

Bill No. CS for SB 2568

Amendment No. ____ Barcode 884090

| | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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| 11 | Senator Saunders moved the following amendment: | | |
| 12 | | | |
| 13 | Senate Amendment (with title amendment) | | |
| 14 | On page 4, line 12, | | |
| 15 | | | |
| 16 | insert: | | |
| 17 | Section 1. Subsection (15) of section 744.102, Florida | | |
| 18 | Statutes, is amended to read: | | |
| 19 | 744.102 Definitions.--As used in this chapter, the | | |
| 20 | term: | | |
| 21 | (15) "Professional guardian" means any guardian who | | |
| 22 | receives or has at any time received compensation for services | | |
| 23 | rendered to more than two wards as their guardian. <u>A</u> | | |
| 24 | <u>professional guardian may serve as a public guardian pursuant</u> | | |
| 25 | <u>to part IX of this chapter.</u> A person serving as a guardian for | | |
| 26 | two or more relatives as defined in s. 744.309(2) is not | | |
| 27 | considered a professional guardian. | | |
| 28 | Section 2. Section 744.1083, Florida Statutes, is | | |
| 29 | amended to read: | | |
| 30 | 744.1083 Professional guardian Registration of <u></u> | | |
| 31 | <u>professional and public guardians.--</u> | | |

Bill No. CS for SB 2568

Amendment No. ____ Barcode 884090

1 (1) Effective January 1, ~~2004~~ 2003, a professional
2 guardian and a public guardian must register biennially with
3 the Statewide Public Guardianship Office as established in
4 part IX of this chapter. ~~The Statewide Public Guardianship~~
5 ~~Office may contract with the clerk of the court in each county~~
6 ~~to perform the administrative functions associated with~~
7 ~~registering professional guardians.~~

8 (2) The Department of Elderly Affairs may contract
9 with the Florida Guardianship Foundation or another
10 not-for-profit entity to perform other functions associated
11 with the registration, examination, and training of
12 professional and public guardians.

13 ~~(2) Annual registration shall be made on forms~~
14 ~~furnished by the Statewide Public Guardianship Office and~~
15 ~~accompanied by the applicable registration fee as determined~~
16 ~~by rule. Such fee shall not exceed \$25.~~

17 (3) Registration must include the following:

18 (a) If the professional guardian is a natural person,
19 the name, address, date of birth, and employer identification
20 or social security number of the professional guardian.

21 (b) If the professional guardian is a partnership or
22 association, the name, address, and date of birth of every
23 member, and the employer identification number of the
24 partnership or association.

25 (c) If the professional guardian is a corporation, the
26 name, address, and employer identification number of the
27 corporation; the name, address, and date of birth of each of
28 its directors and officers; the name of its resident agent;
29 and the name, address, and date of birth of each person having
30 at least a 10-percent interest in the corporation.

31 (d) The name, address, date of birth, and employer

Bill No. CS for SB 2568

Amendment No. ____ Barcode 884090

1 identification number, if applicable, of each person providing
2 guardian-delegated financial or personal guardianship services
3 for wards.

4 (e) Demonstration of compliance with the bonding,
5 educational, testing, credit history, and background screening
6 requirements of ss. 744.1085 and 744.3135.

7
8 Compliance with this subsection constitutes compliance with
9 the attestation requirements of s. 435.04(5).

10 (4) The department may authorize the collection of a
11 registration fee to cover the actual cost of guardian
12 registration. Such fee shall be determined by rule but may not
13 exceed \$100.

14 (5) Any not-for-profit entity with whom the department
15 has contracted under subsection (2) shall, in accordance with
16 procedures prescribed by the department, provide to the clerk
17 of court and the chief judge of each judicial circuit
18 information relating to guardian registration.

