

By Senator Forman

32-811-00

1                                   A bill to be entitled  
 2           An act relating to guardianship; creating s.  
 3           744.3146, F.S.; requiring professional  
 4           guardians to register with the Statewide Public  
 5           Guardianship Office; providing for  
 6           investigation and background screening;  
 7           providing procedures; providing a registration  
 8           fee; prescribing information to be included in  
 9           the registration; providing for issuance of  
 10          certificates of registration; providing for the  
 11          denial, suspension, or revocation of  
 12          certificates of registration; requiring the  
 13          certificate of registration number to be  
 14          included in any advertisement of guardianship  
 15          services; providing that it is unlawful to hold  
 16          an appointment as a professional guardian  
 17          without first obtaining a certificate of  
 18          registration; providing a penalty; authorizing  
 19          employees of the office to make inspections and  
 20          investigations; providing rulemaking authority;  
 21          providing an effective date.

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

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 25           Section 1. Section 744.3146, Florida Statutes, is  
 26           created to read:

27           744.3146 Professional guardian registration.--  
 28           (1) A professional guardian as defined in s.  
 29           744.102(15) shall register with the Statewide Public  
 30           Guardianship Office.

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1           (2) Each registrant shall submit to and pay for any  
2 investigation, history, and background screening required by  
3 any rules adopted by the Statewide Public Guardianship Office.

4           (3) Registration must be made and renewed under oath  
5 on forms furnished by the Statewide Public Guardianship Office  
6 and must be accompanied by the appropriate registration fee as  
7 set by the Statewide Public Guardianship Office. The fee must  
8 be sufficient to pay for the administrative costs of  
9 registering the professional guardian and furthering the  
10 purposes of this section. The Statewide Public Guardianship  
11 Office shall provide copies of the registration to the court,  
12 without charge, upon request. The Statewide Public  
13 Guardianship Office may also charge reasonable fees,  
14 reflecting actual costs, to other persons requesting copies of  
15 the certificate of registration.

16           (4) Registration must include the following:

17           (a) The name, address, date of birth, and employer  
18 identification number of the professional guardian.

19           (b) If the registrant is a firm or partnership, the  
20 name, address, and date of birth of every member, and the  
21 employer identification number of the firm or partnership.

22           (c) If the registrant is a corporation or association,  
23 its name, address, and employer identification number; the  
24 name, address, and date of birth of each of its directors and  
25 officers; and the name, address, and date of birth of each  
26 person having at least a 10 percent interest in the  
27 corporation or association.

28           (d) The name, address, date of birth, and employer  
29 identification number, if applicable, of each person employed  
30 or under contract with the professional guardian who is  
31 involved in guardianship functions.

1           (5) Upon verification that all requirements for  
2 registration have been met, the Statewide Public Guardianship  
3 Office must issue a certificate of registration valid for a  
4 term to be set by the office.

5           (6) The Statewide Public Guardianship Office shall  
6 deny, suspend, or revoke the certificate of registration of a  
7 person who:

8           (a) Fails to comply with this section.

9           (b) Is removed or disqualified from service as a  
10 guardian for reasons set forth in s. 744.474(1)-(16) and s.  
11 744.474(18).

12           (7) A professional guardian who offers or advertises  
13 services to the public must include in its advertisement the  
14 certificate of registration number issued by the Statewide  
15 Public Guardianship Office.

16           (8) It is unlawful to advertise services or to hold an  
17 appointment as a professional guardian without first obtaining  
18 a certificate of registration from the Statewide Public  
19 Guardianship Office. Any person who violates this subsection  
20 is subject to suspension of registration and removal as  
21 guardian in all cases in which the person serves.

22           (9) An authorized employee of the Statewide Public  
23 Guardianship Office may make inspections and investigations  
24 necessary to respond to complaints or to determine compliance  
25 with this section. The Statewide Public Guardianship Office  
26 employee may contact the abuse registry, law enforcement  
27 agencies, and the courts with regard to Statewide Public  
28 Guardianship Office inspections or investigative findings.

29           (10) The Statewide Public Guardianship Office has  
30 authority to adopt rules to carry out the provisions of this  
31 section.

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Section 2. This act shall take effect July 1, 2000.

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SENATE SUMMARY

Requires professional guardians to register with the Statewide Public Guardianship Office. Provides for investigation and background screening. Provides procedures. Provides a registration fee. Prescribes information to be included in the registration. Provides for issuance of a certificate of registration. Provides for the denial, suspension, or revocation of a certificate of registration. Requires that the certificate of registration number be included in any advertisement of guardianship services. Provides that it is unlawful to hold an appointment as a professional guardian without first obtaining a certificate of registration. Provides a penalty. Authorizes employees of the office to make inspections and investigations. Provides the office with rulemaking authority.