

ADMINISTRATIVE ORDER
NO. 2014-22

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE AND OSCEOLA
COUNTIES, FLORIDA

**ORDER VACATING ADMINISTRATIVE ORDERS 2011-02 AND 07-92-15
WITH DIRECTION TO THE CLERK**

WHEREAS, 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; and

WHEREAS, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, see Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

WHEREAS, a great need to establish uniform fees and procedures for professional guardians appointed to protect the person and property of persons deemed incompetent was identified; and

WHEREAS, on October 13, 2011, after much investigation, consideration, and discussion from all interested parties, this Court issued Administrative Order 2011-02, effective November 1, 2011, in an effort to curtail the abuses observed relating to guardian fees and guardian attorney's fees and establish uniform fees and procedures relating to professional guardians; and

WHEREAS, on April 3, 2014, upon consideration of Application to the Supreme Court Local Rules Advisory Committee Regarding Review of Administrative Order 2011-02, the Florida Supreme Court issued an opinion in case number SC12-76, ordering that the recommendation of the Local Rules Advisory Committee is approved and Administrative Order 2011-02 is quashed; and

WHEREAS, Administrative Order 2011-02 also vacated and incorporated former Administrative Order 07-92-15, which by virtue of operation of SC12-76 became active again in its entirety;

NOW, THEREFORE, I, Belvin Perry, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida, under Florida Rule of Judicial Administration 2.215, due solely and exclusively to the April 3, 2014, opinion of the Florida Supreme Court, hereby **vacate** Administrative Order No. 2011-02, entered October 13, 2011, and effective November 1, 2011, governing court appointed professional guardian fees and guardian attorneys' fees for involuntary guardianships in the Orange County Division of the Ninth Judicial Circuit with directions to the clerk, and Administrative Order No. 07-92-15, entered on December 17, 1992, governing compensation of guardians and professionals providing services to the guardian circuit court - probate division, effective **immediately**.

Additionally, the Orange County Clerk of Court and the Osceola County Clerk of Court shall monitor each professional guardianship case, as defined by section 744.102(17) of the Florida Statutes, to ensure guardian compliance with any orders entered on a case-by-case basis. This does not apply to veterans' guardianships (§§ 744.602 - 744.653, Fla. Stat.) or voluntary guardianships (§ 744.341, Fla. Stat.).

Moreover, the respective Clerk of Court for each county shall notify the presiding judge of any anomalies or lack of compliance with any specific orders entered on a case-by-case basis.

DONE AND ORDERED at Orlando, Florida, this 21st day of August, 2014.

_____/s/_____
Belvin Perry, Jr.
Chief Judge

Copies provided to:

Clerk of Courts, Orange County
Clerk of Courts, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>