

Bill No. CS for CS for SB 400

Amendment No. ____ Barcode 772050

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Peaden moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 74, before line 1,		
15			
16	insert:		
17	Section 34. Paragraph (h) is added to subsection (1)		
18	of section 765.401, Florida Statutes, to read:		
19	765.401 The proxy.--		
20	(1) If an incapacitated or developmentally disabled		
21	patient has not executed an advance directive, or designated a		
22	surrogate to execute an advance directive, or the designated		
23	or alternate surrogate is no longer available to make health		
24	care decisions, health care decisions may be made for the		
25	patient by any of the following individuals, in the following		
26	order of priority, if no individual in a prior class is		
27	reasonably available, willing, or competent to act:		
28	<u>(h) A clinical social worker licensed pursuant to</u>		
29	<u>chapter 491, or a graduate of a court-approved guardianship</u>		
30	<u>program. Such a proxy must be selected by the provider's</u>		
31	<u>bioethics committee and must not be employed by the provider.</u>		

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1 If the provider does not have a bioethics committee, then such
2 a proxy may be chosen through an arrangement with the
3 bioethics committee of another provider. The proxy must be
4 notified that upon request the provider shall make available a
5 second physician, not involved in the patient's care, to
6 assist the proxy in evaluating treatment. Decisions to
7 withhold or withdraw life-prolonging procedures must be
8 reviewed by the facility's bioethics committee. Documentation
9 of efforts to locate proxies from prior classes must be
10 recorded in the patient record.

11 Section 35. Subsection (15) of section 744.102,
12 Florida Statutes, is amended to read:

13 744.102 Definitions.--As used in this chapter, the
14 term:

15 (15) "Professional guardian" means any guardian who
16 receives or has at any time received compensation for services
17 rendered to more than two wards as their guardian. A person
18 serving as a guardian for two or more relatives as defined in
19 s. 744.309(2) is not considered a professional guardian. A
20 public guardian shall be considered a professional guardian
21 for purposes of regulation, education, and registration.

22 Section 36. Subsection (8) is added to section
23 744.108, Florida Statutes, to read:

24 744.108 Guardian's and attorney's fees and expenses.--

25 (8) When court proceedings are instituted to review or
26 determine a guardian's or an attorney's fees under subsection
27 (2), such proceedings are part of the guardianship
28 administration process and the costs, including fees for the
29 guardian's attorney, shall be determined by the court and paid
30 from the assets of the guardianship estate unless the court
31 finds the requested compensation under subsection (2) to be

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1 substantially unreasonable.

2 Section 37. Section 744.1083, Florida Statutes, is
3 amended to read:

4 744.1083 Professional guardian registration.--

5 (1) ~~Effective January 1, 2003,~~ A professional guardian
6 must register with the Statewide Public Guardianship Office
7 established in part IX of this chapter. ~~The Statewide Public~~
8 ~~Guardianship Office may contract with the clerk of the court~~
9 ~~in each county to perform the administrative functions~~
10 ~~associated with registering professional guardians.~~

11 (2) Annual registration shall be made on forms
12 furnished by the Statewide Public Guardianship Office and
13 accompanied by the applicable registration fee as determined
14 by rule. Such fee shall not exceed ~~\$100~~\$25.

15 (3) Registration must include the following:

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

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

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

29 (d) The name, address, date of birth, and employer
30 identification number, if applicable, of each person providing
31 guardian-delegated financial or personal guardianship services

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1 for wards.

2 (e) Documentation that the bonding and educational
3 requirements of s. 744.1085 have been met, and that background
4 screening has been conducted pursuant to s. 744.3135.

5 Compliance with this section shall constitute compliance with
6 the attestation requirement of s. 435.04(5).

7 (f) Sufficient information to distinguish a guardian
8 providing guardianship services as a public guardian,
9 individually, through partnership, corporation, or any other
10 business organization.

11 (4) The Department of Elderly Affairs ~~Statewide Public~~
12 ~~Guardianship Office~~ may adopt rules necessary to administer
13 this section.

