

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED  (Y/N)  
 ADOPTED AS AMENDED  (Y/N)  
 ADOPTED W/O OBJECTION  (Y/N)  
 FAILED TO ADOPT  (Y/N)  
 WITHDRAWN  (Y/N)  
 OTHER

1 Committee/Subcommittee hearing bill: Civil Justice & Claims  
 2 Subcommittee

3 Representative Diamond offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 56-90 and insert:

7 the petitioner and the attorney for the alleged incapacitated  
 8 person, by electronic mail delivery or U.S. mail, and, upon  
 9 service, shall file a certificate of service in the incapacity  
 10 proceeding. The petitioner and the attorney for the alleged  
 11 incapacitated person must be served with all reports at least 10  
 12 days before the hearing on the petition. If such service is not  
 13 timely effectuated, the petitioner or the alleged incapacitated  
 14 person may move for a continuance of the hearing ~~A copy of each~~  
 15 ~~committee member's report must be served on the petitioner and~~  
 16 ~~on the attorney for the alleged incapacitated person within 3~~

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17 ~~days after the report is filed and at least 5 days before the~~  
18 ~~hearing on the petition.~~

19 (i) The petitioner and the alleged incapacitated person  
20 may object to the introduction into evidence of all or any  
21 portion of the examining committee members' reports by filing  
22 and serving a written objection on the other party no later than  
23 5 days before the adjudicatory hearing. The objection must state  
24 the basis upon which the challenge to admissibility is made. If  
25 an objection is timely filed and served, the court shall apply  
26 the rules of evidence in determining the reports' admissibility.  
27 For good cause shown, the court may extend the time to file and  
28 serve the written objection.

29 (5) ADJUDICATORY HEARING.—

30 (a) Upon appointment of the examining committee, the court  
31 shall set the date upon which the petition will be heard. The  
32 ~~date for the~~ adjudicatory hearing must be conducted at least 10  
33 days, but no more than 30 days, after the filing of the last  
34 filed report of the examining committee members ~~set no more than~~  
35 ~~14 days after the filing of the reports of the examining~~  
36 ~~committee members~~, unless good cause is shown. The adjudicatory  
37 hearing must be conducted at the time and place specified in the  
38 notice of hearing and in a manner consistent with due process.

39 Section 2. Subsection (1) of section 744.367, Florida  
40 Statutes, is amended to read:

41 744.367 Duty to file annual guardianship report.—

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42 (1) Unless the court requires filing on a calendar-year  
43 basis, each guardian of the person shall file with the court an  
44 annual guardianship plan within 90 days after ~~at least 60 days,~~  
45 ~~but no more than 90 days, before~~ the last day of the anniversary  
46 month that the letters of guardianship were signed, and the plan  
47 must cover the coming fiscal year, ending on the last day in  
48 such anniversary month. If the court requires calendar-year  
49 filing, the guardianship plan ~~for the forthcoming calendar year~~  
50 must be filed on or before April 1 of each year. The latest  
51 annual guardianship plan approved by the court will remain in  
52 effect until the court approves a subsequent plan ~~after~~  
53 ~~September 1 but no later than December 1 of the current year.~~

54  
55 -----  
56 **T I T L E A M E N D M E N T**

57 Between lines 22 and 23, insert:  
58 amending s. 744.367, F.S.; increasing the time that a guardian  
59 has to file a required annual guardianship plan with the court  
60 if the court does not require filing on a calendar year basis;  
61 changing the time that a guardian has to file a required annual  
62 guardianship plan with the court if the court requires calendar-  
63 year filing;  
64