

IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR BREVARD COUNTY,  
FLORIDA

**ADMINISTRATIVE ORDER NO:**  
**07-36-B**

**IN RE:           PROBATE & GUARDIANSHIP - FINGERPRINTING OF GUARDIANS**

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In accordance with the authority vested in by the Chief Judge by Rule 2.215, Florida Rules of Judicial Administration, and section 744.3135, Florida Statutes, which provides, in part, that the Court may order guardians and shall require professional guardians to submit, at their own expense, to an investigation of his or her criminal background, it is hereby:

ORDERED that:

1. All professional guardians, including employees of the professional guardian with a fiduciary obligation to the ward, shall annually submit a fingerprint card with all other documents required by the Court to complete a credit and criminal background investigation no later than January 15<sup>th</sup> of each year.
2. Any individual who is fingerprinted and whose prints are not discernable, as informed by the Clerk of Court, may have his or her fingerprints waived, upon the following conditions:
  - A. If the fingerprints are taken at the Moore Justice Center, the Melbourne Courthouse, or the Titusville Courthouse, by the designated court deputy after two (2) attempts.
  - B. If the fingerprints are not taken at the Moore Justice Center, the Melbourne Courthouse, or the Titusville Courthouse by the designated court deputy for the first two (2) attempts, then the third (3<sup>rd</sup>) attempt at fingerprinting must be done at the Moore Justice Center, the Melbourne Courthouse, or the Titusville Courthouse by the designated court deputy.
3. If the proposed guardian, guardian or employee of a professional guardian with a fiduciary obligation to a ward, is advised that his or her fingerprints are not discernible after two (2) cards

were printed by a designated court deputy at the Moore Justice Center, Melbourne Courthouse, or Titusville Courthouse, or after three (3) attempts with the final attempt by a designated court deputy at the Moore Justice Center, Melbourne Courthouse, or Titusville Courthouse, then the attorney for the proposed guardian or professional guardian shall file a motion to the assigned judge seeking waiver of the fingerprint requirement. The judge assigned to the case will review the request and enter an order in the case either granting or denying the waiver of fingerprinting of the proposed guardian, guardian, or employee of a professional guardian with a fiduciary obligation to a ward. If the waiver only pertains to a specific case, then the judge's order shall be filed in that case number. If the request is for a waiver for all cases involving specific guardian(s) or employee(s) of a professional guardian, for which the case numbers are not known, then the Administrative Guardianship Judge will review the request, and enter an Administrative Order if the request is granted. Any orders issued by the judge or Administrative Guardianship Judge will be for all future fingerprinting requirements under section 744.3135, Florida Statutes, for the individual.

4. All non-professional guardians, professional guardians, including employees of the professional guardian with a fiduciary obligation to the ward, who are not United States citizens, at the time of fingerprinting by a designated court deputy at the Moore Justice Center, Melbourne Courthouse, or Titusville Courthouse, shall provide proof of his or her authority to be in the United States.

5. This Order shall be effective immediately.

DONE AND ORDERED this 16TH day of November, 2007.

CLAYTON D. SIMMONS  
CLAYTON D. SIMMONS  
CHIEF JUDGE

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