14 (5) A trust company, a state banking corporation or
15 state savings association authorized and qualified to exercise
16 fiduciary powers in this state, or a national banking
17 association or federal savings and loan association authorized
18 and qualified to exercise fiduciary powers in this state, may,
19 but shall not be required to, register as a professional
20 guardian under this section. If a trust company, state banking
21 corporation, state savings association, national banking
22 association, or federal savings and loan association described
23 in this subsection elects to register as a professional
24 guardian under this subsection, the requirements of subsection
25 (3) shall not apply and the registration shall include only
26 the name, address, and employer identification number of the
27 registrant, the name and address of its registered agent, if
28 any, and the documentation described in paragraph (3)(e).

29 (6) The Department of Elderly Affairs may contract
30 with the Florida Guardianship Foundation or other
31 not-for-profit entity to register professional guardians.

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1 (7) The department or its contractor shall ensure that
2 the clerks of the court and the Chief Judge of each judicial
3 circuit receive information about each registered professional
4 guardian.

5 (8) A state college or university or an independent
6 college or university as described pursuant to s.
7 1009.98(3)(a), may, but shall not be required to, register as
8 a professional guardian under this section. If a state college
9 or university or independent college or university elects to
10 register as a professional guardian under this subsection, the
11 requirements of subsection (3) shall not apply and the
12 registration shall include only the name, address, and
13 employer identification number of the registrant.

14 Section 38. Subsection (3) of section 744.1085,
15 Florida Statutes, is amended and subsections (4) through (10)
16 are added to that section to read:

17 744.1085 Regulation of professional guardians;
18 application; bond required; educational requirements.--

19 (3) Each professional guardian defined in s.
20 744.102(15) ~~and public guardian, on October 1, 1997,~~ must
21 receive a minimum of 40 hours of instruction and training ~~by~~
22 ~~October 1, 1998, or within 1 year after becoming a~~
23 ~~professional guardian, whichever occurs later.~~ Each
24 professional guardian must receive a minimum of 16 hours of
25 continuing education every 2 calendar years after the year in
26 which the initial 40-hour educational requirement is met. The
27 instruction and education must be completed through a course
28 approved or offered by the Statewide Public Guardianship
29 Office. The expenses incurred to satisfy the educational
30 requirements prescribed in this section may not be paid with
31 the assets of any ward. This subsection does not apply to any

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1 attorney who is licensed to practice law in this state.

2 (4) Each professional guardian must allow, at the
3 guardian's expense, an investigation of the guardian's credit
4 history, and the credit history of employees of the guardian,
5 in a manner prescribed by the Department of Elderly Affairs.

6 (5) As required in s. 744.3135, each professional
7 guardian shall allow a level 2 background screening of the
8 guardian and employees of the guardian in accordance with the
9 provisions of s. 435.04.

10 (6) After July 1, 2005, each professional guardian
11 shall be required to demonstrate competency to act as a
12 professional guardian by taking an examination approved by the
13 Department of Elderly Affairs.

14 (a) The Department of Elderly Affairs shall determine
15 the minimum examination score necessary for passage of
16 guardianship examinations.

17 (b) The Department of Elderly Affairs shall determine
18 the procedure for administration of the examination.

19 (c) The Department of Elderly Affairs or its
20 contractor shall charge an examination fee for the actual
21 costs of the development and the administration of the
22 examination, not to exceed \$500.

23 (d) The Department of Elderly Affairs may recognize
24 passage of a national guardianship examination in lieu of all
25 or part of the examination approved by the Department of
26 Elderly Affairs, except that all professional guardians must
27 take and pass an approved examination section related to
28 Florida law and procedure.

29 (7) The Department of Elderly Affairs shall set the
30 minimum score necessary to demonstrate professional
31 guardianship competency.

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1 (8) The Department of Elderly Affairs shall waive the
2 examination requirement in paragraph (6) if a professional
3 guardian can provide:

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

6 (b) A letter from a circuit judge before whom the
7 professional guardian practiced at least 1 year which states
8 that the professional guardian had demonstrated to the court
9 competency as a professional guardian.

10 (9) After July 1, 2004, the court shall not appoint
11 any professional guardian who has not met the requirements of
12 this section and s. 744.1083.

