

1 A bill to be entitled

2 An act relating to guardianship; providing directives  
3 to the Division of Law Revision and Information;  
4 amending s. 744.1012, F.S.; revising legislative  
5 intent; renumbering s. 744.201, F.S.; renumbering and  
6 amending s. 744.202, F.S.; conforming a cross-  
7 reference; renumbering s. 744.2025, F.S.; renumbering  
8 and amending s. 744.7021, F.S.; revising the  
9 responsibilities of the executive director for the  
10 Office of Public and Professional Guardians;  
11 conforming provisions to changes made by the act;  
12 renumbering and amending s. 744.1083, F.S.; removing a  
13 provision authorizing the executive director to  
14 suspend or revoke the registration of a guardian who  
15 commits certain violations; removing the requirement  
16 of written notification to the chief judge of the  
17 judicial circuit upon the executive director's denial,  
18 suspension, or revocation of a registration;  
19 conforming provisions to changes made by the act;  
20 conforming a cross-reference; renumbering and amending  
21 s. 744.1085, F.S.; removing an obsolete provision;  
22 conforming provisions to changes made by the act;  
23 conforming a cross-reference; creating s. 744.2004,  
24 F.S.; requiring the Office of Public and Professional  
25 Guardians to adopt rules; requiring the office, under  
26 certain circumstances, to make a specified

27 recommendation to a court of competent jurisdiction;  
28 renumbering and amending s. 744.344, F.S.; requiring  
29 that a professional guardian appointed by a court to  
30 represent a ward be selected from a registry of  
31 professional guardians; requiring the chief judge of a  
32 circuit court to compile a list of professional  
33 guardians by county and provide the list to the clerk  
34 of court in each county; providing requirements for  
35 inclusion in the registry; providing procedures for a  
36 court to appoint a professional guardian; providing an  
37 exception; requiring the clerk of the court to  
38 maintain the registry and provide the court with the  
39 name of a professional guardian for appointment;  
40 renumbering and amending s. 744.703, F.S.; conforming  
41 provisions to changes made by the act; renumbering ss.  
42 744.704 and 744.705, F.S.; renumbering and amending  
43 ss. 744.706 and 744.707, F.S.; conforming provisions  
44 to changes made by the act; renumbering s. 744.709,  
45 F.S.; renumbering and amending s. 744.708, F.S.;  
46 conforming provisions to changes made by the act;  
47 renumbering and amending s. 744.7081, F.S.; providing  
48 the Office of Public and Professional Guardians with  
49 access to all court records relating to guardianship  
50 cases for which a professional guardian is appointed;  
51 providing that the office may access such records  
52 through all available means; conforming provisions to

53 changes made by the act; renumbering s. 744.7082,  
 54 F.S.; conforming provisions to changes made by the  
 55 act; renumbering and amending s. 744.712, F.S.;  
 56 providing legislative intent; conforming provisions;  
 57 renumbering and amending ss. 744.713, 744.714, and  
 58 744.715, F.S.; conforming provisions to changes made  
 59 by the act; repealing s. 744.701, F.S.; relating to a  
 60 short title; repealing s. 744.702, F.S.; relating to  
 61 legislative intent; repealing s. 744.7101, F.S.;  
 62 relating to a short title; repealing s. 744.711, F.S.;  
 63 relating to legislative findings and intent; amending  
 64 ss. 400.148, 744.3135, and 744.331, F.S.; conforming  
 65 provisions to changes made by the act; amending ss.  
 66 20.415, 415.1102, and 744.524, F.S.; conforming cross-  
 67 references; making technical changes; providing an  
 68 effective date.

69

70 Be It Enacted by the Legislature of the State of Florida:

71

72 Section 1. The Division of Law Revision and Information is  
 73 directed to add ss. 744.1096-744.1098, Florida Statutes, created  
 74 by this act, to part I of chapter 744, Florida Statutes.

75 Section 2. The Division of Law Revision and Information is  
 76 directed to retitle part II of chapter 744, Florida Statutes,  
 77 consisting of ss. 744.2001-744.2109, Florida Statutes, as  
 78 "PUBLIC AND PROFESSIONAL GUARDIANS."

79           Section 3. The Division of Law Revision and Information is  
 80 directed to remove part IX of chapter 744, Florida Statutes.

81           Section 4. Section 744.1012, Florida Statutes, is amended  
 82 to read:

83           744.1012 Legislative intent.—The Legislature finds:

84           (1) That adjudicating a person totally incapacitated and  
 85 in need of a guardian deprives such person of all her or his  
 86 civil and legal rights and that such deprivation may be  
 87 unnecessary.

88           (2) ~~The Legislature further finds~~ That it is desirable to  
 89 make available the least restrictive form of guardianship to  
 90 assist persons who are only partially incapable of caring for  
 91 their needs and that alternatives to guardianship and less  
 92 intrusive means of assistance should always be explored,  
 93 including, but not limited to, guardian advocates, before an  
 94 individual's rights are removed through an adjudication of  
 95 incapacity.

96           (3) By recognizing that every individual has unique needs  
 97 and differing abilities, the Legislature declares that it is the  
 98 purpose of this act to promote the public welfare by  
 99 establishing a system that permits incapacitated persons to  
 100 participate as fully as possible in all decisions affecting  
 101 them; that assists such persons in meeting the essential  
 102 requirements for their physical health and safety, in protecting  
 103 their rights, in managing their financial resources, and in  
 104 developing or regaining their abilities to the maximum extent

105 possible; and that accomplishes these objectives through  
 106 providing, in each case, the form of assistance that least  
 107 interferes with the legal capacity of a person to act in her or  
 108 his own behalf. This act shall be liberally construed to  
 109 accomplish this purpose.

110 (4) That private guardianship is inadequate where there is  
 111 no willing and responsible family member or friend, other  
 112 person, bank, or corporation available to serve as guardian for  
 113 an incapacitated person, and such person does not have adequate  
 114 income or wealth for the compensation of a private guardian.

115 (5) The Legislature intends, through the establishment of  
 116 the Office of Public and Professional Guardians, to permit the  
 117 establishment of offices of public guardians for the purpose of  
 118 providing guardianship services for incapacitated persons when  
 119 no private guardian is available.

120 (6) That a public guardian be provided only to those  
 121 persons whose needs cannot be met through less drastic means of  
 122 intervention.

123 Section 5. Section 744.201, Florida Statutes, is  
 124 renumbered as section 744.1096, Florida Statutes.

125 Section 6. Section 744.202, Florida Statutes, is  
 126 renumbered as section 744.1097, Florida Statutes, and subsection  
 127 (3) of that section is amended to read:

128 744.1097 744.202 Venue.—

129 (3) When the residence of an incapacitated person is  
 130 changed to another county, the guardian shall petition to have

131 the venue of the guardianship changed to the county of the  
 132 acquired residence, except as provided in s. 744.1098 ~~s.~~  
 133 ~~744.2025~~.

