

Bill No. CS for SB 1958

Barcode 094594

CHAMBER ACTION

Senate

House

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11 The Committee on Children and Families (Campbell) recommended
12 the following amendment:

Senate Amendment (with title amendment)

15 On page 37, line 16, through
16 page 38, line 7, delete those lines

18 and insert:

19 Section 23. Section 744.474, Florida Statutes, is
20 amended to read:

21 744.474 Reasons for removal of guardian.--A guardian
22 may be removed for any of the following reasons, and the
23 removal shall be in addition to any other penalties prescribed
24 by law:

- 25 (1) Fraud in obtaining her or his appointment.
- 26 (2) Failure to discharge her or his duties.
- 27 (3) Abuse of her or his powers.
- 28 (4) An incapacity or illness, including substance
29 abuse, which renders the guardian incapable of discharging her
30 or his duties.
- 31 (5) Failure to comply with any order of the court.

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1 (6) Failure to return schedules of property sold or
2 accounts of sales of property or to produce and exhibit the
3 ward's assets when so required.

4 (7) The wasting, embezzlement, or other mismanagement
5 of the ward's property.

6 (8) Failure to give bond or security for any purpose
7 when required by the court or failure to file with the annual
8 guardianship plan the evidence required by s. 744.351 that the
9 sureties on her or his bond are alive and solvent.

10 (9) Conviction of a felony.

11 (10) Appointment of a receiver, trustee in bankruptcy,
12 or liquidator for any corporate guardian.

13 (11) Development of a conflict of interest between the
14 ward and the guardian.

15 (12) Having been found guilty of, regardless of
16 adjudication, or entered a plea of nolo contendere or guilty
17 to, any offense prohibited under s. 435.03 or under any
18 similar statute of another jurisdiction.

19 (13) A material failure to comply with the
20 guardianship report by the guardian.

21 (14) A failure to comply with the rules for timely
22 filing the initial and annual guardianship reports.

23 (15) A failure to fulfill the guardianship education
24 requirements.

25 (16) The improper management of the ward's assets.

26 (17) A material change in the ward's financial
27 circumstances such that the guardian is no longer qualified to
28 manage the finances of the ward, or the previous degree of
29 management is no longer required.

30 (18) After appointment, the guardian becomes a
31 disqualified person as set forth in s. 744.309(3).

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1 (19) Upon a showing by a person who did not receive
 2 notice of the petition for adjudication of incapacity, when
 3 such notice is required, or who is related to the ward within
 4 the relationships specified for nonresident relatives in ss.
 5 744.309(2) and 744.312(2) and who has not previously been
 6 rejected by the court as a guardian that+

7 ~~(a) the current guardian is not a family member+ and~~
 8 subsection (20) applies, the court may remove the current
 9 guardian and appoint the petitioner, or such person as the
 10 court deems in the best interest of the ward, as guardian of
 11 the person or of the property, or both.

12 ~~(20)(b) Removal of the current guardian is in the best~~
 13 ~~interest of the ward, the court may remove the current~~
 14 ~~guardian and appoint the petitioner, or such person as the~~
 15 ~~court deems in the best interest of the ward, either as~~
 16 ~~guardian of the person or of the property, or both.~~

17
 18 In determining whether a guardian who is related by blood or
 19 marriage to the ward is to be removed, there shall be a
 20 rebuttable presumption that the guardian is acting in the best
 21 interests of the ward.

22
 23
 24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 On page 5, line 20, after the semicolon,
 27
 28 insert:
 29 providing a rebuttable presumption that certain
 30 relatives act in the best interests of the
 31 ward;