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

20 Section 39. Section 744.3135, Florida Statutes, is
21 amended to read:

22 744.3135 Credit and criminal investigation.--The court
23 may require a nonprofessional guardian and shall require a
24 professional or public guardian, and all employees of a
25 professional guardian who have a fiduciary responsibility to a
26 ward, to submit, at their own expense, to an investigation of
27 the guardian's credit history and to undergo level 2
28 background screening as required under s. 435.04. The clerk of
29 the court shall obtain fingerprint cards from the Federal
30 Bureau of Investigation and make them available to guardians.
31 Any guardian who is so required shall have his or her

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

28 Section 40. Section 744.3145, Florida Statutes, is
29 amended to read:

30 744.3145 Guardian education requirements.--

31 (1) Each ward is entitled to a guardian competent to

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1 perform the duties of a guardian necessary to protect the
2 interests of the ward.

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

7 (a) The legal duties and responsibilities of the
8 guardian;

9 (b) The rights of the ward;

10 (c) The availability of local resources to aid the
11 ward; and

12 (d) The preparation of habilitation plans and annual
13 guardianship reports, including financial accounting for the
14 ward's property.

15 (3) Each person appointed by the court to be the
16 guardian of the property of his or her minor child must
17 receive a minimum of 4 hours of instruction and training that
18 covers:

19 (a) The legal duties and responsibilities of the
20 guardian of the property;

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

23 (c) Use of guardianship assets.

24 ~~(4)(3)~~ Each person appointed by the court to be a
25 guardian must complete the required number of 8 hours of
26 instruction and education within 1 year after his or her
27 appointment as guardian. The instruction and education must
28 be completed through a course approved by the chief judge of
29 the circuit court and taught by a court-approved organization.
30 Court-approved organizations may include, but are not limited
31 to, community or junior colleges, guardianship organizations,

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1 and the local bar association or The Florida Bar.

2 ~~(5)(4)~~ Expenses incurred by the guardian to satisfy
 3 the education requirement may be paid from the ward's estate,
 4 unless the court directs that such expenses be paid by the
 5 guardian individually.

6 ~~(6)(5)~~ The court may, in its discretion, waive some or
 7 all of the requirements of this section or impose additional
 8 requirements. The court shall make its decision on a
 9 case-by-case basis and, in making its decision, shall consider
 10 the experience and education of the guardian, the duties
 11 assigned to the guardian, and the needs of the ward.

12 ~~(7)(6)~~ The provisions of this section do not apply to
 13 professional guardians.

14 Section 41. Subsection (13) of section 744.444,
 15 Florida Statutes, is amended, and subsections (16) and (17)
 16 are added to that section to read:

17 744.444 Power of guardian without court
 18 approval.--Without obtaining court approval, a plenary
 19 guardian of the property, or a limited guardian of the
 20 property within the powers granted by the order appointing the
 21 guardian or an approved annual or amended guardianship report,
 22 may:

23 (13) When reasonably necessary, employ persons,
 24 including attorneys, auditors, investment advisers, care
 25 managers, or agents, even if they are associated with the
 26 guardian, to advise or assist the guardian in the performance
 27 of his or her duties.

28 (16) Pay or reimburse costs incurred and reasonable
 29 fees or compensation to persons, including attorneys, employed
 30 by the guardian pursuant to subsection (13) from the assets of
 31 the guardianship estate, subject to obtaining court approval

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1 of the annual accounting.

2 (17) Provide confidential information about a ward
3 that is related to an investigation arising under part I of
4 chapter 400 to a local or state ombudsman council member
5 conducting such an investigation. Any such ombudsman shall
6 have a duty to maintain the confidentiality of such
7 information.