134 Section 7. Section 744.2025, Florida Statutes, is  
 135 renumbered as section 744.1098, Florida Statutes.

136 Section 8. Section 744.7021, Florida Statutes, is  
 137 renumbered as section 744.2001, Florida Statutes, and amended to  
 138 read:

139 744.2001 ~~744.7021~~ ~~Statewide Public Guardianship Office of~~  
 140 Public and Professional Guardians.—There is hereby created the  
 141 ~~Statewide Public Guardianship Office of~~ Public and Professional  
 142 Guardians within the Department of Elderly Affairs.

143 (1) The Secretary of Elderly Affairs shall appoint the  
 144 executive director, who shall be the head of the ~~Statewide~~  
 145 ~~Public Guardianship Office of~~ Public and Professional Guardians.  
 146 The executive director must be a member of The Florida Bar,  
 147 knowledgeable of guardianship law and of the social services  
 148 available to meet the needs of incapacitated persons, shall  
 149 serve on a full-time basis, and shall personally, or through a  
 150 representative ~~representatives~~ of the office, carry out the  
 151 purposes and functions of the ~~Statewide Public Guardianship~~  
 152 Office of Public and Professional Guardians in accordance with  
 153 state and federal law. The executive director shall serve at the  
 154 pleasure of and report to the secretary.

155 (2) The executive director shall, within available  
 156 resources: 7

157        (a) Have oversight responsibilities for all public and  
158 professional guardians.

159        (b) Review the standards and criteria for the education,  
160 registration, and certification of public and professional  
161 guardians in Florida.

162        (3) The executive director's oversight responsibilities of  
163 professional guardians shall include, but not be limited to:

164        (a) The development and implementation of a monitoring  
165 tool to be used for periodic monitoring activities of  
166 professional guardians related to the management of their wards.  
167 This monitoring may not include a financial audit as required by  
168 the clerk of the circuit court under s. 744.368.

169        (b) The development of procedures, in consultation with  
170 professional guardianship associations, for the review of an  
171 allegation that a professional guardian has violated an  
172 applicable statute, fiduciary duty, standard of practice, rule,  
173 regulation, or other requirement governing the conduct of  
174 professional guardians.

175        (c) The establishment of disciplinary proceedings,  
176 including the authority to conduct investigations and take  
177 appropriate administrative action pursuant to chapter 120.

178        (d) Assist the chief judge in each judicial circuit to  
179 establish a registry to allow for the appointment of  
180 professional guardians in rotating order as provided in s.  
181 744.2005.

182        (4) The executive director's oversight responsibilities of

183 public guardians shall include, but not be limited to:

184 (a) The ~~executive director shall~~ review of the current  
185 public guardian programs in Florida and other states.

186 (b) The development ~~executive director,~~ in consultation  
187 with local guardianship offices, of ~~shall develop~~ statewide  
188 performance measures and standards.

189 (c) The ~~executive director shall~~ review of the various  
190 methods of funding public guardianship programs, the kinds of  
191 services being provided by such programs, and the demographics  
192 of the wards. In addition, the executive director shall review  
193 and make recommendations regarding the feasibility of recovering  
194 a portion or all of the costs of providing public guardianship  
195 services from the assets or income of the wards.

196 (d) By January 1 of each year, providing ~~the executive~~  
197 ~~director shall provide~~ a status report and providing ~~provide~~  
198 further recommendations to the secretary that address the need  
199 for public guardianship services and related issues.

200 (e) In consultation with the Florida State Guardianship  
201 Association, the development of a guardianship training program  
202 curriculum that may be offered to all guardians, whether public  
203 or private.

204 (5) The executive director may provide assistance to local  
205 governments or entities in pursuing grant opportunities. The  
206 executive director shall review and make recommendations in the  
207 annual report on the availability and efficacy of seeking  
208 Medicaid matching funds. The executive director shall diligently



209 seek ways to use existing programs and services to meet the  
 210 needs of public wards.

211 ~~(f) The executive director, in consultation with the~~  
 212 ~~Florida Guardianship Foundation, shall develop a guardianship~~  
 213 ~~training program curriculum that may be offered to all guardians~~  
 214 ~~whether public or private.~~

215 (6)~~(3)~~ The executive director may conduct or contract for  
 216 demonstration projects authorized by the Department of Elderly  
 217 Affairs, within funds appropriated or through gifts, grants, or  
 218 contributions for such purposes, to determine the feasibility or  
 219 desirability of new concepts of organization, administration,  
 220 financing, or service delivery designed to preserve the civil  
 221 and constitutional rights of persons of marginal or diminished  
 222 capacity. Any gifts, grants, or contributions for such purposes  
 223 shall be deposited in the Department of Elderly Affairs  
 224 Administrative Trust Fund.

225 Section 9. Section 744.1083, Florida Statutes, is  
 226 renumbered as section 744.2002, Florida Statutes, subsections  
 227 (1) through (5) of that section are amended, and subsections (7)  
 228 and (10) of that section are republished, to read:

229 744.2002 ~~744.1083~~ Professional guardian registration.—

230 (1) A professional guardian must register with the  
 231 ~~Statewide Public Guardianship Office~~ of Public and Professional  
 232 Guardians established in part II ~~IX~~ of this chapter.

233 (2) Annual registration shall be made on forms furnished  
 234 by the ~~Statewide Public Guardianship Office~~ of Public and

235 Professional Guardians and accompanied by the applicable  
236 registration fee as determined by rule. The fee may not exceed  
237 \$100.

238 (3) Registration must include the following:

239 (a) Sufficient information to identify the professional  
240 guardian, as follows:

241 1. If the professional guardian is a natural person, the  
242 name, address, date of birth, and employer identification or  
243 social security number of the person.

244 2. If the professional guardian is a partnership or  
245 association, the name, address, and employer identification  
246 number of the entity.

247 (b) Documentation that the bonding and educational  
248 requirements of s. 744.2003 ~~s. 744.1085~~ have been met.

249 (c) Sufficient information to distinguish a guardian  
250 providing guardianship services as a public guardian,  
251 individually, through partnership, corporation, or any other  
252 business organization.

253 (4) Prior to registering a professional guardian, the  
254 ~~Statewide Public Guardianship Office~~ Office of Public and Professional  
255 Guardians must receive and review copies of the credit and  
256 criminal investigations conducted under s. 744.3135. The credit  
257 and criminal investigations must have been completed within the  
258 previous 2 years.