19 ~~(e) Documentation that the bonding and educational~~
20 ~~requirements of s. 744.1085 have been met, and that background~~
21 ~~screening has been conducted pursuant to s. 744.3135.~~

22 ~~(6)(4) The Department of Eldery Affairs Statewide~~
23 ~~Public Guardianship Office shall may adopt rules, forms, and~~
24 ~~procedures necessary to administer this section.~~

25 ~~(7)(5) A trust company, a state banking corporation or~~
26 ~~state savings association authorized and qualified to exercise~~
27 ~~fiduciary powers in this state, or a national banking~~
28 ~~association or federal savings and loan association authorized~~
29 ~~and qualified to exercise fiduciary powers in this state, may,~~
30 ~~but shall not be required to, register as a professional~~
31 ~~guardian under this section and may serve as a professional~~

Bill No. CS for SB 2568

Amendment No. ____ Barcode 884090

1 guardian without registration with all of the rights and
 2 privileges of a person registered under this chapter. If a
 3 trust company, state banking corporation, state savings
 4 association, national banking association, or federal savings
 5 and loan association described in this subsection elects to
 6 register as a professional guardian under this subsection, the
 7 requirements of subsection (3) shall not apply and the
 8 registration shall include only the name, address, and
 9 employer identification number of the registrant, the name and
 10 address of its registered agent, if any, ~~and the documentation~~
 11 ~~described in paragraph (3)(e).~~

12 (8) A state college or university or an independent
 13 college or university as described pursuant to s.
 14 1009.98(3)(a) may, but shall not be required to, register as a
 15 public guardian under this section. If a state college or
 16 university or independent college or university elects to
 17 register as a public guardian under this subsection, the
 18 requirements of subsection (3) shall not apply and the
 19 registration shall include only the name, address, and
 20 employer identification number of the registrant.

21 Section 3. Section 744.1085, Florida Statutes, is
 22 amended to read:

23 744.1085 Regulation of professional and public
 24 guardians; application; bond required; educational
 25 requirements.--

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

29 (2) Each professional or public guardian who files a
 30 petition for appointment ~~after October 1, 1997~~, shall post a
 31 blanket fiduciary bond with the clerk of the circuit court in

Bill No. CS for SB 2568

Amendment No. ____ Barcode 884090

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

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

Bill No. CS for SB 2568

Amendment No. ____ Barcode 884090

1 which the initial 40-hour educational requirement is met. The
2 instruction and education must be completed through a course
3 approved or offered by the Statewide Public Guardianship
4 Office. The expenses incurred to satisfy the educational
5 requirements prescribed in this section may not be paid with
6 the assets of any ward. This subsection does not apply to any
7 attorney who is licensed to practice law in this state.

8 (4) Each professional guardian or public guardian must
9 allow, at the guardian's expense, an investigation of the
10 guardian's credit history, conducted in a manner prescribed by
11 the Department of Elderly Affairs.

12 (5) As required in s. 744.3135, each professional or
13 public guardian must allow a level 2 background screening of
14 the guardian in accordance with s. 435.04.

15 (6) After July 1, 2005, each professional or public
16 guardian shall demonstrate her or his competency to act as a
17 professional guardian or public guardian by taking an
18 examination developed or approved by the entity provided in s.
19 744.1083(2) and adopted by the Department of Elderly Affairs.
20 The department shall determine the procedure for administering
21 the examination and shall charge an examination fee in the
22 amount of the actual cost of developing and administering the
23 examination, not to exceed \$500. The department, in
24 consultation with the entity provided in s. 744.1083(2), may
25 recognize the passing of a national guardianship examination
26 in lieu of passing all or part of the state examination,
27 except that each professional or public guardian must take and
28 pass an approved examination section relating to Florida laws
29 and procedures.

30 (7) The Department of Elderly Affairs, in consultation
31 with the entity provided in s. 744.1083(2), shall set the

Bill No. CS for SB 2568

Amendment No. ____ Barcode 884090

1 minimum score necessary to demonstrate competency to become a
2 professional or public guardian.

3 (8) The department shall waive the examination
4 requirement set under subsection (6) if a professional or
5 public guardian provides:

6 (a) Proof that the guardian has actively acted as a
7 professional or public guardian for 5 years or more; and

8 (b) A letter from the chief judge of a judicial
9 circuit before whom the professional or public guardian
10 practiced at least 1 year which states that the professional
11 guardian has demonstrated to the court her or his competency
12 as a professional or public guardian.