8 Section 42. Paragraph (c) of subsection (z) of section
9 744.534, Florida Statutes, is amended to read:

10 744.534 Disposition of unclaimed funds held by
11 guardian.--

12 (2)

13 (c) Within 5 years from the date of deposit with the
14 State Treasurer, on written petition to the court that
15 directed the deposit of the funds and informal notice to the
16 Department of Legal Affairs, and after proof of his or her
17 right to them, any person entitled to the funds, before or
18 after payment to the State Treasurer and deposit as provided
19 for in paragraph (a), may obtain a court order directing the
20 payment of the funds to him or her. All funds deposited with
21 the State Treasurer and not claimed within 5 years from the
22 date of deposit shall escheat to the state to be deposited in
23 the Department of Elderly Affairs Administrative Trust Fund to
24 be used solely for the benefit of public guardianship as
25 determined by the Secretary of Elderly Affairs Statewide
26 ~~Public Guardianship Office established in part IX of this~~
27 ~~chapter.~~

28 Section 43. Section 744.7021, Florida Statutes, is
29 amended to read:

30 744.7021 Statewide Public Guardianship Office.--There
31 is hereby created the Statewide Public Guardianship Office

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1 within the Department of Elderly Affairs. ~~The Department of~~
2 ~~Elderly Affairs shall provide administrative support and~~
3 ~~service to the office to the extent requested by the executive~~
4 ~~director within the available resources of the department. The~~
5 ~~Statewide Public Guardianship Office may request the~~
6 ~~assistance of the Inspector General of the Department of~~
7 ~~Elderly Affairs in providing auditing services, and the Office~~
8 ~~of General Counsel of the department may provide assistance in~~
9 ~~rulemaking and other matters as needed to assist the Statewide~~
10 ~~Public Guardianship Office. The Statewide Public Guardianship~~
11 ~~Office shall not be subject to control, supervision, or~~
12 ~~direction by the Department of Elderly Affairs in the~~
13 ~~performance of its duties.~~

14 (1) The Secretary of Elderly Affairs shall appoint the
15 executive director, who shall be the head of the Statewide
16 Public Guardianship Office ~~is the executive director, who~~
17 ~~shall be appointed by the Governor.~~ The executive director
18 must be a member of The Florida Bar, knowledgeable of licensed
19 ~~attorney with a background in guardianship law and knowledge~~
20 of the social services available to meet the needs of
21 incapacitated persons, shall serve on a full-time basis, and
22 shall personally, or through representatives of the office,
23 carry out the purposes and functions of the Statewide Public
24 Guardianship Office in accordance with state and federal law.
25 The executive director shall serve at the pleasure of and
26 report to the secretary ~~Governor.~~

27 (2) The executive director ~~Statewide Public~~
28 ~~Guardianship Office~~ shall, within available resources, have
29 oversight responsibilities for all public guardians.

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

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1 (b) The executive director office, in consultation
2 with local guardianship offices, shall develop statewide
3 performance measures and standards.

4 (c) The executive director office shall review the
5 various methods of funding guardianship programs, the kinds of
6 services being provided by such programs, and the demographics
7 of the wards. In addition, the executive director office shall
8 review and make recommendations regarding the feasibility of
9 recovering a portion or all of the costs of providing public
10 guardianship services from the assets or income of the wards.

11 (d) ~~No later than October 1, 2000, the office shall~~
12 ~~submit to the Governor, the President of the Senate, the~~
13 ~~Speaker of the House of Representatives, and the Chief Justice~~
14 ~~of the Supreme Court an interim report describing the progress~~
15 ~~of the office in meeting the goals as described in this~~
16 ~~section. No later than October 1, 2001, the office shall~~
17 ~~submit to the Governor, the President of the Senate, the~~
18 ~~Speaker of the House of Representatives, and the Chief Justice~~
19 ~~of the Supreme Court a proposed public guardianship plan~~
20 ~~including alternatives for meeting the state's guardianship~~
21 ~~needs. This plan may include recommendations for less than the~~
22 ~~entire state, may include a phase-in system, and shall include~~
23 ~~estimates of the cost of each of the alternatives. By January~~
24 ~~1, 2004, and by January 1 of each year thereafter, the~~
25 ~~executive director office shall provide a status report and~~
26 ~~provide further recommendations to the secretary that address~~
27 ~~the need for public guardianship services and related issues.~~
28 (e) The executive director office may provide
29 assistance to local governments or entities in pursuing grant
30 opportunities. The executive director office shall review and
31 make recommendations in the annual report on the availability

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1 and efficacy of seeking Medicaid matching funds. The executive
2 director office shall diligently seek ways to use existing
3 programs and services to meet the needs of public wards.