259 (5) The executive director of the office may deny  
260 registration to a professional guardian if the executive

261 director determines that the guardian's proposed registration,  
262 including the guardian's credit or criminal investigations,  
263 indicates that registering the professional guardian would  
264 violate any provision of this chapter. ~~If a guardian who is~~  
265 ~~currently registered with the office violates a provision of~~  
266 ~~this chapter, the executive director of the office may suspend~~  
267 ~~or revoke the guardian's registration. If the executive director~~  
268 ~~denies registration to a professional guardian or suspends or~~  
269 ~~revokes a professional guardian's registration, the Statewide~~  
270 ~~Public Guardianship Office must send written notification of the~~  
271 ~~denial, suspension, or revocation to the chief judge of each~~  
272 ~~judicial circuit in which the guardian was serving on the day of~~  
273 ~~the office's decision to deny, suspend, or revoke the~~  
274 ~~registration.~~

275 (7) A trust company, a state banking corporation or state  
276 savings association authorized and qualified to exercise  
277 fiduciary powers in this state, or a national banking  
278 association or federal savings and loan association authorized  
279 and qualified to exercise fiduciary powers in this state, may,  
280 but is not required to, register as a professional guardian  
281 under this section. If a trust company, state banking  
282 corporation, state savings association, national banking  
283 association, or federal savings and loan association described  
284 in this subsection elects to register as a professional guardian  
285 under this subsection, the requirements of subsections (3) and  
286 (4) do not apply and the registration must include only the

287 name, address, and employer identification number of the  
288 registrant, the name and address of its registered agent, if  
289 any, and the documentation described in paragraph (3)(b).

290 (10) A state college or university or an independent  
291 college or university that is located and chartered in Florida,  
292 that is accredited by the Commission on Colleges of the Southern  
293 Association of Colleges and Schools or the Accrediting Council  
294 for Independent Colleges and Schools, and that confers degrees  
295 as defined in s. 1005.02(7) may, but is not required to,  
296 register as a professional guardian under this section. If a  
297 state college or university or independent college or university  
298 elects to register as a professional guardian under this  
299 subsection, the requirements of subsections (3) and (4) do not  
300 apply and the registration must include only the name, address,  
301 and employer identification number of the registrant.

302 Section 10. Section 744.1085, Florida Statutes, is  
303 renumbered as section 744.2003, Florida Statutes, subsections  
304 (3), (6), and (9) of that section are amended, and subsection  
305 (8) of that section is republished, to read:

306 744.2003 ~~744.1085~~ Regulation of professional guardians;  
307 application; bond required; educational requirements.—

308 (3) Each professional guardian defined in s. 744.102(17)  
309 and public guardian must receive a minimum of 40 hours of  
310 instruction and training. Each professional guardian must  
311 receive a minimum of 16 hours of continuing education every 2  
312 calendar years after the year in which the initial 40-hour

313 educational requirement is met. The instruction and education  
314 must be completed through a course approved or offered by the  
315 ~~Statewide Public Guardianship Office~~ of Public and Professional  
316 Guardians. The expenses incurred to satisfy the educational  
317 requirements prescribed in this section may not be paid with the  
318 assets of any ward. This subsection does not apply to any  
319 attorney who is licensed to practice law in this state.

320 (6) ~~After July 1, 2005,~~ Each professional guardian is  
321 ~~shall be~~ required to demonstrate competency to act as a  
322 professional guardian by taking an examination approved by the  
323 Department of Elderly Affairs.

324 (a) The Department of Elderly Affairs shall determine the  
325 minimum examination score necessary for passage of guardianship  
326 examinations.

327 (b) The Department of Elderly Affairs shall determine the  
328 procedure for administration of the examination.

329 (c) The Department of Elderly Affairs or its contractor  
330 shall charge an examination fee for the actual costs of the  
331 development and the administration of the examination. The fee  
332 for registration and certification of a professional guardian  
333 may not, ~~not to~~ exceed \$500.

334 (d) The Department of Elderly Affairs may recognize  
335 passage of a national guardianship examination in lieu of all or  
336 part of the examination approved by the Department of Elderly  
337 Affairs, except that all professional guardians must take and  
338 pass an approved examination section related to Florida law and

339 procedure.

340 (8) The Department of Elderly Affairs shall waive the  
 341 examination requirement in subsection (6) if a professional  
 342 guardian can provide:

343 (a) Proof that the guardian has actively acted as a  
 344 professional guardian for 5 years or more; and

345 (b) A letter from a circuit judge before whom the  
 346 professional guardian practiced at least 1 year which states  
 347 that the professional guardian had demonstrated to the court  
 348 competency as a professional guardian.

349 (9) ~~After July 1, 2004,~~ The court may ~~shall~~ not appoint  
 350 any professional guardian who has not met the requirements of  
 351 this section and s. 744.2002 ~~s. 744.1083~~.

352 Section 11. Section 744.2004, Florida Statutes, is created  
 353 to read:

354 744.2004 Complaints; disciplinary proceedings; penalties;  
 355 enforcement.-

356 (1) The Office of Public and Professional Guardians shall  
 357 adopt rules to:

358 (a) Review, and if determined appropriate, investigate an  
 359 allegation that a professional guardian has violated an  
 360 applicable statute, fiduciary duty, standard of practice, rule,  
 361 regulation, or other requirement governing the conduct of  
 362 professional guardians.

363 (b) Establish disciplinary proceedings, conduct hearings,  
 364 and take administrative action pursuant to chapter 120.

365 Disciplinary actions include, but are not limited to, requiring  
366 a professional guardian to participate in additional educational  
367 courses provided by the Office of Public and Professional  
368 Guardians, imposing additional monitoring by the office of the  
369 guardianships to which the professional guardian is appointed,  
370 and suspension or revocation of a professional guardian's  
371 registration.

372 (2) If the office makes a final determination to suspend  
373 or revoke the professional guardian's registration, it must  
374 provide the determination to the court of competent jurisdiction  
375 for any guardianship case to which the professional guardian is  
376 currently appointed.

377 Section 12. Section 744.344, Florida Statutes, is  
378 renumbered as section 744.2005, Florida Statutes, and amended to  
379 read:

380 744.2005 ~~744.344~~ Order of appointment.—

381 (1) A professional guardian appointed by the court to  
382 provide representation of a ward shall be selected from a  
383 registry of professional guardians.

384 (2) In using a registry:

385 (a) The chief judge of the judicial circuit shall compile  
386 a list of professional guardians by county and provide the list  
387 to the clerk of court in each county. To be included on a  
388 registry, the professional guardian must be certified by the  
389 Office of Public and Professional Guardians.

