

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA, IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER NO. 6.013

IN RE:

**GUARDIANSHIP REPORTS AND
AUDIT PROCEDURES**

WHEREAS, in order to adequately and effectively protect incapacitated persons and developmentally disabled persons placed in guardianships and to provide uniform procedures and standards to ensure the efficient and expeditious processing, review, and auditing of guardianship reports;

WHEREAS, pursuant to the authority vested in the Chief Judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Rule 2.215 of the Florida Rules of General Practice and Judicial Administration, it is hereby **ORDERED** as follows:

1. Clerk's Responsibilities
 - a. Pursuant to Florida Statute section 744.368(1), the clerks shall review each initial and annual guardianship report to ensure that it contains information about the ward addressing, as appropriate:
 - i. Physical and mental health care;
 - ii. Personal and social services;
 - iii. The residential setting;
 - iv. The application of insurance, private benefits, and government benefits;
 - v. The physical and mental health examinations; and
 - vi. The initial verified inventory or the annual accounting
 - b. Timelines
 - i. Within 30 days after the date of filing of the initial or annual report of the guardian of the person, the clerk shall complete the review of the report. § 744.368(2), Fla. Stat.
 - ii. Within 90 days after the filing of the verified inventory and accountings by a guardian of the property, the clerk shall audit the verified inventory and the accountings. § 744.368(3), Fla. Stat.
 - iii. The clerk shall report to the Court when a report is not

timely filed. § 744.368(4), Fla. Stat. If an initial or annual report is not timely filed within 60 days after the issuance of the letters of guardianship, the Court shall order the guardian to file the report or show cause why the report has not been filed within the prescribed time. § 744.369(3), Fla. Stat.; Fla. Prob. R. 5.690.

2. Audits

- a. Upon the filing of the initial or annual guardianship report, the clerk will conduct the statutorily required audit of all initial, annual, simplified, interim, trust or final accountings, plans and inventories pursuant to Chapter 744, Florida Statutes.
- b. The clerk shall advise the Court of the results of the audit.
- c. Pursuant to section 744.368(5), Florida Statutes, before the clerk requests to review the records and documents referred to in this section, the clerk must establish on the record that it has reason to believe further review is appropriate by filing a clerk's affidavit. Once the clerk files a clerk's affidavit, the guardian may file a response within 20 days. The Court will review the filings to determine if a hearing is necessary. Otherwise, the Court will issue a ruling on the clerk's request.

3. Further Review by Clerks

- a. If the clerk has reason to believe further review is appropriate, the clerk may request and review records and documents that reasonably impact guardianship assets, including, but not limited to, the beginning inventory balance and any fees charged to the guardianship. § 744.368(5), Fla. Stat.
- b. If a guardian fails to produce records and documents to the clerk upon request, the clerk may request the court to enter an order pursuant to s. 744.3685(2) by filing an affidavit that identifies the records and documents requested and shows good cause as to why the documents and records requested are needed to complete the audit. § 744.368(6), Fla. Stat. The Court may then order production of the records and documents by a certain date. The clerk's affidavit is to be served with the Court's order. § 744.3685(2).
- c. Upon application to the court supported by an affidavit, the clerk may issue subpoenas to nonparties to compel production of books, papers, and other documentary evidence. Before issuance of a subpoena by affidavit, the clerk must serve notice on the guardian and the ward, unless the ward is a minor or totally incapacitated, of the intent to serve subpoenas on nonparties. The clerk must attach the affidavit and the proposed subpoena to the notice to the guardian and, if

appropriate, to the ward, and must comply with the requirements listed in § 744.368(7)(a). Once served with this notice, the guardian and ward are given 10 days to object to the production, in which case, the items or documents may not be required to be produced until the objection is resolved. § 744.368(7), Fla. Stat.

4. Judicial Review

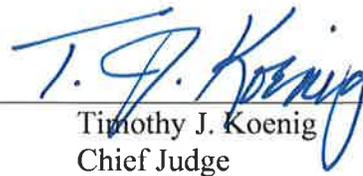
- a. The Court shall review the initial guardianship report within 60 days after the filing of the clerk's report of findings to the Court. § 744.369(1), Fla. Stat.
- b. The Court shall review the annual guardianship report within 30 days after the filing of the clerk's report of findings to the Court. § 744.369(1), Fla. Stat.
- c. Upon examining the initial or annual guardianship report, the Court shall enter an order approving or disapproving the report. If the Court disapproves the report, the Court shall order the guardian to provide a revised report or proof of any item in the report to the Court. The guardian shall do so within a reasonable amount of time set by the Court. If the guardian fails to comply with the court order, the Court shall take immediate action to compel compliance. § 744.369 (5)-(6), Fla. Stat.
- d. If an objection has been filed to a report, the Court shall set the matter for hearing and shall conduct the hearing within 30 days after the filing of the objection. After the hearing, the Court will enter a written order either approving or ordering modifications to the report. § 744.369 (7), Fla. Stat.

5. Notice of Filings

- a. Electronic filings made through the State of Florida E-Filing Portal are not sent automatically to the assigned Judge. All guardians and their attorneys are required to send a courtesy copy of their filings to the assigned Judge's judicial assistant.

This administrative order is effective upon signing.

DONE AND ORDERED in chambers in Key West, Monroe County, Florida,
this 3rd day of February, 2026.



Timothy J. Koenig
Chief Judge