

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PASCO COUNTY, FLORIDA**

**CASE MAINTENANCE REFERENCE GUIDE  
FOR EMERGENCY TEMPORARY GUARDIANSHIP**

**PETITION FOR APPOINTMENT OF EMERGENCY TEMPORARY GUARDIAN  
(ETG) F.S. 744.3031**

- Petition for determination of incapacity has been filed or is being filed at the time of filing the emergency temporary guardianship.
- Petition includes a Verified Statement (can be filed by the alleged incapacitated person or by any adult interested in the welfare of that person).
- The body of the petition must show there appears to be imminent danger:
  - That the physical or
  - Mental health or
  - Safety of the person will be seriously impaired or
- That the person's property is in danger:
  - Of being wasted,
  - Misappropriated, or
  - lost unless immediate action is taken.
- Attach supporting documentation, if applicable.
- Signature of Petitioner(s).
- Signature of attorney.
- Attorney's address, telephone number including area code and Florida Bar number, **Judicial Rule 2.060(d)**.

**OATH OF GUARDIAN DESIGNATION OF RESIDENT AGENT ACCEPTANCE  
F.S. 744.347 AND PROBATE RULE 5.600 AND RESIDENT AGENT PROBATE RULE  
5.110**

- ETG residence and post office address.
- Name/Residence and post office address of resident agent.

- Oath is notarized.
- If the person is personally known to the notary or what type of identification was used.
- Seal/stamp is affixed.
- Expiration date of commission is valid.
- Signature of guardian.
- Signature of notary.
- Signature of resident agent.
- Resident agent resides in the county where proceedings are pending, or is a member of the Florida Bar residing in the State of Florida.
- The Guardian is not the same person as the resident agent.

**BOND F.S. 744.351**

- The court may require the ETG of the property to file a bond before exercising authority.
- Signature of Guardian and date.
- Signature of Attorney-In-Fact and date.
- Seal is affixed.
- Correct amount of bond is reflected.
- Bond amount is in conformity with the limitations of the Power of Attorney.
- Attorney-In-Fact is a resident of Florida.
- The bond binds the Principal and surety to the Governor of the State of Florida, jointly and severally.
- Court Requirement: The name, address and phone number of the local insurance agent is on the face of the bond.

**ORDER APPOINTING EMERGENCY TEMPORARY GUARDIAN  
F.S. 744.3031**

- The powers and duties of the emergency temporary guardian must be specifically enumerated by court order.

**OTHER IMPORTANT REQUIREMENTS UNDER F.S. 744.3031**

- The court shall appoint counsel to represent the alleged incapacitated person during any such summary proceedings.
- The authority of an ETG expires 60 days after the date of appointment or when a guardian is appointed.
- The authority of the ETG may be extended for an additional 30 days upon a showing that the emergency conditions still exist.
- The court may issue an injunction, restraining order, or other appropriate writ to protect the physical or mental health or safety of the person who is the ward of the emergency temporary guardianship.
- An emergency temporary guardian's authority and responsibility begins upon issuance of letters of ETG in accordance with s. 744.345.

**EXPIRATION OF AN ETG OF THE PROPERTY OR APPOINTMENT OF A  
GUARDIAN WHEN THE GUARDIAN IS A DIFFERENT PERSON THAN THE  
ONE APPOINTED AS ETG OR WHEN THE ALLEGED INCAPACITATED  
IS DECEASED:**

- File an Inventory; Court Requirement and F.S. 744.365.
- File a final accounting; Court requirement and F.S. 744.527.
- File a Petition for Discharge, F.S. 744.527, FPR 5.680.

- Notice and service** of the Petition for Discharge and final report on (Florida Probate Rule 5.680)
  - Ward;
  - on the personal representative of a deceased ward;
  - or if there are no assets justifying qualification of a personal representative for the estate on the known next of kin of the deceased ward;
  - or such other persons as the court may direct; or
  - a guardian of the property who is subsequently appointed personal representative shall serve a copy of the petition for discharge and final report on all beneficiaries of the ward's estate.