

**IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI DADE COUNTY**

**CASE NO. 21-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 21-15**

**IN RE: REFERRAL OF GUARDIAN
ADVOCACY PROCEEDINGS TO
PROBATE GENERAL MAGISTRATE;
APPOINTMENT OF REGIONAL
COUNSEL; APPOINTMENT OF PRIVATE
ATTORNEY**

WHEREAS, pursuant to rule 2.215(b), Florida Rules of General Practice and Judicial Administration, the Chief Judge shall "ensure the efficient and proper administration of all courts within [this] Circuit;" and

WHEREAS, in order to expedite the administration of justice in the Eleventh Judicial Circuit of Florida, under rule 2.215, Florida Rules of General Practice and Judicial Administration, the Chief Judge is authorized to appoint General Magistrates; and

WHEREAS, section 393.12, Florida Statutes ("Appointment of Guardian Advocate"), provides that a "circuit court may appoint a guardian advocate, without an adjudication of incapacity, for a person with developmental disabilities, if the person lacks the decision making ability to do some, but not all, of the decision making tasks necessary to care for his or her person or property or if the person has voluntarily petitioned for the appointment of a guardian advocate.";

WHEREAS, section 393.12, Florida Statutes, provides that "[e]xcept as otherwise specified, the proceeding shall be governed by the Florida Rules of Probate Procedure.";

WHEREAS, rule 5.095, Florida Probates Rules, and Administrative Order No. 18-41 provide a mechanism for a Probate General Magistrate to hear guardian advocacy proceedings in the Probate Division; and

WHEREAS, a General Magistrate has been appointed for the Probate Division for the Eleventh Judicial Circuit of Florida to perform certain duties in accordance with the applicable Florida Statutes, federal law, and court rules.

NOW, THEREFORE, pursuant to the authority vested in me, as Chief Judge of the Eleventh Judicial Circuit of Florida, under Florida Rules of General Practice and Judicial Administration 2.215, it is hereby **ORDERED**:

1. **Referral of Guardian Advocacy Proceedings to Probate General Magistrate**. Petitions for Appointment of a Guardian Advocate and related hearings under the guardian advocacy, or proceedings under sections 393.12, Florida Statutes may be referred to the General Magistrate for the Probate Division pursuant to Administrative Order No. 18-41 and Florida Probate Rule 5.095; or

Any party may object to the referral of the petition before or at the time of the hearing before the Probate General Magistrate. If an objection is made, the objecting party shall notify the assigned Judge and the General Magistrate of the objection and secure a time from the assigned judge to hear the matter. If the assigned judge is unavailable, the objecting party shall contact the Administrative Judge of the Probate Division to secure a hearing time.

2. **Appointment of Regional Counsel**. The Office of Criminal Conflict and Civil Regional Counsel, Third Region of Florida ("RC3") is hereby appointed pursuant to section 27.40, Florida Statutes, to represent respondents in guardian advocacy proceedings unless the assigned Regional Counsel has a conflict preventing the representation or the respondent is otherwise represented.
3. **Appointment of Private Attorney**. If the assigned Regional Counsel has a conflict, a private attorney ("attorney") must be appointed from the attorney registry pursuant section 27.40, Florida Statutes, and in accordance with Administrative Order No. 14-12.
 - a. **Requirements**. In order to be appointed, attorneys must have met the minimum requirements pursuant to 393.12, Florida. Statutes, of 8 hours minimum of guardianship education.
 - b. **Notification of Changes**. If the address, e-mail address, telephone number or license status of an attorney changes, the attorney must inform the Director of Probate within three days of the change.
 - c. **Removal**: The attorney may be removed from guardian advocacy proceedings in accordance with Administrative Order No. 14-12. The following circumstances may also justify removal from guardian advocacy proceedings including, but not limited to:
 - i. If the attorney failed to keep the Probate Director apprised of address changes, e-mail address, phone number, or attorney status.

- d. **Complaints**. Complaints against attorneys appointed in guardian advocacy proceedings shall be in accordance with Administrative Order No. 14-12.
- e. **Attorney's Fees**. Attorney's fees hearings regarding motions to exceed the fee limits pursuant to section 27.5304(12)(b), Florida Statutes, will be heard by the Chief Judge's designee in accordance with Administrative Order No. 12-21, as amended.

This Administrative Order shall become effective immediately upon signing.

DONE AND ORDERED in Chambers at Miami-Dade, Florida, this 26TH day of August 2021.

**NUSHIN G. SAYFIE, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**