390 (b) The court shall appoint professional guardians in the

391 order in which the names appear on the applicable registry,  
392 unless the court makes a finding of good cause on the record for  
393 appointment of a professional guardian out of order. The clerk  
394 of the court shall maintain the registry and provide to the  
395 court the name of the professional guardian for appointment. A  
396 professional guardian not appointed in the order in which her or  
397 his name appears on the list shall remain next in order.

398 (3)~~(1)~~ The court may hear testimony on the question of who  
399 is entitled to preference in the appointment of a guardian. Any  
400 interested person may intervene in the proceedings.

401 (4) The order appointing a guardian must state the nature  
402 of the guardianship as either plenary or limited. If limited,  
403 the order must state that the guardian may exercise only those  
404 delegable rights which have been removed from the incapacitated  
405 person and specifically delegated to the guardian. The order  
406 shall state the specific powers and duties of the guardian.

407 (5)~~(2)~~ The order appointing a guardian must be consistent  
408 with the incapacitated person's welfare and safety, must be the  
409 least restrictive appropriate alternative, and must reserve to  
410 the incapacitated person the right to make decisions in all  
411 matters commensurate with the person's ability to do so.

412 (6)~~(3)~~ If a petition for appointment of guardian has been  
413 filed, an order appointing a guardian must be issued  
414 contemporaneously with the order adjudicating the person  
415 incapacitated. The order must specify the amount of the bond to  
416 be given by the guardian and must state specifically whether the



417 guardian must place all, or part, of the property of the ward in  
 418 a restricted account in a financial institution designated  
 419 pursuant to s. 69.031.

420 (7)~~(4)~~ If a petition for the appointment of a guardian has  
 421 not been filed at the time of the hearing on the petition to  
 422 determine capacity, the court may appoint an emergency temporary  
 423 guardian in the manner and for the purposes specified in s.  
 424 744.3031.

425 (8)~~(5)~~ A plenary guardian shall exercise all delegable  
 426 rights and powers of the incapacitated person.

427 (9)~~(6)~~ A person for whom a limited guardian has been  
 428 appointed retains all legal rights except those which have been  
 429 specifically granted to the guardian in the court's written  
 430 order.

431 Section 13. Section 744.703, Florida Statutes, is  
 432 renumbered as 744.2006, Florida Statutes, and subsections (1)  
 433 and (6) of that section are amended, to read:

434 744.2006 ~~744.703~~ Office of public and professional  
 435 guardians ~~guardian~~; appointment, notification.—

436 (1) The executive director of the ~~Statewide Public~~  
 437 ~~Guardianship~~ Office of Public and Professional Guardians, after  
 438 consultation with the chief judge and other circuit judges  
 439 within the judicial circuit and with appropriate advocacy groups  
 440 and individuals and organizations who are knowledgeable about  
 441 the needs of incapacitated persons, may establish, within a  
 442 county in the judicial circuit or within the judicial circuit,

443 one or more offices of public and professional guardian and if  
444 so established, shall create a list of persons best qualified to  
445 serve as the public guardian, who have been investigated  
446 pursuant to s. 744.3135. The public guardian must have knowledge  
447 of the legal process and knowledge of social services available  
448 to meet the needs of incapacitated persons. The public guardian  
449 shall maintain a staff or contract with professionally qualified  
450 individuals to carry out the guardianship functions, including  
451 an attorney who has experience in probate areas and another  
452 person who has a master's degree in social work, or a  
453 gerontologist, psychologist, registered nurse, or nurse  
454 practitioner. A public guardian that is a nonprofit corporate  
455 guardian under s. 744.309(5) must receive tax-exempt status from  
456 the United States Internal Revenue Service.

457 (6) Public guardians who have been previously appointed by  
458 a chief judge prior to the effective date of this act pursuant  
459 to this section may continue in their positions until the  
460 expiration of their term pursuant to their agreement. However,  
461 oversight of all public guardians shall transfer to the  
462 ~~Statewide Public Guardianship~~ Office of Public and Professional  
463 Guardians upon the effective date of this act. The executive  
464 director of the ~~Statewide Public Guardianship~~ Office of Public  
465 and Professional Guardians shall be responsible for all future  
466 appointments of public guardians pursuant to this act.

467 Section 14. Section 744.704, Florida Statutes, is  
468 renumbered as section 744.2007, Florida Statutes.

469 Section 15. Section 744.705, Florida Statutes, is  
 470 renumbered as section 744.2008, Florida Statutes.

471 Section 16. Section 744.706, Florida Statutes, is  
 472 renumbered as section 744.2009, Florida Statutes, and amended to  
 473 read:

474 744.2009 ~~744.706~~ Preparation of budget.—Each public  
 475 guardian, whether funded in whole or in part by money raised  
 476 through local efforts, grants, or any other source or whether  
 477 funded in whole or in part by the state, shall prepare a budget  
 478 for the operation of the office of public guardian to be  
 479 submitted to the ~~Statewide Public Guardianship~~ Office of Public  
 480 and Professional Guardians. As appropriate, the ~~Statewide Public~~  
 481 ~~Guardianship~~ Office of Public and Professional Guardians will  
 482 include such budgetary information in the Department of Elderly  
 483 Affairs' legislative budget request. The office of public  
 484 guardian shall be operated within the limitations of the General  
 485 Appropriations Act and any other funds appropriated by the  
 486 Legislature to that particular judicial circuit, subject to the  
 487 provisions of chapter 216. The Department of Elderly Affairs  
 488 shall make a separate and distinct request for an appropriation  
 489 for the ~~Statewide Public Guardianship~~ Office of Public and  
 490 Professional Guardians. However, this section may ~~shall~~ not be  
 491 construed to preclude the financing of any operations of the  
 492 office of the public guardian by moneys raised through local  
 493 effort or through the efforts of the ~~Statewide Public~~  
 494 ~~Guardianship~~ Office of Public and Professional Guardians.

495 Section 17. Section 744.707, Florida Statutes, is  
 496 renumbered as section 744.2101, Florida Statutes, and amended to  
 497 read:

498 744.2101 ~~744.707~~ Procedures and rules.—The public  
 499 guardian, subject to the oversight of the ~~Statewide Public~~  
 500 ~~Guardianship~~ Office of Public and Professional Guardians, is  
 501 authorized to:

502 (1) Formulate and adopt necessary procedures to assure the  
 503 efficient conduct of the affairs of the ward and general  
 504 administration of the office and staff.

505 (2) Contract for services necessary to discharge the  
 506 duties of the office.

507 (3) Accept the services of volunteer persons or  
 508 organizations and provide reimbursement for proper and necessary  
 509 expenses.