13 (9) Beginning July 1, 2004, the court may not appoint
14 as a professional or public guardian any person who has not
15 met the requirements of this section and s. 744.1083.

16 (10) This section does not apply to a professional
17 guardian or the employees of a professional guardian, that is
18 a trust company, a state banking corporation, state savings
19 association authorized and qualified to exercise fiduciary
20 powers in this state, or a national banking association or
21 federal savings and loan association authorized and qualified
22 to exercise fiduciary powers in this state.

23 Section 4. Section 744.3135, Florida Statutes, is
24 amended to read:

25 744.3135 Credit and criminal investigation.--The court
26 may require a nonprofessional guardian and shall require a
27 professional or public guardian, and all employees of a
28 professional guardian who have a fiduciary responsibility to a
29 ward, to submit, at their own expense, to an investigation of
30 the guardian's credit history and to undergo level 2
31 background screening as required under s. 435.04. The clerk of

Bill No. CS for SB 2568

Amendment No. ____ Barcode 884090

1 the court shall obtain fingerprint cards from the Federal
2 Bureau of Investigation and make them available to guardians.
3 Any guardian who is so required shall have his or her
4 fingerprints taken and forward the proper fingerprint card
5 along with the necessary fee to the Florida Department of Law
6 Enforcement for processing. The professional guardian shall
7 pay to the clerk of the court a fee of \$5 for handling and
8 processing professional guardian files. The results of the
9 fingerprint checks shall be forwarded to the clerk of court
10 who shall maintain the results in a guardian file and shall
11 make the results available to the court. If credit or criminal
12 investigations are required, the court must consider the
13 results of the investigations in appointing a guardian.
14 Professional and public guardians and all employees of a
15 professional guardian who have a fiduciary responsibility to a
16 ward, so appointed, must resubmit, at their own expense, to an
17 investigation of credit history, and undergo level 1
18 background screening as required under s. 435.03, at least
19 every 2 years after the date of their appointment. At any
20 time, the court may require a guardian to submit to an
21 investigation of his or her credit history and undergo level 1
22 background screening as required under s. 435.03. The court
23 must consider the results of these investigations in
24 reappointing a guardian. This section shall not apply to a
25 professional guardian, or to the employees of a professional
26 guardian, that is a trust company, a state banking corporation
27 or state savings association authorized and qualified to
28 exercise fiduciary powers in this state, or a national banking
29 association or federal savings and loan association authorized
30 and qualified to exercise fiduciary powers in this state.

31 Section 5. Subsection (13) of section 744.444, Florida

Bill No. CS for SB 2568

Amendment No. ____ Barcode 884090

1 Statutes, is amended, and subsections (16) and (17) are added
2 to that section, to read:

3 744.444 Power of guardian without court
4 approval.--Without obtaining court approval, a plenary
5 guardian of the property, or a limited guardian of the
6 property within the powers granted by the order appointing the
7 guardian or an approved annual or amended guardianship report,
8 may:

9 (13) When reasonably necessary, employ persons,
10 including attorneys, auditors, investment advisers, case
11 managers, or agents, even if they are associated with the
12 guardian, to advise or assist the guardian in the performance
13 of his or her duties.

14 (16) Pay or reimburse costs incurred and reasonable
15 fees or compensation to persons, including attorneys, employed
16 by the guardian pursuant to subsection (13) from the assets of
17 the guardianship estate, subject to obtaining court approval
18 of the annual accounting.

19 (17) Provide confidential information of a ward which
20 is related to an investigation arising under part I of chapter
21 400 to a local or state ombudsman council member who is
22 conducting the investigation. Such information must be
23 provided within 7 days after the initial written request. Any
24 such ombudsman must maintain the confidentiality of such
25 information.

