

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Kyle offered the following:

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3 **Amendment (with title amendment)**

4 Between line(s) 205 and 206, insert:

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6 Section 4. Subsection (3) of section 744.309, Florida
7 Statutes, is amended to read:

8 744.309 Who may be appointed guardian of a resident
9 ward.--

10 (3) DISQUALIFIED PERSONS.--

11 (a) No person who has been convicted of a felony or who,
12 from any incapacity or illness, is incapable of discharging the
13 duties of a guardian, or who is otherwise unsuitable to perform
14 the duties of a guardian, shall be appointed to act as guardian.
15 Further, no person who has been judicially determined to have

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16 committed abuse, abandonment, or neglect against a child as
 17 defined in s. 39.01 or s. 984.03(1), (2), and (37), or who has
 18 been found guilty of, regardless of adjudication, or entered a
 19 plea of nolo contendere or guilty to, any offense prohibited
 20 under s. 435.03 or under any similar statute of another
 21 jurisdiction, shall be appointed to act as a guardian. Except as
 22 provided in subsection (5) or subsection (6), a person who
 23 provides substantial services to the proposed ward in a
 24 professional or business capacity, or a creditor of the proposed
 25 ward, may not be appointed guardian and retain that previous
 26 professional or business relationship. A person may not be
 27 appointed a guardian if he or she is in the employ of any
 28 person, agency, government, or corporation that provides service
 29 to the proposed ward in a professional or business capacity,
 30 except that a person so employed may be appointed if he or she
 31 is the spouse, adult child, parent, or sibling of the proposed
 32 ward or the court determines that the potential conflict of
 33 interest is insubstantial and that the appointment would clearly
 34 be in the proposed ward's best interest. The court may not
 35 appoint a guardian in any other circumstance in which a conflict
 36 of interest may occur.

37 (b) A spouse shall not serve as a guardian of his or her
 38 spouse if, during the ward's incapacity, the guardian spouse
 39 fathers or gives birth to a child out of wedlock.

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 41 ===== T I T L E A M E N D M E N T =====

42 Remove line(s) 23 and insert:

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HOUSE AMENDMENT

Bill No. HB 701 CS

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43
44 the prohibition; amending s. 744.309, F.S.; prohibiting a spouse
45 from serving as a guardian for his or her spouse if, during the
46 ward's incapacity, the guardian spouse fathers or gives birth to
47 a child out of wedlock; specifying that the act is remedial;

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