

**PROCEDURES AND BYLAWS
FOR
COURT APPOINTMENTS OF PROFESSIONAL GUARDIANS

11TH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

I. PANEL MEMBERS

- Administrative Judge of Probate, or designee
- Designee of AOC
- Director of Probate

II. PANEL STANDARDS

- A. **MEETINGS** – The Panel shall meet at least once per year and attendance of all Panel Members is mandatory at the meetings.
- B. **PANEL CONFLICTS OF INTEREST** – In the event that a Panel Member has a personal relationship with a Professional Guardian (“PG”), the Panel Member shall recuse themselves from the review related to that applicant. In the case of a recusal, the Administrative Judge shall select another qualified individual to participate in the Panel.
- C. **RECORDS** – The Panel shall maintain applications, correspondence addressed to and received by the Panel, and complaints regarding PGs for four (4) years after the end of their appointment. The Director of Probate will be responsible for maintaining the records.

III. DEFINITIONS

- A. **OPPG** – Office of Public and Professional Guardians
- B. **PG** – Professional Guardian, whether acting individually or through a partnership, corporation, or any other business organization
- C. **RECERTIFICATION** – renewed approval of a Professional Guardian previously included on the Registry
- D. **SUSPENSION** – temporary removal of a Professional Guardian from the Registry
- E. **REMOVAL** – permanent removal of a Professional Guardian from the Registry
- F. **REGISTRY** – the list of Professional Guardians qualified to receive Court appointments in Guardianship cases

IV. STATUTORY SCOPE OF REGISTRY

- A. **Emergency Temporary Proceedings** – Florida Statutes, Chapter 744

B. **Guardianship** – Florida Statutes, Chapter 744

V. **SEEKING APPOINTMENT TO THE REGISTRY**

- A. **APPLICATION** – To be considered for placement on the Registry, a PG must be in good standing with OPPG and have submitted a completed *Application to Receive Court Appointed Cases as a Professional Guardian* (available on the 11th Judicial Circuit's website) to the Probate Director via email (Probateregistryapp@jud11.flcourts.org). Applicants may be denied for not having the necessary qualifications, having sustained complaints, or due to any other fact that may impact the applicant's fitness or ability to serve. At any time, the Administrative Judge may limit the number of Professional Guardians who can be appointed to the Registry. Any Administrative Memorandum limiting the number of Professional Guardians shall be posted on the 11th Judicial Circuit's website.
- B. **APPLICATION PERIOD** – There will be one annual open-enrollment period from January 1st through January 31st, for Professional Guardians seeking to be included on the 11th Judicial Circuit Court's Professional Guardian Registry. Applications for the Registry will be accepted by Court Administration only during the open enrollment period. The application and instructions for applying shall be posted on the 11th Judicial Circuit's website. Qualified applicants may be appointed to the Registry.
- C. **RECERTIFICATION** – Beginning on January 1, 2025, all Professional Guardians currently on the Registry must re-apply for continued inclusion on the 11th Judicial Circuit's Professional Guardian Registry.
- D. **TERM OF APPOINTMENT** – The term of appointment to the Registry shall be two (2) calendar years. Upon expiration of the two-year term, appointees must re-apply for appointment to the Registry during an application period as outlined in section V. B. of this document.
- E. **ACCEPTANCE/REJECTION** – The Panel shall notify each applicant of appointment or rejection within 30 days from the Panel's meeting.

VI. **PROFESSIONAL GUARDIAN QUALIFICATIONS**

- A. **OVERVIEW** – The primary object of this panel is to ensure that all Professional Guardians appointed under this system are qualified to handle the cases to which they are appointed.

GENERALLY, a Professional Guardian whose principal office is located in Miami-Dade County, Broward County, or Monroe County, Florida, who is a member in good standing with OPPG, and who meets the standards prescribed below may be certified as eligible for appointment to the Registry as a Professional Guardian in the Eleventh Judicial Circuit, Probate Division.

Type of Case	Statutory Provision	Requirement
Emergency Temporary Guardian & Guardian	Fla. Stat. § 744.331	Must be in compliance with all registration and education requirements set forth in Fla. Stat. §744.203

B. PROFESSIONAL GUARDIAN DUTIES AND REQUIREMENTS – All Registry PG’s must:

1. Contact the section judge’s chambers within 24 hours of notification of an appointment, to accept or decline said appointment. If the PG does not respond in a timely manner, it will be considered a rejection of the appointment and the non-responsive PG’s name will be moved to the bottom of the Registry.
2. Obtain Letters of Guardianship within fourteen (14) days of acceptance of appointment.
3. Act in the best interest of the Ward(s) they are appointed to represent.
4. Act as a reasonable, skilled, knowledgeable, and conscientious guardian.
5. Meet all statutory obligations under F.S. Chapter 744 including, but not limited to, timely filing initial and annual reports.
6. Respond in a timely manner to the Clerk of Court Auditor’s 10-day memos.
7. Respond in a timely manner to court orders, including, but not limited to, Orders to Progress.
8. Maintain a valid e-mail address for communication with the Director of Probate, the Panel, and the Court.
9. Indicate clearly on the Professional Guardian application whether the applicant will be providing guardianship services as a professional guardian individually, through partnership, corporation, or any other business organization.
10. Appear timely and professionally at all court proceedings where the PG’s presence is required.
11. Abide by the rules, licensing, and bonding requirements of OPPG. Any PG whose registration with the OPPG is suspended, terminated, etc., or is otherwise the subject of discipline, must notify the Director of Probate within five (5) days of the discipline, suspension, or termination.
12. Notify the Director of Probate in writing within five (5) days of any of the following:
 - a.the PG receives notice that they are under investigation;
 - b.the PG receives notice that criminal charges have been filed against the PG;
 - c.the PG receives notice of a civil lawsuit being filed against the PG related to a guardianship matter;
 - d.the PG receives notice that a claim has been made against the PG’s bond;
 - or
 - e.the PG files for bankruptcy.
13. Accept case appointments, unless the Professional Guardian has a conflict of interest, or for other good cause.