510 Section 18. Section 744.709, Florida Statutes, is  
 511 renumbered as section 744.2102, Florida Statutes.

512 Section 19. Section 744.708, Florida Statutes, is  
 513 renumbered as section 744.2103, Florida Statutes, and  
 514 subsections (3), (4), (5), and (7) of that section are amended,  
 515 to read:

516 744.2103 ~~744.708~~ Reports and standards.—

517 (3) A public guardian shall file an annual report on the  
 518 operations of the office of public guardian, in writing, by  
 519 September 1 for the preceding fiscal year with the ~~Statewide~~  
 520 ~~Public Guardianship~~ Office of Public and Professional Guardians,

521 | which shall have responsibility for supervision of the  
522 | operations of the office of public guardian.

523 |       (4) Within 6 months of his or her appointment as guardian  
524 | of a ward, the public guardian shall submit to the clerk of the  
525 | court for placement in the ward's guardianship file and to the  
526 | executive director of the ~~Statewide Public Guardianship~~ Office  
527 | of Public and Professional Guardians a report on his or her  
528 | efforts to locate a family member or friend, other person, bank,  
529 | or corporation to act as guardian of the ward and a report on  
530 | the ward's potential to be restored to capacity.

531 |       (5) (a) Each office of public guardian shall undergo an  
532 | independent audit by a qualified certified public accountant at  
533 | least once every 2 years. A copy of the audit report shall be  
534 | submitted to the ~~Statewide Public Guardianship~~ Office of Public  
535 | and Professional Guardians.

536 |       (b) In addition to regular monitoring activities, the  
537 | ~~Statewide Public Guardianship~~ Office of Public and Professional  
538 | Guardians shall conduct an investigation into the practices of  
539 | each office of public guardian related to the managing of each  
540 | ward's personal affairs and property. If feasible, the  
541 | investigation shall be conducted in conjunction with the  
542 | financial audit of each office of public guardian under  
543 | paragraph (a).

544 |       (7) The ratio for professional staff to wards shall be 1  
545 | professional to 40 wards. The ~~Statewide Public Guardianship~~  
546 | Office of Public and Professional Guardians may increase or

547 decrease the ratio after consultation with the local public  
548 guardian and the chief judge of the circuit court. The basis for  
549 the decision to increase or decrease the prescribed ratio must  
550 be included in the annual report to the secretary.

551 Section 20. Section 744.7081, Florida Statutes, is  
552 renumbered as section 744.2104, Florida Statutes, and amended to  
553 read:

554 744.2104 ~~744.7081~~ Access to records by the Statewide  
555 ~~Public Guardianship~~ Office of Public and Professional Guardians;  
556 confidentiality.—Notwithstanding any other provision of law to  
557 the contrary, any medical, financial, or mental health records  
558 held by an agency, or the court and its agencies, which are  
559 necessary to evaluate the public guardianship system, to assess  
560 the need for additional public guardianship, or to develop  
561 required reports, shall be provided to the ~~Statewide Public~~  
562 ~~Guardianship~~ Office of Public and Professional Guardians upon  
563 that office's request. Any confidential or exempt information  
564 provided to the ~~Statewide Public Guardianship~~ Office of Public  
565 and Professional Guardians shall continue to be held  
566 confidential or exempt as otherwise provided by law. All records  
567 held by the ~~Statewide Public Guardianship~~ Office of Public and  
568 Professional Guardians relating to the medical, financial, or  
569 mental health of vulnerable adults as defined in chapter 415,  
570 persons with a developmental disability as defined in chapter  
571 393, or persons with a mental illness as defined in chapter 394,  
572 shall be confidential and exempt from s. 119.07(1) and s. 24(a),

573 | Art. I of the State Constitution. Notwithstanding any other  
 574 | provision of law, the Office of Public and Professional  
 575 | Guardians is entitled to access all court records relating to  
 576 | the guardianship cases for which a professional guardian is  
 577 | appointed. The office is entitled to access these records  
 578 | through whatever means or systems are available, including, but  
 579 | not limited to, electronic access through the Florida Courts E-  
 580 | Portal.

581 | Section 21. Section 744.7082, Florida Statutes, is  
 582 | renumbered as section 744.2105, Florida Statutes, and  
 583 | subsections (1) through (5) and (8) of that section are amended,  
 584 | to read:

585 | 744.2105 ~~744.7082~~ Direct-support organization; definition;  
 586 | use of property; board of directors; audit; dissolution.—

587 | (1) DEFINITION.—As used in this section, the term "direct-  
 588 | support organization" means an organization whose sole purpose  
 589 | is to support the ~~Statewide Public Guardianship~~ Office of Public  
 590 | and Professional Guardians and is:

591 | (a) A not-for-profit corporation incorporated under  
 592 | chapter 617 and approved by the Department of State;

593 | (b) Organized and operated to conduct programs and  
 594 | activities; to raise funds; to request and receive grants,  
 595 | gifts, and bequests of moneys; to acquire, receive, hold,  
 596 | invest, and administer, in its own name, securities, funds,  
 597 | objects of value, or other property, real or personal; and to  
 598 | make expenditures to or for the direct or indirect benefit of

599 | the ~~Statewide Public Guardianship~~ Office of Public and  
 600 | Professional Guardians; and

601 | (c) Determined by the ~~Statewide Public Guardianship~~ Office  
 602 | of Public and Professional Guardians to be consistent with the  
 603 | goals of the office, in the best interests of the state, and in  
 604 | accordance with the adopted goals and mission of the Department  
 605 | of Elderly Affairs and the ~~Statewide Public Guardianship~~ Office  
 606 | of Public and Professional Guardians.

607 | (2) CONTRACT.—The direct-support organization shall  
 608 | operate under a written contract with the ~~Statewide Public~~  
 609 | ~~Guardianship Office~~ of Public and Professional Guardians. The  
 610 | written contract must provide for:

611 | (a) Certification by the ~~Statewide Public Guardianship~~  
 612 | Office of Public and Professional Guardians that the direct-  
 613 | support organization is complying with the terms of the contract  
 614 | and is doing so consistent with the goals and purposes of the  
 615 | office and in the best interests of the state. This  
 616 | certification must be made annually and reported in the official  
 617 | minutes of a meeting of the direct-support organization.

