

By Representative Ritter

1 A bill to be entitled
2 An act relating to guardianship; amending s.
3 744.3145, F.S.; specifying education
4 requirements for a professional guardian;
5 amending s. 744.351, F.S.; requiring a
6 professional guardian to post a blanket
7 fiduciary bond; amending s. 744.3675, F.S.;
8 requiring the applicable physician's report to
9 be included in the annual guardianship plan
10 within a specified time before the beginning of
11 the reporting period; providing an effective
12 date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsection (6) is added to section
17 744.3145, Florida Statutes, to read:

18 744.3145 Guardian education requirements.--

19 (6) Each professional guardian defined in s.
20 744.102(15), must receive a minimum of 40 hours of instruction
21 and training by October 1, 1999, or within 2 years after
22 becoming a professional guardian, whichever occurs later. In
23 addition, each professional guardian must receive a minimum of
24 16 hours of continuing education every 2 calendar years after
25 the year in which the initial 40-hour education requirement is
26 met or within 2 years by October 1, 1997, whichever is later.
27 The instruction and education must be completed through a
28 course approved by the chief judge of the circuit court and
29 must be taught by a court-approved organization as defined in
30 s. 744.3145(3). The expenses incurred to satisfy the education

31

1 requirements prescribed in this section must be paid by the
2 guardian and not from the assets of the ward.

3 Section 2. Subsection (7) is added to section 744.351,
4 Florida Statutes, 1996 Supplement, to read:

5 744.351 Bond of guardian.--

6 (7) Each professional guardian shall post and provide
7 proof of a blanket fiduciary bond with the clerk of the
8 circuit court in the county in which the guardian's primary
9 place of business is located. The guardian shall also provide
10 proof of the fiduciary bond to the clerks of each additional
11 circuit court in which he or she applies for appointment as a
12 professional guardian. The bond must be maintained by the
13 guardian in an amount not less than \$50,000. The bond must
14 cover all wards assigned to the guardian at any given time.
15 The liability of the provider of the bond is limited to the
16 face amount of the bond, regardless of the number of wards
17 assigned to the professional guardian. Each employee of a
18 professional guardian who has direct contact with the ward or
19 the ward's assets is subject to the provisions of the bond.
20 The bond must be payable to the Governor of the state, or his
21 or her successors in office, and conditioned on the faithful
22 performance by the guardian of all duties set forth in the
23 letters of guardianship. In form, the bond must be joint and
24 several. The bond is in addition to any bonds required under
25 s. 744.351(1) and must be paid for by the guardian and not
26 from the assets of the ward. This subsection does not apply to
27 a designated financial institution or to an office of public
28 guardian.

29 Section 3. Paragraph (b) of subsection (1) of section
30 744.3675, Florida Statutes, 1996 Supplement, is amended to
31 read:

1 744.3675 Annual guardianship plan.--Each guardian of
2 the person must file with the court an annual guardianship
3 plan which updates information about the condition of the
4 ward. The annual plan must specify the current needs of the
5 ward and how those needs are proposed to be met in the coming
6 year.

7 (1) Each plan must, if applicable, include:

8 (b) Information concerning the medical condition and
9 needs of the ward, including:

10 1. A resume of any professional medical treatment
11 given to the ward during the preceding year;

12 2. The report of a physician who examined the ward no
13 more than 90 days before the beginning ~~end~~ of the applicable
14 reporting ~~report~~ period. Such report must contain an
15 evaluation of the ward's condition and a statement of the
16 current level of capacity of the ward; and

17 3. The plan for provision of medical, mental health,
18 and rehabilitative services in the coming year.

19 Section 4. This act shall take effect October 1,
20 1997.^

21
22 *****

23 SENATE SUMMARY

24 Prescribes educational requirements for professional
25 guardians. Requires professional guardians to post a
26 blanket fiduciary bond in the amount of \$50,000.
27 Prohibits a guardian from paying for the bond out of a
ward's assets. Requires a physician's report to be
included in the annual guardianship plan no more than 90
days prior to the beginning of the reporting period.