

Committee on Judiciary

CS/HB 1187 — Guardianship

by Health and Human Services Committee and Rep. Spano (CS/SB 1002 by Appropriations Committee and Senators Passidomo and Bean)

Clerks of the circuit courts serve as the custodian of guardianship files. In that capacity, they are responsible for reviewing guardianship reports to ensure that guardians are correctly performing their responsibilities. The bill identifies several specific actions that circuit court clerks may take when reviewing guardianships.

The bill authorizes clerks, when conducting a further review of inventories and accountings, to conduct audits and cause initial and annual guardianship reports to be audited. The clerk must advise the court of the results of the audit. If a fee or cost is incurred by the guardian when he or she responds to the review or audit, it may not be paid or reimbursed using the ward's assets if the court finds an act of wrongdoing on the part of the guardian.

The bill provides that the clerk may disclose confidential information to the Department of Children and Families or law enforcement agencies "for other purposes," as provided by a court order. The confidential information is a court record pertaining to the settlement of a ward's or minor's claim, including a petition for approval of a settlement, a report of a guardian ad litem relating to a pending settlement, or an order approving a settlement on behalf of a ward or a minor.

With respect to the Office of Public and Professional Guardians, the bill expressly authorizes designees of the office to receive documents that are otherwise confidential when investigating guardianships. Additionally, the office may appoint certain types of guardians and investigate and, when appropriate, discipline guardians who violate their statutory duties.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 34-1; House 115-0