26 Section 6. Paragraph (c) of subsection (2) of section
27 744.534, Florida Statutes, is amended to read:

28 744.534 Disposition of unclaimed funds held by
29 guardian.--

30 (2)

31 (c) Within 5 years from the date of deposit with the

Bill No. CS for SB 2568

Amendment No. ____ Barcode 884090

1 State Treasurer, on written petition to the court that
2 directed the deposit of the funds and informal notice to the
3 Department of Legal Affairs, and after proof of his or her
4 right to them, any person entitled to the funds, before or
5 after payment to the State Treasurer and deposit as provided
6 for in paragraph (a), may obtain a court order directing the
7 payment of the funds to him or her. All funds deposited with
8 the State Treasurer and not claimed within 5 years from the
9 date of deposit shall escheat to the state to be deposited in
10 the Department of Elderly Affairs Administrative Trust Fund to
11 be used solely for the benefit of public guardianship as
12 determined by the Secretary of Elderly Affairs Statewide
13 ~~Public Guardianship Office established in part IX of this~~
14 ~~chapter.~~

15 Section 7. Section 744.7021, Florida Statutes, is
16 amended to read:

17 744.7021 Statewide Public Guardianship Office.--There
18 is hereby created the Statewide Public Guardianship Office
19 within the Department of Elderly Affairs. ~~The Department of~~
20 ~~Elderly Affairs shall provide administrative support and~~
21 ~~service to the office to the extent requested by the executive~~
22 ~~director within the available resources of the department. The~~
23 ~~Statewide Public Guardianship Office may request the~~
24 ~~assistance of the Inspector General of the Department of~~
25 ~~Elderly Affairs in providing auditing services, and the Office~~
26 ~~of General Counsel of the department may provide assistance in~~
27 ~~rulemaking and other matters as needed to assist the Statewide~~
28 ~~Public Guardianship Office. The Statewide Public Guardianship~~
29 ~~Office shall not be subject to control, supervision, or~~
30 ~~direction by the Department of Elderly Affairs in the~~
31 ~~performance of its duties.~~

Bill No. CS for SB 2568

Amendment No. ____ Barcode 884090

1 (1) The Secretary of Elderly Affairs shall appoint or
2 contract with the executive director of the office, who shall
3 be the head of the Statewide Public Guardianship Office ~~is the~~
4 ~~executive director, who shall be appointed by the Governor.~~
5 The executive director must be a member of The Florida Bar in
6 good standing licensed attorney with a background in
7 guardianship law and knowledge of social services available to
8 meet the needs of incapacitated persons, ~~shall serve on a~~
9 ~~full-time basis,~~ and shall personally, or through
10 representatives of the office, carry out the purposes and
11 functions of the Statewide Public Guardianship Office in
12 accordance with state and federal law. The executive director
13 shall serve at the pleasure of and report to the secretary
14 ~~Governor.~~

15 (2) The executive director ~~Statewide Public~~
16 ~~Guardianship Office~~ shall, directly or through contract with
17 the Department of Elderly Affairs, and within available
18 resources, have oversight responsibilities for all public and
19 professional guardians.

20 (a) The executive director ~~office~~ shall review the
21 current public guardian programs in Florida and other states.

22 (b) The executive director ~~office~~, in consultation
23 with local guardianship offices, shall develop statewide
24 performance measures and standards.

25 (c) The executive director ~~office~~ shall review the
26 various methods of funding guardianship programs, the kinds of
27 services being provided by such programs, and the demographics
28 of the wards. In addition, the executive director ~~office~~ shall
29 review and make recommendations regarding the feasibility of
30 recovering a portion or all of the costs of providing public
31 guardianship services from the assets or income of the wards.

Bill No. CS for SB 2568

Amendment No. ____ Barcode 884090

1 (d) No later than October 1, 2000, the office shall
2 submit to the Governor, the President of the Senate, the
3 Speaker of the House of Representatives, and the Chief Justice
4 of the Supreme Court an interim report describing the progress
5 of the office in meeting the goals as described in this
6 section. No later than October 1, 2001, the office shall
7 submit to the Governor, the President of the Senate, the
8 Speaker of the House of Representatives, and the Chief Justice
9 of the Supreme Court a proposed public guardianship plan
10 including alternatives for meeting the state's guardianship
11 needs. This plan may include recommendations for less than the
12 entire state, may include a phase-in system, and shall include
13 estimates of the cost of each of the alternatives. Each year
14 thereafter, the executive director ~~office~~ shall provide a
15 status report and provide to the secretary further
16 recommendations that ~~to~~ address the need for public
17 guardianship services and related issues.

