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2 An act relating to guardians; creating s.  
3 744.1085, F.S.; providing for the regulation of  
4 professional guardians; providing for a bond;  
5 providing educational requirements; authorizing  
6 issuance of a blanket fiduciary bond; amending  
7 s. 744.3135, F.S.; requiring criminal history  
8 and credit check; providing for waiver;  
9 amending s. 744.3145, F.S.; excluding  
10 professional guardians from certain educational  
11 requirements; amending s. 744.3675, F.S.;  
12 revising language with respect to the annual  
13 guardianship plan; amending s. 744.454, F.S.;  
14 forbidding professional guardian from  
15 purchasing property or borrowing money from his  
16 ward; providing an effective date.

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

19  
20 Section 1. Section 744.1085, Florida Statutes, is  
21 created to read:

22 744.1085 Regulation of professional guardians;  
23 application; bond required; educational requirements;  
24 audits.--

25 (1) The provisions of this section are in addition to  
26 and supplemental to any other provision of the Florida  
27 Guardianship Law, except s. 744.3145.

28 (2) Each professional guardian who files a petition  
29 for appointment after October 1, 1997, shall post a blanket  
30 fiduciary bond with the clerk of the circuit court in the  
31 county in which the guardian's primary place of business is

1 located. The guardian shall provide proof of the fiduciary  
2 bond to the clerks of each additional circuit court in which  
3 he or she is serving as a professional guardian. The bond  
4 shall be maintained by the guardian in an amount not less than  
5 \$50,000. The bond must cover all wards for whom the guardian  
6 has been appointed at any given time. The liability of the  
7 provider of the bond is limited to the face amount of the  
8 bond, regardless of the number of wards for whom the  
9 professional guardian has been appointed. The act or  
10 omissions of each employee of a professional guardian who has  
11 direct contact with the ward or access to the ward's assets is  
12 covered by the terms of such bond. The bond must be payable  
13 to the Governor of the State of Florida and his or her  
14 successors in office and conditioned on the faithful  
15 performance of all duties by the guardian. In form, the bond  
16 must be joint and several. The bond is in addition to any  
17 bonds required under s. 744.351. This subsection does not  
18 apply to any attorney who is licensed to practice law in this  
19 state and who is in good standing, to any financial  
20 institution as defined in s. 744.309(4), or a public guardian.  
21 The expenses incurred to satisfy the bonding requirements  
22 prescribed in this section may not be paid with the assets of  
23 any ward.

24 (3) Each professional guardian defined in s.  
25 744.102(15), on October 1, 1997, must receive a minimum of 40  
26 hours of instruction and training by October 1, 1998, or  
27 within 1 year after becoming a professional guardian,  
28 whichever occurs later. Each professional guardian must  
29 receive a minimum of 16 hours of continuing education every 2  
30 calendar years after the year in which the initial 40-hour  
31 educational requirement is met. The instruction and education

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1 must be completed through a course approved by the chief judge  
2 of the circuit court and taught by a court-approved  
3 organization. The expenses incurred to satisfy the  
4 educational requirements prescribed in this section may not be  
5 paid with the assets of any ward. This subsection does not  
6 apply to any attorney who is licensed to practice law in this  
7 state.

8 Section 2. Section 744.3135, Florida Statutes, is  
9 amended to read:

10 744.3135 Credit and criminal investigation.--The court  
11 may require a prospective guardian and shall require a  
12 professional guardian,to submit, at his or her own expense,  
13 to an investigation of the prospective guardian's credit  
14 history and ~~or~~ an investigatory check by the National Crime  
15 Information Center and the Florida Crime Information Center  
16 systems by means of fingerprint checks by the Department of  
17 Law Enforcement and the Federal Bureau of Investigation ~~or~~  
18 ~~both. The court may order these investigations if it deems it~~  
19 ~~necessary.~~ The court shall waive the credit and criminal  
20 investigation for a guardian who is the spouse or child of the  
21 ward.

22 Section 3. Subsection (6) is added to section  
23 744.3145, Florida Statutes, to read:

24 744.3145 Guardian education requirements.--

25 (6) The provisions of this section do not apply to  
26 professional guardians.

27 Section 4. Paragraph (b) of subsection (1) of section  
28 744.3675, Florida Statutes, 1996 Supplement, is amended to  
29 read:

30 744.3675 Annual guardianship plan.--Each guardian of  
31 the person must file with the court an annual guardianship

1 plan which updates information about the condition of the  
2 ward. The annual plan must specify the current needs of the  
3 ward and how those needs are proposed to be met in the coming  
4 year.

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

6 (b) Information concerning the medical condition and  
7 needs of the ward, including:

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

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

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

17 Section 5. Section 744.454, Florida Statutes, 1996  
18 Supplement, is amended to read:

19 744.454 Guardian forbidden to borrow or purchase;  
20 exceptions.--A professional guardian may not purchase property  
21 or borrow money from his or her ward. ~~unless~~ A guardian who is  
22 not a professional guardian may do so if:

23 (1) A court by written order authorizes the sale or  
24 loan after a hearing to which interested persons were given  
25 notice; or

26 (2) The property is sold at public sale and the  
27 guardian is a spouse, parent, child, brother, or sister of the  
28 ward or a cotenant of the ward in the property to be sold.

29 Section 6. This act shall take effect October 1, 1997.  
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