618 | (b) The reversion of moneys and property held in trust by  
 619 | the direct-support organization:

620 | 1. To the ~~Statewide Public Guardianship~~ Office of Public  
 621 | and Professional Guardians if the direct-support organization is  
 622 | no longer approved to operate for the office;

623 | 2. To the ~~Statewide Public Guardianship~~ Office of Public  
 624 | and Professional Guardians if the direct-support organization



625 ceases to exist;

626 3. To the Department of Elderly Affairs if the ~~Statewide~~  
627 ~~Public Guardianship~~ Office of Public and Professional Guardians  
628 ceases to exist; or

629 4. To the state if the Department of Elderly Affairs  
630 ceases to exist.

631

632 The fiscal year of the direct-support organization shall begin  
633 on July 1 of each year and end on June 30 of the following year.

634 (c) The disclosure of the material provisions of the  
635 contract, and the distinction between the ~~Statewide Public~~  
636 ~~Guardianship~~ Office of Public and Professional Guardians and the  
637 direct-support organization, to donors of gifts, contributions,  
638 or bequests, including such disclosure on all promotional and  
639 fundraising publications.

640 (3) BOARD OF DIRECTORS.—The Secretary of Elderly Affairs  
641 shall appoint a board of directors for the direct-support  
642 organization from a list of nominees submitted by the executive  
643 director of the ~~Statewide Public Guardianship~~ Office of Public  
644 and Professional Guardians.

645 (4) USE OF PROPERTY.—The Department of Elderly Affairs may  
646 permit, without charge, appropriate use of fixed property and  
647 facilities of the department or the ~~Statewide Public~~  
648 ~~Guardianship~~ Office of Public and Professional Guardians by the  
649 direct-support organization. The department may prescribe any  
650 condition with which the direct-support organization must comply

651 in order to use fixed property or facilities of the department  
652 or the ~~Statewide Public Guardianship~~ Office of Public and  
653 Professional Guardians.

654 (5) MONEYS.—Any moneys may be held in a separate  
655 depository account in the name of the direct-support  
656 organization and subject to the provisions of the written  
657 contract with the ~~Statewide Public Guardianship~~ Office of Public  
658 and Professional Guardians. Expenditures of the direct-support  
659 organization shall be expressly used to support the ~~Statewide~~  
660 ~~Public Guardianship~~ Office of Public and Professional Guardians.  
661 The expenditures of the direct-support organization may not be  
662 used for the purpose of lobbying as defined in s. 11.045.

663 (8) DISSOLUTION.—~~A~~ ~~After July 1, 2004, any~~ not-for-profit  
664 corporation incorporated under chapter 617 that is determined by  
665 a circuit court to be representing itself as a direct-support  
666 organization created under this section, but that does not have  
667 a written contract with the ~~Statewide Public Guardianship~~ Office  
668 of Public and Professional Guardians in compliance with this  
669 section, is considered to meet the grounds for a judicial  
670 dissolution described in s. 617.1430(1)(a). The ~~Statewide Public~~  
671 ~~Guardianship~~ Office of Public and Professional Guardians shall  
672 be the recipient for all assets held by the dissolved  
673 corporation which accrued during the period that the dissolved  
674 corporation represented itself as a direct-support organization  
675 created under this section.

676 Section 22. Section 744.712, Florida Statutes, is

677 renumbered as section 744.2106, Florida Statutes, and  
 678 subsections (1) and (3) are amended, to read:

679 744.2106 ~~744.712~~ Joining Forces for Public Guardianship  
 680 grant program; purpose.—The Legislature intends to establish the  
 681 Joining Forces for Public Guardianship matching grant program  
 682 for the purpose of assisting counties to establish and fund  
 683 community-supported public guardianship programs. The Joining  
 684 Forces for Public Guardianship matching grant program shall be  
 685 established and administered by the ~~Statewide Public~~  
 686 ~~Guardianship~~ Office of Public and Professional Guardians within  
 687 the Department of Elderly Affairs. The purpose of the program is  
 688 to provide startup funding to encourage communities to develop  
 689 and administer locally funded and supported public guardianship  
 690 programs to address the needs of indigent and incapacitated  
 691 residents.

692 (1) The ~~Statewide Public Guardianship~~ Office of Public and  
 693 Professional Guardians may distribute the grant funds as  
 694 follows:

695 (a) As initial startup funding to encourage counties that  
 696 have no office of public guardian to establish an office, or as  
 697 initial startup funding to open an additional office of public  
 698 guardian within a county whose public guardianship needs require  
 699 more than one office of public guardian.

700 (b) As support funding to operational offices of public  
 701 guardian that demonstrate a necessity for funds to meet the  
 702 public guardianship needs of a particular geographic area in the

703 state which the office serves.

704 (c) To assist counties that have an operating public  
 705 guardianship program but that propose to expand the geographic  
 706 area or population of persons they serve, or to develop and  
 707 administer innovative programs to increase access to public  
 708 guardianship in this state.

709

710 Notwithstanding this subsection, the executive director of the  
 711 office may award emergency grants if he or she determines that  
 712 the award is in the best interests of public guardianship in  
 713 this state. Before making an emergency grant, the executive  
 714 director must obtain the written approval of the Secretary of  
 715 Elderly Affairs. Subsections (2), (3), and (4) do not apply to  
 716 the distribution of emergency grant funds.

717 (3) If an applicant is eligible and meets the requirements  
 718 to receive grant funds more than once, the ~~Statewide Public~~  
 719 ~~Guardianship~~ Office of Public and Professional Guardians shall  
 720 award funds to prior awardees in the following manner:

721 (a) In the second year that grant funds are awarded, the  
 722 cumulative sum of the award provided to one or more applicants  
 723 within the same county may not exceed 75 percent of the total  
 724 amount of grant funds awarded within that county in year one.

725 (b) In the third year that grant funds are awarded, the  
 726 cumulative sum of the award provided to one or more applicants  
 727 within the same county may not exceed 60 percent of the total  
 728 amount of grant funds awarded within that county in year one.

729 (c) In the fourth year that grant funds are awarded, the  
 730 cumulative sum of the award provided to one or more applicants  
 731 within the same county may not exceed 45 percent of the total  
 732 amount of grant funds awarded within that county in year one.

733 (d) In the fifth year that grant funds are awarded, the  
 734 cumulative sum of the award provided to one or more applicants  
 735 within the same county may not exceed 30 percent of the total  
 736 amount of grant funds awarded within that county in year one.

737 (e) In the sixth year that grant funds are awarded, the  
 738 cumulative sum of the award provided to one or more applicants  
 739 within the same county may not exceed 15 percent of the total  
 740 amount of grant funds awarded within that county in year one.

741  
 742 The ~~Statewide Public Guardianship~~ Office of Public and  
 743 Professional Guardians may not award grant funds to any  
 744 applicant within a county that has received grant funds for more  
 745 than 6 years.