18 (e) The executive director ~~office~~ may provide
19 assistance to local governments or entities in pursuing grant
20 opportunities. The executive director ~~office~~ shall review and
21 make recommendations in the annual report on the availability
22 and efficacy of seeking Medicaid matching funds. The executive
23 director ~~office~~ shall diligently seek ways to use existing
24 programs and services to meet the needs of public wards.

25 (f) The executive director, in consultation with the
26 entity provided in s. 744.1083 ~~office~~ shall develop a
27 guardianship training program curriculum that. ~~The training~~
28 ~~program~~ may be offered to all guardians whether public or
29 private. ~~The office shall establish a curriculum committee to~~
30 ~~develop the training program specified in this part. The~~
31 ~~curriculum committee shall include, but not be limited to,~~

Bill No. CS for SB 2568

Amendment No. ____ Barcode 884090

1 ~~probate judges. A fee may be charged to private guardians in~~
 2 ~~order to defray the cost of providing the training. In~~
 3 ~~addition, a fee may be charged to any training provider for up~~
 4 ~~to the actual cost of the review and approval of their~~
 5 ~~curriculum. Any fees collected pursuant to this paragraph~~
 6 ~~shall be deposited in the Department of Elderly Affairs~~
 7 ~~Administrative Trust Fund to be used for the guardianship~~
 8 ~~training program.~~

9 (3) The executive director ~~office~~ may conduct or
 10 contract for demonstration projects authorized by the
 11 Department of Elderly Affairs, within funds appropriated or
 12 through gifts, grants, or contributions for such purposes, to
 13 determine the feasibility or desirability of new concepts of
 14 organization, administration, financing, or service delivery
 15 designed to preserve the civil and constitutional rights of
 16 persons of marginal or diminished capacity. Any gifts, grants,
 17 or contributions for such purposes shall be deposited in the
 18 Department of Elderly Affairs Administrative Trust Fund.

19 (4) The Department of Elderly Affairs ~~office~~ has
 20 authority to adopt rules pursuant to ss. 120.536(1) and 120.54
 21 to carry out the provisions of this section.

22 Section 8. Subsections (1), (2), and (3) of section
 23 744.704, Florida Statutes, are amended to read:

24 744.704 Powers and duties.--

25 (1) A public guardian may serve as a guardian of a
 26 person adjudicated incapacitated under this chapter. ~~+~~

27 ~~(a) If there is no family member or friend, other~~
 28 ~~person, bank, or corporation willing and qualified to serve as~~
 29 ~~guardian; and~~

30 ~~(b) If the assets of the ward do not exceed the asset~~
 31 ~~level for Medicaid eligibility, exclusive of homestead and~~

Bill No. CS for SB 2568

Amendment No. ____ Barcode 884090

1 ~~exempt property as defined in s. 4, Art. X of the State~~
2 ~~Constitution, and the ward's income, from all sources, is less~~
3 ~~than \$4,000 per year. Income from public welfare programs,~~
4 ~~supplemental security income, optional state supplement, a~~
5 ~~disability pension, or a social security pension shall be~~
6 ~~excluded in such computation. However, a ward whose total~~
7 ~~income, counting excludable income, exceeds \$30,000 a year may~~
8 ~~not be served.~~

9 (2) The public guardian shall be vested with all the
10 powers and duties of a guardian under this chapter, except as
11 otherwise provided by law.

12 (3) The public guardian shall primarily serve
13 incapacitated persons who are of limited financial means, as
14 defined by contract or rule of the Department of Elderly
15 Affairs. The public guardian may serve incapacitated persons
16 of greater financial means to the extent that the Department
17 of Elderly Affairs determines to be appropriate. If the public
18 guardian finds that the assets or the income of the ward
19 exceeds the amounts set forth in paragraph (1)(b), the public
20 guardian shall submit a resignation and petition the court for
21 appointment of a successor guardian. The public guardian
22 shall not be dismissed until such time that a private guardian
23 is appointed. If a qualified successor guardian is not
24 available, the public guardian may remain as guardian,
25 provided the guardian makes reasonable efforts to find a
26 successor and reports to the court every 6 months on efforts
27 to obtain a successor.