4 (f) The executive director, in consultation with the
5 Florida Guardianship Foundation, office shall develop a
6 guardianship training program curriculum that. ~~The training~~
7 ~~program~~ may be offered to all guardians whether public or
8 private. ~~The office shall establish a curriculum committee to~~
9 ~~develop the training program specified in this part. The~~
10 ~~curriculum committee shall include, but not be limited to,~~
11 ~~probate judges. A fee may be charged to private guardians in~~
12 ~~order to defray the cost of providing the training. In~~
13 ~~addition, a fee may be charged to any training provider for up~~
14 ~~to the actual cost of the review and approval of their~~
15 ~~curriculum. Any fees collected pursuant to this paragraph~~
16 ~~shall be deposited in the Department of Elderly Affairs~~
17 ~~Administrative Trust Fund to be used for the guardianship~~
18 ~~training program.~~

19 (3) The executive director office may conduct or
20 contract for demonstration projects authorized by the
21 Department of Elderly Affairs, within funds appropriated or
22 through gifts, grants, or contributions for such purposes, to
23 determine the feasibility or desirability of new concepts of
24 organization, administration, financing, or service delivery
25 designed to preserve the civil and constitutional rights of
26 persons of marginal or diminished capacity. Any gifts, grants,
27 or contributions for such purposes shall be deposited in the
28 Department of Elderly Affairs Administrative Trust Fund.

29 (4) The Department of Elderly Affairs office has
30 authority to adopt rules pursuant to ss. 120.536(1) and 120.54
31 to carry out the provisions of this section.

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1 Section 44. Subsections (1) and (3) of section
2 744.704, Florida Statutes, are amended to read;

3 744.704 Powers and duties.--

4 (1) A public guardian may serve as a guardian of a
5 person adjudicated incapacitated under this chapter:

6 (a) If there is no family member or friend, other
7 person, bank, or corporation willing and qualified to serve as
8 guardian; and

9 ~~(b) If the assets of the ward do not exceed the asset
10 level for Medicaid eligibility, exclusive of homestead and
11 exempt property as defined in s. 4, Art. X of the State
12 Constitution, and the ward's income, from all sources, is less
13 than \$4,000 per year. Income from public welfare programs,
14 supplemental security income, optional state supplement, a
15 disability pension, or a social security pension shall be
16 excluded in such computation. However, a ward whose total
17 income, counting excludable income, exceeds \$30,000 a year may
18 not be served.~~

19 (3) The public guardian shall primarily serve
20 incapacitated persons who are of limited financial means, as
21 defined by contract or rule of the Department of Elderly
22 Affairs. The public guardian may serve incapacitated persons
23 of greater financial means to the extent the Department of
24 Elderly Affairs determines to be appropriate. If the public
25 guardian finds that the assets or the income of the ward
26 exceeds the amounts set forth in paragraph (1)(b), the public
27 guardian shall submit a resignation and petition the court for
28 appointment of a successor guardian. The public guardian
29 shall not be dismissed until such time that a private guardian
30 is appointed. If a qualified successor guardian is not
31 available, the public guardian may remain as guardian,

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1 ~~provided the guardian makes reasonable efforts to find a~~
 2 ~~successor and reports to the court every 6 months on efforts~~
 3 ~~to obtain a successor.~~

4 Section 45. (1) There is created within the
 5 Department of Elderly Affairs a Guardianship Task Force for
 6 the purpose of examining guardianship and incapacity and
 7 making recommendations to the Governor and the Legislature for
 8 the improvement of processes and procedures related to
 9 guardianship and incapacity. The department shall staff the
 10 task force, and the Secretary of Elderly Affairs shall appoint
 11 the chair from among the task force membership. The members of
 12 the task force shall serve without compensation. Unless
 13 specified otherwise, task force members shall be appointed by
 14 the organizations they represent, and the cost of members'
 15 participation shall be borne by their appointing organization.
 16 Any member who is a public employee is entitled to
 17 reimbursement for per diem and travel expenses by the
 18 appointing department.