746 Section 23. Section 744.713, Florida Statutes, is  
 747 renumbered as section 744.2107, Florida Statutes, and amended to  
 748 read:

749 744.2107 ~~744.713~~ Program administration; duties of the  
 750 ~~Statewide Public Guardianship~~ Office of Public and Professional  
 751 Guardians.—The ~~Statewide Public Guardianship~~ Office of Public  
 752 and Professional Guardians shall administer the grant program.

753 The office shall:

754 (1) Publicize the availability of grant funds to entities

755 that may be eligible for the funds.

756 (2) Establish an application process for submitting a  
757 grant proposal.

758 (3) Request, receive, and review proposals from applicants  
759 seeking grant funds.

760 (4) Determine the amount of grant funds each awardee may  
761 receive and award grant funds to applicants.

762 (5) Develop a monitoring process to evaluate grant  
763 awardees, which may include an annual monitoring visit to each  
764 awardee's local office.

765 (6) Ensure that persons or organizations awarded grant  
766 funds meet and adhere to the requirements of this act.

767 Section 24. Section 744.714, Florida Statutes, is  
768 renumbered as section 744.2108, Florida Statutes, and paragraph  
769 (b) of subsection (1) and paragraph (b) of subsection (2) of  
770 that section are amended, to read:

771 744.2108 ~~744.714~~ Eligibility.—

772 (1) Any person or organization that has not been awarded a  
773 grant must meet all of the following conditions to be eligible  
774 to receive a grant:

775 (b) The applicant must have already been appointed by, or  
776 is pending appointment by, the ~~Statewide Public Guardianship~~  
777 Office of Public and Professional Guardians to become an office  
778 of public guardian in this state.

779 (2) Any person or organization that has been awarded a  
780 grant must meet all of the following conditions to be eligible

781 to receive another grant:

782 (b) The applicant must have been appointed by, or is  
783 pending reappointment by, the ~~Statewide Public Guardianship~~  
784 Office of Public and Professional Guardians to be an office of  
785 public guardian in this state.

786 Section 25. Section 744.715, Florida Statutes, is  
787 renumbered as section 744.2109, Florida Statutes, and  
788 subsections (2) and (4) of that section are amended, to read:

789 744.2109 ~~744.715~~ Grant application requirements; review  
790 criteria; awards process.—Grant applications must be submitted  
791 to the ~~Statewide Public Guardianship~~ Office of Public and  
792 Professional Guardians for review and approval.

793 (2) If the ~~Statewide Public Guardianship~~ Office of Public  
794 and Professional Guardians determines that an applicant meets  
795 the requirements for an award of grant funds, the office may  
796 award the applicant any amount of grant funds the executive  
797 director deems appropriate, if the amount awarded meets the  
798 requirements of this act. The office may adopt a rule allocating  
799 the maximum allowable amount of grant funds which may be  
800 expended on any ward.

801 (4) (a) In the first year of the Joining Forces for Public  
802 Guardianship program's existence, the ~~Statewide Public~~  
803 ~~Guardianship~~ Office of Public and Professional Guardians shall  
804 give priority in awarding grant funds to those entities that:

805 1. Are operating as appointed offices of public guardians  
806 in this state;

807           2. Meet all of the requirements for being awarded a grant  
808 under this act; and

809           3. Demonstrate a need for grant funds during the current  
810 fiscal year due to a loss of local funding formerly raised  
811 through court filing fees.

812           (b) In each fiscal year after the first year that grant  
813 funds are distributed, the ~~Statewide Public Guardianship~~ Office  
814 of Public and Professional Guardians may give priority to  
815 awarding grant funds to those entities that:

816           1. Meet all of the requirements of this act for being  
817 awarded grant funds; and

818           2. Submit with their application an agreement or  
819 confirmation from a local funding source, such as a county,  
820 municipality, or any other public or private organization, that  
821 the local funding source will contribute matching funds totaling  
822 an amount equal to or exceeding \$2 for every \$1 of grant funds  
823 awarded by the office. An entity may submit with its application  
824 agreements or confirmations from multiple local funding sources  
825 showing that the local funding sources will pool their  
826 contributed matching funds to the public guardianship program  
827 for a combined total of not less than \$2 for every \$1 of grant  
828 funds awarded. In-kind contributions allowable under this  
829 section shall be evaluated by the ~~Statewide Public Guardianship~~  
830 Office of Public and Professional Guardians and may be counted  
831 as part or all of the local matching funds.

832           Section 26. Section 744.701, Florida Statutes, is



833 repealed.

834 Section 27. Section 744.702, Florida Statutes, is  
 835 repealed.

836 Section 28. Section 744.7101, Florida Statutes, is  
 837 repealed.

838 Section 29. Section 744.711, Florida Statutes, is  
 839 repealed.

840 Section 30. Subsection (5) of section 400.148, Florida  
 841 Statutes, is amended to read:

842 400.148 Medicaid "Up-or-Out" Quality of Care Contract  
 843 Management Program.—

844 (5) The agency shall, jointly with the ~~Statewide Public~~  
 845 ~~Guardianship~~ Office of Public and Professional Guardians,  
 846 develop a system in the pilot project areas to identify Medicaid  
 847 recipients who are residents of a participating nursing home or  
 848 assisted living facility who have diminished ability to make  
 849 their own decisions and who do not have relatives or family  
 850 available to act as guardians in nursing homes listed on the  
 851 Nursing Home Guide Watch List. The agency and the ~~Statewide~~  
 852 ~~Public Guardianship~~ Office of Public and Professional Guardians  
 853 shall give such residents priority for publicly funded  
 854 guardianship services.

855 Section 31. Subsection (3), paragraph (c) of subsection  
 856 (4), and subsections (5) and (6) of section 744.3135, Florida  
 857 Statutes, are amended to read:

858 744.3135 Credit and criminal investigation.—

859 (3) For professional guardians, the court and the  
860 ~~Statewide Public Guardianship~~ Office of Public and Professional  
861 Guardians shall accept the satisfactory completion of a criminal  
862 history record check by any method described in this subsection.  
863 A professional guardian satisfies the requirements of this  
864 section by undergoing an electronic fingerprint criminal history  
865 record check. A professional guardian may use any electronic  
866 fingerprinting equipment used for criminal history record  
867 checks. The ~~Statewide Public Guardianship~~ Office of Public and  
868 Professional Guardians shall adopt a rule detailing the  
869 acceptable methods for completing an electronic fingerprint  
870 criminal history record check under this section. The  
871 professional guardian shall pay the actual costs incurred by the  
872 Federal Bureau of Investigation and the Department of Law  
873 Enforcement for the criminal history record check. The entity  
874 completing the record check must immediately send the results of  
875 the criminal history record check to the clerk of the court and  
876 the ~~Statewide Public Guardianship~~ Office of Public and  
877 Professional Guardians. The clerk of the court shall maintain  
878 the results in the professional guardian's file and shall make  
879 the results available to the court.