28 Section 9. Guardianship Task Force; creation;
29 membership, duties.--

30 (1) There is created within the Department of Elderly
31 Affairs a Guardianship Task Force. The purpose of the task

Bill No. CS for SB 2568

Amendment No. ____ Barcode 884090

1 force is to examine guardianship and incapacity and make
2 recommendations to the Governor and the Legislature for the
3 improvement of guardianship and incapacity practice. The
4 department shall staff the task force. The Secretary of
5 Elderly Affairs shall appoint the chair of the task force.
6 Members of the task force shall serve without compensation.
7 Unless specified otherwise, task force members shall be
8 appointed by the respective organizations that they represent.

9 (2) Members shall serve without compensation. Any
10 member of the committee who is a public employee is entitled
11 to reimbursement for per diem and travel expenses by his or
12 her employer, and the cost of each member's participation must
13 be borne by the organization that appointed the member.

14 (3) The Guardianship Task Force shall identify the
15 characteristics of Florida guardianship practice. It shall
16 also identify guardianship best practices and recommend
17 specific statutory and other changes for achieving such best
18 practices and for achieving citizen access to quality
19 guardianship services. The task force shall submit a
20 preliminary report to the Governor, the Secretary of Elderly
21 Affairs and the Legislature no later than January 1, 2004, and
22 shall submit a final report no later than January 1, 2005.

23 (4) The Guardianship Task Force shall consist of 10
24 members as follows: a judge who has experience sitting in
25 guardianship proceedings appointed by the Florida Conference
26 of Circuit Judges, a representative of the Association of
27 Clerks of Court, a professor of law who has experience in
28 elder issues appointed by the Secretary of Elderly Affairs, a
29 representative of the Florida State Guardianship Association,
30 a representative of the Florida Guardianship Foundation, a
31 representative of the Real Property and Probate Section of The

Bill No. CS for SB 2568

Amendment No. ____ Barcode 884090

1 Florida Bar, a representative of the Elder Law Section of The
2 Florida Bar, a professional who has experience in examining
3 and determining incapacity, a representative of the Florida
4 Bankers' Association and a citizen/consumer appointed by the
5 Florida AARP (American Association of Retired Persons).

6 (5) The Guardianship Task Force may appoint auxiliary
7 members based on their expertise to assist the task force in
8 carrying out its duties.

9 (6) The task force is terminated May 6, 2005.

10 Section 10. Subsection (8) is added to section
11 744.108, Florida Statutes, to read:

12 744.108 Guardian's and attorney's fees and expenses.--

13 (8) When court proceedings are instituted to review or
14 determine a guardian's or an attorney's fees under subsection
15 (2), such proceedings are part of the guardianship
16 administration process and the costs, including fees for the
17 guardian's attorney, shall be determined by the court and paid
18 from the assets of the guardianship estate unless the court
19 finds the requested compensation under subsection (2) to be
20 substantially unreasonable.

21 Section 11. Section 744.3145, Florida Statutes, is
22 amended to read:

23 744.3145 Guardian education requirements.--

24 (1) Each ward is entitled to a guardian competent to
25 perform the duties of a guardian necessary to protect the
26 interests of the ward.

27 (2) Each person appointed by the court to be a
28 guardian, other than a parent who is the guardian of the
29 property of a minor child, must receive a minimum of 8 hours
30 of instruction and training which covers:

31 (a) The legal duties and responsibilities of the

Bill No. CS for SB 2568

Amendment No. ____ Barcode 884090

1 guardian;

2 (b) The rights of the ward;

3 (c) The availability of local resources to aid the
4 ward; and

5 (d) The preparation of habilitation plans and annual
6 guardianship reports, including financial accounting for the
7 ward's property.

8 (3) Each person appointed by the court to be the
9 guardian of the property of his or her minor child must
10 receive a minimum of 4 hours of instruction and training that
11 covers:

12 (a) The legal duties and responsibilities of the
13 guardian of the property;

14 (b) The preparation of the initial inventory and
15 annual guardianship accountings for the ward's property; and

16 (c) Use of guardianship assets.