14. Notify the section judge immediately of any potential or existing conflict of interest related to an appointment.
15. Meet with the ward within 14 days of issuance of the Letters (whether in person, on the telephone, or via video conferencing, as the circumstances may allow).
16. Oversee and supervise any and all work related to a court appointment that the PG has delegated to other members of his or her staff.

VII. RESIGNATION FROM THE REGISTRY

- A. A PG may resign from the Registry upon written notification to the Administrative Judge of Probate and the Director of Probate. The PG remains responsible for all currently assigned cases until further court order. A notice of resignation from the Registry does not operate as a notice of resignation or request to be discharged from any specific case in which the PG has already been appointed.
- B. After resignation, if a PG later seeks to be reinstated to the Registry, the PG must file a new application during the open enrollment period pursuant to this document.

VIII. NON-JUDICIAL COMPLAINTS PROCEDURES

This section only applies to complaints requesting removal or suspension of a professional guardian from the professional guardian Registry. Complaints requesting case-specific action shall be directed to the appropriate section judge.

- A. **SUBMISSION** – All complaints requesting removal or suspension of a PG from the Registry shall be made in writing to the Director of Probate or their designee. Complaints shall be sent to Probateregistryapp@jud11.flcourts.org.
- B. **REVIEW** – The Administrative Judge shall decide whether the complaint requires action. If action is required, the Administrative Judge shall appoint a three (3) member review panel consisting of members of the Administrative Office of the Court and no less than one (1) Circuit Court Judge. The Administrative Judge shall set a deadline for the review panel to convene no later than forty (40) days from service of the complaint upon the PG.
- C. **NOTICE** – Upon appointment of the review panel, the Director of Probate shall immediately forward a copy of the written complaint to the PG via e-mail. The sending of the e-mail shall constitute notice.
- D. **RESPONSE** – If the PG chooses to respond to the complaint, a written response must be submitted to the Director of Probate, or their designee, within ten (10) days from the date the complaint was emailed. If the PG admits to the allegations in the complaint, the Administrative Judge shall make a determination as to the disposition of the complaint.

- E. **PANEL REVIEW** - The review panel may elect to make a recommendation based on the complaint and response or conduct a hearing on the matter. The review panel shall set the time, place, and parameters for the hearing. If a hearing is to be held, the review panel shall provide notice via email.
- F. **RECOMMENDATION** – The review panel shall make a recommendation to the Administrative Judge of the Probate Division, in writing, within ten (10) days of the panel’s hearing or review.
- G. **DETERMINATION** – Upon receipt of the review panel’s recommendation, the Administrative Judge shall determine the proper disposition of the complaint which may include, but is not limited to, a report to OPPG, suspension, or removal from the Registry. The Administrative Judge’s determination shall be provided in writing to the Chief Judge, complainant, Panel, review panel, and PG. If appropriate, the Administrative Judge may also provide a copy of its determination to OPPG and/or the State Attorney’s Office.

IX. JUDICIAL COMPLAINT PROCEDURES

A judicial officer or general magistrate may recommend a PG’s suspension or removal from the Registry, in writing, to the Administrative Judge. Upon receipt of the recommendation, the Administrative Judge may request a meeting with the PG to discuss the circumstances or refer the matter to a review panel to make a recommendation as to the allegations.

The procedure for a review panel shall be conducted consistent with the provisions outlined in Section VIII.

X. SUSPENSION FROM THE REGISTRY

- A. A Professional Guardian may be temporarily removed from the Registry when:
 - 1. The Panel is notified by OPPG that the PG’s registration is suspended or revoked.
 - a) The Director of Probate will notify the Clerk of Court to immediately remove the PG from the Registry.
 - b) Upon the PG presenting evidence of good standing with OPPG, the Director shall notify the Clerk of Court to lift the suspension from the Registry.
 - c) Once the suspension is lifted, the PG’s name shall be returned to the bottom of the Registry.

2. The PG has informed the Director of Probate that they are unable to accept appointments for any period of time, and for any reason not impacting their fitness to serve (i.e. vacation, health, family emergency, etc.).
 - a) Upon the end of the period of unavailability, the PG's name shall be returned to the bottom of the Registry.
3. Upon recommendation of a judicial officer to the Administrative Judge of Probate, with good cause shown. (Refer to Section IX of this document.)

XI. REMOVAL FROM THE REGISTRY

- A. A Professional Guardian may be removed from the Registry immediately for any of the following reasons:
 1. Notification from OPPG that a PG's registration has been revoked.
 2. Notification from the Clerk of Court's Inspector General to the Chief Judge, Administrative Judge, or Director of Probate of a PG's violation of Florida Guardianship Law, Florida Criminal Code, or a significant violation of the standards of practice by a PG.
 3. Failure to comply with this document.
 4. Sustained contempt order(s) from a judicial officer.
 5. Failure to accept three (3) appointments within a calendar year for reasons other than conflict or other good cause as determined by the probate section judge.
 6. Finding of fact that impacts the fitness of the PG to serve on the Registry.
 7. Finding of good cause as a result of a non-judicial complaint against the PG.
 8. Recommendation of a judicial officer to the Administrative Judge of Probate, with good cause shown, and at the discretion of the Administrative Judge.
- B. Any determination of removal shall be made in writing and provided to the Chief Judge, PG, the Panel, and the complainant. In deciding to remove the PG, the Administrative Judge shall determine if the PG can re-apply for future inclusion on the Registry and under what conditions.