

IN THE CIRCUIT COURT FOR THE
FIFTH JUDICIAL CIRCUIT, IN THE
STATE OF FLORIDA

ADMINISTRATIVE ORDER A98-17

ADMINISTRATIVE ORDER REGARDING ESTABLISHMENT
OF OFFICE OF PUBLIC GUARDIAN

WHEREAS, the Legislature of the State of Florida has determined that private guardianship is inadequate where there is no willing and responsible family member or friend, other persons, bank, or corporation available to serve as guardian for an incapacitated person, and such person does not have adequate income or wealth for the compensation of a private guardian; and

WHEREAS, the Legislature of the State of Florida has enacted the Public Guardianship Act to establish the office of public guardian for the purpose of providing guardianship services for incapacitated persons when no private guardian is available; and

WHEREAS, the Legislature of the State of Florida has enacted Section 744.703, Florida Statutes, granting authority to the Chief Judge to establish an office of public guardian within the judicial circuit; and

WHEREAS, the undersigned, as Chief Judge of the Fifth Judicial Circuit, after consultation with and approval of the several administrative judges within the circuit and with appropriate advocacy groups and individuals and organizations who are knowledgeable about the needs of incapacitated persons, has determined that an office of public guardian is necessary and appropriate to provide guardianship services for incapacitated person within the Fifth Judicial Circuit when no private guardian is available, it is hereby

ORDERED AND ADJUDGED as follows:

1. The office of Public Guardian is hereby established in the Fifth Judicial Circuit to provide guardianship services for incapacitated persons when no private guardian is available.
2. A Public Guardianship Committee is hereby established. The Committee Chair who shall be appointed by the chief judge, shall solicit members from the judiciary, the bar, and the clerks of the circuit court, as well as social service agencies, hospitals and nursing homes.
3. The Public Guardianship Committee shall forward to the Chief Judge recommendations

regarding potential candidates who would best be qualified to serve as the Public Guardian for the Fifth Judicial Circuit, In determining a potential candidate's qualifications, the Committee shall consider the candidate's knowledge of the legal process, accounting principles, and his or her knowledge of the social services available to meet the needs of incapacitated persons.

4. The Public Guardianship Committee shall also conduct an investigation into the financial resources required to establish and maintain the office of Public Guardian and shall forward that information to the Chief Judge as soon as possible.

DONE AND ORDERED in Chambers at Ocala, Marion County, Florida, this 24th day of June, 1998.



WILLIAM T. SWIGERT
Chief Judge
Fifth Judicial Circuit