporting'. 'Court Programs' is expanded, showing options like 'Adult Drug Court', 'Alternative Dispute Resolution', 'Behavioral Evaluations', 'Child Support Enforcement', 'Family Law / Unified Family', 'Guardianship Info / Forms', and 'Juvenile Diversion'. 'Guardianship Info / Forms' is circled in red. The main content area has a red box around the 'Guardianship Information / Forms' section, which lists links for 'Overview - Probate Guardianship and Mental Health Division', 'Administrative Orders and Legal Resources', 'Fee Petitions', 'Forms', 'Frequently Asked Questions and Sample Report', 'Approved Initial and Annual Forms', and 'Professional Guardian'. A red arrow points from this box to the 'Background Investigations of Proposed Guardians' section below. To the right of the navigation menu is a photo of a judge in a courtroom.

<b>Sixth Judicial Circuit Home</b>	<b>Guardianship Information / Forms</b>	
Judges	<ul style="list-style-type: none"><li>Overview - Probate Guardianship and Mental Health Division</li><li>Administrative Orders and Legal Resources</li><li>Fee Petitions</li><li>Forms</li><li>Frequently Asked Questions and Sample Report</li><li>Approved Initial and Annual Forms</li><li>Professional Guardian</li></ul>	
About the Circuit	<b>The following applies to Pinellas County:</b>	
ADA Assistance	<b>Background Investigations of Proposed Guardians</b>	
Administrative Orders	Pursuant to Florida Statute 744.3135(1) and Administrative Order 2006-79 PA/PI CIR, all petitions for appointment of guardian(s), including petitions for appointment of successor guardian will be forwarded by the Clerk's office to the Probate, Guardianship and Mental Health division of the Court for a criminal and credit (if appropriate) background investigation PRIOR to the appointment of the guardian. If the investigation results reveal discrepancies, a letter stating the discrepancies will be sent to the section judge, the attorney and the proposed guardian(s). The section judge will determine if	
Attorneys	Guardianship Info / Forms	
Court Contracted Services		
<b>Court Programs</b>		
Adult Drug Court		
Alternative Dispute Resolution		
Behavioral Evaluations		
Child Support Enforcement		
Family Law / Unified Family		
<b>Guardianship Info / Forms</b>		
Juvenile Diversion		
<b>Court Reporting</b>	<b>Statewide Public Guardianship Office Registration:</b>	



**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT  
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

**ADMINISTRATIVE ORDER NO. 2009-036 PA/PI-CIR**

**RE: GUARDIANSHIP**

In order for the Court in Pasco and Pinellas Counties to adequately and effectively protect those incapacitated persons who are placed in guardianships; and

In order to provide for the effective and efficient review of guardianship accountings, plans, and inventories; and

In order to ensure compliance with statutory time frames for both the Clerk of the Circuit Court (Clerk) and the Court's review of guardianship accountings, plans, and inventories, including but not limited to Chapter 744, Florida Statutes, and Part III of the Florida Probate Rules; and

In order to respond effectively to the current economic climate and the resulting budget reductions for both the Clerk and the Court and to provide more efficient operations related to guardianship review and administration; and

In order to effectuate the timely background investigations of proposed and appointed guardians; and

Pursuant to Rule of Judicial Administration 2.215, and §§ 29.0195 and 43.26, Florida Statutes, it is hereby:

**ORDERED:**

**A. BACKGROUND INVESTIGATIONS**

1. Professional and nonprofessional guardians may be required to submit periodically to credit and criminal background checks. At any time, the Court may require a nonprofessional guardian to undergo additional credit or criminal history background checks.
2. All professional guardians shall comply with the background check requirements of Chapter 744, Florida Statutes and shall submit proof of registration with the Statewide Public Guardianship Office upon filing a petition and Application.
3. Each proposed guardian shall submit with his or her petition an Application and a completed checklist for Guardianship Applications. Professional and nonprofessional guardians shall pay all fees associated with the application as required by the Florida Statutes.
4. The Clerk shall continue to do the following:
  - a. Upon filing of a Petition to Determine Incapacity and Appointment of Guardian, collect from each proposed guardian the investigation fee to conduct the credit and criminal background checks pursuant to the Florida Statutes.
  - b. At the time an Application for Appointment of Guardian is filed, make a copy of the Application and forward it along with the signed release required by the Department of Children and Families to the Probate and Guardianship Division, where the release form will be forwarded to the Department of Children and Families for investigation.
  - c. Forward the results of any criminal history check conducted by the Federal Bureau of Investigation and the Florida Department of Law Enforcement within three (3) days of receipt to the general magistrate or such other person as directed by the Court.

**B. GUARDIANSHIP AND INCAPACITY PROCEDURES**

The following procedures are instituted and shall be adhered to:

1. Determination of Capacity

- a. The court-approved form Application for Appointment of Guardian shall be utilized within the trial courts of the Sixth Judicial Circuit by any resident petitioner seeking the determination of capacity of an individual located within Pasco or Pinellas County and shall be filed contemporaneously with the Petition.
  - b. The Clerk shall continue to do the following:
    - i. accept the Petition to Determine Capacity, Petition for Appointment of Guardian and Application when filed contemporaneously and assign separate case numbers that shall be, wherever practicable, sequential in number.
    - ii. immediately upon receipt of the Petition to Determine Capacity, prepare the Notice to Alleged Incapacitated Person, Order Appointing Examining Committee, and Order Appointing Counsel for the Alleged Incapacitated Person for presentation to the Court. The members of the Examining Committee and the Court Appointed Counsel for the Alleged shall be chosen on a rotational basis from the Court approved lists.
    - iii. serve by regular mail a copy of the Petition to Determine Capacity and Petition for Appointment of Guardian upon appointed counsel and all known next of kin of the alleged incapacitated person.
    - iv. present a copy of the Petition to Determine Capacity, Verified Petition for Appointment of Guardian, Notice and Statement of Rights to the process server for service on the alleged incapacitated person.
    - v. in addition to monitoring the Return of Service, monitor the completion of the committee's report to ensure that appropriate statutory time frames are met.
    - vi. provide a notice to the process server directing the process server to read the petitions and Notice and Statement of Rights to the alleged incapacitated person and to return to the Clerk's Office the Return of Service for filing in the Court file.
2. Adjudicatory Hearing
    - a. The petitioner, petitioner's counsel, the alleged incapacitated person, counsel for the alleged incapacitated person, the proposed guardian, and counsel for the proposed guardian shall attend the adjudicatory hearing. The Court may waive attendance by the alleged incapacitated person, upon request of the alleged incapacitated person's counsel.
    - b. The Clerk may be required to attend any adjudicatory hearing and keep court minutes.

**C. IMPLEMENTATION OF NEW GUARDIANSHIP ACCOUNTING, PLAN, AND INVENTORY FORMS**

1. All accountings, plans, and inventories shall be filed on court approved forms. Information on obtaining forms and instructions is available on the Court Web site <http://www.jud6.org/>.
2. The Clerk shall continue to do the following:
  - a. Upon the issuance of Letters of Guardianship, produce a computer generated Guardianship filing schedule to be distributed with the Letters of Guardianship to the guardian and the attorney for the guardianship.
  - b. Conduct the statutorily required audit of all initial, annual, or final guardianship reports pursuant to Chapter 744, Florida Statutes, in accordance with the following procedures:
    - i. Upon completion of the audit of the initial, annual, or final guardianship report, the Clerk shall submit their audit sheet listing any discrepancies to the general magistrate or other such person as directed by the Court for review.

- ii. If discrepancies are identified, prepare and forward to the general magistrate's office or to such other person as directed by the Court an order disapproving the initial, annual, or final accounting, plan, or inventory listing all discrepancies and giving the guardian thirty (30) days to respond.
  - iii. Prepare an Order to File Required Documents and send it directly to the judge for signature, if a guardian fails to timely file the accounting, plan, or inventory. The Order shall provide that the guardian shall have fifteen (15) days within which to comply.
  - iv. Monitor the thirty (30) day filing requirement and the compliance with the order disapproving the initial, annual, or final accounting, plan, or inventory. If the guardian fails to file any response to the order disapproving the accounting, plan, or inventory or the Order to File Required Documents, the Clerk shall prepare an Order to Show Cause and submit it as directed by the section judge, either to the judge for signature or to the general magistrate for review.
  - v. Review the documents filed in accordance with the order disapproving the initial, annual, or final accounting, plan, or inventory or Order to File Required Documents and forward the file with the audit sheet to the section judge or general magistrate for review.
3. All other audits, including random field audits, shall only be conducted pursuant to court order.
  4. If the documents filed are insufficient, an Order to File Required Documents or To Show Cause will be issued and a hearing scheduled before the judge. The hearing may only be cancelled or continued by written order of the Court.
  5. Motions for extensions of time for filing any required document shall be made in writing prior to the time the document is due. The motion shall disclose whether or not an extension of time has previously been granted for the same or similar filing. The parties shall allege good cause on which the extension is sought and that the time requested is sufficient. No motion for extension of time shall be heard orally. Counsel shall ensure that all interested parties receive adequate notice of all such motions.

D. **DISASTER PLAN**

Each initial guardianship plan shall include a Disaster Plan, which sets forth the procedures and plans in place for the ward in the event an evacuation order or other emergency order is issued by federal, state, or local officials. The Disaster Plan shall take into account and reflect how each ward's special needs will be met under the plan in the event the guardian or ward has relocated temporarily due to an evacuation order, emergency order, or other emergency situation. The Disaster Plan must be updated if the ward permanently changes residence or if a new guardian is appointed. Information on obtaining forms and instructions related to the disaster plan is available on the Sixth Judicial Circuit Court Web site <http://www.jud6.org/>. If the ward is a minor child residing with his or her parent or other relative who is serving as guardian, that guardian shall be exempt from the requirement of filing a disaster plan.

Administrative Order PA/PI-CIR-2006-079 is hereby rescinded.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida this \_\_\_\_ day of June 2009.

\_\_\_\_\_ Robert J. Morris, Jr., Chief Judge

## SPGO/OPPG

Effective 7/1/16, a legislative change renamed the Statewide Public Guardianship Office (SPGO) as the Office of Public and Professional Guardians (OPPG). This legislation also gives the OPPG both more authority and more responsibility, and gives them a deadline of 10/1/16 to enact these changes. OPPG is a division of the Florida Department of Elder Affairs. Their website is:

<http://elderaffairs.state.fl.us/doea/spgo.php>


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# Office of Public & Professional Guardians

## Office of Public & Professional Guardians (OPPG)

### Who We Are

Office of Public & Professional Guardians, housed within the Department of Elder Affairs, appoints local public guardian offices as directed by statute to provide guardianship services to persons who do not have adequate income or assets to afford a private guardian and there is no willing family or friend to serve. The office, which contracts with 17 local Offices of Public Guardianship throughout Florida, is also responsible for the registration and education of professional guardians. Office of Public & Professional Guardians can be reached by calling (850) 414-2381 or by email at [OPPGinfo@elderaffairs.org](mailto:OPPGinfo@elderaffairs.org)

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