880 (4)

881 (c) The Department of Law Enforcement shall search all  
882 arrest fingerprints received under s. 943.051 against the  
883 fingerprints retained in the statewide automated biometric  
884 identification system under paragraph (b). Any arrest record

885 that is identified with the fingerprints of a person described  
886 in this paragraph must be reported to the clerk of court. The  
887 clerk of court must forward any arrest record received for a  
888 professional guardian to the ~~Statewide Public Guardianship~~  
889 Office of Public and Professional Guardians within 5 days. Each  
890 professional guardian who elects to submit fingerprint  
891 information electronically shall participate in this search  
892 process by paying an annual fee to the ~~Statewide Public~~  
893 ~~Guardianship~~ Office of Public and Professional Guardians of the  
894 Department of Elderly Affairs and by informing the clerk of  
895 court and the ~~Statewide Public Guardianship~~ Office of Public and  
896 Professional Guardians of any change in the status of his or her  
897 guardianship appointment. The amount of the annual fee to be  
898 imposed for performing these searches and the procedures for the  
899 retention of professional guardian fingerprints and the  
900 dissemination of search results shall be established by rule of  
901 the Department of Law Enforcement. At least once every 5 years,  
902 the ~~Statewide Public Guardianship~~ Office of Public and  
903 Professional Guardians must request that the Department of Law  
904 Enforcement forward the fingerprints maintained under this  
905 section to the Federal Bureau of Investigation.

906 (5) (a) A professional guardian, and each employee of a  
907 professional guardian who has a fiduciary responsibility to a  
908 ward, must complete, at his or her own expense, an investigation  
909 of his or her credit history before and at least once every 2  
910 years after the date of the guardian's registration with the

911 ~~Statewide Public Guardianship~~ Office of Public and Professional  
912 Guardians.

913 (b) The ~~Statewide Public Guardianship~~ Office of Public and  
914 Professional Guardians shall adopt a rule detailing the  
915 acceptable methods for completing a credit investigation under  
916 this section. If appropriate, the ~~Statewide Public Guardianship~~  
917 Office of Public and Professional Guardians may administer  
918 credit investigations. If the office chooses to administer the  
919 credit investigation, the office may adopt a rule setting a fee,  
920 not to exceed \$25, to reimburse the costs associated with the  
921 administration of a credit investigation.

922 (6) The ~~Statewide Public Guardianship~~ Office of Public and  
923 Professional Guardians may inspect at any time the results of  
924 any credit or criminal history record check of a public or  
925 professional guardian conducted under this section. The office  
926 shall maintain copies of the credit or criminal history record  
927 check results in the guardian's registration file. If the  
928 results of a credit or criminal investigation of a public or  
929 professional guardian have not been forwarded to the ~~Statewide~~  
930 ~~Public Guardianship~~ Office of Public and Professional Guardians  
931 by the investigating agency, the clerk of the court shall  
932 forward copies of the results of the investigations to the  
933 office upon receiving them.

934 Section 32. Paragraph (e) of subsection (2) of section  
935 415.1102, Florida Statutes, is amended to read:

936 415.1102 Adult protection teams.—

937 (2) Such teams may be composed of, but need not be limited  
 938 to:

939 (e) Public and professional guardians as described in part  
 940 II ~~IX~~ of chapter 744.

941 Section 33. Paragraph (d) of subsection (3) of section  
 942 744.331, Florida Statutes, is amended to read:

943 744.331 Procedures to determine incapacity.—

944 (3) EXAMINING COMMITTEE.—

945 (d) A member of an examining committee must complete a  
 946 minimum of 4 hours of initial training. The person must complete  
 947 2 hours of continuing education during each 2-year period after  
 948 the initial training. The initial training and continuing  
 949 education program must be developed under the supervision of the  
 950 ~~Statewide Public Guardianship~~ Office of Public and Professional  
 951 Guardians, in consultation with the Florida Conference of  
 952 Circuit Court Judges; the Elder Law and the Real Property,  
 953 Probate and Trust Law sections of The Florida Bar; and the  
 954 Florida State Guardianship Association; ~~and the Florida~~  
 955 ~~Guardianship Foundation~~. The court may waive the initial  
 956 training requirement for a person who has served for not less  
 957 than 5 years on examining committees. If a person wishes to  
 958 obtain his or her continuing education on the Internet or by  
 959 watching a video course, the person must first obtain the  
 960 approval of the chief judge before taking an Internet or video  
 961 course.

962 Section 34. Paragraph (a) of subsection (1) of section

963 20.415, Florida Statutes, is amended to read:

964 20.415 Department of Elderly Affairs; trust funds.—The  
 965 following trust funds shall be administered by the Department of  
 966 Elderly Affairs:

967 (1) Administrative Trust Fund.

968 (a) Funds to be credited to and uses of the trust fund  
 969 shall be administered in accordance with ss. 215.32, 744.534,  
 970 and 744.2001 ~~744.7021~~.

971 Section 35. Section 744.524, Florida Statutes, is amended  
 972 to read:

973 744.524 Termination of guardianship on change of domicile  
 974 of resident ward.—When the domicile of a resident ward has  
 975 changed as provided in s. 744.1098 ~~744.2025~~, and the foreign  
 976 court having jurisdiction over the ward at the ward's new  
 977 domicile has appointed a guardian and that guardian has  
 978 qualified and posted a bond in an amount required by the foreign  
 979 court, the guardian in this state may file her or his final  
 980 report and close the guardianship in this state. The guardian of  
 981 the property in this state shall cause a notice to be published  
 982 once a week for 2 consecutive weeks, in a newspaper of general  
 983 circulation published in the county, that she or he has filed  
 984 her or his accounting and will apply for discharge on a day  
 985 certain and that jurisdiction of the ward will be transferred to  
 986 the state of foreign jurisdiction. If an objection is filed to  
 987 the termination of the guardianship in this state, the court  
 988 shall hear the objection and enter an order either sustaining or

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989 | overruling the objection. Upon the disposition of all objections  
990 | filed, or if no objection is filed, final settlement shall be  
991 | made by the Florida guardian. On proof that the remaining  
992 | property in the guardianship has been received by the foreign  
993 | guardian, the guardian of the property in this state shall be  
994 | discharged. The entry of the order terminating the guardianship  
995 | in this state shall not exonerate the guardian or the guardian's  
996 | surety from any liability previously incurred.

997 |       Section 36. This act shall take effect July 1, 2015.