19 (2) The Guardianship Task Force shall identify the
 20 characteristics of Florida guardianship practice. It shall
 21 also identify best practices and recommend specific statutory
 22 and other changes for achieving such best practices and for
 23 achieving citizen access to quality guardianship services. The
 24 task force shall make a preliminary report to the Secretary of
 25 Elderly Affairs no later than January 1, 2004, and its final
 26 report to the secretary shall be made no later than January 1,
 27 2005.

28 (3) The Guardianship Task Force shall consist of 10
 29 members, including a judge with experience in guardianship
 30 proceedings who is appointed by the Florida Conference of
 31 Circuit Judges, a representative of the Association of Clerks

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1 of Court, a professor of law with experience in elder issues
 2 appointed by the Secretary of Elderly Affairs, a
 3 representative of the Florida State Guardianship Association,
 4 a representative of the Florida Guardianship Foundation, a
 5 representative of the Real Property and Probate Section of The
 6 Florida Bar, a representative of the Elder Law Section of The
 7 Florida Bar, a professional as provided in section 744.331(3),
 8 Florida Statutes, with experience performing examinations and
 9 determining incapacity, a representative of the Florida
 10 Banker's Association, and a citizen or consumer appointed by
 11 the Executive Director of the Florida office of the American
 12 Association of Retired Persons.

13 (4) The Guardianship Task Force may appoint ex officio
 14 members who possess needed expertise to assist the task force
 15 in its work. The task force will cease to exist May 6, 2005.

16
17 (Redesignate subsequent sections.)

18
19
20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 On page 4, line 2, after the semicolon,
 23
 24 insert:
 25 amending s. 765.401, F.S.; providing additional
 26 persons which may be given a proxy for the
 27 making of health care decisions; amending s.
 28 744.102, F.S.; providing that a public guardian
 29 shall be considered a professional guardian for
 30 certain purposes; amending s. 744.108, F.S. ;
 31 providing that certain costs relating to

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1 determination of certain fees shall be payable
2 from the guardianship estate; amending s.
3 744.1083, F.S.; deleting obsolete language;
4 increasing the maximum annual fee for
5 registration as a professional guardian;
6 requiring additional information for
7 registration; transferring certain rule
8 adoption authority and registration
9 responsibilities from the Statewide Public
10 Guardianship Office to the Department of
11 Elderly Affairs; authorizing the Department of
12 Elderly Affairs to contract with a
13 not-for-profit entity to register professional
14 guardians; providing that certain educational
15 institutions may act as professional guardians
16 without registering; amending s. 744.1085,
17 F.S.; providing for additional regulation of
18 professional guardians; providing for a
19 professional examination as a condition of
20 registration; providing additional requirements
21 for registration as a professional guardian;
22 providing that certain financial institutions
23 are exempt from the regulations governing
24 professional guardians; amending s. 744.3135,
25 F.S.; limiting certain requirements to
26 professional guardians; authorizing the court
27 to require guardians to submit to credit
28 history investigations and background
29 screening; amending s. 744.3145, F.S.;
30 providing training requirements for parents
31 appointed as guardians of the property of their

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1 minor children; amending s. 744.444, F.S.;

2 allowing guardians to employ care managers and

3 disclose confidential information to an

4 ombudsman without court approval; providing

5 that such information shall remain

6 confidential; authorizing the payment of

7 certain costs; amending ss. 744.534 and

8 744.7021, F.S.; providing that the executive

9 director of the Statewide Public Guardianship

10 Office shall be appointed by the Secretary of

11 Elderly Affairs, rather than by the Governor;

12 transferring certain responsibilities from the

13 Statewide Public Guardianship Office to the

14 Department of Elderly Affairs; amending s.

15 744.704, F.S.; removing a limitation on what

16 wards a public guardian may serve; creating the

17 Guardianship Task Force to examine and make

18 recommendations regarding guardianship in this

19 state; providing for membership; providing for

20 appointment; providing for term of existence;

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