17 ~~(4)~~(3) Each person appointed by the court to be a
18 guardian must complete the required number of 8 hours of
19 instruction and education within 1 year after his or her
20 appointment as guardian. The instruction and education must
21 be completed through a course approved by the chief judge of
22 the circuit court and taught by a court-approved organization.
23 Court-approved organizations may include, but are not limited
24 to, community or junior colleges, guardianship organizations,
25 and the local bar association or The Florida Bar.

26 ~~(5)~~(4) Expenses incurred by the guardian to satisfy
27 the education requirement may be paid from the ward's estate,
28 unless the court directs that such expenses be paid by the
29 guardian individually.

30 ~~(6)~~(5) The court may, in its discretion, waive some or
31 all of the requirements of this section or impose additional

Bill No. CS for SB 2568

Amendment No. ____ Barcode 884090

1 requirements. The court shall make its decision on a
2 case-by-case basis and, in making its decision, shall consider
3 the experience and education of the guardian, the duties
4 assigned to the guardian, and the needs of the ward.

5 ~~(7)(6)~~ The provisions of this section do not apply to
6 professional guardians.

7
8 (Redesignate subsequent sections.)
9

10
11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 On page 1, lines 2 and 3, delete those lines
14
15 and insert:

16 An act relating to children and family
17 services; amending s. 744.102, F.S.; redefining
18 the term "professional guardian"; amending s.
19 744.1083, F.S.; revising procedures for
20 registration of professional and public
21 guardians; providing for the Department of
22 Elderly Affairs to contract with a
23 not-for-profit entity; providing for
24 prerequisites; providing for a form; providing
25 fees; requiring information to be provided to
26 the courts; providing for voluntary
27 registration as a public guardian of a state
28 college or university or independent college or
29 university; providing required registration
30 information; amending s. 744.1085, F.S.;
31 revising provisions relating to the regulation

Bill No. CS for SB 2568

Amendment No. ____ Barcode 884090

1 of professional and public guardians; providing
2 for credit checks and background screenings;
3 providing for an examination; providing for
4 waiver of examination; prohibiting the
5 appointment, after a specified date, of
6 professional and public guardians who have not
7 met these requirements; amending s. 744.3135,
8 F.S., relating to credit and criminal
9 investigations; allowing a court to require
10 nonprofessional guardians to undergo credit
11 checks and background screening; amending s.
12 744.444, F.S.; allowing plenary or limited
13 guardians to employ case managers; permitting
14 reasonable reimbursement of compensation and
15 fees for persons employed by the guardian for
16 services provided to the guardianship estate;
17 allowing plenary or limited guardians to
18 provide certain confidential information to
19 ombudsman council members; requiring that
20 confidentiality be maintained; amending s.
21 744.534, F.S.; providing for the Secretary of
22 Elderly Affairs to determine the use of certain
23 unclaimed funds held by a guardian; amending s.
24 744.7021, F.S.; revising the organization of
25 the Statewide Public Guardianship Office within
26 the Department of Elderly Affairs; providing
27 that the Secretary of Elderly Affairs shall
28 appoint or contract with the head of the office
29 to be executive director; providing for
30 rulemaking by the department; amending s.
31 744.704, F.S.; revising the powers and duties

Bill No. CS for SB 2568

Amendment No. ____ Barcode 884090

1 of public guardians; prescribing who may be
2 served by public guardians; creating the
3 Guardianship Task Force within the department;
4 providing purpose; providing for staff, a
5 chairperson, and membership of the task force;
6 providing for organizations that appoint
7 members to pay their expenses; providing duties
8 of the task force; requiring a preliminary and
9 a final report to the Governor and the
10 Legislature; allowing the appointment of
11 auxiliary members; providing a term of service;
12 amending s. 744.108, F.S.; providing that costs
13 and attorney's fees incurred as part of the
14 guardianship administration shall be determined
15 by the court; amending s. 744.3145, F.S.;
16 reducing the educational requirements for a
17 person serving as a guardian for the person's
18 minor child; amending s. 393.0661,

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